

OFFICIAL SECRETS BILL.

EXPLANATORY MEMORANDUM.

THIS is an adaptation of the Imperial Official Secrets Acts of 1911 and 1920. The first of these Acts is in force in New Zealand, the second is not. Certain sections of the Imperial Act of 1911—namely, section 10 subsections (1), (2), and (4) and section 11 and also section 11 of the amending Act of 1920—are Imperial in their nature, and cannot be enacted by the Dominion Parliament.

By section 11 of the Act of 1911, it is contemplated that a Dominion may desire to pass such an Act as this whereupon the Imperial Act may be in whole or in part suspended as to that dominion. This suspension comes automatically to an end if the Dominion Act ceases to be in force. For this reason care has been taken as far as is reasonable to keep the language of this Bill in conformity with that of the Imperial Acts. The chief difficulty arises out of the different terminology in use in the two countries with respect to crimes. In New Zealand the terms "felony" and "misdemeanour" were dropped in the year 1893, and are not used, though offences created in these terms still have to be dealt with in our Courts as they are found in Imperial Acts in force in New Zealand. To cover any crimes designated felonies in England, and to cover any future additions to this Act which may be passed to meet newly arising conditions, a general provision has been made in clause 18 (1) to meet cases where the crime is equivalent to a felony. As to the punishments provided by the Act, a maximum sentence of two years has been prescribed for cases which in England would be called "misdemeanours," and a maximum of three months' imprisonment where a Stipendiary Magistrate is empowered to adjudicate. In either of these cases the alternative of a fine is open to be inflicted by the Judge or Magistrate. (Section 25 of the Crimes Act, 1908; clause 18 (2) of this Bill.) It has, moreover, been thought desirable to vest in the Attorney-General authority to treat any but the gravest crimes as matters to be dealt with summarily. (Clause 18 (3).)

An entirely new proposal is to give exceptional authority to deal with companies and corporate bodies. (Clause 18 (7).) This is intended to deal with a possible case in which the offending agent of the corporation, such as a foreign bank, cannot be traced. To make this provision of any real value, a high penalty has been fixed.

In a case dealt with by a Magistrate, the right of appeal given by the Justices of the Peace Act, 1908, is available as in ordinary cases under our law, and in cases dealt with by the Supreme Court there may be an appeal against the sentence under the Crimes Amendment Act, 1920, save where a minimum sentence has been passed.

There are some minor amendments of the Imperial Act intended to make it more effective. The definition of "wireless telegraphy" is extended to deal with the latest invention of a wireless vocal message. (Clause 8 (3).)

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council.

29th November, 1921.

Hon. Sir Francis Bell.

OFFICIAL SECRETS.

Title.	ANALYSIS.
1. Short Title.	11. Unauthorized use of uniforms; falsification of reports, forgery, &c.
2. Interpretation.	12. Penalty for harbouring spies.
3. Penalties for spying.	13. Duty of giving information as to commission of offences.
4. Communications with foreign agents to be evidence of commission of certain offences.	14. Attempted offences.
5. Wrongful communication of information.	15. Restriction on prosecutions.
6. Definition of prohibited place.	16. Search warrants.
7. Interference with officers of police, &c.	17. Procedure.
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9. Power to arrest.	19. Repeal.
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A BILL INTITULED

AN ACT to prevent the Disclosure of Official Documents and Information. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Official Secrets Act, 1921. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.

Any reference to a place belonging to His Majesty includes a place belonging to any Department of the Government of New Zealand, whether the place is or is not actually vested in His Majesty: 1 & 2 Geo. 5, c. 28, sec. 12
10 & 11 Geo. 5, c. 75, sec. 9

Expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself, or the substance, effect, or description thereof only, be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note, or document include the transfer or transmission of the sketch, plan, model, article, note, or document:

Whatever is by this Act declared to be a crime is an indictable offence as if the same were included in the Crimes Act, 1908 :

“ Document ” includes part of a document :

“ Model ” includes design, pattern, and specimen :

“ Sketch ” includes any photograph or other mode of representing any place or thing :

“ Munitions of war ” includes the whole or any part of any ship, submarine, aircraft, tank, or similar engine, arms and ammunition, torpedo, or mine, intended or adapted for use in war, and any other vehicle, article, material, or device, whether actual or proposed, intended for such use :

“ Officer of police ” includes every officer of the Police Force above the rank of sergeant :

“ Office under His Majesty ” includes any office or employment in or under any Department of the Government of New Zealand :

“ Offence under this Act ” includes any act, omission, or other thing which is punishable under this Act :

“ The safety of the State ” includes the safety or interests of New Zealand and all other parts of His Majesty’s dominions.

3. (1.) If any person, for any purpose prejudicial to the safety or interests of the State,—

(a.) Approaches, inspects, passes over, or is in the neighbourhood of, or enters any prohibited place within the meaning of this Act ; or

(b.) Makes any sketch, plan, model, or note which is calculated to be, or might be, or is intended to be, directly or indirectly useful to an enemy ; or

(c.) Obtains, collects, records, or publishes, or communicates to any other person any secret official code-word, or password, or any sketch, plan, model, article, or note, or other document or information which is calculated to be, or might be, or is intended to be, directly or indirectly useful to an enemy,—

he shall be guilty of a crime.

(2.) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State ; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place within the meaning of this Act, or anything in such a place, or any secret official code-word or password, is made, obtained, collected, recorded, published, or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published, or communicated for a purpose prejudicial to the safety or interests of the State, unless the contrary is proved.

4. (1.) In any proceedings against a person for an offence under the *last preceding* section of this Act the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without New Zealand, shall be evidence that

Penalties for spying.
1 & 2 Geo. 5, c. 28,
sec. 1
10 & 11 Geo. 5, c. 75,
First Schedule

Communications
with foreign agents
to be evidence of
commission of
certain offences.
Ibid., sec. 2

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he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be, or might be, or is intended to be directly or indirectly useful to an enemy.

5 (2.) For the purpose of this section, but without prejudice to the generality of the foregoing provision,—

(a.) A person shall, unless he proves the contrary, be deemed to have been in communication with a foreign agent if—

10 (i.) He has, either within or without New Zealand, visited the address of a foreign agent or consorted or associated with a foreign agent; or

15 (ii.) Either within or without New Zealand, the name or address of, or any other information regarding a foreign agent has been found in his possession, or has been supplied by him to any other person, or has been obtained by him from any other person :

20 (b.) The expression “ foreign agent ” includes any person who is or has been, or is reasonably suspected of being or having been, employed by a foreign power either directly or indirectly for the purpose of committing an act, either within or without New Zealand, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without New Zealand, committed, or attempted to commit, such an act in the interests of a foreign power :

25 (c.) Any address, whether within or without New Zealand, reasonably suspected of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of a foreign agent, and communications addressed to such an address to be communications with a foreign agent.

35 5. (1.) If any person having in his possession or control any secret official code-word, or password, or any sketch, plan, model, article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office (whether in New Zealand or elsewhere) under His Majesty, or which he has obtained or to which he has had access owing to his position as a person who so holds or has held office under His Majesty, or as a person who holds or has held a contract made, in New Zealand or elsewhere, on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract,—

40 (a.) Communicates the code-word, password, sketch, plan, model, article, note, document, or information to any person, other than a person to whom he is authorized to communicate it, or a person to whom it is in the interests of the State his duty to communicate it; or

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Wrongful communication of information.
1 & 2 Geo. 5, c. 28, sec. 2
10 & 11 Geo. 5, c. 75, sec. 9, and First Schedule

- (b.) Uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State ; or
- (c.) Retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it, or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof ; or 5
- (d.) Fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code-word, or password, or information,— 10

that person shall be guilty of an offence under this Act.

(2.) If any person having in his possession or control any sketch, plan, model, article, note, document, or information which relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State, that person shall be guilty of an offence under this Act. 15

(3.) If any person receives any secret official code-word or password, or sketch, plan, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the code-word, password, sketch, plan, model, article, note, document, or information is communicated to him in contravention of this Act, he shall be guilty of an offence under this Act, unless he proves that the communication to him of the code-word, password, sketch, plan, model, article, note, document, or information was contrary to his desire. 20 25

(4.) Any person guilty of an offence against the provisions of this section shall be guilty of a crime, and shall be liable to be imprisoned with or without hard labour for a period not exceeding *two* years. 30

6. For the purposes of this Act, the expression " prohibited place " means—

- (a.) Any work of defence, arsenal, naval or air force establishment or station, factory, dockyard, mine, minefield, camp, ship, or aircraft belonging to or occupied by or on behalf of His Majesty, or any telegraph, telephone, wireless, or signal station, or office so belonging or occupied, and any place belonging to or occupied by or on behalf of His Majesty and used for the purpose of building, repairing, making, or storing any munitions of war, or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil, or minerals of use in time of war ; and 35 40
- (b.) Any place not belonging to His Majesty where any munitions of war, or any sketches, models, plans, or documents relating thereto, are being made, repaired, gotten, or stored under contract with, or with any person on behalf of, His Majesty, or otherwise on behalf of His Majesty ; and 45
- (c.) Any place belonging to or used for the purposes of His Majesty which is for the time being declared by the Governor-General by Proclamation to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or damage thereto, would be useful to an enemy ; and 50

Definition of prohibited place.

1 & 2 Geo. 5, c. 28, sec. 3

10 & 11 Geo. 5, c. 75, First Schedule

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(d.) Any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any munitions of war, or any sketches, models, plans, or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of His Majesty, which is for the time being declared by the Governor-General by Proclamation to be a prohibited place for the purposes of this section, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

7. No person in the vicinity of any prohibited place shall obstruct, knowingly mislead, or otherwise interfere with or impede, any officer of police, or any constable, or any member of His Majesty's Forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place, and, if any person acts in contravention of, or fails to comply with, this provision, he shall be guilty of a crime, and shall be liable to be imprisoned for a term not exceeding two years.

Interference with officers of police, &c. 10 & 11 Geo. 5, c. 75, sec. 3

8. (1.) Where it appears to the Attorney-General that such a course is expedient in the public interest, he may, by Warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of New Zealand, or any ship or vessel, to produce to him, or to any person named in the Warrant, the originals and transcripts, either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place, sent or received to or from any place out of New Zealand by means of any such cable, wire, or apparatus, and all other papers relating to any such telegram as aforesaid.

Power to require the production of telegrams. Ibid., sec. 4

(2.) Any person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so shall be guilty of an offence under this Act, and shall, for each offence, be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(3.) In this section the expression "telegram" shall have the same meaning as in the Post and Telegraph Act, 1908, and the expression "wireless telegraphy" shall mean any system of communication without the aid of any wire or conductor connecting the points from and at which the messages or other communications are sent and received, including any method by which vocal messages are so transmitted.

9. Any person who is found committing an offence under this Act, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be apprehended and detained in the same manner as a person who is found committing a crime.

Power to arrest. 1 & 2 Geo. 5, c. 28, sec. 6

10. (1.) Every person who carries on, whether alone or in conjunction with any other business, the business of receiving for reward letters, telegrams, or other postal packets for delivery or forwarding to the persons for whom they are intended, shall, as soon as may be, send to the Commissioner of Police, for registration by him, notice

Registration and regulation of persons carrying on business of receiving postal packets. 10 & 11 Geo. 5, c. 75, sec. 5

of the fact, together with the address or addresses where the business is carried on, and the said Commissioner shall keep a register of the names and addresses of such persons, and shall, if required by any person who sends such a notice, furnish him on payment of a fee of *one* shilling with a certificate of registration, and every person so registered shall from time to time furnish to the said Commissioner notice of any change of address or new address at which the business is carried on, and such other information as may be necessary for maintaining the correctness of the particulars entered in the register. 5

(2.) Every person who carries on such a business as aforesaid shall cause to be entered in a book kept for the purpose the following particulars :— 10

(a.) The name and address of every person for whom any postal packet is received, or who has requested that postal packets received may be delivered or forwarded to him ; 15

(b.) Any instructions that may have been received as to the delivery or forwarding of postal packets ;

(c.) In the case of every postal packet received, the place from which the postal packet comes, and the date of posting (as shown by the post-mark) and the date of receipt, and the name and address of the sender if shown on the outside of the packet, and, in the case of a registered packet, the date and office of registration and the number of the registered packet ; 20

(d.) In the case of every postal packet delivered, the date of delivery and the name and address of the person to whom it is delivered ; 25

(e.) In the case of every postal packet forwarded, the name and address to which and the date on which it is forwarded ;

and shall not deliver a letter to any person until that person has signed a receipt for the same in such book as aforesaid, nor, if that person is not the person to whom the postal packet is addressed, unless there is left with him instructions signed by the last-mentioned person as to the delivery thereof, and shall not forward any postal packet to another address unless there is left with him written instructions to that effect signed by the addressee. 30 35

(3.) The books so kept and all postal packets received by a person carrying on any such business, and any instruction as to the delivery or forwarding of postal packets received by any such person, shall be kept at all reasonable times open to inspection by any officer of police or by any constable. 40

(4.) If any person contravenes or fails to comply with any of the provisions of this section, or furnishes any false information or makes any false entry, he shall be guilty of an offence under this Act, and shall, for each offence, be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding *one* month, or to a fine not exceeding *ten* pounds, or to both such imprisonment and fine. 45

(5.) Nothing in this section shall apply to postal packets addressed to any office where any newspaper or periodical is published, being postal packets in reply to advertisements appearing in such newspaper or periodical. 50

(6.) Nothing in this section shall be construed as rendering legal anything which would be in contravention of the exclusive privilege of the Postmaster-General under the Post and Telegraph Act, 1908.

Unauthorized use of uniforms; falsification of reports, forgery, &c. 10 & 11 Geo. 5, c. 75, sec. 1

11. (1.) If any person for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place within the meaning of this Act, or for any other purpose prejudicial to the safety or interests of the State within the meaning of this Act,—

10 (a.) Uses or wears, without lawful authority, any naval, military, air force, police, or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or

15 (b.) Orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or

20 (c.) Forges, alters, or tampers with any passport, or any naval, military, air force, police, or official pass, permit, certificate, license, or other document of a similar character (hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document; or

25 (d.) Personates, or falsely represents himself to be a person holding, or in the employment of a person holding, office under His Majesty, or to be or not to be a person to whom an official document or secret official code-word or password has been duly issued or communicated, or with intent to obtain an official document, secret official code-word or password, whether for himself or any other person, knowingly makes any false statement; or

30 (e.) Uses, or has in his possession or under his control, without the authority of the Government Department or the authority concerned, any die, seal, or stamp of or belonging to, or used, made, or provided by any Government Department, or by any diplomatic, naval, military, or air force authority appointed by or acting under the authority of His Majesty, or any die, seal, or stamp so nearly resembling any such die, seal, or stamp as to be calculated to deceive, or counterfeits any such die, seal, or stamp, or uses, or has in his possession or under his control any such counterfeited die, seal, or stamp,—

he shall be guilty of a crime, and shall be liable on conviction to imprisonment for a term not exceeding *two* years.

(2.) If any person—

45 (a.) Retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government Department or any person authorized by such Department with regard to the return or disposal thereof; or

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- (b.) Allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code-word or password so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code-word or password issued for the use of some person other than himself, or, on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable; or
- (c.) Without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal, or stamp as aforesaid,—

he shall be guilty of a crime, and shall be liable on conviction to imprisonment for a term not exceeding *two* years.

(3.) In the case of any prosecution under this section involving the proof of a purpose prejudicial to the safety or interests of the State, subsection *two* of section *three* of this Act shall apply in like manner as it applies to prosecutions under that section.

12. If any person knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under this Act, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, or if any person having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, wilfully omits or refuses to disclose to an officer of police any information which it is in his power to give in relation to any such person, he shall be guilty of a crime, and shall be liable on conviction to be imprisoned, with or without hard labour, for a term not exceeding *two* years.

13. It shall be the duty of every person to give on demand to an officer of police, or to any member of His Majesty's Forces engaged on guard, sentry, patrol, or other similar duty, any information in his power relating to an offence or suspected offence under this Act, and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information; and, if any person fails to give any such information or to attend as aforesaid, he shall be guilty of a crime, and shall be liable on conviction to be imprisoned with or without hard labour for a term not exceeding *two* years.

14. Any person who attempts to commit any offence under this Act, or solicits or incites or endeavours to persuade another person to commit an offence, or aids or abets and does any act preparatory to the commission of an offence under this Act, shall be guilty of a crime or an offence punishable summarily according as the offence in question is a crime or an offence punishable summarily, and on conviction shall be liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence.

15. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney-General:

Penalty for
harbouring spies.

1 & 2 Geo. 5, c. 28,
sec. 7
10 & 11 Geo. 5, c. 75,
First Schedule

Duty of giving
information as to
commission of
offences.

Ibid., sec. 6

Attempted offences.

Ibid., sec. 7

Restriction on
prosecutions.

1 & 2, Geo. 5, c. 28,
sec. 8

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

16. (1.) If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorizing any constable named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note, or document, or anything of a like nature, or anything which is evidence of an offence under this Act having been or being about to be committed, which he may find on the premises or place or on any such person and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

Search warrants.
1 & 2 Geo. 5, c. 28,
sec. 9

(2.) Where it appears to an officer of police that the case is one of great emergency and that in the interests of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a Justice under this section.

17. (1.) An offence under this Act, unless dealt with summarily, shall not be tried by any Court save the Supreme Court.

Procedure.
Cf. *ibid.*, sec. 10

(2.) Any person guilty of an offence under the Official Secrets Act, 1911 (Imperial), shall be tried on indictment in the Supreme Court in manner prescribed by the Crimes Act, 1908.

18. (1.) Any person who is guilty of a crime under this Act shall, unless some other punishment is prescribed, be liable on conviction to imprisonment, with or without hard labour, for a term not exceeding *fourteen* years.

Punishment of offences.
10 & 11 Geo. 5, c.
75, sec. 8

(2.) Any person who is guilty of an offence which may be dealt with summarily shall, unless some other punishment is prescribed, be liable on conviction to imprisonment, with or without hard labour, for a term not exceeding *three* months or to a fine not exceeding *fifty* pounds, or to both such imprisonment and fine.

(3.) In any prosecution under this Act where the punishment herein prescribed for the offence does not exceed imprisonment, with or without hard labour, for *two* years, the Attorney-General may elect to proceed for a summary conviction, in which case the *last preceding* subsection shall apply :

Provided that no crime under this Act shall be dealt with summarily, except with the consent of the Attorney-General.

(4.) For the purposes of the trial of a person for an offence under this Act, the offence shall be deemed to have been committed either at the place in which the same actually was committed or at any place in New Zealand in which the offender may be found.

(5.) In addition and without prejudice to any powers which a Court may possess to order the exclusion of the public from any pro-

ceedings, if, in the course of proceedings before a Court against any person for an offence under this Act or the proceedings on appeal, or in the course of the trial of a person for any crime under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the national safety, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect, but the passing of sentence shall in any case take place in public. 5

(6.) Where the person guilty of an offence under this Act is a company or a body corporate under any law having force or effect in New Zealand, herein called a corporation, every director and officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent. 10

(7.) A company or corporation may be convicted of an offence under this Act, and shall on conviction be liable to a fine not exceeding *five thousand* pounds. 15

(8.) A charge against a company or corporation shall be dealt with summarily. 20

(9.) When it is by this Act enacted that an offence shall be dealt with summarily, it shall be dealt with under the Justices of the Peace Act, 1908, by a Stipendiary Magistrate.

19. Section sixty-one of the Defence Act, 1909, is hereby repealed.

Repeal.