



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0240

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	28
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A



ACT

Government

Justice and Community Safety

Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, the Justice and Community Safety (JACS) Directorate may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The JACS Directorate Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the JACS Directorate, as well as the process for lodging a complaint about an alleged breach of the [Information Privacy Act 2014](#). The Privacy Policy can be found on the JACS Directorate website at <http://www.justice.act.gov.au/privacy>.

Applicant details

I wish to make an access application to Justice and Community Safety Directorate under the [Freedom of Information Act 2016](#).

Name	[REDACTED]
Address (where notices relating to this request can be sent – either postal or electronic)	[REDACTED]
Telephone Contact Residential	[REDACTED]
Telephone Contact Mobile	[REDACTED]
Email Contact	[REDACTED]

What documents are you requesting under the Act?

I write seeking access to documents under the Freedom of Information Act.

I am seeking access to documents containing information relating to grants of financial assistance for legal proceedings to MLAs.

Specifically, I am seeking:

- Any documents containing details of any grant of financial assistance by the Attorney General to any MLA for legal proceedings since 1988.
- Documents detailing the reasons for granting financial assistance



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- If the grants were granted after June 1997 any documents detailing how those grants were assessed against the Guidelines of the Provision of Assistance to ACT Ministers and Members in Relation to Legal Proceedings.

I advise I am not interested in duplicate copies of documents or documents that have already been publicly released or media releases, media articles or media statements.

I would also like advice if the information I have sought is due to be released under FOI to individuals or organisations prior to finalisation of my FOI application.

I also note the onus rests with the agency to prove why any information should not be released under the Act and I request the agency provide evidence in support of any assumptions or assertions used to justify non-disclosure.

If I can assist with the processing of my request, including negotiation of scope, please do not hesitate to contact me by phone or email.

I would like

a copy of these documents sent to the
above address





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Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Identified by the Ombudsman under section 66 of the Act).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the [Social Security Act 1991](#); a current pensioner concession card issued in relation to a pension under the [Veterans' Entitlements Act 1986](#) or the [Military Rehabilitation and Compensation Act 2004](#); a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

The JACS Directorate must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

I also advise the agency I am seeking a total reduction in fees and charges associated with this request as release of the information will: contribute to community understanding on an important issue and inform debate and improve government accountability and transparency.

Further, [REDACTED] and warrants a remission of fees and charges on that basis

APPLICANTS SIGNATURE

DATE OF REQUEST

[REDACTED]

23/8/2018



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0240

[REDACTED]
via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application received by the Justice and Community Services (JACS) on 23 August 2018 seeking access to information under the *Freedom of Information Act 2016* (the Act) that was transferred to CMTEDD on 11 September 2018 after JACS consulted with Chief Minister, Treasury and Economic Development Directorate (CMTEDD) as they believed CMTEDD might hold information relevant to your request.

I have identified that CMTEDD does hold some information relevant to your request that is in the possession of ACTIA (ACT Insurance Authority).

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 31 October 2018.

Decision on access

Confirmation from ACTIA has confirmed that they only hold records for assistance related to insurance from 1 April 2001 (the date on which ACTIA commenced operations). On the information provided searches were completed for relevant documents and 3 documents were identified that fall within the scope of your request.

I have decided to grant full access to 74 pages and partial access to 2 pages. The information redacted in the documents I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have chosen to refuse to deal with Folios 17 to 28 in accordance with section 43(d) of the Act. Pursuant to section 45(f) of the Act, I am satisfied that the information which is contained in this folio is available for purchase from the Supreme Court of the Australian Capital Territory.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the views of relevant third parties; and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Documents Available for Purchase

Section 43(d) allows me to refuse to deal with an application wholly or in part if the information is already available to the applicant, in accordance with the conditions provided in section 45 of the Act. Section 45(f) states that a document is considered to be already available if it is available for purchase. Folios 17-28 contain an originating claim listing Mr Jeremy Hanson as the first defendant. This document is available for purchase in accordance with the *Court Procedures Rules 2006* in particular Rule 2903 (Inspection of registry files). Accordingly, I am refusing to deal with this part of your request.

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure (Schedule 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest':

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (i) *contribute to positive and informed debate on important issues or matters of public interest; and*
 - (viii) *reveal the reason for a government decision and any background or contextual information that informed the decision.*

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to positive and informed debate on important issues or matters of public interest by allowing you to have a complete record of the documents generated or received by the ACT Government in relation to financial assistance by the Attorney General to any MLA for legal proceedings brought against them. I am satisfied the information contained within these documents is within the public interest to release as they reveal the reason for a government decision and any background or contextual information that has formed that decision.

Factors favouring non-disclosure (Schedule 2.2)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have also identified the following public interest factors in favour of non-disclosure are relevant to determine if release of the information contained within these documents is within the 'public interest'.

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the documents, I have considered the impact that releasing the personal information contained in the documents, being the mobile phone number of MLA Hanson and the individual names of the Canberra Greyhound Racing Club committee members. I am of the opinion that release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring non-disclosure should be afforded significant weight as it relates to individuals privacy. Accordingly, I have decided to withhold from disclosure the names of the Canberra Greyhound Racing Club committee members and the mobile phone number of MLA Hanson.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure the intent of the Act is met and

will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Accordingly, I have chosen to redact parts of folios 2 and 75 of the documents within Attachment B.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges would normally be applicable for this request because the total number folio's to be released to you is above the charging threshold of 50 pages however, in this instance, I have chosen to waive fees associated with your access application in accordance with section 107(2)(b) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 25 October 2018. Your personal contact details will not be published.

You may view CMTEDD disclosure log at:

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Daniel Riley', written in a cursive style.

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

22 October 2018



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Any documents containing details of any grant of financial assistance by the Attorney General to any MLA for legal proceedings since 1988.	CMTEDDFOI2018-0240

Ref No	Page number	Description	Status	Reason for Exemption	Online Release Status
1	1-33	MLA Hanson Documents Originating Claim (folios 17-28)	Partial Release Refusal	Sch 2 s2.2 (a)(ii) Section 43(d)	Yes
2	34-71	MLA Lee Documents	Full Release	N/A	Yes
3	72-88	MLA Rattenbury Documents	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs					
3					

From: Osborne, Peter
Sent: Monday, 20 June 2016 4:37 PM
To: Hanson, Jeremy
Cc: Hagan, Ian
Subject: RE: Legal Documents as Discussed [DLM=Sensitive: Legal]

Dear Jeremy

Thank you for your email.

I confirm that the claim made by Mr Hall against you falls within the scope of the Territory's insurance program arranged by ACTIA. This means that ACTIA will meet all reasonable costs of defending the claim and will indemnify you for any amounts that you become legally liable to pay by way of damages.

This indemnity relates only to the claim made against you as a Member of the Legislative Assembly and not to the claim against the Second Defendant (Radio Canberra Pty Ltd).

I have raised the issue of legal representation with the Solicitor-General and he will approve the engagement of Meyer Vandenberg to act in this matter, subject to ACTIA being satisfied with the level of fees that they will charge.

Please can you confirm that you are happy for ACTIA to engage Meyer Vandenberg. Once I receive this, I will contact Meyer Vandenberg to clarify the level of fees that they will charge.

Best wishes

Peter

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Hanson, Jeremy
Sent: Friday, 17 June 2016 10:49 AM
To: Osborne, Peter
Cc: Hagan, Ian; Hanson, Jeremy
Subject: Legal Documents as Discussed

Dear Peter,

As discussed please find attached the following documents.

Recording of the interview between myself and Tim Shaw on 2CC (Recording of the Shaw Hanson interview)
My transcript of the full interview – note this was completed by my office (Unions MOU podcast transcript)
The original letter from Slater and Gordon acting for Mr Hall (160318 Concerns notice to Hanson)
Myer Vandenberg response to Mr Hall acting on my behalf (Letter to Slater and Gordon dated 24 March 2016)
Mr Hall's claim SC 237 of 2016 (Mr Hall Originating Claim)
Supreme Court Practice Direction (Supreme Court Practice Direction)
My letter to the Attorney General requesting assistance in relation to legal proceedings (Corbell (Hanson) RE Assistance in relation to legal proceedings)
The Attorney General's letter to me requesting I forward copies of documents to Mr Osborne, ACTIA (Letter from Corbell of 16 June 2016)

I will await your advice regarding the next steps.

Please get in touch if you require anything further from me at this stage, my mobile is **Sch 2.2(a)(ii)**.

Regards,

Jeremy

Jeremy Hanson | CSC MLA | Leader of the Opposition | Member for Molonglo |

Shadow Attorney General, Shadow Minister for Health, Police and Veterans' Affairs

| ACT Legislative Assembly | P: 02 6205 0133 | F: 02 6205 3017

| W: <http://www.jeremyhanson.net>

2CC

T: Front page of the Australia newspaper this morning; an exclusive story by Dennis Shanahan and Joe Kelly, claims that Labor hands unions veto power over who gets work in the ACT.

T: The ACT Labor government assigned a secret deal giving all the unions in Canberra the right to veto tenderers for government goods and services, including the building industry that has been identified as a hot spot of union corruption and stand-over tactics.

T: Everyone in this story by Dennis Shanahan and Joe Kelly seems to have been quoted, except Unions ACT themselves and the secretary of Unions ACT, Alex White, joins me on 2CC breakfast this morning.

T: Alex, good morning.

A: Yeah, good morning Tim, how are you?

T: Very well. Thanks for your time. Were you asked for comment on this story by Dennis Shanahan or Joe Kelly?

A: Ah no we weren't contacted and the first that I saw about it was when I woke up in the morning, and you know, as you do you check the internet; have look at all the websites and there it is.

T: Has the ACT –

A: Look Tim, this is actually a good story, and I know that the Australian and Michaelia Cash, the thus Relations Minister have got an ideological hatred of unions but your listeners should know that this procurement MOU has been around for eleven years. So it's been around for a long time and it's responsible for many of the fantastic things that working people in Canberra have got. So the reason why so many contractors, so many of the government services that are contracted out are good jobs, they're secure jobs, they're well paid jobs, is because of the MOU; the eleven year old, non-secret MOU. So people have known about this - every couple of years, whenever we sign a new MOU, with the government, it gets a little run, it gets a run on the ABC, or it gets a run on the Canberra Times, so it's not exactly secret, but it is a good beat-up for Michaelia Cash, who is running a very disappointing, ideological

line against unions. Now there's thirty-three thousand union members in Canberra and their pay and conditions are affected by memorandums of understanding like this and obviously by collective agreements and the pay and conditions of tens of thousands' more; including many of your listeners, would be influenced and improved by the procurement MOU that we've got. So it's actually a really good news story. It's probably something that we should be going around and bragging about more often because it really does deliver better pay, better conditions, and better procured services and goods for the people of Canberra.

T: Alright. Explain this to me. Uh the memorandum of understanding is based on the procurement arrangements of the ACT government, so Andrew Barr and his government team sit down and they say right, we need to put certain things in schools. Does the union movement get a veto over who the supplier is for that type of service?

A: Well firstly, um Chief Minister and the Ministers don't sit down and figure out all this stuff, it's all done by bureaucrats. This MOU is kind of like a policy for those bureaucrats. So, when they are setting out the contract terms and the various tender arrangements they need to look at this MOU and say oh, we need to - rather than just grinding people down at cheapest cost, we need to make sure that the people that we're doing business with, that the taxpayers money is going to good companies, that don't screw workers and don't rip people off.

T: But in whose opinion Alex, Alex in whose opinion? Now are you suggesting that in the context of the union movement, that the union movement is the only arbiter on whom should be a good employer or a good provider of services based on your judgement of whether they're a good employer or not?

A: Well we'd love to have – be able to do that but it is left down to independent tribunals like the Fair Work Commission, and by other tribunals; the Industrial Magistrates Courts, the ACT Administrative Tribunal. So if you have got a track record, if you're a company and you've got a track record of ripping off your workers and you've got a case history of that in the courts, then you're unlikely to be getting work with the ACT government.

T: No of course not. And that would be any other government, that you're right Alex. If anyone's going to tender for government work and to use the taxpayer's money as part of that process, independent of the elected

representatives as you've correctly said, the bureaucrats will have that as a guideline. Here's my question to you: you've got a Chief Minister seeking re-election on the 15th of October, he wants urban renewal in the city of Canberra; he wants integrated transport solutions. Is and are Unions ACT standing in the way of those bureaucrats making informed and fully determined decisions about what's in the interest of Canberra, not in the interest of union members?

A: Well one of our things that unions want is to work cooperatively with the government and with business, so we actually – we're not standing in the way, we're actually assisting the government, we're assisting businesses to do better business. Because businesses that rip off workers, businesses that cheat the public, aren't good businesses –

T: Mate, without business there won't be workers. So let's stop saying that business cheats workers, because –

A: Well I'm talking about -

T: That's - Alex! Alex!

A: When we talk about businesses -

T: Alex! Alex! Alex!

A: Let's talk about businesses like 7Eleven, and Grill'd and Nandos that do rip off workers, those are the businesses that I'm talking about –

T: And appropriately those businesses have been called to account under the breaches of law, and as Bill Shorten correctly said – may I finish? Alex! May I finish? Take a breath.

T: We're having a conversation. I've invited you on this program because you were not consulted in this story and I'm giving the Unions ACT a right of reply, quite properly. My question to you is: nationally, when corporations like that group 7Eleven ripping off blind, workers, particularly foreign workers, it was excellent that Fairfax brought that to account with the ABC four corners program. Alex I want to talk about Canberra.

A: Mmm.

T: The Chief Minister wants urban renewal; he wants construction to take place in this city. Are Unions ACT standing in the way of the ACT Labor government's dream of development of how they want urban renewal to take place? Let's not talk about retail workers here; we're talking about construction and urban renewal, in the construction industry particularly. What's your comment on that?

A: Ok, well we are definitely not standing in the way. We want more jobs, we want secure jobs and urban development jobs; those jobs that are going to be building things like the light rail, building the Supreme Court, all of those big developments are exactly the kind of jobs that we need in Canberra. So unions are working very closely - we support the government's economic development plans and its plans for Canberra to be a high wage, secure job economy, that's the governments stated goals; we support those goals, and procurement MOUs, like the one that we've signed and that we've had for the last eleven years, are the way that we can get that. You just need to look at some of the very high profile development that has taken place, that haven't been covered by this procurement MOU; they've been plagued, very sadly, for the all the workers and the small businesses involved by rorts and by dodgy behaviour –

T: But was it bureaucrats – was it the ACT bureaucrats that signed off on those deals that you say aren't helping workers? Are you saying then that the same bureaucrats that you're lauding as independent made a mistake, because they weren't part of the MOU?

A: Well I'm talking - in this instance that I was going to raise is to do with the ASIO building and so that wasn't covered by the procurement MOU –

T: Right.

A: That was a federal contract, and so we saw for example; scores and scores of local businesses go bust because there was inappropriate behaviour by a head contractor –

T: Was that signed under the Rudd/Gillard government? Was that the Rudd/Gillard government that signed off, that federal government?

A: It's possible that it could have been. And, ah, the simple fact is that we don't have scandals like that in the ACT government, which is fantastic, and that's because the government is prepared – is actually prepared to sit down with unions and with businesses in a tripartite manner, which is what we want –

T: Good.

A: And is what the MOU provides for. We –

T: Is it a secret MOU?

A: No. As I said, this MOU has been around for eleven years. It gets re-signed every few years, and every few years when that happens, there's a little story in the Canberra Times, or the ABC; sometimes the Australian get's a hold of it, and they run it again, but it is being brought out in this case, in the Australian, very unfortunate that Master Builders have decided to attack this kind of procurement MOU, because as I said, your listeners should be aware that it is MOUs like this that ensure that when work is contracted out, that the work is secure, that it ensures that there's good pay and good conditions and that companies can't rip off their workers. Now I'm not saying Tim that all companies do that, but we do know that some do, and procurement MOUs like this one, ensure that they don't get public jobs.

T: Do you know what? I appreciate you coming on the program this morning. You were not mentioned at all in the Australian newspaper story which was disappointing. I'm glad you've had a very clear right of reply. A little tip; with the Master Builders being stated, as you've said this story, it would be lovely for the secretary of Unions ACT to give them a call and say let's have a cup of coffee and let's do a joint statement. Maybe this is where part of where this yin and yang needs to be fixed Alex. Instead of the 'they said' and 'you said'; get together around the table; maybe get a comment from the Chief Minister; we're happy to have him on the program as well, but mate thank you for stating the situation today. It's never been a secret MOU, there is no secret deal with the ACT government; is that what you're saying today?

A: Well that's right. And as I said, this has been around for eleven years. It's a really good idea to give Kirk a call, I've had a few chats with Kirk over the last twelve months, but this is obviously a good opportunity to give him another call and I do appreciate the opportunity to come on, because it is a – and 2CC is always a good station to ensure that every side has an opportunity to have

their say and that's all unions want; we, as you know, we represent thirty-three thousand working people in Canberra so, it is always disappointing when a major newspaper decides to exclude the voice of working people. So it's great that 2CC - and many union members do listen to your radio station; I know that whenever I'm on the show I always get text messages and emails from union members saying that they've heard me or they've heard other unions that you get on the show. So we know that union members really do listen to 2CC, and it's fantastic that you give the opportunity to working people to have a voice.

T: Good on you Alex thanks for your time.

A: Good on you Tim.

T: Thanks

T: We heard from Unions ACT. In the seven thirty news, federal Employment Minister Michaelia Cash has described a deal signed between ACT government and the Unions ACT, last year, as deeply disturbing and the memorandum of understanding assigned by ACT Chief Minister, Andrew Barr, and a representative of Unions ACT last March, requires the ACT government to provide a list of tenders for all future contracts, so unions can decide whether applicants meet their criteria.

T: One of our callers says; if it's not a secret, how come Jeremy Hanson hasn't seen it yet? Well I'm not sure what Mr Hanson has or hasn't seen but let's ask him now –

T: Jeremy Hanson, the Leader of the Canberra Liberals is on the line, good morning Jeremy.

J: Good morning Tim, how're you going?

T: Very well. Is the MOU a surprise to you?

J: Yes it is. We've heard rumours; concerns have been raised but the fact that this has been a deal that's been stitched up by Andrew Barr and the CFMEU affiliated Unions ACT gives me some real concerns, and what it seems to do is give power of veto – the union movement, over contracting. Now that is very concerning for people trying to do business in this town. This document

requires that unions be given access to company records, they get the list of people who are tendering for contracts, they get right of entry, and essentially there's a whole list of criteria in this memorandum of understanding and if, as it says in the document, providers the performers of works, who meet the set criteria, will be pre-qualified. So essentially at each step of the tendering process, if the unions not happy, they don't get the job.

T: The Chief's Officer said this morning that this arrangements been in place for eleven years; why are we only, from your perspective, your saying you only hearing about it now? You didn't know about this?

J: No well, that's a very good question Tim. Why is it that we're only hearing about this now? And a lot of people who've been doing government business, and these are public monies, why is it that we're only hearing about this now? Why is it that there's been this secret deal between Unions ACT and the Labor government, that gives the union movement, unfettered access and I think undue influence over this whole process. And we know the problems we've had here with the CFMEU in this town, in terms of union corruption.

J: We know that we've had problems with the union with regard to a whole bunch of workplaces that have raised concerns through to the Trade Union Royal Commission, and for that union, to be given all of this access to information and power of veto is extraordinary and I think it will cause a lot of people real concerns. But we do know that both the CFMEU and Unions ACT are very close to the Labor party. The CFMEU has got sub-branch presidents in the Labor party; they donate massive amounts of money to the Labor party. We know that Unions ACT has been doing political campaigning on behalf of the Labor party; now we find out that, you know the government, Andrew Barr, is signing secret deals that give the unions access to information, power of veto over commercial contracts involving public money. This is very concerning; I'm sure you'd agree.

T: All right, here's my question: I've got Alex White from Unions ACT saying it is not a secret deal. It's been in place for eleven years, I've got a memo right this morning from the Chief Minister's office; it's been a public statement in place since 2005, now I'm not suggesting that the Canberra Liberals aren't well informed here, but how is it, that an MOU, that is a public statement, according to the Chief's office this morning, it's been in place since 2005, are you saying that Canberra Liberals did not know that there was that kind of

sharing of information about the application for tenders, for those who want to do business with ACT government?

J: Absolutely. Nobody's seen this document before. So it might not have been a secret to the CFMEU or to Unions ACT, or to Andrew Barr, but I know industry has not seen this document; I've not seen this document, we were unaware of it, so in that context it's concerning. So, yes in my view this has been not an open process; this has been done behind closed doors, and it has been done in a deliberate way to give the unions, particularly Unions ACT, and the CFMEU, who we know have been working very closely with the Labor party, both financially and in terms of membership and in terms of campaigning, access – and I think inappropriate access to the whole tendering process with ACT public money; that is taxpayers money. Do we want people like Dean Hall, who runs the CFMEU, or others, who potentially are facing charges, or have been convicted of charges, given access to company documents? And essentially the government - if the contractors don't provide those documents, and if they don't provide access to the unions, if they don't provide other information, then they are going to be blacklisted by the union movement. They're not going to pass the test in terms of the MOU; it makes it very specific that only the people that comply with the criteria will be qualified.

T: Do you have faith in the bureaucrats that are running the ACT government? In that the Ministers run the various ministries, and they are accountable to the public, but we have independent bureaucrats – do you suggest for a minute that the bureaucrats are not independent, and that when the tendering processes in place that those ACT bureaucrats, working on behalf of the ACT government, are not independently reviewing the appropriateness of tenders? It's one thing to have this memorandum of understanding, but again Unions ACT says Chief Minister don't decide the tenders, the bureaucrats do. What's your response to that?

J: Well we know that deals like the light rail deal went through cabinet. Who made the decision on light rail Tim? Was that a bureaucrat or was that the government? Was it the Labor party members, sitting around the table, making a decision about who's going to spend all that sort of money? So – look I would hope that none of this is affecting the bureaucracy, but I do think that there is a problem with the culture across the whole government. I think that when you have one particular political party in power for fifteen years, when we have situations where these sort of MOUs are signed behind closed doors,

clearly there is a cultural problem, and that needs to be fixed by a change of government.

T: Jeremy, thank you for your time this morning.

J: Thanks Tim.



18 March 2016

Jeremy Hanson MLA
196 London Circuit
CANBERRA ACT 2601

Dear Mr Hanson

485 La Trobe Street
Melbourne VIC 3000

Ph: (03) 9602 6888
Fax: (03) 9600 0290

<http://www.slatergordon.com.au>

Correspondence to:

National Practice Group Leader: Ben Phi
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Associate: Jeremy Zimet
Graduate Lawyer: Phil Johnston
Legal Assistant: Natasha Clarke

GPO Box 4864
MELBOURNE 3001

DX 229 MELBOURNE

Direct Ph: (03) 9602 6866

Email: natasha.clarke@slatergordon.com.au

Our Ref:

Private and Confidential

The Matter of Dean Hall and the 2CC Radio Broadcast

We confirm that we act on behalf of Mr Dean Hall.

Publication

Mr Hall is the Secretary of the CFMEU ACT branch.

On 16 March 2016 a radio interview was conducted on 2CC Canberra titled "War of words over so-called secret deal between unions and ACT government" (**Publication**). During the Publication, the following statements were made:

TIM SHAW: Alright, here's my question. I've got Alex White from UnionsACT saying it is not a secret deal, it's been in place for eleven years. I've got a memo right this morning from the Chief Minister's office: it's been a public statement in place since 2005. Now I'm not suggesting the Canberra Liberals aren't well informed here, but how is it that an MOU that is a public statement according to the Chief's office this morning, it's been in place since 2005. Are you saying that Canberra Liberals did not know that there was that kind of sharing of information about the application for tenders for those who want to do business with ACT government?

JEREMY HANSON: Absolutely. Ah, nobody's seen this document before. So it might not have been a secret to the CFMEU or to UnionsACT or to Andrew Barr. But, uh, I know that industry have not seen this document. I've not seen this document. Uh, we were unaware of it. So, uh, in that context, it's concerning. So, yes, uh, in my view, this has been a not an open process. This has been done behind closed doors and it has been done in a deliberate way to give the unions – particularly UnionsACT and the CFMEU – uh, who we know that have been working very closely with the Labor Party, both financially and in terms of membership and in terms of campaigning – uh, access, and I think inappropriate access, to the whole tendering process, uh, with ACT public money, that is taxpayer's money.

TIM SHAW: Mmm.

JEREMY HANSON: Do we want people like Dean Hall who runs the CFMEU or others who potentially are facing charges or have been convicted of charges given access to company documents? And essentially, if the government – if the contractors don't provide the documents, if they don't provide access to the unions, if they don't provide other information, then they are gonna be blacklisted by the union movement -

TIM SHAW: Mmm.

JEREMY HANSON: - They're not going to pass the test of the MOU, it makes it very specific that only the people who comply with the criteria are going to be qualified.

(Defamatory Matter)

The 2CC Canberra morning show has an audience of approximately 2,000 people, the majority of which are located in the greater Canberra region.

Defamatory Matter

Mr Hall became aware of the Publication and the Defamatory Matter after being alerted to its existence by a colleague after the broadcast.

Broadcast of the Defamatory Matter has caused (and continues to cause) our client substantial personal distress, loss and damage (including serious harm to Mr Hall's feelings), as well as personal and professional reputational damage.

The Defamatory Matter, in its natural and ordinary meaning, contains a number of imputations relating to Mr Hall which are defamatory. In particular, the following defamatory imputations are conveyed:

- (a) Dean Hall is potentially facing criminal charges in connection with his role as a union official;
- (b) Dean Hall has been charged with a criminal offence in connection with his role as a union official;
- (c) Dean Hall has been charged and found guilty of a criminal offence in connection with his role as a union official; and
- (d) Dean Hall cannot be granted access to company documents in connection with his role as a union official, for fear he will use it for an improper purpose.

Each of these imputations are completely false.

Offer of Amends

In order to rectify the damage occasioned by publication of the Defamatory Matter, our client demands you take the following steps:

1. An apology retracting the Defamatory Matter in a form to be agreed between the parties;
2. Payment of our client's reasonably incurred legal costs; and
3. An acceptable sum to compensate our client for the reputational damage and the hurt and embarrassment he suffered and continues to suffer.

If we do not receive your response within 14 days then we will seek our client's instructions to commence proceedings against you without further notice.

This is a Concerns Notice within the meaning of section 126(2) of the *Civil Law (Wrongs) Act 2002* (ACT) and the equivalent provisions in the other States and Territories.

This Concerns Notice is not for publication.

~~Yours faithfully~~


Jeremy Zimet
Associate

SLATER AND GORDON



MEYER VANDENBERG
LAWYERS

24 March 2016

Our Ref: 1600632

BY EMAIL: natasha.clarke@slatertgordon.com.au
& POST

Mr Jeremy Zimet
Slater & Gordon
DX 229 Melbourne

Dear Mr Zimet,

The Matter of Dean Hall and the 2CC Radio Broadcast

We act for Mr Jeremy Hanson MLA, and refer to your letter dated 18 March 2016.

At the outset, we refute that the statements made on 16 March 2016 by our client in any way defame your client.

The radio interview referred to in your letter was broadcast on 16 March 2016 by 2CC Canberra entitled "War of words over so-called secret deal between unions and ACT Government" ("the **Publication**"). Your letter pinpoints several statements made by our client, including the following which refers to your client (and, we presume, the part of the Publication of the greatest concern to your client):

"Do we want people like Dean Hall who runs the CFMEU or others who potentially are facing charges or have been convicted of charges given access to company documents?"
("the **Statement**")

Furthermore, your letter states that the Publication conveys the following defamatory imputations:

- (a) Dean Hall is potentially facing criminal charges in connection with his role as a union official;
 - (b) Dean Hall has been charged with a criminal offence in connection with his role as a union official;
 - (c) Dean Hall has been charged and found guilty of a criminal offence in connection with his role as a union official; and
 - (d) Dean Hall cannot be granted access to company documents in connection with his role as a union official, for fear he will use it for an improper purpose.
- ("the **Imputations**")

The Imputations as outlined at bullet points (a) to (c) in your letter are not capable of being conveyed by the Publication, nor can they be reasonably implied. First, the Statement merely mentions your client, separate from others, who are facing charges or have been charged. There is no definitive conclusion that can be made from the Statement that your client is directly facing charges or has been charged. Second, the Statement does not specify the nature of the charges, nor does it suggest that these charges were of a criminal nature.

More importantly, and while denying liability the mention of these charges lends our client the defence of truth. Our client is aware that your client is currently involved in civil penalty proceedings brought against him by the Fair Work Building Industry Inspectorate in relation to alleged breaches of the *Fair Work Act 2009* (Cth). The Publication and the Statement are not capable of reasonably conveying the suggestion that the charges were of a criminal nature, and there is no innuendo or conjecture made by our client that would lead to this imputation.

In relation to the Imputation that you rely on under bullet point (d), no ordinary, reasonable listener could infer from the Publication or the Statement the Imputation suggested by you. Furthermore, and denying liability, when the Statement is taken in context and as a whole, and not in the excised version your client relies on, our client has available to him the defence of fair comment. It can be reasonably deduced from fact, being the pending charges against your client, that there could be public concern in relation to certain privileges being afforded to your client, among others. Information relating to your client and others from the CFMEU being the subject of pending charges is readily available to the public and, as such, the public could form the same view. The matters discussed in the Publication as a whole pertain to a current issue that is of the public interest, and conveys a reasonably formed concern considering the surrounding factual circumstances. In light of this, the Statement cannot be read in isolation.

Further to the above, the role of context in relation to the Publication is vital to determining whether the Imputations were capable of arising and of being conveyed. When the Publication is properly considered in its originating medium, being a commercial radio broadcast, the Imputations cannot be said to have the same defamatory effect as a written transcript.¹ A transient statement that is communicated orally, and in the context of a greater discussion, does not have the same impression and gravity as written words, which have the ability to be scrutinised and misconstrued.² In the event that your client seeks to commence proceedings against our client, your client will be required to rely on the Publication as transmitted, not transcribed. On hearing the transmission it will become apparent that no ordinary reasonable listener would understand the words complained of by your client as giving rise to the Imputations as alleged.

While denying liability our client is also entitled to rely on the defence of qualified privilege. As a Member of the Legislative Assembly of the ACT, it is a duty of our client to publicly voice and comment on political matters relevant to the greater public and, as such, should not be subject to burdens that deter his duties of communicating and debating political matters and related issues.³ Put simply, the Publication was in relation to a current matter pertaining to the ACT Government, and was communicated by our client as a member of parliament with an interest in the matter. Our client is not to be held to oppressive standards in relation to inciting reasonably formed views in discussion of matters essential to his role and consequent duties as a member of parliament.

As an extension of this, it is apparent that the claim is frivolously brought by your client in an attempt to stifle public debate and impose an impediment to our client's duty to discuss current public issues. Your client's claim for defamation cannot be seen as genuine, but as seeking to improperly influence our client in relation to the discussion of issues which he has a duty to comment on in a public forum, a matter which is held as an offence of contempt against a House of Parliament.

In light of the matters set out above, our client will not yield to or accept your client's offer to make amends.

¹ *Radio 2UE Sydney Pty Ltd v Parker* (1992) NSWLR 448.

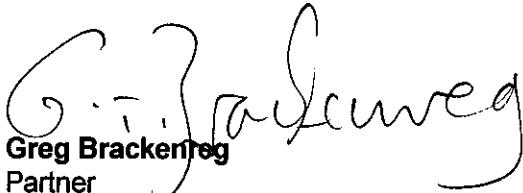
² *Lewis v Daily Telegraph* [1963] 1 QB 340 at 374.

³ *Lange v Australia Broadcasting Corporation* (1997) 189 CLR 520.

If your client wishes to pursue his claim, we confirm that we will accept service of court documents.

In the event that your client intends to pursue his misconceived claim in court, and ultimately fails to succeed against our client, we will rely on this letter in support of an application that your client pays our client's costs and on an indemnity basis.

Yours faithfully,
Meyer Vandenberg



Greg Brackenreg

Partner

Direct Line: (02) 6279 4409

Email: greg.brackenreg@MVLawyers.com.au

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Section 45(f)

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Section 45(f)



Jeremy Hanson CSC MLA

Australian Capital Territory

Leader of the Opposition Member for Molonglo

Shadow Attorney-General

Shadow Minister for Health, Police and Veterans' Affairs

Mr Simon Corbell MLA
Attorney-General
GPO Box 1020
Canberra ACT 2612

Dear Attorney General,

I am writing to request assistance in relation to legal proceedings in accordance with *Notifiable instrument NI2012-292 Law Officers (General) Legal Services Directions 2012*, which states that 'Legal assistance may be provided to Territory Ministers and Members in accordance with the *Guidelines for the provision of assistance to Ministers and Members in relation to legal proceedings* administered by the Attorney General'.

The guidelines provide that assistance may be provided for legal proceedings that arise where a Member "is involved in an incident in the course of his or her official duties" and that "the Territory's general policy is to provide assistance to Ministers and Members who defend legal proceedings which arise out of the performance of official duties."

The assistance required is in relation to two matters that have arisen recently in my capacity as an MLA and Leader of the Opposition.



The second matter is a claim for defamation by Mr Dean Hall, the Secretary of the CFMEU.

Despite a detailed defence being provided, at no cost to myself or the Territory, Mr Hall has insisted on proceeding to court action.

This matter was initiated against me in my capacity as an MLA, rather than a private person, as Mr Hall makes a particular point of identifying me as ‘The first defendant was at all material times the Leader of the Opposition in the ACT Legislative Assembly.’

I will be defending this claim in accordance with the defence already provided to Mr Hall, which includes engaging serious arguments around truth, fair comment and qualified privilege for members of the Legislative Assembly performing their duties. I therefore seek assistance in the preparation and conduct of this matter.

I have had initial discussions and some advice from private lawyers without commitment or cost to the Territory, but as both these matters have now progressed to live court actions I am seeking formal assistance for formal advice and representation in these matters.

Given the nature of the actions and the other parties involved, I am requesting that my own lawyers be engaged, in line with paragraph six of the guidelines.

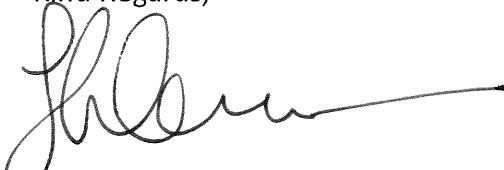
I must also note that I am deeply concerned that both of these matters may be deliberate attempts to intimidate me from conducting my role as an MLA, or at least incur substantial personal costs to myself and my family from matters arising from my professional duties.

The costs of engaging lawyers for both of these matters could cost tens of thousands of dollars and the precedent that such legal action could be taken against MLAs with such an extensive personal cost could have a significant 'chilling' effect on all members into the future.

I also note these matters are of considerable public interest.

As these matters are current cases and have deadlines, I need legal assistance to commence immediately. I look forward to your response at the earliest opportunity.

Kind Regards,



Jeremy Hanson, CSC, MLA

10 June 2016



SIMON CORBELL MLA
DEPUTY CHIEF MINISTER

Attorney-General
Minister for Health
Minister for the Environment and Climate Change
Minister for Capital Metro
Minister for Police and Emergency Services



Member for Molonglo

Mr Jeremy Hanson MLA
Leader of the Opposition
Legislative Assembly for the Australian Capital Territory
PO Box 1020
CANBERRA ACT 2601

Dear Mr Hanson 

On 10 June 2016 you wrote to me seeking assistance in relation to legal proceedings that you say have arisen in your capacity as a member of Assembly and as Leader of the Opposition.



Secondly, you seek assistance in relation to a claim for defamation commenced against you in the Supreme Court by Mr Dean Hall, the Secretary of the CFMEU. The claim arises from a radio interview given by you on 16 March 2016 in the course of which during a discussion of the Memorandum of Understanding entered into between the Territory and Unions ACT, you said:

"...do we want people like Dean Hall, who runs the CFMEU, or others who potentially are facing charges or have been convicted of charges – ... given access to... company documents?"

You say that the defamation claim was initiated against you in your capacity as a member, rather than as a private person. You note, correctly, that the Statement of Claim identifies you as the Leader of the Opposition in the ACT Legislative Assembly.

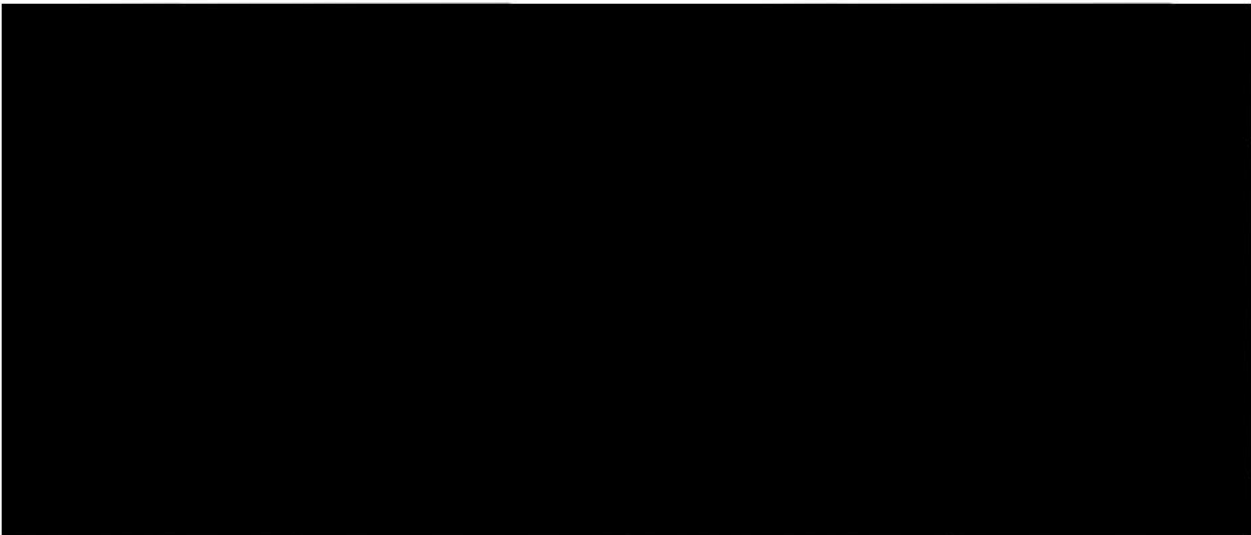
ACT LEGISLATIVE ASSEMBLY
Phone (02) 6205 0000 Email corbell@act.gov.au



The provision of legal assistance to ministers and members in relation to legal proceedings is addressed in clause 6.1 of the *Law Officers (General) Legal Services Directions 2012* made by me under the *Law Officers Act 2011*. That provides that the "guidelines for the provision of legal assistance to Minister and Members in relation to legal proceedings" apply.

Clause 2 of the Guidelines provides that where a minister or member is involved in an incident in the course of his or her official duties "which is likely to result or results in legal proceedings" then the minister or member may be provided with assistance in relation to his or her defence or representation in that proceeding.

Clause 8 of the guidelines provides that the Territory's general policy "is to provide assistance to ministers and members who defend legal proceedings which arise out of the performance of their official duties." Of course, assistance will not ordinarily be extended to the minister or a member who wishes to initiate his or her own legal proceedings.



As it appears that the defamation claim arises from the performance of your official duties, the claim is most likely covered by the Territory's insurance arrangements, managed by the ACT Insurance Authority (**ACTIA**). The Solicitor-General has discussed the matter briefly with Mr Peter Osborne, the Deputy General Manager, and I ask that you forward a copy of the proceedings to Mr Osborne requesting that ACTIA assume conduct of the claim and instruct lawyers to act in the matter.

I note that you wish your own lawyers to be engaged. That would be a matter for discussion with ACTIA – ordinarily the ACT Government Solicitor acts in all matters, but given the nature of this proceeding one of ACTIA's panel of private law firms may well be briefed.

I trust that this deals satisfactorily with your request.

Yours sincerely

Simon Corbell MLA
Attorney General

16.6.16

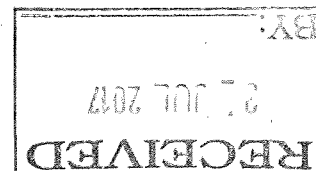


Elizabeth Lee MLA

Australian Capital Territory

Member for Kurrajong

Shadow Minister for Disability
Shadow Minister for the Environment



Mr Peter Osborne
Assistant General Manager
Australian Capital Territory Insurance Authority
GPO Box 158
CANBERRA ACT 2600

Dear Mr Osborne,

LEGAL ASSISTANCE – POTENTIAL LITIGATION

On 20 July 2017, I received confirmation from the Attorney-General that I am entitled to legal assistance under the *Members Guide – 9th Assembly: Guide to services, facilities and entitlements for non-executive members and their staff* in response to a threat of litigation for defamation made by Mr Jeff Manny on 18 June 2017.

The Attorney-General has asked me to forward you report to you and request that the ACTIA assume conduct of any claim that might eventuate.

Accordingly, I **enclose** a copy of the report I made to the Attorney-General dated 27 June 2017. To date, I have not been served with any originating process.

Could you please confirm if you require me to take any steps at this time?

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Elizabeth Lee'.

Elizabeth Lee
Member for Kurrajong
20 July 2017



Elizabeth Lee MLA

Australian Capital Territory

Member for Kurrajong

Shadow Minister for Disability
Shadow Minister for the Environment

Mr Gordon Ramsay MLA
Attorney-General
Legislative Assembly for the Australian Capital Territory
Civic Square, London Circuit
CANBERRA ACT 2600

BY HAND

COPY

CONFIDENTIAL

Dear Attorney,

POTENTIAL LEGAL PROCEEDINGS – REQUEST FOR ASSISTANCE FOR MEMBERS

I have been notified that legal proceedings are going to be commenced against me.

Background

Like with many Members of the ACT Legislative Assembly ('MLA'), I have a number of social media accounts: Facebook (account and page), Twitter, Instagram and LinkedIn. Every one of these social media accounts clearly states that I am a Member for Kurrajong in the ACT Legislative Assembly.

The vast majority (if not all) of my posts on these social media accounts are directly related to my role as an MLA; sharing topical articles or news in my portfolios or electorate, attendances at events I am invited to in my capacity as an MLA, promoting or sharing information about Canberra, spreading the word about various charity or community initiatives and/or events and the like.

From 6 to 16 June 2017, I started to observe various inappropriate comments on my LinkedIn posts by a LinkedIn account holder by the name of Jeff Manny.

Amongst these comments were:

'Liz, you have put on weight since [sic] last time I saw you. Try to shake it. Stop eating too many Um [sic] Chas.'

This comment was on a post about the ACT Budget (with a photo of myself taken at the Assembly);

And

'This is an ugly picture. Remove it.'

End

This comment was on a post I shared of a HerCanberra article about myself and Tara Cheyne, ACT Labor Member for Ginninderra in the ACT Legislative Assembly. The article was about our friendship as colleagues in the Assembly notwithstanding that we belong to different political parties.

I **enclose** screenshot copies of both of these comments by Mr Manny.

Both of my posts on which Mr Manny commented were published in my capacity as an MLA.

On 16 June 2017, I published the following post on my Facebook, Twitter and Instagram (copies of screenshots **enclosed**):

'I'm #Australian, I eat more than #YUMcha and I don't exist to be pretty and skinny for [you/anyone]'¹ #callingoutsexism #callingoutracism

This post was accompanied by a screenshot of two comments by Mr Manny that I refer to above.

This post received a significantly large number of comments, 'Likes' and 'Shares' and The Canberra Times sought some comments from me about it. Subsequently, it published an article on the same day (which can be found here: <http://www.canberratimes.com.au/act-news/liberal-mla-elizabeth-lee-shuts-down-online-fatshaming-on-linkedin-20170616-gwslgs.html>; copy also **enclosed**) which I also shared on my Facebook page and my LinkedIn page later that day, with the accompanying comment:

'After weeks of ignoring them, today, I publicly called out some comments by a #Canberra businessman for what they are – veiled #sexism and #racism and overt #bodyshaming. Thank you to everyone who has posted, tweeted and messaged me words of support. My gender, body shape and race have nothing to do with my ability to serve the good people of #Kurrajong'

I **enclose** screenshot copies of my posts.

On 18 June 2017, Mr Manny made a comment in response to this post on LinkedIn:

'Liz, I did not attack your sex or your race. Stop playing sex and race cards. You are lying. Show us the evidence. I just sent you a message that you have put on weight since I saw [sic] the last time. I think you have forgotten, you asked me to help you in the last ACT election. You asked me for my advice to win the election. My lawyers will start a proceeding against Canberra Times next week in the ACT Supreme Court. I believe you have brought ACT Liberal party into disrepute by lying on a [sic] social media. Your position in the ACT assembly is untenable for lying in public. You should resign now. I am sending all these lies to ACT Labor party.'

I did not respond to this comment and I blocked Mr Manny as a connection on LinkedIn. Once I blocked Mr Manny as a connection, this comment disappeared from my LinkedIn page. I did, however, save a screenshot of this comment, a copy which is **enclosed**.

¹ On my Twitter post, it was "you"; on my Facebook and Instagram posts, it was "anyone"

Notice of potential legal proceedings

On 19 June 2017, Mr Alistair Coe's office forwarded me an email which it had received on 18 June 2017 by Mr Manny. The email was addressed to the Office of the Legislative Assembly and the Canberra Liberals and CC-ed to ABC News 24, Mr Coe and the Chief Minister. The body of the email was addressed to me and stated that Mr Manny is 'suing [me] for a false and defaming post]', asking me to 'remove [my] post and apologise...immediately to end this matter before damages add up' and sought a response 'urgently within 7 days'. A copy of this email is **enclosed**.

I have not responded to this email.

On 20 June 2017, Mr Coe's office forwarded me an email which it had received that day addressed to Ms Leanne Norman of Banki Haddock Fiora, the lawyers for the publisher for The Canberra Times. The email was CC-ed to the Press Council, The Canberra Times, ABC News 24, Media Watch, Mr Coe and the Chief Minister. There were two attachments to the email:

1. Letter from Banki Haddock Fiora to Mr Manny dated 19 June 2017 responding to an email from Mr Manny of the same date (the email from Mr Manny was not attached) stating that The Canberra Times does not believe an apology is warranted and therefore declines to give one; and
2. A document titled 'My letter for a further and better particulars to Canberra Times' Lawyers; a document presumably drafted by Mr Manny.

I do not know if Banki Haddock Fiora has responded to Mr Manny's 'letter for a further and better particulars'.

I **enclose** copy of this email and the attachments.

On 22 June 2017, Mr Coe forwarded me an email which was a notification of a comment made by Mr Manny on Mr Coe's LinkedIn page. The comment was:

'Hey Alistair, there are problems [sic] you need to face it. There will be a legal proceeding against your members right on the eve of the next election. You will be less relevant in the future.'

As far as I am aware, Mr Coe has not responded to this comment.

I **enclose** a copy of this email.

Request for assistance

I submit an application to request legal assistance in accordance with the *Guidelines for the provision of legal assistance to ACT ministers and members in relation to legal proceedings* ('the Guidelines')² to mount a defence to Mr Manny's threats to and, if it eventuates, legal proceedings against me for defamation.

² Legislative Assembly for the Australian Capital Territory, *Members Guide – 9th Assembly: Guide to services, facilities and entitlements for non-executive members and their staff*, [20]

Eligibility requirements

Legal assistance is available to members involved in an incident in the 'course of his or her duties'³. At all times the incident the subject of Mr Manny's threat of legal proceedings occurred, I was an elected Member for Kurrajong in the ACT Legislative Assembly.

My public profile and social media accounts all clearly state my position and status as an MLA.

In all correspondence in which Mr Manny has articulated his threat of legal proceedings, he has made reference to my position as an elected Member of the ACT Legislative Assembly.

Mr Manny has made allegations about my position as an elected Member of the ACT Legislative Assembly being 'untenable for lying in public' and threatened to '[send] all these lies to ACT Labor party'; a reference to a political party that also has elected members in the ACT Legislative Assembly.

Mr Manny's comment on Mr Coe's LinkedIn page makes threats to commence legal proceedings against his 'members' to jeopardise the next election. The post on Mr Coe's LinkedIn page to which Mr Manny made the comment was a Canberra Times article that Mr Coe shared titled 'Opposition questions \$300 million 'sweetheart deal' between Canberra utilities'; an article about an issue which arose during Estimates Hearings which is part of the core business of the members of the ACT Legislative Assembly.

Mr Manny chose to notify Mr Coe in Mr Coe's capacity as Leader of the Canberra Liberals and Leader of the Opposition; in effect, my superior in the ACT Legislative Assembly Opposition.

Request for Assistance

In accordance with the Guidelines, the member is required to submit 'a detailed report of the incident' to the Attorney-General 'without delay fully disclosing his or her involvement in the incident and advising any time by which any procedural step is required to be taken in any legal proceedings'⁴.

This letter sets out in full detail the particulars of the incident and encloses all relevant supporting documents. I have also not admitted any liability for the incident⁵.

Decision Process

Clause 20.4 of the Guidelines states that you are required to make a decision in accordance with the Guidelines and in consultation with the Chief Minister and the Treasurer.

Could you please advise whether you approve my request for assistance; and

1. if so:

a. Whether there are any conditions attached to the approval⁶;

³ Ibid, [20.2]

⁴ Ibid, [20.2]

⁵ Ibid, [20.3]

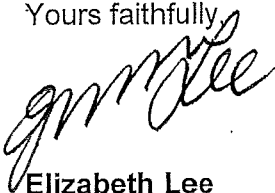
⁶ Ibid, [20.5]

- b. Whether you are approving my application in whole or in part⁷ (and if in part, what part);
- c. Whether I have choice of counsel and if so, what steps my lawyer needs to undertake with respect to receiving payment for their costs;
- d. Whether you require the ACT Government Solicitor or a panel lawyer to take on the matter and if so, what steps you require me to take to instruct them; or

2. if not, the reasons for your decision.

I look forward to hearing from you.

Yours faithfully



Elizabeth Lee
Member for Kurrajong
27 June 2017

⁷ Ibid, [20.5]

CONFIDENTIAL

Letter Elizabeth Lee MLA to Attorney-General dated 27 Jun 2017

SCHEDULE OF ENCLOSURES

1. Copy screenshot Mr Jeff Manny's comment on my LinkedIn post: *'Liz, you have put on weight since [sic] last time I saw you. Try to shake it. Stop eating too many Um [sic] Chas.'*
2. Copy screenshot Mr Jeff Manny's comment on my LinkedIn post: *'This is an ugly picture. Remove it.'*
3. Copy screenshot my post on my Facebook account: *'I'm #Australian, I eat more than #YUMcha and I don't exist to be pretty and skinny for anyone #callingoutsexism #callingoutracism'*
4. Copy screenshot my post on my Twitter account: *'I'm #Australian, I eat more than #YUMcha and I don't exist to be pretty and skinny for you #callingoutsexism #callingoutracism'*
5. Copy screenshot my post on my Instagram account: *'I'm #Australian, I eat more than #YUMcha and I don't exist to be pretty and skinny for anyone #callingoutsexism #callingoutracism'*
6. Canberra Times article: *'Liberal MLA Elizabeth Lee shuts down online 'fat-shaming' on LinkedIn'*
7. Copy screenshot my post on my Facebook page: *'After weeks of ignoring them, today, I publicly called out some comments by a #Canberra businessman for what they are – veiled #sexism and #racism and overt #bodyshaming. Thank you to everyone who has posted, tweeted and messaged me words of support. My gender, body shape and race have nothing to do with my ability to serve the good people of #Kurrajong'*
8. Copy screenshot my post on my LinkedIn page: *'After ignoring them for weeks, today, I called out some online comments for what they are – veiled sexism and racism and overt body shaming. My gender, race and weight have nothing to do with my ability to serve the people of Kurrajong'*
9. Copy screenshot Mr Jeff Manny's comment on my LinkedIn post: *'Liz, I did not attack your sex or your race. Stop playing sex and race cards. You are lying. Show us the evidence. I just sent you a message that you have put on weight since I saw [sic] the last time. I think you have forgotten, you asked me to help you in the last ACT election. You asked me for my advice to win the election. My lawyers will start a proceeding against Canberra Times next week in the ACT Supreme Court. I believe you have brought ACT Liberal party into disrepute by lying on a [sic] social media. Your position in the ACT assembly is untenable for lying in public. You should resign now. I am sending all these lies to ACT Labor party.'*

10. Email forwarded from 'COE' to me received 8:21am Monday 19 June 2017 and one attachment
11. Email forwarded from 'COE' to me received 4:22pm Tuesday 20 June 2017 and two attachments (including one attachment to an attachment)
12. Email from Alistair Coe to me received 9:17am Thursday 22 June 2017



[Redacted] 1st

9 d

Congrats Elizabeth! Keep up the great work for Kurranjong and the ACT!

👍 Like | 💬 Reply | 2 Likes



Jeff Manny • 2nd
Managing Director at Jeff Manny Air Condition...

8 d

Liz, you have put on weight since last time I saw you. Try to shake it. Stop eating too many Um Chas.

👍 Like | 💬 Reply



[Redacted] 1st

8 d

Jeff, I doubt you would comment on a mans weight! It's called Yum Cha, and that's Chinese, while Elizabeth's ancestry is Korean. All in all a pretty terrible comment, pull your head in.

👍 Like | 💬 Reply | 13 Likes

Add a comment...

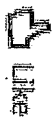
Post



Friendship across party lines

hercatherra.com.au

10 Likes • 1 Comment



Like



Comment



Share



430 views of your post

Likes

-
-
-
-
-
-
-

Comments

Sort by Recent



Jeff Manny • 2nd Managing Director at Jeff Manny Air Condition...
2 hrs

This is an ugly picture. Remove it.

Like Reply

Add a comment...

Post



Elizabeth Lee



Elizabeth Lee in Canberra, Australian Capital Territory

4 hrs · 0

I'm #Australian, I eat more than #YUMicha and I don't exist to be pretty and skinny for anyone #callingoutsexism #callingoutracism



Jeff Manny · 1st

Managing Director at Jeff Manny HR Condition...

5 hrs

Liz, you have put on weight since last time I saw you. Try to shake it. Stop eating too many Um Chas.

Like Reply

Comments

Sort by Recent



Jeff Manny · 1st

Managing Director at Jeff Manny HR Condition...

1 hr

This is an ugly picture. Remove it.

Like Reply



128

110 strings





Tweet



Elizabeth Lee
@ElizabethLeeCBR

I'm #Australian, I eat more than
#YUMcha and I don't exist to be pretty
and skinny for you #callingoutsexism
#callingoutracism



Jeff Manny • 1st
Managing Director at Jeff Manny Air Condition...
5 hrs

Liz, you have put on weight since last time I saw
you. Try to shake it. Stop eating too many Um
Chas.

Like Reply

Comments

Sort by Recent



Jeff Manny • 1st
Managing Director at Jeff Manny Air Condition...
1 hr

This is an ugly picture. Remove it.

Tweet your reply



Home



Explore



Notifications



Messages



Me



Photo



elizabethhiscanberra



Jeff Manny · 1st

Managing Director at Jeff Manny Ad-Creation...
5 hrs

Liz, you have put on weight since last time I saw you. Try to shake it. Stop eating too many Um Chas.

Like Reply

Comments

Sort by Recent

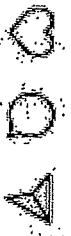


Jeff Manny · 1st

Managing Director at Jeff Manny Ad-Creation...
1 hr

This is an ugly picture. Remove it.

Like Reply



Liked by [redacted] and 3 others

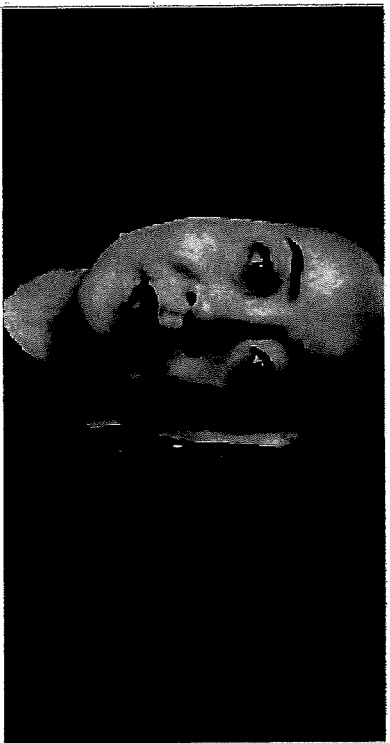
elizabethhiscanberra from #australia. I sent mums this #xlmichaelandl dont exist to be proud and sorry for anyone #calloutsexism #callitwhatit is



Elizabeth Lee - Liberal Member for Kurrajong in Canberra, Australian Capital Territory.

Posted by Elizabeth Lee Friday at 10:07 pm

After weeks of ignoring them, today I publicly called out some comments by a #Canberra businessman for what they are - veiled #sexism and #racism and overt #bodyshaming. Thank you to everyone who has posted, tweeted and messaged me words of support. My gender, body shape and race have nothing to do with my ability to serve the good people of #Kurrajong.



Liberal MLA Elizabeth Lee shuts down online 'fat-shaming'
canberra.liberal.org.au



Articles, posts & more...



Elizabeth Lee

4,983 Followers

Articles

Posts

Activity

Interests



Elizabeth Lee

Liberal Member for Kurrajong | Shadow Minist...

10 d

After ignoring them for weeks today I called out some online comments for what they are - veiled sexism and racism and overt body shaming. My gender, race and weight have nothing to do with my ability to serve the people of Kurrajong



Liberal MLA Elizabeth Lee shuts down online 'fat-shaming'

canberratimes.com.au



Home



My Network



Messaging



Notifications



Jobs



Jeff Manny • 2nd



Managing Director at Jeff Manny Air Condition...

2 hrs

Liz, I did not attack your sex or your race. Stop playing sex and race cards. You are lying. Show us the evidence. I just sent you a message that you have put on weight since I saw the last time. I think you have forgotten, you asked me to help you in the last ACT election. You asked me for my advice to win the election. My lawyers will start a proceeding against Canberra Times next week in the ACT Supreme Court. I believe you have brought ACT Liberal party into disrepute by lying on a social media. Your position in the ACT assembly is untenable for lying in public. You should resign now. I am sending all these lies to ACT Labor party.



Like



Reply

Lee, Elizabeth

From: COE
Sent: Monday, 19 June 2017 8:21 AM
To: Prevedello, Joe; Seccombe, Deborah; Hughes, DavidL; LEE
Subject: FW: <http://www.canberratimes.com.au/act-news/liberal-mla-elizabeth-lee-shuts-down-online-fatshaming-on-linkedin-20170616-gwslgs.html>
Attachments: Elizabit Lee's defaming article.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: personal Elizabeth

Hello

This was in the Coe inbox from Sunday.

Kind regards

Kate Field
Adviser (Research)

Office of Alistair Coe MLA
Leader of the Opposition
ACT Legislative Assembly

T: 02 6205 0101
E: kate.field@parliament.act.gov.au
W: www.alistaircoe.com.au

Please note that I work Monday to Wednesday.

From: Jeff Manny [<mailto:jmanny@velocitynet.com.au>]
Sent: Sunday, 18 June 2017 10:48 AM
To: OLA; info@canberraliberals.org.au
Cc: abcnews24@your.abc.net.au; BARR; COE
Subject: FW: <http://www.canberratimes.com.au/act-news/liberal-mla-elizabeth-lee-shuts-down-online-fatshaming-on-linkedin-20170616-gwslgs.html>

Dear Ms Lee,

I am suing you for a false and defaming post you have displayed in your Facebook, in the ACT Supreme Court. A copy of your post is attached to this email.

Please nominate the person I can communicate to and serve the court summons.

As part of procedures of defamation proceeding, you can remove your post and apologise for it on the same media that is your Facebook immediately to end this matter before damages add up.

Please reply to this email urgently within 7 days.

Kind regards
Jeff Manny

Attachment to email from
'COE' 8:21AM 19 June 2017

Posts



Elizabeth Lee - Liberal Member for Kurrajong in Canberra, Australian Capital Territory.

June 16 at 10:07pm · 🌐

After weeks of ignoring them, today I publicly called out some comments by a #Canberra businessman for what they are - veiled #sexism and #racism and overt #bodyshaming. Thank you to everyone who has posted, tweeted and messaged me words of support. My gender, body shape and race have nothing to do with my ability to serve the good people of #Kurrajong

Liberal MLA Elizabeth Lee shuts down online 'fat-shaming'

Canberra Liberal MLA Elizabeth Lee has delivered a swift and sharp rebuke to a businessman who sought to fat-shame her online.

CANBERRATIMES.COM.AU

Like Show more reactions

Comme

Lee, Elizabeth

From: COE
Sent: Tuesday, 20 June 2017 4:22 PM
To: LEE
Cc: Seccombe, Deborah
Subject: FW: The Canberra Times re: Mr Jeff Manny
Attachments: The Canberra Times re: Mr Jeff Manny; My letter for a further and better particulars to Canberra Times' Lawyers.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: personal Elizabeth

Sarah Suine
Executive Assistant

Office of Alistair Coe MLA
Leader of the Opposition
ACT Legislative Assembly

T: 02 6205 0101
E: Sarah.suine@parliament.act.gov.au
W: www.alistaircoe.com.au

From: Jeff Manny [<mailto:jmanny@velocitynet.com.au>]
Sent: Tuesday, 20 June 2017 4:03 PM
To: 'Leanne Norman'
Cc: info@presscouncil.org.au; letters.editor@canberratimes.com.au; abcnews24@your.abc.net.au; mediawatch@your.abc.net.au; BARR; COE
Subject: RE: The Canberra Times re: Mr Jeff Manny

Dear Ms Norman,

Please find the attached letters.

Kind regards
Jeff Manny

From: Leanne Norman [<mailto:norman@bhf.com.au>]
Sent: Monday, June 19, 2017 4:54 PM
To: jmanny@velocitynet.com.au
Subject: The Canberra Times re: Mr Jeff Manny


Dear Mr Manny

Please see the attached letter.

Kind regards
Leanne Norman | Partner
Banki Haddock Fiora
Level 10, 179 Elizabeth Street Sydney NSW 2000
P +61 2 9266 3400 | D +61 2 9266 3454 | F +61 2 9266 3455

norman@bhf.com.au | www.bhf.com.au

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 Virus-free. www.avast.com

1st Attachment to email from
"COE" 4:22PM 20 June 2017

Lee, Elizabeth

From: Leanne Norman [norman@bhf.com.au]
Sent: Monday, 19 June 2017 4:54 PM
To: jmanny@velocitynet.com.au
Subject: The Canberra Times re: Mr Jeff Manny
Attachments: BHF to Mr Manny 17.06.19.pdf; Untitled attachment 00234.htm

Dear Mr Manny

Please see the attached letter.

Kind regards

Leanne Norman | Partner

Banki Haddock Fiora

Level 10, 179 Elizabeth Street Sydney NSW 2000 P +61 2 9266 3400 | D +61 2 9266 3454 | F
+61 2 9266 3455

norman@bhf.com.au | www.bhf.com.au

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the addressee. It is confidential and may contain privileged information.
Any unauthorised use or disclosure is prohibited. If you have received the
email in error, please immediately let the sender know by email or telephone
and delete the email from your system]

Attachment to email from
Leanne Norman to

BANKI HADDOCK FIORA

LAWYERS

Level 10, 179 Elizabeth Street Sydney NSW 2000 Australia
Telephone 61 2 9266 3400 Facsimile 61 2 9266 3455 email@bhf.com.au
ABN 32 057 052 600

jmanny@
velocitynet.com.au

4:54PM

19 June 2017

19 June 2017

Mr Jeff Manny
BY EMAIL: jmanny@velocitynet.com.au

Dear Mr Manny

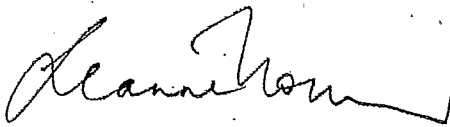
YOUR EMAIL OF 19 JUNE 2017 ALLEGING DEFAMATION BY THE CANBERRA TIMES

We act for the publisher of *The Canberra Times*, and have been instructed to respond to your email sent earlier today, concerning the article "*Liberal MLA Elizabeth Lee shuts down online 'fat-shaming' on LinkedIn*", published on 16 June 2017 (the **Article**).

In our view, it was open to Ms Lee to interpret your LinkedIn posting as racist and/or sexist. Accordingly, if you were to commence the threatened defamation action against *The Canberra Times* in respect of the publication of the Article, we believe Ms Lee's comments to this effect would be defensible as honest opinion.

In those circumstances, our client does not consider any apology to you to be warranted, and declines to give one.

Yours sincerely



Leanne Norman
Partner
Direct line: 9266 3454
email: norman@bhf.com.au

2nd attachment to email
from 'COE' 4:22PM

20 June 2017

20 June 2017

Ms Leanne Norman
BANKI HADDOCK FIORA
Level 10, 179 Elizabeth Street
Sydney NSW 2000, Australia

By Email: norman@bhf.com.au

Dear Ms Norman,

Your email of 20 June 2017, seeking further and better particulars to defame me

1. On Thursday 15 June 2017, Ms Katie Burgess sent me the following message in LinkedIn, despite I have left my email address in my profile in LinkedIn:

- **Canberra Times story**

“Hi Jeff, I'm writing a story on the comments you made on Elizabeth Lee's Facebook page regarding her weight, appearance and race. I'd like a response to the following questions by 6 pm today: - What prompted you to make those comments to Ms Lee? - Will you be apologising to Ms Lee for your comments? - What business are you operating now? I called the number listed in the phone book for Jeff Manny air conditioning and they said they have not had anything to do with you since 2005? Looking forward to speaking with you soon. You can also get in touch at katie.burgess@fairfaxmedia.com.au”.

2. On Saturday 17 June 2017, I saw the message of Ms Katie Burgess on LinkedIn. Jeff Manny sent the following messages at 12:31 PM to Ms Katie Burgess via LinkedIn:

- a. Send me a letter by an email to me I will respond to you. Please do not forget to quote my comment;
- b. Katie, next time before you send me a message, please do your homework.

3. There was no reply to this message.

4. On Saturday 17 June 2017, Jeff Manny sent the following message to Ms Burgess at 1:55 PM, via LinkedIn:

- a. Katie, when you write the letter to me, please specify the following further and better particulars among other things;
- b. Who was offended by my post?
- c. Was it you offended by my post (who is the aggrieved person)? On what grounds?
- d. Was it someone else offended my post? Please disclose person's name who was offended by the post;
- e. What is your relationship with the aggrieved person? Are you her lawyer or acting on a power of attorney? Please give me details of your engagement with the aggrieved person.
- f. On what ground you want me to apologise?

- g. As I have mentioned it before, please disclose my text of my post that aggrieved person was offended and on what grounds;
 - h. Why and on what grounds you contacted Jeff Manny air conditioning? Not Jeff Manny air conditioning, heating, solar energy and water (emphases added)?
 - i. Why and on what grounds you want to know 'what business am I operating now'?
 - j. Why and on what grounds you would like a response to your questions by 6 pm today?
 - k. On what grounds you as a third party would like to know my relationship with Ms Lee?
 - l. Please seek legal advice.
 - m. Kind regards
 - n. Jeff Manny
5. There has been no reply to any of my messages so far.
 6. What due diligence Ms Burgess sought before publishing defaming publication on Canberra Times on Friday 16 June 2017?
 7. Why Ms Burgess did not wait for my response before publishing defaming publication on Canberra Times on Friday 16 June 2017. It goes without saying that giving less than 6 hours' time to reply to Ms Burgess's allegation in a social media is not adequate that it is very obvious that I do not check my Social Media every hour of every day. Additionally often it takes more than 6 hours a message reaches to the recipients.
 8. Please send me a copy of Ms Lee's comments to Canberra Times before Friday 16 June 2017.
 9. I am seeking Ms Burgess and her representative prove her comment sent to me on Thursday 15 June 2017 **"Hi Jeff, I'm writing a story on the comments you made on Elizabeth Lee's Facebook page regarding her weight, appearance and race"**.
 10. I am seeking Ms Burgess, Canberra Times and her representative prove that **"I shut down on line 'fat-shaming'" Liberal MLA Elizabeth Lee** published in an article on Canberra Times on 16 June 2017 under heading of **"Liberal MLA Elizabeth Lee shuts down online 'fat-shaming'"**
 11. On what grounds of law, you believe a publisher can publish defaming article against a person on basis of honest opinion of a third party without authenticity of the comment?
 12. It is very obvious that Mr Burgess had not seen my post against Ms Lee, because my post was on the LinkedIn, Not on her Facebook. Mr Burgess and in turn Canberra Times solely relied on Mr Lee's comment without seeking to know the other side of the story.
 13. Ms Lee had posted a picture of herself on LinkedIn had invited viewers for comments. I knew Ms Lee for a couple of years. I had helped her in the last ACT election who sought my

advice. Why shouldn't I have given **my honest opinion about her picture**? However, my opinion was not that she was 'fat'. My true and honest opinion was **"you have put on weight since I saw you last time"**. My opinion wasn't sexist or racist either. Ms Lee put herself in my connections in LinkedIn. If she did not want to be in my connections, she could have walked away.

14. Do you believe a true and an honest opinion of "you have put on weight sine I saw you last time" is fat, racist and sexist? But Canberra Times' article claims that.

I am looking forward receiving answers to my 14 paragraphs of further and better particulars in 14 days.

I inform you that I am in a process of a joint venture with an entity that worth 100s of millions of Dollars for me.

I am reminding you kindly that delay in giving apology increases costs and damages that delayed apology might not be enough for a remedy for the losses in the future.

Yours Sincerely
Jeff Manny

Lee, Elizabeth

From: Coe, Alistair
Sent: Thursday, 22 June 2017 9:17 AM
To: Lee, Elizabeth
Cc: Prevedello, Joe; Hughes, DavidL
Subject: FW: Jeff Manny commented on your post

FYI

From: Jeff Manny via LinkedIn [mailto:notifications-noreply@linkedin.com]
Sent: Wednesday, 21 June 2017 9:08 PM
To: Coe, Alistair
Subject: Jeff Manny commented on your post



Alistair Coe

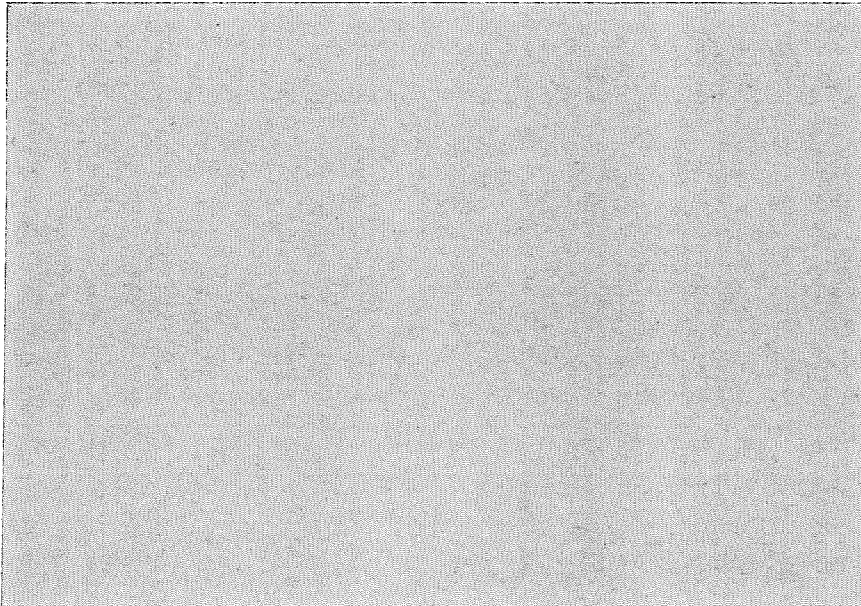


Jeff Manny commented on your post

[Check it out](#)



Alistair Coe
Shared this



Opposition questions \$300 million 'sweetheart deal' between
Canberra utilities

canberratimes.com.au

3 Likes • 1 Comment



Jeff Manny

• 1st

Managing Director at Jeff Manny Air Conditioning,...

Hay Alistair, there are problems you need to face it. There will be a legal proceeding against your members right on the eve of the next election. You will be less relevant in the future.

[Join the conversation](#)

[Unsubscribe](#) | [Help](#)

You are receiving Activity Notifications emails.

This email was intended for Alistair Coe (Leader of the Opposition at ACT Legislative Assembly). [Learn why we included this.](#)



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Gordon Ramsay MLA

Member for Ginninderra

Attorney-General
Minister for Regulatory Services
Minister for the Arts and Community Events
Minister for Veterans and Seniors

Ms Elizabeth Lee
Member for Kurrajong
Legislative Assembly for the Australian Capital Territory
PO Box 1020
CANBERRA ACT 2601

Dear Ms Lee *Elizabeth*

Office of Elizabeth Lee
M:
Received:
Scanned:

Office of Elizabeth Lee
Member for Kurrajong
Received: *20/07/17*
Scanned:

On 27 June 2017 you wrote to me seeking legal assistance in relation to threatened legal proceedings by Mr. Jeff Manny that you say have arisen in your official duties as a Member of the Legislative Assembly.

You reported that you have been threatened with legal action for defamation of Mr Jeff Manny and seek legal assistance pursuant to the *Guidelines for the provision of assistance to ACT Ministers and Members in relation to legal proceedings* ("the Guidelines"). The comments made by you of Mr Manny that were alleged to be defamatory of him were made on 16 June 2017 on your Facebook, Twitter and Instagram accounts. Following those publications, The Canberra Times published an article about those exchanges of comments on the same day. You then shared the article on your Facebook page and your LinkedIn page on the same day with further comment from you.

You further reported that those comments by you were made in response to comments made by Mr Manny on your LinkedIn account and they were made in your capacity as a Member of the Assembly. You advised that your social media accounts clearly identify you as a Member for Kurrajong in the ACT Legislative Assembly.

Ordinarily, the mere identification of yourself as a Member for Kurrajong in the ACT Legislative Assembly in social media accounts of itself would not be sufficient to be covered by the Guidelines. The incident involved in by you must have occurred in the course of your official duties. In this particular incident, I have had regard to the fact that the initial comments from Mr Manny were posted on your LinkedIn account on a post by you about the ACT Budget, which is quite clearly a political event of which as a Member of the Assembly you would have an interest in your official capacity. The comments generated between you and Mr Manny from then on led to the threat by Mr Manny to sue you for defamation and they also included threats from Mr Manny to report you to the ACT Liberal Party and to the ACT Labor Party, which he had done.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 2615 Email ramsay@act.gov.au



Looking at the overall picture of this incident, I am satisfied that the personal capacity can be separated from the professional capacity you were engaged in when using those social media accounts and making those comments. Accordingly, I consider that you are entitled to legal assistance for this particular incident under the Guidelines.

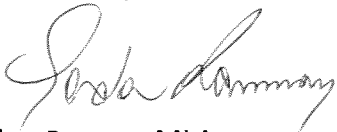
As it appears the threatened defamation claim arises from your performance of your official duties, the claim is most likely covered by the Territory's insurance arrangements, managed by the ACT Insurance Authority ("ACTIA"). Mr Sky Sim, Deputy Chief Solicitor – Litigation has alerted Mr Peter Osborne, Deputy General Manager of such a potential claim that might be submitted in due course in a generic way without identifying you. Accordingly, I ask that you forward a copy of your report to Mr Osborne, who will be expecting your contact, requesting that ACTIA assume conduct of any claim that might eventuate.

I note that you have asked a number of questions in your letter about your legal representation, such as your choice of counsel and solicitors. As ACTIA will manage the conduct of your defence, those questions are best to be answered by ACTIA. If you encounter any issues in dealing with ACTIA, please do not hesitate to contact my office again or Mr Sky Sim.

In the circumstances it is not currently necessary for me to formally approve legal assistance (and the extent of that assistance) under the Guidelines.

Thank you for making this report to me and I trust this deals satisfactorily with your request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gordon Ramsay', written in a cursive style.

Gordon Ramsay MLA
Attorney-General

From: [Lee, Elizabeth](#)
To: [Osborne, Peter](#)
Subject: RE: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]
Date: Tuesday, 1 August 2017 11:45:21 AM
Attachments: [AG Reply 20 July 2017.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear Mr Osborne,

Thank you for your email.

After receiving confirmation from the Attorney-General, I attach a copy of his response dated 20 July as requested.

I look forward to hearing from you. Please let me know if you require any further information or if you require me to take any further steps.

Best,

Elizabeth Lee MLA | Member for Kurrajong | ACT Legislative Assembly

GPO Box 1020 Canberra ACT 2601

E: <<mailto:lee@parliament.act.gov.au>> lee@parliament.act.gov.au

<<https://www.facebook.com/ElizabethLeeforKurrajong/>> <<https://twitter.com/ElizabethLeeCBR>>
<<https://au.linkedin.com/in/elizabethleecanberra>> <<https://www.instagram.com/elizabethleecanberra>>

From: Osborne, Peter
Sent: Tuesday, 1 August 2017 10:00 AM
To: Lee, Elizabeth
Subject: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Ms Lee

Thank you for your letter of 20 July.

Please can you forward me a copy of the Attorney-General's response to your request, so that ACTIA is aware of any conditions that have been attached to the Attorney-General's approval. An emailed copy will be fine if that is convenient for you.

Best wishes

Peter

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |
<<http://apps.treasury.act.gov.au/insurance-and-risk-management>> <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Lee, Elizabeth
Sent: Tuesday, 1 August 2017 6:25 PM
To: Garrison, Peter
Cc: Osborne, Peter; Manzoney, Lisa; Bayliss, Russell; Arthur, Sarah
Subject: RE: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Mr Osborne and Solicitor-General,

Thank you for your emails.

I acknowledge the conditions upon which the legal assistance is being provided.

I can confirm that I have not received any further communications from Mr Manny (I have now blocked him on LinkedIn which is the platform on which he contacted me multiple times).

I do not know if he has made any further contact with Alistair Coe MLA or any other Members of the Legislative Assembly (I understand he contacted various Members when he first threatened legal action against me). If he has subsequently contacted any other MLA, I have not been informed of it.

I hope this helps.

I look forward to hearing from Mr Bayliss in due course.

Best,

Elizabeth Lee MLA | Member for Kurrajong | ACT Legislative Assembly



GPO Box 1020 Canberra ACT 2601

E: lee@parliament.act.gov.au



From: Garrison, Peter
Sent: Tuesday, 1 August 2017 4:48 PM
To: Lee, Elizabeth
Cc: Osborne, Peter; Manzoney, Lisa; Bayliss, Russell; Arthur, Sarah
Subject: RE: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

ACT SOLICITOR-GENERAL
(see confidentiality notice below)

Dear Ms Lee

I confirm that the office of the ACT Government Solicitor has been instructed by the ACT Insurance Authority to act on your behalf in relation to a threat of defamation proceedings made by Mr Jeff Manny. I have asked Mr Russell Bayliss, Counsel, to handle the matter on your behalf.

I have a copy of your request for assistance to the Attorney-General and the material attached to it. Mr Manny made a threat of legal proceedings against you in his email dated 18 June 2017, together with threats against the Canberra Times. There are also a range of internet "posts". Mr Bayliss will contact you to discuss the matter shortly, but in the meantime I should be grateful if you would let us know whether you have received any further communications from Mr Manny.

Regards

Peter Garrisson AM SC | Solicitor-General for the Australian Capital Territory
Ph: 02 620 70654 | Fax: 02 620 70630 | DX 5602 Canberra | PO Box 260 Civic Square ACT 2608
www.actgs.act.gov.au

This e-mail, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Osborne, Peter
Sent: Tuesday, 1 August 2017 4:17 PM
To: Lee, Elizabeth
Cc: Garrisson, Peter
Subject: RE: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Ms Lee

Thank you for your email.

I have reviewed the material that you sent me and believe that, if Mr Manny were to pursue his threat of litigation for defamation against you, it would fall within the scope of the Territory's insurance program arranged by ACTIA.

This means that ACTIA will meet all reasonable costs of defending any claim that may arise and that, in the event that such a defence were unsuccessful, ACTIA would also indemnify you for any amounts that you may become legally liable to pay by way of damages.

This indemnity relates only to any claim that is made against you as a Member of the Legislative Assembly and not to any claim that may be made against other parties, such as the Canberra Times.

I am requesting the ACT Government Solicitor to act in relation to the matter and expect that they will be in touch in due course.

Please do not hesitate to contact me should you have any queries.

Best wishes

Peter

Peter Osborne | Assistant General Manager
Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714
ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Lee, Elizabeth
Sent: Tuesday, 1 August 2017 11:45 AM
To: Osborne, Peter
Subject: RE: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Mr Osborne,

Thank you for your email.

After receiving confirmation from the Attorney-General, I attach a copy of his response dated 20 July as requested.

I look forward to hearing from you. Please let me know if you require any further information or if you require me to take any further steps.

Best,

Elizabeth Lee MLA | Member for Kurrajong | ACT Legislative Assembly



GPO Box 1020 Canberra ACT 2601

E: lee@parliament.act.gov.au



From: Osborne, Peter
Sent: Tuesday, 1 August 2017 10:00 AM
To: Lee, Elizabeth
Subject: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Ms Lee

Thank you for your letter of 20 July.

Please can you forward me a copy of the Attorney-General's response to your request, so that ACTIA is aware of any conditions that have been attached to the Attorney-General's approval. An emailed copy will be fine if that is convenient for you.

Best wishes

Peter

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Osborne, Peter
Sent: Tuesday, 1 August 2017 10:00 AM
To: Lee, Elizabeth
Subject: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

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Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

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<<http://apps.treasury.act.gov.au/insurance-and-risk-management>> <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: [Lee, Elizabeth](#)
To: [Osborne, Peter](#)
Subject: Re: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]
Date: Tuesday, 1 August 2017 4:41:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear Mr Osborne,

Thank you for your prompt consideration of my matter. I really appreciate your quick response.

Best,
Elizabeth

Sent from my iPad

On 1 Aug 2017, at 4:17 pm, Osborne, Peter <Peter.Osborne@act.gov.au <<mailto:Peter.Osborne@act.gov.au>> > wrote:

Dear Ms Lee

Thank you for your email.

I have reviewed the material that you sent me and believe that, if Mr Manny were to pursue his threat of litigation for defamation against you, it would fall within the scope of the Territory's insurance program arranged by ACTIA.

This means that ACTIA will meet all reasonable costs of defending any claim that may arise and that, in the event that such a defence were unsuccessful, ACTIA would also indemnify you for any amounts that you may become legally liable to pay by way of damages.

This indemnity relates only to any claim that is made against you as a Member of the Legislative Assembly and not to any claim that may be made against other parties, such as the Canberra Times.

I am requesting the ACT Government Solicitor to act in relation to the matter and expect that they will be in touch in due course.

Please do not hesitate to contact me should you have any queries.

Best wishes

Peter

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management> <<http://apps.treasury.act.gov.au/insurance-and-risk-management>> <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Lee, Elizabeth
Sent: Tuesday, 1 August 2017 11:45 AM
To: Osborne, Peter
Subject: RE: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Mr Osborne,

Thank you for your email.

After receiving confirmation from the Attorney-General, I attach a copy of his response dated 20 July as requested.

I look forward to hearing from you. Please let me know if you require any further information or if you require me to take any further steps.

Best,

Elizabeth Lee MLA | Member for Kurrajong | ACT Legislative Assembly

<image001.png>

GPO Box 1020 Canberra ACT 2601

E: <<mailto:lee@parliament.act.gov.au>> lee@parliament.act.gov.au

<<https://www.facebook.com/ElizabethLeeforKurrajong/>> <image002.png>
<<https://twitter.com/ElizabethLeeCBR>> <image003.png> <<https://au.linkedin.com/in/elizabethleecanberra>>
<image004.png> <<https://www.instagram.com/elizabethleecanberra>> <image005.png>

From: Osborne, Peter
Sent: Tuesday, 1 August 2017 10:00 AM
To: Lee, Elizabeth
Subject: Legal Assistance - Potential Litigation [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Ms Lee

Thank you for your letter of 20 July.

Please can you forward me a copy of the Attorney-General's response to your request, so that ACTIA is aware of any conditions that have been attached to the Attorney-General's approval. An emailed copy will be fine if that is convenient for you.

Best wishes

Peter

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |
<<http://apps.treasury.act.gov.au/insurance-and-risk-management>> <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Osborne, Peter
Sent: Friday, 21 July 2017 5:13 PM
To: Fletcher, John
Subject: Defamation [SEC=UNCLASSIFIED]

Hi John

Just seen this in the Canberra Times online - <http://www.canberratimes.com.au/act-news/canberra-greyhound-racing-club-starts-defamation-action-against-shane-rattenbury-20170718-gxe1dm.html>

Not sure if this is what Sky was alluding to last week, I haven't heard anything official.

All the best

Peter

From: [Garrison, Peter](#)
To: [Osborne, Peter](#)
Cc: [Bayliss, Russell](#); [Sim, Sky](#); [Manzoney, Lisa](#)
Subject: Claim against Mr Rattenbury [DLM=Sensitive: Legal]
Date: Thursday, 27 July 2017 4:36:36 PM
Attachments: [FROM - Hill and Rummery re Canberra Greyhound Racing Club, defamation case.pdf](#)

ACT SOLICITOR-GENERAL

(see confidentiality notice below)

Dear Peter

Further to our discussion today, I confirm that defamation proceedings have been threatened against Minister Shane Rattenbury, MLA. In response to a request for assistance by him to the Attorney-General, Minister Rattenbury has been advised to contact ACTIA in relation to the claim.

I attach a copy of the letter of demand addressed to Minister Rattenbury, together with a transcript of the alleged defamatory comments.

I also confirm that the Office of the ACT Government Solicitor is able to act in relation to the matter and I have ascertained Mr Bayliss' availability to conduct the matter on behalf of Minister Rattenbury.

Please do not hesitate to contact me should you have any queries.

Transcript from 2CC interview 13th July – discussion between Chris Coleman (2CC) and Shane Rattenbury MLA

Shane: "When it comes to the record of the greyhound industry in the ACT we have had reports of abuse here in the ACT and I think we've seen..."

Chris: "When Shane when..when where these reports, when were they confirmed? Because I can't find them, the greyhound club can't find them, Mary Durkin couldn't find them. Where are these confirmed reports?"

Shane: "I've had them put to me Chris and I haven't actually got the dates on me at the moment, I'll have...I'm happy to check up and follow that up with you later on."

Chris: "If you can pass them on to me can I pass them on to the greyhound club, because they don't know about them either and this is the problem."

Shane: "Sure, I'm happy to follow that up with you."

Chris: "Good, because this is the thing. If there have been these occasions, then the greyhound club is feeling that have been blind sighted because they don't have access to these complaints. And, as I said, you know

you're going after them but there are people who say you should be spending time and effort going after other people.”

Regards

Peter Garrison AM SC | Solicitor-General for the Australian Capital Territory

Ph: 02 620 70654 | Fax: 02 620 70630 | DX 5602 Canberra | PO Box 260 Civic Square ACT 2608

<<http://www.actgs.act.gov.au/>> www.actgs.act.gov.au

Ref: 632855

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18 July 2018

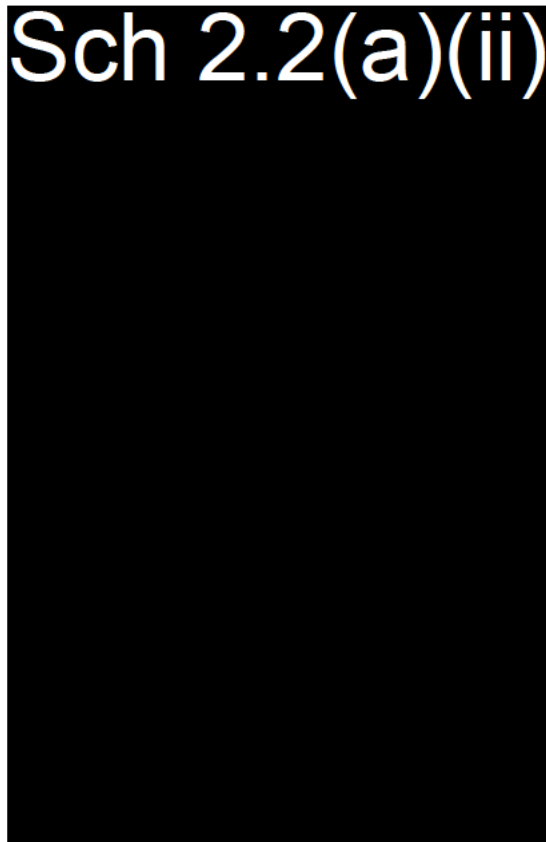
ARH:DH 81544

Mr Shane Rattenbury MLA
Legislative Assembly Building
L2 South Building,
London Circuit
Canberra ACT 2600

PRIVATE AND CONFIDENTIAL

We act for Caberra Greyhound Racing Club Inc. ('the Club'), an *excluded corporation* pursuant to Section 121(2)(a) of the Civil Law (Wrongs) Act 2002, and for the Committee members of the Club. The Committee members are:

Sch 2.2(a)(ii)



Our clients have consulted us about a number of statements made by you on Canberra radio 2CC 106.6FM on 13 July 2017 in an interview with Chris Coleman which are highly defamatory of our clients.



The broadcast complained of gives rise to a number of defamatory imputations in respect of the Club and its Committee members including the following:

- (a) That the plaintiffs presided over an exploitative industry, namely the greyhound industry in the Australian Capital Territory ('ACT');
- (b) That the plaintiffs acted in a deceptive manner regarding the greyhound industry in the ACT;
- (c) That the plaintiffs lied about serious concerns in the greyhound industry in the ACT;
- (d) That the plaintiffs permitted banned substances to be used in the greyhound industry in the ACT; and
- (e) That the plaintiffs permitted live baiting to take place in the greyhound industry in the ACT.

We are instructed that each of the above imputations is false.

We also note in the broadcast that you did not refer to any cogent evidence to support these seriously defamatory assertions.

In these circumstances, we ask that you provide a written apology to our clients as a matter of urgency and also ask that you make arrangements to appear on radio 2CC 106.6FM to withdraw these allegations and to apologise for the defamatory statements that you conveyed in the interview against the Club.

The precise terms of the written apology that we request and the withdrawal and apology to be broadcast should be agreed upon by your legal advisors and ourselves. Our clients reserve all their rights in any event, including the right to seek damages and costs.

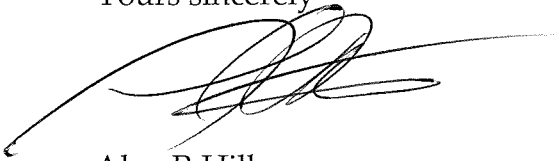
Our clients view this as a serious defamation especially in the current circumstances where the ACT government is contemplating introducing legislation to ban the greyhound industry in the ACT. In this situation, it was most improper of you to make groundless allegations which was no doubt designed to garner support for that legislation.



Please let us have a response no later than close of business on Friday, 4 August 2017. Failing which, our clients will take such further action as they may be advised without further notice to you.

Please treat this letter as a *concerns notice* pursuant to Section 126 of the Civil Law (Wrongs) Act 2002.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan R Hill', with a long horizontal flourish extending to the left.

Alan R Hill

From: [Osborne, Peter](#)
To: [Garrison, Peter](#)
Cc: [Bayliss, Russell](#); [Sim, Sky](#); [Manzoney, Lisa](#)
Subject: RE: Claim against Mr Rattenbury [DLM=Sensitive: Legal]
Date: Tuesday, 1 August 2017 11:56:00 AM
Attachments: [indemnification for Canberra Greyhound Racing Club lawsuit.msg](#)
[RE indemnification for Canberra Greyhound Racing Club lawsuit DLM Sensitive Legal.msg](#)

Dear Peter

Thank you for your email below.

I have now received correspondence from Mr Rattenbury's office confirming that he wishes to be indemnified by ACTIA, copy emails attached.

As we discussed, please can you arrange for the Office of the ACT Government Solicitor to act in relation to this matter.

All the best

Peter

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |
<<http://apps.treasury.act.gov.au/insurance-and-risk-management>> <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Garrison, Peter
Sent: Thursday, 27 July 2017 4:37 PM
To: Osborne, Peter
Cc: Bayliss, Russell; Sim, Sky; Manzoney, Lisa
Subject: Claim against Mr Rattenbury [DLM=Sensitive: Legal]

ACT SOLICITOR-GENERAL

(see confidentiality notice below)

Dear Peter

Further to our discussion today, I confirm that defamation proceedings have been threatened against Minister Shane Rattenbury, MLA. In response to a request for assistance by him to the Attorney-General, Minister Rattenbury has been advised to contact ACTIA in relation to the claim.

I attach a copy of the letter of demand addressed to Minister Rattenbury, together with a transcript of the alleged defamatory comments.

I also confirm that the Office of the ACT Government Solicitor is able to act in relation to the matter and I have ascertained Mr Bayliss' availability to conduct the matter on behalf of Minister Rattenbury.

Please do not hesitate to contact me should you have any queries.

Transcript from 2CC interview 13th July – discussion between Chris Coleman (2CC) and Shane Rattenbury MLA

Shane: "When it comes to the record of the greyhound industry in the ACT we have had reports of abuse here in the ACT and I think we've seen..."

Chris: "When Shane when..when where these reports, when were they confirmed? Because I can't find them, the greyhound club can't find them, Mary Durkin couldn't find them. Where are these confirmed reports?"

Shane: "I've had them put to me Chris and I haven't actually got the dates on me at the moment, I'll have...I'm happy to check up and follow that up with you later on."

Chris: "If you can pass them on to me can I pass them on to the greyhound club, because they don't know about them either and this is the problem."

Shane: "Sure, I'm happy to follow that up with you."

Chris: "Good, because this is the thing. If there have been these occasions, then the greyhound club is feeling that have been blind sighted because they don't have access to these complaints. And, as I said, you know you're going after them but there are people who say you should be spending time and effort going after other people."

Regards

Peter Garrisson AM SC | Solicitor-General for the Australian Capital Territory

Ph: 02 620 70654 | Fax: 02 620 70630 | DX 5602 Canberra | PO Box 260 Civic Square ACT 2608

<<http://www.actgs.act.gov.au/>> www.actgs.act.gov.au

Ref: 632855

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Gordon Ramsay MLA

Member for Ginninderra

Attorney-General
Minister for Regulatory Services
Minister for the Arts and Community Events
Minister for Veterans and Seniors



Mr Shane Rattenbury MLA
Member for Kurrajong
ACT Legislative Assembly
GPO Box 1020
CANBERRA CITY ACT 2601

Dear Mr ^{Shane}Rattenbury

In your letter of 20 July 2017 you sought legal assistance in relation to threatened legal proceeding by the Canberra Greyhound Racing Club Inc and its Committee members.

As you will be aware, legal assistance to Ministers and members of the Legislative Assembly in relation to anticipated or actual legal proceedings may be provided under the "Guidelines for the Provision of Legal Assistance to Ministers and members in relation to legal proceedings".

The claim for defamation arises from a radio broadcast made by you on 13 July 2017 in which you commented on abuse of greyhounds within the greyhound industry in the ACT. You have received a letter of demand from solicitors acting for the Club and its Committee members and it requires you to provide a written apology and withdrawal, which is also to be broadcast.

You were being interviewed in relation to a contentious political issue that has been the subject of continued debate and public commentary. In my opinion responding to media questions regarding matters of controversy may be fairly be regarded as arising in the performance of official duties of a member in particular a Minister.

In accordance with the Guidelines, it is my view that you would be entitled to assistance in relation to your defence of any legal proceeding arising from the claim of defamation.

Since the guidelines were introduced, however, the Territory's insurance arrangements have been introduced with the creation of the ACT Insurance Authority (ACTIA). The Solicitor-General has taken the liberty of alerting Mr Peter Osborne, Deputy General Manager of ACTIA of the threatened claim and has forwarded a copy of the letter of demand to him for ACTIA's consideration. Accordingly, I ask that you contact Mr Osborne on Peter.Osborne@act.gov.au or by phone on 6205 2774, requesting that ACTIA assume conduct of any claim that might eventuate.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 2615 Email ramsay@act.gov.au



I am advised by the Solicitor-General that the Office of the ACT Government Solicitor will act on your behalf and Mr Russell Bayliss, Counsel within that office, will be handling the matter for you.

Further contact should be made with Mr Bayliss in order to provide any further instructions.

A handwritten signature in black ink, appearing to read 'Gordon Ramsay', written in a cursive style.

Gordon Ramsay MLA
Attorney-General

07.7.17



Shane Rattenbury MLA
ACT Greens Member for Kurrajong

Minister Gordon Ramsay MLA
Attorney-General
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Attorney-General,

I write to inform you that the Canberra Greyhound Racing Club has started defamation proceedings against me for comments I made in the media last week.

I have attached a copy of the letter from their solicitor served to my Office Manager yesterday which outlines the allegations.

I have been making consistent public comment about the greyhound industry in the ACT for a number of years now. However, this particular defamation case is being brought against me in relation to a media interview I did with 2CC Radio on Thursday afternoon last week. I have also attached a copy of the transcript for your reference.

I believe that this case has been brought against me due to a dispute about action I took in the course of my official duties in my role as a Member of the Legislative Assembly. I believe that the ACT Government has the ability to cover the legal costs of defence in these situations and I would be grateful if you could confirm this is the case.

If you need any further information or supporting materials, I am very happy to help. In the first instance if you could refer requests to my Chief of Staff, Indra Esguerra, who you can contact on 6205 8500 or indra.esguerra@act.gov.au.

Thank you for your consideration of this matter, and I look forward to your response.

Yours sincerely

Shane Rattenbury MLA
ACT Greens Member for Kurrajong
20 July 2017

Attachment B:

Transcript from 2CC interview 13th July (around 4.15pm) – discussion between Chris Coleman (2CC) and Shane Rattenbury MLA

Shane: “When it comes to the record of the greyhound industry in the ACT we have had reports of abuse here in the ACT and I think we’ve seen...”

Chris: “When Shane when..when where these reports, when were they confirmed? Because I can’t find them, the greyhound club can’t find them, Mary Durkin couldn’t find them. Where are these confirmed reports?”

Shane: “I’ve had them put to me Chris and I haven’t actually got the dates on me at the moment, I’ll have...I’m happy to check up and follow that up with you later on.”

Chris: “If you can pass them on to me can I pass them on to the greyhound club, because they don’t know about them either and this is the problem.”

Shane: “Sure, I’m happy to follow that up with you.”

Chris: “Good, because this is the thing. If there have been these occasions, then the greyhound club is feeling that have been blind sighted because they don’t have access to these complaints. And, as I said, you know you’re going after them but there are people who say you should be spending time and effort going after other people.”

From: Esguerra, Indra
Sent: Tuesday, 1 August 2017 12:15 PM
To: Osborne, Peter
Subject: RE: indemnification for Canberra Greyhound Racing Club lawsuit [DLM=Sensitive: Legal]

Hi Peter,

Thank you for the confirmation and clarification.

Regards, Indra

Indra Esguerra | Chief of Staff | ACT Greens MLAs

Shane Rattenbury MLA | ACT Greens Member for Kurrajong | Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health

Caroline Le Couteur MLA | ACT Greens Member for Murrumbidgee | ACT Greens Spokesperson for Planning, Transport, City Services, Housing and Community Services

t: 02 6205 8500

I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Osborne, Peter
Sent: Tuesday, 1 August 2017 11:54 AM
To: Esguerra, Indra
Subject: RE: indemnification for Canberra Greyhound Racing Club lawsuit [DLM=Sensitive: Legal]

Hi Indra

Thanks for your email.

I confirm that the letter of demand made by the Canberra Greyhound Racing Club falls within the scope of the Territory's insurance program arranged by ACTIA. This means that ACTIA will meet all reasonable costs of responding to the demand and defending any claim that may arise from it. In the event that such a defence were unsuccessful, ACTIA would also indemnify Mr Rattenbury for any amounts that he may become legally liable to pay by way of damages.

This indemnity relates only to the letter of demand, and any subsequent claim arising from it, against Mr Rattenbury as a Minister and Member of the Legislative Assembly and not to any claim that may be made against other parties - such as the radio station that broadcast the interview.

I am requesting the ACT Government Solicitor to act in relation to the matter and expect that they will be in touch in due course.

Please do not hesitate to contact me should you have any queries.

Best wishes

Peter

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |
<<http://apps.treasury.act.gov.au/insurance-and-risk-management>> <http://apps.treasury.act.gov.au/insurance-and-risk-management>

From: Esguerra, Indra
Sent: Tuesday, 1 August 2017 10:51 AM
To: Osborne, Peter
Subject: indemnification for Canberra Greyhound Racing Club lawsuit

Hi Peter,

Thanks for the discussion yesterday about the defamation case being brought against Minister Rattenbury by the Canberra Greyhound Racing Club.

I understand that the Solicitor-General has also raised this issue with you, and has forwarded a copy of the letter of demand from the CGRC's solicitor.

For your further information I have enclosed a copy of the letter Minister Rattenbury wrote to the Attorney-General requesting that the ACT Government cover the legal costs of his defence. (My apologies, I don't have a scanned copy of the signed version).

If you are able to confirm whether ACTIA is able to support the funding for the indemnification for these legal costs that would be appreciated.

Please let me know if you need any further information.

Regards, Indra

Indra Esguerra | Chief of Staff | Office of Shane Rattenbury MLA | ACT Greens Member for Kurrajong

Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety; Minister for Corrections; Minister for Mental Health

t: 02 6205 8500 Follow Shane on <<http://www.facebook.com/#!/shanerattenburymla>> Facebook and <<https://twitter.com/#!/ShaneRattenbury>> Twitter

I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Osborne, Peter
Sent: Thursday, 31 August 2017 8:24 AM
To: Martin, Kylee
Subject: Defamation Incident - Canberra Greyhound Racing Club [DLM=Sensitive: Legal]
Attachments: RE: indemnification for Canberra Greyhound Racing Club lawsuit [DLM=Sensitive: Legal]; RE: Claim against Mr Rattenbury [DLM=Sensitive: Legal]; RE: indemnification for Canberra Greyhound Racing Club lawsuit [DLM=Sensitive: Legal]; indemnification for Canberra Greyhound Racing Club lawsuit; FW: Claim against Mr Rattenbury [DLM=Sensitive: Legal]; Claim against Mr Rattenbury [DLM=Sensitive: Legal]; Defamation [SEC=UNCLASSIFIED]

Hi Kylee

Following on from our brief discussion yesterday, attached are the papers relating to the first of the defamation incidents – an allegation by the Canberra Greyhound Racing Club that it was defamed by Minister Rattenbury. As you'll see GSO was instructed to act and I was told that Russell Bayliss would be sending a reply to the solicitors for the Racing Club denying that any defamation had occurred. I have asked Russell for an update, but none has been received to date.

All the best

Peter