



Australian Capital Territory

Printing and Newspapers Act 1961

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PRINTING AND NEWSPAPERS ACT 1961

Reprinted as at 31 July 1991

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Australian Capital Territory

PRINTING AND NEWSPAPERS ACT 1961

An Act relating to the Registration of Printers and Newspapers, and for other purposes

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Printing and Newspapers Act 1961*.¹

State Acts to cease to apply

3. The Newspapers Act, 1898 and the Printing Act, 1899 of the State of New South Wales cease to have effect in the Territory.

Interpretation

4. (1) In this Act, unless the contrary intention appears—

“Deputy Registrar” means a Deputy Registrar of Printers and Newspapers appointed under this Act exercising powers or functions delegated to him under this Act;

“duplicating machine” does not include an offset duplicating machine;

“newspaper” means a paper—

- (a) that contains public news or reports of occurrences, or remarks or observations upon public news or occurrences or upon political matters; and

- (b) that is printed for sale or gratuitous distribution and published periodically or in parts or numbers at intervals not exceeding thirty-six days between each publication,

but does not include a paper that is printed or published for the Territory;

“paper” includes a book, pamphlet or sheet;

“print” means produce impressions, otherwise than by a typewriter, by the application of inked types, blocks, plates, stencils or lithographic stones, and “printed” and “printing” have corresponding meanings;

“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 press” means a machine or contrivance with which a paper may be printed, and includes any types, blocks, plates, stencils or lithographic stones that may be 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

- (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;

“registered newspaper” means a newspaper registered under Part IV;

“registered printer” means a person whose name has been entered in the Register as a registered printer under Part III;

“the Register” means the Register of Printers and Newspapers kept under this Act;

“the Registrar” means the Registrar of Printers and Newspapers appointed under this Act, and includes a Deputy Registrar.

(2) A reference in this Act to a form by number shall be read as a reference to the form so numbered in the Schedule to this Act.

PART II—ADMINISTRATION

Appointment of Registrar

5. The Minister shall appoint a person to be the Registrar of Printers and Newspapers.

Appointment of Deputy Registrars and other officers

6. The Minister may appoint persons to be Deputy Registrars of Printers and Newspapers and may appoint such other officers as are necessary for the purposes of this Act.

Delegation by Registrar

7. (1) The Registrar may, either generally or in relation to a matter or class of matters, by writing under his hand, delegate all or any of his powers and functions under this Act (except this power of delegation) to a Deputy Registrar of Printers and Newspapers.

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Registrar.

Register to be kept

8. (1) The Registrar shall keep a register, to be known as the Register of Printers and Newspapers, in which he shall enter all matters that by this Act are required to be entered in the Register.

(2) The Register shall be open to inspection by the public at all reasonable times during office hours.

PART III—PRINTING

Printers to be registered

9. A person shall not, after the expiration of one month from the commencement of this Act, have in his possession, custody or control a printing press unless—

- (a) he is a registered printer; and

- (b) the printing press is kept at an address at which he is registered to print.

Penalty: Two hundred dollars.

Application for registration by a printer

- 10.** A person may apply in accordance with Form 1 to the Registrar—
- (a) to have his name entered in the Register as a registered printer; and
 - (b) to have the address or addresses at which he prints or proposes to print entered in the Register as the address or the addresses at which he is registered to print.

Registration

11. The Registrar shall, after receipt of an application under the last preceding section—

- (a) enter in the Register the name of the person as a registered printer and the address or addresses at which that person prints or proposes to print as the address or addresses at which that person is registered to print; and
- (b) issue to the person a certificate of registration in accordance with Form 2 in respect of the address or each of the addresses.

Registration of a new address for printing

12. (1) A registered printer may apply in accordance with Form 3 to the Registrar to have a new address entered in the Register as an address at which he is registered to print.

(2) The Registrar shall, after receipt of an application under the last preceding subsection—

- (a) enter the new address in the Register as an address at which the registered printer is registered to print; and
- (b) issue to the registered printer a certificate of registration in accordance with Form 2 in respect of the new address.

Notification on ceasing to print at a registered address

13. (1) A registered printer who ceases to print at an address at which he is registered to print shall, within seven days after ceasing to print that address—

- (a) notify the Registrar in writing accordingly; and
- (b) return to the Registrar the certificate of registration issued in respect of the address.

Penalty: Forty dollars.

(2) Where the Registrar has reason to believe that a registered printer has ceased to print at an address, or at all of the addresses, at which he is registered to print, the Registrar may, by notice in writing served on the registered printer, call upon the registered printer to show cause, within the time specified in the notice, why the Registrar should not cancel the registration of the registered printer or the registration of the address at which the registered printer has ceased to print, as the case requires.

(3) Where—

- (a) the Registrar has received a notice and certificate of registration under subsection (1) of this section; or
- (b) a registered printer on whom a notice has been served under the last preceding subsection does not, within the time specified in the notice, show cause to the satisfaction of the Registrar,

the Registrar may cancel the registration of the registered printer or the registration of an address at which the registered printer is registered to print, as the case requires.

Certificate of registration to be displayed

14. A registered printer shall display a certificate of registration issued to him under this Part in a prominent position at the address specified in the certificate.

Penalty: Twenty dollars.

Printer's name to appear on papers

15. (1) A registered printer shall cause his name, preceded by the words "Printed by", and followed by the word "at" and the address at which a paper is printed by him, to be printed in legible characters upon the front of the paper or, where the paper has more than one leaf, on the first and last pages of the paper.

(2) A person who produces a paper by a typewriter or duplicating machine shall cause his name, preceded by the words "Printed by", and followed by the word "at" and the address at which the paper is so produced by him, to be

endorsed in legible characters upon the front of the paper or, where the paper has more than one leaf, on the first and last pages of the paper.

Penalty: Two hundred dollars.

Printer to keep copy of paper

16. (1) A registered printer—

- (a) shall cause the name and address of the person for whom a paper, printed by him, was printed to be written or printed in fair and legible characters on a copy of that paper preceded by the words “Printed for”; and
- (b) shall keep that copy of the paper for a period of six months from the date on which it was printed.

(2) A registered printer shall, if the Registrar, during that period of six months, requests the production or surrender of a copy of a paper kept in pursuance of the last preceding subsection, produce or surrender the copy to the Registrar.

Penalty: Forty dollars.

Prohibition of distribution of papers not containing name and address of printer

17. (1) A person shall not sell, deliver, offer for sale or delivery, post, affix to an object or structure in, or leave in, a public place or expose to public view a paper that does not have printed in legible characters in a conspicuous part of the paper the name of the person by whom the paper was printed and the address at which the paper was printed.

Penalty: Forty dollars.

(2) For the purposes of the last preceding subsection, impressions produced by a typewriter or duplicating machine shall be deemed to have been printed.

Exempted papers

18. Sections fifteen, sixteen and seventeen of this Act do not apply to—

- (a) newspapers;
- (b) papers containing only impressions from engravings not intended for publication;

- (c) papers containing only the name, address, business or profession of a person and the designation of any article in which he deals;
- (d) papers relating to the sale of property by auction or otherwise;
- (e) bills of exchange, promissory notes, bonds or other securities for the payment of money, bills of lading, policies of insurance, letters or powers of attorney, deeds, agreements or process of a court;
- (f) papers that do not contain political, seditious, libellous, obscene or blasphemous matters;
- (g) papers printed for the Crown; or
- (h) papers that the Registrar has, by writing under his hand, exempted from the application of those sections.

Proof of registration of printer

19. (1) The Registrar may, by writing under his hand, certify that, on a date or during a period specified in the certificate, a person whose name is specified in the certificate was a registered printer and that an address or addresses specified in the certificate was an address, or were the addresses, at which that person was registered to print.

(2) The Registrar may, by writing under his hand, certify that, on a date or during a period specified in the certificate, a person whose name is specified in the certificate was not a registered printer.

(3) A certificate under subsection (1) of this section is, in all courts, evidence that, on the date or during the period specified in the certificate, the person whose name is specified in the certificate was a registered printer and that he was registered to print at the address or addresses specified in the certificate.

(4) A certificate under subsection (2) of this section is, in all courts, evidence that on the date or during the period specified in the certificate the person whose name is specified in the certificate was not a registered printer.

(5) In any proceedings, whether civil or criminal, arising out of the printing of a paper, the production of a copy of a paper bearing the name of a registered printer is evidence of the printing of the paper by that registered printer.

PART IV—NEWSPAPERS

Newspapers to be registered

20. (1) A person shall not, after the expiration of one month from the commencement of this Act, print or publish, or cause to be printed or published, a newspaper unless the newspaper is registered under this Part.

(2) The proprietor or the printer of a registered newspaper shall not print the newspaper or cause it to be printed except at the address entered in the Register as the address for the printing of the newspaper.

(3) The publisher of a registered newspaper shall not publish the newspaper unless it has been printed at the address entered in the Register as the address for the printing of the newspaper.

Penalty: Two hundred dollars.

Application for registration of a newspaper

21. (1) An application for the registration of a newspaper shall be in accordance with Form 4.

(2) The application shall be signed by the proprietor, the printer and the publisher of the newspaper.

Registration

22. (1) The Registrar shall, after the receipt of an application under the last preceding section, register the newspaper by entering in the Register—

- (a) the name of the newspaper;
- (b) the address at which the newspaper is or is to be printed as the address for the printing of the newspaper; and
- (c) the names of the proprietor, the printer and publisher of the newspaper.

(2) The Registrar shall issue to the proprietor of the newspaper a certificate of registration in accordance with Form 5.

Change in registered particulars

23. (1) The proprietor of a registered newspaper may apply, in accordance with Form 6, to the Registrar—

- (a) to have another name entered in the Register in the place of the name of the registered newspaper;
 - (b) to have another address for the printing of a registered newspaper entered in the Register in the place of the address for the printing of the registered newspaper; or
 - (c) to have the name of another person entered in the Register as the printer or publisher of the registered newspaper in the place of the publisher or printer of the registered newspaper.
- (2) An application under the last preceding subsection shall be signed—
- (a) by the proprietor, the printer and the publisher of the registered newspaper; or
 - (b) by the proprietor, the printer and the new publisher, by the proprietor, the new printer and the publisher or by the proprietor, the new printer and the new publisher, as the case requires.
- (3) The proprietor shall forward with the application the certificate of registration of the newspaper.
- (4) The Registrar, after receipt of an application and the certificate of registration under this section, shall—
- (a) alter the Register accordingly; and
 - (b) issue to the proprietor a new certificate of registration in accordance with Form 5.

Proprietor to notify Registrar upon cessation of publication

24. (1) The proprietor of a registered newspaper that has ceased to be printed and published shall, within seven days after the cessation of publication—

- (a) notify the Registrar in writing accordingly; and
- (b) return to the Registrar the certificate of registration of the newspaper.

Penalty: Two hundred dollars.

Cancellation of registration of newspaper

24A. (1) Where the Registrar has reason to believe that a registered newspaper has ceased to be published, he may, by notice in writing served on the proprietor of the registered newspaper, call upon the proprietor to show

cause, within the time specified in the notice, why the registration of the newspaper should not be cancelled.

(2) Where—

- (a) a newspaper has been registered under this Part for a period of not less than two years; and
- (b) the Registrar has reason to believe that the newspaper has never been published,

the Registrar may, by notice in writing served on the proprietor of the registered newspaper, call upon the proprietor to show cause, within the time specified in the notice, why the registration of the newspaper should not be cancelled.

(3) Where—

- (a) the Registrar has received a notice and certificate of registration of a newspaper under the last preceding section; or
- (b) a proprietor of a registered newspaper on whom a notice has been served under this section does not, within the time specified in the notice, show cause to the satisfaction of the Registrar,

the Registrar may cancel the registration of the newspaper.

Certificate of registration to be displayed

25. The Proprietor of a newspaper shall display the certificate of registration of the newspaper at the address specified in the certificate as the address for the printing of the newspaper.

Penalty: Forty dollars.

Prohibition of printing or publishing newspaper not containing certain particulars

26. A person shall not print or sell, deliver, offer for sale or delivery, post, affix to an object or structure in, or leave in, a public place, or otherwise expose to public view a newspaper that does not contain printed in legible characters in some part of the newspaper the names of the printer and the publisher of the newspaper and the address at which it is printed.

Penalty: Two hundred dollars.

Certificates by Registrar

27. (1) The Registrar may, by writing under his hand, certify that, on a date or during a period specified in the certificate—

- (a) the persons specified in the certificate were shown in the Register as the proprietor, the printer and the publisher of the registered newspaper specified in the certificate; and
- (b) the address specified in the certificate was the address entered in the Register for the printing of the newspaper.

(2) The Registrar may, by writing under his hand, certify that, on a date or during a period specified in the certificate, a newspaper specified in the certificate was not registered under this Part.

Evidence in proceedings relating to newspapers

28. (1) In any proceedings, whether civil or criminal, arising out of the printing or publication of a registered newspaper or anything contained in a registered newspaper against a person who is alleged to be the proprietor, the printer or the publisher of the newspaper—

- (a) a certificate given under subsection (1) of the last preceding section is evidence that, on the date or during the period specified in the certificate, the persons specified in the certificate were the proprietor, the printer and the publisher of the newspaper; and
- (b) the production of a copy of a newspaper bearing the name of the registered newspaper specified in the certificate and purporting to have been published on a date or during a period so specified is evidence of publication of that newspaper on that date or during that period.

(2) In any criminal proceeding arising out of the printing or publication of a newspaper, a certificate given under subsection (2) of the last preceding section is evidence that, on the date or during the period specified in the certificate, the newspaper specified in the certificate was not registered under this Part.

PART V—MISCELLANEOUS

Printing presses may be seized where illegally used

29. (1) After the expiration of one month from the commencement of this Act, a magistrate who, from information on oath, has reason to suspect that a printing press—

- (a) is in the possession, custody or control of a person who is not a registered printer or the printer of a registered newspaper; or

- (b) is at an address other than an address at which a printer is registered to print or the address shown in the Register as the address at which a newspaper is printed,

may, by warrant under his hand, direct and authorize a member of the police force with such assistance (if any) as the member considers necessary to enter upon the place specified in the warrant and search for the printing press.

(2) A member of the police force entering, in pursuance of a warrant issued under the last preceding subsection, upon a place specified in the warrant may seize and take away a printing press found at that place and other articles that he has reason to believe have been used in connexion with the printing press and all printed papers that he has reason to believe have been produced by, or have been used in connexion with, the printing press found in the place.

(3) A printing press and any articles or printed papers seized in pursuance of the last preceding subsection are forfeited to the Territory and may be disposed of in such manner as the Minister directs.

Service upon a registered printer and a proprietor, printer or publisher of a newspaper

30. (1) Service of a document upon a registered printer may be effected by—

- (a) leaving it with, or tendering it to, the registered printer;
- (b) leaving it with a person apparently above the age of sixteen years at the address at which the registered printer is registered to print; or
- (c) posting it in a prepaid registered letter to the registered printer at that address.

(2) Service of a document upon a proprietor, a printer or a publisher of a registered newspaper may be effected by—

- (a) leaving it with, or tendering it to, the proprietor, the printer or the publisher, as the case may be;
- (b) leaving it with a person apparently above the age of sixteen years at the address entered in the Register as the place for the printing of the newspaper; or
- (c) posting it in a prepaid registered letter to the proprietor, the printer or the publisher, as the case may be, at that address.

Application etc. by a company or firm

31. (1) Where an application or a notice is required to be, or may be, made or given under this Act, such an application or notice made or given by a company shall be signed by—

- (a) a director of the company; and
- (b) the manager or secretary of the company.

(2) Where an application or a notice is required to be, or may be, made or given under this Act, such an application or notice made or given by a firm shall be signed by a member of the firm.

Judicial notice

32. Unless the contrary is proved—

- (a) a certificate purporting to be a certificate given by the Registrar or a Deputy Registrar under section nineteen or twenty-seven of this Act shall, in all courts, be deemed to have been given by the Registrar or a Deputy Registrar, as the case may be; and
- (b) all courts shall take judicial notice of the signature of the person by whom such a certificate is signed and of the fact that he holds or has held office as the Registrar or a Deputy Registrar, as the case may be.

False statement

33. A person shall not wilfully make a false statement in an application or a notice made or given under this Act.

Penalty: Two hundred dollars.

Witnessing of application

34. A person signing an application under this Act shall sign the application in the presence of a witness, who shall subscribe his name in the place provided in the application.

Regulations

35. The Executive may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

THE SCHEDULE**FORM 1**

Section 10

*Printing and Newspapers Act 1961***APPLICATION FOR REGISTRATION AS A PRINTER**

To the Registrar of Printers and Newspapers,
Canberra, A.C.T.

I, _____, of _____, hereby apply for registration as a printer.

The address (addresses) at which I print or intend to print is (are)—

Dated this _____ day of _____, 19 ____.

Witness. _____ Signature of Applicant.

FORM 2

Sections 11 and 12

*Printing and Newspapers Act 1961***CERTIFICATE OF REGISTRATION AS A PRINTER**

I, _____, the Registrar of Printers and Newspapers, hereby
certify that—

(a) the name of _____ has _____ of _____
entered in the Register of Printers and Newspapers as a registered printer; and

(b) the said _____ is registered to print
at—

Dated this _____ day of _____, 19 ____.

Registrar of Printers and Newspapers.

FORM 3

Section 12

*Printing and Newspapers Act 1961***APPLICATION FOR REGISTRATION OF NEW ADDRESS**

To the Registrar of Printers and Newspapers,
Canberra, A.C.T.

I, _____, of _____,
being a registered printer who is registered to print at—
hereby apply to have the following new address entered in the Register of Printers and Newspapers as an
address at which I am registered to print:

Dated this _____ day of _____, 19 ____.

Witness. _____ Signature of Applicant.

THE SCHEDULE—continued

FORM 4

Section 21

Printing and Newspapers Act 1961

APPLICATION FOR REGISTRATION OF A NEWSPAPER

To the Registrar of Printers and Newspapers,
Canberra, A.C.T.

I, _____, of _____,
the proprietor of a newspaper named “_____”
hereby apply for registration of that newspaper.

The publisher of the newspaper is (will be)
of _____.

The printer of the newspaper is (will be)
of _____.

The newspaper is (will be) printed at _____.

Dated this _____ day of _____, 19 ____.

Witness. _____ (Proprietor).

Witness. _____ (Publisher).

Witness. _____ (Printer).

FORM 5

Sections 22 and 23

Printing and Newspapers Act 1961

CERTIFICATE OF REGISTRATION OF A NEWSPAPER

I, _____, the Registrar of Printers and
Newspapers, hereby certify that—

(a) the name of the newspaper “_____” has
been entered in the Register of Printers and Newspapers as a registered newspaper under the
Printing and Newspapers Act 1961;

(b) the address at which the newspaper is or is to be printed is
_____;

(c) the proprietor of the newspaper is _____ of
_____;

(d) the printer of the newspaper is _____ of
_____; and

(e) the publisher of the newspaper is _____ of
_____.

Dated this _____ day of _____, 19 ____.

Registrar of Printers and Newspapers.

THE SCHEDULE—continued

FORM 6

Section 23

*Printing and Newspapers Act 1961*APPLICATION FOR CHANGE IN THE PARTICULARS REGISTERED IN
RELATION TO THE NEWSPAPER “ ”.

To the Registrar of Printers and Newspapers,
Canberra, A.C.T.

I, _____, of _____, the
proprietor of the registered newspaper “ _____ ”,
hereby apply to have—

the name of the newspaper entered in the Register of Printers and Newspapers
changed to “ _____ ”.

or

the address entered in the Register of Printers and Newspapers as the address for the printing of
the newspaper changed to _____

or

the name of _____ of _____, entered as
the printer of the newspaper in the place of the name of
the publisher of _____

Dated this _____ day of _____, 19 ____.

Witness. _____ Proprietor.

Witness. _____ Publisher or New Publisher.

Witness. _____ Printer or New Printer.

NOTE

1. The *Printing and Newspapers Act 1961* as shown in this reprint comprises Act No. 16, 1961 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Printing and Newspapers Ordinance 1961</i>	16, 1961	20 July 1961	20 July 1961	
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
	as amended by 36, 1967	30 Nov 1967	23 Dec 1967 (see s. 2)	—
<i>Printing and Newspapers Ordinance 1970</i>	3, 1970	26 Feb 1970	26 Feb 1970	—
<i>Ordinances Revision Ordinance 1977</i>	65, 1977	22 Dec 1977	22 Dec 1977	—
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

NOTE—continued**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 2	rep. No. 65, 1977
S. 4	am. No. 3, 1970; No. 67, 1985; No. 38, 1989
S. 9	am. No. 19, 1966 (as am. by No. 36, 1967)
Ss. 13, 14.....	am. No. 19, 1966 (as am. by No. 36, 1967)
S. 15	am. No. 19, 1966 (as am. by No. 36, 1967); No. 3, 1970
S. 16	am. No. 19, 1966 (as am. by No. 36, 1967)
S. 17	am. No. 19, 1966 (as am. by No. 36, 1967); No. 3, 1970
S. 20	am. No. 19, 1966 (as am. by No. 36, 1967)
S. 24	am. No. 19, 1966 (as am. by No. 36, 1967); No. 3, 1970
S. 24A.....	ad. No. 3, 1970
Ss. 25, 26.....	am. No. 19, 1966 (as am. by No. 36, 1967)
S. 29	am. No. 38, 1989
S. 33	am. No. 19, 1966 (as am. by No. 36, 1967)
S. 35	am. No. 38, 1989