



Queensland

# **Printing and Newspapers Act 1981**

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# Printing and Newspapers Act 1981

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# Printing and Newspapers Act 1981

**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.

***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 course 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
  - (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.

## **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.

### **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 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**

The Governor in Council may make regulations under this Act.