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05 November 2012

**URGENT  
BY EMAIL  
[brucerobertson1@bigpond.com](mailto:brucerobertson1@bigpond.com)**

**STRICTLY CONFIDENTIAL  
NOT FOR PUBLICATION**

The logo for Ashurst, featuring the word "ashurst" in a lowercase, bold, sans-serif font.

Dear Mr Robertson

**Our client: Grid Australia**

We act for Grid Australia.

Our clients are seriously concerned about the unfounded and defamatory allegations you have made concerning them in several publications including in a broadcast of afternoon program on the ABC on 22 October at 1.00pm and in an article in the Sydney Morning Herald on 23 October 2012 entitled "Farmer finds facts lost in transmission." These appear to be based on information our clients have previously written to you about and we are instructed is demonstrably false.

Notwithstanding that it is apparent that you have continued to seek to have the material published to cause damage to our clients for the purpose of advancing you own interest to the detriment of their legitimate interests.

You are aware of our client's submissions to the Senate inquiry dated 14 September 2012. The facts in those documents demonstrate the following contention by you that Grid Australia deliberately mislead and deceived the Senate Inquiry is untrue.

Briefly we are instructed the factual situation is as follows:

Grid Australia made a submission to the Senate inquiry 14 September 2012 stating that the causes of electricity price increases are due to, amongst other factors,

- Rising network costs due to the need to replace ageing assets
- Load growth and rising peak demand
- Increased demand for appliances such as air-conditioners
- Growth in customers
- More rigorous reliability settings and other obligations for network security
- New connections reflecting strong population and economic growth over recent years; and
- Rising capital financing costs arising from changes.

These same causes for electricity prices rises have also been made to the same Committee of Inquiry by the Australian Energy Regulator, the Department of Resources, Energy and Tourism, the Australian Energy Market Commission and others.

It is clear to our clients that you are wilfully or at best recklessly ignoring the facts presented to you so as to sustain your contentions to promote the campaign being run by you through the organisation known as "the Manning Alliance". We are instructed it is not open to you to deny this contention given the above facts. Our clients can only assume the publications by you were deliberate and for the purpose of disparaging them and causing them to suffer loss as a result.

Your public utterances including the above publications convey at least the following serious imputations which are highly defamatory of our clients:

1. that they have misled a Senate Inquiry;
2. they are deliberately misleading consumers;
3. they are dishonest; and
4. they fabricated evidence before a Senate Inquiry;

(collectively, the **Imputations**).

It is clear that the Imputations are all extremely false and unjustifiable. Our clients do not object to having matters of public interest discussed or debated however they will not tolerate a wilful disregard for the facts as the basis for denigrating them. There is no basis on which any of the serious imputations can be justified and that we are instructed was known to you prior to your publications.

Given the seriousness of the Imputations, their falsity, the fact that the Matter Complained of is in our client's view little more than an unjustified and unsubstantiated attack on them and that we are instructed you did not reveal your connection to one of the journalists involved it is clear to our client that your conduct in this regard was entirely motivated by the improper purpose of denigrating our clients so as to promote your campaign.

The publications are currently causing our clients significant hurt and damage.

Accordingly, we are instructed to require that you immediately:

- (a) refrain from republishing the above imputations and your submissions to the Senate Inquiry outside of the parliamentary process;
- (b) take down the submission from any website operated by you, the Manning Alliance or to which you are a contributor and;
- (c) publish an apology to our clients for the hurt and distress caused by the publications, in terms acceptable and with prominence acceptable to our clients,
- (d) refrain from publishing any further material defamatory of our clients; and
- (e) pay our client's legal costs in respect of this matter.

Please note that this letter or its contents should not be published to any person or in any form.

Please note that all documents relating to the preparation and contents of the above publications should be retained for discovery purposes in the event that litigation is necessary. Our client will rely on this letter on the issues of malice and improper purpose in relation to the above publications and any further publication by you.

Please give this letter your **urgent** attention, no further notice will be given to you and our clients reserve their rights generally.

Yours faithfully

A handwritten signature in black ink, appearing to read "Robert Todd", with a long horizontal flourish extending to the right.

**Robert Todd**  
Partner