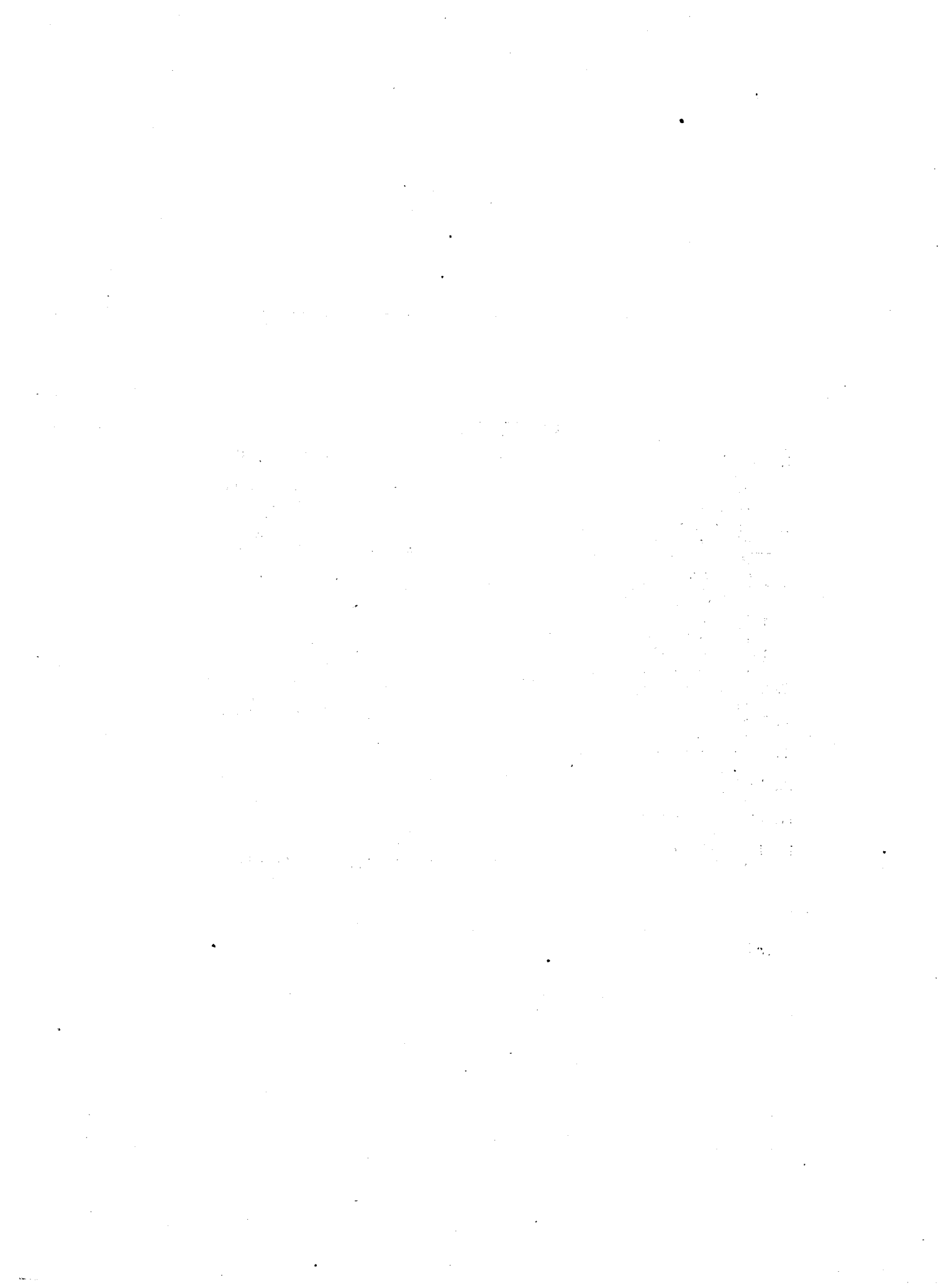


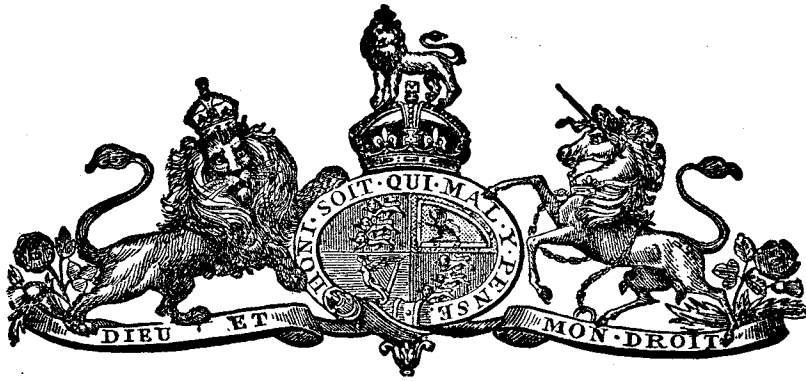
# THE PRINTERS AND NEWSPAPERS ACT, 1911.

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TASMANIA.

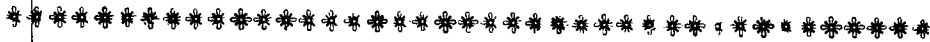


1911.

ANNO SECUNDO

GEORGI V. REGIS,

No. 14.



AN ACT to consolidate and amend the Law relating to Printers and Newspapers. A.D. 1911.

[2 December, 1911.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1—(1) This Act may be cited as “The Printers and Newspapers Act, 1911.” Short title.

(2) The Acts mentioned in the First Schedule to this Act are hereby repealed. Enactments consolidated.

Provided that—

i. All registers, registrations, affidavits, declarations, notices, certificates, records, instruments, and generally all acts of authority which originated under any of the said Acts, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated : Savings.  
No. 148 of 1908,  
s. 1 (N.Z.).

ii. All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

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Interpretation.  
Cf. 9 Geo. IV.  
No. 7, s. 2.  
No. 148 of 1908,  
s. 2 (N.Z.).

**2** In this Act, if not inconsistent with the context—

“Newspaper” includes every paper or pamphlet (other than those hereinafter excepted) containing any public news, intelligence, or occurrence, or any remarks or observations thereon or on any political matter, and published for sale 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, at a price of Sixpence or any less amount: but does not include any document published in the course of his duty by the Government Printer or any document containing only matter wholly of a commercial nature:

“Registrar” means the Registrar for the time being of the Supreme Court and includes any Acting-Registrar.

*Registration of Printing-presses.*

Notice of press  
or types to be filed  
with Registrar.  
1908. No. 148,  
s. 3 (N.Z.).  
54 Vict. No. 1130,  
s. 3 (Vic.).  
64 Vict. No. 1,  
s. 2 (Tas.).

Where press  
owned by incor-  
porated company.

Printer's name to  
be printed on  
every published  
work.  
*Ibid.*, s. 4 (N.Z.).  
*Ibid.*, s. 4 (Vic.).  
*Ibid.*, s. 4 (Tas.).

Cf. 59 Vict. No.  
1406, s. 4 (Vic.).

Printer to keep  
record of  
employer's name  
and address.  
*Ibid.*, s. 5 (N.Z.).  
54 Vict. No. 1130,  
s. 5 (Vic.).  
*Ibid.*, s. 5 (Tas.).

**3**—(1) Every person who has any printing-press or types for printing shall give to the Registrar notice thereof in writing signed by him, and attested by a witness, and the Registrar shall file all such notices and shall give to the person giving the notice a certificate under this Act.

(2) If the printing-press or types are owned by an incorporated company, the notice may be signed and given by the manager, managing director, or chairman of directors thereof on behalf of such company.

(3) Such notice and certificate shall be in the form in Schedule (2) or to the like effect.

**4**—(1) Every person who prints any paper or book for publication or dispersion, whether gratuitously or for money, shall print in legible characters on the front of every such paper if it is printed on One side only, and on the first and the last leaf of every paper or book if there is more than one such leaf, his name and the name of the place and (if it is a city or town) of the street or other part thereof in which his usual place of abode is situate.

(2) If the paper or book is printed by an incorporated company, then in the place where the name and place of abode is required to appear the company shall cause to be printed its name or some known abbreviation thereof, and its registered office or any place where its business is conducted.

**5** Every person who prints any paper for or in the expectation of hire, gain, or profit shall keep One copy at least of every such paper, and shall write or print thereon the name and the place of abode of the person by whom he has been employed to print the same.

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**6** If any person sells or offers for sale, or gratuitously delivers or offers so to deliver or leave in any public place or otherwise expose to public view, any printed paper on which the name and place of abode of the printer is not printed in the manner hereinbefore directed, or on which a fictitious or false name or place of abode is printed, any person in whose presence any such act is done may seize and detain such first-mentioned person and take or deliver him to some constable to be taken before a justice that such justice may hear and determine whether the person so taken has been guilty of an offence against this Act.

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Persons distributing unauthenticated papers may be arrested.  
*Ibid.*, s. 6 (N.Z.).  
*Ibid.*, s. 6 (Vic.).  
*Ibid.*, s. 6 (Tas.).

**7**—(1) If any justice, from information on oath, has reason to suspect that any printing-press or types for printing is or are used or kept for use without notice given and certificate obtained as hereinbefore required, or in any house or place not included in such notice and certificate, such justice may by his warrant direct any constable with his assistants (if any) to enter in the daytime into any such house or place and search for any printing-press or types for printing.

Search-warrant may be granted for unregistered presses.  
*Ibid.*, s. 7 (N.Z.).  
*Ibid.*, s. 7 (Vic.).  
*Ibid.*, s. 8 (Tas.).

(2) Every such constable with such assistance as aforesaid may enter into such house or place in the daytime accordingly, and may seize, take, and carry away every printing-press found therein, and all the types and other articles thereto belonging, and all printed papers found in such house or place.

**8** Nothing in this Act shall extend to—

- i. The impression of any engraving :
- ii. The printing by letterpress of the name or the name and address or business or profession of any person and of the articles in which he deals :
- iii. Any papers for the sale of land or chattels by auction or otherwise :
- iv. Any bank-note, bill of exchange, or promissory note :
- v. Any bond or other security for the payment of money :
- vi. Any bill of lading, policy of insurance, letter of attorney, deed, or agreement :
- vii. Any receipt for money or goods :
- viii. Any legal instrument or proceeding in the Supreme Court, or in any inferior court :
- ix. Any papers printed by the authority of any department of the Government : or
- x. Any circular or letter from any company, corporation, society, or association 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.

Exemptions from the foregoing provisions.  
*Ibid.*, s. 8 (N.Z.).  
*Ibid.*, s. 8 (Vic.).  
*Ibid.*, s. 9 (Tas.).

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*Registration of Newspapers.*

All newspapers to be subject to this Act.

Cf. 9 Geo. IV. No. 7, s.s. 1 and 7 (Tas.).

N.Z., s. 9.

Declarations of publication to be registered.

*Ibid.*, s. 5 (Tas.).

N.Z., s. 10.

**9** No person shall print or publish any newspaper unless and until the statutory declarations have been registered and the recognisances entered into as hereinafter directed.

**10**—(1) Where any person desires to publish a newspaper, or where in any registered newspaper any change is at any time made in any of the particulars hereby required to be stated respecting the same, or on a written requisition from the Chief Secretary, the publisher of such newspaper shall deposit with the Registrar a statutory declaration duly declared to and signed by the proprietors of such newspaper and by the persons intended to be the printer and publisher thereof respectively.

(2) Such declaration shall be in the form, or as near thereto as may be, and shall contain the statements specified in Schedule (3).

Declaration conclusive evidence of its statements.

*Ibid.*, s. 10 (Tas.).

N.Z., s. 11.

**11** In all proceedings, civil or criminal, touching any such newspaper or anything therein contained, such declaration shall be conclusive evidence as against every person signing the same of the truth of all such matters as in accordance with this Act are therein set forth.

Disclaiming declaration to be registered.

*Ibid.*, s. 11 (Tas.).

N.Z., s. 12.

**12** Where any person has made any such declaration, if he deposits with the Registrar a statutory declaration stating that he is no longer connected with the newspaper in the capacity set forth in such first-mentioned declaration, he shall not, from the date on which he deposits the same, be taken by reason of such first-mentioned declaration only to be connected with such newspaper.

Register of declaration open to the public.

N.Z., s. 13.

**13** The Registrar shall cause to be registered all declarations and recognisances deposited with him under this Act, and such register shall at all reasonable times be open without charge to public inspection.

Names of printer and publisher of paper to be printed therein.

*Ibid.*, s. 12 (Tas.).

N.Z., s. 14.

**14** At the end of every newspaper and of any and every supplement sheet thereof there shall be printed the Christian name and surname, addition, and place of abode of its printer and its publisher, and a true description of the place where the newspaper is printed and published respectively; and the omission of the same or of any part thereof shall be *prima facie* evidence of wilful default against any such printer or publisher.

Proof of purchase of paper at defendant's office dispensed with.

*Ibid.*, s. 13 (Tas.).

N.Z., s. 15.

**15** In any proceedings, civil or criminal, touching any newspaper or anything therein contained against any person who has made any such declaration as aforesaid, if any such declaration or a certified copy thereof is produced in evidence, and if a newspaper is so produced intitled in the same manner as the newspaper mentioned in such declaration or copy, and in which the names of the printers and publishers and the place of printing are the same as the names of the printers and publishers and the place of printing mentioned in such

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declaration or copy, it shall not be necessary to prove that the newspaper to which such proceedings relate was purchased at any house, shop, or office belonging to or occupied by the defendant or his servants, or where he or they severally carry on the business of printing and publishing, or where the same is sold. A.D. 1911.

**16** Where in proceedings in the Supreme Court the plaintiff claims discovery of the name of any person concerned in the property of or in any newspaper as printer or publisher, or otherwise of any matter relating to the printing or publishing thereof, in order to enable him the more effectually to bring or carry on any action for damages by him alleged to have been sustained by reason of any libellous matter concerning him therein contained, the defendant shall not be permitted to dispute such claim, but shall be compellable to make the discovery thereby required. *Discovery in cases of libel in newspaper. Ibid, s. 20 (Tas.). N.Z., s. 16.*

Provided that no discovery shall be used for any purpose in any other proceeding than that in and for the purposes of which the discovery is made.

**17**—(1) Where an incorporated company desires to publish any newspaper the provisions of Section Ten hereof shall be complied with on behalf of such company as proprietor by the manager, managing director, or chairman of directors thereof, and the declaration in such case may be in the form in Schedule (3) or any suitable modification thereof. *Where newspaper is published by incorporated company. N.Z., s. 17.*

(2) In such case the declaration prescribed by that section shall be conclusive evidence against such company in the same manner in which by Section Eleven hereof it is made conclusive evidence against a proprietor signing such declaration, and a declaration on behalf of such company under Section Twelve hereof may be made in like manner, and Section Fifteen hereof shall apply to any company on whose behalf any such declaration has been made.

**18** Prior to the publication of any newspaper the printer or a member of a firm of printers and the publisher thereof respectively, together with Two, Three, or Four sufficient sureties, shall before and to the satisfaction of a judge of the Supreme Court, or (if residing elsewhere than in Hobart) before a commissioner of the said court, enter into a recognisance himself in the sum of Four hundred Pounds and such sureties in a like sum in the whole conditioned for the payment by such printer or member of a firm of printers, or publisher, not only of the amount of every such fine or penalty, as may at any time thereafter be imposed upon him by reason of any conviction for the printing or publishing of any blasphemous or seditious libel, but also of the amount of all such damages and costs as may at any time thereafter be recovered against him in any action for the printing or publishing of any other libel in such newspaper, and the person taking such recognisance shall forthwith transmit it to the Registrar. *Printer and publisher of a newspaper to give certain security. 8 Wm. IV. No. 11, s. 2 (Tas.).*

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Provision for  
sureties with-  
drawing.  
Cf. *ibid.*, s. 3  
(Tas.).

**19** When any surety desires to withdraw from his recognisance, if he gives notice in writing of his desire to the Registrar and to the person for whom he is surety, he shall not, after Twenty days from the day on which the last of such notices has been served, be liable on any such recognisance except for payment of any fine or penalty incurred, or damages or costs recovered in respect of any libel printed or published before the expiration of such Twenty days.

Renewal of  
recognisances.  
Cf. *ibid.*, s.s. 4 and  
5 (Tas.).

**20** Whenever the Chief Secretary, by a written notice, requires any person who has entered into a recognisance with sureties to renew his recognisance, or whenever any surety withdraws from his recognisance, the person so required to renew his recognisance, or for whom such surety has been bound, shall not print or publish any newspaper unless and until he enters into a new recognisance with sufficient sureties in the same manner and to the same amount as in the case of his original recognisance.

Damages, &c., in  
actions for libel  
may be recovered  
under recogni-  
sance.  
*Ibid.*, s. 7 (Tas.).

**21** If at any time after the recording of any such recognisance as aforesaid, it shall on behalf of any plaintiff in any action for libel against any printer or publisher of any such newspaper as aforesaid be made to appear to any judge of the Supreme Court that such plaintiff is entitled to execution upon any judgment obtained against such printer or publisher in such action, and that he is not able to procure satisfaction of such judgment against the property of the defendant under such execution, it shall be lawful for such judge to authorise such proceedings to be taken upon such recognisance, either by action or otherwise, for the benefit and in the name of such plaintiff as might be taken thereupon to obtain any fine secured by such recognisance payable to His Majesty: Provided that the plaintiff shall be liable to pay and may recover costs therein as in any ordinary case.

Forfeiture of  
recognisance for  
good behaviour.  
*Ibid.*, s. 8 (Tas.).

**22** Where any printer or publisher of any newspaper, pursuant to the order of any court or judge, has prior to the commencement of this Act entered into or hereafter enters into any recognisance to be of good behaviour for any term in that behalf specified, the printing or publishing of any libel by him after the date of such recognisance and during such term, shall be and be deemed to be a breach of such recognisance, and as well such printer or publisher as his sureties (if any) may be proceeded against for the forfeiture thereby incurred accordingly.

*Offences.*

Unregistered  
printing.  
No. 1130 of 1890,  
s. 21 (Vic.).  
*Ibid.*, s. 18 (N.Z.).  
64 Vict. No. 1,  
s. 3 (Tas.).

**23** Every person is liable to a penalty not exceeding Twenty Pounds who —

1. Keeps or uses any printing-press or types for printing without having delivered the notice and received the certificate required by this Act: or



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- ii. After such delivery and receipt uses any printing press or any type for printing in any other place than the place expressed in such notice. A.D. 1911.

**24** Every person who—

- i. Prints any paper or book and omits to print therein his name and place of abode as required by this Act: or  
 ii. Publishes or disperses, or assists in publishing or dispersing, whether gratuitously or for money, any paper or book in which the name and place of abode of the printer thereof is not printed as aforesaid—

Omission of printer's name.  
*Ibid.*, s. 21 (Vic.).  
*Ibid.*, s. 19 (N.Z.).  
*Ibid.*, s. 4 (Tas.).

is liable for every such copy so published or dispersed by him (but not for more than Twenty-five copies in the whole) to a penalty not exceeding Twenty Pounds.

**25** Every person is liable to a penalty not exceeding Twenty Pounds who—

- i. Prints any paper or book for hire, gain, or profit, and neglects to write or print on a copy thereof the name and place of abode of his employer, or to keep such copy for Six months next after the printing thereof: or  
 ii. Refuses or neglects to produce and show the same to any justice who within such Six months requires to see the same.

Printer not recording employer's name.  
*Ibid.*, s. 23 (Vic.).  
*Ibid.*, s. 21 (N.Z.).  
*Ibid.*, s. 5 (Tas.).

**26** Every person is liable to a penalty not exceeding Twenty Pounds who—

- i. Wilfully sells or delivers out or wilfully prints or publishes any newspaper in respect of which the declaration required by this Act has not been registered, either originally or as often as this Act requires: or  
 ii. Wilfully prints or publishes any newspaper or supplement thereto whereon the several particulars required by Section Fourteen hereof are not printed as required by this Act, or whereon there is printed any false name, addition, place, or day, or whereon there is printed any description of the place of printing or publishing such newspaper, differing in any respect from the description of the house or building mentioned in the declaration required by this Act as the house or building wherein such newspaper is intended to be printed or published.

Unregistered newspaper.  
 Cf. 9 Geo. IV. No. 7, s. 8.  
 Cf. 9 Geo. IV. No. 7, s. 12.  
*Ibid.*, s. 21 (N.Z.).  
 Cf. *ibid.*, s. 24 (Vic.).

**27** Every person is liable to a fine of not less than Five Pounds nor more than Twenty Pounds who wilfully prints or publishes any newspaper without having entered, either originally or by way of renewal, into the recognisance required by this Act; and any person so offending shall also pay all reasonable costs and charges not only of prosecuting but of discovering the offence.

Penalty for publication of newspaper without proper recognisances.  
*Ibid.*, s. 25 (Vic.).  
 Cf. 8 Wm. 4 No. 11, s. 2 (Tas.).

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Recovery and  
application of  
fines.

**28** All informations for offences against this Act and all penalties and fines incurred under this Act may be heard, determined, recovered, and enforced in a summary manner by and before a police magistrate or any Two or more justices in the mode provided by "The Magistrates Summary Procedure Act," and One moiety of every fine so recovered in respect of any offence against the provisions of this Act relating to the registration of printing-presses and types shall be for the use of the person who informs or sues for such fine.

**SCHEDULES.**

(1.)

**REPEAL.**

Number of Act.	Short Title of Act.	Extent of Repeal.
9 Geo. IV. No. 7	"An Act to regulate the Printing and Publishing of Newspapers"	The whole Act
8 Wm. IV. No. 11	"An Act to assimilate the Law of this Colony to that of Great Britain with respect to the security to be given by Printers and Publishers of Newspapers"	The whole Act
64 Vict. No. 1	"The Imprint Act, 1900"	The whole Act

(2.)

Section 3.  
*Ibid.*, First Schedule.**NOTICE TO REGISTRAR THAT PERSON GIVING NOTICE KEEPS  
A PRINTING PRESS AND TYPES FOR PRINTING.**

To the Registrar of the Supreme Court, Hobart.

PURSUANT to "The Printers and Newspapers Act, 1911," I, A.B., of [*place of abode and occupation*], do hereby declare that I have a printing-press and types for printing which I purpose to use for printing within \_\_\_\_\_, and which I require to be entered for that purpose according to law.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signed in the presence of—

A.B.

C.D. [*Add occupation and place of abode.*]**CERTIFICATE THAT NOTICE GIVEN OF A PRINTING-PRESS  
AND TYPES FOR PRINTING.****"THE PRINTERS AND NEWSPAPERS ACT, 1911."**

I HEREBY certify that A.B., of [*place of abode and occupation*], has delivered to me a notice in writing appearing to be duly signed by him and attested by a witness that he the said A.B. has a printing-press and types for printing which he purposes to use for printing within \_\_\_\_\_, and which he has required to be entered according to law.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

P. S.

Registrar of the Supreme Court.

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(3.)

A.D. 1911.

Section 10.  
Second Schedule

## DECLARATION FOR REGISTRATION OF NEWSPAPER.

In the matter of the \_\_\_\_\_ newspaper.

PURSUANT to "The Printers and Newspapers Act, 1911," we, A.B., C.D., E.F., and G.H., of [*place of abode and occupation*], do solemnly and sincerely declare that—

1. A.B. and C.D. propose to carry on the business of vending a newspaper named the \_\_\_\_\_, and are the proprietors thereof.
2. The intended printer of the said newspaper is E.F., of \_\_\_\_\_
3. The intended publisher of the same is G.H., of \_\_\_\_\_
4. The intended place of printing the same is \_\_\_\_\_
5. The abovementioned names, additions, and places of abode and descriptions of premises are the true and real names, additions, and places of abode, and descriptions of the several persons to whom and of the premises to which they respectively refer, and we make this solemn declaration by virtue of Section 132 of "The Evidence Act, 1910."

Declared at \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, before me,  
J.K.,  
A Justice of the Peace.

A.B.  
C.D.  
E.F.  
G.H.

## DECLARATION FOR INCORPORATED COMPANY.

Section 17.  
Schedule.

In the matter of the \_\_\_\_\_ newspaper.

PURSUANT to "The Printers and Newspapers Act, 1911," we, A.B., E.F., and G.H., of [*place of abode and occupation*], do solemnly and sincerely declare that—

1. The \_\_\_\_\_ Company (Limited), of which A.B. is manager [*or managing director, or chairman or of directors*], propose to carry on the business of vending a newspaper named the \_\_\_\_\_, and the said company is the proprietor thereof.
2. The intended printer thereof is E.F., of \_\_\_\_\_
3. The intended publisher thereof is G.H., of \_\_\_\_\_
4. The intended place of printing the same is \_\_\_\_\_, and the registered office of the said company is at \_\_\_\_\_
5. The abovementioned names, additions, and places of abode and descriptions of premises, and the name of the said company, are the true and real names, additions, and places of abode and descriptions of the several persons to whom and of the premises to which they respectively refer, and we make this solemn declaration by virtue of Section 132 of "The Evidence Act, 1910."

Declared at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, before me  
J. K.,  
A Justice of the Peace.

A.B.  
E.F.  
G.H.

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