

Legislative Council—No 42

As received from the House of Assembly and read a first time, 16 October 2014

South Australia

**Civil Liability (Disclosure of Information)
Amendment Bill 2014**

A BILL FOR

An Act to amend the *Civil Liability Act 1936*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Civil Liability (Disclosure of Information) Amendment Act 2014*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Civil Liability Act 1936*

4—Insertion of Part 9 Division 12A

After section 75 insert:

Division 12A—Exclusion of civil liability where Crown publishes certain information

15 **75A—Exclusion of civil liability where Crown publishes certain information**

- 20 (1) Subject to this section, no civil liability (whether in tort, contract, equity or otherwise) arises out of the publication by, or on behalf of, the Crown of information of a kind, or in circumstances, prescribed by the regulations for the purposes of this section.
- (2) Nothing in subsection (1) affects the civil liability of—
 - (a) the person who was the author or originator of the information; or

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- (b) a person who publishes the information other than on behalf of the Crown.
 - (3) For the purposes of this section, the Crown, and any person acting on behalf of the Crown, will be taken not to be the author or originator of information where the information published consists of an extract of information provided to, or otherwise in the possession of, the Crown.
 - (4) Except as contemplated by subsections (1) and (3), this section is in addition to, and does not derogate from, the *Defamation Act 2005*.