

Queensland



**DEFAMATION (MATTERS
OF PUBLIC INTEREST)
AMENDMENT BILL 1999**



DEFAMATION (MATTERS OF PUBLIC INTEREST) AMENDMENT BILL 1999

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1999

A BILL

FOR

An Act to amend the Defamation Act 1889

*Defamation (Matters of Public Interest)
Amendment*

The Parliament of Queensland enacts—

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Short title

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Clause **1.** This Act may be cited as the *Defamation (Matters of Public Interest) Amendment Act 1999*.

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Act amended

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Clause **2.** This Act amends the *Defamation Act 1889*.

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Insertion of new s 5A

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Clause **3.** Part 2, after section 5—
 insert—

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‘What is “corrupt conduct”

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‘5A.(1) “Corrupt conduct”, of a public official, means conduct that may constitute or involve—

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 (a) an offence, or an attempt to commit an offence, that involves corruption; or

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 (b) a conspiracy to commit an offence that involves corruption; or

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 (c) official misconduct within the meaning of the *Criminal Justice Act 1989*.

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‘(2) Conduct of a public official is “corrupt conduct” even though—

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 (a) a proceeding against the public official for an offence can no longer be brought or continued; or

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 (b) the person was not a public official when the conduct first happened or is no longer a public official.

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‘(3) Also, conduct of a public official is “corrupt conduct” even though it happened outside Queensland if it would be corrupt conduct if it happened in Queensland.

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Defamation (Matters of Public Interest)
Amendment

‘(4) In this section—

“public official” means—

- (a) a Minister; or
- (b) a member of the Legislative Assembly, other than a Minister; or
- (c) a staff member of a Minister; or
- (d) another person who performs a function of a public nature, whether as employee or otherwise, for an agency within the meaning of the *Freedom of Information Act 1992*.’

Insertion of new s 15A

Clause 4. After section 15—

insert—

‘Protection—corrupt conduct of public officials

‘15A.(1) It is lawful to publish defamatory matter if the publication—

- (a) is about corrupt conduct of a public official, or the misuse or misapplication of any public money; and
- (b) is substantially true; and
- (c) is made without malice.

‘(2) In any proceeding concerned with the publication of defamatory matter mentioned in subsection (1)(a), the onus of proving the publication was made with malice is for the party alleging it was made with malice.’