

DEFAMATION LAW PRACTICE

As Australians, we have a right to freedom of speech that can sometimes be to the detriment of others. We understand that this can lead to negative and far-reaching consequences for an individual's professional and personal reputation. At Shine, we have a team of experts who are dedicated to simplifying defamation law and helping our clients achieve an appropriate solution.

Do I have a defamation claim?

To establish a claim for defamation, you must be satisfied of the following:



PUBLICATION

The information that you consider to be defamatory must be communicated to others. This can be verbally, in writing, in gesture or through pictures.



IDENTIFICATION

The information **must identify you**. Your name need not be specifically mentioned, but it must be sufficient to allow someone to infer that it is referring to you.



DEFAMATORY MATERIAL

The information must contain defamatory material, regardless of whether it was published intentionally or not.



DEFENCE

The publisher of the information has no valid defence against your claim. The defences available under Queensland law include, but are not limited to justification, honest opinion and innocent dissemination.

How we can help

Shine Lawyers' team of defamation law experts can help make an assessment of your situation to determine the options that are available to you. Provided you have a valid claim for defamation, we will guide you through the following process.

1

Issue a Concerns Notice

The first step is to issue a Concerns Notice to the party alleged to have defamed you. This sets out the grounds regarding why you believe you have been defamed by the party.

2

Accept or reject an Offer to Make Amends

Once the Concerns Notice has been issued, the party that has defamed you has a 28 day timeframe to issue an 'Offer to Make Amends' in order to settle the matter. Such an offer can include, but is not limited to:

- A written apology
- Retraction of defamatory imputations
- A letter stating each imputation published is untrue
- Publication of a correction
- A promise not to publish defamatory imputations in the future, or
- Compensation.

3

Institute proceedings on your behalf

If an acceptable resolution is not reached with the approach above, or if you urgently need to restrain the publication of defamatory material, our team can commence proceedings on your behalf seeking an injunction and / or damages.



Time limitations

When it comes to defamation actions, time is of the essence. It is essential that individuals act fast to prevent further damage to their reputation.

Defamation Law is largely governed by the *Defamation Act 2005* (QLD). Under this act, a claim must be brought within one year from the date of publication for all material published after 1 January, 2006.

It is important to understand that after certain time periods, you may not be able to lodge a claim.

Legal fees

We understand that defamation proceedings can be costly. To provide you with a greater level of certainty, we'll offer to run your defamation claim on a fixed-fee basis. This service will include:

- An initial consultation with a member of our team
- The issuing of a Concerns Notice to the party alleged to have defamed you
- All costs associated with participating in negotiations.

Should the need to commence legal proceedings arise, our team can then act for you on an hourly rate basis.

Why choose Shine?

- We take the time to understand your situation, formulate practical and effective solutions, and carefully explain all options that are available to you
- We are not your typical 'clinical lawyers'. We believe it is a privilege to stand up individuals when they need us
- Our team is dedicated to defamation matters. With a proven track record in achieving results for our clients, we are experts in this complex area of law.

Our team



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