



New South Wales

Graffiti Control Amendment (Racist Graffiti) Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Graffiti Control Act 2008* to create a specific offence (with a maximum penalty of \$2,200 or imprisonment for 12 months) of placing on premises racist graffiti that can be seen from a public place. **Racist graffiti** is defined as any drawing, writing, symbol or other visible representation that could reasonably be assumed to be intended to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group, and **placing** racist graffiti on premises means affixing a placard or paper containing the racist graffiti on the premises or marking, by means of chalk, paint or other material, the premises with racist graffiti.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 amends the *Graffiti Control Act 2008* in the manner described in the above Overview.



New South Wales

Graffiti Control Amendment (Racist Graffiti) Bill 2012

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Graffiti Control Act 2008 No 100	2



New South Wales

Graffiti Control Amendment (Racist Graffiti) Bill 2012

No. , 2012

A Bill for

An Act to amend the *Graffiti Control Act 2008* to create a specific offence relating to racist graffiti.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Graffiti Control Amendment (Racist Graffiti) Act 2012</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Graffiti Control Act 2008 No 100	6
Section 6A	7
Insert after section 6:	8
6A Racist graffiti	9
(1) A person must not, on any premises, place any racist graffiti that can be seen from a public place.	10
Maximum penalty: 20 penalty units or imprisonment for 12 months.	11
(2) In this section:	12
<i>placing</i> racist graffiti on premises means:	13
(a) affixing a placard or paper containing the racist graffiti on the premises, or	14
(b) marking, by means of chalk, paint or other material, the premises with racist graffiti.	15
<i>race</i> includes colour, nationality, descent and ethnic, ethno-religious or national origin.	16
<i>racist graffiti</i> means any drawing, writing, symbol or other visible representation that could reasonably be assumed to be intended to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.	17
	18
	19
	20
	21
	22
	23
	24
	25
	26

-
- (3) If, on a prosecution of a person for an offence under this section, the court is not satisfied that the person is guilty of an offence under this section but the court is satisfied that the person is guilty of an offence under section 6, the court may convict the person of the offence under section 6. 1
2
3
4
5
- Note.** Community service orders may also be made under the *Crimes (Sentencing Procedure) Act 1999* or the *Children (Community Service Orders) Act 1987* directing a person to perform community service work instead of imposing a fine or sentencing the person for an offence under this section. 6
7
8
9
10