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STATEMENT

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NATIONAL DEFAMATION REFORM MOVES AHEAD

I am pleased to release terms of reference approved by the Council of Attorneys-General (CAG) to guide the national defamation reform process.

The Council, consisting of Attorneys-General from every Australian jurisdiction, has appointed a Defamation Working Party (DWP) to examine defamation law in Australia and identify areas for reform.

Responsibility for defamation law falls to individual states and territories, but in the digital age where publications cross state and territory boundaries, a national approach to reform is essential.

NSW is delighted to be leading the process to review our national model defamation laws. A representative of the NSW Department of Justice will chair the DWP, which will also include the state's Solicitor General Michael Sexton SC.

Australian defamation laws need updating to take into account online platforms that were only beginning to emerge at the time that the CAG's predecessor (Standing Committee of Attorneys-General) approved model defamation provisions in 2005.

It follows that the impact of technological change will be a significant focus of the DWP's work. To drive that process, CAG has announced that it has asked the DWP to issue a discussion paper in early 2019.

The CAG has agreed to develop by the end of this year an expeditious and realistic timetable for the DWP to deliver its recommendations for defamation reform.

The purpose of defamation law is to balance freedom of speech with the right of individuals to protect their reputations. Media companies, internet service providers, social media platforms and plaintiffs' advisors will each have different views of where that balance should lie. A robust public process will ensure that all views are considered.

The DWP therefore has a demanding task in shaping the future of Australia's defamation law. I don't propose, for the time being, to be offering the DWP public advice while its work continues.

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