

WHITE WOMEN'S PROTECTION ORDINANCE, 1926-1934. ⁽¹⁾

An Ordinance to amend the Criminal Law.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *White Women's Protection Ordinance, 1926-1934.*⁽¹⁾ Short title.
Amended by
No. 2 of 1930,
s. 2.
2. In this Ordinance unless the context otherwise indicates the terms used respectively shall have the same meanings as are assigned to identical terms by the *Criminal Code.*⁽²⁾ Interpretation.
3. Any person who commits or attempts to commit the crime of rape upon any European woman or girl shall be guilty of a crime and being convicted thereof shall be liable to the punishment of death. Punishment of
rape and attempt
to rape
Europeans.
4. Any person who unlawfully and indecently assaults a European woman or girl shall be guilty of a crime and being convicted thereof shall be liable to imprisonment with or without hard labour for life with or without whipping which may be inflicted once twice or thrice. Indecent
assaults on
Europeans.
5. Any person who—
(1) has or attempts to have unlawful carnal knowledge of a European girl under the age of fourteen years; or Defilement or
indecent
treatment of
European girls
under fourteen.

(1) The *White Women's Protection Ordinance, 1926-1934*, comprises the *White Women's Protection Ordinance, 1926*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>White Women's Protection Ordinance, 1926</i> (No. 2 of 1926)	9.1.1926	7.7.1926	9.1.1926 (<i>Ordinances etc. of Papua, 1926, p. 7</i>)
<i>White Women's Protection Ordinance, 1934</i> (No. 4 of 1934)	12.7.1934	7.11.1934	12.7.1934 (<i>Ordinances etc. of Papua, 1934, p. 21</i>)

(2) See *The Criminal Code* (Queensland, adopted), printed on p. 1031.

(2) unlawfully and indecently deals with a European girl under the age of fourteen years, shall be guilty of a crime and being convicted thereof shall be liable to imprisonment with or without hard labour for life with or without whipping which may be inflicted once twice or thrice.

Whipping.
Cf. *Criminal Code*, s. 19(5).

6. The punishment of whipping cannot be inflicted upon a person who is sentenced to imprisonment with or without hard labour for a longer term than seven years for any offence under the provisions of this Ordinance.

Cf. *Criminal Code*, s. 655.

When an offender is sentenced to whipping the Court is required to give directions in the sentence as to the whipping and may direct that the offender be once twice or thrice privately whipped. The number of strokes which may not exceed fifty at each whipping and in case of an offender under the age of sixteen years may not exceed twenty-five at each whipping and the instrument with which they are to be given must be specified in the sentence.

The instrument must be either a birch rod a leather strap or the instrument commonly called a cat which shall be made of leather or cord without any metallic substance interwoven therewith: Provided that the cat shall not be used in the case of an offender under the age of sixteen years.

Cf. *Criminal Code*, s. 666.

The punishment of whipping is not in any case to be inflicted after the expiration of six months from the passing of the sentence.

The punishment of whipping must be inflicted before the offender is put to any employment or labour at any place outside the walls of any prison in which he is confined.

Conviction of offence other than that charged.
Section 7 substituted by No. 4 of 1934, s. 2.

7.—(1.) Upon an indictment charging a person with the crime of rape upon a European woman or girl he may be convicted of any of the following offences established by the evidence that is to say—

- (a) attempting to commit the crime of rape upon the European woman or girl; or
- (b) unlawfully and indecently assaulting the European woman or girl; or
- (c) having or attempting to have unlawful carnal knowledge of a European girl under the age of fourteen years; or
- (d) unlawfully and indecently dealing with a European girl under the age of fourteen years.

(2.) Upon an indictment charging a person with the crime of attempting to commit the crime of rape upon a European woman or girl he may be convicted of any of the following offences established by the evidence that is to say—

- (a) unlawfully and indecently assaulting the European woman or girl; or
- (b) attempting to have unlawful carnal knowledge of a European girl under the age of fourteen years; or
- (c) unlawfully and indecently dealing with a European girl under the age of fourteen years.

8. This Ordinance shall not exempt any person from any proceedings for an offence which is punishable under the provisions of the *Criminal Code*⁽²⁾ or under any Ordinance other than this Ordinance so that a person be not twice punished for the same offence:

Saving of liability to other criminal proceedings.

Provided that where an offence is punishable under the *Criminal Code*⁽²⁾ and also under this Ordinance the accused person shall be charged with the offence punishable under this Ordinance and not with that punishable under the *Criminal Code*.⁽²⁾

Proviso.
Added by
No. 4 of 1934,
s. 3.

(2) See *The Criminal Code* (Queensland, adopted), printed on p. 1031.