

Opening Statement of behalf of the NUJ to the Oireachtas Joint Committee on Justice

Thank you Cathaoirleach for inviting us here today, we are grateful that we can outline our views on this important piece of legislation. I am with the NUJ's Irish Organiser, Ian McGuinness and I am Michael Foley, I'm the Republic of Ireland member of the Union's Ethics Council.

The NUJ, UK and Ireland, represent staff and freelance journalists working across all platforms, print, broadcasting, both public service and independent, on line and digital, whether in national or regional media.

The pace of change that is taking place within the media contrasts with the slowness of reform of defamation. The Act of 2009 came with a provision that it would be reviewed within five years. It was not until March 2020 that the Report of the Defamation Act was published. We are now considering the legislation nine years after that review was to take place. While the delay might indicate the low priority given to the subject we, we do broadly support the Bill and believes that some of the reforms set out in the draft scheme have the capacity to enhance media freedom by addressing long standing concerns of journalists, media practitioners, publishers, lawyers, and academics.

It is important to reiterate that the NUJ recognises the rights of all citizens to the protection of their reputation and acknowledges that the exercising of the right to freedom of expression brings with it responsibility to behave in an ethical manner. Journalists are

expected to adhere to the professional code of conduct of the Union, which was first formulated in 1935, as well as other codes such as that of the Press Council of Ireland, of which the NUJ was a founder member.

You have all seen our submission so I will just highlight some areas that concern us. We would like the definition of online publications to be made clear as there is an anomaly in that publication by RTE journalists on the RTE website are not covered by current broadcasting complaints procedure.

We would favour the serious harm test be provided for all defamation cases as we believe it would lead to a decline in the number of cases taken. We also would like legislators to look again at the definition of honest opinion.

On the important issue of Strategic lawsuits against public participation (SLAPPS) we welcomed the EU's anti SLAPPS director, and the anti SLAPP mechanism contained in the draft legislation. The NUJ is in broad agreement with the Irish Anti-SLAPPS Network of which we are a member and so is not going to duplicate what others might want to say.

Finally, we do believe that in the main this draft (amendment) Defamation Bill could be an important contribution to press freedom in Ireland and we hope that on behalf of our members we can play our part on ensuring that it is.