



ANNO SEPTIMO

GEORGII V REGIS.

A.D. 1916.

No. 1242.

An Act to Prohibit the Printing, Publication, Sale, or Use of Documents Pretended to be Official, and for purposes incidental thereto.

[Assented to, October 5th, 1916.]

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 “ Unauthorised Documents Act, 1916.” Short title.

2. In this Act the term “ document ” includes— Interpretation.

- (a) any legal notice, statement of claim, demand, or process ;
- (b) any document used in enforcing a distress for rent or other extra-judicial remedy ; and
- (c) any copy of any document.

3. Every person who, directly or indirectly, without the previous written authority of the King or a member of the Royal Family, or of the person for the time being in charge of any Department of the Government of the United Kingdom of Great Britain and Ireland, or of the Governor-General or Governor or other the person administering the Government of any part of the King’s Dominions (exclusive of the United Kingdom), or of the person for the time being in charge of any Department of the Government

Improper use of Royal Arms, &c., an offence.
Cf. Vict. 2593, 1915, s. 2.

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Government of any such part of the King's Dominions, or without the authority of an Act of Parliament in force in the said State—

- (a) prints or publishes, or causes to be printed or published, or
- (b) sends or delivers to or serves on, or causes to be sent or delivered to or served on, any person,

any written or printed matter whatsoever in or upon which the Royal Arms or the Arms of any part of the King's Dominions, or any token or insignia so nearly resembling the Royal Arms or the Arms of any part of the King's Dominions as to be capable of being readily mistaken for the same, appear in such a manner as, in the opinion of the Special Magistrate or Justices hearing the case, to be likely to lead other persons to believe that permission has been duly given to use such Arms in or upon such written or printed matter, or that such use of such Arms has official significance, shall be guilty of an offence against this Act.

Persons printing, publishing, selling, or using pretended official document guilty of an offence.

Cf. *ibid.*, s. 3.

4. Every person who unlawfully prints, publishes, or sells, or offers or exhibits for sale, or sends or delivers to or serves on any other person, or causes to be printed, published, or sold, or offered or exhibited for sale, or sent or delivered to or served on any other person—

- (a) any written or printed matter so nearly resembling a document published or issued out of or by or under the authority or with the sanction of a court of law, as, in the opinion of the Special Magistrate or Justices hearing the case, is intended to convey, and is reasonably capable of conveying, the impression that such paper or writing is such document; or
- (b) any written or printed matter which, in the opinion of the Special Magistrate or Justices hearing the case, is intended to convey, and is reasonably capable of conveying, the impression that such paper or writing is issued by or under the authority or with the sanction of a court of law,

shall be guilty of an offence against this Act.

No proceedings without consent of Attorney-General.

Cf. *ibid.*, s. 4.

5. No proceedings for an offence against this Act shall be taken by any person whomsoever without the written consent of the Attorney-General of the State.

Other proceedings not affected.

Cf. *ibid.*, s. 5.

6. Nothing in this Act shall be held to affect any provision of any other Act, or any law or custom, by virtue of which any remedy, civil or criminal, might have been availed of before the passing of this Act in respect of any act or omission which is an offence against this Act.

Onus of proof of certain facts.

7. (1) In any proceedings for an offence against section 3 the onus of proving that the written authority referred to in that section has been duly given shall be on the defendant. (2) In

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(2) In any proceedings for an offence against this Act, the fact that the defendant's name appears on any written or printed matter with respect to which such offence is alleged to have been committed as the apparent printer, publisher, seller, or sender thereof shall be *prima facie* evidence that such matter was printed, published, sold, or sent (as the case may be) by the defendant.

8. Every person guilty of an offence against this Act shall be liable to a penalty not exceeding Fifty Pounds, or to be imprisoned for any period not exceeding six months. Penalty.

9. All proceedings in respect of offences against this Act shall be disposed of summarily. Summary proceedings
for offences.

10. There shall be an appeal in respect of proceedings in respect of offences against this Act. Appeal.

11. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated. Special case.

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

H. L. GALWAY, Governor.