

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Civil Law (Wrongs) Amendment Bill 2024

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

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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

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Civil Law (Wrongs) Amendment Bill 2024

A Bill for

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

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

1 **1 Name of Act**

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

3 **2 Commencement**

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

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

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

10 (2) If this Act has not commenced within 18 months beginning on its
11 notification day, it automatically commences on the first day after that
12 period.

13 (3) The [Legislation Act](#), section 79 (Automatic commencement of
14 postponed law) does not apply to this Act.

15 **3 Legislation amended**

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

17 **4 Definitions—ch 9**
18 **Section 116, new definitions**

19 *insert*

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

22 (a) to remove the matter; or

23 (b) to block, disable or otherwise prevent access, whether by some
24 or all people, to the matter.

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

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

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

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

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

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

15 (a) to access or connect to the internet; or

16 (b) to use the internet to do 1 or more of the following:

17 (i) send or receive content;

18 (ii) store content;

19 (iii) index content;

20 (iv) search for content;

21 (v) share content;

22 (vi) interact with other people.

23 **Examples**

24 1 an internet-based social media platform

25 2 a forum created or administered by a person using a facility provided by an
26 internet-based social media platform that enables users to share content or
27 interact with other users about a topic

28 3 a website or other internet-based platform that enables knowledge to be shared
29 by or with its users

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

4 **Examples**

- 5 1 a service provided by an internet service provider enabling its users to connect
6 to the internet
- 7 2 an internet-based service enabling its users to send emails or send text
8 messages to other people

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

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

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

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

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

24 **Example**

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

- 1 **122C Exemption for digital intermediaries providing caching,**
2 **conduit or storage services**
- 3 (1) A digital intermediary is not liable for defamation for the publication
4 of digital matter if the intermediary proves—
- 5 (a) the matter was published using 1 or more of the following
6 services provided by the intermediary:
- 7 (i) a caching service;
- 8 (ii) a conduit service;
- 9 (iii) a storage service; and
- 10 (b) the intermediary’s role in the publication was limited to
11 providing 1 or more of the services mentioned in paragraph (a);
12 and
- 13 (c) the intermediary did not do any of the following:
- 14 (i) initiate the steps required to publish the matter;
- 15 (ii) select any of the recipients of the matter;
- 16 (iii) encourage the poster of the matter to publish the matter;
- 17 (iv) edit the content of the matter, whether before or after it was
18 published;
- 19 (v) promote the matter, whether before or after it was
20 published.
- 21 (2) Subsection (1) (c) does not apply in relation to action taken because
22 it is required by or under a law of an Australian jurisdiction or an
23 order of an Australian court or Australian tribunal.
- 24 **Example**
- 25 action taken to comply with a code of conduct or other document regulating conduct
26 that a digital intermediary is required to comply with by a law of an Australian
27 jurisdiction

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

4 **122D Exemption for search engine providers**

- 5 (1) A search engine provider for a search engine is not liable for
6 defamation for—

7 (a) the publication of digital matter comprised of search results if
8 the provider’s role was limited to providing an automated
9 process for the user of the search engine to generate the results;
10 or

11 (b) the publication of digital matter to which the search results
12 provide a hyperlink if the provider’s role in the publication of
13 the matter is limited to the role mentioned in paragraph (a).

- 14 (2) Subsection (1) does not apply in relation to search results, or to digital
15 matter to which the search results provide hyperlinks, to the extent
16 the results are promoted or prioritised by the search engine provider
17 because of a payment or other benefit given to the provider by or on
18 behalf of a third party.

- 19 (3) Subsection (1) applies regardless of whether the search engine
20 provider knew, or ought reasonably to have known, the digital matter
21 was defamatory.

22 **122E Early determination of digital intermediary exemptions**

- 23 (1) The judicial officer in defamation proceedings—

24 (a) is to determine whether a defendant has a digital intermediary
25 exemption; and

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

1 (4) In this section:

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

4 **6 Content of offer to make amends**
5 **Section 127 (1A) (b)**

6 *substitute*

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

9 **7 New section 127 (1B)**

10 *insert*

11 (1B) If the matter in question is digital matter, an offer to take access
12 prevention steps may be made instead of, or in addition to, either or
13 both of the offers mentioned in subsection (1) (d) and (e).

14 **8 New section 133A**

15 *in division 9.4.1, insert*

16 **133A Orders for preliminary discovery about posters of digital**
17 **matter**

18 (1) This section applies if the court procedure law for a court allows a
19 person seeking to bring defamation proceedings for the publication of
20 digital matter to obtain an order for, or in the nature of, preliminary
21 discovery for either or both of the following purposes:

22 (a) to obtain information to assist in identifying the posters of the
23 matter;

24 (b) to obtain information to assist in locating physical or digital
25 addresses for the posters of the matter to allow concerns notices
26 to be given to them or defamation proceedings against them to
27 be commenced.

- 1 (2) Despite anything to the contrary in the court procedure law for a
2 court, the court must take the following matters into account before
3 making an order mentioned in subsection (1):
- 4 (a) the objects of this chapter;
- 5 (b) privacy, safety or other public interest considerations that may
6 arise if the order is made.
- 7 **Example—par (b)**
8 evidence suggesting the poster of digital matter is in fear of family violence
9 from the person seeking an order to obtain the poster’s address
- 10 (3) This section does not limit the matters the court may take into account
11 before making an order mentioned in subsection (1).
- 12 (4) In this section:
- 13 *court procedure law* for a court means—
- 14 (a) rules of court for the court; or
- 15 (b) an Act or other legislation that regulates the practice or
16 procedure of the court; or
- 17 (c) the general law concerning the inherent or implied jurisdiction
18 or powers of the court.

19 **9 Defence of absolute privilege**
20 **New section 137 (2) (ba)**

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

1 **10 New section 137 (2) (d)**

2 *insert*

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

5 **11 New section 137 (3)**

6 *insert*

- 7 (3) In this section:

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

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

14 **12 New section 139BA**

15 *insert*

16 **139BA Defence for publications involving digital intermediaries**

- 17 (1) It is a defence to the publication of defamatory digital matter if the
18 defendant proves—

- 19 (a) the defendant was a digital intermediary in relation to the
20 publication; and
21 (b) the defendant had, at the time of the publication, an accessible
22 complaints mechanism for the plaintiff to use; and

- 1 (c) if the plaintiff gave the defendant a written complaint under this
2 section about the publication—reasonable access prevention
3 steps, if steps were available, were taken in relation to the
4 publication, whether before the complaint was given or within
5 7 days after the complaint was given.

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

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

- 11 (2) For subsection (1) (c), reasonable access prevention steps were taken
12 in relation to the publication of digital matter if—

13 (a) for access prevention steps taken by the defendant—the steps
14 taken were reasonable for the defendant to take in the
15 circumstances; or

16 (b) for access prevention steps taken by another person—it was
17 reasonable for the defendant not to take steps because of the
18 steps already taken.

- 19 (3) A written complaint is given under this section about the publication
20 of defamatory digital matter if—

21 (a) the complaint contained information sufficient to enable a
22 reasonable person in the defendant's circumstances to be made
23 aware of the following:

24 (i) the name of the plaintiff;

25 (ii) the matter and where it could be located;

26 (iii) that the plaintiff considered the matter to be defamatory;
27 and

- 1 (b) the complaint was given using an accessible complaints
2 mechanism for the plaintiff to use or given to the defendant in
3 another way permitted by this Act, section 139O or the
4 [Legislation Act](#), part 19.5.
- 5 (4) A defence under this section is defeated only if the plaintiff proves
6 the defendant was actuated by malice in establishing or providing the
7 online service by means of which the digital matter was published.
- 8 (5) A defendant who would otherwise be a digital intermediary in
9 relation to the publication of digital matter does not cease to be a
10 digital intermediary for this section merely because the defendant
11 took steps to detect or identify, or steps to remove, block, disable or
12 otherwise prevent access by people to, the following:
- 13 (a) defamatory or other unlawful content published, or sought to be
14 published, by a person using the online service provided by the
15 defendant;
- 16 (b) other content published, or sought to be published, by a person
17 using the online service provided by the defendant that was
18 incompatible with the terms or conditions under which the
19 service was provided.
- 20 *Note* Subsection (5) allows a defendant to rely on the defence despite the
21 definition of *digital intermediary* in s 116 excluding authors, originators
22 or posters of digital matter if the defendant's editorial or moderating role
23 over content published using the online service was limited to the steps
24 mentioned in the subsection.

1 (6) In this section:
2 *accessible complaints mechanism*, for a plaintiff to use, means an
3 easily accessible address, location or other mechanism available for
4 the plaintiff to use to complain to the defendant about the publication
5 of the digital matter concerned.

6 **Examples**

- 7 1 an email address or direct messaging address to which a complaint may be sent
8 2 a webpage, or a part of a webpage, enabling details about a complaint to be
9 uploaded or inputted

10 **13 New section 139JA**

11 *in division 9.4.3, insert*

12 **139JA Orders against non-party digital intermediaries**
13 **concerning defamatory digital matter**

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

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

1 **14 New section 1390**

2 *in part 9.5, insert*

3 **1390 Giving of notices and other documents**

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

8 **Examples**

- 9 1 a direct messaging address set out on an internet-based social media forum for
10 contacting the administrator of the forum about content on the forum
- 11 2 a direct messaging address provided by the poster of digital matter on an
12 internet-based social media forum for contacting the poster about the content
13 of the matter
- 14 3 a form on a website provided by a digital intermediary enabling a user to
15 contact the intermediary by filling in the form or uploading documents

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

17 **15 New chapter 19**

18 *insert*

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

22 **254 Absolute privilege amendments**

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

- 1 (b) publications in circumstances specified in schedule 1A.
- 2 (2) The absolute privilege amendments apply to a post-commencement
3 action.
- 4 (3) The existing law continues to apply despite the absolute privilege
5 amendments to a pre-commencement action.
- 6 (4) In this section:
- 7 *commencement day* means the day the *Civil Law (Wrongs)*
8 *Amendment Act 2024*, section 15 commences.
- 9 *existing law*, in relation to the absolute privilege amendments, means
10 the law that would have applied if the amendments had not been
11 enacted.
- 12 *post-commencement action*, in relation to the absolute privilege
13 amendments, means a cause of action for the publication of
14 defamatory matter accruing on or after the commencement day.
- 15 *pre-commencement action*, in relation to the absolute privilege
16 amendments, means a cause of action for the publication of
17 defamatory matter accruing before the commencement day.

18 **255 Expiry—ch 19**

19 This chapter expires 3 years after the day it commences.

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

1 **16 New chapter 20**

2 *insert*

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

5 **256 Definitions—ch 20**

6 In this chapter:

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

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

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

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

20 **257 Digital intermediary amendments**

21 (1) This section applies to the amendments made to this Act by the *Civil*
22 *Law (Wrongs) Amendment Act 2024* about (the *digital intermediary*
23 *amendments*)—

24 (a) exempting digital intermediaries from liability for defamation;
25 or

26 (b) providing a defence for publications of defamatory digital
27 matter involving digital intermediaries.

-
- 1 (2) Except as provided by subsection (3) (b), the digital intermediary
2 amendments apply to a post-commencement action.
- 3 (3) The existing law continues to apply, despite the digital intermediary
4 amendments—
- 5 (a) to a pre-commencement action; and
- 6 (b) to a post-commencement action, but only if—
- 7 (i) the post-commencement action is 1 of 2 or more causes of
8 action in proceedings commenced by a plaintiff; and
- 9 (ii) each cause of action in the proceedings accrues because of
10 the publication of the same, or substantially the same,
11 matter on separate occasions, whether by the same
12 defendant or another defendant; and
- 13 (iii) 1 or more of the other causes of action in the proceedings
14 are pre-commencement actions; and
- 15 (iv) the post-commencement action accrued no later than
16 12 months after the date on which the earliest
17 pre-commencement action in the proceedings accrued.

18 **258 Offer amendments**

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

- 1 **259 Preliminary discovery or non-party digital intermediary**
2 **order amendments**
- 3 (1) This section applies to the amendments made to this Act by the *Civil*
4 *Law (Wrongs) Amendment Act 2024* about courts making orders
5 (the ***preliminary discovery or non-party digital intermediary order***
6 ***amendments***)—
- 7 (a) for, or in the nature of, preliminary discovery; or
8 (b) to take steps—
- 9 (i) to prevent or limit the continued publication or
10 republication of defamatory matter; or
11 (ii) to comply with, or otherwise give effect to, judgments,
12 injunctions or other court orders.
- 13 (2) Except as provided by subsection (3) (b), the preliminary discovery
14 or non-party digital intermediary order amendments apply to the
15 making of an order on or after the commencement day, regardless of
16 whether the proceedings in which they are made—
- 17 (a) involve a pre-commencement action or post-commencement
18 action; or
19 (b) were commenced before, on or after the commencement day.
- 20 (3) The existing law continues to apply, despite the preliminary
21 discovery or non-party digital intermediary order amendments—
- 22 (a) to an order made before the commencement day; or
23 (b) to the variation or revocation of an order made before the
24 commencement day.

1 **260** **Document giving or service amendments**

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

18 **261** **Expiry—ch 20**

19 This chapter expires 3 years after the day it commences.

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

1 **17 New schedule 1A**

2 *before schedule 1, insert*

3 **Schedule 1A Additional publications to**
4 **which absolute privilege**
5 **applies**

6 (see s 137 (2) (d))

7 **1A.1 Definitions—sch 1A**

8 In this schedule:

9 *matter*—see section 116.

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

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

15 **1A.2 Matter published to bar association etc**

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

- 17 (a) to any of the following:
18 (i) the bar association;
19 (ii) the bar council;
20 (iii) a person in their capacity as—
21 (A) a member of the bar council; or
22 (B) a member of staff of the bar association; or
23 (C) any other official of the bar association; and

- 1 (b) for any of the following purposes:
- 2 (i) making a complaint under the *Legal Profession Act 2006*
- 3 (whether or not the complaint may be dealt with under
- 4 that Act);
- 5 (ii) an investigation of the complaint under that Act;
- 6 (iii) anything else that may be done under that Act in relation
- 7 to the complaint.
- 8 (2) In this section:
- 9 *bar association*—see the *Legal Profession Act 2006*, dictionary.
- 10 *bar council*—see the *Legal Profession Act 2006*, dictionary.
- 11 **1A.3 Matter published to human rights commission etc**
- 12 Without limiting section 137 (2) (a) to (c), matter that is published
- 13 to—
- 14 (a) the human rights commission; or
- 15 (b) a person in their capacity as—
- 16 (i) a member of the human rights commission; or
- 17 (ii) a member of staff of the human rights commission; or
- 18 (iii) any other official of the human rights commission.
- 19 **1A.4 Matter published to integrity commission etc**
- 20 (1) Without limiting section 137 (2) (a) to (c), matter that is published
- 21 to—
- 22 (a) the integrity commission; or
- 23 (b) a person in their capacity as—
- 24 (i) the integrity commissioner; or
- 25 (ii) a member of staff of the integrity commission; or

- 1 (iii) any other official of the integrity commission; or
2 (iv) the inspector of the integrity commission; or
3 (v) a member of staff of the inspector of the integrity
4 commission; or
5 (vi) any other official of the inspector of the integrity
6 commission.

7 (2) In this section:

8 *inspector of the integrity commission* means the inspector of the
9 integrity commission under the *Integrity Commission Act 2018*.

10 *staff*, of the inspector of the integrity commission—see the *Integrity*
11 *Commission Act 2018*, section 248, definition of *staff of the*
12 *inspector*.

13 *staff*, of the integrity commission—see the *Integrity Commission*
14 *Act 2018*, section 47, definition of *staff of the commission*.

15 **1A.5 Matter published to inspector of correctional services**

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

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

21 (2) In this section:

22 *inspector of correctional services* means the inspector of correctional
23 services under the *Inspector of Correctional Services Act 2017*.

24 *staff*, of the inspector of correctional services, means the staff
25 employed by the inspector under the *Inspector of Correctional*
26 *Services Act 2017*, section 13.

1 **1A.6 Matter published to law society etc**

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

3 (a) to any of the following:

4 (i) the law society;

5 (ii) the law society council;

6 (iii) a person in their capacity as—

7 (A) a member of the law society council; or

8 (B) a member of staff of the law society; or

9 (C) any other official of the law society; and

10 (b) for any of the following purposes:

11 (i) making a complaint under the *Legal Profession Act 2006*
12 (whether or not the complaint may be dealt with under
13 that Act);

14 (ii) an investigation of the complaint under that Act;

15 (iii) anything else that may be done under that Act in relation
16 to the complaint.

17 (2) In this section:

18 *law society*—see the *Legal Profession Act 2006*, dictionary.

19 *law society council*—see the *Legal Profession Act 2006*, dictionary.

20 **1A.7 Matter published to office of the work health and safety
21 commissioner etc**

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

24 (a) the Office of the Work Health and Safety Commissioner; or

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

7 (2) In this section:

8 *staff*, of the Office of the Work Health and Safety Commissioner—
9 see the *Work Health and Safety Act 2011*, schedule 2, section 2.30,
10 definition of *staff of the office*.

11 *Office of the Work Health and Safety Commissioner* means the
12 Office of the Work Health and Safety Commissioner established
13 under the *Work Health and Safety Act 2011*, schedule 2, section 2.18.

14 **1A.8 Matter published to official visitor etc**

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

- 17 (a) the official visitors board; or
18 (b) a person in their capacity as—
19 (i) an official visitor; or
20 (ii) a member of the official visitors board; or
21 (iii) the official visitors executive officer; or
22 (iv) any other official of the official visitors board.

23 (2) In this section:

24 *official visitors board* means the official visitors board established
25 under the *Official Visitor Act 2012*, section 23A.

1 *official visitors executive officer*—see the *Official Visitor Act 2012*,
2 section 23C (2).

3 **1A.9 Matter published to public trustee and guardian etc**

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

6 (a) the public trustee and guardian; or

7 (b) a deputy public trustee and guardian; or

8 (c) a member of staff of the public trustee and guardian; or

9 (d) any other official of the public trustee and guardian.

10 (2) In this section:

11 *deputy public trustee and guardian* means a deputy public trustee
12 and guardian under the *Public Trustee and Guardian Act 1985*,
13 section 6.

14 **1A.10 Matter published to sentence administration board etc**

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

17 (a) the sentence administration board; or

18 (b) a person in their capacity as—

19 (i) a member of the sentence administration board; or

20 (ii) the secretary of the sentence administration board; or

21 (iii) any other official of the sentence administration board.

22 (2) In this section:

23 *secretary*, of the sentence administration board, means the secretary
24 of the board under the *Crimes (Sentence Administration) Act 2005*,
25 section 191.

1 **18 Dictionary, note 2**

2 *insert*

- 3 • human rights commission
- 4 • integrity commission
- 5 • integrity commissioner
- 6 • official visitor
- 7 • public trustee and guardian
- 8 • sentence administration board
- 9 • work health and safety commissioner

10 **19 Dictionary, new definitions**

11 *insert*

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

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

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

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

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

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

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

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

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

