



SUMMARY OFFENCES (PREVENTION OF GRAFFITI VANDALISM) AMENDMENT ACT 1992

No. 38 of 1992

SUMMARY OF PROVISIONS

Section

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ELIZABETHAE II REGINAE

A.D. 1992

No. 38 of 1992

An Act to amend the Summary Offences Act 1953.

[Assented to 21 May 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Summary Offences (Prevention of Graffiti Vandalism) Amendment Act 1992*.

(2) The *Summary Offences Act 1953* is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Substitution of section 48

3. Section 48 of the principal Act is repealed and the following section is substituted:

Posting bills and marking graffiti

48. (1) A person who, without lawful authority—

(a) posts a bill on property;

or

(b) marks graffiti,

is guilty of an offence.

Penalty: Division 7 fine or division 7 imprisonment.

(2) Where a bill is posted without lawful authority, a person who distributed or authorized the distribution of such bills for posting is guilty of an offence unless it is proved—

(a) that the person did not foresee and could not be reasonably expected to have foreseen the likelihood that such bills would be posted unlawfully;

or

(b) that the person took reasonable precautions to ensure that such bills were not posted unlawfully.

Penalty: Division 7 fine or division 7 imprisonment.

(3) Where a person is convicted of an offence against subsection (1) or (2), the court may order the convicted person to pay to the owner or occupier of the property in relation to which the offence was committed such compensation for damage caused by the convicted person as the court considers just.

(4) A person who—

(a) carries a graffiti implement with the intention of using it to mark graffiti;
or

(b) carries a graffiti implement of a prescribed class without lawful excuse in a public place or a place on which the person is trespassing or has entered without invitation,

is guilty of an offence.

Penalty: Division 7 fine or division 7 imprisonment.

(5) In this section—

“carry” includes to have about one’s person:

“graffiti implement” includes any implement capable of being used to mark graffiti:

“mark graffiti” includes deface property in any way:

“property” includes a building, structure, road, paved surface or object of any kind.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor