

# Media & Arts Law Review (MALR)

## Volume 23 Part 4

(speech, articles and New York media law update included in this part are linked to the LexisNexis platform)

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Australia's defamation laws have received considerable criticism in the wake of the Me Too Movement, having been chastised for hindering the growth and success of the Movement in Australia. This article considers the interaction between Australia's defamation laws and the Movement by examining recent cases involving allegations of sexual misconduct in the workplace, the aspects of Australian defamation laws that are likely to make it difficult to defend a defamation claim involving allegations of sexual misconduct and defamation laws in other common law countries and how, if those laws applied in Australia, they may have affected the recent Australian cases.

##### [Protecting public interest journalism in Australia: A defence to information secrecy offences](#)

— *James Meehan*

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Raids by the Australian Federal Police on journalists have exposed the fragility of public interest journalism in the face of broad powers to investigate and prosecute secrecy offences. The uncertainty regarding possible charges for vulnerable journalists creates a chilling effect on public interest journalism. Introduced in 2018 among a suite of other secrecy offences, s 122.4A of the Criminal Code Act 1995 (Cth) made it an offence for non-Commonwealth officers, including journalists, to deal with classified or damaging government information. Due to Australia's limited protections for free speech it is critical to ensure that the media's ability to perform its public interest reporting functions is not criminalised or excessively restricted. The legislation attempts to protect public interest journalism by providing a defence for persons communicating information in the business of reporting news. This article clarifies the scope of s 122.4A, demonstrates why the defence is inadequate to protect public interest journalism, and recommends legislative amendments to the defence.

#### New York Media Law Update

— *Claire Roberts*

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This update examines a recent willingness of New York courts to accept that online content is consumed by a sceptical audience. Whether, and the extent to which, online content is viewed more critically than other media is an important question on which detailed factual evidence in an Australian context may be required. Though the defamation law landscape in New York could, in some regards, hardly be more different from that in Australia, it is useful to note how firm a position New York's courts have taken on this issue.