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(articles and book review included in this part are linked to the LexisNexis platform)

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Articles

Exploring the boundaries of professional practice: Sections 5O and 5P of the *Civil Liability Act 2002* (NSW)

— Nicholas Chen SC

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Section 5O of the *Civil Liability Act 2002* (NSW) sets the standard of care for claims in negligence against 'a professional' by enacting a modified form of the Bolam principle. Section 5P excludes the operation of s 5O in connection with the giving of (or failure to give) a warning, advice, or information. This article collects the principles that identify the meaning and scope of s 5O, as well as addressing a significant issue that remains unresolved: whether the section is to be construed widely, and thus cover conduct assessed against generally acceptable professional practice; or whether it is to be construed narrowly, and only apply to conduct that conforms to a specific and demonstrated 'practice'. For s 5P, which has largely escaped judicial attention, the article explains its likely reach, and an issue of construction that arises from the text of the provision: whether its engagement is confined to cases where the failure to warn or advise gives rise to new and distinct injury, as opposed to the continuation of an existing injury.

Defamation and personal injury under the *Civil Liability Act 2002* (NSW)

— Christopher Croese

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This article analyses the law of New South Wales to demonstrate that 'injury' as defined in pt 2 of *Civil Liability Act 2002* (NSW) ('*Civil Liability Act*') likely plays a greater role in defamation than what seems apparent. This then raises the question of whether awards of damages for defamation are subject to regulation by the *Civil Liability Act*. If so, then awards of damages in defamation may have to be radically rethought.

Liability for defamatory publication on the Internet after *Fairfax Media Publications Pty Ltd v Voller*

— James Parker

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Liability for the publication of a defamatory remark is construed broadly at common law. Any act of participation in the communication of a defamatory remark may be sufficient for a party to be considered prima facie liable as if they were the author. *Fairfax Media Publications Pty Ltd v Voller* ('*Voller*'), a recent High Court decision, exposes flaws in the application of this principle in cases involving the defamation on the Internet. In light of *Voller*, reforms proposed to Australia's uniform state-based defamation legislation may be an appropriate vehicle to increase certainty and rein in the scope of liability in defamation law where the common law has proven inadequate.

Book Review

Australian Principles of Tort Law, Pam Stewart and Anita Stuhmcke

— *Alice Taylor*