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WESTERN AUSTRALIA

THE NEWSPAPER LIBEL AND REGISTRATION ACT 1884

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WESTERN AUSTRALIA

**THE NEWSPAPER LIBEL
AND REGISTRATION ACT 1884**

AN ACT to amend the Law of Newspaper Libel, and to provide for the Registration of Newspaper Proprietors.

Preamble

Whereas it is expedient to amend the Law affecting civil actions and criminal prosecutions for Newspaper Libel; And whereas it is also expedient to provide for the Registration of Newspaper Proprietors.

Interpretation

1. In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words and phrases hereinafter mentioned shall have and include the meanings following, that is to say,—

“Library Board” means The Library Board of Western Australia constituted under the *Library Board of Western Australia Act 1951*.

The word “Registrar” shall mean the Registrar, or his deputy for the time being, of the Supreme Court.

The phrase “Registry Office” shall mean the office of the Registrar, for the time being, of the Supreme Court.

The word “newspaper” shall mean any paper containing public news, intelligence, or occurrences, or any remarks or observations therein printed, for sale and published in Western Australia periodically, or in parts or numbers at intervals not exceeding 26 days between the publication of any 2 such papers, parts, or

numbers; and also any paper printed in order to be dispersed and made public weekly, or oftener, or at intervals not exceeding 26 days, containing only or principally advertisements.

The word "occupation," when applied to any person, shall mean his trade or following, and if none, then his rank or usual title, as esquire, gentleman.

The phrase "place of residence" shall include the street, or place where the person to whom it refers shall reside, and the number (if any), or other designation of the house in which he shall so reside.

The word "proprietor" shall mean and include, as well the sole proprietor of any newspaper, as also, in the case of a divided proprietorship, the persons who as partners or otherwise represent, and are responsible for any share or interest in the newspaper, as between themselves and the persons in like manner representing or responsible for the other shares or interest therein, and no other person.

[*Section 1 amended by No. 96 of 1981 s. 3.*]

Newspaper reports of certain meetings privileged

2. Any report published in any newspaper of the proceedings of a public meeting shall be privileged, if such meeting was lawfully convened for a lawful purpose, and open to the public, and if such report was fair and accurate and published without malice, and if the publication of the matter complained of was for the public benefit; Provided always that the protection intended to be afforded by this section shall not be available as a defence in any proceeding if the plaintiff or prosecutor can show that the defendant has refused to insert in the newspaper in which the report containing the matter complained of appeared, a reasonable letter or statement of explanation or contradiction by or on behalf of such plaintiff or prosecutor.

[**3., 4., 5., 6.** *Sections 3, 4, 5 and 6 repealed by 1 & 2 Edw.VII., No. 14. s. 3(2).*]

The Chief Justice or a Judge of the Supreme Court may authorize registration of the name of only a portion of the proprietors of a newspaper.

7. Where, in the opinion of the Chief Justice or of a Judge of the Supreme Court, inconvenience would arise or be caused in any case from the registry of the names of all the proprietors of the newspaper (either owing to minority, coverture, absence from the Colony, minute subdivision of shares, or other special circumstances), it shall be lawful for the said Chief Justice or Judge to authorize the registration of such newspaper in the name or names of some one or more responsible "representative proprietors".

Register of newspaper proprietors to be established

8. A register of the proprietors of newspapers, as defined by this Act, shall be established under the superintendence of the Registrar.

Annual returns to be made

9. It shall be the duty of the printers and publishers for the time being of every newspaper to make or cause to be made to the Registry Office on or before 14 January 1885, and thereafter annually in the month of January in every year, a return of the following particulars, according to the Schedule A hereto annexed, that is to say—

- (a) The title of a newspaper.
- (b) The names of all the proprietors of such newspaper, together with their respective occupations, places of business (if any), and place of residence.

Penalty for omission to make annual returns

10. If within the further period of one month after the time hereinbefore appointed for the making of any return as to any newspaper, such return be not made, then each printer and publisher of such newspaper shall, on conviction thereof, be liable to a penalty not exceeding \$50, and also to be directed by a summary order to make a return within a specified time.

[Section 10 amended by No. 113 of 1965 s. 8 (1).]

Power to party to make return

11. Any party to a transfer or transmission of or dealing with any share of or interest in any newspaper whereby any person ceases to be a proprietor, or any new proprietor is introduced, may at any time make or cause to be made to the Registry Office a return according to the Schedule B hereunto annexed, and containing the particulars therein set forth.

**Penalty for wilful misrepresentation
in or omission from returns**

12. If any person shall knowingly and wilfully make or cause to be made any return by this Act required or permitted to be made in which shall be inserted or set forth the name of any person as a proprietor of a newspaper who shall not be a proprietor thereof, or in which there shall be any misrepresentation, or from which there shall be any omission in respect of any of the particulars by this Act required to be contained therein, whereby such return shall be misleading; or if any proprietor of a newspaper shall knowingly and wilfully permit any such return to be made which shall be misleading as to any of the particulars with reference to his own name, occupation, place of business (if any), or place of residence, then, and in every such case, every such offender being convicted thereof shall be liable to a penalty not exceeding \$200.

[Section 12 amended by No. 113 of 1965 s. 8 (1).]

Registrar to enter returns in register

13. It shall be the duty of the Registrar, and he is hereby required forthwith to register every return made in conformity with the provisions of this Act, in a book to be kept for that purpose at the Registry Office, and called "The Register of Newspaper Proprietors"; and all persons shall be at liberty to search and inspect the said book from time to time during the hours of business at the Registry Office; and any person may require a copy of any entry in or an extract from the book, to be certified by the Registrar or his deputy for the time being or under the official seal of the Registrar.

Fees payable for Registrar's service

14. There shall be paid, in respect of the receipt and entry of returns made in conformity with the provisions of this Act, and for the inspection of the registrar of newspaper proprietors, and for certified copies of any entry therein, and in respect of any other services to be performed by the Registrar, such fees (if any) as the Chief Justice of the Supreme Court, with the approval of the Governor, may direct, and as they shall deem requisite to defray, as well the additional expenses of the Registry Office caused by the provisions of this Act, as also the further remunerations and salaries (if any) of the Registrar and of any other person employed under him in the execution of this Act; and such fees shall be dealt with as the Governor may direct.

Copies of entries in and extracts from register to be evidence

15. Every copy of an entry in or extract from the register of newspaper proprietors, purporting to be certified by the Registrar or his deputy for the time being, or under the official seal of the Registrar, shall be received as conclusive evidence of the contents of the said register of newspaper proprietors so far as the same appear in such copy or extract, without proof of the signature thereto or of the seal of office affixed thereto; and every such certified copy or extract shall in all proceedings, civil or criminal, be accepted as sufficient *prima facie* evidence of all the matters and things thereby appearing, unless and until the contrary thereof be shown.

Names and addresses of printers and their employers to be printed on newspaper

16. The printer of every newspaper shall print upon each of such papers printed by him his name and usual place of abode or business, and shall also, within 24 hours after the publication of such paper, send to the Library Board one copy (at least) of every such paper, signed by such printer, and on which shall be written or printed the name and place of abode of the person or persons by whom he shall have been employed to

print the same; and every person neglecting or omitting to comply with any of the provisions aforesaid shall, on conviction thereof before a court of summary jurisdiction, be liable to a penalty for every such offence not exceeding \$20.

[Section 16 amended by No. 113 of 1965 s. 8 (1); No. 96 of 1981 s. 4.]

Definitions and enforcement of orders

17. The expression “a court of summary jurisdiction,” as used in this Act, means any Resident or Police Magistrate sitting together with one or more other Justices of the Peace, or any 2 or more Justices of the Peace in Petty Sessions; and all fines and penalties under this Act may be recovered before a court of summary jurisdiction according to the provisions of the Acts in force for the time being with respect to summary convictions and orders, but subject to the provisions in this Act aforesaid; and all summary orders under this Act may be enforced according to the provisions of the said Acts.

Provisions as to registration of newspapers proprietors not to apply to newspaper belonging to a joint stock company

18. The provisions as to the registration of newspaper proprietors contained in this Act shall not apply to the case of any newspaper which belongs to a joint stock company duly incorporated under and subject to the provisions of *The Joint Stock Companies Ordinance 1858*², or of any other Act in that behalf amending, altering, or repealing the same.

Repeal

19. [Section 19 omitted under Reprints Act 1984 section 7 (4) (f).]

Short title

20. This Act may for all purposes be cited as *The Newspaper Libel and Registration Act 1884*.

Commencement

21. This Act shall come into operation on 1 January 1885.

SCHEDULES

Schedule A

Return made pursuant to the Newspaper Libel and Registration Act 1884

Title of the Newspaper	Name of the Proprietors	Occupation of the Proprietors	Places of business (if any) of the Proprietors	Places of Residence of the Proprietors

Schedule B

Return made pursuant to the Newspaper Libel and Registration Act 1884

Title of Newspaper	Names of persons who cease to be Proprietors	Names of persons who become Proprietors	Occupation of New Proprietors	Places of business (if any) of new Proprietors	Places of Residence of new Proprietors

NOTES

¹ This reprint is a compilation as at 15 December 1988 of *The Newspaper Libel and Registration Act 1884* and includes all amendments by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>The Newspaper Libel and Registration Act 1884</i>	48 Vict. No. 12 (1884)	10 September 1884	1 January 1885 (see section 21)	
<i>Criminal Code Act 1902</i> section 3 (2)	1 & 2 Edw. VII., No. 14 (1902)	19 February 1902	1 May 1902 (see section 2)	
<i>Decimal Currency Act 1965</i>	113 of 1965	21 December 1965	Sections 4 to 9: 14 February 1966 (see section 2); balance on assent	
<i>Newspaper Libel and Registration Amendment Act 1981</i>	96 of 1981	4 December 1981	2 January 1982 (see section 2)	

N.B. *The Newspaper Libel and Registration Act 1884* is affected by *The Newspaper Libel and Registration Act 1884 Amendment Act 1888*.

² Repealed by 56 Vict. No. 8 (1893).