

AUSTRALIAN CAPITAL TERRITORY

OBJECTIONABLE PUBLICATIONS ORDINANCE 1957.

EXPLANATORY MEMORANDUM

No. 5 of 1958

At the moment the law in the Territory relating to objectionable publications is the Obscene and Indecent Publications Act 1901 of New South Wales. Recently that Act has been amended but amendments since 1911 to New South Wales Acts have no application to the Territory. Legislation relating to objectionable publications has been amended in most of the other States in recent years, broadly along lines similar to New South Wales provisions. This Ordinance follows generally the line of the relevant legislation in the States.

The Ordinance makes it an offence to sell, publish or print objectionable publications, “objectionable” in this sense meaning obscene or unduly emphasising matters of sex, horror, gross cruelty or crimes of violence, “publications” including statues and carvings as well as written and printed matter.

In determining whether or not the publication is objectionable the Court shall have regard to certain considerations and in particular the tendency of the publication to adversely affect the minds of the people or classes of people who would normally be expected to read them.

Publications of literary or artistic merit or of a bona fide medical, legal, political, religious or scientific character are exempt from the provisions of the Ordinance in certain circumstances.