

UNAUTHORISED DOCUMENTS.

10° Elizabeth II., No. VIII.

No. 8 of 1961.

AN ACT to prohibit the unauthorised use of the Royal or other Arms, and the issue or use of false or misleading process and other documents; and for other incidental purposes.

[Assented to 10th October, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. This Act may be cited as the *Unauthorised Documents Act, 1961.*

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

3. In this Act unless the context requires otherwise— Interpre-
tation.

“document” includes any notice, claim, demand or process, any document relating to any extra-judicial remedy, and any copy of any document;

“tribunal” includes any court, judge, magistrate, justice or judicial or public officer, whether in or out of the State.

4. (1) Every person who directly or indirectly, without the previous written authority of Her Majesty, or of any member of the Royal Family, or of any Government Department in the United Kingdom, or of the Governor-General or Governor or other the person administering the Government of any part of Her Majesty's Dominions (exclusive of the United Kingdom), or of any Government Department in any such part of Her Majesty's Dominions, or without the authority of any Act or Ordinance in force in any part of Her Majesty's Dominions (including the United Kingdom)— Improper use
of Royal or
other Arms
an offence.
Vict. 1958 No.
6403, s. 3.
South Aust.
No. 1242 of
1916, s. 3.

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

any written or printed matter in or upon which the Royal Arms or the Arms of any part of Her Majesty's Dominions, or Arms or any token insignia or emblem so nearly resembling the Royal Arms or the Arms of any part of Her Majesty's Dominions as to be likely to deceive or be capable of being mistaken for the same, appear in such a manner as to be likely to lead other persons to believe that

permission has been duly given by or under that authority to use those Arms in or upon that written or printed matter, or that the use of those Arms has official significance, commits an offence against this Act.

Penalty: Twenty pounds.

(2) In any proceedings in respect of an offence under this section the onus of proving that authority has been duly given shall lie upon the person charged.

(3) In any complaint in respect of an offence under this section it shall be sufficient to set forth that the act was done without due authority instead of setting forth in the words of subsection (1) of this section that the act was done without the authority referred to in that section.

5. (1) Every person who—

- (a) sends, distributes or delivers to, or serves on, or causes to be sent, distributed or delivered to, or served on, any other person; or
- (b) prints, publishes or sells, or offers or exhibits for sale, or causes to be printed, published or sold, or offered or exhibited for sale,

any paper or writing which is not a document published or issued out of or by or under the authority or with the sanction of any tribunal, but which in the opinion of the court before which any proceedings under this section are brought is intended or likely to convey to a person the impression that the paper or writing is a document published or issued out of or by or under the authority or with the sanction of any tribunal, commits an offence against this Act.

Penalty: Fifty pounds.

Sending,
serving, or
printing
false process
an offence.
Vict. 1958 No.
6403, s. 4.
South Aust.
No. 1242 of
1916, s. 4.

(2) In any proceedings under this section, if any person is named on any paper or writing mentioned in this section in such manner as to imply that he is the printer, publisher, seller or sender of the same, that person shall *prima facie* be deemed to be the person who printed, published, sold or sent that paper or writing.

6. Without affecting any other liability of any person under this Act or otherwise, a company or other body corporate shall be liable to the penalty for an offence under this Act as if it were a private person; and every director, manager, secretary or officer of that company, and every member of the managing body of any such body corporate, shall also be liable to the penalty for that offence.

Penalties
in case of
bodies
corporate.
Vict. 1958 No.
6403, s. 5.

7. No proceedings for an offence against this Act shall be taken by any person without the consent in writing of the Attorney General.

Consent of
Attorney
General to
proceedings.
South Aust.
No. 1242 of
1916, s. 5.

8. Nothing in this Act shall be held to affect any other proceeding, civil or criminal, which might have been taken against any person if this Act had not been passed, but a person shall not be punished for the same offence under any such proceeding and under this Act.

Other
proceedings
not affected.
Vict. 1958 No.
6403, s. 8.
South Aust.
No. 1242 of
1916, s. 6.