

## ALRC Report on Defamation reprinted

The Commission's 1979 report, *Unfair Publication: Defamation and Privacy* (ALRC 11) has been out of print for many years. However it is now has now been reprinted and is available in Australian Government Publishing Service Bookshops around Australia and from AGPS Mail Order Sales, PO Box 84 Canberra, ACT, 2601 Australia. The price of the report is \$24.95.

The report proposes far reaching changes in Australia's defamation law. It deals with two important but competing interests: on the one hand, the protection of individual honour, reputation and dignity and on the other the protection of freedom of expression and access to information on public affairs. It points out that at the present time the laws governing these matters in Australia are complex and conflict from one part of the country to another. The report highlights three major defects of the present law:

- the inefficiency of the law in protecting reputation;
- obstacles to the free flow of information on public affairs;
- inadequate protection of personal privacy.

The Commission's proposals set out in its report followed extensive debate in Australia and study of overseas models. The Commission has attempted to devise a law suitable for Australia which, while stimulating the discussion of public affairs, would improve the position of a person falsely defamed and would provide some protection of personal privacy. The Commission's proposals, would result in a law which would:

- Be uniform throughout Australia.
- Be contained in a single statute without the necessity to resort to earlier decided cases.
- Be simplified to the maximum extent consistent with just rules.
- Provide speedy procedures for the determination of actions.
- Provide new and more effective remedies for the vindication of reputation including order by the Court for the correction of false defamatory statements and for a right of reply a condition of defence in certain cases.

*protecting privacy.* The report also proposes a limited area of privacy protection. It would allow a person to sue for damages or injunction if 'sensitive private facts are published about that person'. These include facts relating to the health, private behaviour, home life, personal or family relationships of the individual which, in all of the circumstances, would be likely to cause distress, annoyance or embarrassment to a person in the position of the individual.

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Sydney

29 July 1988

Views expressed are not necessarily those of the Attorney-General, his Department, or the Commission. Correspondence, information and views should be addressed to GPO Box 3708, Sydney NSW 2001, Australia (Telephone (02) 231 1733). Subscriptions \$12 per calendar year (4 issues) \$9 for students.