

Western Australia

**Conspiracy and Protection of Property Act
of 1900**

As at 01 May 2005

Version 02-b0-04

Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

Conspiracy and Protection of Property Act of 1900

CONTENTS

1.	Short title	1
2.	Amendment of law as to conspiracy in trade disputes	1
3.	Breach of contract by persons employed in supply of light, gas or water	2
4.	Breach of contract involving injury to persons or property	3
5.	Trade unions lawful	3
6.	Penalty for neglect by master to provide food, clothing, etc., for servant or apprentice	4
11.	Saving as to sea service	4
12.	Master not to act as magistrate, etc.	4
13.	Definition of “municipal authority”	4
	Notes	
	Compilation table	6

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 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, 10. Repealed by No. 59 of 2004 s. 141.]

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.

Notes

- ¹ This is a compilation 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)			
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)

- 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*.