

# Media Release

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## HAVE YOUR SAY ON DEFAMATION LAW OVERHAUL

Members of the public are encouraged to have their say on a major overhaul of the model defamation laws to ensure they are working as intended.

The Defamation Working Party, which was established by the Council of Attorneys-General, has released a discussion paper to assess whether the existing laws remain fit for purpose, particularly with the rise of online publications and rapid technological changes since the Model Defamation Provisions were developed in 2005.

Alongside looking at the challenges posed by social media and new technology, the discussion paper considers a range of potential reforms to model defamation laws, including:

- better protecting journalists who report in the public interest
- filtering out trivial claims through a “serious harm” test
- reducing forum shopping by plaintiffs seeking to avoid jury trials or perceived more favourable outcomes
- making dispute resolution more effective.

The defamation laws date back to 2005, when the existing Model Defamation Provisions were endorsed by the former Standing Committee of Attorneys-General. Each state and territory enacted legislation to implement the provisions to ensure greater national consistency.

While responsibility for defamation law falls to individual states and territories, a national approach to reform is essential to keep pace with the digital age, especially where online publications cross state boundaries – this discussion paper kicks on the process of updating our nation’s dated defamation laws.

The discussion paper can be found at <https://www.justice.nsw.gov.au/defamationreview>.

Submissions on the discussion paper close on Tuesday 30 April and can be sent to [policy@justice.nsw.gov.au](mailto:policy@justice.nsw.gov.au).

### Quotes attributable to Attorney-General Jill Hennessy

*“It’s clear that reforms to our defamation laws are long overdue given the rapid pace of technological change and the massive rise of online publications.”*

*“It’s not in the public’s interest or in the interests of democracy if defamation laws stop journalists from doing their job – and through this review, we’ll ensure we get the balance right.”*

*“Organisations and individuals are encouraged to have their say over reforming our defamation laws, as we look to modernise and reform our laws.”*