

**DEFAMATION (INDEPENDENT COMMISSION AGAINST  
CORRUPTION) AMENDMENT ACT 1989 No. 29**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

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

**SCHEDULE 1—AMENDMENTS**

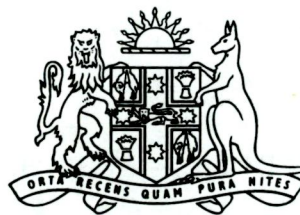
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**DEFAMATION (INDEPENDENT COMMISSION AGAINST  
CORRUPTION) AMENDMENT ACT 1989 No. 29**

**NEW SOUTH WALES**



**Act No. 29, 1989**

An Act to amend the Defamation Act 1974 in relation to defences for certain publications made in connection with the Independent Commission Against Corruption. [Assented to 21 April 1989]

*Defamation (Independent Commission Against Corruption) Amendment 1989*

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

**Short title**

1. This Act may be cited as the Defamation (Independent Commission Against Corruption) Amendment Act 1989.

**Commencement**

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

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

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

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 17k—

After section 17j, insert:

**Matters arising under the Independent Commission Against Corruption Act 1988**

17k. (1) There is a defence of absolute privilege for a publication to or by the Independent Commission Against Corruption or the Commissioner for the Commission as Commissioner, or to any officer of the Commission (within the meaning of the Independent Commission Against Corruption Act 1988) as such an officer.

(2) This section applies in relation to any hearing before the Independent Commission Against Corruption or any other matter relating to the powers, authorities, duties or functions of the Commission.

(3) This section extends to publications made before the commencement of this section.

*Defamation (Independent Commission Against Corruption) Amendment 1989*

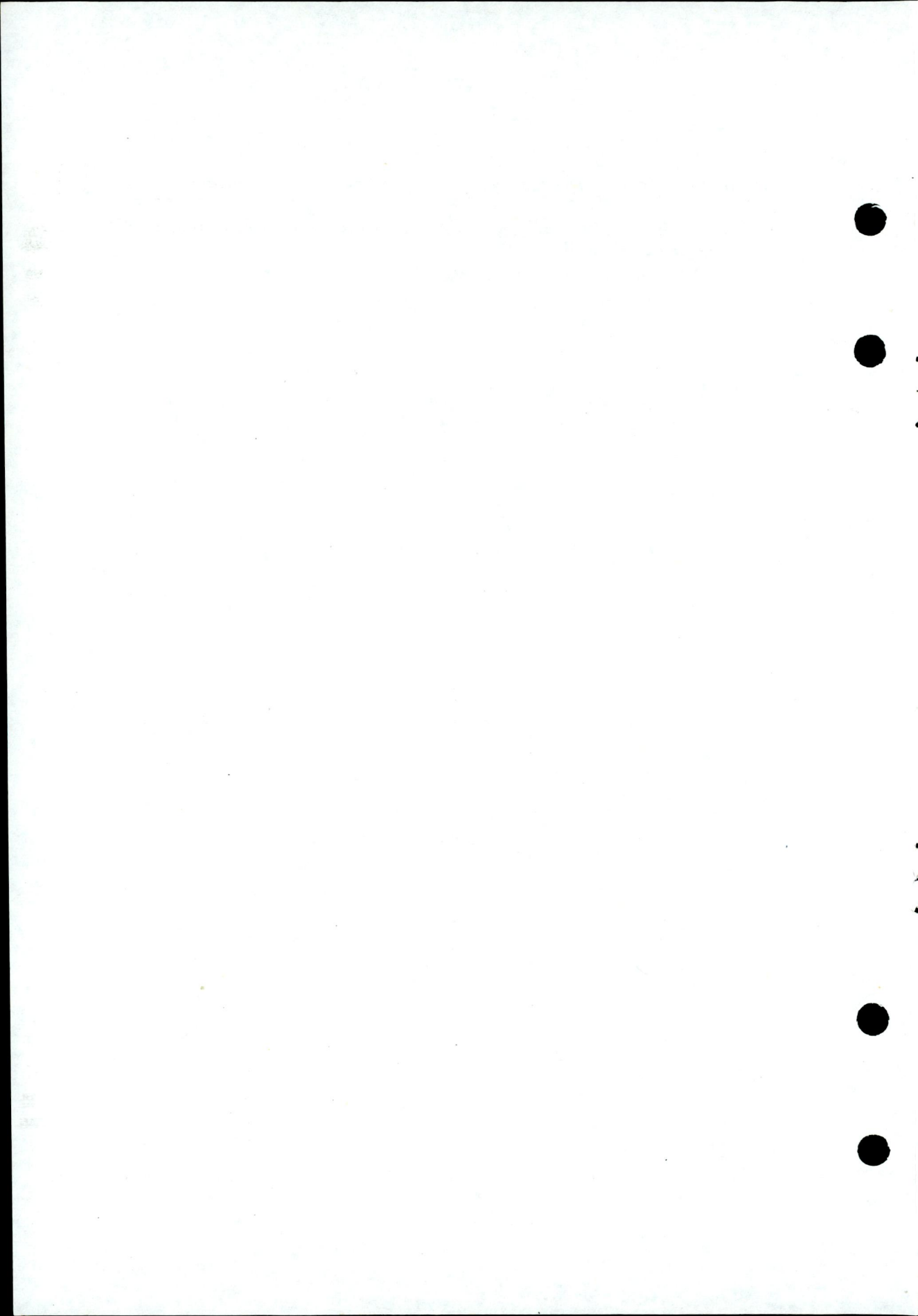
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(2) Schedule 2 (**Proceedings of Public Concern and Official and Public Documents and Records**)—

At the end of clause 2, insert:

- (18) proceedings at a hearing held in public by the Independent Commission Against Corruption.
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[*Minister's second reading speech made in—  
Legislative Assembly on 5 April 1989  
Legislative Council on 18 April 1989*]











**DEFAMATION (INDEPENDENT COMMISSION AGAINST  
CORRUPTION) AMENDMENT BILL 1989**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Independent Commission Against Corruption (Amendment) Bill 1989.

The object of this Bill is to amend the Defamation Act 1974 so as—

- (a) to provide a defence for publication of a fair report of proceedings at a hearing held in public by the Independent Commission Against Corruption; and
- (b) to transfer to the Defamation Act 1974 the statutory base for the defence of absolute privilege for publication to or by the Commission or to an officer of the Commission.

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

**Clause 2** provides for the proposed Act to commence on a day or days appointed by proclamation.

**Clause 3** is a formal provision giving effect to the Schedule of amendments.

**SCHEDULE 1—AMENDMENTS**

**Defence for publication of a fair protected report**

Schedule 1 (2) effects the amendment referred to in paragraph (a) above. This is the principal amendment effected by the Bill. The defence is provided by section 24 of the Defamation Act 1974, by reference to the matters listed in clause 2 of Schedule 2 to that Act.

*Defamation (Independent Commission Against Corruption) Amendment 1989*

**Defence of absolute privilege**

Schedule 1 (1) effects the amendment referred to in paragraph (b) above. This defence is already available under section 109 (2) of the Independent Commission Against Corruption Act 1988. The statutory base for the defence is being transferred to the Defamation Act 1974, so that it and the new defence for publication of a fair protected report will both be located in that Act.

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# DEFAMATION (INDEPENDENT COMMISSION AGAINST CORRUPTION) AMENDMENT BILL 1989

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

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**DEFAMATION (INDEPENDENT COMMISSION AGAINST  
CORRUPTION) AMENDMENT BILL 1989**

NEW SOUTH WALES



No. , 1989

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**A BILL FOR**

An Act to amend the Defamation Act 1974 in relation to defences for certain publications made in connection with the Independent Commission Against Corruption.

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*Defamation (Independent Commission Against Corruption) Amendment 1989***The Legislature of New South Wales enacts:****Short title**

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

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

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**(1) Section 17K—**

After section 17J, insert:

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**Matters arising under the Independent Commission Against Corruption Act 1988**

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17K. (1) There is a defence of absolute privilege for a publication to or by the Independent Commission Against Corruption or the Commissioner for the Commission as Commissioner, or to any officer of the Commission (within the meaning of the Independent Commission Against Corruption Act 1988) as such an officer.

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(2) This section applies in relation to any hearing before the Independent Commission Against Corruption or any other matter relating to the powers, authorities, duties or functions of the Commission.

(3) This section extends to publications made before the commencement of this section.

**(2) Schedule 2 (Proceedings of Public Concern and Official and Public Documents and Records)—**

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At the end of clause 2, insert:

(18) proceedings at a hearing held in public by the Independent Commission Against Corruption.





