



GRAFFITI AND THE LAW

Illegal Graffiti

What is illegal graffiti?

Illegal graffiti can be any mark that changes the look of someone's property without their consent. This can be writing, drawing, scratching, etching, painting or posting something on someone else's property.

Graffiti is only illegal when you do not have permission to do it from either the owner of the property or the local council. This includes graffiti on public transport or at bus stops or train stations. There are higher penalties for doing graffiti in a cemetery, at a public memorial or in a place of public worship (like a church or mosque).

Can I buy spray paint?

If you are under 18, it is against the law for anyone to sell you a spray paint can.

A shop assistant can ask you for ID to prove you are 18 or over if you want to buy spray paint. If you can't prove you are 18, the shop assistant may refuse to sell you spray paint.



Laws about Graffiti Implements

What counts as a graffiti implement?

A graffiti implement is something that you can do graffiti with. The law says a can of spray paint or a marker or pen that is 8mm or more in diameter may be graffiti implements.



Did you know...

The penalty for helping or encouraging someone else to do graffiti can be the same as the penalty for actually doing it yourself.

Is it against the law to carry a graffiti implement?

It's an offence to carry any graffiti implements if you are planning on using them to create illegal graffiti. It's also an offence to carry a graffiti implement without a lawful excuse in a public place or a place on which you are trespassing. An example of a lawful excuse could be if you need it for your job, school, or you're using it for legal graffiti-style artwork.



Can the police stop and search me for graffiti implements?

A police officer may stop and search you if they reasonably think you have a graffiti implement that will be used to create illegal graffiti.

Can the police confiscate my graffiti implement?

Yes, the police can take your graffiti implement if you are in a public place and the police officer suspects that you may have used it, or intend to use it, to do illegal graffiti.

What happens if police catch me carrying graffiti tools, or doing illegal graffiti?

If you are under 18, the police may:

- give you an information caution;
- issue a formal caution;
- require you to do community service or pay compensation for the damage you have created;
- require you to attend a Family Conference; or
- charge you with a criminal offence (this means you will have to go to court)

If you have been charged with a graffiti offence and would like to speak to a lawyer, call the free Legal Help Line on 1300 366 424.



Penalties for graffiti crimes

What is the penalty for illegal graffiti?

If you are under 18 and you are found guilty of a graffiti crime, a court can:

- make you clean up the graffiti;
- make you pay money for property damage caused
- give you a fine;
- make a driver's licence order;
- make an order to clamp, take or impound your car

What's a "Driver's Licence Order"?

As well as ordering you to pay a fine and/or to do community service, a court might also make a Driver's Licence Order. This means disqualifying you from getting or having your driver's licence for up to 6 months. This could mean more time spent on your learner's permit or provisional licence.

Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?

Email: cle@lsc.sa.gov.au

To apply for legal aid online, visit: www.lsc.sa.gov.au

Acknowledgments:

The Legal Services Commission gratefully acknowledges the assistance of the National Children's and Youth Legal Centre in allowing the Legal Services Commission of South Australia to use and adapt existing content.



Legal Services
Commission South Australia

Call our free Legal Help Line:

1300 366 424

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