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25 August 2005

The Board of Directors
Greenpeace Australia Pacific
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Dear Directors,

On the evening of Wednesday 24 August 2005, a charity-fundraising debate organised by the Rotary Club of Sydney took place in the Chamber of the Legislative Council of New South Wales.

A member of the Government side was the Campaigns Manager of Greenpeace Australia Pacific, Danny Kennedy.

The three members of the Opposition were a lady UTS senior lecturer, the Sydney poet Michael Darby, and renowned Irish-Australian comedian Brian Doyle.

After the debate those present walked to the nearby historic "Mint" restaurant for dinner and for questions to the speakers.

A question regarding nuclear energy was asked of Mr Kennedy. In the course of his answer, Mr Kennedy said, "There are people in the world who need better access to electricity, but (the UTS lecturer) and Michael Darby would not like them, because those people are brown."

This gratuitous and defamatory insult, imputing racist attitudes to two innocent contributors to a charity event, bore no relevance to anything said by any speaker during the evening. Neither the lady nor I had in our respective speeches made any reference to Greenpeace or to Danny Kennedy. The false assertion made by Danny Kennedy had no purpose other than to wound.

The UTS lecturer and I are each wholly undeserving of the racial slur generated recklessly and hurtfully by Danny Kennedy. Irrespective of the personalities involved, or the backgrounds of the victims of the Danny Kennedy attack, it was wrong and utterly inappropriate for any participant in a charity fundraiser to descend to the politics of viciousness in an unprovoked attack. Your employee gave the impression of the existence of a Greenpeace policy that persons with views differing from the views of Greenpeace have no rights, and should be maligned in all circumstances.

When the opportunity afforded, I advised the gathering to this effect: *"The lady from UTS spends a good deal of her time attempting to raise the living standards of the ordinary people of Indonesia by giving wise advise to that nation's Government and financial institutions. Of the lady's four closest friends, two are Aboriginal, and one of those individuals is present here tonight. I recall in April 1975 while the North Vietnamese were capturing the city, participating in the evacuation from Saigon of 330 orphans, many of whom would have died if left behind. I recall organising a medical team to look after the needs of the East Timorese during the 1975 civil war. I presently spend a good deal of time collecting bicycles and computers which are sent to East Timor and Ghana."*

I could have added that in her academic work the lady has earned a high reputation for her efforts beyond the call of duty to assist students whose first language is not English, the great majority of whom are Asian in origin. I could have added that the lady has a long and commendable record of financial generosity towards charities whose principal beneficiaries happen not to be white. I could have added that the lady's fashion supplier of choice is a dark-complexioned Afro-American gentleman born in New York, and that a visitor to any social gathering at the lady's home will meet among her guests individuals invited without reference to their diverse ethnic and cultural backgrounds. I could have added that citizens of Indonesia frequently stay in the lady's home.

I could have added that in my army officer days I was the defending officer of choice for Aboriginal soldiers in 6 Task Force. I could have added that in 1994 I was praised by a Mount Isa magistrate for my successful efforts to minimize the sentence of my Aboriginal employee who was before the Court charged with breaching bail conditions. I could have added that in 1994 I designed a healthy house for aboriginal communities or that in 1973 I proposed to then Member for Riverina Al Grassby the accelerated recruitment into the nation's Armed Forces and Police Forces of Aboriginal and Torres Strait Islanders. I could have added that when I stood for local government office in the Shire of Cloncurry I earned and received a strong majority of votes in the Dajarra aboriginal community. I could have added that my email newsletter in every issue promotes donations to the Salesians for projects among the poor of Asia and Africa. I could have added that my friend the late Neville Bonner – then a Senator – accompanied me to East Timor in 1975 and joined me in attempting to persuade the Australian Government to dissuade the Indonesian Government from invading East Timor. I could have added that my adopted sister enjoys Chinese ethnicity. I could have added that in 1988 I was first to propose a national audit of the status of Australians of Aboriginal and Torres Strait Islander ancestry, so that progress in health, education and welfare could be more accurately monitored. I could have added that each year on the occasion of the City to Surf, in an honorary capacity I entertain a busload of mainly Aboriginal youngsters who come from Wilcannia and Broken Hill to participate in the event. I could have added that as honorary adviser to the Government of the Republic of Ghana I contributed to the planning of National Sanitation Day in 2002. I could have added that in an honorary capacity I have made representations to the Department of Immigration on behalf of several citizens of Asian and African nations.

Having made reference, as above, to the backgrounds of the lady and myself, I stated that the happy atmosphere of a charity event had been polluted by the slur against two participants. I invited Danny Kennedy to stand and make a public apology. He refused, saying *"I won't apologise on your terms."* While I was presenting a poem as requested to the gathering, Danny Kennedy continued talking loudly until I asked him to "shut up for a while".

Later Danny Kennedy privately offered to me a qualified apology, which I did not accept because he refused to give a promise that he would not re-offend. Danny Kennedy then approached the lady, perhaps with the intention of offering privately an apology to her.

Danny Kennedy is a disgrace to himself and his employer, and he has demonstrated that he has no scruples whatever in his desire to denigrate individuals who do not share his political views.

I call on Greenpeace immediately to terminate the employment of Danny Kennedy. Failure to take action against this rogue employee will be seen as endorsement of his wholly unacceptable behaviour. Moreover, potential contributors to future charitable events will be rightly apprehensive that they may be victims of a similar attack.

Defamatory false imputation of racism is a serious matter. Where malice is involved, as is demonstrably the case with Mr Kennedy, a court may have the option to return a verdict of Criminal Defamation.

I do not speak for the lady, who was entitled to be distressed by the Danny Kennedy attack upon her, and gave every appearance of being distressed. By any standard of judgement, The lady's professional standing and personal reputation have been damaged by your employee. Note that the lady is unaware that I am writing this letter and may become aware of this letter only after it has been despatched.

Your employee has defamed me, and done so with malice, while acting as a representative of Greenpeace. The effect of this is that I have been defamed by Greenpeace. My capacity to earn a living in my chosen profession is impaired by the Greenpeace defamation. Moreover, the Greenpeace defamation has impaired my effectiveness in promoting charitable causes, an activity which routinely receives more of my attention than commercial pursuits. While reserving my rights in all respects I demand an immediate written apology and retraction from Greenpeace. I recommend that Greenpeace similarly retract and apologise for the defamation committed against the lady senior lecturer.

Moreover, I require that Greenpeace immediately obtain from Danny Kennedy, and hold in secure care, the following material which is likely to be the subject of a subpoena:

- All speech notes, speech texts, research notes and all other material used by Danny Kennedy in the preparation of his speech.
- Each and every hard disc drive or data storage attachment of each and every computer or information processing device used by Danny Kennedy in the course of the preparation of his speech.
- A log of each and every website visited by Danny Kennedy since his receipt of the invitation to participate in the debate.
- Each book and article consulted or ready by Danny Kennedy in the course of preparation of his speech.

Factual information about the views of the lady and of my views is easy to obtain from the internet and from libraries. The abovementioned material may be important as evidence of the extent to which the act of defamation by your employee was motivated by malice and recklessness. Failure to obtain and secure the material as requested may have serious consequences.

Finally, I caution Greenpeace and its employees, including Danny Kennedy, against any repetition of the attack on the lady and myself, and warn Greenpeace and its employees against any retaliation in respect of this complaint.

I expect a prompt reply.

Yours sincerely

Michael Darby