



Australian Capital Territory

Bushfire Inquiry (Protection of Statements) Act 2003

A2003-13

An Act to protect people making statements to the inquiry announced by the Chief Minister on 10 February 2003 into the operational response to the January 2003 bushfires in the ACT, headed by Mr Ron McLeod AM, and for other purposes

*Notified under the Legislation Act 2001 on 27 March 2003
(see www.legislation.act.gov.au)*

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

1 Name of Act

This Act is the *Bushfire Inquiry (Protection of Statements) Act 2003*.

2 Commencement

This Act is taken to have commenced on 22 February 2003.

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Protection of statements to inquiry

- (1) It is a defence to an action for defamation in relation to the making of a statement to the inquiry, or the giving of a document or information to the inquiry, if the defendant establishes that the defendant made the statement to the inquiry, or gave the document or information to the inquiry.
- (2) It is a defence to any action for defamation if the defendant establishes that the published matter was, or was contained in—
 - (a) a report of the inquiry presented to the Legislative Assembly (a ***protected report***), or a fair copy of a protected report; or
 - (b) a fair summary of, or a fair extract from, a protected report.
- (3) For subsection (1)—
 - (a) a statement is made, and a document or information is given, to the inquiry if it is made or given to Mr McLeod, or a person assisting Mr McLeod, for the purposes of the inquiry; and
 - (b) it does not matter whether the statement is made, or the document or information is given, on request or on the defendant's own initiative.
- (4) In this section—

defamation means libel or slander.

inquiry means the inquiry announced by the Chief Minister on 10 February 2003 into the operational response to the January 2003 bushfires in the ACT, headed by Mr Ron McLeod AM.

published matter, in relation to an action against a defendant for the publication of matter that is or may be defamatory, means the matter published.

5 Expiry of Act

- (1) This Act expires on 30 September 2003.
- (2) However, the Minister may, in writing before 30 September 2003, determine a later date for the expiry of this Act.
- (3) A determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

[Presentation speech made in Assembly on 5 March 2003]

I certify that the above is a true copy of the Bushfire Inquiry (Protection of Statements) Bill 2003 which was passed by the Legislative Assembly on 12 March 2003.

Clerk of the Legislative Assembly

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