



**Australian Government**

**Australian Law Reform Commission**

## **Priorities for Law Reform**

### Potential Topic Seven: Defamation

The information below describes one of seven potential law reform topics proposed by the ALRC for comment by stakeholders and the general public as part of its Priorities for Law Reform project.

Through an online survey, individuals and organisations will have the opportunity to provide comments on potential law reform topics and make their own suggestions about areas of law they believe are in need of reform. For more information about the project, please visit <https://www.alrc.gov.au/inquiries/where-next-law-reform>.

There has been significant recent public debate on the appropriate balance to be struck between the right to maintain one's reputation, and the right to free speech. These conversations are not limited to Australia — defamation has been recently examined by law reform bodies in a number of overseas jurisdictions including the UK, Ireland, and Canada.

Defamation law is widely regarded as complex, technical, and arcane. Additional complexity has arisen in the context of the availability of digital publication and social media. More specific issues include whether Australia should adopt a public interest defence, the scope of the defence of contextual truth, and the effectiveness of remedies.

An inquiry on related topics has recently been announced by the NSW Law Reform Commission. However, the issues have ramifications across the country. The last review of defamation law by the ALRC was almost 40 years ago.