

PRINTERS AND NEWSPAPERS ORDINANCE, 1913-1935.⁽¹⁾

An Ordinance relating to Printers and Newspapers.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1.—(1.) This Ordinance may be cited as the *Printers and Newspapers Ordinance, 1913-1935.*⁽¹⁾

Short title.
Sub-section (1.)
amended by
No. 2 of 1930,
s. 2.

(2.) It shall commence on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette.*⁽¹⁾

Commencement.

2. In this Ordinance if not inconsistent with the context—

Interpretation

“Newspaper” includes a newspaper and every other paper of a like nature and includes as well newspapers which were published before and continue to be published after the commencement of this Ordinance as newspapers to be published wholly after the commencement of this Ordinance;

“Registrar” means the Registrar for the time being of the Central Court⁽²⁾ and includes any Acting Registrar.

REGISTRATION OF PRINTING PRESSES.

3.—(1.) Every person who has any printing press or types for printing shall give to the Registrar notice thereof in writing signed by him and attested by a witness and the Registrar shall file all such notices and shall give to the person giving the notice a certificate under this Ordinance.

Notice of press
or types to be
filed with
Registrar.
Tas. 2 Geo. V.
No. 14, s. 3.

(1) The *Printers and Newspapers Ordinance, 1913-1935*, comprises the *Printers and Newspapers Ordinance, 1913*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Printers and Newspapers Ordinance, 1913</i> (No. 8 of 1913)	14.8.1913	4.3.1914	1.11.1913 (Papua Govt. Gaz. of 1.10.1913)
<i>Printers and Newspapers Ordinance, 1935</i> (No. 9 of 1935)	22.7.1935	5.2.1936	22.7.1935 (<i>Ordinances etc. of Papua, 1935</i> , p. 27)

(2) See Section 19 (2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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Where press owned by incorporated company.

(2.) If the printing press or types are owned by an incorporated company the notice may be signed and given by the manager managing director or chairman of directors thereof on behalf of such company.

First Schedule.

(3.) Such notice and certificate shall be in the form in the First Schedule hereto or to the like effect.

Printer's name to be printed on every published work.
Tas. 2 Geo. V.
No. 14, s. 4.

4.—(1.) Every person who prints any paper or book for publication or dispersion whether gratuitously or for money shall print in legible characters on the front of every such paper if it is printed on one side only and on the first and the last leaf his name and the name of the place and (if it is a city or town) of the street or other part thereof in which his usual place of abode is situate.

(2.) If the paper or book is printed by an incorporated company then in the place where the name and place of abode is required to appear the company shall cause to be printed its name or some known abbreviation thereof and its registered office or any place where its business is conducted.

Printer to keep record of employer's name and address.
Tas. Ib. s. 5.

5. Every person who prints any paper for or in the expectation of hire gain or profit shall keep one copy at least of every such 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 same.

Search warrant may be granted for unregistered presses.
Tas. Ib. s. 7.

6.—(1.) If any justice from information on 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 hereinbefore required or in any house or place not included in such notice and certificate such justice may by his warrant direct any European constable with his assistants (if any) to enter in the day time into any such house or place and search for any printing press or types for printing.

(2.) Every such constable with such assistance as aforesaid may enter into such house or place in the day time accordingly and may seize take and carry away every printing press found therein and all the types and other articles thereto belonging and all printed papers found in such house or place.

Exemptions from the foregoing provisions.
Tas. Ib. s. 8.

7. Nothing in this Ordinance shall extend to—

- (i) the impression of any engraving;
- (ii) 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;
- (iii) any papers for the sale of land or chattels by auction or otherwise;

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- (iv) any bank note bill of exchange or promissory note;
- (v) any bond or other security for the payment of money;
- (vi) any bill of lading policy of insurance letter of attorney deed or agreement;
- (vii) any receipt for money or goods;
- (viii) any legal instrument or proceeding in the Central Court⁽²⁾ or in any inferior court;
- (ix) any papers printed by the authority of any Department of the Government; or
- (x) any circular or letter from any company corporation society or association to the directors shareholders or members thereof which bears the true name and 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.

REGISTRATION OF NEWSPAPERS.

8. No person shall print or publish or continue to print or publish any newspaper unless and until the statutory declarations have been registered and the recognizances entered into as hereinafter directed.

All newspapers to be subject to this Ordinance. Tas. 2 Geo. V. No. 14, s. 9.

9.—(1.) Where any person desires to publish or continue to publish a newspaper or where in any registered newspaper any change is at any time made in any of the particulars hereby required to be stated respecting the same or on a written requisition from the Government Secretary the publisher of such newspaper shall deposit with the Registrar a statutory declaration duly declared to and signed by the proprietors of such newspaper and by the persons intended to be the printer and publisher thereof respectively.

Declarations of publication to be registered. Tas. 1b. s. 10.

(2.) Such declaration shall be in the form or as near thereto as may be and shall contain the statements specified in the Second Schedule hereto.

Second Schedule.

10. In all proceedings civil or criminal touching any such newspaper or anything therein contained such declaration shall be conclusive evidence as against every person signing the same of the truth of all such matters as in accordance with this Ordinance are therein set forth.

Declaration conclusive evidence of its statements. Tas. 1b. s. 11.

11. Where any person has made any such declaration if he deposits with the Registrar a statutory declaration stating that he

Disclaiming declaration to be registered. Tas. 1b. s. 12.

(2) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

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is no longer connected with the newspaper in the capacity set forth in such first-mentioned declaration he shall not from the date on which he deposits the same be taken by reason of such first-mentioned declaration only to be connected with such newspaper.

Register of declarations open to the public.

Tas. 2 Geo. V.
No. 14, s. 13.

12. The Registrar shall cause to be registered all declarations deposited with him under this Ordinance and such register shall at all reasonable times be open without charge to public inspection.

Names of printer and publisher of paper to be printed therein.

Tas. *Ib.* s. 14.

13. At the end of every newspaper and of any and every supplement sheet thereof there shall be printed the Christian name and surname addition and place of abode of its printer and its publisher and a true description of the place where the newspaper is printed and published respectively and the omission of the same or of any part thereof shall be *primâ facie* evidence of wilful default against any such printer or publisher.

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

Tas. *Ib.* s. 15.

14. In any proceedings civil or criminal touching any newspaper or anything therein contained against any person who has made any such declaration as aforesaid if any such declaration or a certified copy thereof is produced in evidence and if a newspaper is so produced intituled in the same manner as the newspaper mentioned in such declaration 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 such declaration or copy it shall not be necessary to prove that the newspaper to which such proceedings relate 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 same is sold.

Discovery in cases of libel in newspaper.

Tas. *Ib.* s. 16.

15. Where in proceedings in the Central Court⁽²⁾ the plaintiff claims discovery of the name of any person concerned in the property of or in any newspaper as printer or publisher or otherwise of 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 dispute such claim but shall be compellable to make the discovery thereby required:

Provided that no discovery shall be used for any purpose in any other proceeding than that in and for the purpose of which the discovery is made.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

16.—(1.) Where an incorporated company desires to publish or to continue to publish any newspaper the provisions of Section 9 hereof shall be complied with on behalf of such company as proprietor by the manager managing director or chairman of directors thereof and the declaration in such case may be in the form in the Second Schedule hereto or any suitable modification thereof.

Where newspaper is published by incorporated company.
Tas. 2
Geo. V. No. 14,
s. 17.
Second
Schedule.

(2.) In such case the declaration prescribed by that section shall be conclusive evidence against such company in the same manner in which by Section 10 hereof it is made conclusive evidence against a proprietor signing such declaration and a declaration on behalf of such company under Section 11 hereof may be made in like manner and Section 14 hereof shall apply to any company on whose behalf any such declaration has been made.

17. Prior to the publication of any newspaper the printer or a member of a firm of printers and the publisher thereof respectively together with two three or four sufficient sureties shall before and to the satisfaction of a judge of the Central Court⁽²⁾ or (if residing elsewhere than in Port Moresby) before a magistrate enter into a recognizance himself in the sum of Four hundred pounds and such sureties in a like sum in the whole conditioned for the payment by such printer or member of a firm of printers or publisher not only of the amount of every such fine or penalty as may at any time thereafter be imposed upon him by reason of any conviction for the printing or publishing of any blasphemous or seditious libel but also of the amount of all 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 such newspaper and the person taking such recognizance shall forthwith transmit it to the Registrar.

Printer and publisher of a newspaper to give certain security.
Tas. *ib.* s. 18.

Provided however that a Judge of the Central Court⁽²⁾ may dispense with any or all of the sureties aforesaid upon such terms and conditions and for such period as he may think fit.

Proviso added by No. 9 of 1935, s. 2.

18. When any surety desires to withdraw from his recognizance if he gives notice in writing of his desire to the Registrar 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 on any such recognizance except for payment of any fine or penalty incurred or damages or costs recovered in respect of any libel printed or published before the expiration of such twenty days.

Provision for sureties withdrawing.
Tas. *ib.* s. 19.

19. Whenever the Government Secretary by a written notice requires any person who has entered into a recognizance with sureties to renew his recognizance or whenever any surety with-

Renewal of recognizances.
Tas. *ib.* s. 20.

(2) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

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draws from his recognizance the person so required to renew his recognizance or for whom such 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.

Damages etc.
in actions for
libel may be
recovered under
recognizance.

Tas. 2 Geo. V.
No. 14, s. 21.

20. If at any time after the recording of any such recognizance as aforesaid it shall on behalf of any plaintiff in any action for libel against any printer or publisher of any such newspaper as aforesaid be made to appear to any judge of the Central Court⁽²⁾ that such plaintiff is entitled to execution upon any judgment obtained against such printer or publisher in such action and that he is not able to procure satisfaction of such judgment against the property of the defendant under such execution it shall be lawful for such judge to authorize such proceedings to be taken upon such recognizance either by action or otherwise for the benefit and in the name of such plaintiff as might be taken thereupon to obtain any fine secured by such recognizance payable to His Majesty: Provided that the plaintiff shall be liable to pay and may recover costs therein as in any ordinary case.

Forfeiture of
recognizance
for good
behaviour.

Tas. 1b. s. 22.

21. Where any printer or publisher of any newspaper pursuant to the order of any court or judge enters into any recognizance to be of good behaviour for any term in that behalf specified the printing or publishing of any libel by him after the date of such recognizance and during such term shall be and be deemed to be a breach of such recognizance and as well such printer or publisher as his sureties (if any) may be proceeded against for the forfeiture thereby incurred accordingly.

OFFENCES.

Unregistered
printing.

Tas. 1b. s. 23.

22. Every person who—

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

is liable to a penalty not exceeding Twenty pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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23. Every person who—

- (i) prints any paper or book and omits to print therein his name and place of abode as required by this Ordinance; or
- (ii) 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 aforesaid

Omission of
printer's name.
Tas. 2 Geo. V.
No. 14, s. 24.

is liable for every such copy so published or dispersed by him (but not for more than twenty-five copies in the whole) to a penalty not exceeding Twenty pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding six months.

24. Every person who—

- (i) 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 to keep such copy for six months next after the printing thereof; or
- (ii) refuses or neglects to produce and show the same to any magistrate who within such six months requires to see the same

Printer not
recording
employer's name.
Tas. Ib. s. 25.

is liable to a penalty not exceeding Twenty pounds and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

25. Every person who—

- (i) wilfully sells or delivers out or wilfully prints or publishes any newspaper in respect of which the declaration required by this Ordinance has not been registered either originally or as often as this Ordinance requires; or
- (ii) wilfully prints or publishes any newspaper or supplement thereto whereon the several particulars required by Section 13 hereof are not printed as required by this Ordinance or whereon there is printed any false name addition place or day or whereon there is printed any description of the place of printing or publishing such newspaper differing in any respect from the description of the house or building mentioned in the declaration required by this Ordinance as the house or building wherein such newspaper is intended to be printed or published

Unregistered
newspaper.
Tas. Ib. s. 26.

is liable to a penalty not exceeding Twenty pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

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DECLARATION FOR INCORPORATED COMPANY.

Section 16.

In the matter of the Newspaper.

Pursuant to the *Printers and Newspapers Ordinance, 1913*, we [A.B. E.F. and G.H.] of [place of abode and occupation] do solemnly and sincerely declare that—

1. The Company Limited of which [A.B.] is manager [or managing director or chairman of directors] propose to carry on (or to continue to carry on) the business of vending a newspaper named the and the said company is the proprietor thereof.
2. The printer (or intended printer) thereof is [E.F.] of
3. The publisher (or intended publisher) thereof is [G.H.] of
4. The place (or intended place) of printing the same is and the registered office of the said company is at
5. The above-mentioned names additions and places of abode and descriptions of premises and the name of the said 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 and we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Ordinance, 1912*.

Declared at this day [A.B.]
of , 19 , before me [E.F.]
[J.K.] a justice of the peace. [G.H.]