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STUART LITTLEMORE QC

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Att: Mr Robert Caddies

Dear Sirs,

Re: Anglican Diocesan Committee - advice

Thanks for your letter of 27 November. I have been away from chambers in Perth, and have only now seen it.

As to the statement that a substantially true complaint can never be actionable, it is correct. Not only are you right in saying that the sentence should be read in the context of paragraph 3 (which is headed "A non-malicious complaint to the proper Church authorities is not actionable"); but the use of the word "complaint" as opposed to "statement" is determinative.

If you wish to exercise more abundant caution (although I would not have considered it necessary), then you could amend the sentence to read as follows:

A complaint of sexual harassment, made to the proper Church authorities, that is substantially true (it need not be literally true in every particular) could never be the subject of a successful suit for defamation.

I trust this deals with the doubt you had.

Incidentally, in general terms, it is theoretically possible for a true statement to be actionable as defamation - but I have never seen such a case. It would only apply where a mass medium published to all the world a defamatory statement about a person, which statement did not relate to a matter of legitimate public interest; or to a non-media publication where no qualified privilege was arguable.

Yours faithfully,



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