

Western Australia

## **Criminal Code Amendment (Graffiti) Act 2009**

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As at 17 Nov 2009

No. 26 of 2009

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



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## **Criminal Code Amendment (Graffiti) Act 2009**

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## **Criminal Code Amendment (Graffiti) Act 2009**

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**No. 26 of 2009**

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**An Act to amend *The Criminal Code*.**

*[Assented to 17 November 2009]*

The Parliament of Western Australia enacts as follows:

**1. Short title**

This is the *Criminal Code Amendment (Graffiti) Act 2009*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

**3. *The Criminal Code* amended**

This Act amends *The Criminal Code*.

**4. Chapter XXIV inserted**

After section 215 insert:

**Chapter XXIV — Miscellaneous offences**

**216. Selling graffiti implements to children**

- (1) In this section —

***graffiti implement*** means any of these —

- (a) a can of spray paint;
  - (b) a pen, marker pen, or similar implement, that —
    - (i) has a tip over 6 mm wide; and
    - (ii) contains a fluid that is not water soluble and that is capable of marking a surface.
- (2) A person who sells a graffiti implement to a child commits an offence and is liable —
- (a) for a first offence, to a fine of \$6 000;
  - (b) for a subsequent offence, to a fine of \$12 000.

- (3) It is a defence to a charge of an offence under subsection (2) to prove the accused, or a person acting on behalf of the accused, believed on reasonable grounds that the person to whom the implement was sold had reached 18 years of age.

**5. Section 445 amended**

In section 445 delete “12 months and a fine of \$12 000.” and insert:

2 years and a fine of \$24 000.

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