OBSCENE AND INDECENT PUBLICATIONS (AMENDMENT) BILL.

Schedule of Amendments referred to in Legislative Council's Message of 9th April, 1946.

No. 1.—Page 2, clause 2, line 12. *Omit* "it encourages depravity" *insert* **"in the opinion of the court before which any proceedings are taken, it would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof"**

(ii) by inserting in the same section at the end of the definition of the word "Indecent" the following words:—

"Without prejudice to the generality of the foregoing definition, any advertisement in relation to contraception or contraceptives shall be deemed to be an indecent advertisement."

No. 2.—Page 3, clause 2, lines 9 and 10. *Omit* "would encourage depravity or injure public morals" *insert* **"in the opinion of the court before which any proceedings are taken, would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof."**

89961 71—

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 20 *March,* 1946.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

W. K. CHARLTON,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 9th April, 1946.

New South Wales.

ANNO DECIMO

GEORGII VI REGIS.

* *

Act No. , 1946.

An Act to amend the Obscene and Indecent Publications Act, 1901, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Obscene and Indecent Publications (Amendment) Act, 1946." Short title and citation.

(2) The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Obscene and Indecent Publications Act, 1901-1946.

NOTE.—The words to be *omitted* are *ruled through ;* those to be *inserted* are printed in **black letter**

2. The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 12, 1901.

(a) (i) by inserting in section three at the end of the definition of "Obscene publication" the words "and without prejudice to the generality of the meaning of the word 'obscene' any book, paper, newspaper, any advertisement or printed matter of any kind whatsoever and any writing, print, picture, photograph, lithograph, drawing or representation shall be deemed to be obscene if ~~it encourages depravity";~~ **in the opinion of the court before which any proceedings are taken, it would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof;** Sec. 3. (Definitions.)

(ii) by inserting in the same section at the end of the definition of the word "Indecent" the following words:—

"Without prejudice to the generality of the foregoing definition, any advertisement in relation to contraception or contraceptives shall be deemed to be an indecent advertisement."

(b) by omitting section four and by inserting in lieu thereof the following section:— Subst. sec. 4.

4. Nothing in this Act relates to— Exemption of medical works, objects of art and literary works.

(a) the printing publishing making possessing selling or delivery or the exhibiting in the window of any shop or the posting or causing to be posted for transmission by post for any lawful purpose of any bona-fide medical work or treatise; or

(b) objects of art or literary works.

(c)

(c) by inserting after section eighteen the following new section and short heading:— **New sec. 19.**

Reports of Judicial Proceedings.

Restriction of publication of reports of judicial proceedings.

19. (1) No person shall print or publish or cause or procure to be printed or published in relation to any judicial proceedings any indecent matter or indecent medical surgical or physiological details, being matter or details the publication of which ~~would encourage depravity or injure public morals.~~ **in the opinion of the court before which any proceedings are taken, would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof.''**

(2) If any person acts in contravention of the provisions of this section, he shall in respect of each offence be liable, on summary conviction, to imprisonment for a term not exceeding four months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine:

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this section.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in 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.

Sydney: Thomas Henry Tennant, Government Printer—1946.

[4d.]

No. , 1946.

A BILL

To amend the Obscene and Indecent Publications Act, 1901, and certain other Acts in certain respects; and for purposes connected therewith.

[Mr. Baddeley,—12 *March*, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Obscene and Indecent Publications (Amendment) Act, 1946." Short title and citation.

(2) The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Obscene and Indecent Publications Act, 1901-1946.

2. The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 12, 1901.

(a) by inserting in section three at the end of the definition of "Obscene publication" the words "and without prejudice to the generality of the meaning of the word 'obscene' any book, paper, newspaper or printed matter of any kind whatsoever and any writing, print, picture, photograph, lithograph, drawing or representation shall be deemed to be obscene if it encourages depravity"; Sec. 3. (Definitions.)

(b) by omitting section four and by inserting in lieu thereof the following section:— Subst. sec. 4.

4. Nothing in this Act relates to— Exemption of medical works, objects of art and literary works.

(a) the printing publishing making possessing selling or delivery or the exhibiting in the window of any shop or the posting or causing to be posted for transmission by post for any lawful purpose of any bona-fide medical work or treatise; or

(b) objects of art or literary works.

(c) by inserting after section eighteen the following new section and short heading:— New sec. 19.

Reports of Judicial Proceedings.

19. (1) No person shall print or publish or cause or procure to be printed or published in relation to any judicial proceedings any indecent matter or indecent medical surgical or physiological details, being matter or details the publication of which would encourage depravity or injure public morals. Restriction of publication of reports of judicial proceedings.

(2) If any person acts in contravention of the provisions of this section, he shall in respect of each offence be liable, on summary conviction, to imprisonment for a term not exceeding four months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine:

Provided

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this section.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in 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.

Sydney: Thomas Henry Tennant, Government Printer—1946.

[4d.]

Obscene and Indecent Publications (Amendment) Bill, 1946.

EXPLANATORY NOTE.

THE objects of this Bill are:—

(1) To extend the definition of "obscene publication";

(2) To exempt medical works, objects of art and literary works from the provisions of the Act; and

(3) To place certain restrictions on the publication of reports of judicial proceedings.

89961 —71

PROOF

Act No. , 1946.

A BILL

To amend the Obscene and Indecent Publications Act, 1901, and certain other Acts in certain respects; and for purposes connected therewith.

[Mr. Baddeley,—12 *March*, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Obscene and Indecent Publications (Amendment) Act, 1946." Short title and citation.

(2) The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Obscene and Indecent Publications Act, 1901-1946.

2. The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 12, 1901.

(a) by inserting in section three at the end of the definition of "Obscene publication" the words "and without prejudice to the generality of the meaning of the word 'obscene' any book, paper, newspaper or printed matter of any kind whatsoever and any writing, print, picture, photograph, lithograph, drawing or representation shall be deemed to be obscene if it encourages depravity"; Sec. 3. (Definitions.)

(b) by omitting section four and by inserting in lieu thereof the following section:— Subst. sec. 4.

4. Nothing in this Act relates to— Exemption of medical works, objects of art and literary works.

(a) the printing publishing making possessing selling or delivery or the exhibiting in the window of any shop or the posting or causing to be posted for transmission by post for any lawful purpose of any bona-fide medical work or treatise; or

(b) objects of art or literary works.

(c) by inserting after section eighteen the following new section and short heading:— New sec. 19.

Reports of Judicial Proceedings.

19. (1) No person shall print or publish or cause or procure to be printed or published in relation to any judicial proceedings any indecent matter or indecent medical surgical or physiological details, being matter or details the publication of which would encourage depravity or injure public morals. Restriction of publication of reports of judicial proceedings.

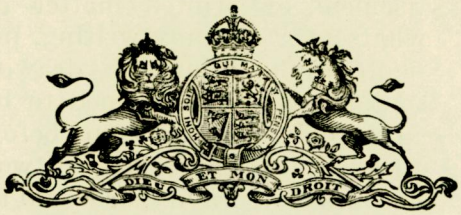
(2) If any person acts in contravention of the provisions of this section, he shall in respect of each offence be liable, on summary conviction, to imprisonment for a term not exceeding four months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine:

Provided

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this section.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in 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.

Sydney: Thomas Henry Tennant, Government Printer—1946.



New South Wales.

ANNO DECIMO

GEORGII VI REGIS.

* *

Act No. 36, 1946.

An Act to amend the Obscene and Indecent Publications Act, 1901, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st May, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Obscene and Indecent Publications (Amendment) Act, 1946." Short title and citation.

(2) The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Obscene and Indecent Publications Act, 1901-1946.

Amendment of Act No. 12, 1901.

2. The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts, is amended—

Sec. 3. (Definitions.)

(a) (i) by inserting in section three at the end of the definition of "Obscene publication" the words "and without prejudice to the generality of the meaning of the word 'obscene' any book, paper, newspaper, any advertisement or printed matter of any kind whatsoever and any writing, print, picture, photograph, lithograph, drawing or representation shall be deemed to be obscene if in the opinion of the court before which any proceedings are taken, it would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof;

(ii) by inserting in the same section at the end of the definition of the word "Indecent" the following words:—

"Without prejudice to the generality of the foregoing definition, any advertisement in relation to contraception or contraceptives shall be deemed to be an indecent advertisement."

Subst. sec. 4.

(b) by omitting section four and by inserting in lieu thereof the following section:—

Exemption of medical works, objects of art and literary works.

4. Nothing in this Act relates to—

(a) the printing publishing making possessing selling or delivery or the exhibiting in the window of any shop or the posting or causing to be posted for transmission by post for any lawful purpose of any bona-fide medical work or treatise; or

(b) objects of art or literary works.

(c)

(c) by inserting after section eighteen the following new section and short heading:— **New sec. 19.**

Reports of Judicial Proceedings.

Restriction of publication of reports of judicial proceedings.

19. (1) No person shall print or publish or cause or procure to be printed or published in relation to any judicial proceedings any indecent matter or indecent medical surgical or physiological details, being matter or details the publication of which in the opinion of the court before which any proceedings are taken, would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof."

(2) If any person acts in contravention of the provisions of this section, he shall in respect of each offence be liable, on summary conviction, to imprisonment for a term not exceeding four months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine:

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this section.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in 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.

By Authority:
THOMAS HENRY TENNANT, Government Printer, Sydney, 1946.
[3*d*.]

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 8 *May,* 1946.

New South Wales.

ANNO DECIMO

GEORGII VI REGIS.

* *

Act No. 36, 1946.

An Act to amend the Obscene and Indecent Publications Act, 1901, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st May, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Obscene and Indecent Publications (Amendment) Act, 1946." Short title and citation.

(2) The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Obscene and Indecent Publications Act, 1901-1946.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Amendment of Act No. 12, 1901.

2. The Obscene and Indecent Publications Act, 1901, as amended by subsequent Acts, is amended—

Sec. 3. (Definitions.)

(a) (i) by inserting in section three at the end of the definition of "Obscene publication" the words "and without prejudice to the generality of the meaning of the word 'obscene' any book, paper, newspaper, any advertisement or printed matter of any kind whatsoever and any writing, print, picture, photograph, lithograph, drawing or representation shall be deemed to be obscene if in the opinion of the court before which any proceedings are taken, it would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof;

(ii) by inserting in the same section at the end of the definition of the word "Indecent" the following words:—

"Without prejudice to the generality of the foregoing definition, any advertisement in relation to contraception or contraceptives shall be deemed to be an indecent advertisement."

Subst. sec. 4.

(b) by omitting section four and by inserting in lieu thereof the following section:—

Exemption of medical works, objects of art and literary works.

4. Nothing in this Act relates to—

(a) the printing publishing making possessing selling or delivery or the exhibiting in the window of any shop or the posting or causing to be posted for transmission by post for any lawful purpose of any bona-fide medical work or treatise; or

(b) objects of art or literary works.

(c)

(c) by inserting after section eighteen the following new section and short heading:— **New sec. 19.**

Reports of Judicial Proceedings.

Restriction of publication of reports of judicial proceedings.

19. (1) No person shall print or publish or cause or procure to be printed or published in relation to any judicial proceedings any indecent matter or indecent medical surgical or physiological details, being matter or details the publication of which in the opinion of the court before which any proceedings are taken, would tend to encourage depravity, or would tend to injure the morals of the public or of any class or section thereof."

(2) If any person acts in contravention of the provisions of this section, he shall in respect of each offence be liable, on summary conviction, to imprisonment for a term not exceeding four months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine:

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this section.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in 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.

In the name and on behalf of His Majesty I assent to this Act.

F. R. JORDAN,
Lieutenant-Governor.

Government House,
Sydney, 21st May, 1946.