

# PRINTERS AND NEWSPAPERS ORDINANCE 1926.<sup>(1)</sup>

**No. 27 of 1926.**

## An Ordinance Relating to Printers and Newspapers.

**B**E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920-1926* as follows:—

### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Printers and Newspapers Ordinance 1926.*<sup>(1)</sup> Short title.
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette.*<sup>(1)</sup> Commencement.

3. This Ordinance is divided into Parts as follows:— Parts.
  - Part I.—Preliminary.
  - Part II.—Registration of Printing Presses.
  - Part III.—Registration of Newspapers.
  - Part IV.—Offences.

4. In this Ordinance, unless the contrary intention appears— Definitions.

“Newspaper” includes every paper or pamphlet, other than those hereinafter mentioned, containing any public news, intelligence or occurrence, or any remarks or observations thereon, or upon any political matter, and published for sale periodically, or in parts or numbers, at intervals not exceeding twenty-six days between the publication of any two such papers or pamphlets or numbers, at a price of One shilling or any less amount; but does not include any document published in the course of his duty by the Government Printer or pub-

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

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwith. Gaz.</i>	Date on which took effect.
22.12.1926	23.12.1926	22.3.1927 ( <i>N.G. Gaz.</i> of 15.3.1927)

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lished by the authority of any department of the Administration or containing only matter of a commercial nature;

“The Registrar-General” means such officer as the Administrator appoints, by notice in the *Gazette*, to perform the functions of the Registrar-General under this Ordinance.

PART II.—REGISTRATION OF PRINTING PRESSES.

Notice of press or types to be filed with Registrar-General.

5.—(1.) Every person other than a company who owns, uses or has any printing press or types for printing shall give to the Registrar-General notice thereof in writing signed by him and attested by a witness, in accordance with the form contained in the First Schedule to this Ordinance.

(2.) Every company which owns or uses or has any printing press or types for printing shall give to the Registrar-General notice thereof in writing attested by a witness and signed and being in the form contained in the Second Schedule to this Ordinance or to the like effect.

(3.) The Registrar-General shall file all notices received in pursuance of this section and shall give to the person or company concerned a certificate in accordance with the form contained in the First or Second Schedule to this Ordinance, as the case may be.

Printer's name to be printed on every published work.

6.—(1.) Every person who prints for publication or dispersion, whether gratuitously or for money, any paper or book, shall print his name and place of abode in legible characters upon the front of the paper if it contains only one leaf, and upon the first and the last leaf of the paper or book if it contains more than one leaf.

(2.) Where the paper or book is printed by a company, the name of the company, or some known abbreviation thereof, and the name of the person in charge of its printing business, and the address at which the business is carried on, shall be substituted for the particulars required to be printed under the last preceding sub-section.

Where change made fresh notice to be given.

7. In case a change is at any time made in any of the particulars required to be stated in the Second Schedule to this Ordinance, or upon the written requisition of the Registrar-General, the company owning using or having any printing press or types for printing shall cause a fresh notice to be given to the Registrar-General as required by this Ordinance.

Printer to keep record of employer's name and address.

8. Every person who prints for or in the expectation of hire, gain or profit any paper shall keep one copy at least of the paper, and shall write or print thereon the name and the place of abode of the person by whom he has been employed to print the paper.

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9.—(1.) If any Justice of the Peace from information upon oath has reason to suspect that any printing press or types for printing is or are used or kept for use without notice given and certificate obtained as required by this Ordinance or in any house or place not included in any notice and certificate, the Justice may by his warrant direct any member of the police force (other than a native) with his assistants (if any) to enter in the day-time into the house and search for any printing press or types for printing, and the member of the police force and his assistants may enter into the house or place accordingly, and may seize every printing press found therein and all the types and other articles thereto belonging and all printed papers found in the house or place, and take them before the nearest District Court.

Search warrant may be granted for unregistered presses.

(2.) The Court may, after such notice (if any) and to such persons (if any) as it thinks fit to direct, order that any articles so brought before it be condemned or be returned to the person from whom they were taken.

(3.) Where any prosecution is pending, an order for the condemnation or return of any articles relating thereto shall not be made until the prosecution is determined.

(4.) All articles which are condemned as forfeited shall be dealt with as directed by the Administrator, and pending his direction may be detained in such custody as the Court directs.

10. Nothing in this Ordinance shall extend to—

- (a) the impression of any engraving;
- (b) the printing by letterpress of the name or the name and address or business or profession of any person and of the articles in which he deals;
- (c) any papers for the sale of land or chattels by auction or otherwise;
- (d) any bank note bill of exchange or promissory note;
- (e) any bond or other security for the payment of money;
- (f) any bill of lading, policy of insurance, letter of attorney, deed or agreement;
- (g) any receipt for money or goods;
- (h) any legal instrument or proceeding in the Central Court<sup>(2)</sup> or in any inferior Court;
- (i) any papers printed by the authority of any department of the Administration; or
- (j) any circular or letter from any company, corporation, society or association to the directors, shareholders or members thereof which bears the true name and

Exemptions from the foregoing provisions.

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(2) See Section 7A of the *Judiciary Ordinance 1921-1938.*

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address or place of business of the secretary or other officer thereof or any circular notice or letter issued by any person and bearing his true name and address.

### PART III.—REGISTRATION OF NEWSPAPERS.

All newspapers to be subject to this Ordinance.

11. No person shall, after the expiration of one month from the commencement of this Ordinance, print or publish any newspaper, unless and until the affidavits have been registered and the recognizances entered into, as required by this Part.

Affidavits of publication to be registered.

12.—(1.) When any person desires to publish any newspaper, or when, in any newspaper already registered, any change is at any time made in any of the particulars required by this Part to be stated, or upon a written requisition from the Registrar-General, the publisher of the newspaper shall deposit with the Registrar-General an affidavit duly sworn and signed by the proprietors thereof, and by the persons intended to be the printer and publisher thereof respectively.

(2.) The affidavit shall be in accordance with the form contained in the Third Schedule to this Ordinance, or as near thereto as possible and shall contain the statements therein specified.

(3.) Where a company is the proprietor of a newspaper the affidavit shall be in the form contained in the Fourth Schedule to this Ordinance, and shall be sworn and signed by the secretary, manager or managing director, and by the chairman of directors of the company. Such affidavit shall in all cases set forth the name of some individual person or persons as printer and publisher of the newspaper.

Affidavit conclusive evidence of its statements.

13. In all proceedings, civil or criminal, touching any newspaper or anything therein contained, the affidavit referred to in the last preceding section shall be conclusive evidence, as against every person signing it, of the truth of all statements contained in the affidavit.

Disclaiming affidavit to be registered.

14. When any person has made any affidavit under the provisions of section twelve of this Ordinance, if he deposits with the Registrar-General an affidavit stating that he is no longer connected with the newspaper in the capacity set forth in the first-mentioned affidavit, he shall not from the date on which he has deposited that affidavit, be taken, by reason of the first-mentioned affidavit only, to be connected with the newspaper.

Register of affidavits open to the public.

15. The Registrar-General shall cause to be registered all affidavits and recognizances deposited with him under this Ordinance, and the register shall at all reasonable times be open, without charge, to public inspection.

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16. Every newspaper shall contain printed in some convenient part thereof the true name, addition and place of abode of its printer and its publisher, and a true description of the place where the newspaper is printed, and the omission of these particulars or of any part thereof shall be prima facie evidence of wilful default against the printer or publisher.

Names of printer and publisher to be printed in newspapers.

17. In any proceedings, civil or criminal, touching any newspaper or anything therein contained against any person who has made any affidavit under section twelve of this Ordinance, if the affidavit or a certified copy thereof is produced in evidence, and if a newspaper is also produced intituled in the same manner as the newspaper mentioned in the affidavit or copy, and in which the names of the printers and publishers and the place of printing are the same as the names of the printers and publishers and the place of printing mentioned in the affidavit or copy, it shall not be necessary to prove that the newspaper to which the trial relates was purchased at any house, shop or office belonging to or occupied by the defendant or his servants, or where he or they severally carry on the business of printing and publishing or where the newspaper is sold.

Proof of purchase of paper at defendant's office dispensed with.

18. Where any person commences an action in the Central Court<sup>(2)</sup> for the discovery of the name of any person concerned in the property of or in any newspaper as printer, publisher or otherwise, or any matter relating to the printing or publishing thereof in order to enable him the more effectually to bring or carry on any action for damages by him alleged to have been sustained by reason of any libellous matter concerning him therein contained, the defendant shall not be permitted to plead or demur to the claim, but shall be compellable to make the discovery thereby required, but no such discovery shall be used for any purpose in any proceeding other than that in which the discovery is made.

Discovery in cases of libel in newspapers.

19. In order to enforce an appearance in any suit, prosecution or proceeding, civil or criminal, against any printer, publisher or proprietor of any newspaper, the service at the house or place mentioned in the affidavit made and delivered in pursuance of this Ordinance as the house or place at which the newspaper to which any proceeding, civil or criminal, relates is or is intended to be printed, of any writs, pleadings, notices, summonses, subpoenas, rules, orders or other proceedings shall be deemed and taken to be good and sufficient service thereof respectively against the person or persons named in the affidavit as the proprietor or proprietors, printer or printers, or publisher or publishers of the newspaper.

Service of legal process against proprietors printers or publishers of newspapers.

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(2) See Section 74 of the *Judiciary Ordinance 1921-1938.*

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Printers or publishers of newspapers to enter into recognizances with sureties.

20. Prior to the publication of any newspaper, or within one month after the commencement of this Ordinance, the printer and the publisher thereof respectively, together with two sufficient sureties shall enter, before and to the satisfaction of a Judge of the Central Court<sup>(2)</sup> or of the District Officer of the District in which the newspaper is or is intended to be printed and published, or of some person appointed by the Administrator for that purpose, into a recognizance himself in a sum of Five hundred pounds and his sureties in a like sum in the whole, conditioned that the printer or publisher shall pay not only every fine or penalty that may at any time after the date of the recognizance be inflicted upon him by reason of any conviction for printing or publishing any blasphemous or seditious libel, but also such damages and costs as may at any time thereafter be recovered against him in any action for the printing or publishing of any other libel in the newspaper, and the person taking the recognizance shall forthwith transmit it to the Registrar-General.

Voluntary withdrawal of surety.

21. When any surety desires to withdraw from his recognizance, if he gives notice in writing of his desire to the Registrar-General and to the person for whom he is surety, he shall not, after twenty days from the day on which the last of such notices has been served, be liable upon the recognizance, except for any penalty incurred before that day and for which he would otherwise have been liable.

Renewal of recognizances.

22. When any surety becomes insolvent and the Registrar-General, by a written notice, requires the person for whom the insolvent is surety to renew his recognizance, or when any surety withdraws from his recognizance, the person for whom the surety has been bound shall not print or publish any newspaper unless and until he enters into a new recognizance with sufficient sureties in the same manner and to the same amount as in the case of his original recognizance.

PART IV.—OFFENCES.

Unregistered printing.

23. Any person who—

- (a) keeps or uses any printing press or types for printing without having delivered the notice and received the certificate required by this Ordinance; or
- (b) after such delivery and receipt uses any printing press or any type for printing in any place other than the place expressed in the notice,

shall be guilty of an offence.

Penalty: Fifty pounds.

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(2) See Section 7A of the *Judiciary Ordinance 1921-1938*.

**24. Any person who—**

Omission of  
printer's name.

- (a) prints any paper or book and omits to print therein his name and place of abode as required by this Ordinance; or
- (b) publishes or disperses or assists in publishing or dispersing whether gratuitously or for money, any paper or book in which the name and place of abode of the printer thereof is not printed, as required by this Ordinance,

shall be guilty of an offence.

Penalty: Fifty pounds.

**25. Any person who—**

Printer not  
recording  
employer's  
name.

- (a) prints any paper or book for hire, gain or profit and neglects to write or print on a copy thereof the name and place of abode of his employer; or
- (b) neglects to keep the copy for six months next after the printing thereof; or
- (c) refuses or neglects to produce and show the copy to any Justice who, within such six months, requires to see the same,

shall be guilty of an offence.

Penalty: Twenty pounds.

**26. Any person who—**

Unregistered  
newspaper.

- (a) wilfully sells or delivers out or wilfully prints or publishes any newspaper in respect of which the affidavit required by this Ordinance has not been registered either originally or as often as this Ordinance requires; or
- (b) wilfully prints or publishes any newspaper without causing to be printed therein the particulars by this Ordinance required to be printed,

shall be guilty of an offence.

Penalty: Fifty pounds.

**27.—(1.)** Any person who sells, or offers for sale, or gratuitously delivers, or offers so to deliver, or leaves in any public place, or otherwise exposes to public view any printed paper upon which the name and place of abode of the printer is not printed as required by section six of this Ordinance, or upon which a fictitious or false name or place of abode is printed, shall be guilty of an offence.

Delivering  
unauthorized  
papers, &c.

Penalty: Twenty pounds.

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(2.) Any person (other than a native) in whose presence any offence against this section is committed may seize and detain the offender, and may take and deliver him to some member of the Police Force.

Penalty for publication of newspaper without proper recognizance.

28. Any person who wilfully prints or publishes any newspaper without having entered either originally or by way of renewal into the recognizance required by this Ordinance shall be guilty of an offence.

Penalty: Fifty pounds.

Recovery of penalties.

29. All fines and pecuniary penalties for an offence against this Ordinance may be recovered before a District Court in a summary way.

THE SCHEDULES.

FIRST SCHEDULE.

Section 5.

FORM OF NOTICE.

To the Registrar-General.

I A.B. of do hereby declare that I have a printing press and types for printing which I purpose to use for printing within and which I require to be entered for that purpose according to law.

Witness my hand this day of 19

Signed in the presence of C.D.

FORM OF CERTIFICATE.

I do hereby certify that A.B. of has delivered to me a notice in writing appearing to be signed by him and attested by C.D. as a witness to his signing the same that he the said A.B. has a printing press and types for printing which he purposes to use for printing within and which he has required to be entered according to law.

Witness my hand this day of 19

W.H.A.

Registrar-General.

SECOND SCHEDULE.

Section 5.

FORM OF NOTICE.

To the Registrar-General.

We A.B. Secretary, Manager or Managing Director, C. D. Chairman of Directors of the Company [Limited] [or Chairman of the Committee of Management of the Society] and E.F. and G.H. do hereby declare as follows:—

1. The of which A.B. is Secretary, Manager or Managing Director and C.D. is has a printing press and types for printing which the said company [or society] purposes to use [or uses] for



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SECOND SCHEDULE—continued.

printing at \_\_\_\_\_ and hereby requires to be entered for that purpose according to law.

2. The person [or persons] who will [or do] by means of such press and types print any paper or book for dispersion or publication is [or are] E.F. [name of individual person] of \_\_\_\_\_ and G.H. [name of individual person] of \_\_\_\_\_

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Signed in the presence of J.K.

A.B. } On behalf of the  
C.D. }  
E.F. }  
G.H. }

FORM OF CERTIFICATE.

I do hereby certify that A.B. of \_\_\_\_\_ has delivered to me a notice in writing appearing to be signed on behalf of the \_\_\_\_\_ and attested by J.K. as a witness that the \_\_\_\_\_ has a printing press and types for printing which it purposes to use for printing within \_\_\_\_\_ and which he has required to be entered according to law.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

H.I.  
Registrar-General.

THIRD SCHEDULE.

Section 12.

In the matter of the \_\_\_\_\_ newspaper we A.B., C.D., E.F., and G.H. do hereby make oath and say as follows:—

- 1. We A.B. and C.D. propose to carry on the business of vending a newspaper named the \_\_\_\_\_ and are the proprietors thereof.
- 2. The intended printer of the newspaper is E.F. of \_\_\_\_\_
- 3. The intended publisher of the newspaper is G.H. of \_\_\_\_\_
- 4. The intended place of printing the newspaper is \_\_\_\_\_
- 5. The above-mentioned names, additions and places of abode and descriptions of premises are the true and real names, additions and places of abode and descriptions of the several persons to whom and of the premises to which they respectively refer.

A.B.  
C.D.  
E.F.  
G.H.

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

FOURTH SCHEDULE.

Section 12.

In the matter of the \_\_\_\_\_ newspaper

We A.B. Secretary, Manager or Managing Director, C.D. Chairman of Directors of the \_\_\_\_\_ Company [Limited] [or Chairman of the Committee of Management of the \_\_\_\_\_ Society] E.F. and G.H. do hereby make oath and say as follows:—

- 1. The \_\_\_\_\_ Company [Limited] [or as the case may be] of which A.B. is Secretary, Manager or Managing Director and C.D. is Chairman

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FOURTH SCHEDULE.—*continued.*

of Directors [*or as the case may be*] proposes to carry on [*or is carrying on*] the business of vending a newspaper named the \_\_\_\_\_ and the said company is the proprietor thereof.

2. The [intended] printer thereof is E.F. [*name of individual person*] of \_\_\_\_\_

3. The [intended] publisher thereof is G.H. [*name of individual person*] of \_\_\_\_\_

4. The [intended] place of printing the newspaper is \_\_\_\_\_

5. The above-mentioned names and additions and places of abode and description of premises and the name of the company are the true and real names, additions and places of abode and descriptions of the several persons to whom and of the premises to which they respectively refer.

Sworn before me

at

this

day of

19

{ A.B.  
C.D.  
E.F.  
G.H.