

(Your ref)

(Our ref) 21RRG0156

(Date) 5 May 2021

(Sent by) Email

Company (Giles)

PRIVATE AND CONFIDENTIAL - NOT FOR PUBLICATION

By email: [REDACTED]

Ms Louise Milligan

Dear Ms Milligan

DEFAMATION OF MR ANDREW LAMING MP

- 1 This firm represents the interests of Mr Andrew Laming MP.
- 2 This letter is a Concerns Notice for the purpose of Part 3 Div 1 of the *Defamation Act 2005* (NSW) and its counterparts in the other states and territories.
- 3 On or around 28 March and 15 April 2021 you published a series of tweets on your twitter account using the handle @Milliganreports concerning Mr Laming (collectively referred to as the 'Tweets'). A copy of the Tweets is annexed to this letter.
- 4 The Tweets are defamatory of Mr Laming and carry some or all of the following defamatory imputations (or imputations that do not differ in substance):
 - (a) Mr Laming admitted to grossly offensive conduct amounting to an offence under the criminal code;
 - (b) Mr Laming admitted to an offence under the criminal code;
 - (c) Mr Laming took a photo of a woman's underwear under her skirt without consent;
 - (d) Mr Laming is an upskirter, being a man to takes photographs of women's underwear under their skirts without consent,

(the Imputations).
- 5 The publication of the Imputations, either individually or together, was manifestly indefensible. The Imputations are untrue and calculated to harm Mr Laming, both personally and professionally, and should not have been published.
- 6 We are instructed that you made no attempt to obtain Mr Laming's version or gave him any opportunity to comment on what you intended to publish. Given the seriousness of the allegations, your neglect to do so is unprofessional and unfair, particularly as you hold yourself out to be a conscientious journalist. You are no doubt aware that Mr Laming spoke to police shortly after these allegations were made about him and the police concluded that no offence had occurred and further that the woman who made the accusations was not wearing a skirt or a dress - she was wearing pants. Despite that the Tweets remain online, available to be viewed by any person who has access to the internet.
- 7 We note that you have more than 83,000 Twitter followers and that these Tweets were retweeted, commented on or otherwise liked thousands of times. The Tweets have caused and are likely to cause Mr Laming substantial harm and damage. They have already caused him, and will continue to cause him, substantial hurt, distress and embarrassment.



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8 Mr Laming intends to commence defamation proceedings against you in the Federal Court of Australia in relation to the publication of the Tweets, but he is prepared to consider a non-litigious resolution of his concerns before he does so. In that regard we refer you to the provisions of the *Civil Dispute Resolution Act 2011* (Cth).

9 He makes the following demands in order to settle the matter:

(a) The Tweets must be immediately deleted.

(b) Following the deletions required by paragraph 1 you must immediately thereafter publish an apology in the following terms on your Twitter account, from where it is not to be deleted:

APOLOGY TO ANDREW LAMING MP

In March and April 2021, I published a series of Tweets about Andrew Laming MP.

I accept that the claims made about Mr Laming in those Tweets were false and defamatory.

I unconditionally withdraw those claims and apologise to Andrew Laming for the hurt and offense caused to him by reason of my conduct.

(c) You must give Mr Laming a written undertaking not to republish the Tweets, or to publish any further Tweets which convey any of the same imputations, or imputations to substantially the same effect.

(d) You must pay the legal costs incurred by Mr Laming to date.

10 In the meantime, we require you to preserve, and not destroy or delete, documents of all kinds including all electronic material, emails, media releases, text messages, phone records and social media communications concerning the Tweets, the imputations and their subject matter.

11 Mr Laming reserves his rights, including his right to commence proceedings for defamation against you in the Federal Court of Australia without further notice and to rely upon the sending of this letter, and any response to it (or lack of response) on any issue arising in the proceedings, including aggravated damages, costs and injunctions.

12 Finally, we emphasise that this letter is private and confidential and not for publication.

Yours faithfully
COMPANY GILES



Rebekah Giles
(Principal Director)