

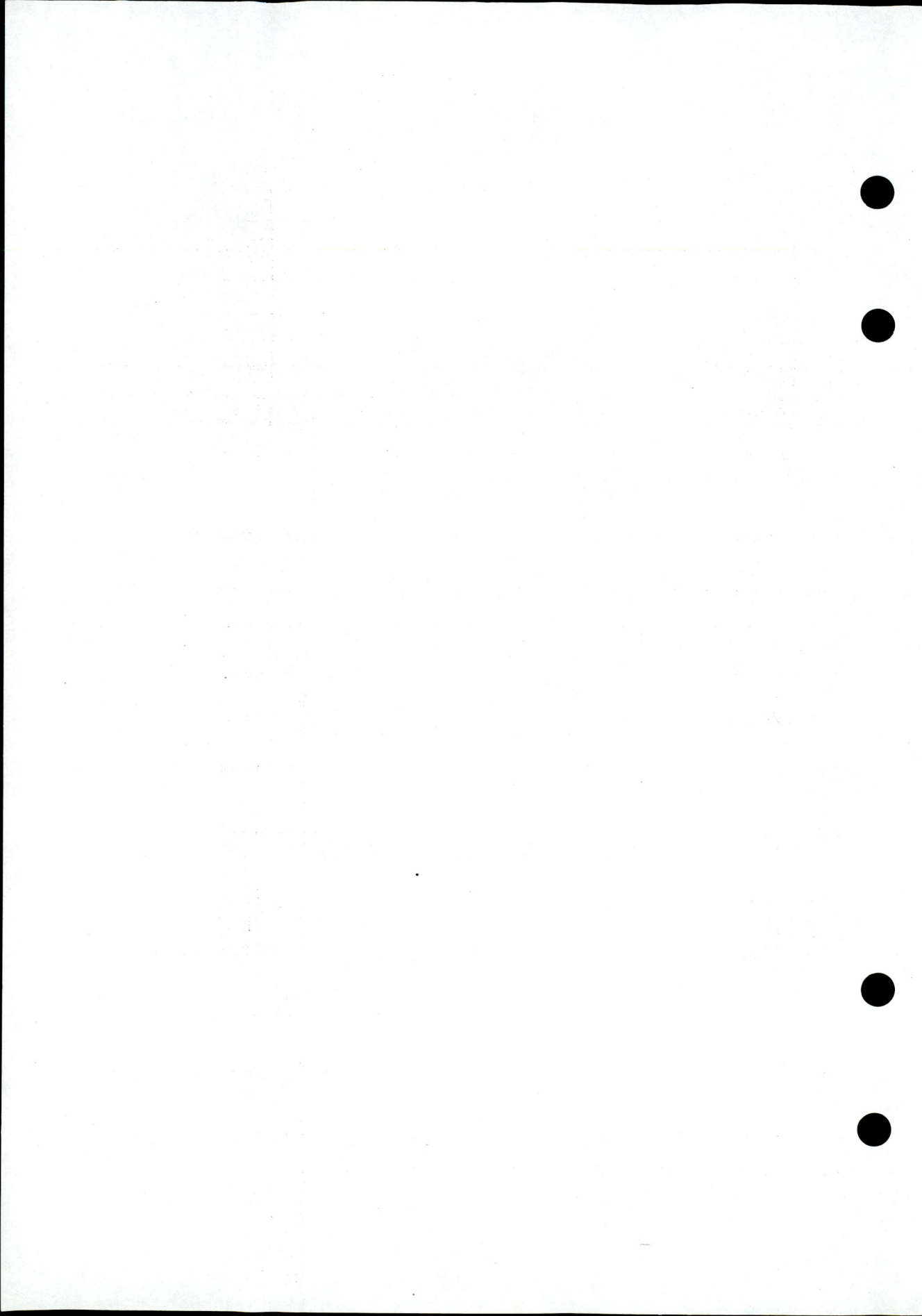
**DEFAMATION (CRIMINAL DEFAMATION) AMENDMENT  
ACT 1988 No. 61**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
  2. Commencement
  3. Amendment of Defamation Act 1974 No. 18, section 50 (Offence)
-



**DEFAMATION (CRIMINAL DEFAMATION) AMENDMENT ACT  
1988 No. 61**

NEW SOUTH WALES



**Act No. 61, 1988**

An Act to amend section 50 of the Defamation Act 1974 to require the prior consent of the Attorney General to a prosecution for the indictable misdemeanour constituted by that section. [Assented to 21 November 1988]

*Defamation (Criminal Defamation) Amendment 1988*

---

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

**Short title**

1. This Act may be cited as the Defamation (Criminal Defamation) Amendment Act 1988.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Defamation Act 1974 No. 18, section 50 (Offence)**

3. The Defamation Act 1974 is amended by inserting at the end of section 50 the following subsections:

(4) Proceedings for an offence under this section may not be instituted without the written consent of the Attorney General.

(5) In any such proceedings, a consent purporting to have been signed by the Attorney General is, without proof of the signature, evidence of that consent.

---

[*Minister's second reading speech made in—  
Legislative Assembly on 31 August 1988  
Legislative Council on 15 November 1988*]

**DEFAMATION (CRIMINAL DEFAMATION) AMENDMENT  
BILL 1988**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

Before the enactment of the Defamation Act 1974, proceedings for the common law misdemeanour of criminal libel could not be instituted without judicial leave.

That Act abolished the common law misdemeanour and, by section 50 of the Act, substituted a statutory misdemeanour without making a prosecution conditional on prior leave.

The object of this Bill is to amend section 50 of the Defamation Act 1974 to require the consent of the Attorney General before a prosecution for the statutory misdemeanour of criminal defamation may be commenced.

Upon the enactment of the proposed Act, section 11 of the Director of Public Prosecutions Act 1986 would enable the Attorney General to authorise the Director of Public Prosecutions to give such a consent.

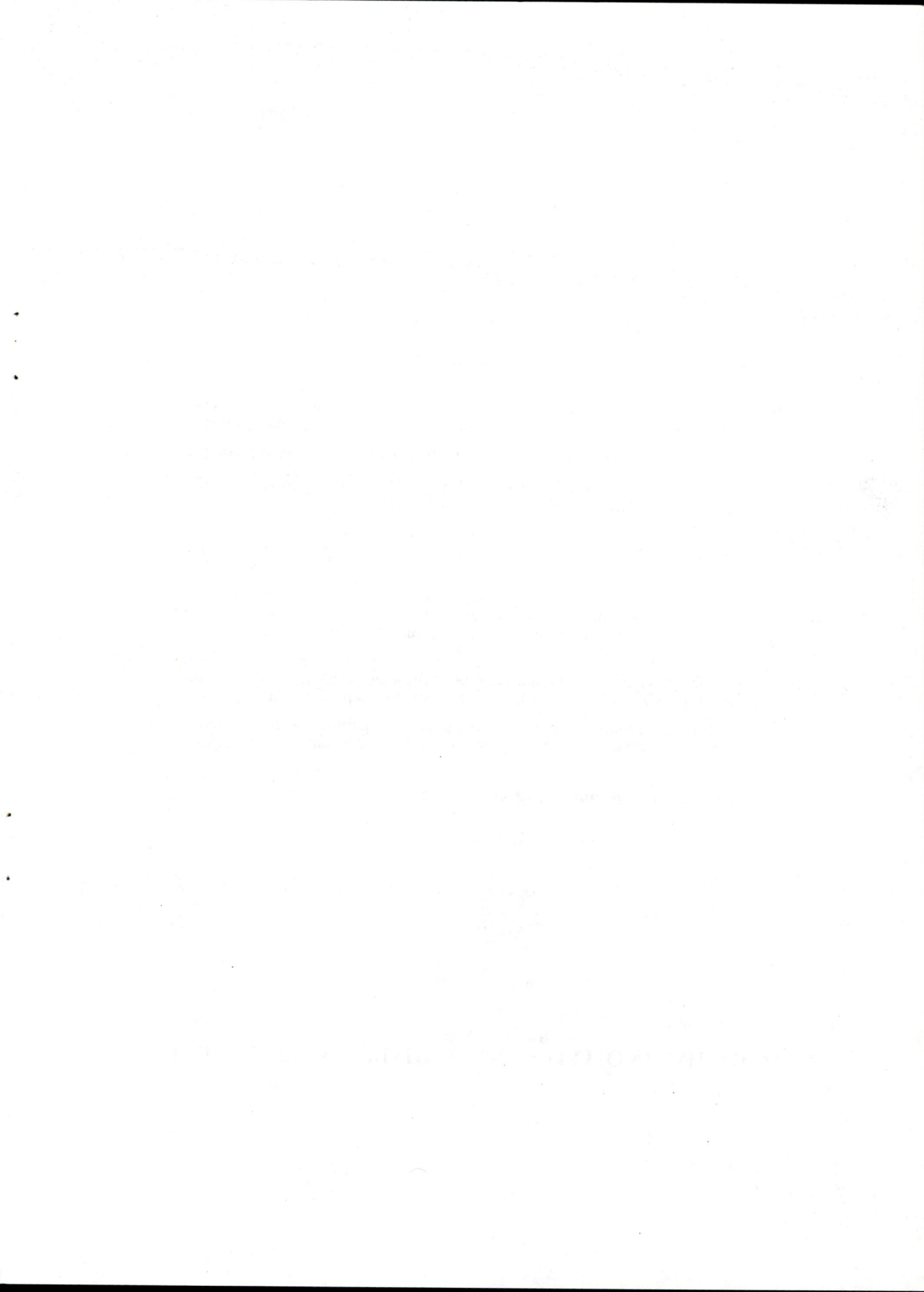
---

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** amends section 50 of the Principal Act to require the consent of the Attorney General before initiation of a prosecution for the indictable misdemeanour created by that section.

---



# DEFAMATION (CRIMINAL DEFAMATION) AMENDMENT BILL 1988

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Defamation Act 1974 No. 18, section 50 (Offence)
-

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT



**DEFAMATION (CRIMINAL DEFAMATION) AMENDMENT  
BILL 1988**

NEW SOUTH WALES



No. , 1988

---

---

**A BILL FOR**

An Act to amend section 50 of the Defamation Act 1974 to require the prior consent of the Attorney General to a prosecution for the indictable misdemeanour constituted by that section.

---

---

*Defamation (Criminal Defamation) Amendment 1988*

---

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

**Short title**

1. This Act may be cited as the Defamation (Criminal Defamation) Amendment Act 1988.

**5 Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Defamation Act 1974 No. 18, section 50 (Offence)**

3. The Defamation Act 1974 is amended by inserting at the end of section 50 the following subsections:

10 (4) Proceedings for an offence under this section may not be instituted without the written consent of the Attorney General.

(5) In any such proceedings, a consent purporting to have been signed by the Attorney General is, without proof of the signature, evidence of that consent.

