

c2026-104A
OPP--Opposition

LEGISLATIVE COUNCIL

Electoral Legislation Amendment (Elections) Bill 2026

Second print

Proposed amendments

No. 1 **Digitally generated material—defence**

Page 18, Schedule 1[81], proposed section 189A(2). Insert after line 12—

- (a1) the depiction of the act conveyed to a reasonable person an impression or meaning that related to a matter of public interest and was—
 - (i) a matter of substantial truth, or
 - (ii) a fair comment based on proper material within the meaning of the *Defamation Act 2005*, section 31, or

No. 2 **Inclusion of statement—defence**

Page 19, Schedule 1[81], proposed section 189B. Insert after line 26—

- (3A) It is a defence to a prosecution for an offence against this section if the defendant establishes that the digitally generated electoral material conveyed to a reasonable person an impression or meaning that related to a matter of public interest and was—
 - (a) a matter of substantial truth, or
 - (b) a fair comment based on proper material within the meaning of the *Defamation Act 2005*, section 31.