



Western Australia.

ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. IV.

AN ACT to prevent the Unauthorised Disclosure of Information relating to the Defences of Western Australia.

[Assented to, 13th January, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. IT shall not be lawful for any person, whether a British subject or an alien, to make any sketch, drawing, photograph, picture, or painting of any fort, battery, fieldwork, fortification, or other military work of defence in Western Australia, or of any portion thereof, without having previously obtained the permission, in writing, of the Minister for the time being charged with the administration of the defences of the Colony on the recommendation of the Commandant of the Western Australian Military Forces, but such permission may be revoked by the Minister at any time. Such permission shall clearly and expressly state the nature of the sketches,

Sketching, &c., of fortifications prohibited, save by permission.

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drawings, photographs, pictures, or paintings which may be made by the person to whom such permission is given, and the place or places of which such sketches, drawings, photographs, pictures, or paintings may be made.

Penalty for offending against provisions of Section 1.

2. ANY person offending against the provisions of the last preceding section shall be liable to a penalty not exceeding One hundred pounds, or, at the discretion of the Justices, to be imprisoned, with or without hard labor, for any period not exceeding six months; and all sketches, drawings, photographs, pictures, and paintings, and all tools and all materials or apparatus for sketching, drawing, photographing, or painting found in his possession shall be forfeited to the Crown, and may be destroyed, sold, or otherwise disposed of as the Governor shall direct.

Penalty on persons found in or near forts with drawing materials, &c.

Penalty—Fine, or imprisonment.

3. ANY person who enters or approaches any fort, battery, fieldwork, fortification, or other military work of defence in the said Colony, with sketching, drawing, photographing, or painting materials or apparatus in his possession, with the intention or apparent intention of committing any breach of the provisions of this Act, shall be liable, upon conviction, to a penalty not exceeding Fifty pounds, and all tools and all materials or apparatus for sketching, drawing, photographing, or painting found in his possession shall be forfeited to the Crown, and may be destroyed, sold, or otherwise disposed of as the Governor shall direct.

Penalty on persons trespassing.

4. ANY person found trespassing on any fort, battery, fieldwork, fortification, or other work of military defence, or on any land reserved for or forming part of such defences, and whether any erection, fort, fortification, or work of any kind may be standing thereon or not, may be summarily arrested without warrant and removed therefrom by any officer or member of the Defence Forces, or any officer or member of the police force, and shall be liable to a penalty not exceeding Twenty pounds.

Penalty on communicating information respecting defences.

5. ANY officer or member of the Defence Forces or officer of the Civil Service who communicates to any person, otherwise than in the course of his official duty, any plans, documents, or other information relating to any fort, battery, fieldwork, fortification, or other work of military defence in Western Australia, or to any other defences of the Colony, shall be guilty of a misdemeanor, and shall, on conviction, be liable to imprisonment for any term not exceeding three years, and not less than one year, and to a fine not exceeding Two hundred pounds, and not less than Fifty pounds.

Proceedings before Justices.

6. ALL proceedings for offences against this Act, except the misdemeanor mentioned in section five, or for the recovery of penalties,

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shall be heard and determined in a summary way by any Resident Magistrate or two or more Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 5 of 1850, intituled "An Ordinance to facilitate the performance of the Duties of Justices of the Peace out of Sessions within the Colony of Western Australia, with respect to summary convictions and orders," or of any Act now in force, or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary convictions and orders.

7. THIS Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or by military or naval law, or under any Act other than this Act, so, however, that no person be punished twice for the same offence. Saving.

8. THIS Act may be cited as "The Safety of Defences Act, Short title. 1892."

In the name and on behalf of the Queen I hereby assent
to this Act.

W. C. F. ROBINSON, Governor.