

# Torts Law Journal (TLJ)

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### Articles

#### Defamation and democracy: Political criticism under the public interest defence

— *Adehlia Ebert*

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Australian politicians have embraced defamation litigation against their critics. The balance of power between politicians and defamation defendants might change with the introduction of a new defence to Australian defamation law: the 'defence of publication of matter concerning issue of public interest'. This article considers how the new public interest defence might be applied by Australian courts and the defence's implications for political criticism. The public interest defence will protect speech about politicians to a greater extent than Australia's existing defamation defences. However, the defence represents an incremental, rather than radical, change. While most political criticism will fall within the scope of 'matter of public interest', the defence's reasonableness criterion will remain a difficult hurdle for many defendants.

#### Exploring manufacturer strict liability as regulation for autonomous military systems

— *Dr Brendan Walker-Munro*

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Over the past 20 years, the world's militaries have begun investing significant resources into the development of autonomous military systems ('AMS'). Yet the world has not fully resolved the potential ramifications of deploying AMS. Much of the scholarship in this area has focused upon the theorised compliance of AMS with international humanitarian law rather than on domestic regimes for regulation. Moreover, very little has been said on the potential liability of military forces using AMS in a manner that is negligent, as opposed to criminal. This is especially the case in Australia, which lacks a robust history of litigating the Australian Defence Force ('ADF'). Our article takes up the challenge of engaging with manufacturer liability for AMS in Australia. To do so, two military liability regimes are examined — the US and the UK — to propose the hypothesis that the 'strict liability' approach of manufacturer liability is the most appropriate scheme of regulation of AMS available in Australia.

#### The extrapolation dilemma: Toxicological evidence and toxic torts

— *Sara Golru*

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Toxicological evidence has been a controversial method of proving causation in toxic tort litigation. This article maintains that toxicological evidence can provide probative proof of the causal relationship between chemical exposure and development of disease. Although this evidence certainly has its weaknesses, it is nevertheless a valuable means of establishing or refuting causation when viewed in conjunction with other evidence, including epidemiological evidence, genetic evidence and testimony as to differential aetiology.

## Book Review

Prue Vines and Arno Akkermans (eds), *Unexpected Consequences of Compensation Law*

— Jodi Gardner

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