



Western Australia.

ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XVIII.

AN ACT to amend "The Aboriginal Offenders Act, 1883," and to authorise the Whipping of Aboriginal Native Offenders.

[Assented to, 18th March, 1892.]

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 be lawful for any Magistrate alone or with one or more Justices, or for any two or more Justices, or for any one Justice exercising jurisdiction under section seven of "The Aboriginal Offenders Act, 1883," hereinafter called "The Principal Act," upon the conviction of an aboriginal native of any offence made summarily triable under the Principal Act, to sentence such native to be imprisoned, with or without hard labor, for any term not exceeding two years, and, in case of a male, with or without whipping, or to be whipped without imprisonment: Provided always, that if an aboriginal native shall be charged with having committed two or more offences the sentence or sentences for both or all the said offences shall not exceed in the whole the term of two years, nor in such case shall more than one whipping be awarded.

Magistrates or Justices or single Justice (in certain cases) may sentence to two years' imprisonment, and may adjudge whipping, &c.

55° VICTORIÆ, No. 18.

Aboriginal Offenders.

Supreme Court and
Court of General
Sessions may adjudge
whipping.

2. IT shall be lawful for the Supreme Court or for any Court of General Sessions of the Peace, on the conviction of an aboriginal native in any case sent for trial before any such Court under the provisions of the Principal Act, in addition to any sentence of penal servitude or imprisonment with or without hard labor, or without such sentence, to sentence such aboriginal native, if a male, to be whipped.

Number of strokes
not to exceed 25, or
in case of youth 12.

3. WHENEVER whipping may be awarded under this Act, the number of strokes not exceeding twenty-five, or in the case of a male offender apparently under the age of sixteen not exceeding twelve, and the instrument with which they shall be inflicted, shall be specified in the sentence.

Before whom
whipping to be
inflicted.

4. NO such whipping shall be inflicted except in the presence of a Justice of the Peace, Protector of Aborigines, or Officer of Police not under the rank of sergeant.

48 Vict., No. 5, not
to apply to aboriginal
natives.

5. THE provisions of "The Regulation of Whipping Act, 1884," shall not apply to aboriginal natives.

Incorporation and
Short title.

6. THIS Act shall be incorporated and read with the Principal Act, and may be cited as "The Aboriginal Offenders Act (Amendment), 1892."

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

ALEX. C. ONSLOW, Administrator.