

New Zealand's Legal Framework Graffiti Vandalism Offences



New Zealand law includes several graffiti vandalism-related offences. The key statutes are:

- the Summary Offences Act 1981 as amended in 2008
- the Crimes Act 1961, which also contains a graffiti-related offence.

If there is no permission
from the owner then
GRAFFITI IS VANDALISM

The Summary Offences Act 1981

Section 11: Wilful damage – intentionally damaging property, with penalties of a fine up to \$2000 or a prison term up to three months.

Section 11A: Graffiti vandalism, tagging, defacing, etc – committing graffiti vandalism, with penalties of a community-based sentence or a fine up to \$2000, or both.

Section 11B: Possession of graffiti implements – possessing implements without reasonable excuse in circumstances which show an intention to commit graffiti vandalism, with penalties of a sentence of community-work* or a fine up to \$500 or both.

* A sentence of 'community work' could involve graffiti clean-up work.

Section 14A: Sale of spraycans to people under 18 prohibited – the offence of selling spraycans to people under the age of 18 years, with a penalty of a fine up to \$1500 – however, spraycan sales to under 18s are legal if the seller is:

- a school board of trustees or board employee; or
- the governing body of a tertiary education provider or employee of such; and
- the buyer was enrolled at an educational institution managed by the above; and
- the spraycan was sold to the buyer to enable them to undertake coursework for the above institution

Section 14B – Access to spraycans in shops to be restricted – failing to restrict access to spraycans in shops so that they are only accessible with the help of shop staff, with a penalty of a fine up to \$1500.

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