



By Michael Moohan

michael@collinsmay.co.nz
DD: 576 1417

Lloyd Collins

lloyd@collinsmay.co.nz
DD: 576 1403

Eugene Collins

eugene@collinsmay.co.nz
DD: 576 1407

Davina Rowan

davina@collinsmay.co.nz
DD: 576 1411

Amy Haste

amy@collinsmay.co.nz
DD: 576 1412

**Next Issue: The Risk of Not
Paying Your Rates**

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DEFAMED! WHAT CAN I DO?

There has been much ado in the media recently about defamation cases with Chris Cairns being successful in his case against Lalit Modi, and Judith Collins initiating proceedings against two opposition Members of Parliament for making alleged defamatory remarks.

Defamation is basically the publication of a statement about a person that has the effect of lowering him or her in the estimation of "right-thinking" members of the public, where there is no defence for the publication of that statement.

Publication basically means "spreading the statement around". "Publication" is not confined to print or the media, but includes oral statements. As long as the statement is made or given to a third person in whatever form, then it is "published". Publishing on the internet and in cyber space are no exception.

The statement does not have to identify the person by name, as long as an ordinary person could identify him or her from the information published. The publisher does not have to intend for the information to be defamatory. It either is defamatory or it is not.

The normal defence to an allegation of defamation is that either: the information was true; or the information was only the honest opinion of the publisher and is based on provable facts; or there is a qualified privilege available to the publisher.

So if you feel you have been defamed what can you do?

First of all you will need to seek legal advice early on. Your lawyer will be able to analyse the offending statement or statements, and give you an opinion on the relative strength of your case, and possible defences available to the publisher if you were to bring proceedings against him or her.

Your lawyer will be able to give you practical options to take, which may not necessarily mean filing Court proceedings straight away.

Defamation proceedings through the Court are very expensive and time consuming. Once reported on in the media they can actually be more damaging than the initial defamatory statement made, merely because media reports reach a wider audience.

Often the issue can be resolved by the publisher withdrawing the statement and publicly apologising. You will recall that Judith Collins gave the opposition MP's an opportunity to withdraw their statements and apologise.

If however the publisher ignores you you will be left in the position of taking Court action, or taking no further action. Defamation cases are often taken by people who have a public reputation which must be upheld (at least in their view), and often at great expense. A person should think long and hard before filing proceedings in Court although quite often a lawyers letter requiring a retraction and apology will suffice.