

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1928.

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## A BILL

To prohibit the printing or publishing in relation to judicial proceedings of obscene or indecent matter; to increase the punishment provided for certain offences under the Obscene and Indecent Publications Act, 1901; to amend the said Act; and for purposes connected therewith.

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**B**E 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.** This Act may be cited as the "Obscene and Indecent Publications (Amendment) Act, 1928." Short title.

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

(1) by omitting from section fifteen all words Sec. 15. following the words “first offence” and by inserting in lieu thereof the words “be liable on summary conviction to a penalty not exceeding *fifty* pounds, or in the discretion of the court to imprisonment for a term not exceeding *six* months, and for a second or subsequent offence to a penalty not exceeding *one hundred* pounds, or in the discretion of the court to imprisonment for a term not exceeding *twelve* months”;

(2) by omitting from section sixteen all words Sec. 16. following the words “in contravention of this Act” and by inserting in lieu thereof the words “shall for a first offence be liable on summary conviction to a penalty not exceeding *fifty* pounds, or in the discretion of the court to imprisonment for a term not exceeding *six* months, with or without hard labour, and for a second or subsequent offence to a penalty not exceeding *one hundred* pounds, or in the discretion of the court to imprisonment for a term not exceeding *twelve* months, with or without hard labour”;

(3) by adding the following section next after New section 16A. section sixteen:—

16A. (1) It shall not be lawful to print or publish, or cause or procure to be printed or published in relation to any judicial proceedings any obscene or indecent matter or obscene or indecent medical, surgical or physiological details, being matter or details the publication of which would be calculated to injure public morals. Restriction on publication of reports of judicial proceedings. cf. 16 & 17 Geo. V, ch. 61.

(2) (a) Any person acting in contravention of the provisions of this section shall be guilty of an offence, and shall on summary conviction before two justices be liable, if a corporation,

\* corporation, to a penalty not exceeding *one thousand* pounds, and if any other person to imprisonment for any period not exceeding *six* months with or without hard labour, 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.

(b) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary or police magistrate.

(3) Where a corporation is convicted of an offence against this section the chairman and every director and every officer concerned in the management of the company shall be deemed guilty of the like offence, unless he proves that the act constituting the offence took place without his knowledge or consent.

(4) No prosecution for an offence against this section shall be commenced without the sanction of the Attorney-General.

(5) 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.

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