



ANNO DECIMO NONO

GEORGII V REGIS.

A.D. 1928.

No. 1873.

An Act to Regulate the Publication of Reports of certain Judicial Proceedings and other matters in such manner as to prevent injury to public Morals, and for purposes incidental thereto.

[Assented to, November 1st, 1928.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Indecent Reports (Restriction) Act, 1928". Short title.

2. (1) No person shall—

(a) print or cause to be printed ; or

(b) offer for sale, sell, or cause to be offered for sale or sold to any person ; or

(c) have in his possession for sale or distribution,

Restriction on publication of reports of judicial proceedings.

Cf. Imp. Act, 16 and 17, sec. v., c. 61, p. 1.

any book, paper, or document containing any particulars relating to any judicial proceedings for dissolution of marriage, for nullity of marriage, for judicial separation, for an order relieving a woman from the obligation to cohabit with her husband, or for restitution of conjugal rights, other than the following particulars, that is to say—

(i.) the names, addresses, and occupations of the parties and witnesses :

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- (ii.) a concise statement of the charges, defences, and counter-charges in support of which evidence has been given :
- (iii.) submissions on any point of law arising in the course of the proceedings, and the decision of the Court thereon :
- (iv.) the summing-up of the judge or magistrate and the finding of the jury (if any) and the judgment of the Court and observations made by the judge or magistrate in giving judgment.

Prohibition of
printing and sale
of certain
newspapers.

3. (1) No person shall—

- (a) print or cause to be printed ; or
- (b) offer for sale, sell, or cause to be offered for sale or sold to any person ; or
- (c) have in his possession for sale or distribution,

any newspaper in which any one report—

- (i.) relating to any legal proceedings involving questions of sexual immorality, unnatural vice, or indecent conduct ;
or
- (ii.) containing any other news, account, or story descriptive of or relative to sexual immorality, unnatural vice, or indecent conduct

occupies more than fifty lines of thirteen ems wide or the equivalent thereof, in any kind of type, or carries a heading composed of type larger than ten point capitals.

(2) In this section—

“Legal proceedings” includes Coroners inquests and sittings of Royal and other Commissions of Enquiry and of Select Committees :

“Newspaper” means any copy of a periodical publication which is published at intervals not exceeding three months or any part of such a copy.

(3) For the purpose of this section separate articles in the same newspaper relating to the same matter shall be deemed to form one report, and all photographs illustrative of or connected with any report shall be deemed to form part thereof.

(4) Paragraphs (b) and (c) of subsection (1) of this section shall be construed as prohibiting within the State the sale, offering for sale, causing to be offered for sale or sold, or having in possession for sale or distribution of any newspaper whether printed or published within or outside the State, and whether the reports therein relate to legal proceedings and other matters taking place within or outside the State.

Exemption from
Act of pleadings,
scientific works,
etc.

4. Nothing in this Act shall apply to the printing, offering, selling, or having in possession of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings

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proceedings or the communication thereof to persons concerned in the proceedings or to the publishing of any notice or report in pursuance of the directions of the Court; or to the printing, offering, selling or having in possession of any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in Courts of law, or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions: Provided that in any proceedings under this Act it shall lie on the defendant to prove that the matter complained of falls within the provisions of this section.

5. Nothing in this Act shall affect the liability under any other Act or at common law of any person in respect of any action done by him in relation to any obscene or indecent matter. Saving of other Acts.

6. If any person acts in contravention of the provisions of this Act he shall be liable, on summary conviction, for a first offence to a fine not exceeding Two Hundred Pounds, and for a second or any subsequent offence to a fine not exceeding Five Hundred Pounds or to imprisonment for any term not exceeding six months, or to both such imprisonment and fine. Penalty.

7. (1) In any proceedings for an offence against this Act if it is proved that any newspaper, book, paper, or document was in the possession of the defendant and that the business of the defendant was or included the selling of newspapers, books, papers, or documents, that newspaper, book, paper, or document shall be deemed to have been in the possession of the defendant for sale unless he satisfies the Court to the contrary. Evidentiary provision.

(2) In any proceedings for an offence under section 3 any document alleged in the complaint to be a newspaper shall be deemed to be a newspaper unless the defendant satisfies the Court to the contrary.

8. (1) No prosecution for an offence under this Act shall be commenced by any person without the sanction of the Commissioner of Police. Consent of Commissioner of Police.

(2) The consent of the Commissioner of Police may be proved by a document purporting to be signed by the said Commissioner and purporting to give his consent to the prosecution.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.