

Media & Arts Law Review (MALR)

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(speech, articles, case notes and comment included in this part are linked to the LexisNexis platform)

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[The case for compulsory press regulation](#)

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[Debunking the myth: Why Victoria is not the suppression order ‘capital’ of Australia](#)

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This article refutes the frequently made allegation that judges in Victoria have a greater propensity to grant suppression orders — orders that restrict the publication of court proceedings or information about such proceedings — than judges in other Australian jurisdictions. It argues that the allegation is based on incomplete and grossly misleading data, that it ignores important differences in law that might account for differences in the number of orders made in each jurisdiction and, finally, that it does not take into account the significant differences in court activity in each jurisdiction. Once complete data is analysed against each jurisdiction’s case load, it becomes clear that Victoria far from qualifies as the suppression order ‘capital’ of Australia. Indeed, to the contrary, the article suggests that the misguided focus on suppression orders in Victoria detracts attention from much more significant problems that perhaps exist in other Australian jurisdictions — particularly New South Wales, South Australia and Western Australia.

[Protecting victims not punishing perpetrators: Clarifying the purpose of s 18C of the *Racial Discrimination Act*](#)

— *Bill Swannie*

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Section 18C of the Racial Discrimination Act 1975 (Cth) makes certain conduct ‘unlawful’, and it allows an ‘aggrieved’ person to make a complaint, and potentially obtain remedies, in respect of that conduct. This article argues that s 18C establishes a civil means of redress that seeks to protect individuals and groups from the harms of racial vilification. This primary purpose for which s 18C was enacted is evident from the terms of the section, from parliamentary debate on the provisions, and various reports referred to in that debate. Several other purposes were also mentioned in parliamentary debate, such as Parliament’s desire to promote social harmony and tolerance, and to eliminate racial hatred or prejudice. However, these broader social goals were not Parliament’s primary goal in enacting s 18C. Indeed, overemphasising these considerations has contributed to confusion surrounding s 18C and its proper interpretation.

Case Notes

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Comment

A balancing act: In support of the proposed academic defence in defamation law

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The 2020 draft amendments to the Model Defamation Provisions propose the introduction of an 'academic defence' in Australian defamation law. The academic defence would protect peer-reviewed statements in academic journals from liability for defamation. This comment evaluates the proposed academic defence and argues that it strikes an excellent balance between free speech and reputation.