

**DEFAMATION (LAW REFORM COMMISSION) AMENDMENT
BILL, 1984**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Law Reform Commission (Amendment) Bill, 1984.

The object of this Bill is to provide a defence in civil proceedings for defamation in respect of—

- (a) the publication, by the Minister or the Law Reform Commission ("the Commission"), of interim or final reports of the Commission prior to their tabling in Parliament (Schedule 1 (1));
 - (b) a publication in the course of the proceedings of, or of an inquiry held by, the Commission or any other publication by the Commission in connection with a reference (Schedule 1 (1)); and
 - (c) the publication of fair reports of public proceedings of, or public inquiries held by, the Commission (Schedule 1 (2)).
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**DEFAMATION (LAW REFORM COMMISSION) AMENDMENT
BILL, 1984**

No. , 1984.

A BILL FOR

An Act to amend the Defamation Act, 1974, to provide, in civil proceedings for defamation, defences in respect of reports, inquiries and proceedings of the Law Reform Commission.

Defamation (Law Reform Commission) Amendment 1984

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Defamation (Law Reform Commission) Amendment Act, 1984".

Amendment of Act No. 18, 1974.

2. The Defamation Act, 1974, is amended in the manner set forth in 10 Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE DEFAMATION ACT, 1974.

(1) Section 17BA—

15 After section 17B, insert:—

Matters relating to the Law Reform Commission.

20 17BA. (1) A report published pursuant to section 13 (6) of the Law Reform Commission Act, 1967, shall, for the purposes of this Act, be deemed to have been published under the authority of either House of Parliament.

(2) There is a defence of absolute privilege—

- 25 (a) for a publication in the course of the proceedings of, or in the course of an inquiry held by, the Law Reform Commission under the Law Reform Commission Act, 1967; and
- (b) for any other publication by the Law Reform Commission in connection with a reference to it under that Act.

Defamation (Law Reform Commission) Amendment 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DEFAMATION ACT, 1974—*continued.*

(3) Subsection (2) does not apply to a report referred to in section 13 of the Law Reform Commission Act, 1967.

5 (2) (a) Schedule 2, clause 2 (13)—

Omit “or” where lastly occurring.

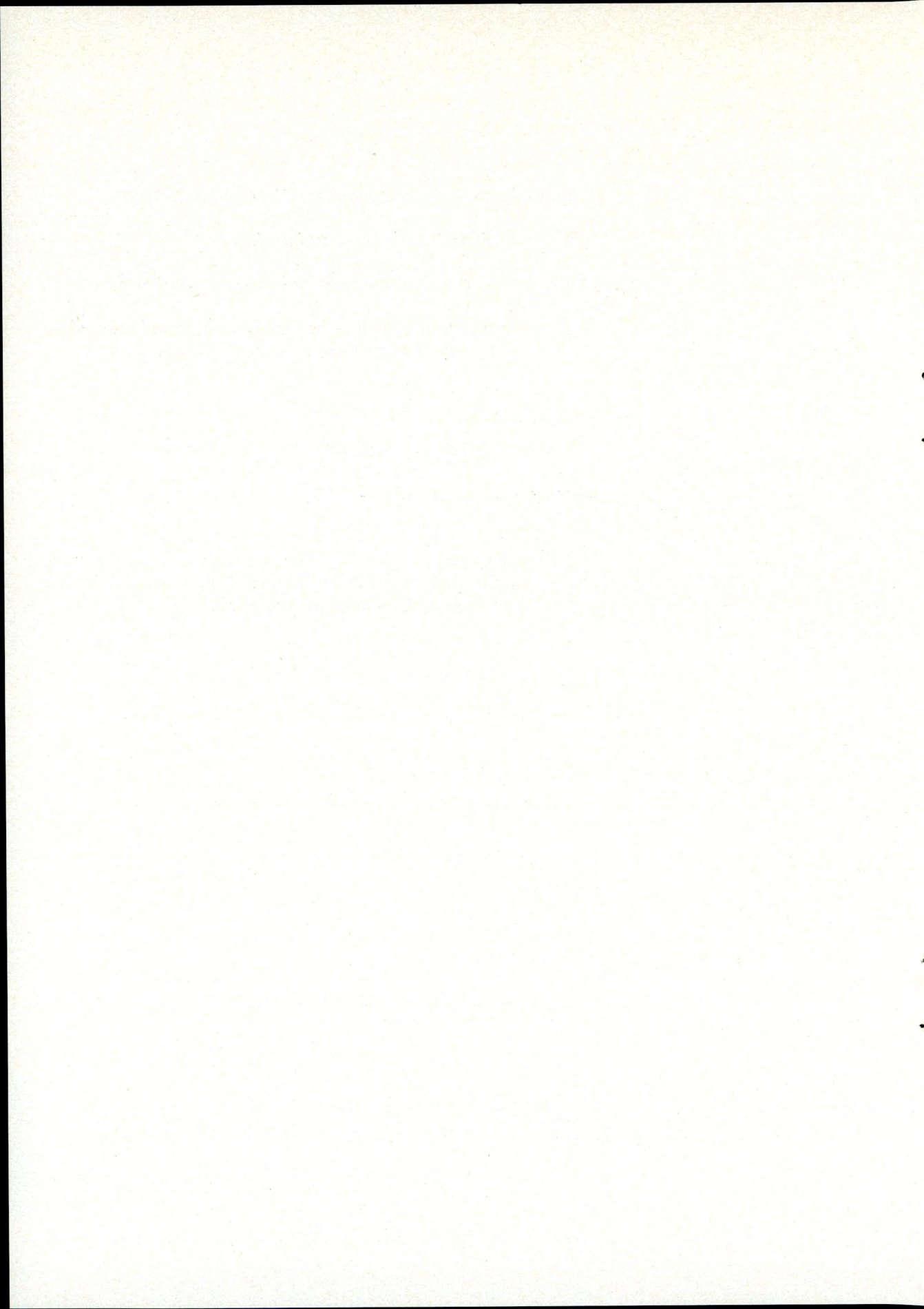
(b) Schedule 2, clause 2 (15)—

After clause 2 (14), insert:—

10 (15) proceedings in public of, or proceedings in public at an inquiry held by, the Law Reform Commission under the Law Reform Commission Act, 1967.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984





**DEFAMATION (LAW REFORM COMMISSION) AMENDMENT ACT,
1984, No. 118**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 118, 1984.

An Act to amend the Defamation Act, 1974, to provide, in civil proceedings for defamation, defences in respect of reports, inquiries and proceedings of the Law Reform Commission. [Assented to, 6th November, 1984.]

Defamation (Law Reform Commission) Amendment 1984

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Defamation (Law Reform Commission) Amendment Act, 1984".

Amendment of Act No. 18, 1974.

2. The Defamation Act, 1974, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE DEFAMATION ACT, 1974.

(1) Section 17BA—

After section 17B, insert:—

Matters relating to the Law Reform Commission.

17BA. (1) A report published pursuant to section 13 (6) of the Law Reform Commission Act, 1967, shall, for the purposes of this Act, be deemed to have been published under the authority of either House of Parliament.

(2) There is a defence of absolute privilege—

- (a) for a publication in the course of the proceedings of, or in the course of an inquiry held by, the Law Reform Commission under the Law Reform Commission Act, 1967; and
- (b) for any other publication by the Law Reform Commission in connection with a reference to it under that Act.

Defamation (Law Reform Commission) Amendment 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DEFAMATION ACT, 1974—*continued.*

(3) Subsection (2) does not apply to a report referred to in section 13 of the Law Reform Commission Act, 1967.

(2) (a) Schedule 2, clause 2 (13)—

Omit "or" where lastly occurring.

(b) Schedule 2, clause 2 (15)—

After clause 2 (14), insert:—

(15) proceedings in public of, or proceedings in public at an inquiry held by, the Law Reform Commission under the Law Reform Commission Act, 1967.

In the name and on behalf of Her Majesty, I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 6th November, 1984.*

