



Friday, 7 June 2019

Weekly Defamation Law A Weekly Bulletin listing Decisions of Superior Courts of Australia covering Defamation Law

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Executive Summary (1 minute read)

Tate v Australian Broadcasting Corporation (FCA) - defamation - pleadings - plaintiff granted leave to file further amended statement of claim - first respondent granted leave to file amended defence

Hanson-Young v Leyonhjelm (No 3) (FCA) - defamation - applicant sought that evidence of two witness be taken by videolink - application allowed with respect to one witness



Summaries With Link (Five Minute Read)

Tate v Australian Broadcasting Corporation [2019] FCA 610

Federal Court of Australia

Bromwich J

Defamation - pleadings - plaintiff sought to amend further amended statement of claim - plaintiff sought to amend 'Imputation A' - first respondent objected to amendment of 'Imputation A' - plaintiff objected to defence's truth pleadings - plaintiff sought that Court strike out or disallow 'certain categories' of 'truth particulars' - whether imputation 'fit to proceed to a factual determination' - whether particulars 'too imprecise' - whether particulars could prove imputations' truth - consideration of defence to certain imputations - held: plaintiff granted leave to file further amended statement claim with amendment to 'Imputation A' - first respondent granted leave to file amended defence - parties to submit orders to reflect reasons.

[Tate](#)

[From Benchmark Friday, 7 June 2019]

Hanson-Young v Leyonhjelm (No 3) [2019] FCA 645

Federal Court of Australia

White J

Defamation - interlocutory application - applicant sought that the taking of evidence of two of applicant's 'proposed witnesses' be by videolink - respondent opposed order - s47A *Federal Court of Australia Act 1976* (Cth) - whether applicant showed it was appropriate for Court to exercise discretion - strength of application - interests of justice - held: application allowed with respect to one witness.

[Hanson-Young](#)

[From Benchmark Friday, 7 June 2019]

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To a Locomotive in Winter

By: Walt Whitman

Thee for my recitative,
Thee in the driving storm even as now, the snow, the winter-
day declining,
Thee in thy panoply, thy measur'd dual throbbing and thy
beat convulsive,
Thy black cylindric body, golden brass, and silvery steel,
Thy ponderous side-bars, parallel and connecting rods,
gyrating, shuttling at thy sides,
Thy metrical, now swelling pant and roar, now tapering in
the distance,
Thy great protruding head-light fix'd in front,
Thy long, pale, floating vapor-pennants, tinged with delicate
purple,
The dense and murky clouds out-belching from thy smoke-
stack,
Thy knitted frame, thy springs and valves, the tremulous
twinkle of thy wheels,
Thy train of cars behind, obedient, merrily following,
Through gale or calm, now swift, now slack, yet steadily
careering;
Type of the modern—emblem of motion and power—pulse of
the continent,
For once come serve the Muse and merge in verse, even
as here I see thee,
With storm and buffeting gusts of wind and falling
snow,
By day thy warning ringing bell to sound its notes,
By night thy silent signal lamps to swing.

Fierce-throated beauty!
Roll through my chant with all thy lawless music, thy
swinging lamps at night,
Thy madly-whistled laughter, echoing, rumbling like an
earthquake, rousing all,
Law of thyself complete, thine own track firmly holding,
(No sweetness debonair of tearful harp or glib piano thine,)
Thy trills of shrieks by rocks and hills return'd,
Launch'd o'er the prairies wide, across the lakes,
To the free skies unpent and glad and strong.



https://en.wikipedia.org/wiki/Walt_Whitman

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