

Printing and Newspapers Act 1973 No 46

[1973-46]



New South Wales

Status Information

Currency of version

Historical version for 5 October 2004 to 27 May 2012 (accessed 25 November 2024 at 2:33)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Business Names \(Commonwealth Powers\) Act 2011 No 44](#) (not commenced — to commence on 28.5.2012)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 25 May 2012

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Printing and Newspapers Act 1973 No 46



New South Wales

An Act to make provision relating to the printing of certain documents and newspapers; to repeal the *Printing Act 1899* and the *Newspapers Act 1898* and amend certain other Acts; and for purposes connected therewith.

1 Name of Act and commencement

- (1) This Act may be cited as the *Printing and Newspapers Act 1973*.
- (2) This Act shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

2 Definitions

In this Act, except in so far as the context otherwise indicates or requires:

document includes a book, pamphlet, leaflet, circular, advertisement, poster, or magazine or other periodical publication, but does not include a newspaper.

newspaper means any paper containing public news, or observations thereon or upon any political matter, which is printed for sale or gratuitous distribution and published periodically at intervals not exceeding twenty-six days.

printing includes any mode of representing or reproducing in any document or newspaper any words, symbols, or pictures in any visible form.

3 Provisions in respect of certain printed documents

- (1) Subject to subsection (4), a person who prints any document which the person knows, or has reason to believe, is intended to be sold or distributed (whether to the public generally or to a restricted class or number of persons) or to be publicly displayed shall:
 - (a) at the time of, or within twenty-four hours after, printing the document print on at least one copy of the document the name and address of the person for whom or on whose instructions the document was printed,
 - (b) subject to paragraph (c), retain, for a period of six months from the date on which the document was printed, a copy of the document on which that name and

address is so printed,

- (c) upon the request of a member of the police force made at any time during that period, produce or surrender the copy of the document so retained, and
- (d) at the time of the printing, print the person's name, or if the person carries on business under a name registered under the *Business Names Act 2002*, that name, the address of the person's place of business, and the year in which the document is printed on the front or first or last page of the document.

Maximum penalty: 4 penalty units.

- (2) Subject to subsections (3) and (4), no person shall sell, offer for sale, deliver, distribute, affix to any object or structure in a public place, leave in a public place or otherwise expose to public view, a document on which there have not been printed on the front or first or last page the name of the printer or the name under which the printer carries on business, the address of the printer's place of business and the year in which the document was printed.

Maximum penalty: 4 penalty units.

- (3) It shall be a defence if a person charged with an offence under subsection (2) proves that the document concerned:
 - (a) was printed before the commencement of this Act, or
 - (b) was not printed in the State.
- (4) This section does not apply to:
 - (a) any document containing only the name, address, telephone number, business or profession of a person and the designation of any article in which the person deals,
 - (b) any document relating to the sale of property by auction or otherwise,
 - (c) documents intended for use as 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,
 - (d) any document printed for the Crown in the right of a State (including the State) or of the Commonwealth, either House of Parliament of a State (including this State) or of the Commonwealth, any department of Government, any statutory body representing the Crown or any other body prescribed by the regulations, or
 - (e) any document or document belonging to any class of document which the Minister, by order, exempts from the application of this section.

- (5) The Governor may make regulations prescribing bodies for the purposes of subsection

(4) (d).

4 Provision in respect of printing and publishing newspapers

(1) A person who prints a newspaper shall, at the time of the printing, print on the front or first or last page of the newspaper:

(a) the person's name or if the person carries on business under a name registered under the *Business Names Act 2002*, that name, and the address of the person's place of business, and

(b) the name and address of the publisher of the newspaper.

Maximum penalty: 4 penalty units.

(2) Subject to subsection (3), no person shall sell, offer for sale, deliver, distribute, affix to any object or structure in a public place, leave in a public place or otherwise expose to public view a newspaper on which the name of the printer or the name under which the printer carries on business, and the address of the printer's place of business, and the name and address of the publisher, have not been printed on the front or first or last page of the newspaper.

Maximum penalty: 4 penalty units.

(3) It shall be a defence if a person charged with an offence under subsection (2) proves that the newspaper concerned:

(a) was printed before the commencement of this Act, or

(b) was not printed in the State.

5 Evidentiary

A document or newspaper on which is printed a name purporting to be the name of:

(a) the printer of the document or newspaper,

(b) the person for whom or on whose instructions the document was printed, or

(c) 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 document or newspaper,

(e) the person for whom or on whose instructions the document was printed, or

(f) the publisher of the newspaper,

as the case may be.

6 Liability of directors etc of corporations

A director, within the meaning of the *Corporations Act 2001* of the Commonwealth, or an employee, of a corporation which commits an offence arising under any provision of this Act is guilty of the same offence and may be punished accordingly unless the director or employee proves that:

- (a) the offence committed by the corporation was committed without his or her knowledge,
- (b) the director or employee was not in a position to influence the conduct of the corporation in relation to the commission of the offence by it, or
- (c) being in such a position, the director or employee used all due diligence to prevent the commission of the offence by the corporation.

7 Repeals and savings

- (1) (Repealed)
- (2) Notwithstanding the repeal of the *Newspapers Act 1898*, sections 9, 15 and 18 of that Act shall continue to have effect in relation to any legal proceedings pending at the commencement of this Act.
- (3) No person shall be liable under a recognisance entered into under Part 3 of the *Newspapers Act 1898*, except for any penalty imposed or incurred before the commencement of this Act and for which the person would otherwise have been liable under the recognisance.

Schedule (Repealed)