

# VCE Legal Studies: Task

## Defamation

This task relates to the elements of the tort of defamation

After meetings of the School Council at Greenfriars School, it is customary for refreshments to be served. The Council consists of senior staff, parent representatives and local dignitaries. After the March meeting, the Deputy Principal, Mr Adrian Stupor, who enjoyed a drink, was chatting with one of the parents, Gladys Gainsborough, who mentioned the forthcoming exhibition by the Head of the Art Department, Mr Roger Rivers. Mr Stupor responded, "If Rivers put half the time into teaching Art that he puts into his own painting, he'd do his job a lot better than he has been. He is self-obsessed and lazy".

Word got back to Mr Rivers who decided to sue the Deputy Principal for defamation.

Use this case to illustrate your responses, where appropriate, to the following questions:

- What rights are protected by the law of defamation?
- What elements are required to establish liability for defamation?
- Are there any limitations on actions for defamation?
- What possible defences could be raised in a case of defamation?
- What has been the role of statute law and common law in developing the elements and defences in defamation?
- What impact could the breach of the law of defamation have on the parties?