

JUDICIAL 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 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 making or publication of photographs, drawings, &c., of parties or witnesses or jurors in any judicial proceedings (whether criminal or civil).

Clause 5: This clause is new. It imposes restrictions on the publication, in reports of poisoning cases, of the name of the poison used or of a description by which the poison can be easily identified.

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 4. 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 provisions regulating the publication of reports of judicial proceedings.

Hon. Mr. Mason.

JUDICIAL REPORTS.

ANALYSIS.

Title.	4. Prohibition of publication of unauthorized photographs or drawings of persons engaged in judicial proceedings.
1. Short Title.	5. Imposing restrictions on reports of poisoning cases.
2. Interpretation.	6. Penalties.
3. Regulation of reports of proceedings in divorce, or under Destitute Persons Act.	7. Attorney-General's consent to prosecutions.
	8. Exemption of certain documents.
	9. Other enactments not affected.

A BILL INTITULED

AN ACT to impose Restrictions on the Publication of Title.
Reports of certain Classes of Judicial Proceedings,
and to make Provision with respect to certain
5 Incidental Matters.

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 Reports Short Title.
Act, 1936.

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

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. 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: 5
- (b) A concise statement of the charges, defences, and countercharges in support of which evidence has been given: 10
- (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

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

4. (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 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. 25 30

(2) 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. 35

5. Except with the authority in writing of the Judge or Magistrate or other person presiding over any judicial proceedings, it shall not be lawful to print or publish or cause or procure to be printed or published in relation to the proceedings the name of any poison or other substance by means of which any person is alleged or suspected to have committed or attempted to commit murder or suicide, or any description of any such poison or other substance by means of which it may be easily identified.
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.
7. No prosecution for an offence against this Act shall be commenced except by leave of the Attorney-General.
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 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.
9. 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.

Imposing restrictions on reports of poisoning cases.

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

Attorney-General's consent to prosecutions.

Cf. *ibid.*, s. 1 (3)

Exemption of certain documents.

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

Other enactments not affected.