

Queensland



CRIMINAL DEFAMATION AMENDMENT BILL 2002

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2002

A BILL

FOR

**An Act to relocate to the Criminal Code the offence of criminal
defamation, and for other purposes**

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Clause 1 Short title

3

This Act may be cited as the *Criminal Defamation Amendment Act 2002*.

4

5

Clause 2 Commencement

6

This Act commences on a day to be fixed by proclamation.

7

PART 2—AMENDMENT OF CRIMINAL CODE

8

Clause 3 Act amended in pt 2

9

This part amends the Criminal Code.

10

Clause 4 Amendment of pt 5 hdg

11

Part 5, heading, after ‘duties’—

12

insert—

13

‘AND AGAINST THE REPUTATION OF INDIVIDUALS’.

14

Clause 5 Insertion of new pt 5, ch 35

15

Part 5—

16

insert—

17

‘CHAPTER 35—PUBLICATION OF DEFAMATORY MATTER 1
2

‘365 Unlawful publication of defamatory matter 3

‘(1) Any person who unlawfully publishes any defamatory matter 4
concerning someone else commits a misdemeanour. 5

Maximum penalty— 6

(a) 100 penalty units or 5 years imprisonment, if the person knows 7
the defamatory matter is false; or 8

(b) 20 penalty units or 1 year’s imprisonment, in any other case. 9

‘(2) This section is to be read with the *Defamation Act 1889*.’. 10

Clause 6 Insertion of new pt 9, ch 76 11

Part 9— 12

insert— 13

**‘CHAPTER 76—TRANSITIONAL PROVISION FOR 14
CRIMINAL DEFAMATION AMENDMENT ACT 2002** 15

**‘713 Transitional provision for Criminal Defamation Amendment 16
Act 2002** 17

‘(1) A person who before commencement commits an offence defined in 18
the *Defamation Act 1889*, section 8,¹ as in force immediately before 19
commencement, may be charged with and convicted of the offence as if the 20
section had not been repealed.² 21

‘(2) In this section— 22

“commencement” means the commencement of this section.’. 23

1 *Defamation Act 1889*, section 8 (Unlawful publication of defamatory matter)

2 The *Criminal Defamation Amendment Act 2002* inserted an offence of unlawful publication of defamatory matter as section 365.

PART 3—AMENDMENT OF DEFAMATION ACT 1889

Clause 7	Act amended in pt 3	1
	This part amends the <i>Defamation Act 1889</i> .	2
Clause 8	Amendment of s 7 (Defamation actionable)	3
	Section 7, ‘wrong.’—	4
	<i>omit, insert—</i>	5
	‘wrong. ³ ’.	6
Clause 9	Omission of s 8 (Unlawful publication of defamatory matter)	7
	Section 8—	8
	omit.	9
		10

3 For the relevant offence, see the Criminal Code, section 365 (Unlawful publication of defamatory matter).