

Graffiti Prevention Act 2007

NEW OFFENCES

| Graffiti offences | What this means | Penalty |
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| Possessing a prescribed graffiti implement while on or adjacent to public transport property (section 7) | You CAN be charged with this offence if: <ul style="list-style-type: none"> » If you are near or on public transport » You have a spray paint can on you or in your bag, car, etc. » It's no excuse that you weren't going to graffiti » It is an excuse if you are using it for a job or trade but you'll have to prove it | On-the-spot fine of \$567.10 or maximum fine of up to \$2,835.50 |
| Possessing a graffiti implement (section 8) | You CAN be charged with the offence if: <ul style="list-style-type: none"> » You've got something that can be used to graffiti » 'Graffiti implement' can be anything used to graffiti » The police must have a reasonable suspicion you intend to graffiti | A fine of up to \$2,835.50 |
| Marking graffiti without consent (section 5) | You CANNOT graffiti on property visible in public places unless you have permission from the property owner. This includes writing, drawing, scratching or anything that can't be removed with a dry cloth. | Up to 2 years imprisonment and a fine of up to \$27,220.80 |
| Offensive graffiti (section 6) | Even with permission of an owner you CANNOT graffiti on property visible in public places if it is offensive | Up to 2 years imprisonment and a fine of up to \$27,220.80 |

NEW RESTRICTIONS

| Buying spray paint cans | What this means |
|-------------------------|---|
| Under-18 restrictions | If you are under 18, you will NOT be able to buy an aerosol paint container unless you provide a statutory declaration from an employer stating that it is needed for employment purposes. |

NEW POLICE SEARCH POWERS

| Searches (without warrant) | What this means |
|----------------------------|---|
| Search for spray can | <p>Police have expanded special search powers to search anyone 14 or over who is on or near to public transport for a spray paint cans. Police CAN:</p> <ul style="list-style-type: none"> » Inspect your bag » Ask you to remove a coat, hat and shoes » Do a 'pat down' search <p>You will need to give your name and address</p> <p>When searching, police MUST identify themselves:</p> <ul style="list-style-type: none"> » Police must first inform you of their name, rank and what station they are from. You can ask for this info in writing. » Police must show you their ID <p>When searching, if they think you are using the spray paint can for chroming they are required to stop the search and assist you.</p> <p>Police who conduct a search MUST make a WRITTEN RECORD of the search containing:</p> <ul style="list-style-type: none"> » the member's name, rank and station » the date of search » the time of search » the place where the search took place » name of person searched » grounds relied on for conducting the search » a description of any item seized <p>You MAY request a copy of the report. This is free if requested within 1 year of the search.</p> |
| Search on suspicion | <p>Police CAN search you if they have a reasonable suspicion that you have committed or are about to commit a graffiti offence.</p> <p>(Example: You are at a skate park and you have paint on your fingers and there is wet graffiti nearby.)</p> |

For more information, contact Youthlaw (tel: 9611 2412) or drop in at their office at 19 King St, Melbourne 3000. Youthlaw also provides free legal advice (Mon-Fri, 2pm-5pm) to young people under 25.

Compiled by Youthlaw