

NORTHERN TERRITORY OF AUSTRALIA

PRINTERS AND NEWSPAPERS ACT

No. 41 of 1984

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NORTHERN TERRITORY OF AUSTRALIA

No. 41 of 1984

AN ACT

Relating to printers and newspapers

[Assented to 25 September 1984]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Printers and Newspapers Act 1984*.

2. REPEAL

The Acts specified in the Schedule are repealed.

3. DEFINITIONS

In this Act, unless the contrary intention appears -

"duplicating machine" does not include an offset duplicating machine;

"newspaper" means a paper -

- (a) that contains public news, reports of occurrences or remarks or observations on public news, occurrences or political matters; and
- (b) that is printed for sale or gratuitous distribution and published periodically or in parts or numbers at intervals not exceeding 36 days between each publication,

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but does not include a paper that is printed or published by the authority of a department or statutory corporation;

"paper" includes a book, periodical, pamphlet, handbill, sheet of letterpress and paper of any description, but does not include -

- (a) a paper that is printed or published by the Government Printer in the course of his duty;
- (b) a paper containing matter of a commercial nature only;
- (c) a paper containing only an impression from an engraving not intended for publication;
- (d) a paper relating to the sale of property by auction or otherwise;
- (e) a banknote, bill of exchange or promissory note;
- (f) a bond or other security for the payment of money;
- (g) a bill of lading, policy of insurance, letter or power of attorney, deed or agreement;
- (h) a receipt for money or goods;
- (j) a paper used in proceedings in a court, including a writ, summons, complaint, plaint and warrant; or
- (k) a paper declared by the Minister, by notice in the Gazette, not to be a paper for the purposes of this Act;

"printer", in relation to a newspaper, means the person having the management and control of a printing press by which the newspaper is printed;

"printing" includes representing or reproducing in a paper words, symbols or pictures in visible form;

"printing press" means a machine or contrivance with which a newspaper is printed, and includes types, blocks, plates, stencils and lithographic stones, if any, that are used with the machine or contrivance for the purpose of printing, but does not include -

- (a) a machine or contrivance that is the property of the Territory; or

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(b) a duplicating machine;

"proprietor", in relation to a newspaper, means the person having the management or control of the newspaper;

"publisher", in relation to a newspaper, means the proprietor or other person who arranges for the distribution of the newspaper from the place where it is printed.

PART II - PRINTING OF PAPERS AND NEWSPAPERS

4. PRINTER'S NAME TO BE PRINTED ON EACH PUBLISHED PAPER:

(1) A person who prints for publication or dispersal, whether gratuitously or for money, a paper other than a newspaper, shall cause his name, preceded by the words "Printed by", and followed by the word "at" and the address at which the paper is printed by him, to be printed in legible characters upon the front of that paper or, where that paper has more than one page, upon the first or last page of that paper.

(2) Where a paper other than a newspaper is printed by a body corporate, the name of the body corporate, or some abbreviation of it, and the name of the person in charge of its printing business, and the address at which the business is carried on, shall be substituted for the particulars required to be printed under sub-section (1) and, apart from the substitutions specified in this sub-section, that sub-section shall apply accordingly.

Penalty for an offence against this section: \$200.

5. PRINTER TO KEEP RECORD OF EMPLOYER'S NAME AND ADDRESS

A person who prints for or in the expectation of hire, gain or profit a paper other than a newspaper, shall keep not less than one copy of the paper for a period of not less than 6 months after it has been printed and shall, as soon as practicable after it has been printed, print or write on the copy the name and address of the person on whose behalf that paper was printed.

Penalty: \$200.

6. NAMES OF PRINTER AND PUBLISHER TO BE PRINTED ON NEWSPAPERS

The printer of a newspaper shall, at the time of the printing -

(a) cause his name or, where he carries on business under a name registered under the *Business Names Act*, that name, preceded by the words "Printed by", and followed by the word "at" and the address at which the paper is printed by him; and

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- (b) the name of the publisher of the newspaper, preceded by the words "Published by", and followed by the word "of" and the address of the publisher,

to be printed in legible characters upon the front of that newspaper or, where that newspaper has more than one page, upon the first or last page of that newspaper.

Penalty: \$200.

PART III - MISCELLANEOUS

7. NAME PRINTED PRIMA FACIE EVIDENCE

A paper on which is printed a name purporting to be the name of -

- (a) the printer of the paper;
- (b) where the paper is a paper other than a newspaper - the person for whom or on whose instructions the paper was printed; or
- (c) where the paper is a newspaper - 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 paper;
- (e) the person for whom or on whose instructions the paper was printed; or
- (f) the publisher of the newspaper,

as the case may be.

8. DISCOVERY IN CASES OF LIBEL IN NEWSPAPERS

Where a person commences an action in a court for the discovery of the name of a person concerned in a newspaper as printer, publisher or otherwise, or a matter relating to the printing or publishing of the newspaper, in order to enable him the more effectively to bring or carry on an action for damages by him alleged to have been sustained by reason of a libellous matter concerning him contained in the newspaper, the defendant shall not be permitted to plead or demur to the claim, but shall be compellable to make the discovery required, but such discovery shall not be used for a purpose in a proceeding other than that in which the discovery is made.

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9. DELIVERING UNAUTHORIZED PAPERS, &c.

A person shall not sell, offer for sale, gratuitously deliver, offer so to deliver, leave in a public place, or otherwise expose to public view a paper other than a newspaper upon which the name and address at which the business is carried on of the printer is not printed as required by section 4, or upon which a fictitious or false name or address at which the business is carried on is printed.

Penalty: \$200.

10. LIABILITY FOR OFFENCE BY BODY CORPORATE

(1) Where a body corporate commits an offence against this Act -

(a) the person who at the time the offence was committed was the manager or other governing officer by whatever name called, or a member of the governing body by whatever name called, of the body corporate; and

(b) a person who at the time the offence was committed manages or acts or takes part in the management, administration or governing of the business in the Territory of the body corporate,

shall each be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.

(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 shall be a defence to a prosecution for an offence against this Act brought against a person specified in sub-section (1) if the person charged with the offence proves that that offence was committed without his consent or connivance and that he exercised due diligence to prevent the commission of that offence.

11. EXEMPTIONS

(1) The Minister may, by notice in the *Gazette*, upon such terms and conditions as he thinks fit, exempt, for such period, if any, as is specified in the notice, a paper or class of paper from a requirement of this Act specified in the notice, and a paper or class of paper the subject of the exemption shall, accordingly, be exempt from that requirement.

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(2) A paper or class of paper the subject of an exemption under sub-section (1) shall comply with the terms and conditions, if any, specified in the notice, upon which the exemption was granted.

Penalty: \$200.

12. PROCEEDINGS TO BE INSTITUTED BY AUTHORIZED PERSON ONLY

(1) The Minister may, by instrument in writing, authorize a person to institute proceedings for an offence against this Act.

(2) Proceedings for an offence against this Act shall not be instituted by a person other than a person who has been authorized under sub-section (1) for that purpose.

(3) In proceedings for an offence against this Act, an instrument purporting to be signed by the Minister authorizing under sub-section (1) the person named in the instrument to institute proceedings for an offence against this Act shall be prima facie evidence that the person so named is so authorized.

SCHEDULE

Section 2

ACTS REPEALED

Number and year	Short title
No. 30, 1928	<i>Printers and Newspapers Ordinance</i> 1928
No. 7, 1929	<i>Printers and Newspapers Ordinance</i> 1929
No. 16, 1934	<i>Printers and Newspapers Ordinance</i> 1934
