

FIRST PRINT

**DEFAMATION (WORKERS COMPENSATION)
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 Workers Compensation 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 proceedings before workers compensation commissioners or review officers under the Workers Compensation Act 1987.

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 17BB 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 workers compensation commissioners or review officers.

Schedule 1 (2) amends Schedule 2 to the Principal Act so as to give a defence of fair report for the publication of reports of proceedings or decisions of workers compensation commissioners or review officers.

**DEFAMATION (WORKERS COMPENSATION)
AMENDMENT BILL 1987**

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



**DEFAMATION (WORKERS COMPENSATION)
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 workers compensation commissioners and review officers under the Workers Compensation Act 1987 and of persons reporting certain matters under that Act.

Defamation (Workers Compensation) 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 (Workers Compensation) 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 17BB—

After section 17BA, insert:

Matters arising under the Workers Compensation Act 1987

17BB. There is a defence of absolute privilege—

(a) for a publication to or by—

- 25**
- (i) a workers compensation commissioner; or
 - (ii) a review officer,

for the purpose of any proceedings under the Workers Compensation Act 1987; and

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

- (b) for a publication by any such commissioner or officer of a report of a decision or determination in respect of any such proceedings and of the reasons for that decision or determination.

5 (2) Schedule 2—

(a) Clause 2 (17)—

At the end of clause 2, insert:

- (17) without limiting the operation of any other subclause, proceedings of—

10

(a) a workers compensation commissioner; or

(b) a review officer,

under the Workers Compensation Act 1987.

(b) Clause 3 (6)—

At the end of clause 3, insert:

15

- (6) a document that consists of a report made by—

(a) a workers compensation commissioner; or

(b) a review officer,

of his or her decision or determination in respect of any proceedings under the Workers Compensation Act 1987.



**DEFAMATION (WORKERS COMPENSATION)
AMENDMENT ACT 1987 No. 75**

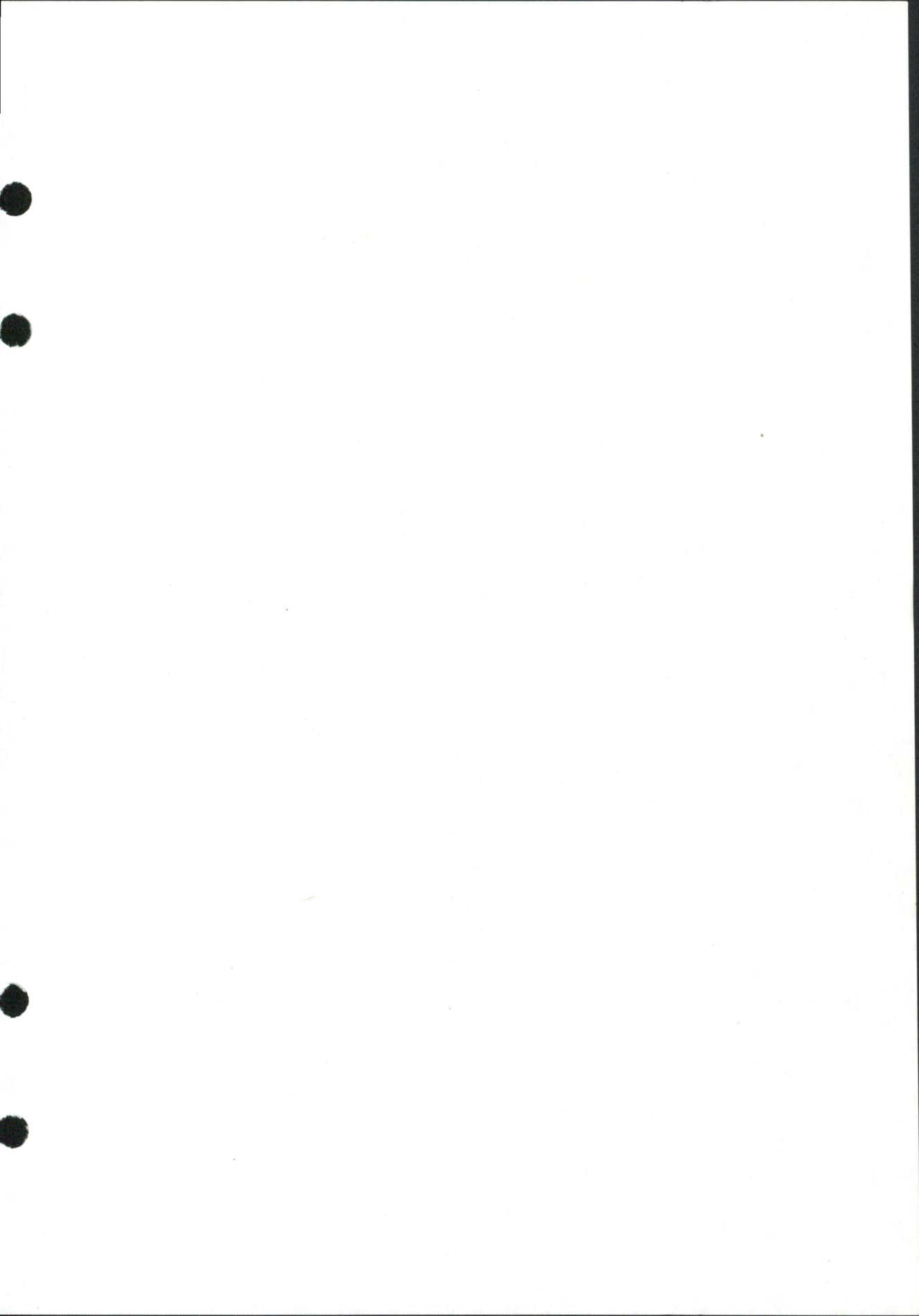
NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS TO THE DEFAMATION ACT 1974



**DEFAMATION (WORKERS COMPENSATION) AMENDMENT ACT
1987 No. 75**

NEW SOUTH WALES



Act No. 75, 1987

An Act to amend the Defamation Act 1974 with respect to the protection of workers compensation commissioners and review officers under the Workers Compensation Act 1987 and of persons reporting certain matters under that Act. [Assented to 10 June 1987]

Defamation (Workers Compensation) 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 (Workers Compensation) 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 17BB—

After section 17BA, insert:

Matters arising under the Workers Compensation Act 1987

17BB. There is a defence of absolute privilege—

(a) for a publication to or by—

(i) a workers compensation commissioner; or

(ii) a review officer,

for the purpose of any proceedings under the Workers Compensation Act 1987; and

Defamation (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE DEFAMATION ACT 1974—*continued*

- (b) for a publication by any such commissioner or officer of a report of a decision or determination in respect of any such proceedings and of the reasons for that decision or determination.

(2) Schedule 2—

(a) Clause 2 (17)—

At the end of clause 2, insert:

- (17) without limiting the operation of any other subclause, proceedings of—

- (a) a workers compensation commissioner; or

- (b) a review officer,

under the Workers Compensation Act 1987.

(b) Clause 3 (6)—

At the end of clause 3, insert:

- (6) a document that consists of a report made by—

- (a) a workers compensation commissioner; or

- (b) a review officer,

of his or her decision or determination in respect of any proceedings under the Workers Compensation Act 1987.

