



## **The Trail Riders Fellowship Defamation Policy.**

**The TRF Online Forum carries this standing policy on defamation in members' postings:**

### **TRF Forum: Defamation Policy**

If you post content on this forum that we believe might be defamatory, we will remove it. Potentially defamatory material, may, at our discretion, be posted if there is credible evidence supporting your claims, or if the content is deemed to be fair comment. It is your responsibility to demonstrate 'fair comment' and or 'credible evidence'.

### **Rules for Posting.**

The TRF Forum welcomes comments from its members registered to the website, however we reserve the right to remove or amend without notice comments which in our view:

- Are considered likely to disrupt, provoke, attack or offend others.
- Are racist, sexist, homophobic, sexually explicit, abusive or otherwise objectionable.
- Contain swear words or other language likely to offend.
- Break the law or condone or encourage unlawful activity. This includes breach of copyright, defamation and contempt of court, and also Road Traffic offences and serious environmental impact.
- Advertise products or services for profit or gain.
- Are seen to impersonate someone else.
- Are written in anything other than English.
- Contain links to other website without the express prior consent of the ACT.
- Use unattributed quotations used beyond accepted fair use.

The use of such comments may lead to account suspension or termination.



## **What is Defamation?**

Defamation is the legal term that covers both slander and libel; slander is defamation by word of mouth, and libel is defamation in written form. A statement about an individual or organisation is deemed to be defamatory if it harms their reputation by:

- Exposing the individual or organisation to hatred, ridicule or contempt;
- Causing the individual or organisation to be shunned or avoided;
- Lowering the individual or organisation in the estimation of right-thinking members of society; or
- Disparaging the individual in their office, profession or trade or the organisation's office, profession or trade.

## **Avoiding Defamation**

The following sets out some of the defamation issues you should be aware of when posting content on this forum.

- **Meaning.** Regardless of whether you intend to or not, if a statement is understood by a reasonable person to be defamatory, you will be liable for defamation.
- **Identification.** For a defamation case to succeed, the defamatory statement must be seen to refer to the claimant, even if that was not the writer's intention. Leaving out someone's name is no guarantee of avoiding defamation, if there are other clues that could lead to their identification.
- **Repetition.** Just because you are quoting someone else's words does not mean it is safe. You could just be repeating a defamatory statement. As far as the law is concerned, each publication is a fresh publication of the defamation and can be sued upon.



**In addition to the online policy statement (above), the TRF has a complaints procedure available if forum postings cannot be promptly resolved by the Forum Moderator.**

### **Complaints Procedure**

1. The TRF recognises the sensitive nature of complaints of defamation. No one should be deterred from reporting potentially defamatory statements put on the TRF Forum which causes them distress because of embarrassment or fear of intimidation or concerns about publicity.
2. Any person who wishes to complain about content placed on the TRF Forum which may be defamatory of them or of others should contact the TRF as soon as possible after becoming aware of the potentially defamatory statement. The first line of complaint is to refer the posting to the Forum Moderator using the link available on the TRF Forum. If no resolution can be achieved, a person aggrieved may contact the TRF's Honorary Chairman at the address in this Handbook.
3. If any person delays in informing the of the potentially defamatory statement, it is understood that this may increase the damage to their reputation, and the number of people who see the content and may believe the statement is true.
4. Any person offended should make a complaint in writing and, where possible, state:
  - the name of the person offended by the content
  - the name of the person that posted the content. If this is not known provide any other relevant information
  - the precise nature of the offending content e.g. details of the statement made, where the statement features on the website, how the statement is potentially offensive
  - date(s) and time(s) when content was posted (if known)
  - names of any parties known to have seen the content
  - any action already taken by the complainant in relation to the offensive content.
5. The TRF will treat the complaint in confidence and will remove a statement they consider to be actually or potentially defamatory as soon as practicable and will



make such further investigation as is needed to determine (i) whether the statement is or is not defamatory and (ii) whether it should remain removed or may be re-instated on the website.

6. Where it is not possible for the complainant to inform the TRF via the Forum Moderator, then in a complaint in writing or by email to the TRF Honorary Chairman, the complainant must give enough detail for the TRF to be able to locate and remove the relevant statement.
7. If the complaint is not the person allegedly defamed, the TRF may at their discretion refrain from removing content unless any such notice is followed up by a complaint directly from the person offended.
8. By the TRF removing potentially defamatory material from its website following a complaint, the TRF makes no comment as to whether or not it considers that material to be actually defamatory.