

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 4 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 5: This clause is new. It prohibits the unauthorized making or publication of the photographs, drawings, &c., of the presiding Judge or Magistrate, or of parties or witnesses or jurors in any judicial proceedings (whether criminal or civil).

Clause 6: Under the Imperial Act above referred to the only persons against whom proceedings for offences against the Act may be taken are "proprietors, editors, master printers, and publishers" of publications. This limitation is not repeated in the present Bill, such a limitation not being appropriate, for example, to certain offences under clause 5. Protection against prosecution for trivial or technical offences is afforded by clause 7.

Clause 9: 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.	5. Prohibition of publication of un-authorized photographs or drawings of persons engaged in judicial proceedings.
1. Short Title.	6. Penalties.
2. Interpretation.	7. Attorney-General's consent to prosecutions.
3. Restriction on publication of reports of judicial proceedings.	8. Exemption of certain documents.
4. Regulation of reports of proceedings in divorce, or under Destitute Persons Act.	9. 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. Title.

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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 Judicial Proceedings (Regulation of Reports) Act, 1934. Short Title.

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2. In this Act the expression "judicial proceedings" means proceedings before any Court, tribunal, or person having by law power in relation to such proceedings to receive evidence on oath. Interpretation.

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Struck out.

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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, 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.

Restriction on publication of reports of judicial proceedings.
16 & 17 Geo. V,
c. 61, s. 1 (1) (a)

Struck out.

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

4. Except with the authority in writing of the presiding Judge or Magistrate 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:—

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

(b) 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 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 :

Provided that nothing in this section shall be held to permit the publication of anything contrary to the provisions of the *last preceding* section.

Prohibition of publication of unauthorized photographs or drawings of persons engaged in judicial proceedings.

5. (1) Except with the authority in writing of the Judge or Magistrate or other person presiding over any judicial proceedings, or with the authority of the person represented, it shall not be lawful to make, or to print or publish, or to cause or procure to be made, printed, or published, in relation to any judicial proceedings, any photograph, drawing, caricature, or other representation of any Judge, Magistrate, or other person presiding over such proceedings, or of any person who is a party to the proceedings or a witness therein, or who has attended or has been summoned to attend the proceedings for the purpose of giving evidence, or of any juror, or of any other person associated with such proceedings.

Struck out.

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

The fact that the making,

printing, or publication of any photograph, drawing, caricature, or other representation of any person was authorized by that person shall not constitute a defence to proceedings for contempt of Court.

5 (3) Nothing in this section shall apply with respect to the making, printing, or publication of any photograph or other document by any officer of police acting in the course of his official duties, or by any other person acting with the authority of an officer of police.

10 6. 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.

Penalties.
Cf. 16 & 17
Geo. V. c. 61,
s. 1 (2)

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

Attorney-
General's
consent to
prosecutions.
Cf. *ibid.*, s. 1 (3)

20 8. 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
25 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
30 or medical professions.

Exemption of
certain
documents.
Cf. *ibid.*, s. 1 (4)

Struck out.

35 9. (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
40 particulars in relation thereto.

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