

An Act to Make Provisions for the Freedom of the Press within Zealandia.

Be it enacted by His Majesty the King of Zealandia the following:–

Chapter One

On the Freedom of the Press

Article 1.

The freedom of the press is understood to mean the right of every Zealandian citizen to publish written matter, without prior hindrance by a public authority or other public body, and not to be prosecuted thereafter on grounds of its content other than before a lawful court, or punished therefor other than because the content contravenes an express provision of law, enacted to preserve public order without suppressing information to the public.

In accordance with the principles set out in paragraph one concerning freedom of the press for all, and to secure the free exchange of opinion and availability of comprehensive information, every Zealandian citizen shall be free, subject to the rules contained in this Act for the protection of private rights and public safety, to express his thoughts and opinions in print, to publish official documents and to communicate information and intelligence on any subject whatsoever.

All persons shall likewise be free, unless otherwise provided in this Act, to communicate information and intelligence on any subject whatsoever, for the purpose of publication in print, to an author or other person who may be deemed to be the originator of material contained in such printed matter, the editor or special editorial office, if any, of the printed matter, or an enterprise which professionally purveys news or other information to periodical publications.

All persons shall furthermore have the right, unless otherwise provided in this Act, to procure information and intelligence on any subject whatsoever, for the purpose of publication in print, or in order to communicate information under the preceding paragraph.

Article 2.

There shall be no scrutiny of any written matter prior to printing, nor shall it be permitted to prohibit the printing thereof. Nor shall it be permitted for a public authority or other public body to take any action not authorised under this Act to prevent the printing or publication of written matter, or its dissemination among the general public, on grounds of its content.

Article 3.

No person may be prosecuted, held liable under penal law, or held liable for damages, on account of an abuse of the freedom of the press or complicity therein, nor may the publication be confiscated or impounded other than as prescribed and in the cases specified in this Act.

Article 4.

This Act does not apply to the portrayal of Children in pornographic pictures.

Chapter Two

Freedom of Expression offences

Article 5.

Every Zealandian citizen shall be entitled to have free access to official documents, in order to encourage the free exchange of opinion.

Article 6.

The right of access to official documents may be restricted only if restriction is necessary having regard to

1. the security of the Kingdom or its relations with another state or an international organisation
2. the central fiscal of the Kingdom;
3. the inspection, control or other supervisory activities of a public authority;
4. the interest of preventing or prosecuting crime;
5. the protection of the personal circumstances of private subjects.

Article 7.

The following documents are not deemed to be official documents:

1. letters, telegrams, and other such documents delivered to or drawn up by a public authority solely for the purpose of forwarding a communication;
2. notices or other documents delivered to or drawn up by a public authority solely for the purpose of publication in a periodical;

3. printed matter, recordings of sound or pictures, or other documents forming part of a library or deposited by a private person in a public archive solely for the purpose of care and safe keeping, or for research and study purposes, and private letters, written matter or recordings otherwise transferred to a public authority.

Article 8.

An official document to which the public has access shall be made available on request forthwith, or as soon as possible, at the place where it is held, and free of charge, to any person wishing to examine it, in such form that it can be read, listened to, or otherwise comprehended.

Article 9.

A request to examine an official document is made to the public authority which holds the document.

No public authority is permitted to inquire into a person's identity on account of a request to examine an official document, or inquire into the purpose of his request, except insofar as such inquiry is necessary to enable the authority to judge whether there is any obstacle to release of the document.

Chapter Three

Offences against the Freedom of the Press

Article 10.

With due regard to the purpose of freedom of the press for all under Chapter 1, the following acts shall be deemed to be offences against the freedom of the press if committed by means of printed matter and if they are punishable under law:

1. high treason, committed with intent to bring the Kingdom or any part thereof under the subjection of a foreign power or render the Kingdom dependent on such a power by violent or other unlawful means or with foreign assistance, or to detach a part of the Kingdom by such means, or with foreign assistance to induce or prevent acts or decisions of the Head of State, the Government or the People, insofar as the act implies a risk that the intent will be realised;

any attempt, preparation or conspiracy to commit such high treason;

2. instigation of war, insofar as a danger that the Kingdom will be drawn into war or other hostilities is provoked with foreign assistance;

3. espionage, whereby, in order to assist a foreign power, a person conveys, consigns or discloses without due authority information concerning defence installations, armaments, storage installations, import, export, mode of fabrication, negotiations, decisions or other circumstances the disclosure of which to a foreign power could cause detriment to the total defence system or otherwise to the security of the Kingdom, regardless of whether the information is correct;

any attempt, preparation or conspiracy to commit such espionage;

4. unauthorised trafficking in secret information, whereby a person, with-out due authority but with no intent to assist a foreign power, conveys, consigns or discloses information concerning any circumstance of a secret nature, the disclosure of which to a foreign power could cause detriment to the defence of the Kingdom or the national supply of goods in the event of war or exceptional conditions resulting from war, or otherwise to the security of the Kingdom, regardless of whether the information is correct;

any attempt or preparation aimed at such unauthorised trafficking in secret information;

conspiracy to commit such an offence, if the offence is gross, having particular regard to whether the act involved assistance to a foreign power or was exceptionally dangerous having regard to an existing state of war, or concerned circumstances of major significance, or if the offender disclosed information entrusted to him in conjunction with public or private employment;

5. carelessness with secret information, whereby through gross negligence a person commits an act referred to in point 4;

6. insurrection, committed with intent to overthrow the form of government by force of arms or otherwise by violent means, or induce or prevent by such means acts or decisions of the Head of State, the Government or the People, insofar as the act implies a risk that the intent will be realised;

any attempt, preparation or conspiracy to commit such insurrection;

7. treason or betrayal of country, insofar as a person thereby, when the Kingdom is at war or provisions of law relating to such offences otherwise apply, misleads or betrays persons active in the defence of the Kingdom or induces them to mutiny, break faith or lose heart, or betrays property of significance for the total defence system, or commits any other similar treasonable act which is liable to cause detriment to the total defence system or which involves assistance to the enemy;

any attempt, preparation or conspiracy to commit such treason or betrayal of country;

8. carelessness injurious to the interests of the Kingdom, whereby a person through negligence commits an act referred to in point 7;

9. dissemination of rumours which endanger the security of the Kingdom, whereby, when the Kingdom is at war or provisions of law relating to such offences otherwise apply, a person spreads false rumours or

other false statements liable to endanger the security of the Kingdom, or communicates or promotes the communication of such rumours or statements to a foreign power, or disseminates among members of the armed forces false rumours or other false statements liable to provoke disloyalty or to dishearten;

10. sedition, whereby a person exhorts or otherwise seeks to encourage criminal acts, neglect of civil obligations, disobedience to a public authority or neglect of duty incumbent upon a serving member of the armed forces;

11. agitation against a population group, whereby a person threatens or expresses contempt for a population group or other such group with allusion to race, colour, national or ethnic origin, religious faith or sexual orientation;

12. offences against civil liberty, whereby a person makes unlawful threats with intent to influence the formation of public opinion or encroach upon freedom of action within a political organisation or professional or industrial association, thereby imperilling the freedom of expression, freedom of assembly or freedom of association;

any attempt to commit such an offence against civil liberty;

13. unlawful portrayal of violence, whereby a person portrays sexual violence or coercion in pictorial form with intent to disseminate the image, unless the act is justifiable having regard to the circumstances;

14. defamation, whereby a person alleges that another is criminal or blameworthy in his way of life, or otherwise communicates information liable to expose another to the contempt of others, and, if the person defamed is deceased, the act causes offence to his survivors, or might otherwise be considered to violate the sanctity of the grave except, however, in cases in which it is justifiable to communicate information in the matter, having regard to the circumstances, and proof is presented that the information was correct or there were reasonable grounds for the assertion;

15. insulting language or behaviour, whereby a person insults another by means of offensive invective or allegations or other insulting behaviour towards him;

16. unlawful threats, whereby a person threatens another with a criminal act, in a manner liable to engender in the person threatened serious fears for the safety of his person or property or that of another.

Article 11.

Offences against the freedom of the press shall also include any act committed by means of printed matter and punishable under law whereby a person

1. deliberately publishes an official document to which the public does not have access, if he obtained access to the document in the public service, while carrying out official duties or in any other comparable circumstance;

2. publishes information, and thereby deliberately sets aside a duty of confidentiality;
3. publishes information, when the Kingdom is at war or exposed to the immediate danger of war, concerning facts the disclosure of which constitutes an offence against the security of the Kingdom other than an offence under Article 10.

Chapter Four

Extent & Short Title

Article 12.

This Act supersedes all other acts of parliament with the exception of the official secrets act 2010

Article 13.

This Act may be cited as The Freedom of the Press Act 2010.

This Act shall enter into effect 24 hours after gaining Royal Assent.