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### **Youth advocates say heavy handed graffiti laws will target young people**

The Graffiti Prevention Bill 2007 was introduced in Victorian parliament last week. It proposes new graffiti related offences and new search powers for police, raising serious concerns for youth advocates.

"Youthlaw [a state wide legal centre for young people] and YACVic [the peak body for youth services in Victoria] are concerned that the legislation is a heavy handed response that will draw teenagers into the criminal justice system and broaden the scope for harassment of young people who frequent public spaces" said Ariel Couchman, Director of Youthlaw and Georgie Ferrari Chief Executive Officer of YACVic today.

"Of most concern is the expansion of search powers and the use of a reverse onus in the offence of possessing a graffiti implement. Such fundamental changes to the law are usually only flagged for serious adult crimes such rape, murder and drug dealing. On the government's admission these laws will be primarily used against young people who are less likely to understand or be able to assert their rights when questioned and searched by police" said Ariel Couchman.

These proposed search powers conflict with the governments new Charter of Human Rights and Responsibilities, which includes protections for the right to liberty and security and freedom from arbitrary arrest and detention.

"We are concerned that the laws will bring about increased unwarranted policing of young people in public places including the more than 7,000 young people in Victoria who are homeless. Young people spend significant time in public places and on public transport and therefore are a target for these new powers" said Georgie Ferrari

"The laws extend current search powers and young people over 14 in public places near public transport or on public transport could be searched without warrant and without a parent or independent person present. This is clearly unacceptable and has the potential for abuse. Unless young people seek out legal advice after the event little scrutiny will take place. Already we receive complaints of unauthorised searches of young people in public places." said Ariel Couchman

YACVic and Youthlaw are concerned that young people who would previously have no contact with the law will be drawn into the criminal justice system by these laws.

"We are very concerned at the harshness of the penalties for graffiti offences. The minimum penalty for possessing a graffiti implement is an infringement penalty of \$550 and the maximum for marking graffiti is 2 years imprisonment. The penalties are excessive and particularly inappropriate given many offenders will be young people" said Ariel Couchman.

"In consultations we have run with young people who graffiti, we have been told that tougher penalties will not be an effective deterrent" said Georgie Ferrari. "There is absolutely no evidence to suggest that one off incidents of graffiti lead to a life of crime. The harsh response detailed in this Bill is not in the long term interests of the community".

The Royal Children's Hospital Centre for Adolescent Health Adolescent Cohort study (1992-1998) found that young people are less likely to be engaged in anti-social behaviour if they were safe and valued. A better use of the money that will be used to implement this legislation would

be funding of youth activities and events and support, education and health services for young people to build their sense of value in our community.

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