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MEDIA RELEASE

Friday, 29 November 2019

NATION UNITES ON DEFAMATION REFORM

The NSW-led process to update national defamation laws reached a new milestone today, with Australia's Attorneys-General agreeing to release draft reforms for public consultation.

NSW Attorney General Mark Speakman encouraged anyone interested in this vital area of law to have their say.

"These draft amendments are a major step towards modernising Australia's defamation laws, protecting responsible public interest journalism and addressing the growing volume of trivial matters proceeding to court," Mr Speakman said.

The draft amendment provisions were developed following a robust national consultation process that took place throughout 2019.

The Council of Attorneys-General is releasing the draft amendments for further public consultation, giving interested parties another opportunity to provide feedback before reforms are finalised and Parliament-ready legislation is agreed in the middle of next year.

The proposed reforms contain a new single publication rule, meaning the limitation period for bringing an action will commence from the date material is uploaded rather than restarting each time it is downloaded.

The reforms also include a serious harm threshold, defence of responsible publication on a matter of public interest and mandatory pre-litigation processes to encourage settlement of disputes out of court.

"The reforms will ensure defamation law does not place unreasonable limits on free speech, address the increasing number of frivolous defamation matters and modernise provisions to apply better to digital publications," Mr Speakman said.

The draft amendment provisions will be available to read via www.justice.nsw.gov.au/defamationreview.

People and organisations wishing to provide feedback on the draft amendment provisions can send submissions to defamationreview@justice.nsw.gov.au. Submissions close on Friday, 24 January 2020.

A second stage of the reform process will start next year, including examining whether or not digital platforms should bear responsibility for defamatory material published on their sites among other matters.

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