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Media has been extensively disrupted by digital platforms. COVID-19 pushed even more activity online, regional news mastheads closed and complaints about the adverse impacts of Google and Facebook increased. Concerned about the impact on local media and jobs, the government responded with assistance packages and a Mandatory Bargaining Code covering use of news content by digital platforms, including revenue sharing. Other countries have grappled with similar challenges. This article examines the recent history of these reforms, in particular, the News Media and Digital Platforms Mandatory Bargaining Code. It also considers other regulatory tools and advocates for a more sustained approach to ensuring appropriate regulatory frameworks that bring an appropriate blend of regimes to bear on the complex problems addressed by media laws.

More than one way to skin a chat: ‘Scoping’ the matter in defamation by instant message

— *Janek Drevikovsky* 204

Plaintiffs increasingly complain they have been defamed in an instant messaging ‘chat’. This online technology creates problems for the law of defamation, even at the basic level. Since chats often contain many different, interconnected conversations, it becomes difficult to know where the ‘matter’ begins and ends. There are traditional principles designed to ‘scope’ matters into a pleadable form, but applying them to instant messages is often not helpful. Without a better approach to scoping chats, doctrinal problems may arise — in the area of publication, liability and the ‘whole publication’ rule. This article suggests an alternative approach, informed by a decision of the New South Wales District Court: to define the ‘whole’ of an online chat, the court should have regard to how much of that chat one or more real people actually read.