



Western Australia

## **Offenders (Legal Action) Act 2000**

---

As at 01 Jan 2004

Version 00-a0-10

Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



Western Australia

## **Offenders (Legal Action) Act 2000**

### **Contents**

1.	Short title	1
2.	Commencement	2
3.	Interpretation	2
4.	Application	3
5.	Actions in respect of harm suffered by offenders barred	3
	<b>Notes</b>	
	Compilation table	4
	<b>Defined terms</b>	



Western Australia

## **Offenders (Legal Action) Act 2000**

**An Act to prevent offenders and others from taking legal action in respect of harm suffered in the course of committing an offence.**

**1. Short title**

This Act may be cited as the *Offenders (Legal Action) Act 2000*.

**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**3. Interpretation**

- (1) In this Act, unless the contrary intention appears —
- action* means an action in tort, an action of a similar kind to an action in tort, or an action under the *Fatal Accidents Act 1959*;
  - criminal conduct* means —
    - (a) the commission of an offence; or
    - (b) anything done or omitted to be done for the purpose of the commission of an offence, including —
      - (i) planning it;
      - (ii) preparing for it;
      - (iii) travelling to or from the place where it is committed;
      - (iv) concealing it;
      - (v) disposing of anything used in the course of it or obtained from it.
- (2) A reference in subsection (1) to an offence is a reference to —
- (a) an indictable offence against a written law or a law of another State, a Territory or the Commonwealth; or
  - (b) conduct that —
    - (i) constitutes an offence against a law of another country for which a person could be sentenced, on conviction in that country, to imprisonment for a period of not less than 2 years or for an indefinite period; and

- (ii) would, if it had taken place in this State, have constituted an indictable offence against a written law.
- (3) For the purposes of subsection (2) an offence is indictable if the trial of that offence can or has to be by jury.  
*[Section 3 amended: No. 77 of 2003 s. 73.]*

**4. Application**

This Act applies to an action whether the cause of action arose before or after the coming into operation of this Act.

**5. Actions in respect of harm suffered by offenders barred**

- (1) It is a defence to an action in respect of injury or loss suffered by a person (*the offender*) for the defendant to show that the injury or loss was suffered in the course of criminal conduct by the offender.
- (2) Subsection (1) does not apply if the person bringing the action can show that the injury or loss suffered by the offender —
  - (a) arose from an unlawful act that was intended to result in the offender suffering injury or loss; or
  - (b) arose from circumstances —
    - (i) which were entirely separate from those to which the offender was exposed by reason of being engaged in criminal conduct; and
    - (ii) to which the offender was exposed in common with other persons who were not engaged in criminal conduct.
- (3) This section has effect despite anything in section 5 of the *Occupiers' Liability Act 1985*.

**Notes**

<sup>1</sup> This is a compilation of the *Offenders (Legal Action) Act 2000* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Offenders (Legal Action) Act 2000</i>	46 of 2000	17 Nov 2000	17 Nov 2000 (see s. 2)
<i>Criminal Injuries Compensation Act 2003</i> s. 73	77 of 2003	15 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)



## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
action .....	3(1)
criminal conduct .....	3(1)
the offender .....	5(1)