



Mark Speakman
Attorney General

MEDIA RELEASE

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EMINENT JURIST TO LEAD DIGITAL ASSETS REVIEW

NSW Attorney General Mark Speakman today announced retired Federal Court judge Hon Dr Annabelle Bennett AO SC will lead a review of laws about access to people's social media accounts and other digital assets after they die or become incapacitated.

Mr Speakman said the eminently experienced legal practitioner has been appointed as a part-time Commissioner of the Law Reform Commission (LRC).

"Dr Bennett served as a judge for 13 years until 2016 after a successful career as Senior Counsel at the NSW Bar. Her considerable expertise will be a valuable asset to the LRC," Mr Speakman said.

"As a specialist in intellectual property law, she's the ideal person to take the lead on exploring whether NSW needs new laws to regulate what happens to digital assets after we're gone or can't make important decisions for ourselves,"

Dr Bennett will undertake the review in addition to her role as President of the Anti-Discrimination Board. She is also the serving Chancellor of Bond University.

The issue of ownership of digital assets after death involves many areas of law. The review will consider relevant NSW, Commonwealth and international laws, including those relating to intellectual property, privacy, contract, crime, estate administration, wills, succession and assisted-decision making.

"Many of our current laws were developed long before the advent of email, social media and cryptocurrency, which adds a level of complexity that needs to be untangled for family, friends and lawyers trying to untangle digital asset ownership issues. Dr Bennett will consider whether we need new legislation to deal with this 21st century problem," Mr Speakman said.

Dr Bennett will also examine the policies and terms of service agreements of social media companies and other digital service providers.

"There's no uniformity in the way social networking sites are addressing this issue. Some allow for an account to be memorialised or handed over to an administrator, while others will close the account," Mr Speakman said.

"Dr Bennett and the Law Reform Commission will also look closely at whether additional privacy protections are needed in situations where a person hasn't made arrangements for anyone to take control of their social media or private emails."

An options paper seeking stakeholder submissions will be published later this month.

For more information visit www.lawreform.justice.nsw.gov.au

MEDIA: Damien Smith | 0417 788 947