

Rush v Nationwide News (2019) Federal Court of Australia

DEFAMATION IN ACTION

Geoffrey Rush won his defamation case after the Federal Court ruled that The Daily Telegraph wrongly implied he engaged in sexual misconduct, harming his reputation. The case clarified that the law requires the media to base defamatory claims on verified facts, not unverified allegations.



Learning goals:

- Students will be able to explain how courts assess defamatory imputations and why accuracy and evidence are essential in journalism.



Geoffrey Rush



Jonathon Moran



Fact:

In late 2017, The Daily Telegraph, published by Nationwide News Pty Ltd, ran a series of prominent articles about renowned Australian actor Geoffrey Rush. On 30 November 2017, the newspaper's front page featured a dramatic promotional photograph of Mr Rush dressed as King Lear from the Sydney Theatre Company's production of King Lear. The image appeared beneath the headline "KING LEER", alongside an article titled "STAR'S BARD BEHAVIOUR," written by journalist Mr Jonathon Moran. The article claimed that Mr Rush had been accused of "inappropriate behaviour" during the production, although it noted that Mr Rush denied the allegations.

The following day, The Daily Telegraph published a second article, also written by Mr Moran, stating that two Sydney Theatre Company actors had spoken out in support of the unnamed accuser. The article relied on unnamed sources, claimed the allegations were believed, suggested that the STC would not work with Mr Rush again, and linked the accusations against Mr Rush to other Australian and international sexual misconduct scandals involving prominent entertainment figures.

Mr Rush sued the Telegraph's publisher, Nationwide News Pty Limited, and the main author of the stories, Mr Jonathon Moran. Mr Rush alleged that the publications conveyed a number of defamatory imputations, including that:

- he had engaged in scandalously inappropriate behaviour in the theatre;
- he had engaged in inappropriate behaviour of a sexual nature in the theatre;
- he had committed sexual assault in the theatre;
- he was a pervert; and
- he had behaved as a sexual predator, and had inappropriately touched an actor while working on the STC's production of King Lear.

He claimed the publications exposed him to "*hatred, ridicule and contempt*," that he had been "*gravely injured in his character and reputation as an actor*," and that he had "*suffered hurt and embarrassment and ha[d] suffered and will continue to suffer loss and damage*." As a result, Mr Rush commenced defamation proceedings against Nationwide News Pty Ltd and journalist Jonathon Moran in the Federal Court of Australia.



Issue:

The court had to determine:

- ② Whether the articles written by Mr Jonathon Moran and published by The Daily Telegraph conveyed defamatory meanings about Geoffrey Rush
- ② Whether those publications harmed Mr Rush's personal and professional reputation
- ② Whether Nationwide News Pty Ltd could rely on any defences under defamation law
- ② Whether Mr Rush was entitled to damages for reputational, emotional, and economic harm



Principles of Justice:

This case reinforced the strong protection of individual reputation under Australian defamation law and clarified the responsibilities of media organisations when reporting allegations of misconduct.

A publication is defamatory if it conveys imputations that would lower a person's reputation in the eyes of ordinary members of the community, and those imputations cannot be justified by



Decision:

The Federal Court held that:

- » the articles conveyed serious defamatory imputations, including that Mr Rush had engaged in inappropriate sexual misconduct.
- » The court held that these imputations harmed Mr Rush's reputation and exposed him to hatred, ridicule, and contempt.
- » Nationwide News Pty Ltd failed to establish any valid defences, as the allegations were not proven to be true.
- » Mr Rush was awarded \$850,000 in general damages and, by agreement, a further \$1.98 million for past and future economic loss.



Nationwide News Pty Ltd appealed the decision to the Full Court of the Federal Court of Australia. The publisher argued that the trial miscarried due to an apprehension of bias, claiming that the manner in which the trial judge conducted the proceedings created an appearance of bias. Nationwide News did not allege actual bias. The appeal was heard by a bench of three judges, who dismissed the appeal.

evidence. Media organisations must ensure that allegations are supported by verified facts; reliance on unproven claims or sensationalised reporting may constitute defamation.

The case highlighted that even where allegations are denied by the subject, the manner, tone, and context of reporting can still cause serious reputational harm and attract substantial damages.