



ANNO QUINQUAGESIMO TERTIO ET QUINQUAGESIMO QUARTO

# VICTORIÆ REGINÆ.

A.D. 1890.

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No. 488.

An Act to prevent the Unauthorised Disclosure of Information relating to the Defences of South Australia.

*[Assented to, December 23rd, 1890.]*

**B**E it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. It shall not be lawful for any person to make any sketch, drawing, photograph, picture, or painting of any fort, battery, fieldwork, fortification, or other military work of defence in South Australia, or of any portion thereof, without having previously obtained the permission, in writing, of the Chief Secretary on the recommendation of the Commandant of the South Australian Military Forces. Such permission shall clearly and expressly state the nature of the sketches, drawings, photographs, pictures, or paintings which may be made by the person to whom such permission is given, and the place or places of which such sketches, drawings, photographs, pictures, or paintings may be made.

Sketching, &c., of fortifications prohibited, save by permission.

2. Any person offending against the provisions of the above section shall be liable to a penalty not exceeding One Hundred Pounds, or, at the discretion of the Court, to be imprisoned, with or without hard labor, for any period not exceeding two years, and all such sketches, drawings, photographs, pictures, or paintings, and all tools and all materials or apparatus for sketching, drawing, photographing, or painting found in his possession shall be forfeited to the Crown.

Penalty for offending against provisions of section 1.

*The Safety of Defences Act.—1890.*

Penalty on persons found in or near forts with drawing materials, &c.

**3.** Any person who enters or approaches any fort, battery, fieldwork, fortification, or other military work of defence in the said province, with sketching, drawing, photographing, or painting materials or apparatus in his possession, with the intention of evading the provisions of this Act, shall be liable, upon conviction, to a penalty not exceeding Twenty-five Pounds, and in default to imprisonment, with or without hard labor, for any period not exceeding three calendar months, with or without hard labor, and all materials or apparatus for sketching, drawing, photographing, or painting found in his possession shall be forfeited to the Crown.

Penalty—Fine, or imprisonment.

**4.** Any person found trespassing on any enclosed fort, battery, fieldwork, fortification, or other work of military defence, may be summarily removed therefrom by any officer or member of the Defence Forces, or any officer of police, and shall be liable to a penalty of not exceeding Twenty Pounds, and in default to imprisonment not exceeding one month, with or without hard labor.

Penalty on persons trespassing.

**5.** Any officer or member of the Defence Forces or officer of the Civil Service who communicates to any person, otherwise than in the course of his official duty, any plans, documents, or other information relating to any fort, battery, fieldwork, fortification, or other work of military defence, or to any other defences of the province, shall be guilty of a misdemeanor, and shall, on conviction, be liable to imprisonment for any term not exceeding three years, with or without hard labor.

Penalty on communicating information respecting defences.

**6.** All proceedings for offences against this Act, except the misdemeanor mentioned in section 5, or for the recovery of penalties, shall be heard and determined in a summary way by any Special Magistrate or two Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled, "To facilitate the performance of the Duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders," or of any Act now in force, or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary convictions and orders.

Proceedings before Justices.

**7.** This Act may be cited as "The Safety of Defences Act, 1890."

Short title.

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

KINTORE, Governor.