

## Book Review: Defamation Law



Author: Dr. David Rolf

Publisher: Thomson Reuters

Reviewer: Brian Morgan

*This very recently published book strikes me as being akin to a "user's handbook". It provides an overview of the subject but stops short of developing the detail that one might need if preparing an action for Court.*

I do not intend that description to be critical. Far from it. Defamation is such a complex topic that it needs a book like this to enable lay people and practitioners who lack detailed experience in the field, to develop a basic understanding.

The author uses the history of defamation, the differences between libel and slander, at common law and the refinement through the cases and legislation, as a background to explain how we have got where we are, with Defamation. Along the way, the author makes some apposite comments about where and how the law might be reformed.

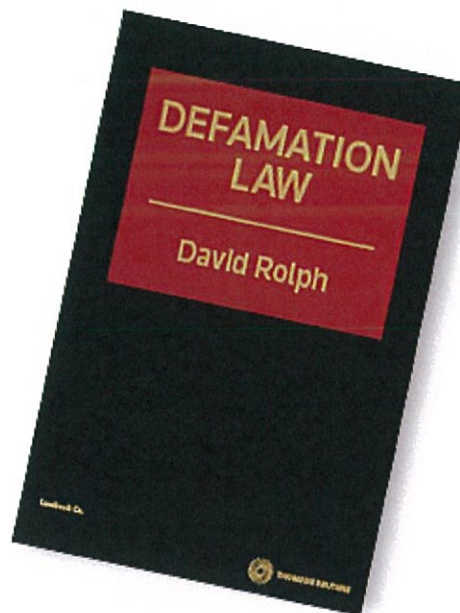
For example, until the uniform defamation legislation, some States continued to require that a claim for slander be dealt with differently to one for libel (one being oral and the other written). The "uniform" legislation is not completely uniform.

The legislation now provides that a claim must be commenced within 12 months, rather than the traditional period of three years. I remember well, one of my early teachers suggesting that if a person had been truly injured by defamation, it was inconceivable that they would do nothing about it for months. In fact, in my practice over the years, prospective plaintiffs have been very quick to seek legal advice, much more so than in other areas of tort. It is usual for them to push for us to commence proceedings within several weeks of the publication.

The author discusses the crucial topic of who has standing to sue for defamation. Again, I can think of a number of occasions when I have had to explain this difficult concept to clients (without the benefit of Dr. Rolf's book!).

His chapters set out precisely what one would expect, i.e., they consider Defamatory Capacity and Meaning, Identification, Publication, Justification, Absolute and Qualified Privilege, Protected Reports, Fair Comment and Honest Opinion, Miscellaneous Defences, Damages, Injunction, Offers of Amends and other remedies and Causes of Action other than Defamation.

The book in paperback, is 424 pages long. By comparison with the more detailed books on the subject, this is a short book. But don't think for a moment that it is only of value for students. As I said earlier, for those not accustomed to working in this field, it is a very useful starting



point.

I can do no better than to quote from the Foreword by Justice Kiefel, where Her Honour says:

*"Dr. Rolph's text combines both academic and practical approaches to this complex topic. He provides a comprehensive explanation of the theory of defamation law and a guide to its many aspects in practice... The opinions he expresses as to the steps which could be taken to simplify this area of the law provide a valuable contribution to resolving what many regard as unfinished business".*