

# **Body Corporate and Community Management and Other Legislation Amendment Bill 2006**

## **Amendments agreed to during Consideration**

### **1 Clause 10 (Insertion of new ss 101A and 101B)—**

At page 11, after line 27—

*insert—*

‘(2) In this section—

*act done or omission made*, does not include the publication of defamatory matter as mentioned in section 111A(1).’.

### **2 After clause 10—**

At page 12, after line 12—

*insert—*

#### **‘10A Insertion of new s 111A**

‘Chapter 3, part 1, division 4—

*insert—*

#### **‘111A Protection of body corporate and committee from liability for defamation**

‘(1) This section applies if—

(a) the committee for the body corporate for a community titles scheme publishes required material for a general meeting of the body corporate under the regulation module applying to the scheme; and

(b) the required material contains defamatory matter.

‘(2) Each of the following is not liable for defamation by the publication of the defamatory matter as mentioned in subsection (1)—

(a) the body corporate;

- (b) the committee, or a member of the committee, other than a member of the committee who submitted the motion or explanatory note containing the defamatory matter.

‘(3) In this section—

*committee* or *member of the committee*, for a community titles scheme for which a body corporate manager is engaged to carry out the functions of a committee for the body corporate and each of its executive members, means the body corporate manager.

*required material*, for a general meeting of the body corporate, means any of the following required under the regulation module applying to the community titles scheme to be published for the general meeting—

- (a) a motion submitted other than by or for the committee for the general meeting;
- (b) the substance of a motion mentioned in paragraph (a);
- (c) an explanatory note for a motion mentioned in paragraph (a) prepared by the submitter of the motion.’.

### **3 Clause 78 (Insertion of new s 35)—**

At page 60, lines 25 to 28—

*omit, insert—*

- ‘(b) in the circumstances, it would be unfair not to allow the’.