

WESTERN AUSTRALIA

**POLICE AMENDMENT (GRAFFITI)
ACT 1994**

No. 2 of 1994

AN ACT to amend the *Police Act 1892*.

[*Assented to 11 April 1994.*]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Police Amendment (Graffiti) Act 1994*.

Principal Act

2. In this Act the *Police Act 1892** is referred to as the principal Act.

[* *Reprinted as at 24 April 1992.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, pp. 164-6.]

Section 80 amended

3. Section 80 (1) of the principal Act is amended in the penalty at the foot of the subsection by deleting "A fine" and substituting the following —

" Subject to section 80A, a fine ".

Section 80A inserted

4. The principal Act is amended by inserting after section 80 the following section —

"

Graffiti (punishment etc.)

80A. (1) In this section —

"public property" means property owned by, vested in, or under the control or management of —

(a) the State;

(b) the Crown, or an agent or instrumentality of the Crown;

- (c) a body corporate established by a written law; or
- (d) a municipality or a regional council under the *Local Government Act 1960*;

“relevant offender” means a person guilty of an offence under section 80 (1) where the damage consists of —

- (a) graffiti which are visible to the public; or
- (b) graffiti done on public property.

(2) A relevant offender is liable to a fine not exceeding \$1 000.

(3) A court convicting a relevant offender may, in addition to imposing any penalty and in addition to making any order under section 719 of *The Criminal Code*, order the relevant offender to pay to any person who has obliterated the graffiti or caused it to be obliterated such sum as it considers reasonable for doing so.

(4) An order under subsection (3) is to be treated as if it were an award of compensation under section 719 of *The Criminal Code*.

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