



Review of Model Defamation Provisions
c/o Policy, Reform and Legislation
NSW Department of Communities and Justice
GPO Box 31
Sydney NSW 2001

Dear Sir/Madam,

In respect of recommendation 7 and 8.

The federal court system should not be used as an alternative to bringing proceeding in the state jurisdiction. At present applicants to defamation proceeding are joining commonwealth law to defamation proceeding so as to warrant jurisdiction of the federal court system or for "colourable reasons".

The federal court system is not equipped to deal with the specialty of defamation, especially at the federal circuit court level.

The use of the federal court system by the applicant is to avoid juries.

The use of the federal court system is to forum shop for the judge within the federal court system.

In summary prosecution of defamation the federal jurisdiction should not be permitted.

Regards

John O'Shannassy



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