



THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: MM:LI:CO:2010(55)

Direct Line: 9926 0215

4 March 2010

Mr Laurie Glanfield, AM
Director General
Justice and Attorney General's Department
DX 1227 - SYDNEY

Dear Mr Glanfield,

Re: Court Suppression and Non Publication Orders Bill 2009

I refer to your letter of 18 January 2010 and apologise for the delay in replying.

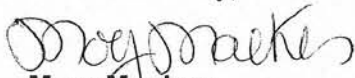
The Litigation Law and Practice Committee of the Law Society, to whom I referred the draft Bill for comment, supports the thrust of the legislation. However, the Committee raises the following issue for your consideration.

The definition of the words "to publish" in Section 3 includes: "(d) broadcast or publication by means of the Internet". It is possible that third parties may publish information on a website owned by an innocent party, despite the owner's policing of the website and removing the offending publication promptly as soon as the owner becomes aware of it.

In this case, the relevant publisher is in contravention of Section 14. The Litigation Law and Practice Committee suggests that the Definitions section should be suitably revised or Section 14 suitably amended to exclude innocent publication.

Thank you for giving the Law Society the opportunity of providing comments on the draft legislation.

Yours sincerely,


Mary Macken
President