

The Hidden Serpent: Entertainment and the Risk to Reputation

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Introduction

[3.1] Entertainment productions sometimes portray living and/or deceased persons in a less than flattering fashion. Those involved in the production may do so unintentionally, such as where a film or television show portrays a character whom the audiences relate to a real person¹ or where an intended joke at another's expense misfires.² Alternatively it may do so where there is little or no regard to any damage that may be caused, such as a dramatisation of a story involving real people where reality is supplanted by a desire to create a good story,³ where a judge on a reality show criticises a contestant's performance and/or character⁴ or where a reality show selectively edits its footage to falsely portray a participant in a villain role in order to heighten drama.⁵ It can also occur intentionally where, for example, a musician pens a song to protest the actions of another⁶ or to satirise hypocrisy and extremism.⁷

- 1 See, for example, *E Hulton & Co v Jones* [1910] AC 20. The producers of *Law and Order* were sued for defamation by an attorney who claimed that a character in one episode bore a close resemblance of him: S Chen, 'Law and Order Faces a Libel Case' *New York Times* 19 March 2008 <http://cityroom.blogs.nytimes.com/2008/03/19/law-order-faces-a-case-of-libel-in-fiction/?_r=0>.
- 2 See, for example, *Cornes v Ten Group Pty Ltd* [2011] SASC 104; *Entienne Pty Ltd v Festival City Broadcasters Pty Ltd* (2001) 79 SASR 19.
- 3 See, for example, L Hall, 'Gina Rinehart to Sue Channel Nine for Defamation over House of Hancock TV Mini-series' *Sydney Morning Herald* 1 March 2015 <<http://www.smh.com.au/entertainment/tv-and-radio/gina-rinehart-to-sue-channel-nine-for-defamation-over-house-of-hancock-tv-miniseries-20150228-13rrmz.html>>.
- 4 P Worth and L Banton, 'Ramsay's Legal Nightmare' *Guardian* 26 July 2004 <<https://www.theguardian.com/media/2004/jul/26/mondaymediasection12>>.
- 5 See, for example, Owen Gibson, 'BBC Pays Out in Dispute with Castaway Ron' *Guardian* 20 May 2002 <<https://www.theguardian.com/media/2002/may/20/realitytv.broadcasting>>; P Worth and L Banton, 'Ramsay's Legal Nightmare' *Guardian* 26 July 2004 <<https://www.theguardian.com/media/2004/jul/26/mondaymediasection12>>.
- 6 Marissa Calligeros and Neelima Choahan, '"Come Home": Tim Minchin's Lament to Cardinal Pell Lacks a Punch, and a Few Abuses' *Sydney Morning Herald* 16 February 2016 <<http://www.smh.com.au/entertainment/tv-and-radio/come-home-tim-minchins-lament-to-cardinal-pell-packs-a-punch-and-a-few-abuses-20160216-gmvvy9.html>>.
- 7 *Australian Broadcasting Corporation v Hanson* [1998] QCA 306.

This is a preview. Not all pages are shown.