

## YOUR RESPONSIBILITIES AS A RETAILER

As a retailer who sells spray paint cans, you must comply with the law and inform your staff about the legal requirements of selling spray paint cans.

Both you and your staff must not sell spray paint cans to people under the age of 18 years, and you must also restrict customers' access to spray paint cans in your shop.

You are advised to instruct each employee:

- not to sell spray paint cans to people under 18 years under any circumstances, even if the sale is for, or claimed to be for, an adult
- to sight specified evidence of age documentation for a person before selling spray paint cans to that person, unless they are satisfied the person is over 18 years of age, and
- warn each employee that if they disregard the instructions above, and sell spray paint to a person less than 18 years of age, they will be committing an offence under section 14A of the Summary Offences Act 1981, and be personally liable for a fine of up to \$1500.

It is also highly recommended that you:

- obtain written acknowledgement from each employee that they have received the above instructions and warning
- display appropriate signage in your shop that communicates the law to customers. You can obtain additional signage imagery and information from the Ministry of Justice at [www.justice.govt.nz/cpu/](http://www.justice.govt.nz/cpu/)

Thank you for helping to  
**STOP**  
graffiti crime in New Zealand.

For more information on the New Zealand approach to combat graffiti vandalism – the Stop Tagging Our Place (STOP) Strategy – visit:

[www.justice.govt.nz/cpu/stop-strategy/introduction.html](http://www.justice.govt.nz/cpu/stop-strategy/introduction.html)



New Zealand Government



MINISTRY OF  
**JUSTICE**  
*Tāhū o te Ture*

Graffiti vandalism is a problem in many New Zealand communities. It is also a crime carrying penalties ranging from fines and community work to prison sentences.

The Government has developed a nationwide approach to combat graffiti vandalism – the Stop Tagging Our Place (STOP) Strategy. The strategy includes a range of responses to address graffiti vandalism. One response is changing the law to restrict the sale of spray paint cans, to combat graffiti vandalism in New Zealand.

### WHY TARGET GRAFFITI AND TAGGING?

Graffiti vandalism is the intentional unlawful defacing of property with writing, markings or graphics. Tagging, a form of graffiti vandalism, is the writing of a stylised signature on a wall or other property, and is the most common form of graffiti vandalism in New Zealand.

Tagging has its victims. The people whose property is defaced, the community whose property values are affected, and citizens who feel insecure in their own community, are all victims of tagging. Tagging can lead to a perception that an area is out of control and full of crime. Tagging can also lead to declining concern for the appearance of a town or city, even attracting crime.

### WHAT THE NEW LAW SAYS

The Government has taken steps to combat graffiti vandalism. Under the Summary Offences Act 1981, the following provisions are now law:

- **section 14A – Sale of spray cans to people under 18 prohibited** – the offence of selling spray cans to people under the age of 18 years, with a penalty of a fine up to \$1500. This became law from 26 June 2008.
- **section 14B – Access to spray cans in shops to be restricted** – the offence of failing to restrict access to spray cans in shops so that they are only accessible with the help of shop staff, with a penalty of a fine up to \$1500. This is the law from 26 September 2008.

### VERIFYING A CUSTOMER'S AGE

If you are unsure of a person's age when selling spray paint cans, you must view an evidence of age document, indicating that the buyer is of or over the age of 18 years.

The **evidence of age document must be:**

- a New Zealand passport
- an overseas passport
- a driver licence issued under the Land Transport Act 1998, or
- a document issued by a specified person, organisation, body corporate, government department, Crown agency, or statutory board (for example, a HANZ 18+ card).

### RESTRICTING ACCESS TO SPRAY PAINT CANS IN YOUR SHOP

Under section 14B of the Act, access to spray paint cans in shops must be restricted. As a retailer, you have until **26 September 2008** to make arrangements to comply with this law.

You must ensure that every spray paint can in the shop is stored in such a way that members of the public cannot obtain possession of them without the help of shop staff. If you fail to do this, you or your staff are liable to a fine not exceeding \$1,500.

Spray paint cans do not need to be kept in locked cabinets. They only need to be kept in a place that is not accessible to the public without help from shop employees (for example behind the counter, or in a store room).