

## DOMESTIC PROCEEDINGS AMENDMENT BILL

---

### EXPLANATORY NOTE

UNDER section 7 of the Domestic Proceedings Act 1939 it is an offence to publish in a newspaper any particulars relating to proceedings between husband and wife for separation or maintenance under the Destitute Persons Act 1910, or to proceedings for the maintenance of children under that Act, before the Magistrate has heard and determined the case.

This Bill extends section 7 of the Domestic Proceedings Act by restricting the particulars that may be published after the determination of the case to the names, addresses, and occupations of parties and witnesses, the grounds of the proceedings, a concise statement of charges, defences, and counter-charges on which evidence has been given, submissions and decisions on points of law, and the decision of the Magistrate on the case together with his observations. The Magistrate may, however, authorise the publication of other particulars, subject to such conditions relating to any matter to be published as he thinks fit. The Bill also amends section 7 by providing that the restrictions on publication do not apply to periodicals of a technical character bona fide intended for circulation among members of the legal or medical professions, psychologists, advisers in the sphere of marriage guidance, or other social welfare workers. There are also minor drafting amendments of the existing provisions of section 7 designed to secure conformity with the proposed *new section 55A* of the Divorce and Matrimonial Causes Act 1928, as set out in *clause 4* of the Divorce and Matrimonial Causes Amendment Bill.

The amendments made by the Bill follow section 58 of the Magistrates' Courts Act 1952 of the United Kingdom (which re-enacts legislation of 1937).

*Hon. Mr Mason*

## DOMESTIC PROCEEDINGS AMENDMENT

### ANALYSIS

Title  
1. Short Title

2. Newspaper reports of domestic proceedings

### A BILL INTITULED

#### **An Act to amend the Domestic Proceedings Act 1939**

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

1. **Short Title**—This Act may be cited as the Domestic Proceedings Amendment Act 1958, and shall be read together with and deemed part of the Domestic Proceedings Act 1939 (hereinafter referred to as the principal Act).

10 2. **Newspaper reports of domestic proceedings**—(1) Section seven of the principal Act is hereby amended by repealing subsection two, and substituting the following subsections:

“(1A) After the hearing and determination of any domestic proceedings, no particulars in relation to the proceedings shall  
15 be printed or published in any newspaper, except the following particulars, namely:

“(a) The names, addresses, and occupations of the parties and witnesses:

“(b) The grounds of the application or complaint, and a concise statement of the charges, defences, and countercharges in support of which evidence has been given:

“(c) Submissions on any point of law arising in the course of the proceedings, and the decision of the Magistrate on the submissions: 5

“(d) The decision of the Magistrate, and any observations made by the Magistrate in giving it:

“Provided that the Magistrate may in his discretion authorise the publication of any other particulars, subject to such conditions relating to any matter to be published as he thinks fit. 10

“(2) If any particulars are printed or published in any newspaper in contravention of the provisions of this section, every printer, publisher, or editor of the newspaper shall be guilty of an offence and liable on summary conviction— 15

“(a) In the case of an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both: 20

“(b) In the case of a body corporate, to a fine not exceeding five hundred pounds.”

(2) The said section seven is hereby further amended by omitting from subsection five the words “registered under the Printers and Newspapers Registration Act 1908”, and substituting the words “within the meaning of the Newspapers and Printers Act 1955”. 25

(3) The said section seven is hereby further amended by adding to subsection five the following proviso:

“Provided that for the purposes of this section the term ‘newspaper’ shall not include any newspaper or periodical publication of a technical character bona fide intended for circulation among members of the legal or medical professions, psychologists, advisers in the sphere of marriage guidance, or other social welfare workers.” 30 35