

JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ORDINANCE 1951.⁽¹⁾

No. 48 of 1951.

An Ordinance relating to the Publication of Reports of Judicial Proceedings.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

1. This Ordinance may be cited as the *Judicial Proceedings* Short title. (*Regulation of Reports*) Ordinance 1951.⁽¹⁾
2. This Ordinance shall come into operation on a date to be Commencement. fixed by the Administrator by notice⁽¹⁾ in the *Gazette*.
3. The *Judicial Proceedings (Regulation of Reports)* Repeal. Ordinance 1934⁽²⁾ of the Territory of New Guinea is repealed.
4. In this Ordinance, unless the contrary intention appears— Definitions.
 - “ judicial proceedings ” includes a proceeding before a court, tribunal or person having by law power to hear, receive and examine evidence;
 - “ publisher ” includes a proprietor, editor or master printer.
- 5.—(1.) A publisher shall not print or publish, or cause or procure to be printed or published— Restriction on publication of reports of judicial proceedings.
 - (a) 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; or

(1) Particulars of this Ordinance are as follows:—

Date on which made by Cwth. Administrator in Council.	Date on which notified in Cwth. Gaz.	Date on which took effect.
13.11.1951	13.11.1951	22.11.1951 (Papua and N.G. Govt. Gaz. of 22.11.1951)

(2) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. I., on pp. 1207-1208.

PART A : COURTS—

(b) subject to the next succeeding sub-section, 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, any particulars other than the following:—

- (i) the names, addresses and occupations of the parties and witnesses;
- (ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given;
- (iii) submissions on a point of law arising in the course of the proceedings, and the decision of the court thereon; and
- (iv) the summing-up of the judge and the judgment of the court and observations made by the judge in giving judgment.

Penalty (in respect of each contravention): Two hundred pounds or imprisonment for four months, or both.

(2.) Nothing in paragraph (b) of the last preceding sub-section shall be held to permit the publication of anything contrary to the provisions of paragraph (a) of that sub-section.

Ordinance not to apply to publication for certain purposes.

6. Nothing in this Ordinance applies—

- (a) to the printing or publishing of any pleading, transcript of evidence, or other document for use in connexion with any judicial proceedings, or to the communication of the contents of the pleading, transcript of evidence or other document to persons concerned in the proceedings;
- (b) to the printing or publishing of a notice or report in pursuance of the directions of a court or judge;
- (c) to the printing or publishing of any matter in a separate volume or part of a *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
- (d) to the printing or publishing of any matter in a publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Sanction to prosecute.

7. A prosecution for an offence under this Ordinance shall not be commenced by a person without the sanction of the Crown Law Officer.