

BY COURIER AND BY EMAIL

Level 36, Grosvenor Place
225 George Street
Sydney NSW 2000
Australia

Blake Dawson

Ms Julie Posetti
University of Canberra,
ACT 2601
AUSTRALIA

T 61 2 9258 6000
F 61 2 9258 6999
DX 355 Sydney

Locked Bag No 6
Grosvenor Place
Sydney NSW 2000
Australia

www.blakedawson.com

Dear Ms Posetti

29 November 2010.

Defamatory material contained in Twitter posts on 25 November 2010.

We act for Mr Chris Mitchell.

Our client is concerned about the contents of the posts on Twitter written by you and published throughout Australia on 25 November 2010. Those posts included statements to the following effect:

Our reference
RJT

Partner & Contact
Robert Todd
T 61 2 9258 6082
robert.todd@blakedawson.com

"Chris Mitchell goes down the eco-fascist line."

"In the lead up to the election the editor in chief was increasingly telling me what to write." It was prescriptive.

Trying to report climate change at the Australian was "debilitating". "It was absolutely excruciating. It was torture."

As you would have appreciated at the time of posting those statements they are defamatory of Mr Chris Mitchell. They are also false.

They convey at least the following imputations:

- Our client bullied Ms Wahlquist.
- Our client intimidated Ms Wahlquist.
- Our client had personally caused Ms Wahlquist to change her articles to represent his views.

We are instructed that the Imputations are totally false:

- Our client has never conducted himself in Ms Wahlquist presence or in relation to her copy in any way that was debilitating, excruciating or could in any way be likened to torture.
- Our client has not spoken to Ms Wahlquist in 8 years.
- Our client has not spoken to Ms Wahlquist on the topic of climate change.
- Our client has never prescribed, commanded, directed, or mandated the content of copy prepared by Ms Wahlquist.

- Ms Wahlquist does not attend the Australian's office for the purpose of filing her stories.
- Ms Wahlquist is neither the science writer nor the environment writer. She was the rural writer.
- Ms Wahlquist wrote no stories about climate change in the lead-up to the election.
- When Ms Wahlquist resigned due to ill health on September 27 this year, Ms Wahlquist personally thanked Mr Mitchell, in writing, for the many opportunities she had over the past thirteen years as rural writer for the paper.
- In addition, Ms Wahlquist thanked him for his forbearance in allowing her flexible working conditions, including working from home, to accommodate her health condition.
- Ms Wahlquist requested that her services be retained as a contributor and has in fact submitted a feature which was accepted for publication very recently.

On 25 November 2010 at 5.59pm Ms Wahlquist wrote to our client in the following terms:

*"I have received your email titled 'defamation'. I presume it refers to some comments made on Twitter. Those "tweets" were inaccurate and taken out of context. The "tweets" were not sent by me. I do not think twitters from unnamed third parties should be regarded as an accurate news source. As a journalist I would never rely on information from such a source. I would like to place on record the fact I have never had a conversation with the Editor-in-Chief of The Australian, Chris Mitchell, about climate change. In fact I have not had any conversations with Mr Mitchell on any subject for a number of years.
Yours sincerely,
Asa Wahlquist."*

That email and a subsequent telephone conversation between Ms Wahlquist and Michelle Gunn, Assistant Editor (News), misled our client to conclude the posts did not reflect Ms Wahlquist's statements. It is apparent that Ms Wahlquist did make some of the statements whilst at the conference.

In any event your election to publish the material in the form of "tweets" without seeking to verify the material with our client has led to you being liable for those publications. It is immaterial whether they were or were not uttered by another person in the same, similar or even an entirely different context. The fact is they were published by you on an occasion which does not attract a defence and it is obvious from the above facts and email they are patently false.

In the circumstances, our client offers you an opportunity to correct the record by publishing (in an agreed manner) a correction in the following terms:

"Apology to Chris Mitchell

On November 25, 2010 from the Journalism Education Association Awards conference held at the University of Technology, Ultimo, I tweeted that Ms Wahlquist stated the Editor in Chief of The Australian had prescribed the content of her reports as rural writer for the Australian when reporting climate change. It has been brought to my attention that Ms Wahlquist's statement was false. In fact Ms Wahlquist has not spoken to Mr Mitchell for 8 years. Ms Wahlquist's suggestion that Mr Mitchell conducted himself in a manner that was coercive, debilitating, excruciating or tortuous was false and has been withdrawn by her as being without foundation. I regret repeating those statements and I apologise to Mr Mitchell."

Our client invites you to attend The Australian for a couple of days to observe how the news conference and editing process works to satisfy yourself that they are open and accountable.

Our client is also willing to meet with you to discuss this matter and if necessary to attend a mediation to which Ms Wahlquist will also be invited.

Whilst our client reserves his rights generally we seek your response to the above matters.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.