

Tuesday 22nd July 2003

Gordon Craven  
PO Box 117  
GLENORCHY TAS 7010

Tel: 6273 0000

Fax: 6273 4458

Email: riverside@trump.net.au

FOR THE ATTENTION OF:  
THE GENERAL MANAGER

Davies Brothers Limited,  
93 Macquarie Street,  
HOBART TAS 7000.

BY MAIL: GPO Box 334, HOBART TAS 7001

BY FAX: 62 300 700      3 Pages

Dear Davies Brothers Limited,

I refer to newspaper articles published in the Hobart Mercury on 22 and 23 November 2002 bearing the headlines, "**Tourism outrage at bogus website**" and "**REVEALED The man behind the bogus website**" the reporters being Ellen Whinnett and Sue Bailey and I believe the editor to be Gary Bailey.

The said articles are reproduced for your perusal at:

[http://www.Discover-Tasmania.com/mercury\\_1.html](http://www.Discover-Tasmania.com/mercury_1.html)

[http://www.Discover-Tasmania.com/mercury\\_2.html](http://www.Discover-Tasmania.com/mercury_2.html)

In those articles, disparaging and defamatory comments were published about my website Discover Tasmania and therefore its author and publisher, being myself. Further, the latter article identifies myself by name and picture.

By its nature, your use of the word *bogus* which appears in both headlines, is intrinsically injurious. Your use of this word is groundless and factually false.

**Further**, in the course of those articles there appeared the following:

- A. *"The head of Tourism Tasmania has attacked an anti-forestry website set up to mirror Tasmania's official visitor page."*
- B. *"It has apparently been set up to mirror the official Tourism Tasmania website, discovertasmania.com.au."*
- C. *"Very obviously someone is deliberately seeking to damage Tasmania's reputation."*
- D. *"....a "direct hit" on the state's reputation which threatened visitor numbers and could have a multi-million-dollar impact."*

The meaning of those comments, and also in conjunction with the word *bogus*, were that I had set up a counterfeit or forged or fraudulent version of an official Tasmanian Government website and by reason of the website being counterfeit or forged or fraudulent (which it is not and never has been), I was someone who was responsible for:

- (a) causing damage to Tasmania's reputation; and
- (b) causing Tasmania and its tourism industry to suffer potential damages;
  - (i) by loss of tourism numbers; and
  - (ii) by losses in the region of multi-millions of dollars.

**Further**, in the circumstance that your reporter Sue Bailey [REDACTED] to my daughter by an unsolicited telephone call on the evening of 22 November 2002 in pursuit of an interview regarding your first publication that day. I verbally warned Ms. Bailey regarding the consequences of defaming my daughter or myself whereupon I reluctantly provided an interview to Ms. Bailey in return for not having my daughters name published in a manner that would make her a victim of your previous defamatory publication. Despite that express warning, you aggravated the matter by again headlining the word *bogus* as a description of my website and therefore me.

**Further**, in continuation of your conduct you authorised or secured the re-publication of defamatory comments against me with numerous national newspapers across Australia which are owned or controlled by, or affiliated or related with, News Limited.

**Further**, your conduct was calculated to increase the circulation of the Hobart Mercury with a view to making a profit from the sale of the Hobart Mercury and the advertising space therein.

Your use of the word *bogus*, and the further comments and the resulting meaning are utterly groundless, extraordinary and most serious. By reason of your conduct I have been injured in my reputation and have inter alia, been brought into ridicule, odium and contempt.

As a consequence of the aforesaid and in reservation of my rights, I require you to:

1. immediately undertake in writing to desist from making any further defamatory or disparaging statements regarding my website and myself;
2. identify each and every newspaper re-publication and date of re-publication which you authorised or secured;
3. cause to be published a retraction and apology in appropriate form that includes print and internet media to myself regarding each and every disparaging and defamatory statement you are responsible for;

4. provide to myself, a copy of each retraction and apology prior to publication for my prior approval;
5. provide to myself, the proposed date/s of publication;
6. provide to myself, proof of publication of each retraction and apology.

**TAKE NOTICE**

Unless you agree to each of the above; or

show cause why you or your named staff are not legally responsible for the said conduct;

by the time and date of, **5pm Friday 1st August 2003**, proceedings against you, Ellen Whinnett, Sue Bailey and Gary Bailey, will likely be commenced without further notice.

Those proceedings will include claims for damages, aggravated damages, exemplary damages and costs.

Yours faithfully,

Gordon Craven.