

# News

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## New High Court decision affects all not-for-profit organisations that use social media

15 September 2021

The High Court has made an important decision about the 'comments section' on social media posts. It confirms that an organisation can be legally responsible for defamatory comments posted by others on its social media pages.

### What do you need to know about the case?

The court case was started by Dylan Voller who was [abused and mistreated in the NT's Don Dale Juvenile Detention Centre](#).

Mr Voller has sued three media companies who covered his story. He argues that they are responsible for allowing Facebook users to leave insulting comments on news articles posted on the companies' Facebook pages.

The court did not decide whether the comments were [defamatory](#) (ie. whether they damaged Mr Voller's reputation), or whether the media companies are entitled to a defence under the law.

However, it did make an initial decision that the media companies were responsible for 'publishing' the comments – even though they didn't write the comments, approve them or read them before they were posted.

### What does this mean for your not-for-profit organisation?

This decision affects any person or organisation that runs a social media page or publishes a post on social media, including on popular platforms such as Facebook, Instagram and Twitter.

Essentially, **if your not-for-profit organisation operates a social media page, it is responsible under defamation law for everything that everyone posts on that page**. It doesn't matter if your not-for-profit organisation disagrees with a defamatory comment or is even unaware that someone has posted a comment.

Every not-for-profit organisation that operates a social media page should put measures in place to ensure that posts or comments made by others are not defamatory.

This might include:

- setting up systems to actively monitor and moderate comments
- disabling comments if it is not possible to moderate them
- using various tools offered by social media platforms, for example [to block keywords and profanities](#), [hide offensive comments](#), or [restrict who can reply to your posts](#), and
- documenting agreed strategies in a social media policy.

### How can you learn more?

We also have a number of self-help resources about [defamation](#) and [social media](#).

If you require legal advice on this issue and are eligible to receive assistance from our service, [apply for free legal help](#).

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