

PROCEDURE - DEFAMATION

Purpose of Procedure

The purpose of this Eastern Community Broadcasters Inc hereafter referred to Radio Eastern fm procedure is to provide guidance to all Radio Eastern operational staff of the complexity of defamation.

Background

This procedure is based on necessity for all to be cautious in making contentious statements.

Procedure

All operational members of Radio Eastern fm shall be fully aware of the Policy and implications associated with Defamation and in particular:

- a. reasonable mistakes or a general lack in intention to defame are in general, no defence.
- b. truth of the statement is not a defence, unless it can be established that it was published or broadcast for the public benefit.
- c. certain publications are absolutely privileged, that is they cannot be made the subject of legal action. The most important examples are the verbatim reports of parliamentary proceedings and papers printed by order of Parliament.
- d. qualified privilege attaches to a much wider range of publications, including fair and accurate summary reports of parliamentary, local government and judicial proceedings. The defence is lost if the publication is made in bad faith, or from motives of personal spite or ill will.
- e. An important general defence is that of fair comment on a matter of public interest. This permits the publication of works containing vigorous comment on people or works of people who put themselves before the public for support or approval, such as politicians, writers of published books and performers in theatre, radio and television. Criticism does not have to be reasonable; it only needs to be honestly entertained. But criticism, must, so far as it depends on facts, be supported by true and relevant facts.
- f. Defamation is a complex area of law. Even seemingly innocent remarks could give rise to legal action.

The general rule for all is "do not make defamatory comments about a person, corporation or other entity" unless you fully understand the contents of this Procedure.

This Procedure is supported by the Defamation Policy (ies);

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