



Australian Capital Territory

Civil Law (Wrongs) Amendment Act 2024

A2024-19

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Definitions—ch 9 Section 116, new definitions	2
5 New division 9.2.2A	4
6 Content of offer to make amends Section 127 (1A) (b)	9
7 New section 127 (1B)	9
8 New section 133A	9

J2022-1239

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

		Page
9	Defence of absolute privilege	
	New section 137 (2) (ba)	10
10	New section 137 (2) (d)	11
11	New section 137 (3)	11
12	New section 139BA	11
13	New section 139JA	14
14	New section 139O	16
15	New chapter 19	16
16	New chapter 20	18
17	New schedule 1A	22
18	Dictionary, note 2	28
19	Dictionary, new definitions	28



Australian Capital Territory

Civil Law (Wrongs) Amendment Act 2024

A2024-19

An Act to amend the *Civil Law (Wrongs) Act 2002*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Civil Law (Wrongs) Amendment Act 2024*.

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

- (2) If this Act has not commenced within 18 months beginning on its notification day, it automatically commences on the first day after that period.
- (3) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Legislation amended

This Act amends the *Civil Law (Wrongs) Act 2002*.

4 Definitions—ch 9 Section 116, new definitions

insert

access prevention step, in relation to the publication of digital matter, means a step—

- (a) to remove the matter; or
- (b) to block, disable or otherwise prevent access, whether by some or all people, to the matter.

caching service, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

conduit service, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

digital intermediary, in relation to the publication of digital matter, means a person, other than an author, originator or poster of the matter, who provides or administers the online service by means of which the matter is published.

Note There may be more than 1 digital intermediary in relation to the publication of the same digital matter.

digital matter means matter published in electronic form by means of an online service.

online service means a service provided to a person, whether or not it is requested or it is for a fee or reward, to enable the person to use the internet, including, without limitation, a service enabling a person—

- (a) to access or connect to the internet; or
- (b) to use the internet to do 1 or more of the following:
 - (i) send or receive content;
 - (ii) store content;
 - (iii) index content;
 - (iv) search for content;
 - (v) share content;
 - (vi) interact with other people.

Examples

- 1 an internet-based social media platform
- 2 a forum created or administered by a person using a facility provided by an internet-based social media platform that enables users to share content or interact with other users about a topic
- 3 a website or other internet-based platform that enables knowledge to be shared by or with its users

poster, in relation to the publication of digital matter, means a person who uses the online service by means of which the matter is published for the purpose of communicating the matter to 1 or more other people.

search engine, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

search engine provider, for a search engine, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

search result, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

storage service, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

5 New division 9.2.2A

insert

Division 9.2.2A Exemptions from liability for digital intermediaries

122B Definitions—div 9.2.2A

In this division:

caching service means an online service whose principal function is to provide automatic, intermediate and temporary storage of content for the purpose of making the onward electronic transmission of the content more efficient for its users.

Example

a service for temporarily and automatically storing files that are most frequently downloaded by users of a website to speed up the download time for the files

conduit service means an online service whose principal function is to enable its users to access or use networks or other infrastructure to connect to, or send or receive data by means of, the internet.

Examples

- 1 a service provided by an internet service provider enabling its users to connect to the internet
- 2 an internet-based service enabling its users to send emails or send text messages to other people

search engine means a software application or system designed to enable its users to search for content on the internet.

search engine provider, for a search engine, means a person who maintains, or provides users with access to the search functions of, the search engine.

search result means a result generated by a search engine that is limited to identifying a webpage on which content is located by reference to 1 or more of the following:

- (a) the title of the webpage;
- (b) a hyperlink to the webpage;
- (c) an extract from the webpage;
- (d) an image from the webpage.

storage service means an online service, other than a caching service, whose principal function is to enable its users to store content remotely.

Example

an internet-based cloud service enabling its users to store documents, videos or photographs for later retrieval

122C Exemption for digital intermediaries providing caching, conduit or storage services

- (1) A digital intermediary is not liable for defamation for the publication of digital matter if the intermediary proves—
- (a) the matter was published using 1 or more of the following services provided by the intermediary:
 - (i) a caching service;
 - (ii) a conduit service;
 - (iii) a storage service; and
 - (b) the intermediary's role in the publication was limited to providing 1 or more of the services mentioned in paragraph (a); and
 - (c) the intermediary did not do any of the following:
 - (i) initiate the steps required to publish the matter;
 - (ii) select any of the recipients of the matter;
 - (iii) encourage the poster of the matter to publish the matter;
 - (iv) edit the content of the matter, whether before or after it was published;
 - (v) promote the matter, whether before or after it was published.
- (2) Subsection (1) (c) does not apply in relation to action taken because it is required by or under a law of an Australian jurisdiction or an order of an Australian court or Australian tribunal.

Example

action taken to comply with a code of conduct or other document regulating conduct that a digital intermediary is required to comply with by a law of an Australian jurisdiction

- (3) Subsection (1) applies regardless of whether the digital intermediary knew, or ought reasonably to have known, the digital matter was defamatory.

122D Exemption for search engine providers

- (1) A search engine provider for a search engine is not liable for defamation for—
 - (a) the publication of digital matter comprised of search results if the provider’s role was limited to providing an automated process for the user of the search engine to generate the results; or
 - (b) the publication of digital matter to which the search results provide a hyperlink if the provider’s role in the publication of the matter is limited to the role mentioned in paragraph (a).
- (2) Subsection (1) does not apply in relation to search results, or to digital matter to which the search results provide hyperlinks, to the extent the results are promoted or prioritised by the search engine provider because of a payment or other benefit given to the provider by or on behalf of a third party.
- (3) Subsection (1) applies regardless of whether the search engine provider knew, or ought reasonably to have known, the digital matter was defamatory.

122E Early determination of digital intermediary exemptions

- (1) The judicial officer in defamation proceedings—
 - (a) is to determine whether a defendant has a digital intermediary exemption; and

- (b) is to determine whether a digital intermediary exemption is established as soon as practicable before the trial for the proceedings commences unless satisfied that there are good reasons to postpone the determination to a later stage of the proceedings; and
 - (c) may make any orders the judicial officer considers appropriate concerning the determination of the issue, including dismissing the proceedings if satisfied the digital intermediary exemption is established.
- (2) Without limiting subsection (1)—
 - (a) the following matters are relevant in deciding whether there are good reasons to postpone the determination of whether a digital intermediary exemption is established to a later stage of the proceedings:
 - (i) the cost implications for the parties;
 - (ii) the resources available to the court at the time;
 - (iii) the extent to which technical or scientific issues are raised in the proceedings;
 - (iv) the extent to which establishing the digital intermediary exemption is linked to other issues for determination during the trial for the proceedings; and
 - (b) the judicial officer may determine a digital intermediary exemption is established on the pleadings without the need for further evidence if satisfied that the pleaded particulars are sufficient to establish the exemption.
- (3) Nothing in this section limits the powers that a judicial officer may have apart from this section to dismiss defamation proceedings, whether before or after the trial for the proceedings commences.

(4) In this section:

digital intermediary exemption means an exemption from liability for defamation mentioned in section 122C or 122D.

**6 Content of offer to make amends
Section 127 (1A) (b)**

substitute

(b) if the matter is digital matter—an offer to take access prevention steps in relation to the matter; or

7 New section 127 (1B)

insert

(1B) If the matter in question is digital matter, an offer to take access prevention steps may be made instead of, or in addition to, either or both of the offers mentioned in subsection (1) (d) and (e).

8 New section 133A

in division 9.4.1, insert

133A Orders for preliminary discovery about posters of digital matter

- (1) This section applies if the court procedure law for a court allows a person seeking to bring defamation proceedings for the publication of digital matter to obtain an order for, or in the nature of, preliminary discovery for either or both of the following purposes:
- (a) to obtain information to assist in identifying the posters of the matter;
 - (b) to obtain information to assist in locating physical or digital addresses for the posters of the matter to allow concerns notices to be given to them or defamation proceedings against them to be commenced.

(2) Despite anything to the contrary in the court procedure law for a court, the court must take the following matters into account before making an order mentioned in subsection (1):

- (a) the objects of this chapter;
- (b) privacy, safety or other public interest considerations that may arise if the order is made.

Example—par (b)

evidence suggesting the poster of digital matter is in fear of family violence from the person seeking an order to obtain the poster's address

(3) This section does not limit the matters the court may take into account before making an order mentioned in subsection (1).

(4) In this section:

court procedure law for a court means—

- (a) rules of court for the court; or
- (b) an Act or other legislation that regulates the practice or procedure of the court; or
- (c) the general law concerning the inherent or implied jurisdiction or powers of the court.

9 Defence of absolute privilege
New section 137 (2) (ba)

insert

- (ba) the matter is published to a person who, at the time of the publication, is an official of a police force or service of an Australian jurisdiction and it is published to the official while the official is acting in an official capacity; or

10 New section 137 (2) (d)

insert

- (d) the matter is published by a person or body in any circumstances specified in schedule 1A.

11 New section 137 (3)

insert

- (3) In this section:

official, of a police force or service of an Australian jurisdiction, means—

- (a) an officer, employee or member of staff of the police force or service; or
- (b) another person engaged to act for or on behalf of the police force or service.

12 New section 139BA

insert

139BA Defence for publications involving digital intermediaries

- (1) It is a defence to the publication of defamatory digital matter if the defendant proves—
 - (a) the defendant was a digital intermediary in relation to the publication; and
 - (b) the defendant had, at the time of the publication, an accessible complaints mechanism for the plaintiff to use; and

- (c) if the plaintiff gave the defendant a written complaint under this section about the publication—reasonable access prevention steps, if steps were available, were taken in relation to the publication, whether before the complaint was given or within 7 days after the complaint was given.

Note 1 The defendant is not required to prove par (c) to establish the defence if the plaintiff has not given the defendant a complaint about the publication under this section. Subsection (3) sets out requirements for giving complaints.

Note 2 Subsection (6) defines *accessible complaints mechanism*.

- (2) For subsection (1) (c), reasonable access prevention steps were taken in relation to the publication of digital matter if—
 - (a) for access prevention steps taken by the defendant—the steps taken were reasonable for the defendant to take in the circumstances; or
 - (b) for access prevention steps taken by another person—it was reasonable for the defendant not to take steps because of the steps already taken.
- (3) A written complaint is given under this section about the publication of defamatory digital matter if—
 - (a) the complaint contained information sufficient to enable a reasonable person in the defendant’s circumstances to be made aware of the following:
 - (i) the name of the plaintiff;
 - (ii) the matter and where it could be located;
 - (iii) that the plaintiff considered the matter to be defamatory; and

- (b) the complaint was given using an accessible complaints mechanism for the plaintiff to use or given to the defendant in another way permitted by this Act, section 139O or the [Legislation Act](#), part 19.5.
- (4) A defence under this section is defeated only if the plaintiff proves the defendant was actuated by malice in establishing or providing the online service by means of which the digital matter was published.
- (5) A defendant who would otherwise be a digital intermediary in relation to the publication of digital matter does not cease to be a digital intermediary for this section merely because the defendant took steps to detect or identify, or steps to remove, block, disable or otherwise prevent access by people to, the following:
 - (a) defamatory or other unlawful content published, or sought to be published, by a person using the online service provided by the defendant;
 - (b) other content published, or sought to be published, by a person using the online service provided by the defendant that was incompatible with the terms or conditions under which the service was provided.

Note Subsection (5) allows a defendant to rely on the defence despite the definition of *digital intermediary* in s 116 excluding authors, originators or posters of digital matter if the defendant's editorial or moderating role over content published using the online service was limited to the steps mentioned in the subsection.

(6) In this section:

accessible complaints mechanism, for a plaintiff to use, means an easily accessible address, location or other mechanism available for the plaintiff to use to complain to the defendant about the publication of the digital matter concerned.

Examples

- 1 an email address or direct messaging address to which a complaint may be sent
- 2 a webpage, or a part of a webpage, enabling details about a complaint to be uploaded or inputted

13 New section 139JA

in division 9.4.3, insert

139JA Orders against non-party digital intermediaries concerning defamatory digital matter

- (1) This section applies in relation to defamation proceedings for the publication of digital matter if—
 - (a) the plaintiff has obtained judgment for defamation against the defendant in the proceedings; or
 - (b) a court has granted a temporary injunction or makes another temporary order preventing the defendant from continuing to publish, or from republishing, the matter pending the determination of the proceedings; or
 - (c) a court has granted a final injunction or makes another final order preventing the defendant from continuing to publish, or from republishing, the matter.

- (2) In defamation proceedings to which this section applies, the court may order a digital intermediary who is not a party to the proceedings (a *non-party digital intermediary*) to take access prevention steps or other steps the court considers necessary in the circumstances—
 - (a) to prevent or limit the continued publication or republication of the matter; or
 - (b) to comply with, or otherwise give effect to, the judgment, injunction or other order mentioned in subsection (1).
- (3) Without limiting subsection (2), an order under this section may—
 - (a) require 1 or more steps to be taken; or
 - (b) require a step to be taken in relation to all, or only some, of the users of an online service.
- (4) The court may not make an order under this section against a non-party digital intermediary unless the intermediary has been given an opportunity to be heard about whether it is appropriate for the order to be made.
- (5) Despite subsection (4), the court may make a temporary order without giving the non-party digital intermediary an opportunity to be heard about whether it is appropriate to make the order if the court considers it necessary in the circumstances for the order to be made expeditiously pending a subsequent hearing concerning whether a further temporary order or a final order should be made.
- (6) An order may be made under this section even if the non-party digital intermediary is not, or may not be, liable for defamation, including because of a defence, for the publication of the digital matter to which the defamation proceedings relate.
- (7) This section does not limit other powers the court may have apart from this section to grant injunctions or make other orders requiring a non-party digital intermediary to take access prevention steps or other steps.

14 New section 1390

in part 9.5, insert

1390 Giving of notices and other documents

For this chapter, a notice or other document may be given to or served on a person by sending it by messaging or other electronic communication to an electronic address or location indicated by the person for giving documents to, or serving documents on, the person.

Examples

- 1 a direct messaging address set out on an internet-based social media forum for contacting the administrator of the forum about content on the forum
- 2 a direct messaging address provided by the poster of digital matter on an internet-based social media forum for contacting the poster about the content of the matter
- 3 a form on a website provided by a digital intermediary enabling a user to contact the intermediary by filling in the form or uploading documents

Note For other ways documents may be given, see the [Legislation Act](#), pt 19.5.

15 New chapter 19

insert

Chapter 19 Transitional—Civil Law (Wrongs) Amendment Act 2024—absolute privilege

254 Absolute privilege amendments

- (1) This section applies to the amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about the defence of absolute privilege (the *absolute privilege amendments*) in its application to—
 - (a) publications to officials of police forces or services of Australian jurisdictions; or

- (b) publications in circumstances specified in schedule 1A.
- (2) The absolute privilege amendments apply to a post-commencement action.
- (3) The existing law continues to apply despite the absolute privilege amendments to a pre-commencement action.
- (4) In this section:

commencement day means the day the *Civil Law (Wrongs) Amendment Act 2024*, section 15 commences.

existing law, in relation to the absolute privilege amendments, means the law that would have applied if the amendments had not been enacted.

post-commencement action, in relation to the absolute privilege amendments, means a cause of action for the publication of defamatory matter accruing on or after the commencement day.

pre-commencement action, in relation to the absolute privilege amendments, means a cause of action for the publication of defamatory matter accruing before the commencement day.

255 **Expiry—ch 19**

This chapter expires 3 years after the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

16 **New chapter 20**

insert

Chapter 20 Transitional—Civil Law (Wrongs) Amendment Act 2024

256 Definitions—ch 20

In this chapter:

commencement day means the day the *Civil Law (Wrongs) Amendment Act 2024*, section 16 commences.

existing law, in relation to amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about a subject, means the law that would have applied if the amendments had not been enacted.

post-commencement action, in relation to amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about a subject, means a cause of action for the publication of defamatory matter accruing on or after the commencement day.

pre-commencement action, in relation to amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about a subject, means a cause of action for the publication of defamatory matter accruing before the commencement day.

257 Digital intermediary amendments

- (1) This section applies to the amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about (the *digital intermediary amendments*)—
 - (a) exempting digital intermediaries from liability for defamation;
or
 - (b) providing a defence for publications of defamatory digital matter involving digital intermediaries.

- (2) Except as provided by subsection (3) (b), the digital intermediary amendments apply to a post-commencement action.
- (3) The existing law continues to apply, despite the digital intermediary amendments—
 - (a) to a pre-commencement action; and
 - (b) to a post-commencement action, but only if—
 - (i) the post-commencement action is 1 of 2 or more causes of action in proceedings commenced by a plaintiff; and
 - (ii) each cause of action in the proceedings accrues because of the publication of the same, or substantially the same, matter on separate occasions, whether by the same defendant or another defendant; and
 - (iii) 1 or more of the other causes of action in the proceedings are pre-commencement actions; and
 - (iv) the post-commencement action accrued no later than 12 months after the date on which the earliest pre-commencement action in the proceedings accrued.

258 Offer amendments

- (1) This section applies to the amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about offers to make amends (the *offer amendments*).
- (2) The offer amendments apply to offers to make amends made on or after the commencement day, regardless of whether the offers relate to publications occurring before, on or after that day.
- (3) The existing law continues to apply, despite the offer amendments, to offers to make amends made before the commencement day.

259 Preliminary discovery or non-party digital intermediary order amendments

- (1) This section applies to the amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about courts making orders (the *preliminary discovery or non-party digital intermediary order amendments*)—
 - (a) for, or in the nature of, preliminary discovery; or
 - (b) to take steps—
 - (i) to prevent or limit the continued publication or republication of defamatory matter; or
 - (ii) to comply with, or otherwise give effect to, judgments, injunctions or other court orders.
- (2) Except as provided by subsection (3) (b), the preliminary discovery or non-party digital intermediary order amendments apply to the making of an order on or after the commencement day, regardless of whether the proceedings in which they are made—
 - (a) involve a pre-commencement action or post-commencement action; or
 - (b) were commenced before, on or after the commencement day.
- (3) The existing law continues to apply, despite the preliminary discovery or non-party digital intermediary order amendments—
 - (a) to an order made before the commencement day; or
 - (b) to the variation or revocation of an order made before the commencement day.

260 Document giving or service amendments

- (1) This section applies to the amendments made to this Act by the *Civil Law (Wrongs) Amendment Act 2024* about the ways in which notices or other documents for the purposes of chapter 9 must or may be given to, or served on, people (the ***document giving or service amendments***).
- (2) The document giving or service amendments apply to the giving or service of notices or other documents on or after the commencement day, regardless of whether the notices or other documents relate—
 - (a) to pre-commencement actions or post-commencement actions; or
 - (b) to proceedings commenced before, on or after the commencement day.
- (3) The existing law continues to apply, despite the document giving or service amendments, to the giving or service of notices or other documents before the commencement day.

261 Expiry—ch 20

This chapter expires 3 years after the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

17 New schedule 1A

before schedule 1, insert

Schedule 1A Additional publications to which absolute privilege applies

(see s 137 (2) (d))

1A.1 Definitions—sch 1A

In this schedule:

matter—see section 116.

official, of an entity mentioned in this schedule, means—

- (a) an officer, employee or member of staff of the entity; or
- (b) a person who is authorised to exercise a function of the entity under a territory law; or
- (c) another person engaged to act for or on behalf of the entity.

1A.2 Matter published to bar association etc

- (1) Without limiting section 137 (2) (a) to (c), matter that is published—
 - (a) to any of the following:
 - (i) the bar association;
 - (ii) the bar council;
 - (iii) a person in their capacity as—
 - (A) a member of the bar council; or
 - (B) a member of staff of the bar association; or
 - (C) any other official of the bar association; and

- (b) for any of the following purposes:
 - (i) making a complaint under the *Legal Profession Act 2006* (whether or not the complaint may be dealt with under that Act);
 - (ii) an investigation of the complaint under that Act;
 - (iii) anything else that may be done under that Act in relation to the complaint.

- (2) In this section:

bar association—see the *Legal Profession Act 2006*, dictionary.

bar council—see the *Legal Profession Act 2006*, dictionary.

1A.3 Matter published to human rights commission etc

Without limiting section 137 (2) (a) to (c), matter that is published to—

- (a) the human rights commission; or
- (b) a person in their capacity as—
 - (i) a member of the human rights commission; or
 - (ii) a member of staff of the human rights commission; or
 - (iii) any other official of the human rights commission.

1A.4 Matter published to integrity commission etc

- (1) Without limiting section 137 (2) (a) to (c), matter that is published to—
 - (a) the integrity commission; or
 - (b) a person in their capacity as—
 - (i) the integrity commissioner; or
 - (ii) a member of staff of the integrity commission; or

- (iii) any other official of the integrity commission; or
- (iv) the inspector of the integrity commission; or
- (v) a member of staff of the inspector of the integrity commission; or
- (vi) any other official of the inspector of the integrity commission.

(2) In this section:

inspector of the integrity commission means the inspector of the integrity commission under the [Integrity Commission Act 2018](#).

staff, of the inspector of the integrity commission—see the [Integrity Commission Act 2018](#), section 248, definition of *staff of the inspector*.

staff, of the integrity commission—see the [Integrity Commission Act 2018](#), section 47, definition of *staff of the commission*.

1A.5 Matter published to inspector of correctional services

(1) Without limiting section 137 (2) (a) to (c), matter that is published to a person in their capacity as—

- (a) the inspector of correctional services; or
- (b) a member of staff of the inspector of correctional services; or
- (c) any other official of the inspector of correctional services.

(2) In this section:

inspector of correctional services means the inspector of correctional services under the [Inspector of Correctional Services Act 2017](#).

staff, of the inspector of correctional services, means the staff employed by the inspector under the [Inspector of Correctional Services Act 2017](#), section 13.

1A.6 Matter published to law society etc

- (1) Without limiting section 137 (2) (a) to (c), matter that is published—
- (a) to any of the following:
 - (i) the law society;
 - (ii) the law society council;
 - (iii) a person in their capacity as—
 - (A) a member of the law society council; or
 - (B) a member of staff of the law society; or
 - (C) any other official of the law society; and
 - (b) for any of the following purposes:
 - (i) making a complaint under the *Legal Profession Act 2006* (whether or not the complaint may be dealt with under that Act);
 - (ii) an investigation of the complaint under that Act;
 - (iii) anything else that may be done under that Act in relation to the complaint.
- (2) In this section:
- law society*—see the *Legal Profession Act 2006*, dictionary.
- law society council*—see the *Legal Profession Act 2006*, dictionary.

1A.7 Matter published to office of the work health and safety commissioner etc

- (1) Without limiting section 137 (2) (a) to (c), matter that is published to—
- (a) the Office of the Work Health and Safety Commissioner; or

- (b) a person in their capacity as—
 - (i) the work health and safety commissioner; or
 - (ii) a member of staff of the Office of the Work Health and Safety Commissioner; or
 - (iii) any other official of the Office of the Work Health and Safety Commissioner.

- (2) In this section:

staff, of the Office of the Work Health and Safety Commissioner—see the [Work Health and Safety Act 2011](#), schedule 2, section 2.30, definition of *staff of the office*.

Office of the Work Health and Safety Commissioner means the Office of the Work Health and Safety Commissioner established under the [Work Health and Safety Act 2011](#), schedule 2, section 2.18.

1A.8 Matter published to official visitor etc

- (1) Without limiting section 137 (2) (a) to (c), matter that is published to—
 - (a) the official visitors board; or
 - (b) a person in their capacity as—
 - (i) an official visitor; or
 - (ii) a member of the official visitors board; or
 - (iii) the official visitors executive officer; or
 - (iv) any other official of the official visitors board.

- (2) In this section:

official visitors board means the official visitors board established under the [Official Visitor Act 2012](#), section 23A.

official visitors executive officer—see the [Official Visitor Act 2012](#), section 23C (2).

1A.9 Matter published to public trustee and guardian etc

- (1) Without limiting section 137 (2) (a) to (c), matter that is published to a person in their capacity as—
 - (a) the public trustee and guardian; or
 - (b) a deputy public trustee and guardian; or
 - (c) a member of staff of the public trustee and guardian; or
 - (d) any other official of the public trustee and guardian.
- (2) In this section:

deputy public trustee and guardian means a deputy public trustee and guardian under the [Public Trustee and Guardian Act 1985](#), section 6.

1A.10 Matter published to sentence administration board etc

- (1) Without limiting section 137 (2) (a) to (c), matter that is published to—
 - (a) the sentence administration board; or
 - (b) a person in their capacity as—
 - (i) a member of the sentence administration board; or
 - (ii) the secretary of the sentence administration board; or
 - (iii) any other official of the sentence administration board.
- (2) In this section:

secretary, of the sentence administration board, means the secretary of the board under the [Crimes \(Sentence Administration\) Act 2005](#), section 191.

18 Dictionary, note 2

insert

- human rights commission
- integrity commission
- integrity commissioner
- official visitor
- public trustee and guardian
- sentence administration board
- work health and safety commissioner

19 Dictionary, new definitions

insert

access prevention step, in relation to the publication of digital matter, for chapter 9 (Defamation)—see section 116.

caching service, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

conduit service, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

digital intermediary, in relation to the publication of digital matter, for chapter 9 (Defamation)—see section 116.

digital matter, for chapter 9 (Defamation)—see section 116.

online service, for chapter 9 (Defamation)—see section 116.

poster, in relation to the publication of digital matter, for chapter 9 (Defamation)—see section 116.

search engine, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

search engine provider, for a search engine, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

search result, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

storage service, for division 9.2.2A (Exemptions from liability for digital intermediaries)—see section 122B.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 February 2024.

2 Notification

Notified under the [Legislation Act](#) on 24 May 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Civil Law (Wrongs) Amendment Bill 2024, which was passed by the Legislative Assembly on 15 May 2024.

Clerk of the Legislative Assembly

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