

## What should I do if I think I have defamed someone?

There are certain defences to defamation. These include the Court finding that;

- The communication is substantially true ; or
- The communication is privileged, i.e. it is repeating what has been said in parliament or Court; or
- The communication is an "honest opinion" i.e. a newspaper restaurant review; or
  - The communication is trivial , that is, it is unlikely to cause harm

It may be worth your while to offer an apology to a similar audience as heard the original defamation. This may reduce any damages that are awarded against you.

If the person defamed is likely to take you to court, you should seek legal advice.



NORTHERN RIVERS  
community  
legal  
centre

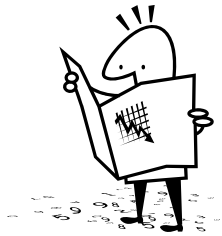
What you  
need to  
know about



Defamation  
Law

Northern Rivers  
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**Defamation law is said to be a 'law for the rich and famous'. This is because the cost of suing someone for defamation is very high, and the amount of compensation granted to the average person is low.**



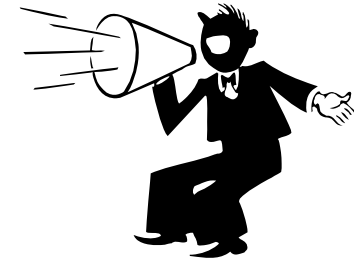
**Defamation law protects people from the communication of damaging material that would cause the audience to think less of the person. This law is about compensation for loss of reputation. Examples of defamatory statements may be that someone is corrupt, dishonest, criminal, or insane.**

### **What rights do I have if I have been defamed?**

If you have been defamed, you have a right to sue the person responsible. However, there are very few circumstances in which it will be worth your while to do so. Suing someone for defamation is very expensive, as you will need to hire a private solicitor and probably a barrister. Legal Aid Commissions and Community Legal Centres do not do defamation work.

**While the cost of defamation cases vary, it is likely that a defamation suit may cost you more than \$20 000. If you lose, you are likely to have to pay the costs for the other side as well.**

If you are found to have been defamed, the courts will not usually order that an apology be made, but money ('damages') may be granted to you. The amount of damages awarded will depend on how many people heard the communication, and the 'value' of your reputation.



Therefore, if you are a well known person (for example a celebrity) and the communication was made to many people (i.e. through the media), then it may be worth your while to sue the person responsible.

However, if you are an ordinary person, and not many people heard the communication (it was spoken to a small group, or written in a club newsletter) then the amount of damages awarded will be very low, if any are awarded at all.

**Limitation Period: 12 Months**

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