

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 3 Listed Authorities

Miscellaneous

Section 32: Protection from defamation claims

97. **Section 32** provides that the following are absolutely privileged for the purposes of defamation, namely:
- a) any publication (which will bear its usual meaning within the law relating to defamation) of any matter by the Ombudsman, a member of his/her staff or another person acting on his/her behalf or assisting him/her in the discharge of his/her functions under the Act;
 - b) any publication of a matter in any report published by a person in the discharge of its functions under section 17 (requirement on listed authorities to publish the Ombudsman's report of an investigation); and
 - c) any publication in certain communications concerning a complaint, namely:
 - (i) communications between a listed authority (including a member or co-opted member, officer or member of staff or another person acting on behalf of or assisting in the discharge of the functions of that authority) and the Ombudsman (or his/her staff or persons acting on his/her behalf or assisting him/her in the discharge of his/her functions);
 - (ii) communications between the person aggrieved or the person making the complaint on behalf of the person aggrieved and an elected member of the Assembly; and
 - (iii) communications between the person aggrieved or the person making the complaint on behalf of the person aggrieved and the Ombudsman (or his staff, persons acting on his behalf or assisting him in the discharge of his functions).
98. This provision generally replicates similar protection under the legislation relating to other ombudsmen.