

AUSTRALIAN CAPITAL TERRITORY

PRINTING AND NEWSPAPERS ORDINANCE 1961

EXPLANATORY MEMORANDUM

No. 16 of 1961

The Newspapers Act, 1898 and the Printing Act, 1899 of the State of New South Wales apply to the Australian Capital Territory and require the registration of newspapers and printers. However, these Acts have been amended in New South Wales since 1911 and because of the administrative changes effected, their provisions cannot be applied to the Territory. Whereas documents under these Acts as in force on 1st January, 1911 are required to be filed with the Prothonotary of the New South Wales Supreme Court, under the subsequent amendments applicable in New South Wales they are now filed with the Registrar General. The Prothonotary will no longer accept documents under these Acts in their application to the Territory and the Registrar-General will not accept such documents as the subsequent amendments do not apply to the Territory.

It is considered desirable to make provisions by Ordinance in respect of the matters previously covered by the New South Wales Acts. The main purpose of requiring the registration of newspapers and printers is to provide a means of fixing upon the proper person the responsibility for such printing and publication. It is desirable that members of the public and the authority administering the laws with respect to criminal libel, sedition and the publication of blasphemous, obscene or political statements should be assisted in ascertaining the source of such statements.

The Ordinance deals with three categories of printing – the printing of papers by a printing press, the printing of papers by means other than a printing press and the printing of newspapers.

The gist of this Ordinance in relation to printing other than of newspapers, is contained in section 17 which requires that the name of a person by whom a paper is printed and the address at which the paper is printed, are required to be printed in legible characters in a conspicuous part of the paper if it is distributed or published either for a pecuniary consideration or gratuitously. This general requirement is qualified in section 18 by exempting from this provision papers that do not contain political, seditious, libellous, obscene or blasphemous matters and specified other categories of papers. The object of this provision being that if a paper does not contain political, seditious, libellous, obscene or blasphemous matters it will not be necessary to include on the paper that is being distributed the name of the printer and the address at which it is printed.

Section 9 requires that any person having a printing press in his possession, custody or control, will be required to be registered as a printer and to keep the press at an address at which he is registered to print. A printing press has been defined and includes any machine or contrivance with which a paper may be printed but does not include a machine or contrivance that is the property of the Commonwealth or a roneo or other multigraph machine. Under the provisions relating the registration of printers, information will be held by the Department as to the printing presses that are in existence in the Territory, the persons who are registered printers, and the addresses at which such registered persons are entitled to print.

As indicated above the exemption from the obligation of printing the name of the person by whom a paper was printed and the address at which it was printed that is contained in paragraph (f) of section 18 applies to registered printers if the papers do not contain political, seditious, libellous, obscene or blasphemous matters.

Section 20 makes provision for the registration of newspapers printed or published in the Territory. An application for registration of a newspaper is required to be made by the proprietor, the printer and the publisher of the newspaper. Section 26 prohibits the printing or publishing of a newspaper that does not contain in some part of the newspaper in legible characters the names of the printer, the publisher of the newspaper and the address at which it is printed.

Section 3 of the Ordinance terminates the application of the New South Wales Acts to the Territory.

The Ordinance will commence upon a date to be notified by the Minister in the Gazette. Registered printers and the proprietors of newspapers will have one month after the commencement of the Ordinance in which to make application for registration.