

From: Julius Durkin
Sent: Wednesday, 3 April 2019 10:30 PM
To: Policy MailIn
Subject: National Defamation Law - Have your say

Good evening,

I am writing to have my say in the potential changes made to NSW legislation in regards to the Defamation Law. First of all, the NSW Defamation act is not "in need of a makeover". All legal philosophies influencing laws in NSW remain independent of any change in technology. If the Department is willing to allow the community's opinion "play a vital role in shaping the way national defamation laws function", the means of obtaining data on the

community's opinion is flawed as it's small sample size does not reflect the diverse perspectives of the community. While this is not meant as a criticism on the way data collection is carried out in the Department, it does mean that the mode concern shared by the people of NSW is disproportionately weighted.

The Review of Model Defamation Provisions Discussion Paper gives a favourable impression of the United Kingdom's Defamation laws, however, it's citizens do not necessarily feel protected – rather, restricted. I urge the Department to reconsider modelling it's potential future Defamation Laws around that of the UK, as the union's citizens commonly voice their feelings of being discomfort due to restrictive legislation. With a global trend of growing authoritarian laws, more and more people, who, while may not be model individuals, are noticing the effects of excessive laws. This manifests as a nanny state philosophy that prioritises the mental comfort of it's more vocal citizens above everyone else. Many people believe that this is already the case in NSW and further restrictions on the people's freedoms will lead to injustice in NSW.

If revision on the National Defamation Laws is inevitable, then a compromise is the fairest solution. I would ask the Department to consider the responses I have provided to the questions in the Discussion Paper.

Question 2

Should the Model Defamation Provisions be amended to broaden or to narrow the right of corporations to sue for defamation?

Yes

Question 11

b) Should the existing threshold to establish the defence be lowered?

Yes

c) Should the UK approach to the defence be adopted in Australia?

No

Question 13

Should clause 31(4)(b) of the Model Defamation Provisions (employer's defence of honest opinion in context of publication by employee or agent is defeated if defendant did not believe opinion was honestly held by the employee or agent at time of publication) be amended to reduce potential for journalists to be sued personally or

jointly with their employers?

Yes

Question 15

a) Does the innocent dissemination defence require amendment to better reflect the operation of Internet Service Providers, Internet Content Hosts, social media, search engines, and other digital content aggregators as publishers?

No

b) Are existing protections for digital publishers sufficient?

Yes

Question 18

Are there any other issues relating to defamation law that should be considered?

Yes. The fewer defamation laws, the safer people can feel online. Defamation laws are harmful to the freedoms of the people of NSW.

Otherwise, no to all questions and please remove all defamation laws.

Thank you.

Faithfully,

Julius D.