

[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

Legislative Council.

No. , 1930.

A BILL

To amend the law with respect to the discharge from custody of judgment debtors who become bankrupt; to make certain provisions as to writs issued in abuse of the process of courts; to amend the Defamation Act, 1912, the Judgment Creditors' Remedies Act, 1901, and certain other Acts; and for purposes connected therewith.

[MR. BOYCE;— , 1930.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Defamation Short title.
(Amendment) Act, 1930."

2. (1) The Defamation Act, 1912, is amended by omitting section thirty-two. Amendment of Act No. 32, 1912, s. 32.

(2) The Judgment Creditors' Remedies Act, 1901, is amended by omitting from section twenty-five the brackets and words " (not being a judgment obtained under the Act Eleventh Victoria number thirteen). " Amendment of Act No. 8, 1901, s. 25.

3. The Defamation Act, 1912, is further amended— Further amendment of Act No. 32, 1912.

(a) by inserting in section eleven after the words " and the same person " the words " whether in respect of the same publication or not " ; New s. 10A.

(b) by inserting next after section twelve the following new section :—

12A. In any action for defamation the plaintiff shall be guilty of contempt of court, if at the time of issuing the writ or summons, or other process by which the action is commenced, he does not intend to proceed to trial, and the fact that the plaintiff has discontinued the action or withdrawn the record, or that the defendant has signed judgment against the plaintiff for want of prosecution, or that by reason of the failure of the plaintiff to appear at the trial the action has been struck out or a non-suit has been granted, or a verdict has been entered for the defendant, shall be prima facie evidence of the contempt. Contempt of court.

Where no pleadings or particulars have been filed by the plaintiff in the action, an affidavit by the defendant or his solicitor of his belief that the action was commenced for an alleged defamation shall be prima facie evidence that the action is an action for defamation within the meaning of this section.