# Article

# When sharing a Facebook post lands you in hot water – social media defamation risks explained

<https://www.abc.net.au/news/2020-08-18/defamation-social-media-facebook-twitter-explained-lawyer/12557526>

This short resource contains the following:

1. Link to the original stimulus
2. Close passage of the ABC stimulus
3. Comprehension and discussion questions
4. Vocabulary
5. Language forms and features tasks
6. Further reading and short writing task

**English outcomes**

This lesson addresses the following outcome:

**EN43B** – uses and describes language forms, features and structures of texts appropriate to a range of purposes, audiences and contexts

## Cloze

**When sharing a Facebook post lands you in hot water – social media defamation risks explained**

By Jessica Rendall [Extract from an article on the ABC website, published on 1808/2020]

It's easier than you might think to get into legal trouble over ­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ comments on social media, according to Brisbane defamation lawyer Rowan Lyndon.

Mr Lyndon said defamatory \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ matters made up most of his cases.

"Before, it was placed in the 'too-hard' basket, but people are taking social media posts more seriously now," Mr Lyndon said.

University of Queensland law professor Kit Barker said a 2018 study found more than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of all defamation proceedings between 2013 and 2017 involved digital publications online. He said the rise of social media meant more \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ rather than media outlets were being pursued in court for defamation.

"Individuals now have more direct control of what gets \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ online, taking out the traditional media editor," Professor Barker said. He said this publishing power should not be taken lightly, as the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ could be costly.

**What constitutes a defamatory post?**

Statements that have the potential to cause \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to a person's and cause them \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ harm can be deemed defamatory.

These include social media comments, posts, photos and even Google reviews.

**If I didn’t write it, can I get in trouble for it?**

Mr Lyndon said sharing someone else's post was no \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to posting it \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

"Assuming someone other than the person defamed reads your post, you will be treated as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and liable for any defamation that flows from publication," Mr Lyndon said.

Professor Barker said sharing the post could also mean \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ repercussions for the author every time the post was shared.

**Word Bank**

economic, liable, half, individuals, defamatory, damage, reputational, published, different, yourself, publisher, additional, consequences,

"Currently, every time it is accessed and downloaded, it is regarded by the law as being published again, which means that a publisher can potentially be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for an indeterminate period of time," he said.

**What if I just 'like' a post?**

On platforms such as Facebook, liking a post can bring it into the newsfeeds of your \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, even though they might not have seen the original post in the first place — causing more harm to the person being defamed.

Mr Lyndon said the same applied to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on a post, especially if your comment reflected the post itself.

"If you comment on someone's post, you \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ be liable as if you posted it yourself if your comments approve of or adopt the post," Mr Lyndon said.

**Am I liable for sharing with close friends?**

Yes. Only one person needs to read your post for it to constitute defamation.

"Assuming at least one of your friends reads your post, you will be treated as a publisher and liable for any defamation that flows from publication," Mr Lyndon said.

**Jail is even a possibility**

Mr Lyndon said the risk of defaming someone on social media shouldn't be taken\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

"The most obvious one is you could end up \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_in costly legal proceedings, it's a very \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_mistake to make," he said.

Earlier this year, parents [who defamed Mt Tamborine school principal Tracey Brose on social media were ordered to pay $3,000 each in damages](https://www.abc.net.au/news/2020-02-28/mount-tambourine-school-principal-wins-defamation-case-brose/12010268), as well as all of Ms Brose's legal bills — estimated to total $600,000.

Another three people settled their cases out of court prior to [the lengthy and taxing trial](http://nucwed.aus.aunty.abc.net.au/news/2019-10-17/school-principal-defamation-questions-pig-snorting-binge-eating/11607930), with Ms Brose receiving a total amount of $182,500 from them.

In 2016, [Heather Reid, the former chief executive of a Canberra football organisation, was awarded $180,000 in damages](https://www.abc.net.au/news/2016-10-14/former-canberra-football-boss-says-facebook-posts-defamatory/7933310) after a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_made defamatory posts about her on Facebook.

Mr Lyndon said there were also criminal offences that could apply.

"It could potentially land you in jail in the most extreme scenarios," he said.

**Word bank**

Lightly, friends, comments, embroiled, may, expensive, coach

## Comprehension

1. What findings came out of the 2018 study [reword]?
2. Why should individuals be careful with what they publish online?
3. Summarise the key points for each of the following headings:
4. What constitutes a defamatory post
5. If I didn’t write it, can I get in trouble for it?
6. What if I just like the post?
7. Am I liable for sharing with close friends?
8. What if I delete my comment?

## Discussion questions

Use the following continuum questions as the basis for generating discussion. You may wish to digitalise this into a Google or Microsoft form, or use project the statements and students move to the side of the room that indicates their opinion [agree/disagree]

* I should not be liable for my social media posts
* I should not be liable for other people’s comments on my posts
* My social media use will help me get a good job
* When you delete a photo or comment from Facebook/Twitter/Other it’s gone

## Vocabulary

Use each word in the vocabulary list in its own sentence

**Defamatory** – adjective

(of remarks, writing, etc.) damaging the good reputation of someone; slanderous or libellous

**Embroiled** – verb, past tense

involve (someone) deeply in an argument, conflict, or difficult situation.

**Liable** – adjective

responsible by law; legally answerable.

**Further reading**

1. Read the following articles and create a dot point list of the key points.

<https://www.abc.net.au/news/2020-02-18/facebook-google-defamatory-posts-legal-action-freedom-of-speech/11973040>

<https://www.abc.net.au/news/2016-10-14/former-canberra-football-boss-says-facebook-posts-defamatory/7933310>

<https://www.abc.net.au/news/2020-02-28/mount-tambourine-school-principal-wins-defamation-case-brose/12010268>

1. Social media means you are now a publisher of content and are liable for the information you publish. Write a paragraph summarising your findings and your position.

## Language forms and features

**Appositive phrase**

1. **Find an example of the appositive phrase in this article.**

Teaching note: Learn more about the appositive:

<https://education.nsw.gov.au/teaching-and-learning/student-assessment/smart-teaching-strategies/literacy/writing/stage-4/sentence-structure>

**Answer**

* Seibold's lawyer, Dave Garratt, issued a statement saying the "matter will be reported to the Queensland Police Service and other appropriate authorities

**Participle phrase**

1. Rearrange two of the sentences below ensuring that original meaning is retained.
2. It's easier than you might think to get into legal trouble over defamatory comments on social media, according to Brisbane defamation lawyer Rowan Lyndon.
3. "Individuals now have more direct control of what gets published online, taking out the traditional media editor," Professor Barker said.
4. "Assuming someone other than the person defamed reads your post, you will be treated as a publisher and liable for any defamation that flows from publication," Mr Lyndon said.
5. You can still be held accountable after a post is deleted, provided at least one person saw it.

Teaching note: Learn more about the participle:

<https://education.nsw.gov.au/teaching-and-learning/student-assessment/smart-teaching-strategies/literacy/writing/stage-4/sentence-structure>

**Complex sentences [subordinate clause underlined]**

Often the subordinate clause in a complex sentence can be rearranged to occur elsewhere in the sentence, and the originally meaning is retained or enhanced. This is possible with **only two** of the sentences below.

1. Identify the **two sentences** and write out the rearranged sentence
2. Social media and the risk of defamation gained media attention last week when [Brisbane Broncos coach Anthony Siebold revealed he had hired lawyers to investigate allegedly slanderous online posts](https://www.abc.net.au/news/2020-08-12/anthony-seibold-rumour-family-matter-brisbane-broncos-coach/12548882).
3. He said this publishing power should not be taken lightly, as the consequences could be costly.
4. "If you comment on someone's post, you may be liable as if you posted it yourself if your comments approve of or adopt the post," Mr Lyndon said.
5. If you see defamatory comments on your post and don't delete them when you have the power to do so, you can also be held liable, he said.

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| Subordinating conjunctions |
| After… ,  Although … ,  As … ,  When … ,  While … ,  Until … ,  Before … ,  Because … ,  If … ,  Since … , |