

## Graffiti

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Graffiti is a form of street art that generally involves the drawing pictures or writing words on walls or surfaces in public areas. It is often done without the permission of the owners of the spaces.

### When is graffiti illegal?

Street art which is done without the consent of the people who own the property is illegal. It is considered a form of vandalism.

If you are caught doing graffiti without permission, you can be charged with marking graffiti and damaging or injuring property. You may also be charged with trespassing or burglary if you have entered someone's property or building to do the graffiti.

### What will happen if I am caught doing graffiti without permission?

If you are caught doing graffiti without permission, you may:

- receive a caution
- need to attend a community conference
- need to clean or repair the property you did the graffiti on
- be charged by police
- need to go to court
- be convicted
- be fined
- be sentenced to community services
- be sent to prison (in very serious cases).

### Is it illegal for me to have graffiti equipment in public?

Yes, it is illegal for you to have graffiti equipment in a public place without a lawful excuse. This means that if the police catch you with equipment they believe is going to be used for graffiti, you can be fined and have your equipment taken away.

Having the equipment with you in a car or other vehicle in a public space will still be considered to be in a public place.

### Can I have graffiti equipment at home?

You can have any graffiti equipment you like in a private space such as your home.

### If I am under 18, can I buy spray paint or other graffiti equipment?

Shops can't sell you spray paint or graffiti equipment if you are not 18 years old. A shop or company can get a large fine if they do this. If you get an older person to buy it for you, that person can also get fined by police for supplying it to you. Someone can only provide it to you if they have a lawful excuse, such as it being part of a lawful job or recreational activity. If you think that there may be a risk of someone getting in trouble, it is important that you check with police before you take possession of the equipment.

## If I have permission, can I do graffiti on private property?

You can do graffiti and have and use graffiti equipment on private property in Tasmania but there can be issues with the local council in your area as there are generally rules about how properties can be painted or decorated.

If you wish to do graffiti pieces on private property and they will be easily visible to the public, it is recommended you contact your local council to ensure they follow any council rules.

## If I have an idea for some street art that I would like to do, who should I talk to?

You should contact the property owners and seek their permission. If it is a public piece of property, it is still important to get permission from the relevant authority. If you are not sure who owns a property, you should contact the council or the land titles office to seek guidance.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.