

# FALSE ADVERTISING ORDINANCE 1970

599

No. 58 of 1970

An Ordinance to prohibit the publication of  
false advertisements relating to the sale of  
property or services

[Assented to 8 December, 1970]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

- 1.—(1.) This Ordinance may be cited as the *False Advertising Ordinance* 1970. Short title and citation
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\* Commencement
- 3.—(1.) Any person who publishes or causes to be published any statement— False advertisements
- (a) which is intended or likely—
    - (i) to promote the sale or disposal of any real property or any personal property (including chattels real or stocks, shares, bonds or other securities) or any services; or
    - (ii) to increase the purchase, consumption or use of any such personal property; or
    - (iii) to induce any person or persons to enter into any obligations relating to any such real property or personal property or services or any interest in any such real or personal property; and
  - (b) which—
    - (i) is to his knowledge false in any material particular; or
    - (ii) contains any matter which is to the effect or likely to lead to the inference that the statement or any material particular in the statement is approved or commended in any way by the Government of the Commonwealth or of any State or Territory of the Commonwealth or by any

\* The date fixed was 24 February, 1971 (see *Northern Territory Government Gazette* No. 8 of 24 February, 1971, page 71).

municipal or other statutory authority constituted under any law of the Commonwealth or of any State or Territory of the Commonwealth—

shall be guilty of an offence.

Penalty: Five hundred dollars or imprisonment for three months or both.

(2.) It shall be a defence to a prosecution under sub-paragraph (ii) of paragraph (b) of the last preceding sub-section if it is proved that the matter contained in the statement has been inserted with the consent of the Government or authority in question.

(3.) A statement shall be deemed to be published within the meaning of this section if it is—

(a) inserted in a newspaper or other publication printed and published in the Northern Territory of Australia;

(b) disseminated in the Northern Territory of Australia by broadcasting, television or cinematograph;

(c) publicly exhibited—

(i) in or over or under any building, vehicle or place (whether or not a place that is a public place within the meaning of the *Police and Police Offences Ordinance 1923-1970* and whether on land or water); or

(ii) in the air—  
in view of persons being or passing in such a public place; or

(d) contained in any document gratuitously sent or delivered to any person or thrown or left upon premises in the occupation of any person.

(4.) In any proceedings under this section for publishing a statement or causing a statement to be published, if it is proved that the statement was false in any material particular the person publishing the statement or causing the statement to be published shall be deemed to have published the statement or to have caused the statement to be published with knowledge of its false nature unless he proves that having taken all reasonable precautions against committing an offence—

(a) that he had reasonable grounds to believe and did believe that the statement was true, and

(b) that he had no reason to suspect that the statement was false.

(5.) A prosecution shall not be instituted for an offence against a provision of this Ordinance except with the written consent of the Crown Law Officer.

(6.) In this section "newspaper" includes any periodical publication.

(7.) Notwithstanding proceedings against a person for an offence under this section (whether resulting in a conviction or otherwise) that person shall remain liable to all civil proceedings in like manner as if the proceedings for an offence had not been taken.

(8.) This section shall be read and construed as in aid of and not in derogation from any ordinance relating to false or misleading advertisements or other statements.

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