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Lawyer discusses dangers of social media defamation following horror story of Sydney couple

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MATTHEW DUNN

THIS is why posting on Facebook can be dangerous.

An Australian couple has been hit with a \$15,000 legal bill after making comments about their neighbour's dogs on a community Facebook page.

Roger Blow, principal at Cove Legal, said the case served as a warning that social media led people into a false sense of security.

"Individuals often think online defamation is seen as less important in the legal context because of the feelings of disconnect derived from using social media," he told news.com.au.

"People are less concerned with hurting the feelings of someone they will likely never meet."

He said anyone posting online should first think about whether it was something they would be happy to shout out in the pub.

"The test is, if you were shouting it out loud to a room full of strangers, would they consider what you are saying to be aggressive, racist, sexist or abusive," he said.

"You also have to remember that when you shout something it only exists in that time, whereas writing something online has the potential to stay there forever." News_Rich_Media: Backlash bring you the latest opinions.

He said websites such as Facebook and Twitter were damaging as they had the potential for mass republication of false allegations.

Mr Blow said, in the legal context, it didn't matter where the defamation took place.

"You just need to show the publication of the statement and show that it is likely to cause the average reader to think less of the character of the person in question," he said.

"If the comment is untrue, that will often give rise to a potential claim."

Mr Blow said, in the past five years, he had seen a downward spiral with people not knowing how to behave online.

More than anything, people had to be cautious because legal proceedings over online defamation were often a complex, lengthy and expensive legal process, he said.

"Victims and protagonists alike have to decide how much they are willing to spend to bring or defend defamation proceedings. There is a good reason why such claims are usually only brought by celebrities with deep pockets," Mr Blow said.

"Many individuals don't understand what they are getting themselves into."



Matt Palmer has learnt about social media defamation the hard way.

The warning comes as a Sydney couple were left to lick their wounds after copping a \$15,000 legal bill following a social media defamation case.

The commotion began when Matt Palmer and his wife Annette noticed a series of posters strategically plastered in public areas of Scotland Island — an exclusive island located 30km north of Sydney in Pittwater.

The posters were aimed at a local resident, who allegedly failed to control his King Charles spaniels while in public spaces. It included [a photo of resident Nader Mohareb and a description that claimed the Egyptian-born man was “a highly volatile individual, prone to manic outbursts ... often abusive and threatening, particularly towards women and children”](#), Fairfax reported.

Mr Mohareb sued Mr Palmer after he shared a photograph of the poster on the Scotland Island Community Facebook page with a suggestion that Mr Mohareb “may or may not be related to Satan”.

In his statement of claim, Mr Mohareb asserted that the Facebook post falsely implied he was mentally unstable, contemptuous of accepted social conventions and decorum, has a history of violence and should be avoided by member of the community.

Despite the post being removed by Hubert Van Mierlo, the administrator of the page, the couple was sued for defamation by Mr Mohareb after he claimed the post made false accusations, which harmed his reputation within the community.



Matt Palmer ▶ **Scotland Island Community**

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“Apology to Nader Mohareb

Mr and Mrs Palmer understand that Mr Mohareb has suffered hurt and harm as a result of Facebook posts about him, which included a poster which had been displayed around Scotland Island.

Whilst they deny that they posted the original poster, they are sorry for any harm that the Facebook posts caused him.

It is very regrettable that Mr Mohareb says that he has experienced some vandalism as a result of the above publications and we in no way condone this.”

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A screenshot of the apology posted on the Facebook group.

After months of tension, a deed was executed following settlement negotiations between both of the parties.

Mr Mohareb would drop the case if the Palmers posted an apology on the Scotland Island Community Facebook page. An apology post was written, but was removed after the page's moderator deleted it, unaware it was part of the settlement agreement reached between the two parties.

The apology was reinstated before being taken down from the social media page again, after being live for only a few short hours.

This breach of the agreement infuriated Mr Mohareb and he decided to return the matter to the courts.

A third apology was posted, but because of a typo in Mr Mohareb's name it was removed once more before a fourth and final apology went live in May this year.

The saga finally came to an end late last month with District Court Judge Judith Gibson ruling the matter had no need to go further because the most recent apology had been live for two months.

Following the decision, the Palmers sought a lump sum costs order of \$14,721, but according to Fairfax, [it was denied by Judge Gibson after she claimed they were at fault for the removal of some of the apologies.](#)

"These were serious defamations ... the defendants' failure to perform their part of the bargain made the plaintiff justifiably suspicious," Judge Gibson said.

She added discounting the case in return for a public apology meant the settlement was already a fantastic result for the couple. News_Rich_Media: It seems we've all become digital addicts. But is our need to be constantly connected ruining our lives - and do we need a detox?