



Canaanlawyers

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19 November 2010

Cr Stephen Mayne
Manningham City Council
699 Doncaster Road (PO Box 1)
Doncaster VIC 3108

Responsible Person: Jasper Kwok
Contact: Juin Choo
Our Ref: JK:JC:BL:100131

By registered post

Dear Cr Mayne,

Chinese Community Social Services Centre Inc v Stephen Mayne

We act for the Chinese Community Social Services Centre Inc ("**CCSSCI**"), which as you would know is the not for profit incorporated association that conducts the On Luck Chinese Nursing Home ("**On Luck**").

We have taken instructions from the CCSSCI in relation to remarks you have made concerning our client's conduct in obtaining planning approval to expand On Luck.

During the course of this year you have made a series of statements which we regard as defamatory of our client. In particular we note your comments as published in the Manningham Leader –

- on 17 February 2010 to the effect that our client had "attempted to bypass regular council planning processes", and that our client's conduct set an "undesirable precedent", was "an inappropriate use of the planning tools", was lacking in "transparency" and was not engaging with "regular council planning processes";
- on 10 March 2010 that our client had "sidelined" the Council and the community and "shut [them] out of the planning process;"
- on 24 March 2010 that our client had been responsible for "a dreadful process that sets a terrible precedent".

In our view these statements clearly impugn the motives and integrity of our client. They suggest that our client has sought to avoid making an application to the Manningham City Council for planning approval when it ought to have done so, that it has inappropriately sought to deceive the Manningham City Council by

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approaching the Minister for Planning directly, and that its conduct in relation to the expansion of On Luck has been generally duplicitous.

There can be no suggestion that our client has acted other than with complete propriety in this matter. Indeed, in August 2009 a representative of our client asked the Manningham City Council's Director of Planning and Environment, Mr Paul Molan, who it should approach for a planning permit for the extension of On Luck. Mr Molan advised (as was the case) that since the initial planning approval had been given by the State Government, On Luck should approach the Government again in relation to the extension. Our client then arranged to meet with the Department of Planning and Community Development, and thereafter kept Council officers abreast of the progress of its application.

We are instructed that unless you provide to us an apology and a retraction for your remarks which can be drafted by agreement with your solicitors (the gist of which will be that you acknowledge that the defamatory material published by you was without foundation and apologise to our client for the hurt and distress caused by your publications) and agree to pay our client's reasonable legal costs to date, then, and without further warning, we are instructed to issue defamation proceedings against you and vigorously prosecute the same at the earliest opportunity.

You should regard this letter as a concerns notice for the purposes of section 14(2) of the *Defamation Act 2005* (Victoria).

We await your immediate response, to be received within 14 days of the date of your receipt of this letter.

Yours faithfully,



Canaan **Lawyers**