



CHIEF JUSTICE'S CHAMBERS  
SUPREME COURT



7 February 2020

Review of Model Defamation Provisions  
Justice Strategy and Policy Division  
NSW Department of Justice  
GPO Box 31  
Sydney NSW 2001

Email: [defamationreview@justice.nsw.gov.au](mailto:defamationreview@justice.nsw.gov.au)

### **Submission in response to draft Model Defamation Amendment Provisions**

The Supreme Court of South Australia has considered the terms of the draft Model Defamation Amendment Provisions. The only further submission the Court wishes to make is in relation to the provisions in ss 21 and 22 in relation to juries in defamation cases.

In its earlier submission, the Court set out its opposition to any proposal to use juries in defamation actions in South Australia. While the draft Model includes an amendment to s 21 to make an election to have a jury irrevocable, the Court assumes that this will not affect the position in South Australia. The Defamation Act currently in force in South Australia does not include the ss 21 and 22 provisions in relation to juries, and in the absence of any suggestion to the contrary of which it is aware, the Court assumes that will continue to be the case.

Yours sincerely

**The Honourable Chief Kourakis  
Chief Justice of South Australia**