

## WESTERN AUSTRALIA

ANNO QUINQUAGESIMO QUARTO

## VICTORIÆ REGINÆ

No. 3

An Act to give protection to persons employed in the Printing and Publication of Papers by order or authority of the Legislative Council or Legislative Assembly or a Committee thereof respectively, and to facilitate the proof of Acts of Parliament and Parliamentary Papers. [*Assented to 26th February, 1891.*]

Preamble

WHEREAS it is essential to the due and effectual exercise and discharge of the functions and duties of the Legislature that no obstructions or impediments should exist to the publication of such of the Reports, Papers, Votes, and Proceedings of the Legislative Council and Assembly as the said Council or Assembly may deem fit or necessary to be published; and whereas obstructions or impediments to such publication may hereafter arise by means of civil or criminal proceedings being taken against persons employed by or acting under the authority of the said Council or Assembly in the publication of such Reports, Papers, Votes or Proceedings by reason and for remedy whereof it is expedient that protection should be afforded to all persons acting under the authority aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Proceedings, criminal or civil, against persons for publication of papers printed by order of the Legislative Council and Assembly to be stayed upon delivery of a certificate and affidavit to the effect that such publication is by order of the said Legislative Council or Assembly

1. It shall and may be lawful for any person or persons who shall be a defendant or defendants in any civil or criminal proceeding commenced or prosecuted in any manner soever for or on account or in respect of the publication of any report, paper, votes or proceedings of the Legislative Council or Legislative Assembly by such person or persons, or by his, her, or their servant or servants, by or under the authority of the Legislative Council or Assembly of the said Colony to bring before the Court in which such proceeding shall have been, or shall be so commenced or prosecuted, or before any Judge of the same, first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding, a certificate under the hand of the President or Speaker of the said Legislative Council or Assembly, or of the Clerk of the said Council or Assembly, stating that the report, paper, votes or proceedings, as the case may be, in respect whereof such civil or criminal proceedings shall have been commenced or prosecuted was published by such person or persons, or by his, her, or their servants, by order, or under the authority of the said Council or Assembly, or a Committee thereof, together with an Affidavit verifying such certificate.

*Printing and Publication of Parliamentary Papers—Protection*

And such Court or Judge shall thereupon immediately stay such civil or criminal proceeding, and the same and every writ or process issued therein shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

2. In case of any civil or criminal proceeding to be commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, it shall be lawful for the defendant or defendants at any stage of the proceedings to lay before the Court or Judge such report, paper, votes or proceedings, and such copy with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy.

Proceedings to be stayed when commenced in respect of the publication of a copy of the authenticated report, &c., on affidavit verifying such copy being laid before the Court

And the Court or Judge shall immediately stay such civil or criminal proceedings, and the same and every writ of process issued therein shall be, and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

3. It shall be lawful, in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of such report, paper, votes or proceedings, to give in evidence such report, paper, votes or proceedings, and to show that such extract or abstract was published *bonâ fide* and without malice.

In proceedings for printing any extract from or abstract of a paper, it may be shown that such extract was *bonâ fide* made

And if such shall be the opinion of the Jury, a verdict of 'not guilty' shall be entered for the defendant or defendants.

4. A Copy of any Ordinance or Act of the Legislature now in force or hereafter to be passed, and of any report, or paper, or votes and proceedings of the Legislative Council or Legislative Assembly or of any Committee thereof respectively, purporting to be printed by the Government Printer or by the authority of either House or of a Committee of either House, shall be received in evidence in all cases whatever without proof of its being such copy, and it shall not be necessary in any case to prove that such copy was printed by such authority.

Proof of Acts, reports, votes, and proceedings, &c.

5. If any person shall print or cause to be printed any such copy as aforesaid, which copy shall falsely purport to have been printed by the Government Printer or by authority as aforesaid, or shall tender in evidence any such copy knowing that the same was not printed by the Government Printer or by authority as aforesaid, every such person shall be guilty of felony and shall upon conviction be liable to penal servitude for not more than three years or to imprisonment for any term not exceeding one year with hard labour.

Printing of false copy, felony

Penalty

W. C. F. ROBINSON,  
GOVERNOR.