

Act No. 61

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.
