

28th July 2003

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Mr. D. Zeeman,
Butler, McIntyre & Butler,
20 Murray Street,
HOBART TAS 7000.

BY MAIL: GPO Box 980, HOBART TAS 7001
BY FAX: 6223 8744 3 Pages

Dear Sir,

RE: CRAVEN -v- DAVIES BROS LIMITED - matters of defamation.

I refer to your letter of the 22nd July 2003.

It is noted that each of your clients has:

- refused to retract and apologise for the alleged conduct; and
- refused to undertake to not publish further defamatory or disparaging statements regarding my website and myself.

I take it to be fact, that from the demeanour of your letter, Gary Bailey is the editor in this matter.

1. Regarding the literal use of the word bogus by your client.

The excuse given is that your clients apparently thinks that the use of a hyphen in a Domain Name somehow justifies a description of *bogus*. This is clearly ridiculous and demonstrates the utter failure your clients and your firm have, regarding understanding what is proper in the field of Domain Names. In particular my use of the hyphenated term Discover-Tasmania in a Domain Name has been totally vindicated by a unanimous decision dated 16th April 2003 of a 3 person Panel of the World Intellectual Property Organisation (WIPO) in Geneva. The Complaint relating to the hyphen can be found at,

http://www.Discover-Tasmania.com/complaint/WIPO_Complaint.pdf

The WIPO Decision can be found at,

<http://arbiter.wipo.int/domains/decisions/html/2003/dau2003-0001.html>

You may wish to read the Response to fully understand the matter,

http://www.Discover-Tasmania.com/complaint/WIPO_RESPONSE_DAU2003-0001.pdf

Your reference to the exclusion of the ".au" is irrelevant. My website Discover-Tasmania.com is not distinguished from the Tasmanian Government Tourism website by the exclusion of .au as the Tasmanian Government Tourism website is and was at the time, mirrored and published via a .com in the .com Registry (i.e., DiscoverTasmania.com).

It follows that your client had absolutely NO justification for the literal use of the word *bogus* and absolutely NO justification for its use as fair or public comment by your client or anyone else.

2. Regarding your client's comments that I was RESPONSIBLE for causing damage to Tasmania's reputation and its tourism industry.

Firstly, it is factually wrong of you to suggest that the expressions as listed in your letter were published on my website at the times of your client's publications. At those times those expressions did not appear on my website and as such it is further wrong of you in law to suggest that fair comment or any comment, can be made on facts that did not exist.

Secondly, by way of a plain english description, the gist of your client's article was that by virtue of my website being *bogus* (which your client will be unable to prove as I have not and never have mirrored the Tasmanian Government Tourism website), I was responsible for all the things (like you have listed) that brings tarnishment and disrepute to Tasmania and its tourism industry. It follows then, that as my website was not and is not *bogus*, your client's claim of, *my responsibility*, is false.

Thirdly, I am not responsible for the things I report about and illustrate on my website. The Tasmanian Government and others are the ones responsible and I am outraged and take offence that your client chooses to publish such rubbish that I am responsible and then refuse to retract, or apologise. An analogy would be to say that the Hobart Mercury has tarnished the reputation of Saddam Hussein by reporting about his activities, when quite clearly Saddam Hussein is responsible for his own tarnished reputation as he is the one conducting those activities.

In the event of my filing proceedings, your letter will be used as further evidence as to your client's aggravation of this matter.

3. Regarding my use of the words, counterfeit, forged and fraudulent.

These are alleged to be in part, the resulting imputations from your client's article and accordingly they are words to be included in a list of imputations that will appear in any Statement of Claim against your client. Of course, this is in addition to the literal use of the word *bogus*.

4. Regarding Ms. Bailey.

Your client is mistaken as to her account of the matter. I am able to call several witnesses on oath to give evidence regarding the conversations on the evening of 22 November 2002 resulting from unsolicited telephone calls from your clients Ellen Whinnett, Sue Bailey and a further unpleasant call from a person who would only identify himself as "Malcolm" and who had information that was privy to only your clients.

There would have been no interview had it not been [REDACTED] of your client. I can advise you that in the circumstances of my reluctant agreement to the interview, that there was no point in being anything other than a person that was "freely participating" once that agreement had been reached as I was doing no more than honouring an agreement induced [REDACTED]

5. Regarding your allegation of my breach of your client's copyright.

In the circumstances of your client's demeanour and that your client is aggravating the matter, I am having severe difficulty in clearing my name and I defend my right to engage in fair dealing and legitimate practices towards that end.

I repeat below the Legal Notice published on the pages your client complains of:

"LEGAL NOTICE

*This Hobart Mercury article has been published for the purposes of news reporting, public interest and the refuting the literal allegation of **bogus** and its associated imputations that the Hobart Mercury has alleged against the website Discover-Tasmania.com and its author Gordon Craven. This article is also published pursuant to the provisions of one or more of sections, 40, 41, 42 of the COMMONWEALTH COPYRIGHT ACT 196 and in the event of defamation proceedings being taken out against the Hobart Mercury, section 43 of the COMMONWEALTH COPYRIGHT ACT 1968. This website and its author have NO affiliation with, and make NO comment on behalf of, the Hobart Mercury."*

I repeat, in the event of my filing proceedings, your letter will be used as further evidence as to your client's aggravation of this matter.

Yours faithfully

Gordon Craven.

**C.c. Davies Brothers Limited,
93 Macquarie Street,
HOBART TAS 7000.**

BY FAX: 62 300 700

3 Pages