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Obscene and Indecent Publications (Amendment)
Bill, 1945.

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.

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1945.

A BILL

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, 1945." 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, 1901-1945.

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

5 (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.)

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

15 4. Nothing in this Act relates to— Exemption of medical works, objects of art and literary works.
20 (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.

25 *Reports of Judicial Proceedings.*

30 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.

35 (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

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

5 (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.

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