

Personal Injury

Friday 18 August 2023

Session 9 – 10.50am – 11.50am

Sticks and stones may break my bones: What constitutes serious harm in defamation?

Since 1 July 2021 it has been a requirement in all defamation claims that the plaintiff prove that they have suffered serious harm. This change was adopted from the law in the UK and was meant to reduce the amount of "backyard" defamation claims before the courts. Almost two years on, there is still some uncertainty as to what is required to satisfy this element. It is also unclear as to whether it has had the effect the law was intended to achieve. These issues and more will be discussed in this session.

Meet the speaker

Stewart O'Connell, Senior Associate, O'Brien Criminal & Civil Solicitors

Stewart O'Connell is a Senior Associate with O'Brien Criminal & Civil Solicitors. Stewart commenced his legal career doing criminal defence work with the Aboriginal Legal Services in the Northern Territory. Ten years later, he was approached by an Aboriginal elder who had been defamed by the ABC. Looking for a change of pace, Stewart took on the matter which ended with a significant win in the Northern Territory Supreme Court, following a five-day trial. Since then, Stewart has built up a defamation practice where he has been fortunate enough to have worked on some very interesting matters, including the Voller (*Fairfax Media Publications Pty Ltd v Dylan Voller*; *Nationwide News Pty Limited v Dylan Voller*; *Australian News Channel Pty Ltd v Dylan Voller* [2021] HCA 27) and Bazzi (*Bazzi v Dutton* [2022] FCAFC 84) cases. He has also had the privilege of working with and against many of the best defamation solicitors and barristers in the country.