

What you need to know

Gangs Act 2024



From 21 November 2024, Police will be actively enforcing new gang legislation.

The purpose of the legislation is to reduce the ability of gangs to operate and cause fear, intimidation and disruption to the public by:

- ▶ prohibiting the display of gang insignia in public places
- ▶ providing for the issue of dispersal notices to stop gang members from gathering in public places
- ▶ providing for the making of non-consorting orders to prevent specified gang offenders from associating or communicating with each other for three years.

Gang membership will be an aggravating factor at sentencing.

From 21 November 2024 it will be unlawful to display gang insignia in public.

What is gang insignia?

- ▶ A sign, symbol or representation commonly displayed to denote membership of, or an affiliation with, a gang.
- ▶ Includes any item or thing to which a sign, symbol, or representation is attached/affixed e.g. clothing or a vehicle.
- ▶ Excludes tattoos and does not include coloured clothing.

What is a public place?

- ▶ A place that is open to or being used by the public.
- ▶ Includes any vehicle, craft or vessel in a public place– ie motor vehicle, train, ferry, aircraft.
- ▶ Does not include online places such as the internet or an online application, and the parliamentary precincts.

What does display mean?

“Displaying” gang insignia means more than simply making the gang insignia visible in public.

The person must both make the gang insignia visible and intend that the gang insignia be shown to others in that public place.

What gangs do these laws apply to?

These new laws apply to 35 gangs listed in the Gangs Act.

How is a gang member defined?

The Gangs Act defines a gang member as:

- ▶ an individual who is a prospective member or nominee
- ▶ an individual who demonstrates affiliation to a gang by displaying the gang's insignia
- ▶ an individual who is involved in the affairs of a gang for the likely purpose of participating in a criminal activity.

From 21 November 2024 Police can issue dispersal notices to gang members, which require them to leave an area and not associate in public for 7 days.

What is a dispersal notice?

- ▶ Police can issue a dispersal notice if they have reasonable grounds to suspect three or more gang members are gathering in public, and the dispersal is necessary to avoid unreasonably disrupting the activities of other members of the public.
- ▶ Once issued a dispersal notice, the persons can be required to leave the public place immediately and not associate with one another in public for 7 days.

Gang insignia - Repeat offences

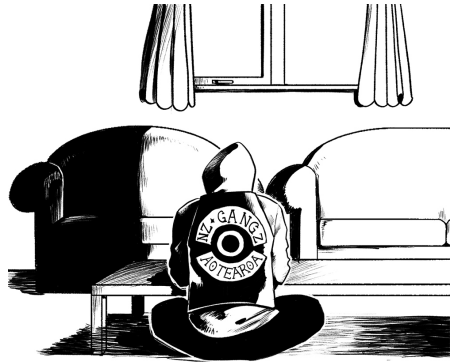
For a person with two or more previous convictions for displaying gang insignia in a public place who is convicted again of the same offence within five years, the courts will make a Prohibition Order prohibiting that person from:

- ▶ possessing gang insignia
- ▶ controlling gang insignia
- ▶ having gang insignia present at the person's usual place of residence.

A Prohibition Order remains in effect for 5 years from the date of conviction for the qualifying offence. The maximum penalty for breaching the order is a term of imprisonment not exceeding 1 year.

Can I wear gang insignia at home?

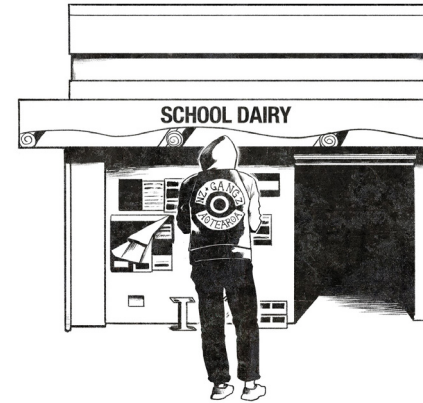
Yes*. You will not be breaching the Gangs Act by wearing gang insignia in a private residence.



*Unless you are subject to a prohibition order

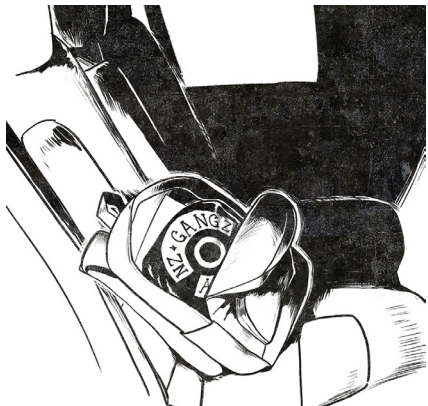
Can I wear gang insignia to the shops, to watch a sports game, or to sports clubrooms?

No. The Gangs Act specifies insignia is not to be displayed in a public place.



Can I wear gang insignia in the car?

Only if it is **not displayed** (for example, covered by other clothing or out of sight of the public).



Can I have a gang symbol on my vehicle?

No. The Gangs Act specifically prohibits insignia being attached or affixed to a vehicle if it is on display.

