

The only winners in the Geoffrey Rush defamation hearing will be the viewers

If either party ever thought they had this under control, they don't anymore. This show will go on. And on.

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In less than two weeks, the biggest show in town — the Geoffrey Rush defamation hearing — will have its premiere. It will star Oscar winner Rush, up-and-comer Eryn Jean Norvill and a host of supporting characters jetting in from all over the world. The red carpet will be swapped out for the dinky conveyor belt which passes for security screening at the Federal Court, and any attempt at a standing ovation would qualify as contempt of court, but don't think this isn't entertainment all the same. It is the transcendent irony of defamation litigation that it provides such a brilliant spectacle for us, the punters. Its legal purpose is to repair a reputation harmed by slanderous attacks; its effect is, usually, to torch everyone who comes near. In litigation, the house always wins. Defamation cases are particularly messy, and therefore horrendously expensive.

It always seems so simple at the beginning: here, *The Daily Telegraph* published a story accusing Rush of inappropriately touching Norvill during a Sydney Theatre Company production of *King Lear* in which she was playing his daughter. Rush, denying any such thing, sued. Straightforward enough: the defamatory imputations are clear, the devastating damage done to him by the "[KING LEER](#)" headline more than obvious. The only viable defence is truth. Either he did it or he didn't.



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Rush's case was looking very good early on, since the *Telegraph* had gone to print without Norvill in its back pocket — she had made a complaint to the Sydney Theatre Company about Rush touching her inappropriately during performances, but had not gone public and had asked the STC not to inform Rush. The *Telegraph* had found out about the story somehow and, as published, it was not first hand.

That's a dangerously exposed position for a publisher under Australia's repressive defamation laws.

Ultimately, however, Norvill agreed to give evidence against Rush, and the audience will be treated to the spectacle of two brilliant actors telling their (presumably) conflicting stories about what really did or didn't go on during five consecutive performances and at the after-party, as the allegations went.

Rush's lawyers had a gripe about the *Telegraph* going on a "fishing expedition" by issuing a subpoena to the STC to get material in support of its defence — "bootstrapping" its case, as lawyers would say. The *Telegraph* maintains it had evidence all along which it hadn't published but backed up what it had run.

The judge, meanwhile, had expressed his concern about the vagueness of the allegations against Rush; so vague, he said, that "[Rush] may not know what he has allegedly done". Fair to say, at this stage, everyone now knows what that is.

The runaway train has steamed on. The case was in court this week, Rush's lawyers complaining to the judge that one of News Corp's lawyers [had travelled to the United States](#) specifically to "dig up dirt" on Rush, calling up Rush's friends over there and asking them for information which has nothing to do with the case. Rubbish, said News' counsel; he was scuba diving. Mostly.

The guaranteed reality is that News is throwing the kitchen sink at this case.

The *Telegraph* ran this story earlier than it might, and took a big risk in doing so. Rush accepted the challenge, and it's been expensive lawyers at 10 paces all the way from there to the trial. The stakes on both sides are incalculable. Millions will have been spent, and reputations will be further trashed in the dredging of the story of Rush's allegedly wandering hands.

If either party ever thought they had it under control, they don't anymore. This show will go on. And on.

Of course, for Norvill, who never asked for her complaint to be made public, there will be no winning. She may be believed; she may not. She has, either way — when looking at the damage which her own wellbeing and career have likely incurred — been made into another unfortunate cautionary tale for women in the #MeToo era.

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