

TRIAL COURT

**MAGISTRATES COURT OF SOUTH AUSTRALIA  
(CIVIL DIVISION) - CLAIM**

Action No.:

**Form 2**

Address:

Adelaide Magistrates Court

**OFFICE USE ONLY**

260 - 280 Victoria Square  
ADELAIDE SA 5000

Date of filing:  
2007  
Date of posting:

18 MAY

PI MVA-Served Allianz:

Telephone: (08) 8204 2444

Fax No: (08)82040670

Amount Claimed (if any)	\$40,000.00
Court Fee on Filing	\$ 155.00
Service & Other Fee	\$27.25
Solicitor's Fee TOTAL	\$1,760.00
CLAIMED	\$41,942.25

**TYPE OF CLAIM (tick):**

Building  Contract  Corporations

Criminal Assets Confiscation  Law

Motor Vehicle Property  Equity

Retail and Commercial Lease  Personal injury Motor Vehicle  Other Personal Injury

De Facto Relationship  Workers Lien  Other (specify) Defamation

(special file cover)

**METHOD OF SERVICE (tick):**

Registrar  Q Sheriff  Plaintiffs Solicitor  Party

**PLAINTIFF(S):** TERRY SUTCLIFFE  
2 De la Rue Avenue  
NETHERBY SA 5062

Telephone No. (08) 8384 0792 (work)	Fax No.	DXNo.	E-mail
[REDACTED]			

**SOLICITOR FOR PLAINTIFF(S):** MINTER ELLISON L665  
10th Floor, 25 Grenfell Street  
ADELAIDE SA 5000  
Andrew Short

Telephone No (08) 8233 5555	10	Fax No (08) 8233 5556	DXNo . 131
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**DEFENDANT(S):** MARION JENNISON

Telephone No.  
[REDACTED]

E-mail  
emelda3@optusnet.com.au



*A. Short*

tion  
MCLAREN FLAT  
SA 5171

E-mail  
[andrew.short@minterellison.com](mailto:andrew.short@minterellison.com)

MCLAREN FLAT  
SA 5171  
Fax No.

DXNo.

RXP66629/1 17.05.2007

A IndHM:66613.1.doc

Signature:

**SOLICITOR FOR  
DEFENDANT(S):**

Telephone No

Fax No

DX No.

**DEFENDANT/S - If you have a defence or counterclaim you must, within 21 days from receiving this claim, go to your nearest court and file a defence and/or counterclaim.**

**\*\*TAKE THIS FORM WITH YOU\*\***

**If you do nothing, the plaintiff may get judgment against you.**

**If you consent to judgment, please sign and return this form to the Trial Court (address above).**

I..... consent to judgment for the total claimed.

Date:     /     /

Signature: .....  
(Defendant/s)

**PARTICULARS**

1. The plaintiff is and has at all material times been the General Manager City Compliance at the City of Onkaparinga.
2. **Oft 15 October 2006 George Apap published an email referring to the plaintiff (first email).**
3. On 16 October 2006 John Mathwin published an email referred to the plaintiff (**second email**).
4. On 16 October 2006 the defendant published an email referring to the plaintiff (**defendant's email**).
5. Each of the said emails and the addresses of the persons to whom the email was published is set out in Annexure 1.
6. On 16 October the defendant published the defendant's email together with the first email and the second email.
7. The defendant's email meant and was understood to mean that the plaintiff:
  - 7.1 has engaged in collusion with ATT;
  - 7.2 is bent as a two bob watch;
  - 7.3 is dishonest;
  - 7.4 is corrupt.



Date:

Signature: .....

8. Further and alternatively to 7.1, by reason of the following facts and matters which were known to the persons to whom the defendant published the defendant's email, the defendant's email meant and was understood to mean that the plaintiff has engaged in collusion with ATT.

8.1 ATT was, and was understood as, a reference to a business known as Aldinga Table Turkeys.

8.2 The defendant lives next to premises of Aldinga Table Turkeys.

8.3 The defendant has been in dispute with Aldinga Table Turkeys.

8.4 The plaintiff has been involved in that disputation by reason of his position with Council.

8.5 The defendant has been unhappy with the plaintiff's involvement in her dispute with Aldinga Table Turkeys.

8.6 By reason of the defendant's publication, the plaintiff has been injured in his credit and reputation and has suffered distress and humiliation.

9. The material complained of was published to recipients for whom the Adelaide Registry is the closest Trial Court

AND the plaintiff claims:

1. damages of \$40,000;
2. costs;
3. interest.



Date: \_\_\_\_\_

Signature: \_\_\_\_\_

*SL*

# ANNEXURE 1

--- Original Message ---

From: "Marion Jennison" <emelda3@optusnet.com.au> To: "John Mathwin" <radoxlax@westnet.com.au>; "Kym Richardson - MP" <kym.richardson.mp@aph.gov.au>  
Cc: "Bob Campbell" <robcampbell53@optusnetcom.au>; "Nick Swann" <nickswann@bigblue.net.au>; "Andrew Spence" <spencea@mng.newsltd.com.au>; Tanya Westthorp" <westthorpt@mng.newsltd.com.au>; "Bill & Mika" <mikabill@aapt.net.au>; "Bill Coomans" <nhw491@hotmail.com>; "Chris Davies" <dunmuddensolns@hotmail.com>; "David Gill" <david.gill@internode.on.net>; "Jim Fletcher" <Fletcher.Jim@saugov.sa.gov.au>; "Corrie Vanderhoek" <cvan@iinet.net.au>; "David Wyatt" <davidwyatt@aapt.net.au>; "Elizabeth Heif" <elizabeth.heij@csiro.au>; "F.O.W.B." <friendsofwillungabasin@hotmail.com>; "S.E.A. ALDINGA" <sea\_aldinga@yahoo.com.au>; "Kamini" <kashante@yahoo.com>; "Kath Richards" <coastalviews@comstech.com>; "Kevin Hutton" <aldcom@ozemail.com.au>; "Jenni Coburn" <jennacoburn@hotmail.com>; "Jim Hullick - OAM" <jimhullick@picknowl.com.au>; "Alan Williams" <ssp1094@fastmail.fm>; "Ashley Etteridge" <davett@bigpond.com.au>; "Richard Owen" <tarniwarra@ozemail.com.au>; "Stan Beck" <beckas@comstech.com>; "John Ackers" <joackers@ozemail.com.au>; "George Apap" <george3@aapt.net.au>; "John Houlahan" <johnhoulahan@aapt.net.au>; "Christo Reid" <reidohlsson@adelaide.on.net>; "Dave Clark" <rumrasp@senet.com.au>; "Guy Saunders" <gahs@aandr.com.au>; "Joan Russell" <joan.russell46@bigpond.com.au>; "Peter Laffan" <impe@internode.on.net>; "Nick Xenophon - MP" <nick.xenophon@parliament.sa.gov.au>; "Paul Hastings - (CON" COUNCIL)" <paul.hastings@ccsa.asn.au>; "Stephanie Johnson" <stephanie@wakefieldpress.com.au>; "Vanessa & Graham Catterall" <catterall@chariot.net.au>; "Yvonne Wenham" <ywenham@bigpond.net.au>; "Ayla Maslina Zulkiflee" <ellyarasianbabe@hotmail.com> Sent: Monday, October 16, 2006 2:03 PM Subject: Re: letter to sutcliffFrom:

> George Apap  
> Nothing surprises me with this mob. We experience the same sort of  
> [REDACTED]  
> [REDACTED] as a two bob watch!  
>  
> Hang in there,  
> Cheers Marion

> --- Original Message ---

> From: John Mathwin  
> To: Kym Richardson - MP  
> Cc: Bob Campbell ; Nick Swann ; Andrew Spence ; Tanya Westthorp ; Bill &  
> Mika ; Bill Coomans ; Chris Davies ; David Gill ; Jim Fletcher ; Corrie  
> Vanderhoek ; David Wyatt ; Elizabeth Heij ; F.O.W.B. ; S.E.A. ALDINGA ;  
> Kamini ; Kath Richards ; Kevin Hutton ; Jenni Coburn ; Jim Hullick - OAM ;  
> Alan Williams ; Ashley Etteridge ; Richard Owen ; Stan Beck ; John Ackers  
> ; George Apap ; John Houlahan ; Christo Reid ; Dave Clark ; Guy Saunders ;  
> Joan Russell ; Peter Laffan ; Marion Jennison ; Nick Xenophon - MP ; Paul  
> Hastings - (CON<sup>1</sup> COUNCIL) ; Stephanie Johnson ; Vanessa & Graham Catterall  
> ; Yvonne Wenham ; Ayla Maslina Zulkiflee  
> Sent: Monday, October 16, 2006 1 :30 PM  
> Subject: Fw: letter to sutcliffFrom:



> Dear all,  
> George has asked that I forward his letter of complaint, sent to Council's  
> Terry Sutcliff regarding CR Peat and CR Parslow's inappropriate and  
> illegal erection of their Election posters.  
> I fully concur and support George's comments which only add to our growing  
> concern of what may be seen as collusion between Current sitting members  
> and Council Management.

> I will also try to attach John Houlahan's letter of complaint in support  
> of our joint complaints which have so far fallen on deaf  
> ears..... something which we hope to eradicate in a future Council.

> Again, your feedback would be appreciated.

> Sincerely,

> John Mathwin

>  
>

> ---- Original Message ----  
> From: george3@aapt.net.au  
> To: tersut@onkaparinga.sa.gov.au ; jeftat@onkaparinga.sa.gov.au  
> Cc: karfer@onkaparinga.sa.gov.au ; Peter Laffan & Imelda Rivers ; John  
> Houlahan ; John mathwin ; Yvonne Wenham ; Stephanie Johnston / Wakefield  
> Press ; lorraine rosenburg  
> Sent: Sunday, October 15, 2006 7:24 PM  
> Subject: letter to sutcliff

>  
>

> George Apap.

> [REDACTED],

> Port Willunga. 5173.

> Ph [REDACTED].

> Mr. Terry Sutcliff.

> General Manager, City Compliance.

> Onkaparinga Council.

> Dear Sir,

> Thank you for your letter dated 12th October 2006, in  
> relation to Cr. Peat and Cr. Parslow breaching council guidelines by  
> erecting electoral signs before the due date of 13 October 2006.

>

> I cannot, and will not accept that Cr. Peat was given incorrect advice  
> from council. Both Cr. Peat and Cr. Parslow would have received the  
> council guidelines, as we all did. All other candidates abided by the  
> council guidelines.

>

> I cannot accept the excuse that a council staff gave the wrong advice to  
> Cr. Peat. I would like to know the name of this council staff. When I made  
> the application to council to erect signs, I was told the date was 13th  
> October. I do not believe that council staff would tell me, and at least  
> 2 other candidates, the 13 of October and Cr. Peat another date.



> Both Cr. Peat and Cr. Parslow have been councilors for Onkaparinga council  
> for many years. They would have had to be party in setting these  
> guidelines. Both Cr. Peat and Cr. Parslow would have known or should have  
> known the date set by council. It is clear to me and other candidates that  
> Cr. Peat and Parslow breached the guidelines and put all other candidates  
> in the Wine Coast ward and candidates for Mayor at a disadvantage. I  
> quote Council's letter to candidates, "Display of Electoral Signs in the  
> City of Onkaparinga. Electoral signs are an effective method of reaching  
> a large portion of population and informing them of their voting option."

> Cr. Peat breached another guideline when he erected his signs on the same  
> pole as my signs on the Esplanade Port Willunga and Aldinga Beach Rd. The  
> guideline states, one sign per post. I also state, your council misled me  
> and other candidates on Monday 10th\ October when we were told by your  
> staff, "We are sending a fax to both Cr. Peat and Parslow asking them to  
> take the signs they erected down with in 24 hours, if they do not put the  
> signs down, we will put them down and will charge both candidates for  
> cost." Your staff member advised me at 3-30 pm on Monday that he is  
> waiting for you (Mr. Sutcliff) to sign the letter.

> Tuesday 11th October, at around 9-45 am, I received a phone call from the  
> same staff member and was advised that Mr. Sutcliff now decided not to ask  
> Cr. Peat and Parslow to put the sings down and he is writing a letter to  
> candidates advising them they can put electoral signs up now. I told your  
> staff that it is unfair. Cr. Peat and Parslow had their signs up for 3  
> days. This gives them 5 days advantage. The letter from Sutcliff would not  
> reach us until Thursday and the next day is the original date for signs to  
> be erected. In any case, Mr. Sutcliff cannot change the rules half way  
> through the campaign. Your staff member gave me your direct phone number  
> which I rang and you returned my call within 30 minutes. I advised you  
> your decision will not be accepted by me and other candidates.

> Wednesday 12th October I received a letter from you stating, "there has  
> been some misunderstanding regarding the City of Onkaparinga guidelines  
> for display of electoral signs". I want to correct your statement. Only  
> one person claims he misunderstood or was giving the wrong statement by  
> council; all other candidates understood and were given the correct  
> advice. In the same letter you gave the candidates who breached the  
> guidelines 48 hours to put the signs down, twice the time your staff  
> advised me on Monday. That is, they would have to put the signs down by  
> Thursday 12th October and put the same signs up on Friday 13th October.

> WHAT A JOKE.

> Mr. Sutcliff I know of at least two signs that were not put down by Cr.  
> Peat, and I have witnesses to that affect.

> I conclude by stating, we (95%) of candidates in Wine Coast Ward and  
> Mayoral election for the of Onkaparinga 2006, were disadvantaged by the  
> illegal action taken by Cr. Peat and Parslow. I remind you and both Cr.  
> Peat and Parslow, if you enter in a race and you beat the starting gun,  
> you will be automatically disqualified.

>  
>>

> Yours sincerely.

> George Apap. J.P.



> Candidate for Wine Coast ward. City of Onkaparinga.

> No virus found in this incoming message.

> Checked by AVG Free Edition.

> Version: 7.1.408 / Vius nafahsf 268.13.4/476 - Release Date: 10/14/2006

