Form 59 Rule 29.02(1)

AFFIDAVIT

FEDERAL COURT OF AUSTRALIA

DISTRICT REGISTRY: NEW SOUTH WALES

DIVISION: FAIR WORK

NO NSD 580 OF 2012

JAMES HUNTER ASHBY

Applicant

THE COMMONWEALTH OF AUSTRALIA

and another named in the Schedule Respondents

Affidavit of:

Catherine Heather Mann

Address:

50 Blackall St, Barton, Australian Capital Territory

Occupation:

Lawyer

Date sworn or affirmed: 19 July 2012

Contents:

Document Number	Details	Paragraph(s) of affidavit referring to annexure(s)	Page
1.	Affidavit of Catherine Heather Mann, in support of application for summary judgment, affirmed on 19 July 2012.		1
2.	Annexure CM-1 being documents produced by Bruce Molver under subpoena.	3	4

- I, Catherine Heather Mann of 50 Blackall St, Barton in the Australian Capital Territory, lawyer, affirm:
- I am a solicitor employed by the Australian Government Solicitor (AGS). I have carriage of this matter on behalf of the First Respondent.
- This affidavit is made on the basis of my own knowledge, documents held on the AGS 2. file and information provided by certain people who are identified in the body of the

Filed on behalf of the First Respondent, the Commonwealth of

Australia

Prepared by: Catherine Mann

Australian Government Solicitor.

Address for Service: Australian Government Solicitor, 50 Blackall Street, Barton, ACT 2600 sarah.wright@ags.gov.au

File ref: 12026851

Telephone: 02 6253 7630

Lawyer's Email: sarah.wright@ags.gov.au Facsimile: 02 6253 7381 DX5678 Canberra

Page 1

affidavit. Where it is based on information provided by others, I believe the information to be true.

- 3. I am informed by Paulina Fusitu'a, a solicitor employed by the Australian Government Solicitor (AGS), that on 18 July 2012 she instructed Desmond Tan, a clerical assistant employed by AGS, to uplift and copy documents produced in response to a subpoena issued to Mr Bruce McIver in this matter. On 18 July 2012 Ms Fusitu'a emailed to me a scanned copy of documents which she informed me had been uplifted and copied by Mr Tan in accordance with her instructions.
- 4. Annexed to this affidavit and marked **CM-1** is a copy of the documents produced by Mr McIver on which the first respondent relies.

Affirmed by the deponent				
at CANBERAZA	Cati Ar			
on 19 July 2012 Before me:				
Signature of witness:				
1 Care				
Name of witness:				
Alison Jeanette Connor				
Qualification of witness:				
Solicitor of the A-C.T. Supreme	Court			

Schedule

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES

DIVISION: FAIR WORK

NO NSD 580 OF 2012

Respondents

Second Respondent

Peter Slipper

Date: 19 July 2012

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ANNEXURE CM-1

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES

DIVISION: FAIR WORK

NO NSD 580 OF 2012

JAMES HUNTER ASHBY Applicant

THE COMMONWEALTH OF AUSTRALIA

and another named in the Schedule Respondents

The following 17 pages is the annexure marked CM-1 referred to in the affidavit of Catherine Heather Mann made 19 July 2012 before me:

Signature

Solicitor of the ACT Supreme Court

From: "Mal Brough" < mal.brough2@bigpond.com>
To: "Bruce McIver" < president@lnp.org.au>

Subject: FW: Resume attached

Bruce,

This is the CV of the lady we spoke about last week, her resume is very impressive. She is known to Andrew Powell and as she says she has a strong connection and understanding of sport so may well be a good fit with Steve Dickson. She is ready to move now.

Regards, Mal

From: Karen Doane [mailto:karendoane@gmail.com]

Sent: Monday, 2 April 2012 9:04 AM To: Mal.Brough2@bigpond.com
Subject: Resume attached

Hello Mal

It was a pleasure to finally meet you on Friday, albeit under unfortunate circumstances.

As discussed, I have attached an updated resume for the Queensland LNP Government's consideration. I have also provided this to Andrew Powell.

Market Committee Committee

11/07/2012

You may note I have considertable experience and passion for sport, which could make me a valuable asset to Steve Dickson's Ministerial team, one that I would thoroughly enjoy and embrace.

If there is anything further you require, please do not hesitate to contact me on the number indicated below or via this email. I appreciate your consideration of my interest in serving the LNP in government.

Kind regards Karen

--

Karen L Doane

tel:%2B614%2048%20404%20555> Australia

Karen L Doane

Australia USA

Skype: karendoane

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KAREN L DOANE



Objective

To secure the role of a Senior Media Adviser for the Queensland LNP Government

Tertiary Qualifications and Awards

Dual Bachelor of Arts Degree

Communications/Journalism and

Social Science

Masters work in

Public Relations

University of Southern California (USC) Los Angeles California USA

1991

Sports Emmy Winner – Associate Producer, Best Edited Sports Special 2007 Emmy Nominations –2007, 2009, 2010





SKILLS AND ABILITIES

- Extensive journalist and media experience
- Comprehensive and well-developed communications skills and tools
- 4 Organised multitasking

- ↓ Efficient time management
- ♣ Speech writing
- # Excellent networking and personal skills
- Sponsorship negotiation skills and management

RELEVANT COURSES AND TRAINING

- Team Building Management
- ♣ SEO Content Writing
- ♣ Broadcast Journalism
- 4 Social Media Marketing
- Cultural Awareness

- ♣ Print Layout and Design
- ♣ Film Production and Editing
- Sales and Marketing Workshops

PROFESSIONAL EXPERIENCE

Media Adviser Member for Fisher, Speaker of the House Buddina QLD and Canberra ACT

Nov 21 2011 - present

Reports to: Peter Slipper

Primary Duties and Responsibilities

- Engage, advise and respond on behalf of the Member/Speaker on all levels of media, communications and PR at local, state and national levels
- Manage the creation, development and implementation of media opportunities to showcase the achievements of the Member for the Sunshine Coast across all markets
- Crisis communication media strategy, management and implementation
- Produce, advise and distribute all media releases, speeches and various communications to targeted media and audiences
- Manage, engage and advise on website content and digital media engagement
- Create and distribute columns and articles for targeted electorate newspapers and online media
- > Coordinate media/interview requests; create talking points to include interesting and accurate facts
- Assist in coordinating Electorate functions (e.g. citizenship ceremonies, community awards, community meetings) and maximise pre and post media opportunities.

Communications and Destination Manager Sunshine Coast Destination Ltd

(09/10 - 11/11)

Pacific Paradise QLD 4564

Reports to: CEO

Supervise: Media and Communications Coordinator

Primary Duties and Responsibilities

To provide the tourism industry on the Sunshine Coast Hinterland with marketing, media and promotional opportunities to enhance visitation to the region

Salar Salar Salar

- Manage all Corporate, Industry and Consumer Communications for Sunshine Coast Destination Ltd (SCDL)
- Assist in the creation, development and implementation of media opportunities to enhance the appeal of the Sunshine Coast across all markets.
- Coordinate and meet with the Destination Advisory Panel (DAP) on a regular basis, providing agendas, updates and calendars of activity
- Develop and maintain relationships with key stakeholders to form working groups and integrate marketing strategies and initiatives through consistent communication
- Bring the Sunshine Coast's issues, concerns and opportunities to the SCDL team to integrate and coordinate similar objectives to strengthen the region's brand offering
- > Develop communication strategies to promote leveraging opportunities
- Work with Sunshine Coast Regional Council's Communications Team to extend opportunities to promote the value of tourism for the Sunshine Coast to ratepayers and Councillors in region
- Maximise the Hinterland marketing annual budget of \$77,000 by leveraging opportunities and involvement with Southern and Central's marketing budgets of \$750,000 and \$850,000
- Integrate all operators west of the Bruce Highway within the Hinterland destination, transitioning those who previously were part of Caloundra or Maroochy
- Work with TQ's brand, marketing and publicity teams to inform and involve them with the experiences on the Hinterland
- Work with external PR/Communications agency to ensure corporate communication objectives were met and on budget
- Write concise and informative SCDL Board reports to highlight activity and achievements
- Develop and initiate a communications strategy for SCDL

- Worked with Sunshine Coast Daily and PR/Communications agency to include "Talking Tourism" into the Business section of the SC Daily each week, allowing our CEO a weekly platform to state facts about SCDL's achievements and opportunities going forward
- Act as the SCDL spokesperson during the absence or unavailability of the Chair or CEO, creating a positive persona for the organisation on and off camera

Some key achievements include:

- Secured the only episodes of the new series "Drive Thru Australia" for the Sunshine Coast, negotiating the cost from \$60,000 episode to a total of \$24,000. The SC episodes were the premier shows, with 600,000 viewers each week, with 300,000 visits to the website and a media value of \$3.4 million in its initial airing, with over \$10 million for all three episodes, now in reruns.
- Negotiated and secured three live morning weather crosses on Sunrise Montville, Mooloolaba and SC Airport/Caloundra International Rally, plus three packages Australia Zoo, Harley Tours and Candy Addictions, all for ZERO COST! The usual cost is \$50,000+. This extended to 165% in sales for Candy Addiction the following month, an estimated increase of 50% in visitation to the Hinterland the month following the broadcast and a follow up from Kochie and Mel showcasing a Montville gift basket during the show and encouraging visitation there and on their website (which has 500,000 visits a week). Media value estimated in excess of \$3.5 million.
- Recent annual visitation reports have seen numbers to the Hinterland nearly double over the previous five years, despite the QLD floods, which saw 100% cancellation rate for a six-week period in the 2011 New Year as a result of our targeted media efforts.
- Successful pitch to Better Homes and Gardens to film not only three opens/closes with Johanna Griggs for their summer series, but also two segments on the Hinterland one of the SCRC funded "Artists on the Green" project, as well as Kirsten Cash, a little known lantern maker who will also be featured in their magazine. Each episode has a viewership of 1.4 million each week, with the combined media value estimated around \$10 million. The total cost to SCDL is \$2,000
- Built a strong relationship with TQ's newly formed Publicity and Communications team, further leveraging opportunities and costs for media opportunities and famils
- Pitched and secured a live outside ½-hour broadcast on Channel TEN's "The Project" from Noosa, along with five Sunshine Coast activities for pre-recorded packages. Nightly viewership estimated around 650,000 and a media value of \$750,000- \$1 million.

Communications/PR Manager, features editor, sports journalist and online webcasting specialist

World Triathlon Corporation (Hawaii Ironman)

1999 - 2009

Reports to: CEO and Race Director

Supervise: Media coordinator

Advertising coordinator Creative agencies

Printing and supplies companies

Permanent full-time then ongoing contract to write and produce feature stories about participants, interesting facts and history as well as information about the Hawaii Ironman World Championship and its 22 international qualifying races around the world. This was achieved through newsletters, published articles (e.g. Los Angeles Times), live webcasting and various websites and publications, including Men's Health, Triathlete, Ironmanlive.com and Lava magazine.

Primary Duties and Responsibilities

- Write feature stories on athletes in their quest to participate in an Ironman triathlon
- Manage all aspects of media credentials, press conferences, media centre, translators and media hosting of over 130 visiting international media during the seven days of the race events
- Creation of one of the first online "blogs" for my personal Hawaii Ironman training diary in 1999 with 35,000 – 50,000 readers each week, with a culmination of over 250,000 unique readers for 12 days per, during and post event. .
- Travel to race sites around the world and provide online content about the country, race site, competitors, calendars, imagery and live broadcasting of text, imagery and broadcast vision
- Media relations and sponsorship liaison with companies such as Gatorade, Reebok, Timex, Ford, Power Bar and General Foods
- Write and distribute media releases for additional off-site events.

Some key achievements include:

- Created and coordinated a cross-country cycling event with six "Irongents" across America in conjunction with the American Heart Association during Healthy Heart month. These "Irongents" were all 70+ in age and road across America in 21 days to raise awareness of heart disease and the Ironman brand - \$6 million donated as a result
- First female webcaster in the world to bring this technology live from countries around the world in 2000

Media and Brand Manager

Tourism Tropical North Queensland Caims QLD

2007 - 2010

Reports to: CEO

Supervise: Media Coordinator

Digital Editor

Domestic Marketing Manager (2009 - 2010)

External – Digital Project Manager External – E-Marketing Consultants External – Creative Agencies

All marketing teams' communication and collateral

Primary Duties and Responsibilities

To provide targeted, creative and consistent media and marketing messaging to enhance experience, product and brand awareness of Tropical North Queensland in order to increase its desirability and sales in major consumer markets.

- Assist in the creation, development and implementation of media opportunities to enhance the appeal of the destination across all markets.
- Management of all aspects of the destination's brand to ensure consistency throughout the team's communication and advertising. This included style, message consistency and product/imagery alignment and positioning. This encompassed traditional marketing mediums and digital/e-marketing environments while working with the TQ brand team.
- Brand and product awareness through strategic, targeted activities advertising, media releases, e-newsletters, proactive public and community relations and promotional opportunities and media sponsorships.
- E-Marketing and website management;
 - o Manage in-house Digital Editor and external consultants
 - o Development and implementation of new consumer websites with brand, SEOcentric content writing, imagery and reciprocal "handshake" agreements
 - Ongoing development and updates of all websites and micro sites to maximise marketing and social media opportunities and online visitation while ensuring consistent brand messaging.
- Project management of all print, media and online requirements:
 - o Write, coordinate and edit copy and scripts
 - o Manage translation requirements
 - o Photographic and filming management
 - o Manage creative agencies as requirement for multiple markets
 - o Maintain consistent brand-centric messages
- Advertisement management
 - o Coordinate material and placement in print and electronic media

- Write, coordinate copy and imagery to maintain consistent branding in advertising and promotional material
- o Develop and implement advertising strategies
- o Evaluate effectiveness of advertising strategies
- > Annual media and brand marketing and strategic plan, including budget management
- Write product copy for publications and trade distribution networks

Some key achievements include:

- Development of creative, strategy and execution of TNQ's youth market brand Cairns -"Great Up Top, Fun Down Under" which included a unique website, brand suite, collateral and media exposure in excess of \$2 million in one week of editorial coverage
- Managed all aspects of new photography and 16:9 HD vision for the TNQ destination, focusing on market segmentation as well as key experiences such as adventure, drive, family, indigenous, romance, etc.
- Coordinated team building events for TTNQ staff in conjunction w Corporate Services Director.

Through my media network of contacts, I was able to secure and facilitate in acquiring significant media value for the TNQ region.

- Example: "The Morning Show" -- the first ever outside broadcast (OB) of their live, 2 ½ hour broadcast with 40+ case and crew, aired to over 250,000 homes in Australia. Mitchell's estimated the media value to be \$2.3 million dollars of exposure. Cost was \$30,000 to TTNQ and partners.
- Example: "Sunrise"—for an entire week, negotiated and facilitated Grant Denyer and two friends to ride motorcycles from Cairns to the tip of Australia, a first for any TV crew to broadcast live. This week-long journey was the highest watched show in morning television history, bringing in over 7 million viewers on the final two days, and an estimated media value of \$20 million all for TTNQ investment of \$3,300 plus one vehicle rental.





- Example: "Qantas Welcome Aboard" negotiated and facilitated the Cairns arrival video onboard all Qantas flights. This non-commercialised 15 minute episode will remain on Qantas flights for five –eight years and in the first year was estimated to be seen by over 5 million passengers. First year media value \$ 10 million from a \$10,000 investment from TTNQ.
- Example: "Miguel's Tropical Kitchen" negotiated the entire series to be shot in TNQ. In the three months of initial airing it generated in excess of \$3 million of media value, aired in nine countries all for an \$8,000 investment.
- Example: "What is TNQ" roadshow -- developed, created and executed an 18-day roadshow from Cairns to Melbourne with TNQ characters, actors/performers, collateral and itinerary, plus a separate website and competition worth \$35,000. The roadshow was also partnered with the Starlight Foundation with visits and promotions at Children's hospitals in each capital city. Despite unseasonable flooding and "Black Sunday" fires in VIC, the roadshow saw website visitation of over 50,000 unique visitors in three weeks, had media value of over \$3 million and was seen by over1.4 million Australians. The TTNQ investment was \$20,000 with the custom-made costumes still in use.

Media and Promotions Manager Quicksilver Group of Companies Cairns QLD

2005 - 2007

Reports to: Director of Sales and Marketing/ Managing Director

Quicksilver Group is Australia's leading Great Barrier Reef tourism operator carrying over 400,000 passengers annually from international markets. Quicksilver Group companies include Quicksilver Connections, Great Adventures, Green Island Resort, The Silver Series and Pro Dive Cairns.

Primary Duties and Responsibilities

- To provide targeted, creative and consistent media and promotional opportunities to enhance the Quicksilver Group's appeal to consumers and local community of Tropical North Queensland in order to increase profile and sales in major consumer markets.
- Assist in the creation, development and implementation of media opportunities to enhance the appeal of the Group's products across all markets.
- Identify and implement events for the Group to improve the profile of the company locally as well as grow existing events to reach the visitor market (eg., Green Island Ocean Swim, Green Island Easter Egg Hunt, Green Island Family Fun Day, Quicksilver Christmas Appeal)

Co-management of all aspects of destination branding to ensure consistency throughout the team, including style, message consistency and product/imagery positioning. This encompassed traditional marketing mediums and digital and e-marketing environments.

Some key achievements include:

- Created and organised niche event with the introduction of the Green Island Ocean Swim, now an annual event on the Australasian Ocean Swim event calendar as well as a second swim is included in the new Cairns Adventure Festival.
- Management of high profile events targeted at building trade and community relationships, including coordinating Quicksilver's involvement in the sponsored "Quicksilver Taste of Port" food and wine event at the annual Port Douglas Carnivale.

Location scout, Production assistant, Coordinator, WesCam producer,
Associate Producer
NBC SPORTS & IRONMAN PRODUCTIONS
Kailua Kona Hawaii every October 1994 – 2009

Reports to: Executive Producer - Peter Henning and Ken Murrah/WTC

Executive Producer - Dick Ebersole/NBC Sports

Director - Billy Matthews/NBC Sports

Supervise: 14 Camera crews

20 Drivers/Spotters

Location permits and props

Primary Duties and Responsibilities

- Coordinate local assistants to work with the television production crew to allow for seamless execution of filming during the week of shooting for the two-hour special and LIVE 18-hour broadcast.
- Work with the Director and Executive Producer to ensure assigned stores are mapped and covered pre and during race day
- Access and coordinate the various drivers and spotters for the 14 cameras on the race course and helicopter, matching personalities and storyboard lists for each assignment
- Coordinate radio channels, location shots and "Plan B" and crisis communication strategies for the day's events
- Management of all aspects of location sites, permits, timelines and schedules, coordinating with athlete/sponsors/agents = 100+ people on race day

- Organise and supply all food and beverages for camera crew personnel (70 people);
 Monitor emerging issues and maintain a library of relevant media coverage
- Budget management

Some notable additions to my resume in addition to the above mentioned include:

- Talent Liaison Manager for Dick Clark Productions for TV shows such as the Grammys, American Music Awards and Daytime Emmy's
- Selected to personally escort Michael Jackson at the Grammy's and AMA's when he won for Thriller
- Keynote speaker at Ironman Malaysia for 3,000 people including the King and Queen, Sports Tourism Minister and government officials
- Keynote speaker to the California State Government and debate on death penalty
- Designed and implemented the Crisis Communications and PR strategy for MGM Studios
- Three-time World Champion in Outrigger Canoe Racing 2000, 2001, 2004
- Hawaii Ironman World Championship Finisher 1999
- United States Female Windsurfing Champion 1980, 1981, 1982
- Single mum to two AMAZING young adults
- > American by Birth, Australian by Choice I am blessed to live in the Lucky Country!

Referees

Mr Rob Giason

CEO - Tourism Tropical North Queensland 51 The Esplanade, Cairns QLD 4870

E: rob.glason@ttnq.org.au

T:

Mr Tony Baker

Managing Director –Quicksilver Group of Companies (Former Director of Sales/Marketing) 73 Sheilds Street, Cairns QLD 4870

E: Tony@quicksilvergroup.com.au

T: (SISTEMATICA)

Mrs Sonya Clarson

Marketing and Brand Manager - Quicksilver Group of Companies

73 Sheilds Street, Cairns QLD 4870

E: Sonya@quicksilvergroup.com.au

T:

Mr John Duke

Director of Content - World Triathlon Corporation (WTC)

Publisher - Triathlete and Lava Magazines

Cardiff California USA

E: johnduke@ironman.com

Mr Rob Perry

Director, US Communications -- GlaxoSmithKline (Former Director of PR/Communications for WTC)

E: Robert.p.perry@gsk.com

From: Mal Brough < mal.brough 2@bigpond.com >

Date: 2 April 2012 2:27:26 PM AEST To: 'Bruce McIver' < president@lnp.org.au>

Subject: RE: Resume attached

Thank you Bruce.

----Original Message----

From: Bruce McIver [mailto:president@lnp.org.au]

Sent: Monday, 2 April 2012 2:18 PM

To: Mal Brough

Subject: Re: Resume attached

Thanks Mal, sent on to relevant person.

Kind Regards, Bruce McIver LNP President "Give Me Back MY Queensland" "CAN DO CAN!"

E: president@lnp.org.au

S: 66-68 Bowen St, Spring Hill Q 4000

P: PO Box 940, Spring Hill Q 4004

11/07/2012

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P: (07) 3844 0666 F: (07) 3844 0388

On 02/04/2012, at 10:16 AM, "Mal Brough" < mal.brough2@bigpond.com > wrote:

Bruce,

This is the CV of the lady we spoke about last week, her resume is very impressive.

She is known to Andrew Powell and as she says she has a strong connection and understanding of sport so may well be a good fit with Steve Dickson.

She is ready to move now.

Regards,

Mal

From: Karen Doane [mailto:karendoane@gmail.com]

Sent: Monday, 2 April 2012 9:04 AM

To: Mal.Brough2@bigpond.com

Subject: Resume attached

Hello Mal

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Kind regards

Karen

Karen L Doane

tel:%2B614%2048%20404%20555> Australia

Karen L Doane

Karen L Doane

Karen L Doane

Skype: karendoane

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