



## Quiz

### Defamation: the Defence of Honest Opinion

1. Which of the following is not true in relation to the requirement to establish objective fairness?
  - a. There is a legislative requirement in Australia to establish objective fairness
  - b. At common law a defendant must establish that a comment was objectively fair
  - c. There is no legislative requirement in Australia to establish objective fairness
  - d. In the case of *O'Brien v Australian Broadcasting Corporation* [2014] NSWSC 420, McCallum J considered both the common law and statutory defence in relation to objective reasonableness.
2. Which of the following is not an element of the defence of fair comment/honest opinion?
  - a. The comment was a statement of opinion not fact
  - b. The comment was on a topic of public interest
  - c. The comment was true
  - d. All of the above.
3. If the elements of the defence of fair comment/honest opinion are satisfied, what must a plaintiff do to defeat the defence
  - a. Prove that the opinion wasn't actually an honest opinion
  - b. Prove that the opinion was unwarranted
  - c. Prove that the opinion was otherwise than stated by the plaintiff
  - d. All of the above

4. Which of the following is false concerning the public interest requirement?
- a. The test is broad
  - b. In the UK the public interest requirement has been dispensed with
  - c. Justice Rothman made remarks in relation to public interest in *Milne v Ell* [2014] NSWCA 407,
  - d. The public interest requirement is limited to the common law defence.
5. Which of the following is true:
- a. The defence of fair comment/honest opinion is a bastion of free speech in Australia
  - b. The defence is both a statutory defence, and a common law defence
  - c. The defendant bears the onus to establish the defence
  - d. All of the above

Answers:

1. a 2. c 3. a 4. d 5. d