

Queensland



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 83 of 1981

An Act to make provision relating to the printing of certain documents and newspapers, to repeal the Printers and Newspapers Act 1953–1972 and for purposes connected therewith

[ASSENTED TO 13TH NOVEMBER, 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title and citation. This Act may be cited as the *Printing and Newspapers Act 1981*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. Arrangement. This Act is divided into Parts as follows:—

PART I—PRELIMINARY (ss. 1–5);

PART II—IMPRINTING (ss. 6–8);

PART III—MISCELLANEOUS (ss. 9–16).

4. Repeal and Savings. The *Printers and Newspapers Act 1953–1972*, (herein referred to as “the repealed Act”) is hereby repealed.

5. Interpretation. In this Act, unless a contrary intention appears—

“document” includes a book, pamphlet, leaflet, circular, advertisement, poster or magazine or other periodical publication, but does not include a newspaper;

“Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any person who is temporarily performing the duties of the Minister;

“newspaper” includes a paper or pamphlet containing any public news, intelligence, occurrences or any remarks or observations thereon or upon any political matter, printed for sale or distribution, and published periodically or in parts or numbers at intervals not exceeding thirty-one days between the publication of any two such papers or pamphlets or parts or numbers: The term does not include any document published in the course of his duty by the Government Printer, or any paper containing only matter wholly of a commercial nature;

“print” includes representing or reproducing in any document or newspaper any words, symbols or pictures in any visible form;

“sell” includes auction, barter, exchange or supply or cause, permit, or attempt, any of those things, and also offer or attempt to sell, and supply or receive for sale, or have in possession for sale, or expose for sale, or send, forward, or deliver for sale or have on sale, or cause, suffer or allow to be sold or offered for sale, or dispose or offer for disposal under any hire purchase agreement.

PART II—IMPRINTING

6. Provision in respect of certain printed documents. (1) Subject to subsection (4), a person who prints any document which he knows, or has reason to believe, is intended to be sold or distributed (whether to the public generally or to a restricted class or number of persons) or to be publicly displayed shall—

- (a) at the time of, or within twenty-four hours after, printing the document print on at least one copy of the document in legible characters the name and address of the person for whom or on whose instructions the document was printed;
- (b) subject to paragraph (c) retain for a period of six months from the date on which the document was printed, a copy of the document on which that name and address are so printed;
- (c) upon the request of a member of the police force made at any time during that period, produce or surrender without payment the copy of the document so retained; and
- (d) at the time of printing, print in legible characters:—
 - (i) his name, or if he carries on business under a name registered under the *Business Names Act* 1962–1979, that name;
 - (ii) the address of his place of business; and
 - (iii) the year in which the document is printed,
 on the front or first or last page of the document.

Penalty: \$600.

(2) Subject to subsections (3) and (4), no person shall sell, offer for sale, deliver, distribute, affix to any object or structure in a public place, leave in a public place or otherwise expose to public view, a document on which there have not been printed in legible characters on the front or first or last page the name of the printer or the name under which he carries on business, the address of his place of business and the year in which the document was printed.

Penalty: \$600.

(3) It shall be a defence if a person charged with an offence under subsection (2) proves that the document concerned was not printed in this State.

(4) This section does not apply to—

- (a) a document printed for the Crown in right of a State (including the State of Queensland) or in right of the Commonwealth or a document printed for any authority, corporation or instrumentality established by an Act of Parliament of a State (including the State of Queensland) or of the Commonwealth;
- (b) a document printed by order or under the authority of a House of Parliament of a State (including the Legislative Assembly) or of the Commonwealth;
- (c) a document printed by or under the authority of the Government Printer of any State (including the State of Queensland) or the Government Printer of the Commonwealth;

- (d) a representation of a work of art;
- (e) a document containing only the name, address, telephone number or profession of any person and the articles in which he deals, or some one or more of those particulars;
- (f) a document containing only information relating to proposed sale of property;
- (g) bank notes, bills of exchange, dividend warrants, promissory notes or other securities for the payment of money;
- (h) stocks, shares, bonds, debentures or other like securities and transfers and assignments thereof;
- (i) receipts for money or goods;
- (j) documents used in proceedings in courts such as writs, summonses, complaints, plaints and warrants; or
- (k) a circular or letter from any company or from any association registered under any Act to the directors, shareholders or members thereof, which bears the true name and address or place of business of the secretary or other officer thereof, or any circular notice or letter issued by any person and bearing his true name and address.

7. Provisions in respect of printing and publishing newspapers. (1)

A person who prints a newspaper shall, at the time of the printing, print on the front or first or last page of the newspaper—

- (a) his name or if he carries on business under a name registered under the *Business Names Act* 1962–1979, that name, and the address of his place of business; and
- (b) the name and address of the publisher of the newspaper.

Penalty: \$600.

(2) Subject to subsection (3), no person shall sell, offer for sale, deliver, distribute, affix to any object or structure in a public place, leave in a public place or otherwise expose to public view a newspaper on which the name of the printer or the name under which he carries on business, and the address of his place of business, and the name and address of the publisher, have not been printed on the front or first or last page of the newspaper.

Penalty: \$600.

(3) It shall be a defence if a person charged with an offence under subsection (2) proves that the newspaper concerned was not printed in this State.

8. Evidentiary provision. A document or newspaper on which is printed a name purporting to be the name of—

- (a) the printer of the document or newspaper;
- (b) the person for whom or on whose instructions the document was printed; or

- (c) the publisher of the newspaper,
shall be received by all courts and tribunals in any proceedings (whether criminal or civil) as prima facie evidence that the person whose name is so printed is—
 - (d) the printer of the document or newspaper;
 - (e) the person for whom or on whose instructions the document was printed; or
 - (f) the publisher of the newspaper,
- as the case may be.

PART III—MISCELLANEOUS

9. Offences. (1) A person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2) A person who aids, abets, counsels or procures or is in any way knowingly concerned in the commission of an offence against this Act shall be deemed to have committed that offence and shall be punishable accordingly.

10. Liability for offence by body corporate. (1) Where a body corporate commits an offence against this Act, each of the following persons shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly:—

- (a) the person who at the time of the offence is committed was the chairman of directors, managing director, manager or other governing officer by whatever name called or other member of the governing body thereof by whatever name called; and
- (b) every person who at the time the offence is committed manages or acts or takes part in the management, administration or government of the business in Queensland thereof.

(2) This section applies so as not to limit or affect in any way the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

(3) It is a defence to a charge of an offence against this Act brought against a person specified in subsection (1) (a) or (1) (b) to prove that the offence was committed without that person's consent or connivance and that he exercised due diligence to prevent the commission of the offence.

11. General penalty. A person guilty of an offence against a provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding \$400.

12. Summary proceedings. All offences against this Act may be prosecuted in a summary way under the *Justices Act* 1886–1980 on complaint of—

- (a) a police officer; or
- (b) a person authorized in writing by the Minister.

13. Time for commencement of prosecution. (1) A prosecution for an offence against this Act may be instituted at any time within twelve months after the commission of the offence or within twelve months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

(2) In a proceeding for the purposes of this Act it shall not be necessary to prove the authority of any person to prosecute an offence against this Act unless evidence is given to the contrary.

14. Discovery in cases of defamation in newspapers. Where any person in an action in respect of defamatory matter alleged to be contained in a newspaper seeks the discovery of the name of a person concerned in the property of or in that newspaper as proprietor, printer, publisher or otherwise of any matter relating to the printing or publishing thereof, in order to enable him the more effectually to carry on that action, the defendant shall be compellable to make the discovery required.

15. Power to exempt. The Governor in Council may by Order in Council—

(a) exempt from any of the provisions of this Act any document or document belonging to any class of document specified in the Order in Council;

(b) revoke or vary any exemption under this section.

16. Tabling of Orders in Council. (1) Section 28A of the *Acts Interpretation Act 1954–1977* (Tabling of Regulations) shall apply with respect to Orders in Council made for the purposes of this Act as if they were regulations.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within 14 sitting days after an Order in Council has been laid before it disallowing that Order in Council or part thereof, that Order in Council, or that part thereof shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Order in Council.