

It's against the law to carry anything that can be used to mark graffiti.

# GRAFFITI OFFENCES

## GRAFFITI IMPLEMENT

You can be charged with possessing a graffiti implement if you have a spray paint can, a permanent marker or anything else that can be used to mark graffiti on you or in your bag and the police reasonably suspect that you intend to graffiti

## PRESCRIBED GRAFFITI IMPLEMENT

You can be given an on-the-spot fine or charged with possessing a prescribed graffiti implement if you have a spray paint can on you or in your bag and you're trespassing or you're on or near public transport

It's also against the law to mark graffiti on property that's visible in public places unless you have the property owner's permission.

Marking graffiti includes writing, drawing, scratching or making any mark that can't be removed with a dry cloth.

Even if you have the property owner's permission it's against the law to mark graffiti on property that's visible in public places if the graffiti will offend someone.

If you're charged by the police for a graffiti offence you should talk to a lawyer.

If you're charged with an offence you'll have to go to court. The penalties for graffiti offences range from a heavy fine to 2 years in prison.

If you're given an on-the-spot fine for a graffiti offence you should pay it within 28 days, otherwise the fine will increase. Talk to a lawyer if you think you've been wrongfully fined, or if you want to make a complaint about a police officer who's done the wrong thing.

## GRAFFITI SEARCHES

The police can search you if you're 14 or older, you're trespassing or you're on or near public transport and they reasonably suspect you're carrying a graffiti implement

The police can take into account whether you're in a place that's been recently marked or has lots of graffiti in it when deciding whether to search you

They must tell you their name, rank and station, show you their ID if they're not in uniform and ask you to hand over any graffiti implement you're carrying

The police can do a pat down search, ask you to remove your outer clothing and search through your bag

If they find a graffiti implement the police must ask if you have a lawful excuse for carrying it - a lawful excuse is that it's for your employment or trade

The police must make a record of the search and you're entitled to ask for a copy of it