

JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) BILL.

EXPLANATORY MEMORANDUM.

THIS Bill is on the same lines as the Judicial Proceedings (Regulation of Reports) Act, 1926 (Imperial), but goes somewhat further. The important alterations are as follows :—

Clause 3 is extended so as to apply to all kinds of proceedings under the Destitute Persons Act, 1910. The corresponding provision of the Imperial Act is limited in its application to reports of divorce proceedings.

Clause 4: This clause is new. It prohibits the unauthorized publication of the photographs of parties or witnesses in any judicial proceedings (whether criminal or civil).

Clause 5: The proviso to this clause is substantially the same as the proviso to subsection (2) of section 1 of the Imperial Act above referred to. It has been extended, however, to include the manager and sub-editor of a publication, to conform to corresponding provisions in the Indecent Publications Act, 1910.

Clause 8: This clause is new. It disposes of the possible contention that the provisions of the Bill are intended to supersede or limit existing statutory provisions regulating the publication of reports of judicial proceedings.

Hon. Mr. Cobbe.

JUDICIAL PROCEEDINGS (REGULATION OF
REPORTS).

ANALYSIS.

Title.	4. Prohibition of publication of un-authorized portraits of parties and witnesses.
1. Short Title.	5. Penalties.
2. Restriction on publication of reports of judicial proceedings.	6. Attorney-General's consent to be obtained.
3. Regulation of reports of proceedings in divorce, or under Destitute Persons Act.	7. Exemption of certain documents.
	8. Indecent Publications Act and other Acts not affected.

A BILL INTITULED

AN ACT to regulate the Publication of Reports of Judicial Proceedings in such Manner as to prevent Injury to Public Morals, and to make Provision for certain Matters incidental thereto.

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

10 1. This Act may be cited as the Judicial Proceedings (Regulation of Reports) Act, 1933.

15 2. It shall not be lawful to print or publish, or cause or procure to be printed or published, in relation to any judicial proceedings, any indecent matter or indecent medical, surgical, or physiological details, being matter or details the publication of which would be calculated to injure public morals.

No. 2—1.

Regulation of reports of proceedings in divorce, or under Destitute Persons Act.

Cf. 16 & 17 Geo. V, c. 61, s. 1 (1) (b)

See Reprint of Statutes, Vol. II, p. 896

3. It shall not be lawful to print or publish, or cause or procure to be printed or published, in relation to any judicial proceedings for dissolution of marriage, or for nullity of marriage, or for judicial separation, or for restitution of conjugal rights, or for the making under the Destitute Persons Act, 1910, of an affiliation order, a maintenance order, a separation order, or a guardianship order, any particulars other than the following, that is to say:— 5

(a) The names, addresses, and descriptions of the parties and witnesses, and of solicitors and counsel: 10

(b) A concise statement of the charges, defences, and countercharges in support of which evidence has been given: 15

(c) Submissions on any point of law arising in the course of the proceedings, and the decision of the Court thereon:

(d) The summing-up of the Judge and the finding of the jury (if any), the judgment of the Court, and observations made by the Judge or Magistrate in giving judgment: 20

Provided that nothing in this section shall be held to permit the publication of anything contrary to the provisions of section *two* hereof. 25

Prohibition of publication of unauthorized portraits of parties and witnesses.

4. (1) Except with the authority of the person represented, it shall not be lawful to print or publish, or cause or procure to be printed or published, in relation to any judicial proceedings, any photograph, drawing, caricature, or other representation of any person who is a party to the proceedings or a witness therein, or who has attended the proceedings for the purpose of giving evidence. 30

(2) In any prosecution for an offence against this section, the burden of proving that the printing or publication of any photograph, drawing, caricature, or other representation was authorized shall be upon the defendant. 35

Penalties.
Cf. ibid., s. 1 (2)

5. If any person acts in contravention of the provisions of this Act he shall in respect of each offence be liable, on summary conviction, to imprisonment for a term not exceeding *two* months, or to a fine not exceeding *two hundred and fifty* pounds, or to both such imprisonment and fine: 40

Provided that no person other than a proprietor, manager, editor, sub-editor, master printer, or publisher shall be liable to be convicted under this Act. 45

6. No prosecution for an offence against this Act shall be commenced except by leave of the Attorney-General.

Attorney-General's consent to be obtained.

7. Nothing in this Act shall apply to the printing of any pleading, transcript of evidence, or other document for use in connection with any judicial proceedings, or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the Court; or to the printing or publishing of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in Courts of law, or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Cf. 16 & 17 Geo. V, c. 61, s. 1 (3)

Exemption of certain documents.

Cf. *ibid.*, s. 1 (4)

8. (1) Nothing in this Act shall affect the operation of the Indecent Publications Act, 1910, but no person shall in respect of the same offence be convicted under the said Act and also under this Act.

Indecent Publications Act and other Acts not affected.

(2) Nothing in this Act shall be construed to limit the provisions of any other enactment relating to the prohibition or regulation of the publication of reports of judicial proceedings, or of the publication of any particulars in relation thereto.

See Reprint of Statutes, Vol. II, p. 346