

Act No. 29 of 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.

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**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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