



Western Australia.

ANNO SECUNDO

EDWARDI VII. REGIS.

No. XIV.

AN ACT to suppress Indecent and Obscene Publications.

[Assented to, 11th December, 1902.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Indecent Publications Act, Short title. 1902.

2. ANY person who—

(1.) Prints, makes, sells, publishes, distributes, or exhibits any obscene book, paper, newspaper, writing, picture, photograph, lithograph, drawing, or representation ; or

Printing and publishing obscene books, etc.

N.S.W. Act, No. 12 of 1901, sec. 16, s.s. (a.)

(2.) Gives or delivers to any other person any picture or printed or written matter which is of an indecent or obscene nature, with the intent that the same or a copy

Delivering indecent advertisements for publication in newspaper.

Ibid., s.s. (c.)

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thereof, or any part of such matter or a copy thereof, should be published as an advertisement in any newspaper; or

Affixing, etc., in-
decent or obscene
pictures or writings,
etc.
Ibid., s.s. (d.)
Imp. Act 52 & 53
Vict., c. 18, sec. 3.

- (3.) (a.) Affixes to or inscribes on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever, so as to be visible to any person passing along or being in any street, public highway, footpath, or any other place whatsoever to which the public have access;
- (b.) Delivers or attempts to deliver or exhibits to any person;
- (c.) Leaves in or upon any place to which the public have access, or in or upon any house, shop, yard, garden, or other premises;
- (d.) Exhibits to public view in the window of any house or shop, or otherwise publishes any indecent or obscene picture or printed or written matter; or

Sending others to do
acts punishable
under this section.
Ibid., s.s. (e.)
Imp. Act 52 & 53
Vict., No. 18, sec. 4.

- (4.) Gives or delivers to any other person any such pictures or printed or written matter, with the intent that the same, or some one or more thereof, or a copy of any such picture or printed or written matter should be affixed, inscribed, delivered, exhibited, or otherwise published in contravention of the provisions of this section; or

Posting indecent
pictures and printed
matter.
N.S.W. Act No. 12 of
1901, sec. 16, s.s. (f.)

- (5.) Posts, or causes to be posted for transmission by post, any indecent or obscene picture or printed or written matter; or

Printing indecent
pictures or printed
matter.
Ibid., s.s. (g.)

- (6.) Prints any picture or printed matter published or posted in contravention of this Act; or

Publishing indecent
advertisements or re-
ports in newspaper.
Ibid., s.s. (h.)
Penalty.
Ibid., sec. 16.

- (7.) Publishes a newspaper containing any indecent or obscene advertisement,

shall be liable to a penalty not exceeding Twenty pounds, or to imprisonment not exceeding six months, with or without hard labour.

Imposition of
penalties.

3. INFORMATIONS for offences against this Act may be heard and determined summarily by any Resident or Police Magistrate in Petty Sessions.

Certain advertise-
ments, etc., declared
indecent.

4. ANY advertisement, picture, or printed or written matter relating to any complaint or infirmity arising from or relating to sexual intercourse, or to nervous debility or female irregularities, or

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which might reasonably be construed as relating to any illegal medical treatment or illegal operation, shall be deemed to be indecent within the meaning of the Act.

Ibid., sec. 3, see Imperial Act, 52 & 53 Vict., c. 18, sec. 5.

5. NOTHING in this Act relates to any work of recognised literary merit, or to the delivery or 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 *bonâ fide* medical work or treatise; but in any prosecution for an offence against this Act, the burden of proof that a publication is a *bonâ fide* medical work or treatise, or a work of recognised literary merit, shall lie on the defendant.

Savings.

6. IN reference to any indecent or obscene matter or advertisement appearing in any registered newspaper, the following provision shall apply:—

Prosecution, how authorised.

No person shall be prosecuted under this Act for printing, selling, publishing, distributing, or exhibiting any such newspaper unless—

- (a.) He has been first warned in writing by any police officer above the rank of corporal that he will be so prosecuted if thereafter he prints, sells, publishes, distributes, or exhibits any copy of such newspaper, whether published before or after such warning, containing the matter or advertisement complained of, or any matter or advertisement of a like nature or effect;
- (b.) Under the written authority of the Attorney General.

In the name and on behalf of the King I hereby assent to this Act.

E. A. STONE, Administrator.