

Defamation Guide

Extracted from Coates, J, Suzor, N, Fitzgerald, A et al (2007) *Legal Aspects of Web 2.0 Activities: Management of Legal Risk Associated with Use of YouTube, Myspace and Second Life*, Australian Research Council Centre of Excellence for Creative Industries and Innovation/Queensland University of Technology, Brisbane. <http://www.ip.qut.edu.au/files/Queensland%20Government%20Report%20-%20reformat.pdf>

From “Chapter 5: Responsibility for Government Action and Material” pp 55 - 57

Defamation law will be relevant if material posted to the Platform by a Platform User is likely to injure another person’s reputation.

[5.33] Defamation is an area of law which is particularly important on the internet. The ease with which users can make statements or comments about other people online, and the relative anonymity that the internet provides occasionally leads to serious claims for damage to a person’s reputation. Defamation is of particular interest to providers of internet services, because every person who is involved in the publication of a defamatory message can be liable for any damage that message causes.

[5.34] In the last few years, significant changes have been made to all defamation laws across Australia, which have resulted in largely standardised laws being established throughout all Australian jurisdictions. Under the new uniform Defamation Acts a plaintiff will have an action for defamation where they can establish that the defendant published a defamatory matter about them.⁶⁶

[5.35] Under these new laws, “published” includes publication over the internet.⁶⁷ Consequently, material uploaded by an organisation to a social networking site could give rise to an action for defamation, as long as it is found to satisfy one of the following three tests:

- 1) the material is likely to injure the reputation of the plaintiff by exposing them to ridicule, contempt or hatred;⁶⁸

⁶⁶ *Defamation Act 2005* (Qld) s 6; *Defamation Act 2005* (NSW) s 6; *Defamation Act 2005* (Vic) s 6; *Defamation Act 2005* (Tas) s 6; *Defamation Act 2005* (SA) s 6; *Defamation Act 2005* (WA) s 6; *Defamation Act 2005* (NT) s 5; *Civil Law (Wrongs) Act 2002* (ACT) s 118; Frances McGlone and Amanda Stickley, *Australian Torts Law* (2005) 379.

⁶⁷ *Dow Jones & Co Inc v Gutnick* (2002) 210 CLR 575.

⁶⁸ *Ewinghausen v Australian Consolidated Press* (1991) 23 NSWLR 449.

Helpin Others In Need Slanderous Defamation

D Keegan



Helpin Others In Need Slanderous Defamation:

The Enigmatic Realm of **Helpin Others In Need Slanderous Defamation**: Unleashing the Language is Inner Magic

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