
BASKETBALL QUEENSLAND



Defamation Policy

1. Area of responsibility

Administration

2. Date last updated

30 March 2008

3. Policy Number

POLAD2

4. Purpose

The purpose of this policy is to define what constitutes defamatory material and guidelines on how defamatory material can be dealt with.

5. Policy

Basketball Queensland does not condone the practice of defamation – it is illegal for any organisation or individual to do so.

Defamatory material may be defined as a statement concerning any person, or any member of his/her family, whether living or dead, by which the reputation of that person is likely to be injured or by which he/she is likely to be injured in his/her profession or trade, or by which other persons are likely to be induced to shun or avoid or ridicule or despise him/her.

There are three tests that can be applied to determine whether a statement is defamatory. A statement is defamatory if it leads a person to:

- a) hatred, contempt, or ridicule of another person;
- b) lower their estimation of another person; or
- c) shun or avoid another person

The tests are not mutually exclusive. Provided a statement satisfies **one of the three** tests, then the statement is defamatory.

Defamation can occur in 2 ways:

1. When defamatory material is communicated (published) e.g. email, verbal, letters, faxes, internet to another person/s.
2. When defamatory material received by a person/organisation and is then passed on (republished) to another person/organisation.

Any possible defamatory information displayed publicly in stadiums where Associations are in control or on notice boards provided for the use by Associations should be immediately removed.

Same possible exposure as allowing defamatory material to be circulated.

If a person republishes defamatory material they are as liable as the original publisher is.

Legal action can be instigated against any person regardless of employed or volunteer status.

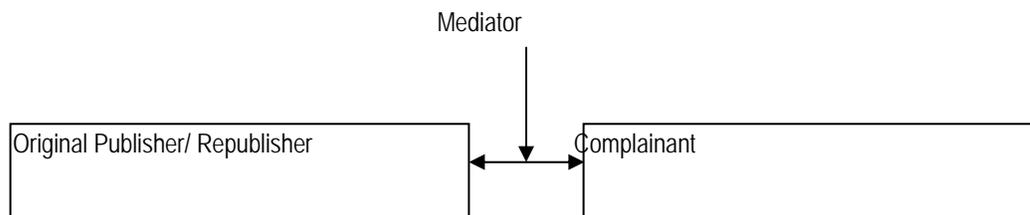
Basketball Queensland recommends that all communication (verbal, written and non-verbal) be based on facts which are true and truly stated.

Procedure if defamatory material is received

- Step 1: Do not forward this information on.
- Step 2: Contact the person who the material defames and advise them you have received the information
- Step 3: Notify the CEO of Basketball Queensland defamatory material has been received
- Step 4: Send the defamatory material to the Chief Executive Officer, Basketball Queensland, in a sealed envelope and mark it with 'Possibly Defamatory Material Inside' - this is important otherwise it could be perceived that the material being forwarded is condoned therefore continuing the defamation process.
- Step 5: ***No copies should be kept.***

Recommended Process if defamatory material is published

Stage 1 - Internal Mediation



- Mediation between the two parties
- This should be undertaken at the appropriate level e.g. local issues managed by the appropriate local association.
- Basketball Queensland will not enter into stage 1 unless it impacts on the integrity of basketball in Queensland hence brings the game into disrepute.

If no resolution progress to Stage 2.

Stage 2 - Refer to CEO of Basketball Queensland

If no resolution progress to Stage 3.

Stage 3 - External Litigation

- Basketball Queensland recommends that this stage is a 'last resort' and is not seen as the first option.

Graham Burns
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