

1998  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Osborne)

**Limitation (Amendment) Bill 1998**

---

**A BILL**

FOR

**An Act to amend the *Limitation Act 1985***

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

1. **Short title**  
This Act may be cited as the *Limitation (Amendment) Act 1998*.
- 5 2. **Commencement**  
This Act commences on the day on which it is notified in the *Gazette*.
3. **Principal Act**  
In this Act, "Principal Act" means the *Limitation Act 1985*.<sup>1</sup>
4. **Insertion**  
10 (1) After section 21A of the Principal Act the following section is inserted in Division 2 of Part II:

---

Job No 1998/157

**“21B. Defamation**

“(1) An action on a cause of action for defamation is not maintainable if brought after the expiration of a limitation period of 1 year running from the date of the first publication of the matter complained of

5 “(2) For the purposes of an action in a court, the court shall, if satisfied that it was not reasonable for the plaintiff to have known about the publication of the matter complained of within 1 year from the date of the first publication, extend the limitation period mentioned in subsection (1) to 2 years.”.

10 (2) Where a cause of action for defamation has arisen before the commencement of this Act, an action on that cause of action is not maintainable unless brought within 1 year from that commencement

---

**NOTE**

**Principal Act**

1 Reprinted as at 6 February 1995 See also Act No 54, 1995