



Friday, 16 April 2021

## 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)

**Molan v Dailymail.com Australia Pty Limited** (FCA) - defamation - discovery - interrogatories - adjudication of 'points of disagreement' between parties

**Ogbonna v Qantas Airways Ltd [No 3]** (WASC) - pleadings - defamation - plaintiff sought 'to file and serve a substituted statement of claim' - leave granted with deletion of two paragraphs



## Summaries With Link (Five Minute Read)

### **Molan v Dailymail.com Australia Pty Limited [2021] FCA 336**

Federal Court of Australia

Bromwich J

Defamation - discovery - interrogatories - dispute concerning discovery and interrogatories - 'each side' sought discovery and interrogatories of other - 'reasonable measure of agreement' between parties - adjudication of 'several points of disagreement' - 'disputed interrogatories' - 'disputed categories of discovery' - ss25, 26, 30, 31 & 36 *Defamation Act 2005* (NSW) - s36 *Evidence Act 1995* (Cth) - Defamation Practice Note - held: orders made.

[Molan](#)

[From Benchmark Wednesday, 14 April 2021]

### **Ogbonna v Qantas Airways Ltd [No 3] [2021] WASC 94**

Supreme Court of Western Australia

Le Miere J

Pleadings - defamation - plaintiff sought 'to file and serve a substituted statement of claim' - *Limitation Act 2005* (WA) - 'new plea' - imputation 'added back' - claim for apology - held: leave granted in terms sought with deletion of two paragraphs.

[Ogbonna](#)

[From Benchmark Monday, 12 April 2021]

# Benchmark

## Up in the Hills From “Autumn Leaves”

**By:** Helen Louise Birch

THE EARTH smells old and warm and mellow, and all things lie at peace.

I too serenely lie here under the white-oak tree, and know the splendid flight of hours all blue and gay, sun-drenched and still.

The dogs chase rabbits through the hazel-brush;  
I hear now close at hand their eager cries, now swift receding into the distance, leaving a-trail behind them in the clear sweet air shrill bursts of joy.

There's something almost drowsy in that waning clamor;

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It brings the stillness nearer and a sense of being bodily at one with the old warm earth,

Blessedly at one with the fragrant laughing sun-baked earth,

At one with its sly delightful wicked old laughter.

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