

Western Australia

Criminal Code Amendment (Graffiti) Bill 2009

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Western Australia

LEGISLATIVE ASSEMBLY

Criminal Code Amendment (Graffiti) Bill 2009

A Bill for

An Act to amend the *The Criminal Code*.

The Parliament of Western Australia enacts as follows:

1 **1. Short title**

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

3 **2. Commencement**

4 This Act comes into operation as follows —

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

9 **3. The Criminal Code amended**

10 This Act amends *The Criminal Code*.

11 **4. Chapter XXIV inserted**

12 After section 215 insert:

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Chapter XXIV — Miscellaneous offences

15 **216. Selling graffiti implements to children**

16 (1) In this section —

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

- 18 (a) a can of spray paint;
- 19 (b) a pen, marker pen, or similar implement,
20 that —
- 21 (i) has a tip over 6 mm wide; and
- 22 (ii) contains a fluid that is not water soluble
23 and that is capable of marking a surface.

24 (2) A person who sells a graffiti implement to a child
25 commits an offence and is liable —

- 26 (a) for a first offence, to a fine of \$6 000;
- 27 (b) for a subsequent offence, to a fine of \$12 000.

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(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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