NORTHERN TERRITORY OF AUSTRALIA

PRINTERS AND NEWSPAPERS ACT

As in force at 14 October 2015

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 14 October 2015

PRINTERS AND NEWSPAPERS ACT

An Act relating to printers and newspapers

Part I Preliminary

1 Short title

This Act may be cited as the *Printers and Newspapers Act*.

2 Repeal

The Acts specified in the Schedule are repealed.

3 Definitions

In this Act, unless the contrary intention appears:

duplicating machine does not include an offset duplicating machine.

newspaper means a paper:

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

(b) that is printed for sale or gratuitous distribution and published periodically or in parts or numbers at intervals not exceeding 36 days between each publication,

but does not include a paper that is printed or published by the authority of a department or statutory corporation.

paper includes a book, periodical, pamphlet, handbill, sheet of letterpress and paper of any description, but does not include:

(a) a paper that is printed or published by the Government Printer in the course of his duty;

(b) a paper containing matter of a commercial nature only;

(c) a paper containing only an impression from an engraving not intended for publication;

(d) a paper relating to the sale of property by auction or otherwise;

(e) a banknote, bill of exchange or promissory note;

(f) a bond or other security for the payment of money;

(g) a bill of lading, policy of insurance, letter or power of attorney, deed or agreement;

(h) a receipt for money or goods;

(j) a paper used in proceedings in a court, including a writ, summons, complaint, plaint and warrant; or

(k) a paper declared by the Minister, by notice in the *Gazette*, not to be a paper for the purposes of this Act.

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 includes representing or reproducing in a paper words, symbols or pictures in visible form.

printing press means a machine or contrivance with which a newspaper is printed, and includes types, blocks, plates, stencils and lithographic stones, if any, that are 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.

Part II Printing of papers and newspapers

4 Printer's name to be printed on each published paper

(1) A person who prints for publication or dispersal, whether gratuitously or for money, a paper other than a newspaper, shall cause his name, preceded by the words "Printed by", and followed by the word "at" and the address at which the paper is printed by him, to be printed in legible characters upon the front of that paper or, where that paper has more than one page, upon the first or last page of that paper.

Maximum penalty: 1.7 penalty units.

(2) Where a paper other than a newspaper is printed by a body corporate, the name of the body corporate, or some abbreviation of it, and the name of the person in charge of its printing business, and the address at which the business is carried on, shall be substituted for the particulars required to be printed under subsection (1) and, apart from the substitutions specified in this subsection, that subsection shall apply accordingly.

Maximum penalty: 1.7 penalty units.

5 Printer to keep record of employer's name and address

A person who prints for or in the expectation of hire, gain or profit a paper other than a newspaper, shall keep not less than one copy of the paper for a period of not less than 6 months after it has been printed and shall, as soon as practicable after it has been printed, print or write on the copy the name and address of the person on whose behalf that paper was printed.

Maximum penalty: 1.7 penalty units.

6 Names of printer and publisher to be printed on newspapers

The printer of a newspaper shall, at the time of the printing:

(a) cause his name or, where he carries on business under a name registered under the *Business Names Registration Act 2011* (Cth), that name, preceded by the words "Printed by", and followed by the word "at" and the address at which the paper is printed by him; and

(b) the name of the publisher of the newspaper, preceded by the words "Published by", and followed by the word "of" and the address of the publisher,

to be printed in legible characters upon the front of that newspaper or, where that newspaper has more than one page, upon the first or last page of that newspaper.

Maximum penalty: 1.7 penalty units.

Part III Miscellaneous

7 Name printed prima facie evidence

A paper on which is printed a name purporting to be the name of:

(a) the printer of the paper;

(b) where the paper is a paper other than a newspaper – the person for whom or on whose instructions the paper was printed; or

(c) where the paper is a newspaper – 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 paper;

(e) the person for whom or on whose instructions the paper was printed; or

(f) the publisher of the newspaper,

as the case may be.

8 Discovery in cases of libel in newspapers

Where a person commences an action in a court for the discovery of the name of a person concerned in a newspaper as printer, publisher or otherwise, or a matter relating to the printing or publishing of the newspaper, in order to enable him the more effectively to bring or carry on an action for damages by him alleged to have been sustained by reason of a libellous matter concerning him contained in the newspaper, the defendant shall not be permitted to plead or demur to the claim, but shall be compellable to make the discovery required, but such discovery shall not be used for a purpose in a proceeding other than that in which the discovery is made.

9 Delivering unauthorized papers, &c.

A person shall not sell, offer for sale, gratuitously deliver, offer so to deliver, leave in a public place, or otherwise expose to public view a paper other than a newspaper upon which the name and address at which the business is carried on of the printer is not printed as required by section 4, or upon which a fictitious or false name or address at which the business is carried on is printed.

Maximum penalty: 1.7 penalty units.

10 Criminal liability of executive officer of body corporate

(1) An executive officer of a body corporate commits an offence if the body corporate commits an offence by contravening a declared provision (a ***relevant offence***).

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) An offence against subsection (1) is a regulatory offence.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

(a) was not in a position to influence the conduct of the body corporate in relation to the contravention; or

(b) took reasonable steps to prevent the contravention; or

(c) did not know, and could not reasonably have been expected to know, that the contravention would happen.

(4) In deciding whether the defendant took (or failed to take) reasonable steps to prevent the contravention, a court must consider the following:

(a) any action the defendant took directed towards ensuring the following (to the extent the action is relevant to the contravention):

(i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared provision;

(ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);

(iii) the body corporate's employees, agents and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared provision;

(b) any action the defendant took when the defendant became aware that the contravention was, or could be, about to happen.

(5) Subsection (4) does not limit the matters the court may consider.

(6) This section does not affect the liability of the body corporate.

(7) This section applies whether or not the body corporate is prosecuted for, or found guilty of, the relevant offence.

(8) This section does not apply if the body corporate would have a defence to a prosecution for the relevant offence.

(9) In this section:

declared provision means:

(a) section 4(1) or (2); or

(b) a provision of the Regulations prescribed by regulation.

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

11 Exemptions

(1) The Minister may, by notice in the *Gazette*, upon such terms and conditions as he thinks fit, exempt, for such period, if any, as is specified in the notice, a paper or class of paper from a requirement of this Act specified in the notice, and a paper or class of paper the subject of the exemption shall, accordingly, be exempt from that requirement.

(2) A paper or class of paper the subject of an exemption under subsection (1) shall comply with the terms and conditions, if any, specified in the notice, upon which the exemption was granted.

Maximum penalty: 1.7 penalty units.

12 Proceedings to be instituted by authorized person only

(1) The Minister may, by instrument in writing, authorize a person to institute proceedings for an offence against this Act.

(2) Proceedings for an offence against this Act shall not be instituted by a person other than a person who has been authorized under subsection (1) for that purpose.

(3) In proceedings for an offence against this Act, an instrument purporting to be signed by the Minister authorizing under subsection (1) the person named in the instrument to institute proceedings for an offence against this Act shall be prima facie evidence that the person so named is so authorized.

Part IV Transitional matters for Statute Law Amendment (Directors' Liability) Act 2015

13 Offences – before and after commencement

(1) Section 10, as inserted by the *Statute Law Amendment (Directors' Liability) Act 2015*, (the ***new section***) applies in relation to a relevant offence committed by a body corporate after the commencement of Part 2, Division 30 of that Act (the ***commencement***) only if:

(a) all the conduct constituting the relevant offence occurred after the commencement; and

(b) all the conduct of the executive officer constituting the offence against the new section occurred after the commencement.

(2) Section 10, as in force before the commencement:

(a) continues to apply in relation to offences committed by a body corporate before the commencement; and

(b) applies in relation to relevant offences committed by a body corporate after the commencement to which, as a result of subsection (1), the new section does not apply.

Schedule Acts repealed

section 2

Number and year	Short title
No. 30, 1928	*Printers and Newspapers Ordinance 1928*
No. 7, 1929	*Printers and Newspapers Ordinance 1929*
No. 16, 1934	*Printers and Newspapers Ordinance 1934*

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Printers and Newspapers Act 1984* (Act No. 41, 1984)**

Assent date	25 September 1984
Commenced	25 September 1984

***Justice Legislation Amendment (Penalties) Act 2010* (Act No. 12, 2010)**

Assent date	20 May 2010
Commenced	1 July 2010 (*Gaz* G24, 16 June 2010, p 2)

***Business Names (National Uniform Legislation) Implementation Act 2012* (Act No. 8, 2012)**

Assent date	27 April 2012
Commenced	pts 3 and 4: 28 May 2012 (Cth proclamation F2012L00891: 19 April 2012); rem: 27 April 2012 (s 2)

***Statute Law Amendment (Directors' Liability) Act 2015* (Act No. 26, 2015)**

Assent date	18 September 2015
Commenced	14 October 2015 (*Gaz* G41, 14 October 2015, p 3)

3 LIST OF AMENDMENTS

ss 4 – 5	amd No. 12, 2010, s 3
s 6	amd No. 12, 2010, s 3; No. 8, 2012, s 30
s 9	amd No. 12, 2010, s 3
s 10	sub No. 26, 2015, s 95
s 11	amd No. 12, 2010, s 3
pt IV hdg	ins No. 26, 2015, s 96
s 13	ins No. 26, 2015, s 96