

Contacts

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23 December 2022

**BY EMAIL AND BY HAND
URGENT**

By email: contact@serca.org.au

The Proper Officer
South East Region Conservation Alliance Inc
PO Box 724
Narooma NSW 2546

By email: harriett@woodchippingsux.net.au

Harriett Swift

Dear Ms Swift / South East Region Conservation Alliance Inc

The Pentarch Group – Demand for retraction and undertaking

- 1 We refer to our letter dated 14 December 2022 (**copy enclosed**) in which we demanded a retraction of misrepresentations of facts purportedly derived from the audited Annual Report for ANWE for the financial year ended 30 June 2022.
- 2 The objectionable material included:
 - (a) An article published on 30 November 2022 by 'beagleweekly.com.au';
 - (b) A repost of the article on Twitter by South East Region Conservation Alliance Inc (**SERCA**), along with at least one other twitter user, being the person with the twitter handle '@SusanJa39395818'; and
 - (c) Comments made by Ms Swift during an interview with the ABC that was aired on ABC Illawarra on or around 1 December 2022.

Misrepresentations

- 3 We refer to our previous letter enclosed for an outline of specific misleading comments made by the parties.
- 4 The misrepresentations by Ms Swift in the article and the quotations provided by Ms Swift:
 - (a) are likely to mislead and deceive those who do business with our client;

- (b) may interfere with our client's relationship with its employees and the local community;
 - (c) may cause reputational and business harm to our client; and
 - (d) may give rise to claims against you for economic loss and damage,
- in relation to which our client's rights are reserved.

Retraction and Apology published by Beagle Weekly

- 5 The publication 'The Beagle Weekly' has responded to our previous letter and offered an apology and retraction of the article. They have admitted that the information was misleading and incorrect and have removed the article from their publication's website.
- 6 In our view, the admission from the Beagle Weekly that the information contained in the article about our client was misleading increases the likelihood that our client will succeed if court proceedings become necessary.

Demand

- 7 In line with our previous letter, we demand:
- (a) that **SERCA and Ms Swift**:
 - (i) remove the offending publication from its website, Facebook and/or Twitter platforms;
 - (ii) publish a retraction noting the offending article has been removed due to inaccuracies contained in the original article;
 - (iii) cease and desist from repeating the misrepresentations in any form;
 - (iv) undertake not to repeat the assertions, re-publish or cause to be re-published, the article or the misrepresentations in any form; and
 - (v) notify any publication and/or news outlet that this article was sent to (or to whom similar assertions were made) of the errors and request that any publications from those outlets be removed.

8 If you are unwilling to agree to an undertaking in writing by **4:00pm on 12 January 2023**, we reserve our client's right to initiate court proceedings in Victoria against you without further notice (We have allowed additional time from 23 December 2022 to 9 January 2023 on account of the fact that the courts are closed during this period). If such court proceedings are necessary, our client reserves the right to seek urgent interlocutory orders, damages, and recovery of its costs.

9 Naturally, if court proceedings are necessary, our client will produce this correspondence to the court, in support of any such application, and any application for payment of its legal costs incurred.

Yours faithfully
RUSSELL KENNEDY



Rory Maguire
Principal

Enclosure(s)



Nahum Ayliff
Principal

Yours faithfully
RUSSELL KENNEDY



Rory Maguire
Principal

Enclosure(s)



Nahum Ayliff
Principal