



Wilson wins round one, though proceedings in Australia and the US loom large

Deb-unke? MacInnes' defamation claim collapses as Rebel wins at Federal Court

Australian actress Rebel Wilson has succeeded in defending the defamation claim brought against her by lead actress Charlotte MacInnes. MacInnes' application was dismissed on 22 July 2026 with orders to pay Wilson's costs.

MacInnes, who starred in Wilson's directorial debut, *The Deb*, alleged that a series of Instagram posts made by Wilson portrayed her as a lying sellout, who had retracted a complaint that she felt uncomfortable about an incident involving the film's lead producer and financier Amanda Ghost, in order to further her career. MacInnes commenced proceedings in the Federal Court, seeking damages for the reputational and professional impact of the posts, including loss of work, as well as aggravated damages for the anxiety caused.

The key legal issues before the court were: (1) whether the social media posts carried the alleged defamatory imputations; (2) whether those imputations were in fact defamatory; and (3) whether MacInnes had established serious harm to her reputation as a result of the posts.

Justice Elizabeth Raper of the Federal

Court found that only one of the posts, published on 23 September 2024, conveyed the imputation that MacInnes had changed her story about feeling uncomfortable about an incident involving Ghost. However, her Honour concluded that this imputation was not defamatory in nature as suggesting a person who had changed their account did not meet the threshold set by community standards. She reasoned that "the assertion of someone changing their story, for which there could be innumerable reasons why they did, determined objectively by reference to community standards, is not defamatory". For the remaining Instagram posts, Justice Raper accepted Wilson's submissions that the alleged defamatory imputations were not conveyed at all.

Having found the imputation was not defamatory, Justice Raper did not need to go further. However, she also found on an alternative basis that MacInnes had failed to demonstrate serious harm to her reputation. This finding was supported by evidence that, following the posts, MacInnes had appeared in a stage performance of *Gatsby*, secured a co-publishing deal, and ultimately signed a recording contract with a global record label.

MacInnes had also sought to have the substantive law applicable to the claims determined to be the law of Western Australia, which would not have required MacInnes to establish serious harm to her reputation, unlike New South Wales law. However, this was dismissed by Justice Raper, who found that the alleged harm had its closest connection to New South Wales, where MacInnes had lived, worked and established her professional reputation during the formative period of her career.

MacInnes has indicated she intends to appeal the decision, but before that happens Wilson is also facing separate proceedings brought by Ghost, and her co-producers, in which they allege she defamed them. The proceedings concern allegations that she made false and derogatory statements about them, including claims of inappropriate behaviour, misappropriation of the film's funds, and attempts to suppress its release.

Wilson is set to face more time in court as this dispute extends across countries, with Ghost and her co-producers having also commenced proceedings against Wilson in the United States, alleging that she defamed them through the same Instagram posts as well as through a series of "smear websites".

Even though Wilson has cleared the first of multiple legal battles, all hopes are not set for the film to show without any more deb-acles.



We are delighted to share that Carter Newell's Employment & Workplace Advisory team has been recognised as a finalist in the Workplace Relations and Employment Team of the Year category at the Lawyers Weekly Australian Law Awards.

General Protections in the Fair Work Commission - new reforms

Under s.361 of the *Fair Work Act 2009* (Cth) (**FW Act**) once a general protections application is made, the reverse onus of proof rests on the employer to prove that the reason for termination was not for an unlawful reason. In discharging the reverse onus, employers need to provide clear and credible evidence of the actual reason for the termination. The closer in time the dismissal is to a protected activity or attribute, the more difficult it may be for an employer to satisfy the reverse onus.

There has been a substantial increase in the number of general protections claims brought before the Fair Work Commission (**FWC**). These applications include claims made by employees who have been dismissed within the minimum employment period, who are barred from accessing the FWC's unfair dismissal regime.

Under s.596 of the FW Act parties have always been required to seek the FWC's permission to be legally represented in a conference. Under reforms introduced in November 2025, however, parties must now set out in writing, at the lodgment stage, the reasons why representation should



be permitted. This replaces the previous practice of simply ticking a box on the form.

The aim is to ensure more effective case management, with the representation decision now being determined on the papers where possible, before the conference commences. Parties should not assume that permission will be granted, and must be prepared to proceed without legal representation if permission is refused.

What does this mean for employers?

When deciding to terminate an employee, employers should ensure the reason for the termination is clearly documented and, importantly, that it has no connection to any protected attribute or activity of the

employee. While there is no requirement under the general protections provisions to have a "valid reason" for termination (as there is under the unfair dismissal regime), the employer must be able to demonstrate that the dismissal was not motivated by a prohibited reason.

While there is no strict legal requirement to provide detailed reasons in a termination letter, a bare one-line letter stating only that an employee has not passed probation provides the employer with very little evidentiary foundation if a general protections claim is made. Employers should ensure the reasons for the termination are clearly documented internally, as this will assist in demonstrating that the dismissal was not taken for a prohibited reason.

Even where permission for legal representation at the conciliation conference is refused, engaging an employment lawyer in advance of the conference remains valuable. A lawyer can provide strategic advice and preparation support to ensure the employer is well-positioned going into the conference. Employers should be aware, however, that while attendance at the conference is required, any settlement reached at conciliation must be agreed to by both parties. Employers should feel no pressure to agree to any outcome they are not comfortable with.

Did You Know?

As of 16 June 2026, the Victorian Government introduced the *Equal Opportunity Amendment (Work from Home) Bill 2026*. This gives Victorian employees the right to work from home for 2 days a week (pro rata for part-time and casual employees) if reasonable. If the bill is passed Victorian employees will be entitled to this right from 1 September 2026 or 1 July 2027, if there are fewer than 15 employees.

Fresh off the Press

On 23 July 2026, Prime Minister Anthony Albanese announced that the federal government will create a Fair Work Court, to "provide simpler, fairer and faster justice for working Australians". In consultation with the FWC the court is said to be headed by expert judges to provide a specialist forum for resolving workplace relations disputes, which the government expects to be a quicker and cheaper process.

The concept of a Fair Work Court is not a new one. It is a reemergence of Bill Shorten's proposal in 2019, which was fiercely opposed by employers on the basis that it provided a "no-risk casino" where workers could try their luck at squeezing their boss for cash. Unsurprisingly, that position hasn't changed. The Australian Chamber of Commerce and Industry states the announcement raises concerns of "higher costs and complexity in the workplace". The details are sparse and more is yet to come on how the court will work with the existing FWC. Stay tuned.



Get to know



Nicole Mayo

Senior Associate

T +61 7 3000 8398

E nmayo@carternewell.com

My favourite movie is...

High Crimes

My favourite breakfast is...

Eggs Benedict

A quote I like is...

"A day without laughter is a day wasted" - Charlie Chaplin

If I was an animal, I would be...

A Cavoodle