

MAKINSON d'APICE

L A W Y E R S

6 September 2013

Contact: Daniel Thomas
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Partner: Stewart Roberts

Our Ref: TBA:SJR:DET

BY EMAIL: lawrence@alternativemediagroup.com

Mr Lawrence Gibbons
Alternative Media Group
PO Box 843
BROADWAY NSW 2007

Dear Mr Gibbons

Sydney City News article of 5 September 2013, "Cycleway objection 'irrelevant', admits Lord Mayor's Office"

We act for Clover Moore who is currently serving as Lord Mayor of City of Sydney Council.

The abovementioned article by Peter Hackney was published:

- in the Sydney City News dated 5 September 2013 and distributed in the local area; and
- at the URL <http://www.altmedia.net.au/cycleway-objection-irrelevant-admits-lord-mayors-office/82572> on 5 September 2013.

The article states that "*Mr [Luke] Harper alleged that the Lord Mayor was corrupt*" and that Mr Harper was in the process of "*preparing submissions to the Independent Commission Against Corruption (ICAC)*" in relation our client's alleged role in the rejection of his Development Application. Additionally, Mr Harper is quoted as saying, "*I believe Clover Moore is unprofessional and corrupt. I believe she sought to settle a score through the assessment of my DA.*"

Clearly these comments are defamatory of our client in that they suggest that our client is:

- (a) unprofessional;
- (b) corrupt; and
- (c) worthy of investigation by ICAC.

The article constitutes a republication of Mr Harper's defamatory comment, for which Alternative Media Group is liable. The comments are completely baseless. The author of the article has failed to qualify or distance himself from the seriously defamatory comments of Mr

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Harper. The author failed to seek comment from or notify our client of the allegation prior to publication.

Furthermore, the "Comments" section that follows the article conveys further unsubstantiated and untrue allegations, including those that lend support to Mr Harper's expressed view that our client is corrupt and ought to be the subject of an ICAC inquiry. The publication of such comments on your organisation's website only serves to increase the damage to our client's reputation. Your organisation is liable for those publications as well.

We demand that you make amends in accordance with Part 3, section 15 of the *Defamation Act 2005* by:

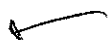
1. immediately removing the allegation from the article in question and related comments that follow it from your website;
2. publishing a retraction and full apology in terms which are satisfactory to our client at the earliest available opportunity;
3. undertaking not to communicate the matters complained of or anything similar in the future.

Failure to accede to these requests will, in addition to aggravating the harm to reputation, prevent your organisation from availing itself of the make amends provisions of Part 3 Division 1 of the *Defamation Act 2005*. This letter constitutes a valid "concerns notice" for the purpose of section 14(2) of the *Defamation Act 2005*.

We look forward to notification from you of your compliance with our request by no later than 5.00pm today.

Otherwise, our client reserves her rights.

Yours faithfully



Makinson d'Apice