



# **Printing and Newspapers Act 1981**

**Current as at 28 May 2012**

# Information about this reprint

This Act is reprinted as at 28 May 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



## Queensland

# Printing and Newspapers Act 1981

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# Printing and Newspapers Act 1981

[as amended by all amendments that commenced on or before 28 May 2012]

**An Act to make provision relating to the printing of certain documents and newspapers and for purposes connected therewith**

## Part 1 Preliminary

### 1 Short title

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.

### 5 Definitions

In this Act—

***Business Names Register*** means the register established and maintained under the *Business Names Registration Act 2011* (Cwlth), section 22.

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

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***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 31 days between the publication of any 2 such papers or pamphlets or parts or numbers, but does not include any document published in the cause of his or her 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 2 Imprinting

### 6 Provision in respect of certain printed documents

- (1) Subject to subsection (4), a person who prints any document which the person 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 24 hours after, printing the document print on at least 1 copy of the document in legible characters the name and address of the person for whom or on whose instructions the document was printed; and
  - (b) subject to paragraph (c) retain for a period of 6 months from the date on which the document was printed, a

copy of the document on which that name and address are so printed; and

- (c) upon the request of a police officer 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 or her name, or if the person carries on business under a name registered on the Business Names Register or held under business names legislation, that name; and
  - (ii) the address of the person's place of business; and
  - (iii) the year in which the document is printed;on the front or first or last page of the document.

Maximum penalty—10 penalty units.

- (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 the person carries on business, the address of the person's place of business and the year in which the document was printed.

Maximum penalty—10 penalty units.

- (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; or

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- (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; or
  - (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; or
  - (d) a representation of a work of art; or
  - (e) a document containing only the name, address, telephone number or profession of any person and the articles in which the person deals, or some 1 or more of those particulars; or
  - (f) a document containing only information relating to proposed sale of property; or
  - (g) bank notes, bills of exchange, dividend warrants, promissory notes or other securities for the payment of money; or
  - (h) stocks, shares, bonds, debentures or other like securities and transfers and assignments thereof; or
  - (i) receipts for money or goods; or
  - (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 the person's true name and address.
- (5) For subsection (1)(d)(i), a name is held under business names legislation only if it is held under—
- (a) the *Business Names Registration Act 2011* (Cwlth), section 54; or



- (b) the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* (Cwlth), schedule 1, item 5.

## **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 or her name or, if the person carries on business under a name registered on the Business Names Register or held under business names legislation, that name, and the address of the person's place of business; and
  - (b) the name and address of the publisher of the newspaper.Maximum penalty—10 penalty units.
- (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 the printer carries on business, and the address of the printer's 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.  
Maximum penalty—10 penalty units.
- (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.
- (4) For subsection (1)(a), a name is held under business names legislation only if it is held under—
  - (a) the *Business Names Registration Act 2011* (Cwlth), section 54; or
  - (b) the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* (Cwlth), schedule 1, item 5.

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## **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; or
- (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; or
- (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 3 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 chairperson 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 (b) to prove that the offence was committed without that person's consent or connivance and that the person 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 7 penalty units.

## **12 Summary proceedings**

All offences against this Act may be prosecuted in a summary way under the *Justices Act 1886* on complaint of—

- (a) a police officer; or
- (b) a person authorised 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 12 months after the commission

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of the offence or within 12 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 the person the more effectually to carry on that action, the defendant shall be compellable to make the discovery required.

#### **15 Power to exempt**

A regulation may exempt a document from the application of this Act.

#### **16 Regulation making power**

- (1) The Governor in Council may make regulations under this Act.

# Endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 May 2012. Future amendments of the Printing and Newspapers Act 1981 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1989 Act No. 103	25 October 1989	9 December 1994
1A	1995 Act No. 58	28 November 1995	26 July 1996
Reprint No.	Amendments included	Effective	Notes
1B	2011 Act No. 34	28 May 2012	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1

## 6 List of legislation

### **Printing and Newspapers Act 1981 No. 83**

date of assent 13 November 1981

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 1982 (proc pubd gaz 19 December 1981 p 1622)

amending legislation—

### **Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch**

date of assent 25 October 1989

commenced on date of assent

### **Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

### **Business Names (Commonwealth Powers) Act 2011 No. 34 ss 1, 2(b), 31 sch 1**

date of assent 28 October 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 28 May 2012 (2012 SL No. 58)

## 7 List of annotations

**Title** amd R1 (see RA s 40)

### **Short title**

**s 1 prov hdg** amd 1995 No. 58 s 4 sch 1

### **Arrangement**

**s 3** om R1 (see RA s 36)

### **Repeal**

**prov hdg** amd 1989 No. 103 s 3 sch

**s 4** om R1 (see RA s 40)

### **Definitions**

**prov hdg** sub 1995 No. 58 s 4 sch 1

**s 5** def “**Business Names Register**” ins 2011 No. 34 s 31 sch 1

def “**Minister**” om R1 (see RA s 39)

Endnotes

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**Provision in respect of certain printed documents**

**s 6** amd 1995 No. 58 s 4 sch 1; 2011 No. 34 s 31 sch 1

**Provisions in respect of printing and publishing newspapers**

**s 7** amd 1995 No. 58 s 4 sch 1; 2011 No. 34 s 31 sch 1

**General penalty**

**s 11** amd 1995 No. 58 s 4 sch 1

**Power to exempt**

**s 15** sub 1995 No. 58 s 4 sch 1

**Regulation making power**

**s 16** sub 1995 No. 58 s 4 sch 1

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