

Capability Statement

# Media and Defamation

**Bennett**

LITIGATION AND COMMERCIAL LAW



Who you need  
when it matters.

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## Foreword

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I am pleased to introduce Bennett's media and defamation capabilities to you.

When you enter into a relationship with Bennett, we place you and your legal issues at the forefront of everything we do, drawing on our strong internal pool of expertise to deliver you the best commercial outcomes. We work together on a taskforce basis on all of our matters, bringing together a cohesive and dedicated team of legal practitioners focused on achieving your desired commercial outcome. This may involve bringing together the requisite mix of expertise across our various practice areas.

The enclosed capability statement demonstrates the expertise of the collective team at Bennett and the market leading experience of Bennett's Media Law Group.

We strongly value a successful and long term relationship with our clients, and look forward to a positive working relationship with you.

If you have any questions concerning our capability statement please contact me or Martin Bennett, Founding Principal, Bennett.

Kind regards



**Nathan Ebbs**  
Managing Principal



Experience  
where  
it counts.

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We are the largest and most experienced specialised media and defamation law practice in Western Australia.

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Bennett is a pre-eminent Perth based legal practice and market leader in the area of litigation. Our practice spans a broad range of litigation expertise, including an established and specialised media and defamation law practice.

Our media and defamation law practice is predominantly, but not exclusively, based on advising plaintiffs and others aggrieved by defamatory publications.

We have conducted some of the most prominent defamation cases in Western Australia, representing a variety of high net-worth individuals, public officers and politicians, lawyers, sporting and other public personalities, business people and company directors.

The proliferation of media and social media commentary online increasingly generates defamatory content, with the resulting reputational damage being difficult to remedy. Defamation law is notoriously complex and constantly shifting in response to changing community expectations.

We provide pre-publication advice for any type of publication including in relation to public disclosures for ASX-listed clients, directors and shareholders.

We have contributed extensive thought leadership and consulted on reforms in this critical area and the collective experience and knowledge of our media and defamation team is unsurpassed.

With our extensive experience, Bennett's Media Law Group is uniquely placed to provide the right advice at the right time. When the reputations of high profile personalities, politicians, business leaders and high net worth individuals are exposed, they turn to Bennett.

# Prominent decisions.

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## Prominent decisions handed down to Bennett clients.

No other litigation practice appears as frequently before the defamation list judges in the Supreme Court of Western Australia. Since the inception of Bennett in 2011, we have advised and provided representation to clients in relation to over 200 defamation matters. We have been involved in 9 defamation trials before the Supreme Court of Western Australia, and have obtained in excess of 100 interlocutory and final judgments in defamation proceedings before the Supreme Court of Western Australia and the Federal Court of Australia.

These are some of our success stories:

### **Lazos v West Australian Newspapers Ltd [No 2] [2024] WASC 238**

Bennett acted for the successful plaintiff, a public servant falsely alleged to have misused taxi vouchers. The plaintiff was awarded \$180,000. The plaintiff also received a separate settlement from Channel 10 for a news broadcast of a similar allegation.

### **Rayney v Reynolds [No 4] [2022] WASC 360**

Bennett acted for the successful plaintiff who was defamed during a professional presentation. The plaintiff was awarded damages of \$350,000.

### **de Kauwe v Cohen [No 4] [2022] WASC 35; Wright v de Kauwe [2024] WASCA 51**

Bennett acted for the successful plaintiff, a public company director, in respect of two ASX announcements. The plaintiff was awarded damages of about \$530,000 and successfully defended appeals against this award.

### **Green v Fairfax Media Publications Pty Ltd [No 4] [2021] WASC 474**

Bennett acted for the successful plaintiff, who operates a blockchain-based energy trading platform, in respect of two articles published in The Australian Financial Review. The plaintiff was awarded damages of \$400,000.

### **Jensen v Nationwide News Pty Ltd [No 13] [2019] WASC 451**

Bennett acted for the successful plaintiff, a politician, in respect of two articles published in The Australian. The plaintiff was awarded damages of \$325,000.

### **Rayney v State of Western Australia [No 9] [2017] WASC 367**

Bennett acted for the successful plaintiff who was defamed during a press conference. The plaintiff was awarded damages of \$1,249,549 for economic loss and \$600,000 for non-economic loss, plus interest.

### **Sims v Jooste [No 2] [2014] WASC 373**

Bennett acted for the successful defendant at trial and on appeal.

Thought  
leadership.

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Bennett's recent publications in media and defamation law.

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**Millions in Costs and a Reputation in the eyes of the Court left in Tatters: The Legal Fallout from Ben Roberts-Smith's Failed Appeal**

By Demi Swain and Eliza Fletcher

**Keep an eye on the time: Defamation and Limitation**

By Alex Tharby and Mark Donaldson

**How your Western Australian postcode could affect your success in a defamation case**

By Dr Michael Douglas and Alex Tharby

**Politicians, qualified privilege and the right of reply**

By Taleesha Elder and Alex Tharby

**Submission on the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 Exposure Draft**

By Martin Bennett, Alex Tharby, Demi Swain and Monique Vincent

**Reviews in review: The businesses suing and being sued over their online reviews**

By Demi Swain and Laura Cohn

**Responsibility of OpenAI for defamation by ChatGPT**

By Dr Michael Douglas

**Can you record someone without their consent? And if you do, can you publish the recording?**

By Alex Tharby, Dr Michael Douglas and Andrew Filing

**Can the public trust media claims for immunity for investigative journalism?**

By Rachel Ross

**Submission on the review of model defamation provisions**

**Stage 2 Part A and Part B**

By Martin Bennett, Fabienne Sharbanee, Taleesha Elder, Dr Michael Douglas and Pragma Srivastava



Defamation



Pre-publication advice



Social media



Online reviews



Suppression orders



Privacy



Government



Corporate



Medical professionals



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