

Graffiti and the law

Factsheet

What is a graffiti related offence?

Under the [Graffiti Control Act 2008 \(NSW\)](#), graffiti related offences include:

- marking premises or property
- possession of graffiti implement
- posting bills.

Graffiti implements include the following:

- spray paint
- marker pens
- any implement designed or modified to produce a mark that is not readily removable by use of water or detergent.

Penalties for graffiti offences

Under the [Graffiti Control Act 2008 \(NSW\)](#), the following penalties can be applied by courts:

- Marking property can attract a fine up to \$440, or, for an aggravated offence, \$2,200 or 12 months imprisonment (Section 4).
- Possessing a graffiti implement with intent can attract a fine up to \$1,100 or six months imprisonment (Section 5).
- Persons under 18 years carrying spray paint cans in public can attract a fine of up to \$440 or six months imprisonment (Section 8B).
- Bill posting can attract a fine of up to \$440 (Section 6).
- A court may also impose a community service order, instead of a fine, for damaging or defacing property, or for possession of a graffiti implement, directing the offender to perform community service work that involves graffiti clean up work where practicable.
- A court may also, in addition to or instead of imposing a fine on a person, also make a driver licence order, extending a learner or provisional driver licence period, or specify demerit points for holders of an unrestricted driver licence.

Under the [NSW Crimes Act \(1900\)](#), there are penalties of up to 5 years in prison for maliciously damaging property.

Graffiti removal work by councils

Section 12 empowers local councils to remove graffiti on private property without the owner or occupier's consent if the graffiti is visible from a public place. Removal without consent must be carried out from public land at the council's own expense.