



Western Australia

Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021

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Defined terms



Western Australia

Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021

An Act to —

- **make consorting unlawful between certain offenders; and**
- **provide for the identification of organisations for the purposes of this Act; and**
- **prohibit the display in public places of insignia of identified organisations; and**
- **provide for the issue of dispersal notices to members of identified organisations and make any consorting contrary to those notices unlawful; and**
- **provide for police powers relating to unlawful consorting and insignia of identified organisations; and**
- **make consequential and other amendments to the *Community Protection (Offender Reporting) Act 2004* and *The Criminal Code*.**

Part 1 — Preliminary

1. Short title

This is the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act (other than section 67) — on a day fixed by proclamation;
- (c) section 67 — on the day after the period of 3 years beginning on the day fixed under paragraph (b).

3. Terms used

In this Act —

authorised officer means a police officer who is, or is acting as, a Commander or an officer of a rank more senior than a Commander;

Commissioner of Police means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

consort, with another person —

- (a) means —
 - (i) to seek, or accept, the company of the other person; or
 - (ii) to be in the company of the other person; or
 - (iii) to communicate directly or indirectly with the other person by any means (including by post, facsimile, telephone, email or any other form of electronic communication);

and

- (b) includes consorting with the other person, in any of the ways mentioned in paragraph (a) —
 - (i) within this State; or
 - (ii) outside this State (including outside Australia);

dispersal notice has the meaning given in section 36;

family member, of a person, has the meaning given in section 4;

health service has the meaning given in the *Health Services Act 2016* section 7;

identifying reference, of an authorised officer, includes the officer's registered number;

Indigenous person means an Aboriginal person or a Torres Strait Islander;

insignia removal notice has the meaning given in section 27(2);

Parliamentary Commissioner means the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;

personal details, in relation to a person, means the following —

- (a) the person's full name;
- (b) the person's date of birth;
- (c) the address where the person is residing;
- (d) the address where the person usually resides, if that is different from the address referred to in paragraph (c);
- (e) the person's business address;

personal service, of a document on a person, means serving the document by —

- (a) handing it to the person; or
- (b) if the person refuses to accept it — leaving it near the person and orally drawing the person's attention to it;

prescribed means prescribed by the regulations;

s. 4

record —

- (a) means any record of information, irrespective of how the information is recorded or stored or able to be recovered; and
- (b) includes —
 - (i) any thing from which images, sounds or writings can be reproduced, with or without the aid of anything else; and
 - (ii) any thing on which information is recorded or stored, whether electronically, magnetically, mechanically or by some other means;

relevant service method, in relation to service of a document on a person under this Act, means any of the following —

- (a) personal service of the document on the person;
- (b) delivering the document to a physical address nominated by the person;
- (c) delivering the document to an electronic address nominated by the person;

social welfare service includes services provided by governments and charitable organisations for community welfare, financial assistance, housing and temporary accommodation;

unlawful consorting notice has the meaning given in section 9(1);

vehicle has the meaning given in the *Criminal Investigation Act 2006* section 3(1).

4. Family member

- (1) A person is a **family member** of another person if the person is any of the following —
 - (a) a spouse or de facto partner of the person;

- (b) a person with whom the person shares parental responsibility for a child;
 - (c) a parent or step-parent of the person;
 - (d) a child or step-child of the person;
 - (e) a grandparent or step-grandparent of the person;
 - (f) a grandchild or step-grandchild of the person;
 - (g) a sibling or step-sibling of the person;
 - (h) a guardian or ward of the person.
- (2) Without limiting subsection (1), a person is a ***family member*** of another person who is an Indigenous person if, under the customary law and culture of the Indigenous person's community, the person is regarded as a member of the extended family or kinship group of the Indigenous person.

5. Act binds Crown

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

[Parts 2-6 have not come into operation.]

[Schedules 1 and 2 have not come into operation.]

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Notes

This is a compilation of the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021 Pt. 1</i>	25 of 2021	13 Dec 2021	13 Dec 2021 (see s. 2(a))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021</i> (other than Pt. 1)	25 of 2021	13 Dec 2021	Act other than Pt. 1 and s. 67: to be proclaimed (see s. 2(b)); s. 67: on the day after the period of 3 years beginning on the day fixed under s. 2(b) (see s. 2(c))

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
authorised officer	3
Commissioner of Police	3
consort.....	3
dispersal notice	3
family member	3, 4(1) and (2)
health service	3
identifying reference	3
Indigenous person	3
insignia removal notice	3
Parliamentary Commissioner	3
personal details	3
personal service.....	3
prescribed.....	3
record	3
relevant service method	3
social welfare service	3
unlawful consorting notice.....	3
vehicle.....	3