

House of Assembly—No 113

As laid on the table and read a first time, 3 April 2008

South Australia

**Graffiti Control (Carrying Graffiti Implements)
Amendment Bill 2008**

A BILL FOR

An Act to amend the *Graffiti Control Act 2001*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Graffiti Control (Carrying Graffiti Implements) Amendment Act 2008*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Graffiti Control Act 2001*

3—Amendment of section 10—Carrying graffiti implement

10 (1) Section 10—after subsection (1) insert:

- (1a) A person who, during the prescribed period, carries a graffiti implement of a prescribed class in a prescribed area is guilty of an offence.

Maximum penalty: \$1 250.

15 Expiation fee: \$160.

- (1b) A police officer may search any person who is present in a prescribed area during the prescribed period (and may direct the person to stop for the purpose of carrying out the search and make any other requirements of the person reasonably necessary for the purposes of carrying out the search).

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- (1c) A person must not—

- (a) hinder or obstruct a police officer in the exercise of the powers conferred by subsection (1b); or

- (b) refuse or fail to comply with a direction given to the person, or a requirement made of the person, for the purpose of conducting a search of the person under subsection (1b).

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Maximum penalty: \$5 000.

(1d) Nothing in this section derogates from any other powers of a police officer under the *Summary Offences Act 1953*.

(2) Section 10—after subsection (2) insert:

(3) In this section—

prescribed area means—

- (a) a public infrastructure area; or
- (b) the grounds of a primary or secondary school and the area within 20 metres of the boundary of the school; or
- (c) an area, or area of a kind, prescribed by regulation,

but does not include any privately occupied area;

prescribed period means the period commencing at 10 pm on any day and ending at 6 am on the following day;

privately occupied area means an area occupied by a person other than—

- (a) the Crown in right of the State or the Commonwealth or an agency or instrumentality of the Crown in right of the State or the Commonwealth; or
- (b) a council;

public infrastructure area means—

- (a) an area within 20 metres of—
 - (i) a substation or other infrastructure for converting, transforming or controlling electricity; or
 - (ii) any railway tracks, tramway tracks or the O-Bahn busway; or
 - (iii) a bridge, viaduct, overpass or underpass; or
 - (iv) any tanks or other infrastructure maintained by SA Water and situated above ground; or
- (b) an area within 10 metres of—
 - (i) any post box maintained by Australia Post; or
 - (ii) any structure indicating the name of a suburb or housing development and erected solely for that purpose; or
- (c) a stormwater culvert.