



Friday, 20 December 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)

**Wagner & Ors v Nine Network Australia & Ors (No 2)** (QSC) - costs - defamation - parties agreed defendants should plaintiffs' costs - plaintiffs' sought payment of costs on indemnity basis - indemnity costs order granted

**Meyer v Solomon** (WASC) - defamation - plaintiff sought extension of time to commence action against defendant - Court prepared to grant period of extension but period not long enough to redress action's 'underlying defectiveness' - application dismissed

## Summaries With Link (Five Minute Read)

### **Wagner & Ors v Nine Network Australia & Ors (No 2) [2019] QSC 309**

Supreme Court of Queensland

Applegarth J

Costs - defamation - parties agreed defendants should plaintiffs' costs - plaintiffs, in reliance on s40 *Defamation Act 2005* (Qld) or *Calderbank v Calderbank* principles, sought that defendants pay their costs on indemnity basis - whether defendants unreasonably failed to make "settlement offer" because settlement offer was not a "reasonable offer at the time it was made" - whether defendants unreasonably failed to agree to plaintiffs' settlement offer - held: indemnity costs order granted.

[Wagner](#)

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### **Meyer v Solomon [2019] WASC 458**

Supreme Court of Western Australia

Kenneth Martin J

Defamation - plaintiff claimed he was defamed by email which defendant sent - plaintiff sought extension of time under s40 *Limitation Act 2005* (WA) to bring proceedings against defendant - proceedings had already been commenced by plaintiff without leave, by plaintiff's filing of writ - defendant opposed plaintiff's application - whether Court had power to grant extension of time and, if so, whether and 'for how long' to grant extension - whether 'not reasonable' for plaintiff to have commenced proceedings 'within one year threshold' - whether plaintiff's inaction by failure to seek 'leave to commence' under s40(2) *Limitation Act* beyond certain date was satisfactorily explained or excusable - whether delay in service of writ on defendant explained - held: Court satisfied to grant extension of time for certain period - however period not long enough to redress action's 'underlying defectiveness' - application dismissed.

[Meyer](#)

[From Benchmark Thursday, 19 December 2019]



# Benchmark

**Out there**

**By:** Rev David Conolly

So big, that sea  
out there.

So big.

Stopped in your tracks,  
silence claims you.

What is it, child of Mary?

Could it be that, in your  
sunny spirit of  
adventure,  
you sense  
the sudden passing  
of a shadow?

But the dream  
of a world  
of peace,  
healed by love,  
could remain

just that  
a dream.

Unless  
you step,  
bravely  
and surely,  
to where  
we're waiting.

Out there.

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