



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1287.

An Act to give Power to Prevent the Publication of the Evidence, and the Names of the Parties and Witnesses, in Legal Proceedings in certain cases.

[Assented to, November 8th, 1917.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Evidence Publication Act, 1917." Short title.

2. In this Act the term "Court" includes a Justice or Justices of the Peace sitting for the preliminary investigation of any matter, a coroner by or before whom an inquest is held, and any person acting judicially. Interpretation.

3. (1) Where it appears to any Court—

1. that the publication of any evidence given or used, or intended to be given or used, in any proceedings before such Court, is likely to offend against public decency; Court may prohibit publication of evidence and names of parties and witnesses.
or

11. that for the furtherance of, or otherwise in the interests of, the administration of justice it is desirable to prohibit the publication of the name of any party or intended party to, or witness or intended witness in, any such proceedings,

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the Court may, either before or during the course of the proceedings or thereafter, make an order—

- (a) directing that the persons specified (by name or otherwise) by such Court, or that all persons except the persons so specified, shall absent themselves from the place wherein such Court is being held while such evidence is being given; or
- (b) forbidding the publication of such evidence, or any specified part thereof, or of any report or account of such evidence, or any specified part thereof; either absolutely or subject to such conditions, or in such terms or form, or in such manner, or to such extent, as may be approved by such Court; or
- (c) forbidding the publication of the name of such party or witness.

(2) Where the Court makes an order under paragraph (c) of subsection (1) hereof, the publication of any reference or allusion to any party or witness the name of whom is by such order forbidden to be published, shall, if such reference or allusion is, in the opinion of the Magistrate or Justices hearing the information for the alleged offence, intended or sufficient to disclose the identity of such party or witness, be deemed to be a publication of the name of such party or witness.

(3) When the Court makes an order under paragraph (b) or paragraph (c) of subsection (1) hereof, forbidding the publication of any evidence or any report or account of any evidence, or the publication of any name, the Court shall report the fact to the Attorney-General, and shall embody in its report a statement of—

- (a) the evidence or name (as the case may be) by such order forbidden to be published; and
- (b) the circumstances in which the order was made.

Power to temporarily prohibit publication of evidence where witnesses ordered out of Court.

4. Where in the course of any proceedings before any Court witnesses are ordered out of Court and it appears to the Court that for the furtherance or otherwise in the interests of the administration of justice it is desirable to prohibit for any period the publication of any evidence given or used in such proceedings the Court may make an order forbidding, for such period as the Court thinks fit, the publication of such evidence, or any specified part thereof.

Penalty for non-compliance with order.

5. (1) Any person who disobeys any order under paragraph (a) of subsection (1) of section 3 or under section 4 shall be guilty of contempt of Court, and shall be punishable accordingly in the same manner as for any other contempt of the Court; and if the Court has no power to punish for contempt, then the Court may punish such contempt in manner provided by section 12 of the Minor Offences Procedure Act, 1869, and the provisions of that section shall apply for the purposes of dealing with and punishing such contempt and enforcing the punishment.

No. 8 of 1869-70.

(2) Any

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(2) Any person who disobeys any order under paragraph (b) or paragraph (c) of subsection (1) of section 3 shall be guilty of an offence against this Act, and shall be liable to a penalty of not more than One Hundred Pounds, or to be imprisoned for any period not exceeding six months.

6. All proceedings in respect of offences against this Act shall be disposed of summarily. Proceedings for offences.

7. There shall be an appeal in respect of proceedings in respect of offences against this Act. Appeal.

8. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated. Special case.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.