



New South Wales

## Defamation Amendment (Costs) Bill 2003

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to provide that, in proceedings for defamation, a court is not to make an order for the payment of the plaintiff's costs unless the amount of the damages ordered to be paid to the plaintiff exceeds \$25,000.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision giving effect to the amendment to the *Defamation Act 1974* set out in Schedule 1.

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## **Schedule 1 Amendment**

**Schedule 1** inserts proposed section 48B in the *Defamation Act 1974* to provide that a court is not to make an order in proceedings for defamation for the payment of the plaintiff's costs by any other party to the proceedings unless the amount ordered to be paid to the plaintiff as damages exceeds \$25,000.

Introduced by Mr David Barr, MP

First print



New South Wales

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## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Defamation Act 1974 No 18	2
Schedule 1 Amendment	3





New South Wales

# Defamation Amendment (Costs) Bill 2003

No. , 2003

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## A Bill for

An Act to amend the *Defamation Act 1974* with respect to costs in defamation actions.

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Defamation Amendment (Costs) Act 2003*.

**2    Commencement**

This Act commences on the date of assent.

**3    Amendment of Defamation Act 1974 No 18**

The *Defamation Act 1974* is amended as set out in Schedule 1.

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## Schedule 1 Amendment

(Section 3)

### Section 48B

Insert after section 48A:

**48B Plaintiff's costs not payable unless damages awarded exceed \$25,000**

- (1) A court is not to make an order in proceedings for defamation for the payment of the plaintiff's costs of and incidental to the proceedings (or of any particular plaintiff's costs, if there is more than one plaintiff) by any other party to the proceedings unless the amount ordered to be paid to the plaintiff as damages in the proceedings exceeds \$25,000.
- (2) In determining the amount of damages to be awarded in any proceedings for defamation, the court is not to have regard to the effect of subsection (1).
- (3) This section applies despite section 48A.
- (4) This section does not apply in respect of proceedings commenced before the commencement of this section.