

Council of Attorneys General Defamation Working Party Terms of Reference

1. The Defamation Working Party (**DWP**) is comprised of one nominated representative from each Australian state and territory jurisdiction and established under the auspices of the Council of Attorneys General (**CAG**). The DWP is to be chaired by a representative from the New South Wales (**NSW**) Department of Justice. NSW will also be represented by its Solicitor General. All other jurisdictions will have one nominated representative.
2. The DWP will consider whether the policy objectives of the Model Defamation Provisions (**MDPs**) remain valid and whether the MDPs remain appropriate to achieve these objectives. The objectives of the MDPs are stipulated in section 3 and are as follows:
 - (a) to enact provisions to promote uniform laws of defamation in Australia;
 - (b) to ensure that the law of defamation does not place unreasonable limits on freedom of expression and, in particular, on the publication and discussion of matters of public interest and importance;
 - (c) to provide effective and fair remedies for persons whose reputations are harmed by the publication of defamatory matter; and
 - (d) to promote speedy and non-litigious methods of resolving disputes about the publication of defamatory matter.
3. In considering the above, the DWP will have reference to the following:
 - (a) the recommendations and findings of the June 2018 statutory review of the *Defamation Act 2005* (NSW);
 - (b) any proposals for reform tabled by individual members of the DWP;
 - (c) relevant developments in case law in Australian jurisdictions and internationally;
 - (d) relevant developments in technology since the commencement of the MDPs; and
 - (e) any other relevant matters.
4. The DWP will make recommendations to CAG for any reforms to the MDPs it considers necessary and report on progress to each CAG meeting.