

Australian defamation review to examine Facebook liability

October 6 2021, by Rod McGuirk



Australia's Communications Minister Paul Fletcher speaks during House of Representatives question time at Parliament House in Canberra, August 4, 2021. An Australian review of defamation laws will likely examine whether platforms such as Facebook should be liable for users' defamatory posts, the communications minister said on Wednesday, Oct. 6, 2021. Credit: Lukas Coch/AAP Image via AP

An Australian review of defamation laws will likely examine whether platforms such as Facebook should be liable for users' defamatory posts, the communications minister said on Wednesday.

The High Court made a landmark ruling last month that [media outlets](#) are "publishers" of allegedly defamatory comments posted by third parties on their official Facebook pages.

Communications Minister Paul Fletcher said the ruling did not touch on whether Facebook could also be held liable for defamation under Australian law.

"What the case did not illuminate was the question of whether Facebook themselves are liable, and that is something I anticipate" would be examined by the current review of Australian defamation laws, Fletcher said.

New South Wales state Attorney-General Mark Speakman is leading the review that aims to make sure Australian states and territories adopt uniform laws to deal with defamation.

One of the review's focuses was the question of internet liability in defamation for the publication of third-party content, a state government statement said.

Former juvenile detainee Dylan Voller launched his High Court test case in a bid to sue major Australian media businesses over allegedly defamatory comments posted by readers on newspaper and television program Facebook pages.

Voller has not taken [legal action](#) against Facebook.

The High Court dismissed an argument by Fairfax Media Publications,

Nationwide News and Australian News Channel that for people to be publishers, they must be aware of the defamatory content and intend to convey it.

News Corp Australia, which owns the two broadcast programs and two of the three newspapers targeted in the defamation case, called for the law to be changed.

The U.S.-based CNN last week became the first major [news](#) organization to block Australians from accessing its Facebook page in case it is held liable for defamatory posts.

Fletcher described CNN's decision as "perfectly understandable."

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