

FIRST PRINT

**DEFAMATION (MEDICAL PRACTITIONERS)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Medical Practitioners (Amendment) Bill 1987.

The object of this Bill is to amend the Defamation Act 1974 so as to create defences against defamation proceedings arising out of publications in or about disciplinary proceedings under the Medical Practitioners Act 1938, as intended to be amended.

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 gives effect to the Schedule of amendments.

Schedule 1 (1) inserts proposed section 17^{FA} into the Principal Act. The proposed section gives a defence of absolute privilege to publications for the purposes of, and of reports resulting from, proceedings of the New South Wales Medical Board, Professional Standards Committees or the Medical Tribunal under the Medical Practitioners Act 1938.

Defamation (Medical Practitioners) Amendment 1987

Schedule 1 (2) amends Schedule 2 of the Principal Act so as to give a defence of fair report for the publication of reports of proceedings or decisions of the New South Wales Medical Board, Professional Standards Committees or the Medical Tribunal under the Medical Practitioners Act 1938.

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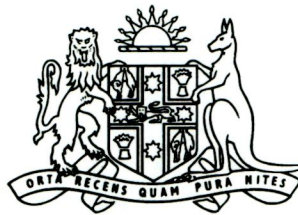
TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 18, 1974

SCHEDULE 1—AMENDMENTS TO THE DEFAMATION ACT 1974

**DEFAMATION (MEDICAL PRACTITIONERS)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Defamation Act 1974 with respect to the protection of the New South Wales Medical Board, Professional Standards Committees and the Medical Tribunal and members of those bodies under the Medical Practitioners Act 1938 and persons reporting certain matters under that Act.

Defamation (Medical Practitioners) Amendment 1987

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 (Medical Practitioners) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 18, 1974

15 3. The Defamation Act 1974 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE DEFAMATION ACT 1974

20 (1) Section 17FA—

After section 17F, insert:

Matters arising under the Medical Practitioners Act 1938

17FA. (1) There is a defence of absolute privilege—

(a) for a publication to or by—

- 25**
- (i) the New South Wales Medical Board;
 - (ii) a Professional Standards Committee;
 - (iii) the Medical Tribunal; or

*Defamation (Medical Practitioners) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE DEFAMATION ACT 1974—*continued*

- (iv) a member of any of those bodies as such a member,
for the purpose of the assessment or referral of a complaint
or the holding of any inquiry or any appeal under the
Medical Practitioners Act 1938; and
- 5 (b) for a publication by a body or person referred to in
paragraph (a) of a report of a decision or determination in
respect of a complaint or an inquiry or appeal, and of the
reasons for that decision or determination.
- (2) In this section—
- 10 (a) a reference to the New South Wales Medical Board
includes a reference to a committee of the Board; and
- (b) a reference to a member of the Board includes a reference
to a member of any such committee.
- (2) (a) Schedule 2, clause 2 (14A)—
- 15 After clause 2 (14), insert:
- (14A) without limiting the operation of any other subclause,
proceedings of—
- (a) the New South Wales Medical Board;
- (b) a Professional Standards Committee; or
- 20 (c) the Medical Tribunal,
- under the Medical Practitioners Act 1938;
- (b) Schedule 2, clause 3 (3A)—
- After clause 3 (3), insert:
- (3A) a document that consists of a report made by—
- 25 (a) the New South Wales Medical Board;
- (b) a Professional Standards Committee; or

Defamation (Medical Practitioners) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE DEFAMATION ACT 1974—*continued*

(c) the Medical Tribunal,

of its decision or determination in respect of a complaint or an inquiry or appeal, and of the reasons for that decision or determination, under the Medical Practitioners Act 1938;

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**DEFAMATION (MEDICAL PRACTITIONERS)
AMENDMENT ACT 1987 No. 128**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 18, 1974

SCHEDULE 1—AMENDMENTS TO THE DEFAMATION ACT 1974



THE UNIVERSITY OF CHICAGO
LIBRARY

**DEFAMATION (MEDICAL PRACTITIONERS) AMENDMENT ACT
1987 No. 128**

NEW SOUTH WALES



Act No. 128, 1987

An Act to amend the Defamation Act 1974 with respect to the protection of the New South Wales Medical Board, Professional Standards Committees and the Medical Tribunal and members of those bodies under the Medical Practitioners Act 1938 and persons reporting certain matters under that Act.
[Assented to 16 June 1987]

Defamation (Medical Practitioners) Amendment 1987

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 (Medical Practitioners) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 18, 1974

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

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE DEFAMATION ACT 1974

(1) Section 17FA—

After section 17F, insert:

Matters arising under the Medical Practitioners Act 1938

17FA. (1) There is a defence of absolute privilege—

(a) for a publication to or by—

- (i) the New South Wales Medical Board;
- (ii) a Professional Standards Committee;
- (iii) the Medical Tribunal; or

Defamation (Medical Practitioners) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE DEFAMATION ACT 1974—*continued*

- (iv) a member of any of those bodies as such a member, for the purpose of the assessment or referral of a complaint or the holding of any inquiry or any appeal under the Medical Practitioners Act 1938; and
 - (b) for a publication by a body or person referred to in paragraph (a) of a report of a decision or determination in respect of a complaint or an inquiry or appeal, and of the reasons for that decision or determination.
- (2) In this section—
- (a) a reference to the New South Wales Medical Board includes a reference to a committee of the Board; and
 - (b) a reference to a member of the Board includes a reference to a member of any such committee.
- (2) (a) Schedule 2, clause 2 (14A)—
- After clause 2 (14), insert:
- (14A) without limiting the operation of any other subclause, proceedings of—
 - (a) the New South Wales Medical Board;
 - (b) a Professional Standards Committee; or
 - (c) the Medical Tribunal,under the Medical Practitioners Act 1938;
- (b) Schedule 2, clause 3 (3A)—
- After clause 3 (3), insert:
- (3A) a document that consists of a report made by—
 - (a) the New South Wales Medical Board;
 - (b) a Professional Standards Committee; or

Defamation (Medical Practitioners) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE DEFAMATION ACT 1974—*continued*

(c) the Medical Tribunal,
of its decision or determination in respect of a complaint
or an inquiry or appeal, and of the reasons for that
decision or determination, under the Medical Practitioners
Act 1938;

