

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Elizabeth Lee)

Crimes (Anti-Consorting) Amendment Bill 2024

A Bill for

An Act to amend the *Crimes Act 1900*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Crimes (Anti-Consorting) Amendment Act 2024*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see [Legislation Act](#), s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Crimes Act 1900*.

9 **4 Offences against Act—application of Criminal Code etc**
10 **Section 7A, note 1**

11 *insert*

- 12 • s 84 (Consorting)

13 **5 New part 5A**

14 *insert*

15 **Part 5A Consorting**

16 **83 Meaning of *consort*—pt 5A**

17 In this part:

18 *consort* means consort in person or by any other means, including by
19 electronic or other form of communication.

20 **84 Consorting**

21 (1) A person commits an offence if the person—

22 (a) is 14 years old or older; and

23 (b) habitually consorts with convicted offenders; and

- 1 (c) consorts with the convicted offenders—
- 2 (i) after being given an official warning in relation to each
- 3 offender; and
- 4 (ii) before the official warning stops having effect.
- 5 Maximum penalty: 150 penalty units, imprisonment for 3 years or
- 6 both.
- 7 (2) An official warning stops having effect—
- 8 (a) for a warning given to a person under 18 years old—6 months
- 9 after the day the warning is given; or
- 10 (b) in any other case—2 years after the day the warning is given.
- 11 (3) In this section:
- 12 **convicted offender** means a person who has been convicted of an
- 13 indictable offence (other than an offence against this section).
- 14 **habitually consort**—a person **habitually consorts** with convicted
- 15 offenders if the person—
- 16 (a) consorts with at least 2 convicted offenders (whether together or
- 17 on separate occasions); and
- 18 (b) consorts with each convicted offender on at least 2 occasions.
- 19 **indictable offence** includes an offence committed in another
- 20 jurisdiction that would be an indictable offence if committed in this
- 21 jurisdiction.
- 22 **official warning** means a warning given by a police officer (orally or
- 23 in writing) to the effect that—
- 24 (a) a stated person is a convicted offender; and
- 25 (b) habitually consorting with convicted offenders is an offence.

- 1 **85 Certain consorting to be disregarded**
- 2 (1) Section 84 (1) does not apply to a defendant if—
- 3 (a) the consorting occurs in any of the following situations:
- 4 (i) with family members;
- 5 (ii) in the course of lawful employment or the lawful operation
- 6 of a business;
- 7 (iii) in the course of training or education;
- 8 (iv) in the course of providing a health service or welfare
- 9 service;
- 10 (v) in the course of providing legal advice;
- 11 (vi) in lawful custody;
- 12 (vii) in the course of complying with an order of the sentence
- 13 administration board or a direction or recommendation of
- 14 a corrections officer; and
- 15 (b) the consorting was reasonable in the circumstances.
- 16 *Note* The defendant has an evidential burden in relation to the matters
- 17 mentioned in s (1) (see [Criminal Code](#), s 58).
- 18 (2) In this section:
- 19 ***Aboriginal or Torres Strait Islander person*** means a person who—
- 20 (a) is a descendant of an Aboriginal person or a Torres Strait
- 21 Islander person; and
- 22 (b) identifies as an Aboriginal person or a Torres Strait Islander
- 23 person; and
- 24 (c) is accepted as an Aboriginal person or a Torres Strait Islander
- 25 person by an Aboriginal community or Torres Strait Islander
- 26 community.

1 **family member**, for a defendant who is an Aboriginal or Torres Strait
2 Islander person, includes a person who is or has been part of the
3 defendant's extended family kin according to the indigenous kinship
4 system of the defendant's culture.

5 **health service** means—

6 (a) a medical (including psychological), hospital, ambulance,
7 paramedical, dental, community health or environmental health
8 service; or

9 (b) another service—

10 (i) relating to the maintenance or improvement of the health,
11 or the restoration to health, of people or the prevention of
12 disease in, or injury to, people (whether provided as a
13 public or private service); and

14 (ii) that is of a class or description prescribed by regulation.

15 **welfare service** means a service (whether provided as a public or
16 private service) relating to the provision of—

17 (a) housing, employment benefits, rental assistance or other
18 financial assistance or family support; or

19 (b) another community welfare service necessary for the promotion,
20 protection, development and maintenance of the wellbeing of
21 people, including any rehabilitation, counselling, drug or
22 alcohol service.

23 **86 Review—pt 5A**

24 (1) The ombudsman must, as soon as practicable after the end of the 2nd
25 year of this part's operation (the **review period**)—

26 (a) review the operation of this part; and

27 (b) give a copy of a report of the review to the Minister and the chief
28 police officer.

- 1 (2) For subsection (1), the chief police officer must ensure that the
2 ombudsman is given information in relation to—
- 3 (a) any official warnings issued under section 84 during the review
4 period; and
- 5 (b) any proceedings brought under this part during the review
6 period; and
- 7 (c) any documents or other information that the ombudsman
8 reasonably requires to enable the ombudsman to undertake the
9 review.
- 10 (3) The Minister must present the report to the Legislative Assembly as
11 soon as practicable after receiving a copy of the report under
12 subsection (1) (b).
- 13 (4) This section expires 3 years after the day it commences.

14 **6 Dictionary, note**

15 *insert*

- 16 • Minister (see s 162)
- 17 • ombudsman

18 **7 Dictionary, new definition of *consort***

19 *insert*

20 *consort*, for part 5A (Consorting)—see section 83.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 27 August 2024.

2 Notification

Notified under the [Legislation Act](#) on 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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