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Articles

[A statutory response to intrusion upon seclusion: Does Australia provide a model for reform in England and Wales?](#)

— *Paula Giliker*

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Schedule 2 of the Privacy and Other Legislation Amendment Act 2024 (Cth) came into force in Australia in June 2025 and made provision for a statutory tort of serious invasions of privacy. This tort includes intruding upon the plaintiff's seclusion and misusing information that relates to the plaintiff. Australia's statutory reforms contrast with the position taken in other common law jurisdictions such as New Zealand, Ontario and the United States. It also presents a potential option for England and Wales where, despite the English courts developing a tort of misuse of private information, there is currently no specific tort protecting against intrusion upon seclusion. Examining the development of a statutory tort in Australia, this article will determine to what extent Australia is likely to provide a model for reform in England and Wales.

[Legislating for the space in-between: Australia's new digital intermediary defence](#)

— *Amelia King*

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At the heart of the *Model Defamation Amendment (Digital Intermediaries) Provisions 2023* is a new defence for digital intermediaries. The defence has been designed with social media platforms and moderators in mind, aiming to clarify their liability for third-party content and promote freedom of communication. This article argues that such goals will not be met. It examines the influence and control that digital intermediaries wield over online speech, and the speech-suffocating impact of current Australian defamation law. Against this background, each component of the digital intermediary defence is set out and evaluated against the stated aims of the reform. The article demonstrates that although the status quo has been flagged as untenable by legislators, it remains relatively undisrupted on a close reading of the new defence which provides only limited certainty to digital intermediaries and falls far short of protecting free speech online.

Book Review

[Private Law and the State, Andrew Robertson and Jason Neyers \(eds\)](#)

— *Ellen Rock*

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