



## HIGH COURT OF AUSTRALIA

Manager, Public Information

22 April 2009

### RADIO 2UE SYDNEY PTY LTD v RAY CHESTERTON

Today the High Court dismissed Radio 2UE's appeal in relation to an earlier jury finding that comments made by John Laws about Ray Chesterton on the John Laws Morning Show were defamatory.

On 8 August 2005, on his radio program, John Laws made some derogatory comments about Ray Chesterton, a journalist who had previously worked with 2UE. Radio 2UE Sydney Pty Ltd is the licensee of the radio station over which the comments were broadcast. Mr Chesterton sued 2UE for defamation.

At the trial before a judge and jury in the Supreme Court of NSW, the jury had to decide whether the comments made by John Laws conveyed certain imputations about Mr Chesterton and, if so, whether those imputations defamed him. The jury decided in Mr Chesterton's favour on both of those issues.

Radio 2UE appealed to the NSW Court of Appeal, arguing that the trial judge had given the members of the jury incorrect directions about how they should decide whether Mr Chesterton had been defamed in respect of his professional or business reputation. The Court of Appeal, by majority, found that the trial judge had given appropriate directions to the jury.

2UE was granted special leave to appeal to the High Court. A majority of justices affirmed that the general test for defamation, namely whether an ordinary reasonable person would think less of the plaintiff because of what was said about him or her, applied to imputations regarding all aspects of a person's reputation, including business reputation.

All members of the High Court considered that the trial judge had given appropriate directions to the jury about how they should approach the task of determining whether Mr Laws' comments contained certain imputations, and if they did, whether the comments were defamatory. The members of the Court were unanimous in dismissing 2UE's appeal.

- *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.*