



Western Australia.

ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. XIX.

AN ACT amending the Law relating to
Conspiracy and Protection of Property.

[Assented to, 5th December, 1900.]

WHEREAS doubts have arisen as to whether the Acts relating
to Conspiracy and Protection of Property, and like subjects,
in force in England at the time of the settlement of Western
Australia are in force in this Colony: And whereas it is desirable
that such doubt should be removed by the introduction of legislation
in lieu of the provisions of the said Acts: 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. THIS Act may be cited as the Conspiracy and Protection of
Property Act of 1900.

Short title.

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Amendment of law
as to conspiracy in
trade disputes.

2. AN agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime, for the purposes of this section, means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender is liable, under the statute making the offence punishable, to be imprisoned, either absolutely or at the discretion of the Court, as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

Breach of contract
by persons employed
in supply of gas or
water.

3. WHERE a person employed by a municipal authority or by any company or contractor upon whom is imposed, by Act of Parliament, the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or place, or any part thereof, with electric light, gas, or water, breaks a contract of service, without giving seven days' notice of his intention so to do, with that authority, or company, or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of electric light, gas, or water, he shall, on conviction thereof by a Court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding Ten pounds or to be imprisoned for a term not exceeding one month, with or without hard labour.

Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up at the gasworks or waterworks, as the case may be, belonging to such authority, or company, or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

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If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur, on summary conviction, a penalty not exceeding Five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable, on summary conviction, to a penalty not exceeding Forty shillings.

4. WHERE any person breaks a contract of service or of hiring, without giving seven days' notice of his intention so to do, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a Court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding Ten pounds or to be imprisoned for a term not exceeding one month, with or without hard labour.

Breach of contract involving injury to persons or property.

5. THE purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to a criminal prosecution for conspiracy or otherwise.

Trade Unions lawful.

6. WHERE a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully, and without lawful excuse, refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on summary conviction, be liable either to pay a penalty not exceeding Twenty pounds or to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty for neglect by master to provide food, clothing, etc., for servant or apprentice.

7. EVERY person who, with a view to compel any other person to abstain from doing, or to do, any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority :

Penalty for intimidation or annoyance by violence or otherwise.

- (1.) Uses violence to, or threatens with violence, such other person, or his wife or children, or injures his property, real or personal ; or
- (2.) Persistently follows such other person about from place to place ; or
- (3.) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of, or hinders him in the use thereof ; or

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(4.) Watches or besets the house or other place where such person resides, or works, or carries on his business, or happens to be, or the approach to such house or place ;
or

(5.) Follows such other person, with two or more other persons, in a disorderly manner in or through any street or road,

shall, on conviction thereof by a Court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable for the offence created by sub-section one, either to pay a penalty not exceeding Twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour, or for the offences created by sub-sections two and three, to pay a penalty not exceeding Ten pounds, or to be imprisoned for a term not exceeding one month, with or without hard labour.

Attending at or near the house or place where a person resides or works or carries on business or happens to be, or the approach to such house or place, in order merely to obtain or communicate information shall not be deemed a watching or besetting within the meaning of this section.

Power for offender under this Act to be tried on indictment, and not by Court of summary jurisdiction.

8. WHERE a person is accused before a Court of summary jurisdiction of any offence made punishable by this Act, and for which a penalty or imprisonment is imposed, the accused may, on appearing before the Court of summary jurisdiction, declare that he objects to being tried for such offence by a Court of summary jurisdiction, and thereupon the Court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Proceedings before a Court of summary jurisdiction.

9. EVERY offence under this Act which is made punishable on conviction by a Court of summary jurisdiction, or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered in manner provided by provisions of Ordinance No. 5, passed in the fourteenth year of Her present Majesty.

Appeal.

10. ANY person convicted in a Court of summary jurisdiction of an offence under this Act may appeal from any such conviction or order in the manner prescribed by the Police Act of 1892 and any amendments thereof.

Saving as to sea service.

11. NOTHING in this Act shall apply to seamen or to apprentices to the sea service.

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12. NO person who is an owner, part owner, master, or manager of or in a similar trade, occupation, business, or calling in connection with which any charge or prosecution under this Act may arise shall be competent to sit either as a magistrate or juror on the hearing of such charge or prosecution.

Master not to act as
magistrate, etc.

13. IN this Act the expression "Municipal Authority" means any of the following authorities, that is to say:

Definitions of
"Municipal
authority" and
"public company."

The Town Council of any borough, for the time being, subject to the Municipal Institutions Act of 1895, and any Act amending the same, any commissioners, trustees, or other persons invested by any local Act of Parliament with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any Municipal authority, or company, or contractor who has obtained authority by or in pursuance of any general or local Act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof with electric light, gas, or which is required, by or in pursuance of any general or local Act of Parliament, to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall, for the purposes of this Act, be deemed to be a Municipal authority, or company, or contractor upon whom is imposed, by Act of Parliament, the duty of supplying such city, borough, town, or place, or part thereof, with electric light, gas, or water.

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

ALEX. C. ONSLOW, Administrator.