

New Landmark Defamation Laws for the Digital Age

As of 1 July 2024, NSW (and ACT) became the first state in Australia to adopt new and modern defamation laws for the digital age.

Led by the NSW Government the changes in the *Defamation Amendment Act 2023* (NSW) will improve the balance between freedom of speech and protection of reputation when someone publishes content through a digital intermediary.

Examples of digital intermediaries include:

- Social Media Platforms
- Review Websites
- Search Engines
- Content Hosts
- Service Providers
- Individuals and organisations who use online platforms to host forums inviting third-party comments (known as forum administrators).

Part A reforms include:

- two conditional statutory exemptions from defamation liability for a narrow group of digital intermediaries, including search engines in relation to organic search results (non-sponsored search results)
- a new innocent dissemination defence for digital intermediaries, subject to a simple complaints process
- empowering courts to order digital intermediaries to prevent access to defamatory content online, even when they are not parties to defamation proceedings
- requiring courts to consider safety, privacy and the public interest when making orders against digital intermediaries to provide the identity or contact

details of a poster of online content

To read the full bill and other information including Stage 2 visit [NSW Government](#).



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Since 2002 Adrian has specialised almost exclusively in the area of strata law. His knowledge of, and experience in strata law is second to none. He is the youngest person to have been admitted as a Fellow of the ACSL, the peak body for strata lawyers in Australia. [Profile](#) I [Linked](#)

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