

Chair
Standing Committee on Planning, Public Works and Territory and Municipal Services
Inquiry into the Crimes (Bill Posting) Amendment Bill 2008
GPO Box 1020
CANBERRA ACT 2601

Dear Chair

I am writing to respond to the Inquiry into the Crimes (Bill Posting) Amendment Bill 2008.

I broadly support the Bill, which seems to be aimed at reducing the amount of unsightly and unnecessary bill posting on public and private buildings in the Territory, and I wish to make the following specific comments in regard to the Terms of Reference of the Committee:

1. the impacts of the Bill on individuals, charities, small businesses and event organisers and promoters

The impact of the Bill on individuals (including building owners) in the territory will be very beneficial: the intent of the Bill is to make it an offence to deface public or private property by affixing paper or placards to such property, and frankly, I am amazed that it has not been an offence to do so since long before self-government. As the Explanatory Statement makes clear, it is already an offence to make a mark with chalk, paint or any other material, and the new provisions can only be an enhancement.

The problem with these blots on Canberra's built environment perhaps has not just been that the laws have not existed, but that they have been rarely enforced. This should perhaps also be addressed by the Minister responsible for the police.

To expect the community of the ACT either to put up with the spectacle of other people's self-promotion slowly shredding in the weather long after the event or issue it promotes has long passed, or to pay for the removal of such material, simply beggars belief. Most promotions of this kind are commercial, and to expect to be able to vandalise public or private property for commercial gain, with no intention of cleaning up the damage, and to expect others to clean it up, is fairly outrageous.

I fully support the proposed changes to Section 120, and I support the submission from Chris Emery.

In regard to the proposed sections 121 and 121A, I understand the concerns of the submission from the Canberra Model Shipwrights' Society, but I suspect they have missed the point: in their case there was a bureaucratic stuff-up, and their signs were removed. However, they did not affix any bills or placards to public or private property, and they intended to remove them, and it appears that they would not have committed an offence under the proposed provisions. I am not sure that their submission adds to

informed discussion of the proposed legislation. In short, I believe other promoters whether they are charities or not, and however worthy they are, should take reasonable steps not to deface public or private property, and I therefore also support the proposed Sections 121 and 121A.

2. any potential impacts on freedom of expression

The proposal does not impose a blanket ban on bill posting, just the defacement of public and private property. There are notice boards and pillars all over Canberra – particularly in shopping centres – where individuals and groups can advertise their activities or opinions to their heart's content. There is no proposed infringement of freedom of expression, and I agree with the Compatibility Statement signed by Minister Corbell that the proposals are consistent with the Human Rights Act 2004.

With regard to the submission from Mr Passant regarding his Socialist Alternative Group: he seems to do most of his bill posting in the ANU – a place with many places to post bills without actually affixing them to walls of buildings. I doubt that his freedom of expression would be affected by the proposed changes: he can express himself pretty much as he wishes, through the Internet, newspaper advertising, and bill posting in designated areas, without damaging any property at all.

I do not support the submission from Mr Passant.

3. availability and awareness of legal bill posting facilities

They are certainly there – they should be promoted, and the changes to the law should also be promoted.

4. the public consultation process undertaken by the ACT Government on the Bill;

The public consultation process was adequate.

5. any other relevant matter.

No comment.

I wish the Bill speedy progress through the Assembly, and vigilant enforcement.

Yours sincerely

(Signed by)

Maurice Austin