



Western Australia.

ANNO QUINQUAGESIMO SEXTO
VICTORIÆ REGINÆ.

No. XV.

AN ACT to further amend "The Aboriginal Offenders Act, 1883."

[Assented to, 13th January, 1893.]

WHEREAS the Punishment at present provided by Statute for certain Felonies and Misdemeanors committed by Aboriginal Natives, and made summarily triable under "The Aboriginal Offenders Act, 1883," is inadequate, and it is expedient to increase such Punishment: 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.

47 Vic., No. 8.

1. IN this Act the word "Court" shall mean and include any Magistrate sitting alone or with one or more Justices, and any two or more Justices, and any one Justice exercising jurisdiction under section seven of "The Aboriginal Offenders Act, 1883," hereinafter called "The Principal Act."

Interpretation.

2. THE words "two years," wherever occurring in the first section of "The Aboriginal Offenders Act (Amendment), 1892," are hereby repealed, and the words "three years" shall be and the same are hereby substituted in lieu thereof.

Maximum term of imprisonment increased.

56° VICTORIÆ, No. 15.

Aboriginal Offenders Act—Amendment.

Punishment for
offence after
previous conviction.

3. IT shall be lawful for the Court, upon the conviction of any aboriginal native of any offence punishable under the Principal Act, who has been previously convicted of any such offence, to sentence such offender to be imprisoned, with or without hard labor, for any term not exceeding five years, and in case of a male with or without whipping.

Information for
subsequent offence.

4. IN any information for any offence punishable under the Principal Act, and committed after a previous conviction or convictions for any such offence, it shall be sufficient, after charging the subsequent offence, to state in the information that the offender was at a certain time and place, or at certain times and places, convicted of an offence or offences punishable under the Principal Act, without otherwise describing the offence or offences, and a certificate containing the substance and effect only of the conviction for the previous offence or offences, or a copy of any such conviction, purporting to be signed by any Justice of the Peace or police officer not under the rank of sergeant, or by the Clerk of the Court or other officer having the custody of the records of the Court where the offender was previously convicted, or to which such conviction shall have been returned, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any information for committing any such offence, after a previous conviction or convictions, shall be as follows: that is to say, the offender shall in the first instance be tried for the subsequent offence, and if found guilty, or if he plead guilty, he shall then be asked whether he has been previously convicted as alleged, and if he answer that he has been so previously convicted he may be sentenced accordingly, but if he deny that he has been so previously convicted, or stand mute, or will not answer directly to such question, the Court may find the fact of such previous conviction or convictions, and sentence him accordingly.

Incorporation.

Short Title.

5. THIS Act shall be incorporated and read as one Act with the Principal Act and "The Aboriginal Offenders Act (Amendment), 1892," and may be cited as "The Aboriginal Offenders Act (Amendment), 1893."

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

W. C. F. ROBINSON, Governor.