

Graffiti

Young people and the law



Graffiti

Graffiti is any mark made to a wall or surface. It can be writing, drawing, scratching, etching, painting, or posting.

Graffiti is **illegal** when you do not have the **consent** of the owner to mark their property.

This includes graffiti on public transport or at a bus stop or train station. 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).

Did you know?

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

Spray paint

You must be 18 or older to buy a spray paint can. It is a crime to sell spray paint to a person under 18.

A shop assistant can ask you for ID to prove you are 18 or older. If you cannot prove your age, the shop assistant may refuse to sell you spray paint.

Graffiti implements

A **graffiti implement** is something you can use to mark graffiti. It includes a can of spray paint and a permanent marker or pen with a tip of 8 millimetres or more in diameter.

It is a crime to carry a graffiti implement if you plan to use it to create illegal graffiti. It is also an offence to carry a graffiti implement without a lawful excuse in a public place or at a place you are trespassing.

An example of a lawful excuse is if you need the implement for your job or schooling, or you are using it for legal graffiti-style artwork.



Police stop and search powers

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

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 plan to use it, to graffiti illegally.

Penalties for graffiti crimes

If you are under 18 and caught carrying graffiti implements or marking illegal graffiti, you may be:

- given an informal caution
- given a formal caution
- charged with a criminal offence (this means you will have to go to court)
- ordered to attend a Family Conference
- given a fine
- ordered to clean up the graffiti or pay for the damage you have caused
- disqualified from getting or having your driver's licence for up to 6 months
- given an order to clamp, take or impound your car.

Legal help for all South Australians

1300 366 424 Legal Helpline



Prefer to text?

Use our Legal Chat at lsc.sa.gov.au