



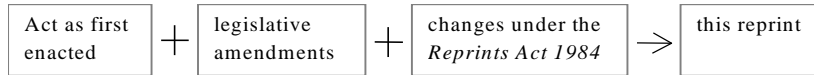
Western Australia

Conspiracy and Protection of Property Act of 1900

Reprint 2: The Act as at 10 September 2004

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Conspiracy and Protection of Property Act of 1900

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 10 September 2004

Conspiracy and Protection of Property Act of 1900

An Act amending the Law relating to Conspiracy and Protection of Property.

Preamble

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: —

1. Short title

This Act may be cited as the *Conspiracy and Protection of Property Act of 1900*¹.

2. Amendment of law as to conspiracy in trade disputes

An agreement or combination by 2 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

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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 3 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.

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

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 7 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 be liable to a penalty of \$300.

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.

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 \$10 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 \$4.

[Section 3 amended by 1 and 2 Edw. VII No. 14 s. 3; No. 113 of 1965 s. 8; No. 51 of 1992 s. 16(1); No. 78 of 1995 s. 147.]

4. Breach of contract involving injury to persons or property

Where any person breaks a contract of service or of hiring, without giving 7 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, be liable to a penalty of \$300.

[Section 4 amended by 1 and 2 Edw. VII No. 14 s. 3; No. 113 of 1965 s. 8; No. 51 of 1992 s. 16(1); No. 78 of 1995 s. 147.]

5. Trade unions lawful

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.

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

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 \$40.

[Section 6 amended by No. 113 of 1965 s. 8; No. 51 of 1992 s. 16(1); No. 50 of 2003 s. 48(2).]

[7 and 8. Repealed by 1 and 2 Edw. VII No. 14 s. 3.]

9. Proceedings before a court of summary jurisdiction

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 14th year of Her present Majesty².

10. Appeal²

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 1892* and any amendments thereof.

11. Saving as to sea service

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

12. Master not to act as magistrate, etc.

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.

13. Definition of “municipal authority”

In this Act the expression “**municipal authority**” means any of the following authorities, that is to say:

The Town Council of any borough, for the time being, subject to the *Municipal Institutions Act 1895*³, 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.

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Notes

- ¹ This reprint is a compilation as at 10 September 2004 of the *Conspiracy and Protection of Property Act of 1900* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Conspiracy and Protection of Property Act of 1900</i>	64 Vic. No. 19	5 Dec 1900	5 Dec 1900
<i>Criminal Code Act 1902</i> s. 3(2)	1 and 2 Edw. VII No. 14	19 Feb 1902	1 May 1902 (see s. 2)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
Reprint of the <i>Conspiracy and Protection of Property Act of 1900</i> approved 2 Apr 1971 (includes amendments listed above)			
<i>Criminal Law Amendment Act (No. 2) 1992</i> s. 16(1)	51 of 1992	9 Dec 1992	6 Jan 1993
<i>Sentencing (Consequential Provisions) Act 1995</i> s. 147	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 48	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
Reprint 2: The <i>Conspiracy and Protection of Property Act of 1900</i> as at 10 Sep 2004 (includes amendments listed above)			

- ² Now see *Justices Act 1902*.

- ³ Repealed by the *Municipal Institutions Act 1900* which was repealed by the *Municipal Corporations Act 1906* which was repealed by the *Local Government Act 1960* which is now cited as the *Local Government (Miscellaneous Provisions) Act 1960*.