

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 151.

Printers and Newspapers.

GENERAL ANNOTATION.

ADMINISTRATION.

While the administration of this Chapter was not vested specifically in any Minister at the date of its preparation for inclusion, the fact that registration was a function of the Registrar-General suggests that it came within the responsibility of the Minister for Justice.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 151.

Printers and Newspapers Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 151.

Printers and Newspapers Act.

Being an Act relating to printers and newspapers.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears, "newspaper" includes a paper or pamphlet that—

(a) contains—

- (i) any public news, intelligence or occurrence; or
- (ii) remarks or observations on any public news, intelligence or occurrence, or on political matter; and

(b) is published for sale periodically, or in parts or numbers, at intervals not exceeding 26 days between the publication of two such papers, pamphlets, parts or numbers,

but does not include a document—

- (c) published in the course of his duty by a Government Printer; or
- (d) published by the authority of a Department of the Government; or
- (e) containing only matter of a commercial nature.

2. Exemptions.

This Act does not apply to—

- (a) the impression of an engraving; or
- (b) the printing by letterpress of the name, or the name and address or business or profession, of a person and of the articles in which he deals; or
- (c) a paper for the sale of land or chattels by auction or otherwise; or
- (d) a bank note, bill of exchange or promissory note; or
- (e) a bond or other security for the payment of money; or
- (f) a bill of lading, policy of insurance, letter of attorney, deed or agreement; or
- (g) a receipt for money or goods; or
- (h) a legal instrument or proceeding in a court; or
- (i) a paper printed by the authority of a Department of the Government; or
- (j) a circular or letter from a company, corporation, society or association to its directors, shareholders or members that bears the true name and address or place of business of the secretary or other officer of the company, corporation, society or association; or
- (k) a circular notice or letter that bears the true name and address of the person issuing it.

PART II.—REGISTRATION OF PRINTING PRESSES.

3. Notice of press, etc.

(1) A person who owns, uses or has a printing press or types for printing shall, as prescribed, give the Registrar-General the notice in the prescribed form and containing the prescribed particulars.

(2) Where a change is at any time made in the particulars prescribed under Subsection (1), or when directed in writing by the Registrar-General, the person owning, using or having a printing press or types for printing shall cause a fresh notice to be given to the Registrar-General under that subsection.

(3) The Registrar-General shall—

- (a) file all notices received under this section; and
- (b) give the person concerned a certificate in the prescribed form.

4. Search warrant for unregistered presses.

(1) If, from information on oath, a justice has reason to suspect that a printing press or types for printing is or are used or kept for use—

- (a) without a notice being given or a certificate being obtained as required by this Act; or
- (b) in a house or place that is not included in a notice or certificate referred to in Paragraph (a),

he may by his warrant direct a commissioned officer of the Police Force, with his assistants (if any), to enter in the daytime into the house or place and search for a printing press or types for printing.

(2) A commissioned officer of the Police Force directed under Subsection (1) and his assistants may—

- (a) enter into the house or place in the daytime; and
- (b) seize—
 - (i) every printing press found in the house or place; and
 - (ii) all the types and other articles belonging to the printing press or printing presses; and
 - (iii) all printed papers found in the house or place,and take them before the nearest District Court.

(3) After such notice (if any) and to such persons (if any) as it thinks proper to direct, the District Court may order that an article brought before it under Subsection (2)—

- (a) be forfeited to the State; or
- (b) be returned to the person from whom it was taken.

(4) Where criminal proceedings are pending, an order for the forfeiture or return of an article relating to the proceedings shall not be made until the proceedings are completed.

(5) An article that is forfeited shall be dealt with as directed by the Head of State, acting on advice, and pending a direction may be detained in such custody as the District Court directs.

PART III.—REGISTRATION OF NEWSPAPERS.

5. Illegal publication.

A person shall not print or publish a newspaper, without statutory declarations having been registered and recognizances entered into as required by this Part.

6. Declarations as to publication.

(1) Where—

- (a) a person desires to publish a newspaper; or
- (b) a change is made in the particulars of a newspaper already registered, that are required by this Part to be stated; or
- (c) on a written direction from the Registrar-General,

the publisher of the newspaper must deposit with the Registrar-General a statutory declaration in the prescribed form made and signed by the proprietors, and by the person intended to be the printer and publisher, respectively, of the newspaper.

(2) Where a company is the proprietor of a newspaper, the statutory declaration must—

- (a) be in the prescribed form and be made and signed by—
 - (i) the secretary, manager or managing director; and
 - (ii) the chairman of directors of the company; and
- (b) state the name of some natural person as printer and publisher of the newspaper.

(3) In all civil or criminal proceedings concerning a newspaper or anything in a newspaper, a statutory declaration made under this section is conclusive evidence, as against every person signing it, of the truth of the statements in it.

7. Disclaimers by statutory declaration.

If a person who has made a statutory declaration under Section 6 deposits with the Registrar-General a statutory declaration declaring that he is no longer connected with the newspaper in the capacity stated in the first-mentioned declaration, he shall not, from the date on which he deposits the statutory declaration, be taken by reason of the first-mentioned statutory declaration only, to be connected with the newspaper.

8. Register of statutory declarations, etc.

(1) The Registrar-General shall cause all statutory declarations and recognizances deposited with him under this Act to be registered.

(2) The register shall at all reasonable times be open, without charge, to public inspection.

9. Names of printer, etc., to be printed in newspapers.

A newspaper must contain printed in some convenient part—

- (a) the current name, occupation and place of abode of its printer and its publisher; and
- (b) a true description of the place where the newspaper is printed.

10. Proof of purchase of newspaper at defendant's office, etc.

If in any civil or criminal proceedings concerning a newspaper, or anything in a newspaper, against a person who has made a statutory declaration under Section 6—

- (a) the statutory declaration, or a certified copy of it, is produced in evidence; and
- (b) a newspaper is produced—
 - (i) that is intitled in the same manner as the newspaper referred to in the statutory declaration or copy; and
 - (ii) 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 referred to in the statutory declaration or copy,

it is not necessary to prove that the newspaper to which the proceedings relate was purchased at a house, shop or office—

- (c) belonging to or occupied by the defendant or his servants; or
- (d) where he or they severally carry on the business of printing and publishing; or
- (e) where the newspaper is sold.

11. Discovery in cases of libel in newspapers.

(1) Where a person commences proceedings in the National Court for the discovery of—

- (a) the name of a person concerned in the property of or in a newspaper as printer, publisher or otherwise; or
- (b) matter relating to the printing or publishing of a newspaper,

in order to enable him the more effectually to bring or carry on proceedings for damages alleged by him to have been sustained by reason of libellous matter concerning him contained in the newspaper, the defendant—

- (c) shall not be permitted to plead or demur to the claim; and
- (d) is compellable to make the discovery required.

(2) The discovery referred to in Subsection (1) shall not be used for any purpose in proceedings other than proceedings in aid of which the discovery is made.

12. Service of legal process against printers, etc., of newspapers.

In order to enforce an appearance in any civil or criminal proceedings against a printer, publisher or proprietor of a newspaper, the service, at the house or place referred to in the statutory declaration deposited under Section 6 as the house or place at which the newspaper is intended to be printed, of a writ, pleading, notice, summons, subpoena, rule, order or other proceedings is good and sufficient service against the person named in the statutory declaration as—

- (a) the proprietor; or
- (b) the printer; or
- (c) the publisher,

of the newspaper.

13. Recognizances by printers, etc., of newspapers.

(1) Subject to Subsection (4), before the publication of a newspaper the printer and the publisher of the newspaper shall enter into a recognizance before and to the satisfaction of one of the persons referred to in Subsection (2) in the sum of K1 000.00, with two sufficient sureties in the same sum in the whole, conditioned that the printer or publisher pay—

- (a) any fine or penalty afterwards inflicted on him on a conviction; and
- (b) any damages and costs afterwards recovered against him,

for printing or publishing a libel in the newspaper at any time after the date of the recognizance.

(2) A recognizance entered into under Subsection (1) may be taken before one of the following persons :—

- (a) a Judge; or
- (b) the Provincial Commissioner of the province in which the newspaper is intended to be printed and published; or
- (c) a person appointed by the Head of State, acting on advice, for the purpose.

(3) The person before whom a recognizance is entered into shall transmit it without delay to the Registrar-General.

(4) A Judge may at any time dispense with one or both of the sureties required by Subsection (1), on such terms and conditions and for such period as he thinks proper.

(5) If a surety who desires to withdraw from his recognizance gives written notice of his desire to the Registrar-General and to the person for whom he is surety, he is not, after 20 days from the day on which the last of the notices was served, liable on the recognizance, except in respect of any penalty incurred before that day and for which he would otherwise have been liable.

14. Renewal of recognizances.

Subject to Section 13(4), where a surety—

- (a) becomes insolvent and the Registrar-General, by a written notice, requires the person for whom the insolvent is surety to renew his recognizance; or
- (b) withdraws from his recognizance,

the person for whom the surety has been bound must not print or publish a newspaper until he enters into a new recognizance with sufficient sureties in the same manner and in the same amount as in the case of his original recognizance.

PART IV.—OFFENCES.

15. Unregistered printing.

A person who—

- (a) keeps or uses a printing press or types for printing without having delivered the notice and received the certificate provided for by Section 3; or
- (b) after the delivery and receipt uses a printing press or type for printing in a house or place other than the house or place referred to in the notice,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

16. Omission of printer's name from published works.

(1) A person who prints a paper or book for publication or dispersion, whether gratuitously or for money, must print his name and place of abode in legible characters—

- (a) on the front if it contains only one leaf; and
- (b) on the first and the last leaves if it contains more than one leaf.

Penalty: A fine not exceeding K200.00.

(2) A person who publishes or disperses or assists in publishing or dispersing, whether gratuitously or for money, a paper or book in which the name and place of abode of the printer of the paper or book is not printed as required by Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) A person who—

- (a) sells or offers for sale; or
- (b) gratuitously delivers or offers so to deliver; or
- (c) leaves in any public place; or
- (d) otherwise exposes to public view,

a printed paper or book on which the name and place of abode of the printer is not printed as required by Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

17. Omission of employer's name, etc.

A person who prints a paper or book for or in the expectation of hire, gain or profit and who—

- (a) neglects to write or print on a copy of the paper or book the name and the place of abode of the person by whom he has been employed to print the paper or book; or
- (b) neglects to keep the copy for a period of six months after the printing of the paper or book; or
- (c) refuses or neglects to produce and show the copy to a justice who, within that period of six months, requires to see the copy,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

18. Unregistered newspaper.

(1) A person who—

- (a) wilfully—
 - (i) sells or delivers; or
 - (ii) prints or publishes,

a newspaper in respect of which the statutory declaration required by Section 6 has not been deposited either originally or as often as this Act requires; or

- (b) wilfully prints or publishes a newspaper without causing the particulars required to be printed by Section 9 to be printed in the newspaper,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) In any proceeding against the printer or publisher of a newspaper for an offence against Subsection (1)(b), the omission of the particulars or of a part of the particulars referred to in Section 9 is, prima facie evidence of wilful default.

19. Publishing newspaper without recognizance.

A person who wilfully prints or publishes a newspaper without having entered originally or by way of renewal into the recognizance required by this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART V.—MISCELLANEOUS.

20. Certified copies.

All copies of declarations and other instruments required to be certified for the purposes of this Act may be certified under the hand of the Registrar-General.

21. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing the forms to be used and the fees to be paid for any matter or thing under this Act.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 151.

Printers and Newspapers Regulation.

ARRANGEMENT OF SECTIONS.

1. Notice of press, etc.
2. Certificate of registration of printing press, etc.
3. Statutory declarations as to publication.
4. Certified copies.

SCHEDULE.—

FORM 1.—Notice of Printing Press by a Person other than a Company.

FORM 2.—Notice of Printing Press by a Company.

FORM 3.—Certificate of Registration of Printing Press.

FORM 4.—Declaration for Registration of a Newspaper.

FORM 5.—Declaration for Registration of a Newspaper where a Company is Proprietor.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 151.

Printers and Newspapers Regulation.

MADE under the *Printers and Newspapers Act.*

1. Notice of press, etc.

(1) A notice by a person (other than a company) under Section 3(1) of the Act shall be in Form 1.

(2) A notice by a company under Section 3(1) of the Act shall be in Form 2.

(3) The fee payable on giving a notice is K3.00. (*Amended by No. 27 of 1979, s. 1.*)

2. Certificate of registration of printing press, etc.

A certificate under Section 3(3) of the Act shall be in Form 3.

3. Statutory declarations as to publication.

(1) A statutory declaration under Section 6(1) of the Act shall be in Form 4.

(2) A statutory declaration under Section 6(2) of the Act shall be in Form 5.

(3) The fee payable on depositing a statutory declaration is K10.00. (*Amended by No. 27 of 1979, s. 2.*)

4. Certified copies.

The fee for a certified copy of a notice, certificate, statutory declaration or recognizance under the Act is K5.00.

(*Amended by No. 27 of 1979, s. 3.*)

SCHEDULE.

PAPUA NEW GUINEA.

Printers and Newspapers Act.

Act, Sec. 3(1).

Form 1.

Reg., Sec. 1(1).

NOTICE OF PRINTING PRESS BY A PERSON OTHER THAN A COMPANY.

To the Registrar-General:

Take notice that I own, use or have a printing press and/or types for printing, particulars of which are described in the Schedule.

SCHEDULE.

Full name of owner or user:

Address:

Occupation:

Make, description and/or serial number of printing press:

Premises where it is to be used:

Street and Town:

Province:

Dated

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(*Signature of owner or user.*)

(*Signature of witness.*)

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Printers and Newspapers

**PAPUA NEW GUINEA.
Printers and Newspapers Act.**

Act, Sec. 3(1).
Reg., Sec. 1(2).

Form 2.

NOTICE OF PRINTING PRESS BY A COMPANY.

To the Registrar-General:

Take notice that (*name of company*) owns, uses, or has a printing press and/or types for printing, particulars of which are described in the Schedule.

SCHEDULE.

Name of Company:
Situation of registered office:
Make, description and/or serial number of printing press:
Premises where it is to be used:
Street and Town:
Province:

Signed by (*full name of secretary or as the case may be*) and by (*full name of chairman of directors*) who are duly authorized to give notice on behalf of (*name of company*).

Dated 19

Manager/Secretary/Managing Director*
Chairman of Directors.
(*Signature of Witness.*)

*Strike out whichever is inapplicable.

**PAPUA NEW GUINEA.
Printers and Newspapers Act.**

Act, Sec. 3(3).
Reg., Sec. 2.

Form 3.

CERTIFICATE OF REGISTRATION OF PRINTING PRESS.

I certify that _____ has given notice that _____ owns, uses or has a printing press and/or types for printing and has furnished the prescribed particulars as appear in the Schedule.

SCHEDULE.

Owner or user:
Address/Registered Office:
Occupation:
Make, description and/or serial number of printing press:
Premises where it is to be used:
Street and Town:
Province:

Dated 19

Registrar-General.

Printers and Newspapers

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**PAPUA NEW GUINEA.
Printers and Newspapers Act.**

Act, Sec. 6(1).
Reg., Sec. 3(1).

Form 4.

DECLARATION FOR REGISTRATION OF A NEWSPAPER.

In the matter of the _____ newspaper:
We (*names, addresses and occupations of persons making the declaration*) do solemnly and sincerely declare that—

1. We, _____ and _____, propose to carry on the business of publishing a newspaper named the _____ and are the proprietors of that newspaper.
2. The intended printer of the newspaper is (*name of natural person*) of _____
3. The intended publisher of the newspaper is (*name of natural person*) of _____
4. The intended place of printing the newspaper is _____
5. The names and places of abode and descriptions of persons and premises referred to in this declaration are the correct names and places of abode and descriptions of the persons to whom, and of the premises to which, they refer.

And we make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act*, conscientiously believing the statements contained in it to be true in every particular.

(*Signatures of persons making the declaration.*)

Declared at _____
Date _____ 19 ____
Before me: _____

(*Signature of person before whom the declaration is made.*)
(*Title of person before whom the declaration is made.*)

**PAPUA NEW GUINEA.
Printers and Newspapers Act.**

Act, Sec. 6(2).
Reg., Sec. 3(2).

Form 5.

DECLARATION FOR REGISTRATION OF A NEWSPAPER WHERE A COMPANY IS PROPRIETOR.

In the matter of the _____ newspaper: We, (*Names, addresses and occupations of persons making the declaration.*), do solemnly and sincerely declare that :—

1. The _____ Company (Limited) (*or as the case may be*) of which _____ is Secretary (*or Manager or Managing Director*) and _____ is Chairman of Directors (*or as the case may be*) proposes to carry on the business of publishing a newspaper named the _____ of which that company is the proprietor.

2. The intended printer of the newspaper is (*name of natural person.*) of _____
3. The intended publisher of the newspaper is (*name of natural person.*) of _____
4. The intended place of printing the newspaper is _____
5. The names and places of abode and descriptions of persons and premises and the name of the company referred to in this declaration are the correct names and places of abode and descriptions, of the persons to whom, and of the premises to which, they refer.

And we make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements contained in it to be true in every particular.

(*Signature of persons making the declaration.*)

Declared _____
Dated _____ 19 ____
Before me: _____

(*Signature of person before whom the declaration is made.*)
(*Title of person before whom the declaration is made.*)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 151.

Printers and Newspapers.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE PRINTERS AND NEWSPAPERS ACT.

Part A.—Previous Legislation.

Printers and Newspapers Act 1956 (No. 13 of 1956)

as amended by—

Printers and Newspapers Act 1962 (No. 10 of 1962).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	5	12	19
2	10	13	20,21
3	6	14	22
4	9	15	23
5	11	16	7, 24, 25, 26
6	12,13	17	8, 27
7	14	18	16(2), 28
8	15	19	29
9	16(1)	20	30
10	17	21	31
11	18		

¹Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE PRINTERS AND NEWSPAPERS REGULATION.

Part A.—Previous Legislation.

Printers and Newspapers Regulations 1958 (Regulations No. 24 of 1958)

as amended by—

Printers and Newspapers (Amendment) Regulation 1979 (Statutory Instrument No. 27 of 1979).

Part B.—Cross References.

Section in Revised Edition.	Previous Reference ¹ .
1	3
2	4
3	5
4	6
Schedule—	Schedule—
Form 1	Form 1
Form 2	Form 2
Form 3	Form 3
Form 4	Form 4
Form 5	Form 5

¹Unless otherwise indicated, references are to the regulations set out in Part A.