

Welcher & Welcher

Pro Bono Legal Advice

SO YOU'VE DEFAMED A POLITICIAN!

A brief history of defamation law

It is surprising to think that just three billion years ago, there were no defamation laws in this country. In fact, it is only recently that uniform defamation laws have been introduced into Australia, and only slightly less recently that it has been illegal to defame other, more casual kinds of clothing.

Calling into question the reputation of a pair of navy blue trousers or an old Pelaco business shirt are two things, but what about defaming the person *inside* those garments (or nearby, if the person has recently undressed)? And if that nude person happens to be a politician in the public eye, then the embarrassment of being stark naked for all to see coupled with a reputation slurred makes the pursuit of legal action inevitable. Or does it?

Common questions

• ***Well, does it?***

Yes.

• ***What is defamation?***

Defamation is saying anything that tends to lower a person's reputation in the eyes of ordinary members of the community. It is therefore extremely difficult to defame a politician, but it can be done, given time and a colourful enough vocabulary.

• ***Who can be defamed?***

Anyone, provided they are living. The law says, however, that a dead person cannot be defamed. Isn't that right, Sir Robert Gordon Menzies, you big fat liberal monarchist twat?

• ***What if I only 'think' someone is, for example, a stupid bastard?***

Defamatory statements are either written or verbal (or both at the same time if you're reading aloud to your friends). Merely 'thinking' someone is a stupid bastard is not deemed defamatory - but beware ill-tempered telepaths.

• ***What is the 'privilege defence'?***

The 'privilege defence' is a variation on the Catalan opening, a chess gambit popularized by both Gary Kasparov and Gary Coleman in the mid-'80s. It involves early mobilization of the Queen's rook, followed by a petulant sweep of all pieces from the chessboard accompanied by an anguished, girlish squeal.

Less Common Questions

Is it possible to defame an animal, like, maybe...a duck?

No.

Can you tell me some words that almost rhyme with defamation?

Sedation, foundation, navigation, deformation, creation.

Who directed Sunrise (1927) and was he ever defamed?

The silent classic *Sunrise* was directed by the great German director FW Murnau. Murnau was once called a 'stupid know-nothing silly' by Eric van Viele, an extra on Murnau's earlier silent film, *Nosferatu* (1922). The subsequent defamation case was settled out of court for an undisclosed sum. Three days later, Viele was beheaded.

How we can help

Insults and abuse - whether through the nib of a pen or the mouth of a head - are second nature to our trained legal specialists at *Welcher and Welcher*. Unlike other firms specialising in defamation law, we adhere to 'the more the better' theory. Ask us what we mean - and we just might tell you!