

# Operation of the Unlawful Consorting and Prohibited Insignia Scheme

December 2024 to December 2025

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## Acknowledgment of Country

We acknowledge Aboriginal and Torres Strait Islander people as the Traditional Custodians of this land. We recognise the continuing connection to land, waters, culture and community of all Aboriginal and Torres Strait Islander peoples. We pay our respects to their Elders past and present and recognise the strength, resilience and diversity of all Aboriginal and Torres Strait Islander peoples across this land.

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# Foreword

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Each year we examine and report on the use of powers by WA Police Force (**WA Police**) under the Unlawful Consorting and Prohibited Insignia scheme. These powers are intended to support law enforcement in disrupting criminal organisations, such as outlaw motorcycle gangs.

Our role is to assess whether WA Police have complied with the provisions of the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* (**the Act**). We also evaluate whether the scheme has had an adverse impact on specific groups in the community.

For the period December 2024 to December 2025, we found that WA Police complied with the requirements of the Act. There was no evidence to suggest that the scheme had an adverse impact on any particular group.

I would like to express my appreciation to the Inspections Team, for their dedication in compiling this report, as well as to the members of the WA Police Serious and Organised Crime Division and Sex Crime Division for their cooperation throughout the monitoring period.

**Bevan Warner**  
OMBUDSMAN

# At a glance

**100%** WA Police compliance for records reviewed

**55%** increase in dispersal notices issued compared to last year

**228**

dispersal notices  
issued

**8**

unlawful consorting  
notices issued

**90** charges laid under the Act

**87**

insignia display  
charges

**2**

consorting contrary to a  
dispersal notice  
charges

**1**

charge for providing  
false or misleading  
personal details

# 1 Monitoring and administration of the Act

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## 1.1 The role of the Ombudsman

In 2021 Parliament passed the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*. The purpose of the Act is to assist police in disrupting criminal organisations. The Act does this by empowering police to combat consorting between certain offenders and prohibit the display of insignia of certain organisations, such as outlaw motorcycle gangs. WA Police were also given the power to issue dispersal notices to members of these groups and to make contravention of these notices unlawful.

Our role is to scrutinise how WA Police use these powers. We do this by reviewing the records held by WA Police and ensuring that the powers entrusted to them are exercised reasonably and lawfully. We also consider whether the use of these powers has had an adverse impact on a particular group in the community.

We are required to report annually to the Attorney General on the outcome of this work.

## 1.2 Inspections undertaken by the Ombudsman

Each year we inspect the records held by WA Police to determine if officers have complied with the requirements of the Act. As part of the inspection process, we consider whether WA Police:

- issued and served notices in compliance with the Act;
- exercised other powers in compliance with the Act; and
- observed time limits for detainment, service of notices and applications for revocation or variation of notices.

To determine the impact of the Act on any particular groups in the community, we analysed demographic information and data provided by WA Police for all

notices issued and served and all charges laid under the Act during the relevant monitoring period.

## 1.3 WA Police Standard Operating Procedures

WA Police administer the Act according to standard operating procedures that provide officers with guidance on the legislative requirements. Each year, we review any changes and updates to those procedures.

The Serious and Organised Crime Division and Sex Crime Division are responsible for the administration and governance of any activities by WA Police under the Act.

## 1.4 WA Police IT application

The OneSource system is the main application used by WA Police to record unlawful consorting notices and dispersal notices.

Unlawful consorting notices are issued and served on the recipient as a paper notice and are recorded on both the OneSource system and the WA Police Incident Management System (IMS) by the issuing and serving officers.

Insignia removal notices are not recorded on OneSource at this time. Instead, an electronic record is entered on IMS.

Dispersal notices are issued and served on the recipient as a paper notice and recorded on OneSource as soon as practicable by the issuing officers.

Again, each year we review any changes and updates to the relevant WA Police systems.

## **1.5 Training conducted by WA Police**

WA Police promote awareness and understanding of the Act by delivering an online training course on the WA Police E-Force training portal. The online training course covers the issuing of notices, related offences, police powers and responsibilities and administration of the Act.

The training is compulsory for all police officers and staff involved with the administration and implementation of the Act. This training is also open to any WA Police staff and officers outside of these units who want to self-enrol.

## **1.6 Delegations**

All required delegations were made by the Commissioner of Police prior to the commencement of the legislation and are current.

## 2 WA Police compliance with the Act

We inspected records relating to all notices issued and charges laid under the Act during the monitoring period of 24 December 2024 to 23 December 2025.

We also analysed further information and data provided by WA Police, including demographic information about the recipients of notices and alleged offenders charged under the Act.

Ethnicity information recorded by WA Police is based on two fields, 'Ethnic Appearance' and 'Stated Ethnicity'. 'Ethnic Appearance' refers to an apparent ethnic appearance of the person, as identified by the attending officer, whilst 'Stated Ethnicity' is the self-identified ethnicity provided by the person upon questioning. 'Stated Ethnicity' has been used where possible, with 'Ethnic Appearance' used only where the 'Stated Ethnicity' is unknown or missing. The ethnicity categories are not equivalent to the Australian Bureau of Statistics Standard Indigenous Question.<sup>1</sup>

### 2.1 Impact of the operation of the Act on a particular group in the community

In analysing the information provided by WA Police, we focused on whether the data showed any impact on Aboriginal people, people from culturally and linguistically diverse backgrounds, children and young people, people experiencing homelessness, or any other community group that came to our attention.

Our office has not received any complaints about the scheme's impact on the community or any requests to review notices issued by WA Police.

We found no evidence that the operation of the Act adversely impacted any particular group in the community.

### 2.2 Unlawful consorting notices

The Act allows WA Police officers to issue unlawful

consorting notices to a person who is 18 years of age, and against whom a conviction has been recorded for an indictable offence as specified in the Act (**a relevant offender**). A relevant offender must have consorted, is consorting or a police officer must reasonably suspect the person has or is consorting with another relevant offender. The police officer must also consider that it is appropriate to issue the notice in order to disrupt or restrict the capacity of offenders to commit further indictable offences.

WA Police issued eight unlawful consorting notices to eight individual recipients during the monitoring period.

All notices were issued and served according to the provisions of the Act.

**All recipients were male, aged between 31 and 58 years and were recorded as Australian (Non Indigenous) or unknown ethnicity.**

**All notices were issued in the metropolitan region.**

<sup>1</sup> 'The Register', provided electronically, 2 June 2026.

## 2.3 Dispersal notices

The Act allows WA Police officers to issue dispersal notices to a person who is 18 years of age and who a police officer reasonably suspects is a member of an identified organisation.

A recipient of a dispersal notice commits an offence if the person consorts with a person named on the notice in a public place during the period that the notice is in effect.

During the monitoring period, WA Police issued 228 dispersal notices to 174 individual recipients. This was a 55 per cent increase for dispersal notices issued compared to the previous period.

WA Police received 2 applications for the revocation of a dispersal notice. Both applications were rejected as the dispersal notice was correctly issued and served.

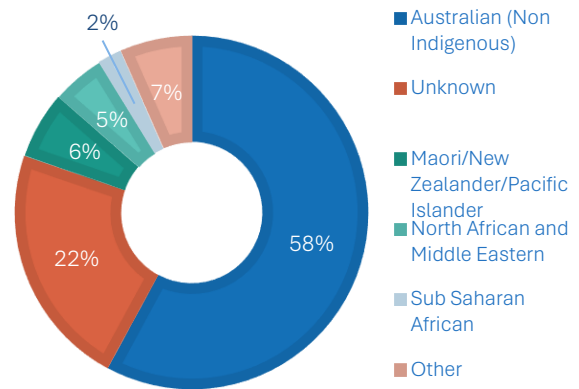
We found that WA Police complied with the Act for all dispersal notices (100 per cent) issued during the monitoring period.

### Demographics of recipients of dispersal notices

**All recipients were recorded as male and aged between 18 and 70 years of age at the time they were issued and served the notice.**

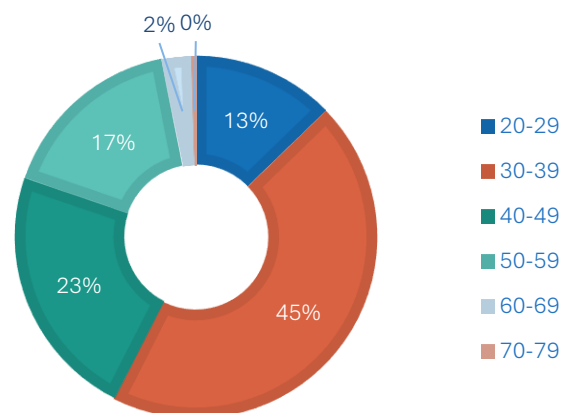
**Notices were most commonly issued to recipients who were recorded as Australian (Non-Indigenous) (58 per cent) and Maori/New Zealander/Pacific Islander (22 per cent).**

**The majority of notices (83 per cent) were issued in a major city.**



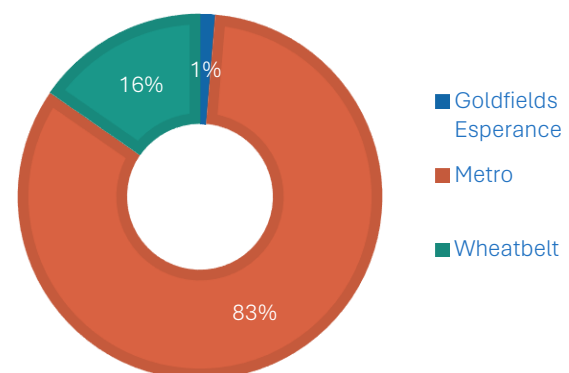
Source: Ombudsman WA

Dispersal notices issued by recorded ethnicity



Source: Ombudsman WA

Dispersal notices issued by age



Source: Ombudsman WA

Dispersal notices issued by location

## 2.4 Charges laid under the Act

The Act also provides for WA Police officers to lay certain charges in relation to the Act.

A recipient of an unlawful consorting notice or a dispersal notice commits an offence if the person consorts with a person recorded on the notice during the period that the notice is in effect.

The Act makes it an offence for a person to display the insignia of an identified organisation in a public place.

The Act also contains a number of offences in relation to police powers proffered under the Act.

We found that 90 charges were laid against 51 individuals under the Act:

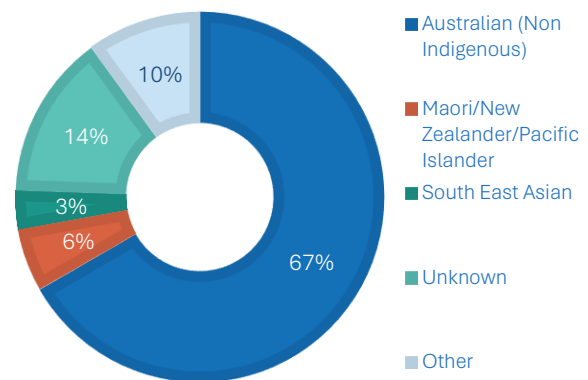
- 87 charges for displaying the insignia of an identified organisation in a public place;
- 2 charges for consorting with a named person in a public place (contrary to a dispersal notice); and
- 1 charge for Provided false or misleading personal detail (in relation to a dispersal notice).

### Demographics of alleged offenders

**All alleged offenders were recorded as male and aged between 25 and 57 years of age.**

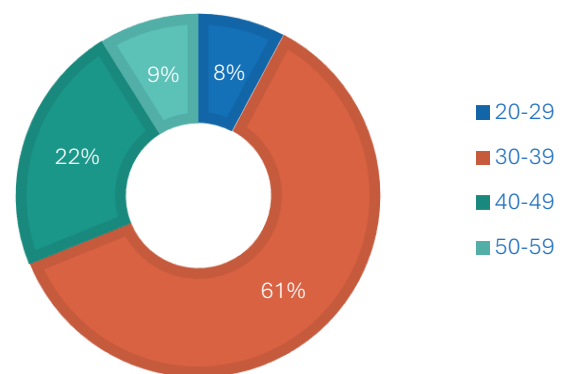
**Over half of the charges (67 per cent) were laid against alleged offenders who were recorded as Australian (Non-Indigenous).**

**The most charges laid against an individual alleged offender was 10.**



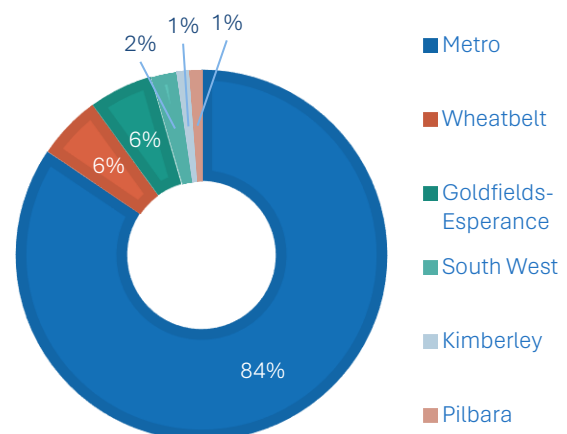
Source: Ombudsman WA

Alleged offenders charged by recorded ethnicity



Source: Ombudsman WA

Alleged offenders charged by age



Source: Ombudsman WA

Location of alleged offenders when charges laid

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