

We now have a uniform defamation law in Australia, encompassing common law as well. When threatened with a law suit, most people are unsure what is defamatory and whether they had a right to say what was said (or written). At City First Solicitors we can help you with legal advice and help you decide what action needs to be taken.

What constitutes defamation?

The basic idea of the defamation law is to balance the private right to protect one's reputation with the public right to freedom of speech. Defamation law allows people to sue those who say or publish false and malicious comments.

Types of defamation

There are two main types of defamation:

- Oral defamation – often called slander

Example: You say on television that a building was badly designed. The libel due to the imputation that the architect is professionally incompetent, even if you didn't mention any names.

- Published defamation – called libel – a newspaper article or television broadcast are libel.

Example: You write a letter to a newspaper saying that a politician is corrupt. That's libel of the politician, even if it's not published.

Publication over the internet is now covered.

How to avoid defamation

An important rule in avoiding defamation is to state the facts, not the conclusion. Let the readers draw their own conclusions.

Examples:

Instead of saying "The politician is corrupt", it is safer to say "The politician failed to reply to my letter" or "The politician received payment of \$50 000 from the shop owner."

Instead of saying "There has been a cover up", it's safer to say "The police never finalised their inquiry and the case has been dormant for 10 years."

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