



HIGH COURT OF AUSTRALIA

Public Information Officer

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GEOFFREY ROBERTS AND KENNETH CASE v RODNEY BASS

The High Court of Australia has allowed appeals by Geoffrey Roberts and Kenneth Case against judgments that they were liable to pay damages for having defamed former Liberal member for the South Australian seat of Florey, Rodney “Sam” Bass. He lost his seat in the 1997 state election.

Mr Roberts, representing the so-called Clean Government Coalition, produced three documents making claims critical of Mr Bass, particularly about taxpayer-funded travel. The first two documents were letterboxed during the 1997 election campaign. The third, a how-to-vote card, was handed out on election day, including by Mr Case. The three documents are set out in the judgment of Justice Callinan.

The SA District Court decided Mr Roberts and Mr Case injured Mr Bass by publishing false and defamatory material. The Court held that the publications were made on occasions of qualified privilege at common law but the privilege was lost by the malice of Mr Roberts and Mr Case.

On appeal, the Full Court of the SA Supreme Court upheld the finding of malice and increased the damages awarded against Mr Roberts from \$60,000 to \$100,000, made up of \$20,000 for the first publication, \$35,000 for the second and \$45,000 for the third. It upheld the award of damages against Mr Case of \$5,000.

Mr Roberts and Mr Case appealed to the High Court. They argued that the decision of the South Australian courts was affected by legal error. That argument was upheld.

The High Court, by majority, overturned the orders of the Full Court of the SA Supreme Court and allowed the appeals of both Mr Roberts and Mr Case. In Mr Roberts’s appeal, it ordered a new trial. In Mr Case’s appeal it ordered that judgment be entered in his favour.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court’s reasons.*