

Commercial Insights

Defamation – be careful what you post on social media

The Federal Court of Australia decision in *Webster v Brewer [2020] FCA622* is a timely reminder that people need to be cautious about what they post on Facebook about other people and entities. The warnings in this article are also relevant to organisations that have their own Facebook pages.

For reasons which are still unknown, in April and May 2020, Ms Brewer made various posts and uploaded various videos to a Facebook account operated and controlled by her. There were seven publications in total. Each of the publications was highly defamatory of Dr Anne Webster and Dr Philip Webster and of an organisation set up by Dr Anne Webster called Zoe Support. The publications were described by the Court as ‘vile’. The posts suggested that the Websters and Zoe Support were participants in a secretive criminal network involved in the sexual abuse of children.

The Websters were upstanding members of their local community and both had made significant contributions to their community, holding positions with institutions and community organisations. Dr Anne Webster was the founder of Zoe Support, a not for profit organisation established to provide benevolent relief from social isolation, poverty, ill health and destitution for pregnant women and new mothers who lack support and resources.

Interestingly, the Websters had never heard of Ms Brewer prior to the publications being made and it remains unclear what prompted Ms Brewer to make the publications.

The Court ordered Ms Brewer pay the Websters and Zoe Support a total amount of general damages and aggravated damages in the amount of \$875,000 and to pay the costs of the proceedings. In making the award, the Court determined that Ms Brewer’s posts contained the most serious kind of defamatory imputations that could be levelled at an individual or a charity.

Considerable care should be taken when posting comments about another person or organisation, on social media. This is particularly the case for people or organisations who have a public profile or community reputation.

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