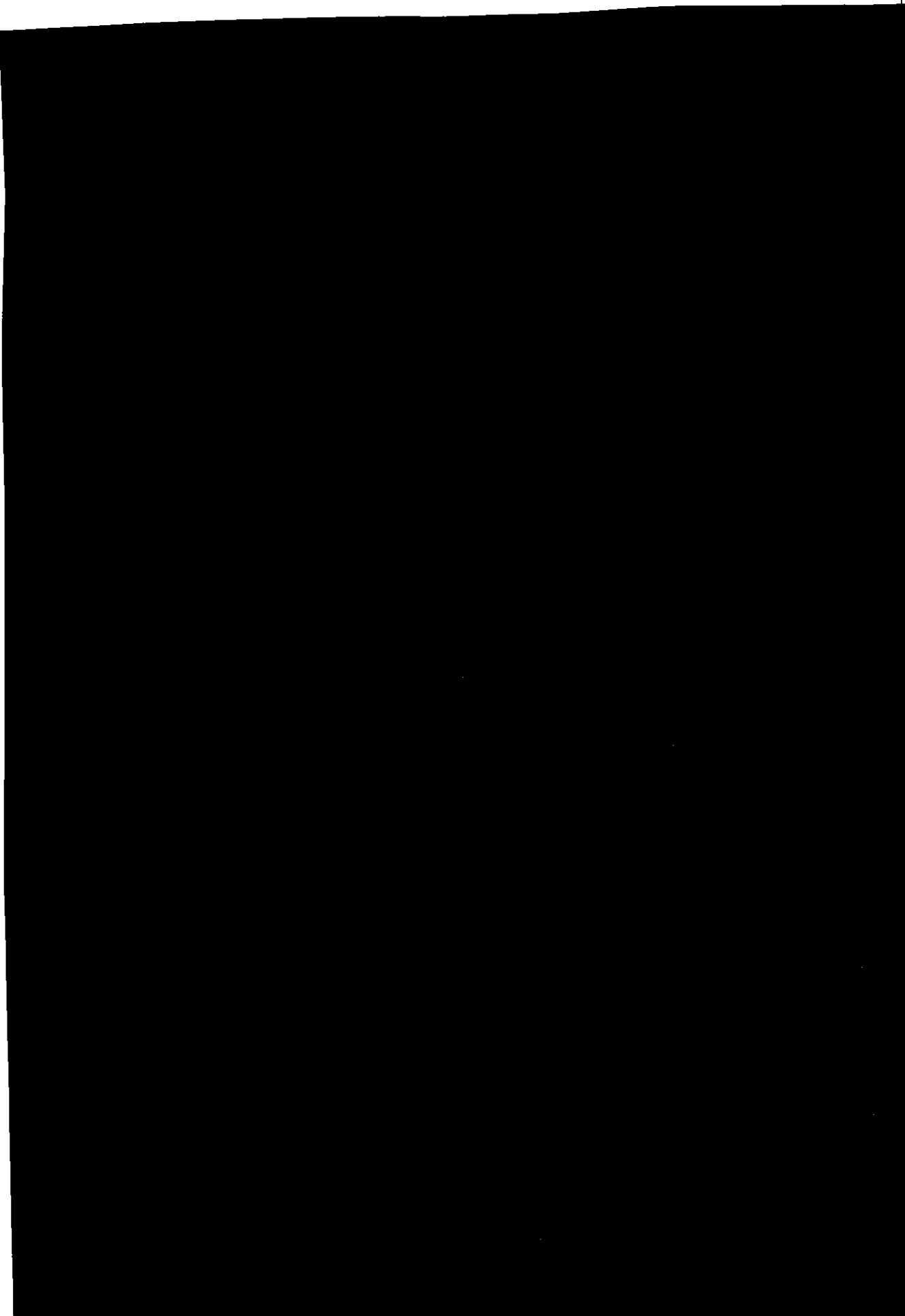
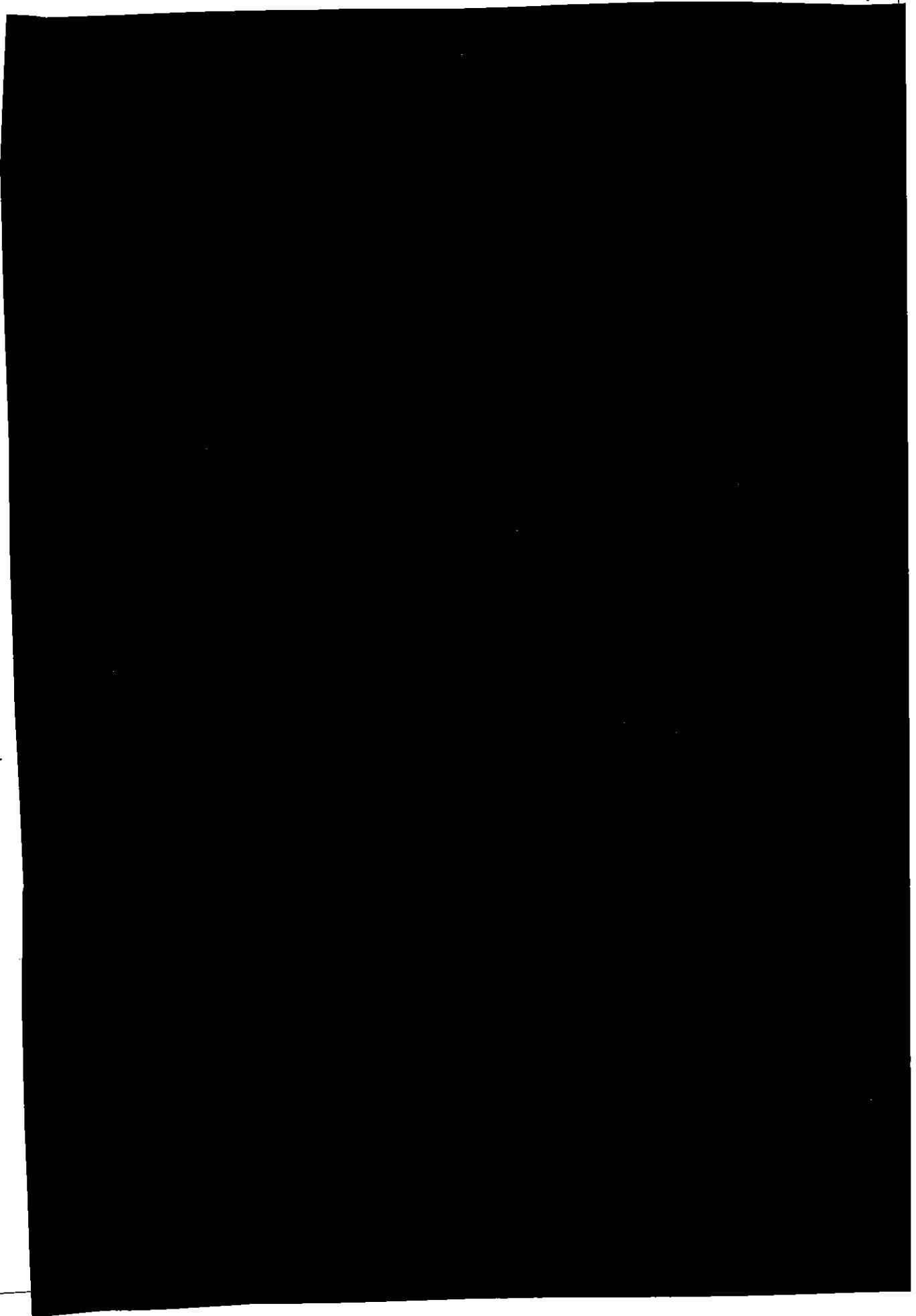
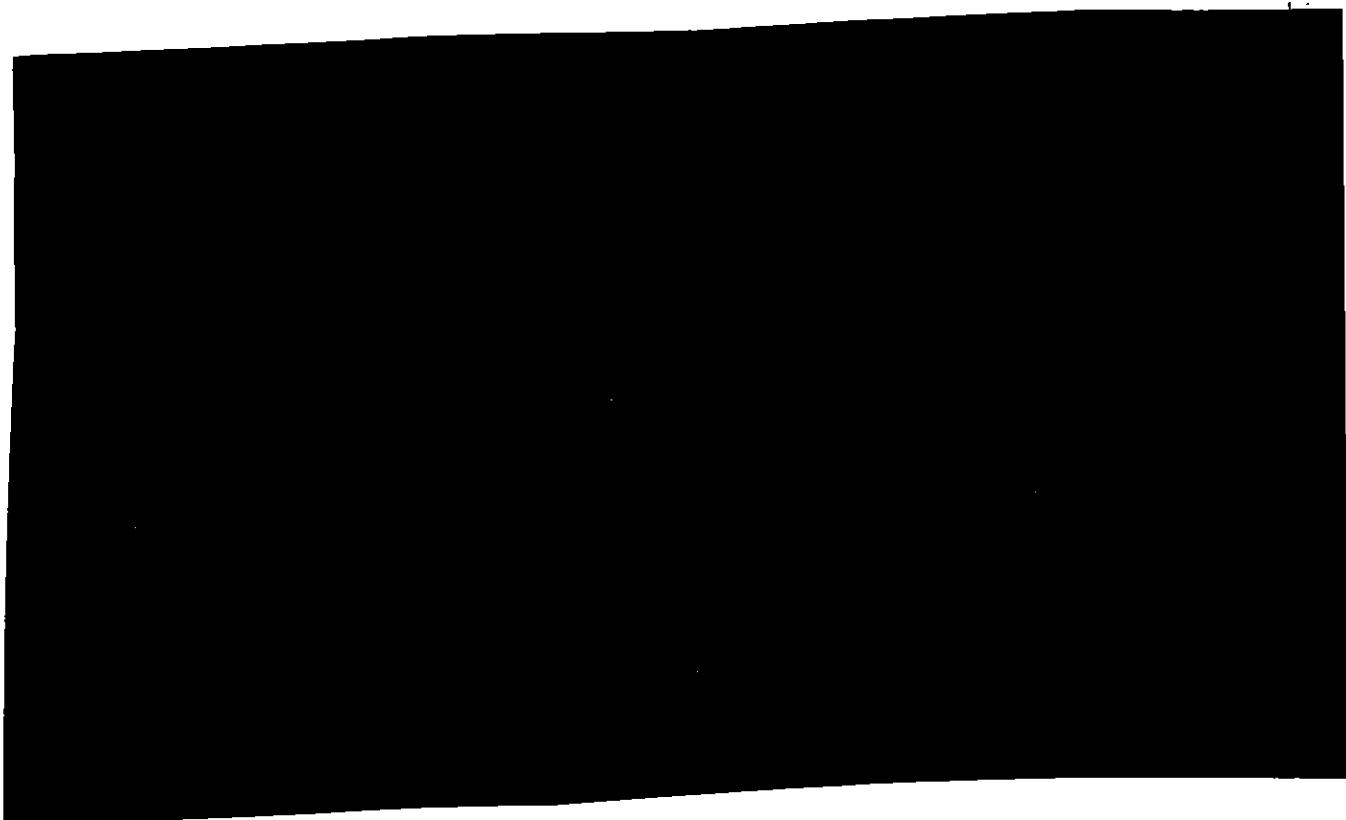


1038





1040



**Karen Jones**

---

**From:** Megan [megan.hobson08@bigpond.com]  
**Sent:** Friday, 20 April 2012 12:42 PM  
**To:** Brad Buffoni  
**Subject:** RE: Updated Affidavit

Hi Brad,

I've received the updated Affidavit but have not had an opportunity today to get it signed by a JP and now my visitors have arrived so it's not going to be done until Monday. I will send it to you once I have it done. I will update the dates on the document to 23 April.

Kind regards, Megan

---

**From:** Brad Buffoni [mailto:[brad.buffoni@harmers.com.au](mailto:brad.buffoni@harmers.com.au)]  
**Sent:** Thursday, 19 April 2012 7:25 PM  
**To:** Megan  
**Subject:** RE: Updated Affidavit

Sorry for previous message Megan, been in a meeting all afternoon and am working my way through all of this afternoon's messages .

Thanks for your amendments. Could you please execute the attached version of the affidavit? I have saved all your changes, fixed some formatting and added the politician's surnames where you added the bit about membership of the Liberal Party at the end, hope that is OK

Kind regards  
Brad

Brad Buffoni  
Special Counsel Litigation and Investigations

D +61 2 9993 8519 | T +61 2 9267 4322 | F +61 2 9264 4295  
E [brad.buffoni@harmers.com.au](mailto:brad.buffoni@harmers.com.au) | W [www.harmers.com.au](http://www.harmers.com.au)  
A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



Harmers Workplace Lawyers – "Employment Specialist Law Firm of the Year"  
ALB Australasian Law Awards Winner 2006, 2007, 2008, 2009, 2010 & 2011

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---

**From:** Megan [mailto:[megan.hobson08@bigpond.com](mailto:megan.hobson08@bigpond.com)]  
**Sent:** Thursday, 19 April 2012 4:32 PM  
**To:** Brad Buffoni  
**Subject:** Updated Affidavit

Hi Brad, attached is my amended Affidavit, just correcting some of the statements (names etc). Please return amended as you see fit and I will do my best to get it witnessed tomorrow but will have to let you know as my day progresses.

Kind regards, Megan

**Annexure Certificate**

No. NSD580 of 2012

Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

**James Hunter Ashby**

Applicant

**The Commonwealth & Anor**

Respondents

This is the annexure marked MDH-3 produced and shown to MICHAEL DANIEL HARMER at the time of affirming his affidavit on 23 July 2012.

before me:

Dean Schubert

Name

Solicitor

Qualification

---

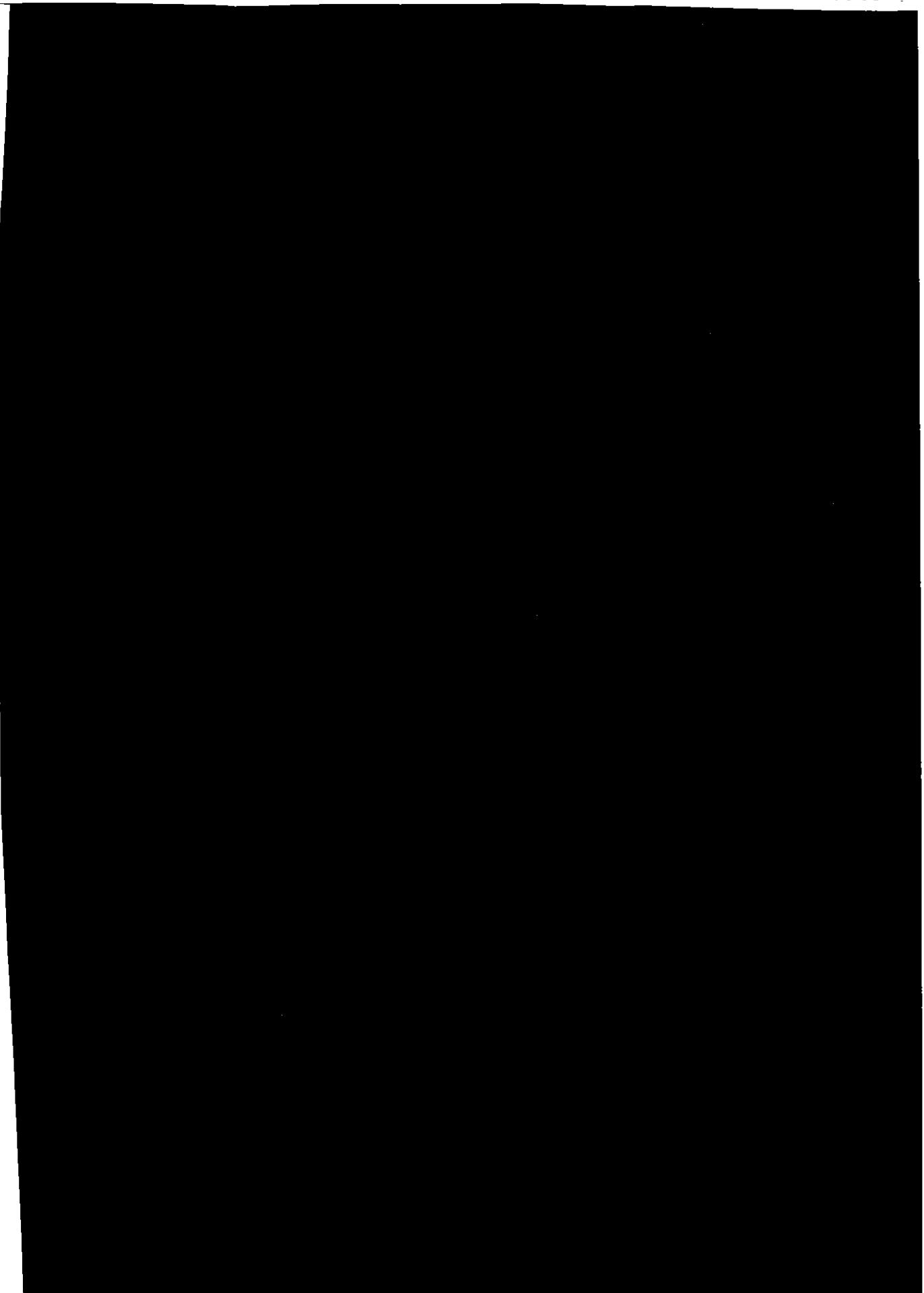
**From:** Megan [megan.hobson08@bigpond.com]  
**Sent:** Tuesday, 17 April 2012 9:17 AM  
**To:** Brad Buffoni  
**Subject:** Stat Declaration - Megan Hobson  
**Attachments:** Stat Declaration.pdf

Hi Brad, as discussed here is my statutory declaration.

Kind regards, Megan

1045

1046



**Annexure Certificate**

No. NSD580 of 2012

Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

**James Hunter Ashby**

Applicant

**The Commonwealth & Anor**

Respondents

This is the annexure marked MDH-4 produced and shown to **MICHAEL DANIEL HARMER** at the time of affirming his affidavit on 23 July 2012.

before me:

Dean Schubert

Name

Solicitor.

Qualification

---

**From:** Leon Zwier [LZwier@abl.com.au]  
**Sent:** Friday, 4 May 2012 10:55 AM  
**To:** Brad Buffoni  
**Cc:** Henry Skene; Nicole Flint; Sue Kee  
**Subject:** Megan Hobson

Dear Mr. Buffoni

My work place relations partner Henry Skene and I act for Megan Hobson.

I have only received preliminary instructions.

Would you please no longer communicate with my client directly or indirectly. All future communications from you or your office should be directed to Henry Skene and me.

Yours sincerely

Leon Zwier | Partner

Arnold Bloch Leibler | Level 21, 333 Collins Street, Melbourne Victoria 3000  
T: +61 3 9229 9646 | F: +61 3 9229 9603  
[Lzwier@abl.com.au](mailto:Lzwier@abl.com.au) | [www.abl.com.au](http://www.abl.com.au)

Arnold Bloch Leibler acknowledges the traditional owners of country throughout Australia.

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Form 59  
Rule 29.02(1)

**Affidavit**

No. NSD 580 of 2012

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

**James Hunter Ashby**  
Applicant

**Commonwealth of Australia**  
First Respondent

**Peter Slipper**  
Second Respondent

Affidavit of: Michael Daniel Harmer  
Address: Level 28, St Martins Tower, 31 Market Street, Sydney, NSW  
Occupation: Solicitor  
Date: 31 August 2012

**Contents**

Document number	Details	Paragraph	Page
MDH 5	Table of text messages.	10	7
MDH 6	Letter to Respondents attaching affidavit of Clinical Associate Professor Phillips dated 20 July 2012.	11	288
MDH 7	Letter to Respondents from Harmers Workplace Lawyers dated 6 August 2012	13	324

Filed on behalf of James Ashby, Applicant  
**HARMERS WORKPLACE LAWYERS**

Address for service:  
Level 28, St Martins Tower  
31 Market Street  
SYDNEY NSW 2000  
[michael.harmer@harmers.com.au](mailto:michael.harmer@harmers.com.au)

Tel: 02 9267 4322,  
Fax: 02 9264 4295,  
Email:

[Form approved 01/08/2011]

Michael Daniel Harmer

I, Michael Daniel Harmer of Level 28, St Martins Tower, 31 Market Street, Sydney, NSW affirm as follows:

- 1 I am the solicitor for the applicant and the sole proprietor of the firm, Harmers Workplace Lawyers. I have affirmed a prior affidavit in these proceedings on 23 July 2012 (first affidavit).
- 2 This affidavit is affirmed following:
  - (a) the delivery of judgment by his Honour Justice Rates in *Ashby v Commonwealth of Australia* (No. 3) 2012 FCA 788 where his Honour found at [12] that the hearing of the two interlocutory applications presently before the Court is an "*interlocutory proceeding*" in which the hearsay rule will not apply by force of section 75 of the *Evidence Act 1995 (Cth)* (EA); and
  - (b) the respondents (being the moving parties on the interlocutory applications), have closed their cases in chief.
- 3 During the course of the cases in chief of the respondents on the interlocutory applications (respondents' evidence), reference was made in various parts of the respondents' evidence to selected text messages and other communications between Mr Ashby and others said to be relevant to determining whether this proceeding constitutes an abuse of process or is vexatious. I have instructed a solicitor in my employ to collate all of these communications in tabular chronological form, together with a large number of communications to which the respondents made no reference (including all communications between the applicant and the Speaker). These additional text messages and communications have been intercalated chronologically and all have been drawn from the communications recorded in the affidavit of Mr McKemmish served on the respondents.
- 4 I have also instructed the solicitor to add a further column to the table, which identifies when the messages were sent by reference to local time. I have used Australian Eastern Standard Time, because Mr Ashby was based in Queensland. On occasion, it is clear from the text message that Mr Ashby was in a different locality, such as the Australian Capital Territory. However, this would only result in a time difference of an additional hour during the period of daylight saving. Where the text message was referenced in either of the respondents' submissions, this has also been noted on the document.



Michael Daniel Harmer

- 5 I have instructed that these additional communications be distinguished (from those communications relied upon in the respondents' evidence) by recording the communications already in evidence in bold and the 'new' communications in italics. For the sake of privacy, I have instructed the relevant mobile telephone numbers not be produced but can provide a copy of the document with telephone numbers on request.
- 6 Various communications are colour coded by reference to the person, other than Mr Ashby, who sent or received the communication. The coding is as follows:

Peter Slipper	
Mark McArdle	[REDACTED]
Karen Doane	[REDACTED]
Inge Slipper	[REDACTED]
Mal Brough	
Steve Lewis	[REDACTED]
Tim Knapp	[REDACTED]

- 7 I further instructed an additional column be inserted into the table with a heading entitled "*Mr Ashby's representations*". I then spoke with Mr Ashby to obtain his specific instructions in relation to certain communications in the table being those communications which I considered required some clarification (for example, identifying persons referred to in a message) or otherwise were or may be relevant to: (a) providing context to the communications referred to in the respondents' evidence; or (b) the facts in issue on these interlocutory applications. Mr Ashby's representations were then transcribed into the table.
- 8 In recording Mr Ashby's representations, I did not rely on any confidential communications that had taken place between Mr Ashby and myself referred to in my first affidavit or any communication other than that referred to in the preceding paragraph. In my view, the record of his instructions concerning the communications was not a "confidential communication" within the meaning of section 117 EA by reason of the fact that the communication was for the express purpose of recording previous representations of Mr Ashby to be adduced in evidence (in the wake of his Honour's ruling that section 75 EA

Mr. Justice Hanmer

applies). The source of the representations referred to in the column "Mr Ashby's representations", is solely that of Mr Ashby.

9 I am not instructed by Mr Ashby to waive any legal professional privilege. To the extent that revealing a non-confidential communication between Mr Ashby and myself is said to somehow constitute a waiver of any anterior confidential communications, I withdraw this part of the affidavit and the applicant does not rely upon it. My express intention is only to disclose the content of my one communication with Mr Ashby that was non-confidential.

10 The completed table is exhibited to this affidavit and marked "MDH5".

11 On 24 July 2012 I instructed an employee to serve on behalf of Mr Ashby an affidavit of Professor Phillips, which will be relied upon at the hearing of this proceeding. Annexed and marked "MDH6" is a copy of the correspondence enclosing the affidavit of Professor Phillips.

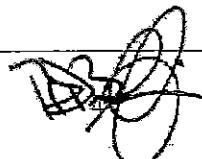
12 On 24 August 2012 I had a telephone conversation with Mr Steve Lewis. During the course of that conversation, the following words passed between us:

Harmer: *There is an interlocutory hearing for this matter set down for 2 October 2012 and the matter is proceeding by way of affidavit evidence through the solicitors. There will be evidence as to text messages and one text message in particular has received a lot of attention. I would like to ask you a question about this message as it was sent by you.*

Lewis: 'Ok'

Harmer: *By way of context and refresher for your memory, there is an exchange of text messages on the 3 April 2012 where you arrange to meet with James Ashby at a little café in Kawana. On the 4 April 2012 James sends you 3 further text messages. One is giving contact details for another individual and 2 are about Richard and the car. Those text messages read:*

*'Spoke to Richard about car. Richard said he has travelled in the car but was instructed to book the car on two occasions.*



*D. Harmer*

*when the pope was in Australia. The car was apparently used twice for different pope ceremonies. Good luck.'*

*He ended the text message with a smiley face. The next text message read:*

*'That should have been hasn't travelled in the car'.*

Lewis: *I remember those messages.*

Harmer: *The next message is the one I wish to ask you about, so the context is the information about Richard and car use. You replied:*

*'Ta. About to hop on plane. Will call later. We will get him'.*

*Do you recall that exchange?*

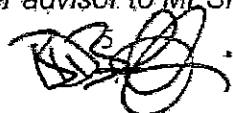
Lewis: *I do*

Harmer: *Who were you referring to in that message?*

Lewis: *As outlined in the several preceding text messages I was trying to identify and locate a hire car driver who was Sydney based who I believed would be an important or potentially important component to the story I might be.... or potential stories. The quote "We will get him" refers to that driver, we were trying to identify him. Richard was important because we were hoping he would be able to corroborate who the driver was and the allegations I was pursuing.*

Harmer: *Who is Richard?*

Lewis: *At the time he had just ceased employment with Mr Slipper, he was a former advisor to Mr Slipper.*



*Mark Harmer*

- 13 There has been correspondence between the parties relating to the statement of claim filed on behalf of Mr Ashby and contentions from the Commonwealth that Mr Ashby's claim for damages arising from a breach of contract is unsustainable by reason of section 44 of the *Safety, Rehabilitation and Compensation Act 1988* (Cth). On 6 August 2012, I instructed a letter to be prepared and sent to the solicitors for the Commonwealth recording the applicant's position. Annexed and marked "MDH 7" is a copy of that letter.

Affirmed by the deponent  
at Sydney in New South Wales  
on 31 August 2012

*John Hanan*

Signature of deponent

Name of witness:

*Broad Domenico Buffoni*

Address of witness:

*Level 28 ST Martin Tower  
31 Market Street Sydney NSW 2000*

Capacity of witness:

*Solicitor*

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

1. I saw the face of the deponent.
2. I have known the deponent for at least 12 months.

  
Signature of witness

**Annexure Certificate**

No. NSD580 of 2012

Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

**James Hunter Ashby**

Applicant

**The Commonwealth & Anor**

Respondents

This is the annexure marked MDH-5 produced and shown to **MICHAEL DANIEL HARMER** at the time of affirming his affidavit on 31 August 2012.

before me:



Name

Solicitor

Qualification

**ANNEXURE MDH 5 is located in  
VOLUME 4**

**Annexure Certificate**

No. NSD580 of 2012

Federal Court of Australia.

District Registry: New South Wales

Division: Fair Work

**James Hunter Ashby**

Applicant

**The Commonwealth & Anor**

Respondents

This is the annexure marked MDH-6 produced and shown to **MICHAEL DANIEL HARMER** at the time of affirming his affidavit on 31 August 2012.

before me:



Name

Solicitor

Qualification

**Karen Jones**

---

**From:** Karen Jones  
**Sent:** Friday, 20 July 2012 4:41 PM  
**To:** 'Mann, Catherine'; Wright, Sarah; SKeating@mauriceblackburn.com.au; JBornstein@mauriceblackburn.com.au  
**Cc:** Ashby Team  
**Subject:** Ashby v Commonwealth of Australia & Anor NSD 508/2012  
**Attachments:** Affidavit of Jonathan Phillips filed 20 July 2012.PDF

Dear Colleagues,

Please find attached, by way of service, the affidavit of Clinical Associate Professor Jonathan Phillips dated 20 July 2012 filed today.

Kind regards

Karen Jones  
Senior Associate & Team Leader

M +61 400 670 224 | D +61 2 9993 8518 | T +61 2 9267 4322 | F +61 2 9264 4295  
E karen.jones@harmers.com.au | W [www.harmers.com.au](http://www.harmers.com.au)  
A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



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ALB Australasian Law Awards Winner 2006, 2007, 2008, 2009, 2010 & 2011

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Form 59  
Rule 29.02(1)

### Affidavit

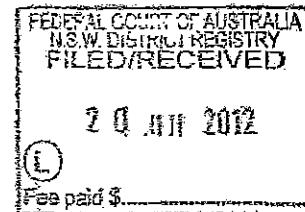
No. NSD 580 of 2012

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

James Hunter Ashby  
Applicant

Commonwealth of Australia  
First Respondent

Peter Slipper  
Second Respondent



Affidavit of: CLINICAL ASSOCIATE PROFESSOR JONATHAN PHILLIPS  
 Address: Suite 604, Level 5, 65 York Street, Sydney NSW 2000  
 Occupation: Consultant Psychiatrist  
 Date: 20 July 2012

#### Contents

Document number	Details	Paragraph	Page
1	Affidavit of Clinical Associate Professor Jonathan Phillips affirmed on 20 July 2012		1
2	Annexure "JP-1" being a copy of the report of Clinical Associate Professor Jonathan Phillips dated 16 July 2012	4	3

I, Clinical Associate Professor Jonathan Phillips, of Suite 604, Level 6, 65 York Street, Sydney in the State of New South Wales, 2000, Consultant Psychiatrist, affirm:

Filed on behalf of James Ashby, Applicant  
**HARMERS WORKPLACE LAWYERS.**

Address for service:  
Level 28, St Martins Tower  
31 Market Street  
SYDNEY NSW 2000

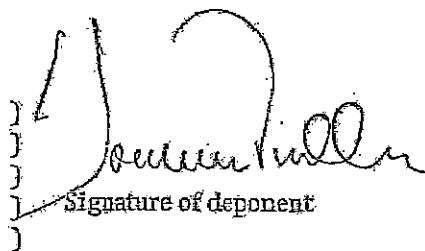
Tel: 02 9267 4322,  
Fax: 02 9264 4295,  
Email: michael.harmer@harmers.com.au

[Form approved 01/08/2011]

Sue Allen

1. The facts set out below are true based on my own knowledge.
2. I am an independent mental health consultant and a practising psychiatrist. I am an Associate Professor at the University of New South Wales; Clinical Associate Professor at the University of Adelaide and Associate Professor at James Cook University.
3. I was asked by Harmers Workers Lawyers to assess the applicant and prepare a report. A true copy of my report dated 16 July 2012 (including attachments) (Report) is annexed and marked "JP-1".
4. I note that:
  - (a) on page 10 of my Report there is a footnote numbered 2 on the bottom of the page which does not contain any text. The insertion of this footnote was an error which I did not observe when I proof read my Report;
  - (b) in paragraph 40 of my Report I refer to the date of the applicant's affidavit being dated 18 June 2012. That date is incorrect; the date of the affidavit provided to me was 13 April 2012;
  - (c) with respect to paragraph 46 on page 20 of my Report:
    - (i) the first entry that appears after the second sentence was intended to be indented with a bullet point; and
    - (ii) the second bullet point entry should read "His surprise and distress was were exacerbated..."

Sworn by the deponent  
at Sydney  
in New South Wales  
on 20 July 2012



Jennifer Miller  
Signature of deponent

Name of witness: Susan Emilee Adlington

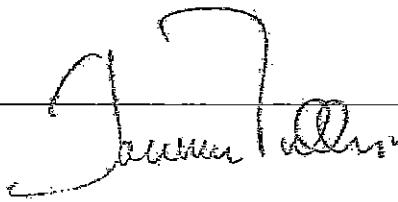
Address of witness: 27/32 Dutrie Street, Randwick NSW 2031

Capacity of witness: Justice of the Peace

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

1. I saw the face of the deponent.
2. I have known the deponent for at least 12 months.

Sue Adlington  
Signature of witness



Sue Adlington  
Signature of witness

## ANNEXURE JP-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 31 pages is the annexure marked JP-1 referred to in the affidavit of Clinical Associate Professor Phillip made 20 July 2012 before me

Sue Adlington  
Signature.

SUSAN EMILIE ADLINGTON  
Justice of the Peace

Susan Emilee Adlington,  
A Justice of the Peace  
in and for the State of New South Wales  
JP 189963

*Adlington*

JP 1

**Jonathan Phillips**

MBBS FRANZCP  
Consultant Psychiatrist

16 July 2012

Your Ref: MDH:GKR:20121209

**CONFIDENTIAL**

Ms Karen Jones  
Harmer's Workplace Lawyers  
PO Box Q548  
QVB NSW 1230

Dear Ms Jones

RE: **MR JAMES ASHBY V. COMMONWEALTH OF AUSTRALIA & ANOR**  
**FEDERAL COURT OF AUSTRALIA PROCEEDINGS No. NSD580 of**  
**2012**

1. I assessed Mr J Ashby (33 years) at your request on 19 June 2012 and 20 June 2012.
2. Mr Ashby is a single man, currently on paid leave from the Commonwealth of Australia. He had previously been advisor to the Honourable Peter Slipper, Speaker of the House of Representatives, and prior to that had held the position of marketing manager Gowinda Farms at Beerwah Queensland (a fruit producing organisation).
3. The following preliminary remarks can be made:
  - a. This report is prepared in keeping with the Federal Court of Australia Practice Directions and Guidelines for Expert Witnesses 2011, Rule 23.19. I will remain bound by the Code.
  - b. The report is based on two consultations with the applicant, consideration of your letters of instruction (7 June, 2012, 22 June 2012, 27 June 2012), and consideration of a lever arch file of documents.
  - c. I append to this report copies of your letters of instruction, and a copy of my abbreviated curriculum vitae.
4. Additionally, this report is based on the following assumptions:
  - o The history provided by Mr Ashby was true and correct.

MR JAMES ASHBY - V. COMMONWEALTH  
OF AUSTRALIA & ANOR  
FEDERAL COURT OF AUSTRALIA  
PROCEEDINGS No. NSD 530 of 2012

16 JULY 2012

- My mental state examination of the applicant is a true and correct reflection of his mental status at the times of interview.
- The additional documents are true and correct.

*Consent*

5. I explained the purpose and process of the consultation to Mr Ashby. I told him that I would prepare a report to be sent to yourselves. I told him additionally that the usual level of confidentiality inherent in the doctor/patient relationship cannot be maintained in the medico-legal setting. He agreed that the consultation should continue.

*History provided by Mr Ashby*

6. Mr Ashby wished to speak principally about significant problems which he experienced in the recent past in the relationship with Mr Slipper. However, there are a number of background facts. Specifically:

- Mr Slipper was appointed as Speaker of the House of Representatives in November 2011.
- He had known Mr Slipper for approximately 6 months, through his membership of the Liberal National Party (LNP) branch on the Sunshine Coast.  
He explained that this was Mr Slipper's electorate (seat of Fisher).
- He had lent support to Mr Slipper, the local member.
- He recalled that he had initially been introduced to Mr Slipper by a mutual friend, and he had been taken to the house of the Speaker by his friend.
- He added that he had been asked to join Mr Slipper's team, offering media advice.  
He added that he had developed numerous media contacts through his position at Gowinta Farms, and in keeping with this he was prepared to offer ad hoc advice to Mr Slipper about media relations.
- He noted that Mr Slipper accepted his advice and came to understand his abilities. In his words, "He (Mr Slipper) was quite determined to get me on board".
- Despite the interest of Mr Slipper in him, he had been warned by a number of LNP members, who told him that to join Mr Slipper's team would be career

Mr JAMES ASHBY V. COMMONWEALTH  
OF AUSTRALIA & ANOR  
FEDERAL COURT OF AUSTRALIA  
PROCEEDINGS No. NSD580 of 2012

16 JULY 2012

limiting. He was told also that Mr Slipper had a tough reputation and was considered not an easy person to work with.

Whilst accepting the views of his friends, he had not at that time come into any difficulties with Mr Slipper. Further, he thought the Speaker was open to his broad ranging views.

- He slowly came to a conclusion that Mr Slipper's poor publicity (to that time) was due to an improper choice of advisors. He held the view that damage to Mr Slipper could be corrected.
- He eventually came to the view that it would be a sensible step to work formally with Mr Slipper.
- He was aware that Mr Slipper knew that he was gay, but there had never been any overt discussion regarding his homosexuality. He did not, at the time, consider that Mr Slipper had any interest in gay men.

7. The applicant provided further information. Specifically:

- He said that he met Mr Slipper on numerous occasions within the electorate. He also had the opportunity of meeting Mr Slipper's wife.
- He noted that Mr Slipper attempted to offer him the position of electoral media advisor on several occasions.
- He was aware at the time that Mr Slipper had offered the job to another person, who incidentally was gay. The person declined. The job was later to be advertised and Mr Slipper employed a female advisor.
- After being made Speaker of the House of Representatives, Mr Slipper contacted him again and asked him to take a role as advisor to the Speaker, but based predominantly on the Sunshine Coast. The scope of the job was within the electorate, but he would be asked to shadow the Speaker at various events. The role was attractive, relatively high profile and career enhancing. The job had media overlap.
- He said the position appealed to him also because Mr Slipper had then become an independent member, and technically was not aligned with any party.
- Further, he noted the job had a significant salary (twice that of the media advisor job offered to him previously).
- He accepted the job in early to mid December 2011 and commenced work 1½ weeks later.

MR JAMES ASHBY V COMMONWEALTH  
OF AUSTRALIA & ANOR  
FEDERAL COURT OF AUSTRALIA  
PROCEEDINGS No. NSD580 of 2012

16 JULY 2012

- e He was aware at the time that he would be "kicked out" of the LNP because he took on the position. He was advised to resign from the LNP and leave on good terms. He subsequently resigned.
- e He noted that Mr Slipper had a staff of 1,000 (within the ambit of the Speaker). He was asked to spend approximately 60% of his time in Canberra, with the remainder in Queensland.
- e He described the job as being "substantial" in type and included many meetings, the making of notes and various other activities.
- 8. Mr Ashby made a number of generalised comments:
  - e He was told by Mr Slipper that he could stay at the home of the Speaker. He was told also that he could pocket his travel allowance.
  - e He learnt additionally that another advisor would often stay at the home of the Speaker.
  - e He does not recall any "uncertainties" about the offer initially.
  - e He was to sleep in a king sized single bed which had been placed in the corner of the lounge of the property.
- g. The applicant identified a number of early problems:
  - e It was during this first week in Canberra when Mr Slipper complained to him that he was suffering from a sore neck. He advised the Speaker that he should get a massage. He recalled thinking also at the time that the Speaker was under very considerable pressure.
  - e He shared dinner with Mr Slipper and a few others on the day in question. He noted that the Speaker had a "few glasses of wine".
  - e Mr Slipper again complained of neck pain after they returned to the home of the Speaker. He said the speaker urged him to give a neck massage. He noted that the Speaker lay down on a bed wearing shorts only. He then began to massage the neck of the Speaker. The Speaker began to "moan" in the course of this. In his words, "It didn't feel right". He elected then to stop the massage. In his words, "I felt stupid for doing it".
  - e He took a shower on the following morning. As he emerged from the shower, Mr Slipper said to him, "You are a bit strange ... you shower with the door shut". He recalled feeling that the comment of the Speaker had been odd.

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- He said to the Speaker, "I don't know what you private school boys got up to ... we never showered with the door open".
- He noted that the Speaker replied, "You even go the toilet with the door shut" and a little later "Are you a prude or something?".
- He specifically told Mr Slipper that he regarded it to be normal to shut the bathroom door. He thought at the time that the Speaker was "fishing" for some particular response. He recalled also that he thought the Speaker was "weird ... strange".
- He spoke to a female friend from the electorate. He had trust in the person and felt comfortable to mention the above events to her. She told him that he should leave Mr Slipper's house and take a hotel room. However, at the time, he felt an obligation to stay where he was.
- He said that he flew back to Queensland in the company of Mr Slipper towards the end of that week. He was wearing a fitted polo shirt at the time.
- He felt that the Speaker was in an antagonistic frame of mind, particularly when the Speaker told him that he should not wear the shirt, with a suggestion that he required a larger sized garment.
- He felt angered by the comments of the Speaker. He let the Speaker know his feelings. He felt the Speaker responded inappropriately with a "smirk".
- He subsequently was driven to his home in the Speaker's chauffeured car. He held the Speaker was condescending in his attitude in the course of the trip.
- 10. The applicant said that he returned to Canberra more than a week later. He could not recall whether he travelled with Mr Slipper. He noted an exchange of text messages. Specifically:
  - He said that Mr Slipper often used text messages as the principal means of communication. He came to hold that the Speaker's messages were sometimes "bizarre", including a message which read, "Wish we were closer".
  - He felt at the time of receiving the message that the Speaker wanted something from him. He felt that the Speaker was asking for something more than a normal companion.
  - He noted also a text message from the Speaker later that evening, in which the Speaker asked whether he (Ashby) wanted to be closer. He added that the message carried kiss marks (xxx).

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- He responded to the Speaker's text message noting that the relationship was "as far as it might go".

- He later received a message from the Speaker which read, "I assume you will be missing the boat cruise". He had a strong feeling at the time that if he frustrated the Speaker he would have his privileges withdrawn.

He noted also a sense of disappointment and he made the point that he was "not some hussy that you can buy".

He noted also a sense of increasing anger.

- He said that Mr Slipper apologised for the text messages on the following morning. He had coffee with his female work colleague (Ms Doane) who was having difficulties with the Speaker at the time. He decided to share the text messages with her, recognising that there were certain risks in doing so. Specifically:

- He discussed the nature of the messages with his colleague.
- He subsequently showed the text messages to a friend who is a Queensland Member of Parliament. His friend said that he "didn't like" the content/tone of the messages.
- He considered resigning his job at that time, but he knew that if he did so he would lose opportunity and his salary.
- He noted that thereafter he was wary of being with the Speaker on his own. At the same time, he tried to convince himself that all would be fine in the relationship with the Speaker.
- He began to stay at a local hotel, in order to avoid close contact with the Speaker. He felt additionally that this allowed him to "clock off" from his work duties.

- ii. Mr Ashby related a number of additional matters. Specifically:

- The Speaker asked him 1-2 weeks later to dress him in his ceremonial robes. He told the Speaker that he did not wish to do so. He made a joke of it at the time stating, "You're a big boy, dress yourself".
- He found himself becoming increasingly "blunt" in his interaction with Mr Slipper, because this was the easiest way of handling the situation.

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- o He recalled a further incident not long thereafter, probably in mid January 2012. He was to pick up the Speaker from his home. Quite unexpectedly in the course of the journey, the Speaker had said to him, "Have you ever come in the arse of a guy?".

He felt offended by the question. He responded by saying, "That's not the type of question you ask people". He added, "It knocked me ... I was driving ... It was like he put me in a position where I couldn't avoid him".

- o He related a second similar incident, again when he was in a car with the Speaker. He was driving at the time. This probably had been in late January 2012.

The Speaker asked exactly the same question. He responded as before. The Speaker then said, "Are you into twinks or bears?". He responded to this by saying (again), "It is not the things you ask people".

He felt the Speaker's comments were particularly offensive, because of the Speaker's religious background and affiliation. He added that the Speaker's questions were "inappropriate" from his point of view.

- o Mr Ashby said that a little later he had made a video promoting the concept of mace. He noted the following:

He was sitting at his laptop, with the Speaker behind him and looking over his shoulder. He thought this occurred in early January 2012.

He felt the Speaker's hand on his left arm. The Speaker then said, "You do such a beautiful job". The Speaker began to stroke his arm.

He had a powerful wish that the Speaker would "get off", but he felt powerless to do anything to stop the situation. He noted also that he felt "like a fool" at the time.

12. The applicant said that there were several other incidents which troubled him. Specifically:

- o He came up with a plan, along with his female co-worker, to put an end to a particular journalist's actions in the press to undermine the Speaker.
- o He believes that the journalistic material was partly factual and partly false.
- o He elected to use Twitter to spread the story, before the journalist had time to submit his article. This method had never been used before. It worked successfully.

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- It was after the use of Twitter when the Speaker approached him in his office. He recalled that the Speaker moved close to him, but in the presence of the female colleague, and said, "Can I kiss you both?". He did not think the comment had been loud enough for his colleague to hear however.

He found it hard to believe what was going on at the time. In his words, "He (the Speaker) kept pushing the boundaries... to see how far (he) could get".

- He had been with the Speaker and other people later in the evening on one occasion. The Speaker said to the group of people, "James is a spy for the LNP ... He is still in his probationary period".
- He felt humiliated and angered by the words of the Speaker at that time.

*Effects of the incident perpetrated by Mr Slipper*

13. Mr Ashby made a preliminary comment in this domain; noting that he now realises that he was "not hired for the right reasons". He believes that Mr Slipper had set out to place him in this position to achieve an outcome not related to the office. He identified a number of problems which he has experienced since the actions of the Speaker. They are as follows:

- He feels that he has lost all control over his life, and that "power" has been taken from him.
- He feels that he has lost his usual direction in life, and is unable to reclaim it.
- He is no longer able to trust the people around him. He holds that his trust had been abused by the Speaker.
- He is troubled by a sense that others do not believe him.
- He has a need to talk to people in an attempt to protect himself, despite knowing the risks.
- He drinks more heavily than in the past, noting that alcohol assists to reduce his untoward symptoms.

He added that he has been drinking up to a 4-pack of bourbon/night (he said equivalent to 6 standard drinks). In the past he would restrict himself to, no more than 6 standards drinks/week.

- He now lives with a sense of fear, particularly that he should never be alone because of the risks that might occur in that situation.

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- He is restless at all times. He noted that he is even unable to sit through a film.
  - He is troubled by a disturbance of sleep. He experiences initial insomnia and will rarely get to sleep before 12 midnight. He will then wake repeatedly from approximately 2 am. He sometimes will remain awake for up to 2 hours at a time.
  - He is despondent almost all of the time. He has entertained intermittent nihilistic ideas. He has on occasions experienced a strong wish to drive his car in front of an oncoming truck. He believes he has not done so only because it would involve trauma for the truck driver.
  - He is avoidant in his behaviour. He now tries to keep away from other people who might cause him "exposure". In keeping with this, he believes his personality has changed. Specifically, he recognises that he has become withdrawn and fearful. He no longer feels comfortable in the company of people.
  - He experiences a strong sense of demoralisation, and also a sense of disappointment in himself.
  - He is concerned about the effects he could have on the life on the Speaker's wife, his children and his own parents in the event of legal action.
  - He feels his cognitive performance has diminished, noting that it is now difficult for him to concentrate and that he even tends to get lost when reading a newspaper article. He noted also that his capacity to finish tasks is impaired.
14. The applicant noted a number of recent physical problems additionally. Specifically:
- He has passed blood in his urine.
  - He suffers almost constant nausea.
  - He has recurrent diarrhoea.
  - He has constant low bilateral abdominal pain, but worse on the left. He added that pain is aggravated by tension of any sort.
  - He feels that he is constantly and inappropriately judged by others.
15. Additionally, Mr Ashby expressed a sense of anger about his exposure in The Australian newspaper. He described himself as having been "outed" in that newspaper, with inference that he is a "filthy homosexual..."

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*The legal action against Mr Slipper*

16. Mr Ashby said that the decision to take action against Mr Slipper had been difficult to make. He provided the following background material:
- He was aware of rumours that Mr Slipper may have been in a relationship with another staff member.<sup>1</sup>
  - He was aware that others had expressed concerns about the mental status of the Speaker.
  - He was aware that there had been friction between the Speaker and staff members in the past, and that one staff member had left in "bizarre circumstances".
  - He heard also of a State Member of Parliament who felt he was "harassed" by Mr Slipper.<sup>2</sup>
17. In the context of the above, Mr Ashby began to question how many others might have been involved in an abnormal relationship with Mr Slipper.
18. Whilst he felt a growing pressure to take action against Mr Slipper, he knew that he would need advice. He sought this from various persons.
19. At the same time, he was concerned that he would lose his job if he proceeded and he was concerned about the cost of legal action.
20. Following a period of consultation with other people, some of them being members of Parliament, he decided to speak with solicitors and then with Federal Police.
21. The applicant said that when he met with police he not only spoke about what he believes had been harassment by Mr Slipper, but also about the Speaker's apparent abnormal use of Cabcharge documents.

*Other matters*

22. Mr Ashby said that he enjoyed generally good health in the past. However, he had been somewhat overweight from approximately his 21<sup>st</sup> year. His weight is now within an acceptable range. He underwent removal of his gallbladder approximately 3 years ago, and removal of his appendix approximately 6 months later.

<sup>1</sup> Mr Ashby did not state whether the person was male or female.

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23. The applicant had learning difficulties whilst in his mid primary school years. He attended a counsellor during grade 3. He could not recall experiencing psychological or cognitive problems at any other time.
24. Mr Ashby noted that in the past he had been an open minded, approachable and generally serious person who liked to assist others. He was family oriented, he enjoyed social relationships, and was moderately observational in his ways.
25. Born in Nambour, Mr Ashby has three sisters (younger than himself). He grew up in the parental household on the Sunshine Coast, his father working as a panel beater/spray painter and his mother as a hairdresser. He described a supportive and loving family unit. He noted however that times were financially tough on occasions. He noted also that he had loving grandparents on both sides of the family. He denied any history of violence, sexual abuse, or abuse of alcohol and/or drugs within the family system.
26. The applicant was educated at Landsborough Public School and Caloundra High School until Year 9. He then moved temporarily to Beerwah High School, and later to Caloundra High School. He described himself as having been a "B or C grade student". He had no particular love for academic matters.
27. Mr Ashby said that he began part-time work when he was 13 years old in a fruit shop (3 years). He then worked for Coles when 16 years old (1 year). He was employed by a Roma radio station on a fulltime basis after he left school (6 months). He later obtained radio work in Gympie and Rockhampton. He was subsequently employed by the Triple M radio station in Brisbane, and later at a Newcastle radio station. As mentioned, he had been employed by Gowinta Farms prior to accepting the job with Mr Slipper. He held other jobs also (see below).
28. The applicant noted one criminal matter in 2002-2003. He said he pleaded to a "misuse of a carriage" at the time. He went on to note that this related to the alleged use of phone lines in an offensive manner. This related to the alleged abuse of a radio announcer on the phone. He pleaded guilty, was given a \$6,000 fine and a 3 year good behaviour bond.
29. It had been at that time when Mr Ashby decided he no longer wanted to work in radio. He left the industry and took a position at Yeppoon in sales/graphic design. However, he was subsequently offered a further position radio at Townsville which he took (2½ years). He subsequently started his own printing/graphic design business when he was 26 years old and he sold the business after 4 years (in the middle of the global financial crisis).
30. For a period, Mr Ashby took odd jobs. He had sufficient funds to allow him to work on an intermittent basis. He held a position selling after-market equipment for cars (6 months). He was then offered the position with Gowinta Farms. He was dubious

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about the position initially, but came to enjoy it. He remained in that situation for 13 months.

31. Mr Ashby recognised that he was homosexual by disposition when 15 years old. He "came out" when he was 26 years old. He had been fearful for years about the reaction of people about him. He was also worried that being gay might jeopardise career prospects. He kept away from gay venues, and avoided flamboyance at all times.
32. The applicant entered a serious homosexual relationship when 26 years old. The liaison continued for 4 years, on a live-in basis. The relationship ended finally because his friend was not loyal.
33. Mr Ashby noted that he has not been in any serious relationship since that time.
34. Mr Ashby holds a pilot's licence and owned an aircraft at one time. He has a long interest in photography and uses a number of cameras. He has interests in the food and agricultural business. He experienced an increasing interest in politics in recent years.
35. The applicant does not smoke cigarettes. He drinks more than usual at the present time, but noted that he tends to restrict drinking to the weekend. He denied ever using illicit drugs. He drinks 1-2 cups of coffee/24 hours.
36. Mr Ashby was not taking any form of medication at the times of consultation. He was not seeing any doctors or counsellors on a regular basis.

*Mental State Examination*

37. Mr Ashby presented as a neatly groomed and casually dressed man of his years. He was on time and polite. His intelligence is estimated to be in the average/high average range. He is not psychologically oriented in his manner of thinking. He understood the purpose of the consultations and was cooperative. The following points can be made:
  - He was moderately depressed, significantly anxious, but not overtly irritable at the times of interview.
  - His affect was intense and reactive. His affect did not become incongruent at any time.
  - He was focused in thought on his legal matters, somewhat to the exclusion of other issues in his life. He had no disorder of the rate or form of his thought processes however.
  - He was not paranoid in attitude. He was not suffering delusions, hallucinations or other symptoms to suggest a psychotic illness.

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- His cognition was adequate for the purposes of interview.

*Special tests*

38. Mr Ashby completed a Beck Depression Inventory II (BDI II)<sup>3</sup>. He had a total score of 26 on the instrument, this placing him at the upper end of the range for moderate depression. He had moderate/high scores in the domains of agitation, loss of interest, indecisiveness, altered sleep patterns, irritability, difficulties with concentration, altered appetite.
39. Additionally, Mr Ashby completed a Beck Anxiety Inventory (BAI)<sup>4</sup>. He had a score of 32 on the instrument, this placing him in the mid range for moderate anxiety. He had moderate/high scores in the domains of inability to relax, fears of the worst happening, alteration in heart rate/rhythm, being terrified/afraid, general nervousness, fears of losing control, fears of dying, being scared.

*Documents*

40. I have considered Mr Ashby's long Affidavit carefully. The document is dated 18 June 2012. The following matters are salient:

- Mr Ashby first had contact with Mr Slipper (then Deputy Speaker) whilst he was working as marketing manager with Gowinta Farms. He wished to speak with Mr Slipper about the potential housing of boat people. He went to Mr Slipper's office at Buddina. He subsequently met with Mr Slipper at the farm between December 2010-April 2011 (exact date unrecalled).
  - He was subsequently approached by Ms V Bradford, head Beerwah-Mooloolah branch of the LNP of Queensland.
- He was invited to an LNP function at Beerwah, with a good chance of meeting Mr M McArdle, the State Member.
- He subsequently joined the LNP.
  - He was to meet Mr R Reynolds a little later at the home of an LNP member. He offered to assist Mr Reynolds when he ran for Council Division 1.

He learnt that Mr Reynolds had a fairly good relationship with Mr Slipper and the (then) Deputy Speaker's wife. Mr Reynolds invited him to Mr Slipper's home, and that event occurred some time in the months June/July/August (year).

<sup>3</sup> BDI II is a self-completion questionnaire for symptoms of depression. It is a reliable and valid instrument.

<sup>4</sup> BAI is a self-completion questionnaire for symptoms of anxiety. It is a reliable and valid instrument.

All pencil and paper tests are best considered as ancillary to the clinical examination in the medico-legal context.

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unspecified). He had a conversation with Mr Reynolds, Mr Slipper's wife, and another woman. Mr Slipper joined the group approximately half hour later.

- Mr Slipper asked to meet with him alone, to discuss Mr Reynolds campaign. The Deputy Speaker asked a number of questions about Mr Reynolds including whether he was gay. The conversation was expanded and touched upon gay marriage. He was given Mr Slipper's personal email address before he left, and his mobile number. Mr Slipper suggested keeping in touch by text.
  - Mr Slipper maintained contact with him through text messages.
  - He subsequently became increasingly involved with LNP activities, and he was elected as vice chairperson Baerwah-Mooloolah branch of the LNP.
  - He had contact with Mr McArdle following the Queensland floods in January 2011. He discussed various matters with the Member. He offered the Member his services, specifically to produce a number of local issue videos recording the outcome of the State election campaign.
  - At/about the same time, he met with Federal Division Council Chairman for Fisher, Greg Robinson.
  - Mr Robinson subsequently asked him to put out a flyer which invited people to the Federal Division Council (FDC) Annual General Meeting.
  - Mr M Brough was planning to run for the FDC Chairman position against Mr Robinson. At the request of Mr Robinson, he gave Mr Brough a call.
  - He subsequently attended the FDC AGM. He was surprised to hear that his name was on the Brough ticket, as a nomination for secretary of FDC. He was not elected.
  - He introduced Mr Slipper to social media as a method of communication on a broad scale. He was thanked by Mr Slipper for advice in this domain.
  - He travelled overseas at that point in time, but was approached nevertheless with a view to become a media advisor to Mr Slipper. He showed little interest in the position initially.
  - He was again approached by Mr Slipper who offered him a job. He was advised against taking the job by Mr McArdle. He did not accept the position.
  - He was invited to Canberra by Mr Slipper (date unstated). It became obvious, a little later, that Mr Slipper wanted a media advisor in that city.

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- He was contacted by Mr Slipper a few days later after he accepted the role as Speaker and was asked whether he would like to join the Speaker's staff, in the role of advisor. Part of the role would be to shadow Mr Slipper at various events.
- He decided to accept the offer. He felt, however, in accepting the position, that he was letting some people down, including Mr McArdle. He informed Mr Brough additionally, who did not agree with his decision to take the job.
- He began duties on 2 January 2011. Mr Slipper asked him to stay in his residence in Canberra. He normally had his other advisor (Mr Tim Knapp) stay in the house.
- He noted that on the second day in Canberra, Mr Slipper complained of a sore neck and he appeared to be in pain. Additionally, the Speaker complained on the following days whilst at home that he was stressed. He suggested to Mr Slipper that he should get a massage, but this was refused.
- He stated that Mr Slipper asked subsequently whether he might provide a neck massage. This occurred at the Speaker's home. The Speaker lay down on his bed in shorts but without a shirt. He set about massaging the Speaker's neck and approximately 1 minute later the Speaker began to moan. He described the sound as being like a "pleasure moan". It made him feel uncomfortable. He stopped the massage, and went to his room.
- Some time later, whilst preparing for work, Mr Slipper said to him, "You are a strange one", stating specifically that he (Ashby) showered with the door shut. The Speaker then called him a "prude". The Speaker suggested that he should leave the door open. He found the Speaker's line of conversation to be awkward and he did not want to be in the Speaker's house, because he believed the Speaker had used sexual innuendo.
- He observed that Mr Slipper showered on the following morning with the door open. He felt the actions of the Speaker were becoming more bizarre.
- He noted that Mr Slipper drank alcohol in his office in the afternoon.
- He noted that Mr Slipper used taxis to travel to dinner. He personally would be asked to pay cash for the journey.
- He noted that at the time of travelling home, and during a stopover in Sydney, Mr Slipper said that he looked bad in his polo shirt. He retaliated by saying to the Speaker, "You're a real c....". Mr Slipper appeared to be pleased that he had upset him.

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- He noted that Mr Slipper said that he did not trust his media advisor (Karen Doane). He personally had come to respect that person's talent however. Whilst he did not trust Karen, they worked well together.
- He noted a chain of text messages which occurred after Mr Slipper did an interview which he (Ashby) did not like. He sent the following message at 6.10 pm (date not specified) to the Speaker, "You're not funny, I can't believe you called her, will have to clear this mess up now. Fuck. Fuck". He received a reply from the Speaker at 7.05 pm which read, "Relax my friend! X". He received a text message later which stated, "It would be good if you here but perhaps we're not close enough".
- He noted rumours that Mr Slipper and Mr Knapp were in some form of a relationship. He then sent a message to the Speaker (date unstated) which read, "Ha ha, where's Tim tonight?". The Speaker replied with the word "missing". There was a text message about "Tim" culminating in the Speaker writing, "Gone to prick up whom and closer to you than Pete". He replied, "No, he's closer to you, I hardly know him" and in a follow up message, "A random root LOL". He received a further text message a little later from the Speaker which read, "You're getting rocks off? Pity" and with the following text, "If you interested we could be closer". He replied subsequently, "I think we're good already, I'm happy seeing Tim closest. I hate stepping on toes". The Speaker replied, "But your call and no hard feelings if you only want business like contact ...". He replied later with the text, "I don't know what type of contact you expect Peter. Perhaps you should define what you would like and I can then be clear on my position". The Speaker replied, "You want something more? You're brilliant at massages". He replied, "No, I'm happy the way things are. Care for you Peter but the massage is as far as it goes, life's a lot more simple ...". There was further exchange of text messages which I will not summarise.
- He later showed the text exchange to Ms Doane. He went on to note the risk Mr Slipper was taking in sending the messages. He had no desire to place the Speaker in an invidious situation. He shared his view with his former colleague that he was not interested in the Speaker whether he was "gay, bisexual or straight". He added that he did not want to be "hit on at work, or harassed over stupid questions ...".
- He noted an incident which occurred in Queensland on 14 January 2012. He was accompanying Mr Slipper in a car. The Speaker said to him without warning, "Have you ever come in a guy's arse before". He told the Speaker that it was not the kind of question which should be asked. He told Ms Doane about the incident.

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- He went on to note that Mr Slipper asked the same question some weeks later, and that the Speaker asked also about "twinks and bears". He again told the Speaker it was not a question to ask.

He recalled a text exchange on 26 February 2011 beginning at 5.37 pm between Mr Slipper and himself. The exchange began with discussion about the Speaker's use of social media. However, at 7.16 pm the Speaker wrote, "... Tim Conroy thought you were a nice twink". He could not recall meeting that person. The Speaker responded with a text, "Met you in person". The Speaker then identified the person as a State Member of Parliament, and that there had been discussion between the Speaker and that person about his (Ashby's) loyalty to the LNP or his loyalty to the Speaker's office. The Speaker went on to state that he knew about a video which he (Ashby) had made for a party that wanted to terminate the Speaker's career. The Speaker described himself as a "bit vulnerable"; and later with the text, "Happy dreams. In your job you are no longer a free agent and I get held to political account for whatever you do" and additionally, "Sadly you're no longer a free agent".

There was a further text exchange about Mr Ashby helping others in the political domain. The Speaker wrote, "I would be upset if anyone else running for the Party that are seeking to end my career was helped. You can be absolutely certain, that come the FED, every last one including Andrew will be trying to ensure my demise (and) you must choose between those who are intending to destroy me and me". He replied, "You don't get held to political account for my private life Peter, I'll not have my private life managed. I would not bring you into disrepute through my actions ...". The Speaker replied later, "Sorry if you intend to assist my political enemies, that is your right, but you owe it to me to tell me so ... and I can sort out our respective positions". This is followed by a complex interchange between the two persons which I will not attempt to summarise. Essentially the Speaker was reinforcing his view that a person within his office cannot freelance in any manner.

Mr Ashby prepared a video for Mr Slipper for distribution on YouTube. He noted that on 1 March 2012 Mr Slipper stood behind him whilst he showed him the prepared video clip. He advised that the Speaker put his arm on his (Ashby's) left arm. The Speaker then stroked his arm and said in a "really low toned voice" that he had done a beautiful job with the video. He felt the need to drop his arm from its then position. He described the action of the Speaker as "just not normal".

Mr Ashby attended a Hungarian Ambassador's dinner on 13 March 2012 at Parliament House. Mr Slipper came over and sat down and then out of nowhere, said to those present that it was his belief that Mr Ashby was a spy.

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- He noted that on 20 March 2011 he and Ms Dosne used Twitter to cut across a story being prepared by The Australian newspaper. The strategy was said to be very unusual. That evening Mr Slipper returned to his office. He recalled the Speaker approaching Karen and himself and stating, "Can I kiss you?". However the Speaker was looking at him (Ashby) when he asked the question.
- He reported at length Mr Slipper's association with the driver of a black Audi A8 car. The Speaker would intermittently use the services of the driver and car. He would hand a number of signed Cabcharge dockets to the driver at the conclusion of each trip.
- He noted, in summary, that he was no longer a member of any political organisation, and that he was not receiving any financial consideration for the actions taken against Mr Slipper. He noted that his actions were to "ensure that Peter Slipper's conduct towards (him) stops, and more importantly, that such conduct is not repeated in relation to any other staff, current or future".

Opinion

41. There are a number of general matters which need to be mentioned before considering Mr Ashby's current psychiatric status. Specifically:

- My opinion is based on a number of assumptions, as noted in the introductory section of this report.

Specifically, I am assuming that Mr Ashby has given a true and correct history, and I am assuming his Affidavit is true and correct.

It should be noted that I have read the handwritten record of Ms L Morrow, clinical psychologist, with regard to the applicant, and have had a relatively brief telephone conversation with her.

I have not had access to corroboratory information of any type.

- It is critical in this report to focus on three matters: Mr Ashby's mental health prior to his contact with Mr Slipper, the importance or otherwise of the behaviour of Mr Slipper in relation to the applicant, and the importance or otherwise of the process of litigation in the applicant's mental health status.
  - It is critical also to reference symptoms mentioned by Mr Ashby against DSM IV TR terminology. Any diagnosis based outside DSM terminology, or not verifiable against DSM terminology, should be dismissed.
42. The background issues in Mr Ashby's case can be summarised very briefly:

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- Mr Ashby is 33 years old. He is single. He has always been homosexual in orientation. He does not have a partner currently.
  - The applicant has never gone out to express his sexual preference in a flamboyant manner. He does not frequent homosexual meeting places.
  - He has held a number of jobs over the years, and was in longer term satisfactory employment with Gowinta Farzis prior to taking the position on Mr Slipper's staff. I believe it can be stated that he is ambitious and has an established wish to make a success of his career.
  - He had been a member of his local LNP branch, and at one time an office bearer within the branch.
  - He met Mr Slipper, and various other significant persons, through connections generally within LNP.
  - Mr Slipper gave him his email address and mobile phone number at the end of their first meeting.
  - He had contact with Mr Slipper on various occasions thereafter, and Mr Slipper is said to have made overtures regarding him working in his (Slipper's) office.
  - He accepted a position as advisor to Mr Slipper in late 2011, knowing that he would be required to shadow the Speaker at various functions, and noting also that he would need to spend considerable time in Canberra.
  - He spoke with numerous persons known to him in the political domain about his appointment as advisor in Mr Slipper's office. Some of the people concerned gave him warnings that he would not find the position to be simple.
43. I believe it can be stated with relative certainty that whilst Mr Ashby had been given warnings about his new position, he did not have significant anxiety or concern, at least until the first period when he stayed in Canberra.
44. Mr Ashby advised that his relationship with Mr Slipper was made complex by the mores/attitudes/comments of the Speaker at that time.
45. However, there is a caveat which needs to be made about text messages between Mr Slipper and the applicant. The applicant, on several occasions, joined in a text conversation with the Speaker which was somewhat provocative and sexualised. I believe it has to be said that, at least at certain times, the applicant added to the frisson of the interchange.

**M. JAMES ASHBY -V- COMMONWEALTH  
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46. Mr Ashby identified a series of incidents which he believes affected him adversely in the longer term. Specifically:

He was asked by the Speaker to provide a neck massage at a time when the Speaker complained of muscle tension. He met the request, but became unsettled when the Speaker began to moan (in a sexualised manner). He cut the massage short.

  - He was surprised a little later when the Speaker questioned why he took a shower with the door closed, and when the Speaker accused him of being a prude.
  - His surprise and distress was exacerbated on the following day when the Speaker chose to shower with the door open.
  - He became involved at various times in somewhat lurid text conversations with the Speaker, in which there was innuendo and banter about the two of them becoming closer. Unstated but seemingly implied were indicators that the Speaker may have been seeking some form of sexualised contact with the applicant.

He reported becoming alarmed in the course of these text conversations, and he attempted to terminate them.

  - He was extremely surprised on two subsequent occasions when the Speaker asked him provocative and highly personal matters about his sex life.  
He was alarmed on each occasion and cut the conversation short.
  - He was surprised, offended and alarmed when the Speaker, whilst travelling through Sydney, made adverse comment about the polo shirt he was wearing.
  - He became distressed and fearful at a time when the Speaker was looking at a video clip made by him, and when the Speaker placed his hand on the applicant's left arm and began to stroke it. He took this as being a sexual advance by the Speaker.
  - He was surprised at a later time, when the Speaker was pleased by a move by him to cut across the activities of a journalist from The Australian newspaper. The Speaker said he wished to kiss the applicant and his female co-worker. He noted that the Speaker looked at him when he made the comment.
  - He was alarmed and worried when the Speaker, on a small number of occasions, handed signed Cabcharge docketts to the driver of an Audi A8 car which the Speaker used on a reasonably frequent basis.  
He thought, at the time, and continues to believe, that the actions of the Speaker may have been unlawful.

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- He was distressed by occasional comments made by the Speaker which suggested that the tenure of his position was vulnerable.
  - He was troubled by comments made by the Speaker, in the presence of others, that he was a spy for the LNP, and that he was disloyal.
47. Mr Ashby identified a raft of psychological symptoms which he believes evolved as a consequence of the increasingly stressful, and sometimes sexualised, interaction with Mr Slipper. I will return to the symptoms shortly.
48. However, before doing so, it is important to consider the very large power differential between Mr Ashby and Mr Slipper. At the time of joining the staff of the Speaker, the applicant was extremely junior and had no experience in the mainstream political environment. He had considerable ambition however, and wanted to consolidate his position. The Speaker holds one of the most senior positions in the country and the Parliament. There is immense power invested in the office of the Speaker. It would be fair to state that the Speaker was in a powerful position, and that the applicant would readily be placed in a compromised situation, from which there was no ready path of escape.
49. Notwithstanding the contribution that Mr Ashby made in text exchanges with Mr Slipper, the various actions of the Speaker and text written by the Speaker appear to have been laced with sexual innuendo and that the messages may have represented an unstated attempt to induce the applicant into some form of compromised relationship with the Speaker.
50. Perhaps each of Mr Slipper's actions taken on their own do not amount to much, but when the Speaker's behaviour and text messages are taken together, they appear not to have been of a proper professional type (to be expected in any interchange between the Speaker and a staff member); but highly personalised, provocative, sexualised and occasionally of a threatening type.
51. I believe that a distinction should be drawn between simple sexualized banter and the comments alleged to have been made by the Speaker which were focussed on his interaction with the applicant and which carry strong suggestions about possible sexual contact.
52. If I am correct in my professional interpretation of Mr Slipper's actions, the personalised messages would have caused Mr Ashby increasing mental alarm, with likelihood that the applicant would react adversely from the emotional point of view, with subsequent development of adverse psychological symptoms.
53. There is no material available to me to suggest that Mr Ashby suffered trauma in his formative years, or exhibited any form of genetically determined mental health

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disorder, or suffered any substantive psychological symptoms at least until the time when he took the position in the office of the Speaker.

54. Almost certainly, the main cause for Mr Ashby's psychological decompensation in late 2011/early 2012 was the increasing psychological trauma which he experienced in his professional relationship with Mr Slipper. The timing and onset of his various symptoms during and following his daily contact with the Speaker point strongly to this also. However, other possible causes which might explain Mr Ashby's psychological decompensation must be sought. Outstanding is the possibility that the applicant has entered a legal process which has exposed him publicly and which has become traumatic in its own right. The applicant made no suggestion that this has been the case and he justified the path which he has chosen to take.
55. Giving clinical weight to each of the above, I believe it can reasonably be stated that, in greater part, Mr Ashby's clinical decompensation has been caused by the actions/activities/comments of Mr Slipper, in a situation where there was a great power differential between the two persons. I accept, at least at a theoretical level, that in minor part, the stress of litigation is now adding to the applicant's mental health burden.
56. It is now time to consider Mr Ashby's growing pattern of psychological symptoms, and a number of psycho-physiological symptoms additionally.
57. On the basis of Mr Ashby's history and his Affidavit, he developed psychological symptoms only from the period of close contact with Mr Slipper, and his symptoms continue at the present time. The applicant doubts that he was hired by the Speaker for proper reasons, he believes he has lost control over his life, he notes that he now lacks direction in life, he has lost trust in others and believes his personal trust has been abused, he holds that others do not believe him, he has become fearful particularly when alone and he is anxious that he may be harmed in an organised manner by others, he is despondent most of the time with co-existing nihilistic thinking and he has given thought to killing himself in a violent manner. He sleeps poorly with initial insomnia, fragmented middle of the night sleep, and early waking. He has become avoidant in his ways and is concerned by his public exposure. He feels a general sense of demoralisation and a sense of disappointment in himself. He feels sorry for others, particularly the Speaker's wife, the Speaker's children and his own parents. He believes himself to be judged unfairly by others. He has been drinking more than in the past in an attempt to minimise adverse feelings. He also notes loss of cognitive focus with poor concentration/memory and poor follow-through on tasks.
58. Additionally, Mr Ashby has a number of symptoms in the physical domain, most of which may be psycho-physiological in origin. He has passed blood in his urine (but this is likely to have a physical origin) and he experiences nausea, abdominal pain and diarrhoea (which are probably of psycho-physiological origin).

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59. It will be obvious on analysis of the above, that Mr Ashby now has increasingly chronic and pervasive mental health symptoms and psycho-physiological symptoms, which began after he joined the office of the Speaker, and which cross the spectrum of depression, the spectrum of anxiety, and psycho-physiological problems likely to be secondary to his level of anxiety. The totality of the applicant's symptoms will best be understood by reference to his history, and to his self report using BDI II and BAL.

60. Additionally, it becomes obvious that Mr Ashby has symptoms of intensity sufficient to interfere with the smooth conduct of his everyday life, to reduce his enjoyment in life, and to reduce the quality of his life overall.

61. On my analysis of the available clinical data, Mr Ashby has developed, in the context of significant stressors in his relationship with Mr Slipper, an adjustment disorder with mixed anxiety and depressed mood DSM IV TR 309.28 (chronic type)<sup>5</sup>. This is a recognisable and diagnosable psychiatric disorder.

62. Mr Ashby meets criterion A for adjustment disorder (development of emotional/behavioural symptoms in relation to an identifiable stressor occurring within 3 months of onset of the stressor); criterion B(2) (significant impairment in functioning across major domains of his life); criterion C (the disturbance is not better explained by another DSM IV TR Axis I psychiatric disorder, or a DSM IV TR Axis 2 personality disorder); criterion D (exclusion of bereavement). Criterion E does not apply as the applicant meets the chronic specifier for the disorder.

63. A diagnosis of adjustment disorder can only be maintained if the stressor persists, or during the 6 month period following cessation of the stressor. Matters linked with Mr Ashby's trauma brought about in the course of his relationship with Mr Slipper are unresolved currently, and hence can be said to continue.

64. It may assist also to offer a DSM IV TR multi-axial diagnosis. The following will apply:

Axis I Adjustment disorder with mixed anxiety and depressed mood.

**Axis 2** No overt personality disorder.

### Possible mild narcissistic personality traits.

Axis 3 Nil.

Probable second but less significant stressor associated with the

<sup>5</sup> Diagnostic and Statistical Manual of Mental Disorders 4<sup>th</sup> edition, text revision. American Psychiatric Association 2005: 579-683.

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process of litigation.

Axis 5 Global Assessment of Functioning Scores (GAF) 51-60, verifying moderate symptoms across a number of domains of life.

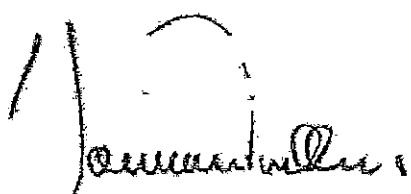
65. Additionally, it may be useful to offer a differential diagnosis in Mr Ashby's case. Two disorders only need to be considered. Specifically:
  - First, the possibility that the applicant suffers from a dysthymic disorder. This should be ruled out on the basis of the duration of his symptoms.
  - Second, the possibility of the applicant suffering from a major depressive disorder. This should be ruled out as his symptoms appear not to be of severity sufficient to justify the diagnosis.
66. Mr Ashby has taken no action to obtain treatment for his adjustment disorder. This is a pity as the longer treatment is delayed, the harder it will become to achieve a satisfactory outcome.
67. The general principles for management of an adjustment disorder should be followed in Mr Ashby's case. The applicant will require a carefully focused psychotherapy based on psycho-dynamic and cognitive/behavioural principles, and to include a controlled catharsis, psycho-education, and the optimising of his coping mechanisms. It is hard at this stage to predict the number of treatment sessions which will be required. Given the applicant's symptom pattern, and noting also the trauma of comments made in the press about the applicant, it will be reasonable for him to undertake 30-40 sessions of psychotherapy, not less frequently than one session/fortnight. He will require monthly follow up in the year after conclusion of formal therapy, and second monthly follow up thereafter until he is symptom free (if this can be achieved).
68. I do not generally recommend medication with an anti-depressant agent, or any other psychotropic agent, where a person suffers from an adjustment disorder. This will apply in Mr Ashby's case.
69. The current government recommended fee for a consultation with a psychiatrist of 45 minutes duration or longer is \$180.25. The current Australian Medical Association (AMA) recommended fee for the same service is \$215.00. A clinical psychologist may charge minimally less.
70. It is almost impossible to predict Mr Ashby's prognosis at this point in time. Positive prognostic features include his lack of psychiatric disorder early in life, and his probable capacity to cope with treatment (as described). Negative prognostic factors include the applicant's exposure in the press and the likelihood that he will soon become unemployed. I do not think that any further useful comment can be made currently.

Mr JAMES ASHBY V COMMONWEALTH  
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71. Finally, it is always wise in a medico-legal context to try and determine whether a person has given a self serving history, or has feigned symptoms (malingered). Whilst I have approached Mr Ashby's case with proper clinical scepticism, I cannot state that either of the above will apply.
72. You have not asked specific questions on this occasion. I will answer any questions which might arise from this report.

Yours faithfully



JONATHAN PHILLIPS  
Clinical Associate Professor

## Jonathan Phillips

MB BS FRANZCP

Consultant Psychiatrist

Suite 604, Level 6, 65 York Street Sydney NSW 2000 Tel (02) 8221 0741, Fax (02) 8221 0742.

ALL CORRESPONDENCE TO: GPO BOX 715, SYDNEY NSW 2001

### ABBREVIATED CURRICULUM VITAE - 2012

Jonathan Phillips is an independent mental health consultant in his professional role as a psychiatrist. He is Associate Professor at the University of New South Wales, Clinical Associate Professor at the University of Adelaide, Associate Professor at James Cook University, immediate past Convener of the Specialist Medical Review Council, a Past Director of Mental Health, South Australia, a former Chairman of the Committee of Presidents of the Australian Medical Colleges, a former President of the Royal Australian and New Zealand College of Psychiatrists (RANZCP), and a former member of the Australian Medical Council. He has been involved in numerous RANZCP educational activities over the years, including Chair Committees for Training and Chair Fellowships Board of the College. Additionally, he has represented the RANZCP in various medico-political activities, including the position of Chair of the Strategic Planning Group for Private Psychiatric Services.

Jonathan Phillips is a graduate in Medicine from the University of Melbourne (MBBS). He is a fellow of the RANZCP (FRANZCP).

Currently Jonathan Phillips is involved in three significant professional activities: consultant advice to health services and other bodies, clinical psychiatry, and medico-legal psychiatry. He has been a World Health Organization (WHO) short-term health consultant and consultant to the New Zealand Ministry of Health, Chair of the Psychiatric Division of the Medical Services Committee of New South Wales, and has been guest lecturer and examiner in the School of Postgraduate Studies National University of Singapore. He has lectured in India, Vietnam, Thailand, Malaysia, Indonesia, Austria, Hungary, Italy, Brazil, Russia, and East Africa.

Over several years, Jonathan Phillips has been involved with the preparation and delivery of the Masters Programme in Forensic Mental Health at the University of New South Wales. He is a member of the NSW Law Reform Commission Expert Panel (People with cognitive and mental health impairments in the criminal justice system). In 2010, he was key-note speaker at the Royal College of Psychiatrists Forensic Science meeting (Dublin Ireland). During 2011, he delivered the occasional address at the graduation ceremony for science and medicine at the University of New South Wales, and lectured at the NSW State conference of the Australian Lawyers Association in Terrigal. In December 2011, he was appointed as a Foundation Member of the newly established RANZCP Faculty of Forensic Psychiatry.

He was awarded the Grey Ewan Medal of the RANZCP in 1973, the Graham Coupland Medal of the Royal Australian College of Surgeons in 1993, and the Arthur E Mills Medal of the Royal Australasian College of Physicians in 2000 (the latter two in association with addresses delivered in the respective Colleges).

Jonathan Phillips is a member of the Australian Medical Association (AMA), The Medico Legal Society of New South Wales Inc, and the Australian Academy of Forensic Sciences.

He is a WorkCover Trained Assessor of Permanent Impairment and a Motor Accidents Authority Trained Assessor of Permanent Impairment.

# HARMERS

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- Change Management
- Industrial Relations
- Employment
- Occupational Health & Safety
- Human Rights & Equal Opportunity
- Legal Risk Management

Our ref: MDH:GKR:2012/1209

Please reply to: Sydney office.

7 June 2012

10 JUN 2012

Dr Jonathan Phillips  
Consultant Psychiatrist  
Suite 604, Level 6  
65 York Street  
SYDNEY NSW 2000

By hand

Dear Dr Phillips

**JAMES ASHBY v COMMONWEALTH OF AUSTRALIA & ANOR**  
Federal Court of Australia Proceedings No. NSD580 of 2012

We act for James Ashby, the Applicant in the above proceedings.

We note that Mr Ashby has an appointment scheduled with you for 9am on Thursday 28 June 2012 and that, subject to your availability, you may be able to expedite the appointment to Wednesday 20 June 2012. We await confirmation from you in this respect.

Our client commenced employment as Adviser to the Speaker of the House of Representatives, the Hon Peter Slipper MP, on 22 December 2011. He has commenced proceedings against the Commonwealth of Australia and Mr Slipper in the Federal Court of Australia claiming adverse action in contravention of the *Fair Work Act 2009* (Cth) and breach of contract.

By way of background, we enclose a folder of documents which contains Mr Ashby's:

- (a) Amended Originating Application filed 21 May 2012 (Tab 1); and
- (b) Statement of Claim filed 15 May 2012 (Tab 2).

## 1. Your instructions

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Level 40  
140 William Street  
Melbourne VIC 3000  
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7 June 2012

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1.1 We wish to retain you to assess Mr Ashby and provide your expert opinion and a written report regarding the following:

- (a) whether between 22 December 2011 and present Mr Ashby has suffered any form of psychological or psychiatric condition;
- (b) how any such condition was or is affecting Mr Ashby;
- (c) if any such condition was or is affecting Mr Ashby:
  - (i) what is the likely cause of the condition;
  - (ii) how long the effect lasted or is likely to last; and
  - (iii) if it is ongoing, what steps can be taken by Mr Ashby to eliminate or reduce the effect;
- (d) your prognosis of Mr Ashby's condition generally.

1.2 Please advise us if you require further information prior to, during, or after your consultation with Mr Ashby.

1.3 Please further note that, should this matter proceed to hearing, it is likely that you will be called by Mr Ashby as an expert witness and required to give oral evidence in Court.

## 2. Your engagement as an expert

2.1 As guidance regarding the form and content of your report, we enclose (Tab 3) copies of:

- (a) Rule 23.13 of the *Federal Court Rules 2011*; and
- (b) Federal Court Practice Direction: Guidelines for Expert Witnesses in Proceedings in the Federal Court of Australia.

Yours faithfully  
**HARMERS WORKPLACE LAWYERS**

*Michael Harmer*

Michael Harmer/ Karen Jones

# HARMERS

Workplace Lawyers

- Change Management
- Industrial Relations
- Employment
- Occupational Health & Safety
- Human Rights & Equal Opportunity
- Legal Risk Management

Our ref: MDH:GKR:BDR:20121209

22 June 2012

Dr Jonathan Phillips  
Consultant Psychiatrist  
Suite 604, Level 6  
65 York Street  
SYDNEY NSW 2000

By hand

Dear Dr Phillips

JAMES ASHBY v COMMONWEALTH OF AUSTRALIA & ANOR  
Federal Court of Australia Proceedings No. NSD580 of 2012

We refer to your conference with Mr Ashby on 19 June 2012. We confirm our understanding that your preliminary view is that Mr Ashby suffered an Adjustment Disorder with mixed features of anxiety and depression due to the conduct of Mr Slipper.

We now enclose for your further consideration:

- 1 . a copy of Mr Ashby's affidavit affirmed on 13 April 2012;
- 2 . a copy of the notes taken by Louise Morrow of her consultations with Mr Ashby on 12 April 2012 and 13 June 2012.

In relation to Ms Morrow's notes, Ms Morrow has asked that she have an opportunity to discuss her notes with you. We are instructed that Ms Morrow will be on leave after 6 July 2012 for a period of approximately 3 weeks. We confirm that Ms Morrow's telephone number is 0408 448 326

We also confirm that you currently estimate your written report will be ready within 3 weeks from today's date. If your report could be available closer to 9 July 2012 that would be appreciated but we understand the press of your other commitments.

Please do not hesitate to contact Michael Harmer or Karen Jones on 9267 4322 should you have any queries or require further information in relation to this matter.

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22 June 2012

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Yours faithfully  
**HARMERS WORKPLACE LAWYERS**  
Per:



Michael Harmer

Karen Jones

# HARMERS

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- » Change Management
- » Industrial Relations
- » Employment
- » Occupational Health & Safety
- » Human Rights & Equal Opportunity
- » Legal Risk Management

Our ref: GKR:BDB:20121209

27 June 2012

27 JUN 2012

Dr Jonathan Phillips  
Consultant Psychiatrist  
Suite 604, Level 6  
65 York Street  
SYDNEY NSW 2000

By hand

Dear Dr Phillips

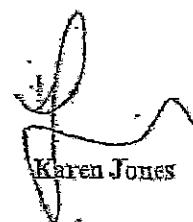
JAMES ASHBY V COMMONWEALTH OF AUSTRALIA, & ANOR  
FEDERAL COURT OF AUSTRALIA PROCEEDINGS NO. NSD580 OF 2012

We refer to the above matter and enclose a communication from James which he has asked us to forward to you.

Yours faithfully  
**HARMERS WORKPLACE LAWYERS**

*[Signature]*  
Michael Harmer

Encl



Karen Jones

Harmers:1691071.doc

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**Annexure Certificate**

No. NSD580 of 2012

Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

**James Hunter Ashby**

Applicant

**The Commonwealth & Anor**

Respondents

This is the annexure marked MDH-7 produced and shown to **MICHAEL DANIEL HARMER** at the time of affirming his affidavit on 31 August 2012.

before me:



Name

Solicitor.....

Qualification

# HARMERS

Workplace Lawyers

- Change Management
- Industrial Relations
- Employment
- Occupational Health & Safety
- Human Rights & Equal Opportunity
- Legal Risk Management

Our ref: GKR:MDH:KZJ:20121209  
Please reply to:

6 August 2012

Australian Government Solicitor  
50 Blackall St  
BARTON ACT 2600

**Attention:** Sarah Wright/  
Catherine Mann

**By email:**  
[sarah.wright@ags.gov.au](mailto:sarah.wright@ags.gov.au)  
[catherine.mann@ags.gov.au](mailto:catherine.mann@ags.gov.au)

**Copy to:**  
cc. Maurice Blackburn  
Level 10, 456 Lonsdale Street  
MELBOURNE VIC 3000

**Attention:** Stephan Keating  
Josh Bornstein

**By email:**  
[skeating@mauriceblackburn.com.au](mailto:skeating@mauriceblackburn.com.au);  
[jbornstein@mauriceblackburn.com.au](mailto:jbornstein@mauriceblackburn.com.au)

Dear Ms Mann

## ASHBY V COMMONWEALTH OF AUSTRALIA & ANOR NSD 580/2012

We refer to your letter of 3 August 2012.

For reasons we propose to address in detail in submissions, we do not consider that your client is entitled to the relief of summary dismissal you foreshadow. We will deal with all pleading issues in those submissions (including considering any amendments our client proposes to consider). Even assuming your contentions concerning the statute were correct, as you are aware, it is fundamental that a cause of action in contract is complete without proof of damage.

We have no objection to your client foreshadowing a motion for summary dismissal, but for reasons already explained by the Judge, all matters relating to the pleadings ought be deferred until after determination of the applications concerning abuse of process (although the

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ASHBY, JAMES  
6 August 2012

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pleadings issues will be addressed in submissions as has occurred with the second respondent).

Additionally, the matter is listed for directions on 17 August 2012 and our Senior Counsel is involved in a hearing in the Supreme Court on that day. There is no prejudice whatsoever in your client agitating any matter relating to summary dismissal during the listing on 2 October 2012 (to be determined after the abuse application).

Yours faithfully  
**HARMERS WORKPLACE LAWYERS**

*m. Harmer*

*JJ*

Michael Harmer

Karen Jones

Form 59  
Rule 29.02(1)

**Affidavit**

No. NSD 580 of 2012

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

**James Hunter Ashby**  
Applicant

**Commonwealth of Australia**  
First Respondent

**Peter Slipper**  
Second Respondent

Affidavit of: Michael Daniel Harmer  
Address: Level 28, St Martins Tower, 31 Market Street, Sydney, NSW  
Occupation: Solicitor  
Date: 26 September 2012

**Contents**

Document number	Details	Paragraph	Page
MDH 8	Medical Certificate for James Ashby dated 5 April 2012	12	7

I, Michael Daniel Harmer of Level 28, St Martins Tower, 31 Market Street, Sydney, NSW affirm as follows:

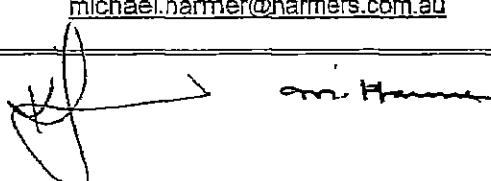
1 As I affirmed in my affidavit of 23 July 2012 (first affidavit):

Filed on behalf of James Ashby, Applicant  
**HARMERS WORKPLACE LAWYERS**

Address for service:  
Level 28, St Martins Tower  
31 Market Street  
SYDNEY NSW 2000  
[michael.harmer@harmers.com.au](mailto:michael.harmer@harmers.com.au)

Tel: 02 9267 4322,  
Fax: 02 9264 4295,  
Email:

[Form approved 01/08/2011]



- (a) all my communications with Mr Ashby (save for communications I referred to in my affidavit of 31 August 2012 (**second affidavit**) and those referred to in paragraph 13 below) have been confidential communications made for the dominant purpose of Mr Ashby being provided with legal advice and professional legal services;
- (b) the confidential communications were all made in circumstances where I (and any other persons present) were under an express or implied obligation not to disclose the contents of the communications;
- (c) I do not have instructions from Mr Ashby to waive any claim for privilege in any of the confidential communications.
- 2 Like in my first affidavit, I do not propose, by anything referred to in this affidavit, to knowingly or voluntarily disclose the substance of any of these confidential communications. To the extent that there is anything contained in this affidavit, which might be thought to suggest that I have knowingly and voluntarily disclosed the substance of any communication or waived any privilege, the inclusion of that material is contrary to my instructions as I understand them and I wish to withdraw that part of the affidavit (and the applicant does not rely upon it for the purposes of these applications).
- 3 I have reviewed the Commonwealth's submissions in reply document dated 21 September 2012 (**CRS**). It contains serious allegations to which I wish to respond.
- 4 In the CRS, the allegation is made (at [32]), that the matters pleaded in paragraphs 5 to 9 of the originating application "*do not appear to have been pleaded in aid of any legitimate cause of action...their inclusion and subsequent withdrawal, is consistent only with a purpose of harming Mr Slipper.*" I decided what allegations would be included in the originating application. If true, the Commonwealth's allegation would, in my view, have constituted me engaging in serious professional misconduct. In the course of my professional career I have never included material in a court document "*only with a purpose of harming*" another person and I would not engage in such conduct.
- 5 I included paragraphs 5 to 9 in the originating application because I believed that they were matters relevant to a claim of breach of contract. In finalising and filing the originating application, I believed as being true what Mr Ashby had

deposed to in Exhibit C1 (being paragraphs 258 to 260 of his affidavit sworn on 13 April 2012).

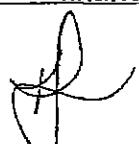
- 6 I refer to CRS [8]. At the time of filing the originating application, I did not believe that any of the steps identified in CRS [8] were practical or appropriate given the circumstances in which Mr Ashby found himself. I remain of that view.
- 7 I refer to CRS [10] and [11]. During the course of the communications referred to in my second affidavit, I was informed by Mr Ashby and believe that he forwarded the diary extracts to Mr Brough and the text messages and extracts from Mr Slipper's diary to Mr Lewis for the purpose of the material being placed in the public domain because Mr Ashby believed that the conduct was morally and legally wrong and he felt aggrieved that he had been placed in the situation of becoming, as he understood it, exposed to (and potentially implicated in), what he regarded as the wrongful conduct of a public official (**alleged travel misconduct**).
- 8 I refer to CRS [15]. At the time of filing the originating application I believed that I had a reasonable basis for alleging as a matter of fact and law that:
- (a) Mr Ashby's contract of employment had been breached by the actions of the Speaker in exposing him to the alleged travel misconduct; and
  - (b) due to the conduct of the respondents, Mr Ashby had suffered illness and was seeking medical assistance.
- 9 In particular, I had turned my mind to the issue of whether the requirement to acquiesce in, or witness, the Speaker failing to comply with proper travel requirements could amount to a breach of an implied term of the employment contract. I was aware that this was potentially a controversial issue on the state of the case law, as I understood, to that date, there had been (and remains) no definitive High Court decision accepting an implied term of mutual trust and confidence in employment contracts as part of Australian law. I was aware that some decisions in Australia and the United Kingdom had accepted the implication of a term of mutual trust and confidence and had viewed such a term as implied by law into every employment contract because of the nature of that class of contracts. I understood that the rationale for implying such a term into all employment contracts as a class of contracts had been described as:

- (a) a necessary concomitant of the employee's duty of good faith and fidelity;
- (b) necessary if the employee is to surrender the control to the employer which is an essential component of the employment relationship: see Rothman J in *Russell v The Trustees of the Roman Catholic Church for the Archdiocese of Sydney* [2007] NSWSC 104;
- (c) "*whilst the duty may add little to the obligations it imposes on the employee, its importance lies in the extent of obligations it imposes on the employer. It provides a means by which "a balance (is) struck between an employer's interest in managing [its] business as [it] sees fit and the employee's interest in not being unfairly and improperly implicated*" [footnote reference to *Malik v Bank of Credit & Commerce International SA (In liq)* [1998] AC 20 at 46 per Lord Steyn and see Lord Nicholls at 38; Brodie, "Mutual Trust and the Values of the Employment Contract" (2001) 30 ILJ 84 at 93, 99]. *Its importance lies also in protecting the dignitary interests of employees – the right to be treated with dignity and respect in the workplace*"; Macken's *Law of Employment* Seventh Edition at [5.150];
- (d) unless such a term is implied, the contract will be deprived of its substance, seriously undermined or drastically devalued in an important respect: see Barrett JA in *Shaw v State of New South Wales* [2012] NSWCA 102 at [36] referring to McHugh and Gummow JJ's remarks concerning the implication of a term at law in *Byrne v Australian Airlines Ltd* (1995) 185 CLR 410 at 453.

10 I was also aware that differences of judicial opinion have been expressed about whether the implied term of good faith and reasonableness is separate from, or subsumed under, the implied term of mutual trust and confidence. I was aware that Rothman J in *Gillies v Downer EDI Ltd* [2011] NSWSC 1055 at [200] to [206], expressed the view that the duty to act in good faith imposed constraints on the manner in which a party exercised its rights under the contract, whereas the mutual trust and confidence duty was a substantive duty that applied independently of the express rights under the contract. My view at the time of the filing of the originating was that the good faith term pleaded, as described in

Macken's *Law of Employment* Seventh Edition, arguably imposed a duty that the Speaker would not "without reasonable and proper cause, conduct [him]self in a manner calculated or likely to destroy or seriously damage the relationship of confidence and trust between employer and employee" [5.140].

- 11 Junior and Senior Counsel were involved in settling the proposed amended application and the statement of claim. I do not have instructions to reveal the substance of advice received by Counsel, but can say that upon filing the statement of claim, the alleged travel misconduct was not pleaded.
- 12 In relation to medical assistance (referred to in paragraph 8(b) above) I was aware at the time of the commencement of this proceeding that Mr Ashby had sought medical assistance, which I understood was related to the conduct which was the subject of his complaint. He had obtained two medical certificates, only one of which (the second) was referred to in the respondents' evidence. The first is annexed hereto and marked "**MDH 8**". It was the subject of cross-examination at T62 on 23 July 2012.
- 13 I refer to CRS [19]. It is said that Mr Ashby has not made any comment about certain text messages. As a consequence of this contention, I have today had a further non-confidential communication with Mr Ashby restricted to this topic. Mr Ashby has informed me and I believe that he had decided, because of the Relevant Conduct, he must leave his employment well prior to the first of the relevant text messages referred to (being 30 March 2012). At the time of communications referred to at footnote 28 of CRS, Mr Ashby then believed (given he needed to obtain new work away from the Speaker) there may have been some prospect of him obtaining employment in some capacity in working for persons in the Queensland State Government - but that he was far from certain that this was a realistic prospect. He did not have any view he could obtain such employment after speaking to Mr Russell QC in early April 2012 and, in particular, did not have such a view when this proceeding was commenced. He informs me he thought, following speaking to Mr Russell QC, that anyone associated with the LNP could not employ him or assist him financially. Mr Ashby further informs me and I believe that he did not commence



an. Hanan .

this proceeding to earn favour with any political party or remove any "black mark" but again confirms he did so for the reasons he deposed to in Exhibit C1 (being paragraphs 258 to 260 of his affidavit sworn on 13 April 2012).

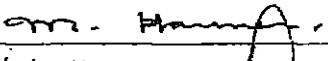
AFFIRMED at

Sydney

On

26 September 2012

Signature of deponent

  
Karen Jones

Before me:

Name of witness

Karen Jones

Address of witness

Level 28 St Martin's Tower, 31 Market Street, Sydney

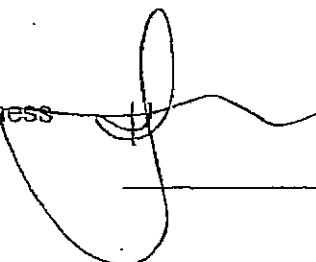
Capacity of witness

Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

1. #I saw the face of the deponent.
2. #I have confirmed the deponent's identity using the following identification document: Driver's Licence

Signature of witness



**Annexure Certificate**

No. NSD580 of 2012

**Federal Court of Australia****District Registry: New South Wales****Division: Fair Work****James Hunter Ashby**

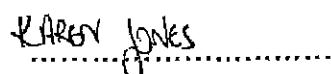
Applicant

**The Commonwealth & Anor**

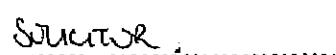
Respondents

This is the annexure marked **MDH-8** produced and shown to **MICHAEL DANIEL HARMER** at the time of affirming his affidavit on 26 September 2012.

before me:



Name



Qualification

MDH-8



## Landsborough Medical Centre

Dr. Michael Vuocolo (M.B.B.S., F.R.A.C.G.P.) Qld, PROV. NO. 470094A  
 Dr. Bill Meyers (M.B.B.S., Dip R.A.C.O.G.) Qld, PROV. NO. 463163K  
 Dr. Peter Dobson (M.B.B.S.) NSW, PROV. NO. 373508B  
 Dr. Heidi Gills (M.B.B.S., F.R.A.C.G.P.) Qld, PROV. NO. 2120137F  
 Dr. Michelle Johnston (B. Med., F.R.A.C.G.P.) Qld, PROV. NO. 2106724B  
 Dr. Julia Collett (M.B ChB, Dip. Obst. F.R.N.Z.C.G.P.) PROV. NO. 2433851X  
 Dr. Deepika Bhat (M.B.B.S., F.R.A.C.G.P.) PROV. NO. 2997526X  
 Dr. Shane Luland (M.B.B.S., F.R.A.C.G.P., F.A.C.R.R.M.) PROV. NO. 238438CY  
 Dr. Jon Outridge (M.B.B.S., F.R.A.C.G.P., F.A.C.R.R.M.) PROV. NO. 011533GJ

5 Maleny Street,  
 Landsborough Qld 4550

20 Karanne Drive,  
 Mooboolah Qld 4553

Phone: (07) 5494 1799  
 Fax: (07) 5494 8513

Phone: (07) 5494 7444  
 Fax: (07) 5494 7444

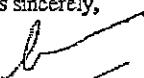
### *Medical Certificate*

05/04/2012

#### THIS IS TO CERTIFY THAT

Mr James Ashby has a medical condition and will be unfit for work from 10/04/2012 to 22/04/2012 inclusive.

Yours sincerely,

  
 Dr Shaiza Mazhar

DR SHAIZA MAZHAR M.B.B.S.  
 LANDSBOROUGH MEDICAL CENTRE  
 5 MALENY STREET  
 LANDSBOROUGH QLD 4550  
 PROVIDER NO. 4050297F

**Notice to Produce****Federal Court of Australia**

No: NSD580/2012

District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHBY**

Applicant

**COMMONWEALTH OF AUSTRALIA and another according  
to the Schedule**  
First Respondent

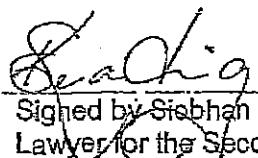
**To the Applicant**

The Second Respondent requires you to produce the following documents or things to the Federal Court of Australia at 9:30am on 23 July 2012:

All documents evidencing or recording or constituting any notice of the fact or commencement of these proceedings given or communicated to the Second Respondent at any time prior to the email sent from Brad Buffoni to the Second Respondent at 3.54pm on 20 April 2012, a copy of which is annexure SK-2 to the affidavit of Siobhan Keating affirmed on 12 June 2012.

'Document' includes, without limitation, originals and copies of all correspondence, letters, memoranda, minutes, written and electronic communications, emails, SMS messages, MMS messages, Chat messages, diary notes, forms, internal memoranda, telephone memoranda, reports, file notes, agreements, accounts, receipts, invoices, computer discs, computer and video and master tapes and any other form of digital or electronic storage of information.

Date: 19 July 2012



Signed by Siobhan Michelle Keating  
Lawyer for the Second Respondent

**Form 61, Rule 30.28(1)**

Filed on behalf of	Mr Peter Slipper, the Second Respondent	
Prepared by	Siobhan Keating, Legal Practitioner	
Law firm	Maurice Blackburn Lawyers	
Tel	(03) 9605 2831	Fax (03) 9258 9613
Email	jborstein@mauriceblackburn.com.au	
Address for service	Level 10, 456 Lonsdale Street, Melbourne, Vic, 3000	

**Note**

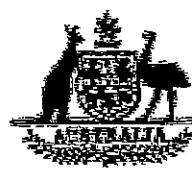
If this notice specifies a date for production, and is served 5 days or more before that date, you must produce the documents or things described in the notice, without the need for a subpoena for production.

If you fail to produce the documents or things, the party serving the notice may lead secondary evidence of the contents or nature of the document or thing and you may be liable to pay any costs incurred because of the failure.

**FEDERAL COURT OF AUSTRALIA****EXHIBIT / MFI No. S1**JUDGE: Raines J DATE: 23/7/16Ashby v Cm & AnorFILE NO. S20 OF 2012RETURN TO: 2 R

(party / non-party, if produced on subpoena)

ASSOCIATE: Ashby B



Federal Court of Australia/Federal Magistrates Court of Australia  
 (General Federal Law)

**Request by non-party for access to Court Documents**

**1. Details of the person making the request**

(a) Name:

Vanda Carson

(b) Organisation (solicitor's firm,  
 media organisation, etc.):

D. Telegraph

(c) Postal address:

2 Holt St Jarry Hills

(d) Telephone number:

0415559597

(e) Email address:

carsonv@dailytelegraph.com.au

**2. Details of the proceeding**

(a) Title of proceeding:

James Ashby vs Commonwealth.

(b) Proceeding number (if known):

NSD 580/2012.

(c) Judge/Federal Magistrate

**3. Details of the unrestricted documents required**

I wish to inspect and photocopy the following unrestricted\* documents on the court file:

Statement of claim

**Decision in relation to request for access to unrestricted documents**

- I approve the request to inspect and photocopy the unrestricted documents mentioned in section 3.

Signed: ..... *[Signature]*

Date: 20/4/12 .....

Authorised Registry Officer

(Application only  
 given)

**4. Details of the restricted documents required**

I wish to inspect and photocopy the following restricted\*\* documents on the court file:

If there is insufficient space, please attach a separate page identifying the documents sought.

**NOTES**

1. \* Unrestricted documents are those mentioned in Rule 2.32 (2) of the Federal Court Rules 2011 (see page 3).
2. \*\* Restricted documents are those not mentioned in Rule 2.32 (2) of the Federal Court Rules 2011, including affidavits, exhibits, unsworn statements of evidence and subpoena material, and those mentioned in Rule 2.32 (3). Permission of the Court is required to inspect these documents.
3. In the Federal Court there is an inspection fee of \$35.00. Photocopy charges also apply as follows - \$3.00 for each request, plus \$1.00 for photocopying each page. [These fees are fixed by the Commonwealth Government to which the Court is required to remit the revenue collected.]

**5. Reasons in support of request for access to restricted documents**

If you wish to give reasons why you want access to any restricted documents please do so below. This is not a requirement but may assist the Judge or Federal Magistrate in deciding whether access should be granted.

Signed: .....

Date: April 20, 2012

**6. Decision in relation to request for access to restricted documents (delete where appropriate)**

- ♦ I approve the request to inspect and photocopy the restricted documents mentioned in section 4.
- ♦ I do not approve the request to inspect and photocopy the restricted documents mentioned in section 4.
- ♦ I approve the request to inspect and photocopy the restricted documents mentioned in section 4, subject to the following conditions:  
.....  
.....  
.....

Signed: ..... Date: .....

Judge/Federal Magistrate

Fees paid

Amount \$ \_\_\_\_\_

Receipt: \_\_\_\_\_

## Federal Court Rules 2011

### 2.32 Inspection of documents

- (1) A party may inspect any document in the proceeding except:
  - (a) a document for which a claim of privilege has been made:
    - (i) but not decided by the Court; or
    - (ii) that the Court has decided is privileged; or
  - (b) a document that the Court has ordered be confidential.
- (2) A person who is not a party may inspect the following documents in a proceeding in the proper Registry:
  - (a) an originating application or cross-claim;
  - (b) a notice of address for service;
  - (c) a pleading or particulars of a pleading or similar document;
  - (d) a statement of agreed facts or an agreed statement of facts;
  - (e) an interlocutory application;
  - (f) a judgment or an order of the Court;
  - (g) a notice of appeal or cross-appeal;
  - (h) a notice of discontinuance;
  - (i) a notice of change of lawyer;
  - (j) a notice of ceasing to act;
  - (k) in a proceeding to which Division 34.7 applies:
    - (i) an affidavit accompanying an application, or an amended application, under section 61 of the *Native Title Act 1993*; or
    - (ii) an extract from the Register of Native Title Claims received by the Court from the Native Title Registrar;
    - (l) reasons for judgment.

*Note* *Native Title Registrar* and *Register of Native Title Claims* are defined in the Dictionary.

- (3) However, a person who is not a party is not entitled to inspect a document that the Court has ordered:
  - (a) be confidential; or
  - (b) is forbidden from, or restricted from publication to, the person or a class of persons of which the person is a member.

*Note* For the prohibition of publication of evidence or of the name of a party or witness, see section 50 of the Act.

- (4) A person may apply to the Court for leave to inspect a document that the person is not otherwise entitled to inspect.
- (5) A person may be given a copy of a document, except a copy of the transcript in the proceeding, if the person:
  - (a) is entitled to inspect the document; and
  - (b) has paid the prescribed fee.

*Note 1* For the prescribed fee, see the *Federal Court of Australia Regulations 2004*.

*Note 2* If there is no order that a transcript is confidential, a person may, on payment of the applicable charge, obtain a copy of the transcript of a proceeding from the Court's transcript provider.

*Note 3* For proceedings under the Trans-Tasman Proceedings Act, see also rule 34.70.

## FEDERAL COURT OF AUSTRALIA

EXHIBIT / MFT NO. Sd. 23/7/12JUDGE: Rares J

DATE:

Ashby v Cth & Anor

FILE NO. 580 OF 2012

RETURN TO: Second Respondent / Crt file

(party) / non-party, if produced on subpoena)

ASSOCIATE: A. Burke

Ex S

1169

27 July 2009  
2 August 2009

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
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20 July 2009  
26 July 2009



## FEDERAL COURT OF AUSTRALIA

EXHIBIT / FILE NO. S3

JUDGE: Rivers J DATE:

Ashby v Cth & Anor

FILE NO. S80 OF 2012

RETURN TO: 2K

(party/non-party, if produced on subpoena)

ASSOCIATE: Abbey Burke

ORIGINIA

1173

FEDERAL COURT OF AUSTRALIA  
N.S.W. DISTRICT REGISTRY  
FILED / RECEIVED

1

18 JUN 2012



Form 59  
Rule 29.02(1)

Fee paid \$.

Affidavit

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

No. of 20

NSD 580/12

James Hunter Ashby

Applicant

The Commonwealth & Anor  
Respondents

Affidavit of: James Hunter Ashby

Address: 2907 Old Gympie Road, Beerwah, Queensland, 4519

Occupation: Adviser to the Speaker of the House of Representatives (Peter Slipper)

Date: 13 April 2012

[\*Insert table of contents if affidavit (including annexures) exceeds 10 pages] Contents

Document number	Details	Paragraph	Page
1	Affidavit of [deponent] in support of [application] for [insert details] [sworn/affirmed] on [date]		

I, James Hunter Ashby, of 2907 Old Gympie Road, Beerwah, Queensland, 4519, Adviser to the Speaker of the House of Representatives (Peter Slipper), affirm as follows:

1. I am the Applicant.

Filed on behalf of (name & role of party)	James Hunter Ashby, Applicant
Prepared by (name of person/lawyer)	Michael Daniel Harmer / Gregory Keith Robertson
Law firm (if applicable)	Harmers Workplace Lawyers
Tel	(02) 9267 4322
Email	michael.harmer@harmers.com.au / greg.robertson@harmers.com.au
Address for service (include state and postcode)	Harmers Workplace Lawyers, Level 28, St Martins Tower, 31 Market Street, SYDNEY, NSW, 2000

[Form approved 01/08/2011]

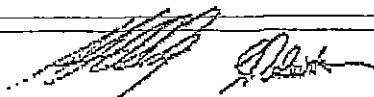
### Media Background

- 1 When I finished high school, I was halfway through schoolies and got a phone call to go for an interview at a radio station I had applied for a job at, and that was in Roma, so from 17 I have worked in commercial radio. I worked at a number of radio networks and stations across the country from Roma to the Sunshine Coast before working at Triple M in Brisbane and NXFM in Newcastle and then I finished up my career in radio working at Townsville where I turned around and opened my own business, it was a printing and sign writing business. The money in the radio industry was falling, the jobs were getting fewer and fewer and I thought that if I was going to make any money, or decent money, I'd have to go and do something different, so I did. That's why I've got a history in media.

### Background to meeting Peter Slipper

- 2 Before entering my current role as Adviser to the Speaker, my last employment was with a farming enterprise by the name of Gowinda Farms at Beerwah. My role there was PR and Marketing Manager of the farm. It grew a variety of different fruits and vegetables, but it also had some unusual arms to its business, being a café and it also had a caravan park attached to it as well which was, at that time, being utilised for staff that worked on the farm, but I was also in the process of having a couple of changes made to the classification of which we were trying to make it public. During that time I had organised for a meeting with the, at that stage, Deputy Speaker and Member for Fisher, Peter Slipper. He was to come out to the farm and have a look at the set up that we had, but also to discuss the concept that I'd thought of which related to boat people. At that stage, there was a lot of talk about boat people staying in 4 and 5 star accommodation at taxpayers' expense, particularly through Brisbane, they were being put in accommodation and I just had this thought, well we've got a perfectly good caravan park which was being under utilised at that stage and I just thought it might be of interest to the Member for Fisher that they consider perhaps putting boat people or detainees in a caravan park rather than 4 and 5 star accommodation.
- 3 He had missed his first appointment and what I did was I contact the office. I'd had another appointment up on the Sunshine Coast and so I actually went to his office, located at Buddina which is another part of Kawana.
- 4 When I went to the office, I remember this staff member, Melissa Ellard, greeted me at the front window, I explained the situation that he'd missed the appointment, she re-scheduled another day with Peter and he did attend that next appointment out at the farm. I remember that this was outside of strawberry season, so it meant that it was between, I would say, December and April of 2010/2011, because the caravan park was empty, or near enough empty. I met with Peter some weeks later after the new appointment was scheduled. He'd come out to the farm, he had discussed the concept with me and regarding the boat people and basically said that it wasn't the Liberal Party's stance to house boat people, they just wanted to stop them and he certainly wouldn't endorse the idea and he also said that it would be unlikely that the Liberal Party would endorse that idea as well.
- 5 He did have a look at the set up because obviously it fell within his electorate, so he had a look at, not just at the caravan park, but the packing facilities including the strawberry line and also the pineapple production as well. He left and that was it.

- 6 A little while later, I had been approached by a lady that had visited the farm quite a lot, her name is Val Bradford and today we're still mates, she's the head of the Beerwah Mooloolah Branch of the Liberal National Party of Queensland ("LNP").
- 7 She takes care of the Beerwah/Mooloolah branch of the seat of Caloundra, which is a State seat. She's a real nice elderly lady and she was part of a number of different groups, I think the main group which she used to come out to the farm with because of the cafe, was with the table tennis group that she was a part of, but over a bit of time, I'd regularly talk to her and we got along quite well and she invited me to a LNP branch meeting, which was held in Beerwah at the CWA hall. She said it was a good chance for me to meet the local Member, Mark McArdle, who was a State Member, so I did, I went along and I enjoyed the company of everybody, I enjoyed the concept and the philosophy of the group and I was later asked to join the LNP, which I did.
- 8 I had attended a branch meeting a Mooloolah at one of the Member's homes and it was there that I met one of the young LNP members, which was Rhys Reynolds. I was the second youngest in the meeting and Rhys was the youngest. Most people were well and truly over their 40s and I was 32 when I joined, was one of the youngest and Rhys was the youngest, I think he was about 20 at the time when I first met him.
- 9 He was there and he caught up with me at the end of the meeting cause it's quite social at the end, everyone sticks around for a sandwich or a drink. We'd had a chat about his prospects of running for Council Division 1 and I said to him that I'd lend him a hand wherever possible. I had always had a keen interest in photography and I said to him that I'd help him get his photographs together for any marketing material that he was going to put out. Having previously owned a printing and sign writing business, I have always helped out where I can with graphic design work so I was able to put together his designs. I had a chance to help Rhys for a couple of weeks, we'd taken his photos and I'd given him a helping hand with layouts. I at no point was running his campaign, but it certainly kicked it off with a good start getting everything together.
- 10 Rhys had told me that he had a fairly good relationship with the Member for Fisher, Peter Slipper and his wife Inge. He had told me that he had met Peter and Inge when he was at Beerwah High School as school captain. He was invited by the Member for Fisher down to Canberra ... or won the opportunity to go to Canberra with the Federal Member, and one of the female classmates of his was also selected to go down as well. I know that Rhys had explained to me he'd been there for about a week down in Canberra at that time ... so they'd become fairly good friends. Rhys obviously had aspirations for a political career and currently still does. He'd invited me to Peter and Inge's house for dinner, the girl was also going along, that had been to Canberra with Peter and Rhys. Rhys asked me to go along just to talk to Peter and Inge about his plans to run for Division 1 in Council.
- 11 This meeting was probably June/July last year ... June/July/August. I went along thinking we were having dinner. There was no dinner put on, in fact, it was told to us when we got there that they had dinner plans with somebody else and that was Inge's parents that lived in the area. The only thing served up was wine. We had had a joint conversation with Rhys, myself, Inge and the other girl — I can't remember her name — Peter came in after about half an hour's worth of conversation just with his wife. They presented like any normal husband and wife to be honest ... seeing them in their own home environment was totally different to the environment in which I'd seen Peter the first time. He was quite stale the first time I met him ... I can't really describe, he just



doesn't have much personality when you meet him as a politician, whereas in his own home, he obviously was slightly different, he was in his comfort zone, he was bit more open.

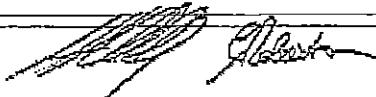
- 12 He'd asked to have a chat with me on my own just in relation to Rhys' campaign and wanted to know what I thought about his chances. I'd explained to Peter that Rhys' chances were as good as any. He had the passion, having had a debating background, school captain background, he was used to talking in front of people. He grew up in the area, so he knew the area well, he was supported by family that had grown up in the area and participated in business within the Sunshine Coast region he was running for, so I expressed to Peter that whether or not he's a candidate to win or not, is totally different, but he certainly had everything that was required to run in that seat. Peter had said to me that he had some concerns about Rhys' sexuality.
- 13 Peter said to me - Do you see a problem ... do you see any problems with Rhys' campaign? I said - No I don't. He went along the lines of saying - Is there anything about Rhys that could hold him up? Could pose a problem? And I said - No I don't see any problems. He said - Does he have a girlfriend? I said - Not that I'm aware of, not that that matters. He said - Do you think Rhys has ever had a girlfriend? As I said to him, that didn't matter. He then went on and said - Do you think Rhys likes girls? I said - Well that's not for me to enter into, that's not part of running as a candidate. He said - Are you sure? He was really pressing me trying to find out ... it eventually came out that he wanted to know whether Rhys was gay or not?
- 14 He asked me whether Rhys was gay. I knew where he was heading with it but it wasn't my place to either "out" Rhys or assume Rhys was gay. I knew Rhys was, but that was not my place to ... and he said to me - Do you see this being a problem for Rhys? And I said - No, and I think that that's easily challenged anyway. If any of his competitors in the race for that Division 1 seat were to bring it up, it wouldn't look good for them if they were bringing into account someone's sexuality, it would ruin their campaign. Homophobic comments would be used to ruin another candidate's chances.
- 15 He said I don't believe you, you'd have to prove it. And I said - Well you'll have to take my word for that.
- 16 The conversation, I remember, turned to gay marriage, which I remember only weeks before he had come out publicly and said that he didn't support gay marriage. That's cool, didn't worry me, in all honesty, I don't either, but I think that's neither here nor there, everyone's entitled to their own opinion on that.
- 17 We did discuss gay marriage at the time. We discussed in a conversation that he had publicly come out and said that he wouldn't support it and didn't support it. We continued talking about Rhys' campaign a little bit after that, at which stage, his wife had come in and was trying to hurry him up to get ready to go to her parents' place for dinner, they actually had dinner organised.
- 18 I remember Peter didn't want to leave to go to Inga's parents' place, he was actually more interested in staying around talking with Rhys and myself about his campaign and in the end, we wanted to go anyway, it was sort of moving on in the night, we were all hungry because we hadn't eaten thinking we were going to eat there, so I ended up getting a lift back to my house by Rhys. I'd come to Inga and Peter's house with Rhys and Rhys dropped me home.



- 19 On the way back, I discussed with Rhys the conversation that I'd had with Peter ... Peter's determination to find out whether Rhys was gay or not and we discussed that Rhys at that stage didn't feel the need ... Rhys had said to me on the way back, he said - If Peter asks me direct, I'll be honest with him and I'll tell him yes. But he said - Peter's never asked me direct so I have no need to just go and tell him.
- 20 Before we left, Peter made sure that I was given his personal email address and his mobile number and he said - Stay in touch, if you've got any questions in relation to Rhys' campaign or if you need any advice on something to do with campaigning, by all means, give me a call. Actually, he suggested that texting was better because he wasn't always able to take a phone call. I gave him mine as well, I gave him a card actually, for the future.
- 21 He had kept in regular contact after that just with text messages mainly, just checking in on how things were going. He presented himself ... he just seemed like a bloke at that stage that was just interested in making sure that Rhys had a good network of people around him and received good advice to run in the Council election - I think around 10 months away.

#### LNP Involvement

- 22 Over time I developed a LNP working relationship and somewhat of a friendship with a number of the people within the LNP. Mainly on a Beerwah/Mooloolah basis. The local branch of the member for Caloundra. And through my dealings with the local branch I was put up as Vice Chair of the Beerwah Mooloolah/Branch and I accepted that nomination and consequently took on the role as Vice Chair. By taking on that role I was there to assist the Chairperson, that was Val Bradford. I had met on a number of occasions Mark McArdle, the Local MP for Caloundra (State member).
- 23 During the Queensland floods in January of 2011, the farm in which I worked had significant dry storage and cold storage. The Brisbane markets were flooded and I proposed an idea to the State member, Mark McArdle, that we use the Gowinta farms as a potential spot for a market to set up or even for local farmers just to be able to store their produce while the Brisbane markets were out of action. So he'd come out to the farm and we'd run through the idea and logically it wasn't a difficult thing to do. Mark said it was really important that the State Government wasn't seen to fund something that was profitable to a business. So I turned to Mark and I said look we'll just do it off our own back, we won't get the State Government involved, we provided cold storage and dry storage to one of the Brisbane market agents. I dealt with Mark on a number of different issues locally. I offered Mark McArdle my services to produce a number of local issue videos recorded for his upcoming State election campaign. Over that time I also met the FDC Chairman which is the Federal Divisional Council Chairman for the Sunshine Coast seat of Fisher, Greg Robinson.
- 24 Greg was aware through his relationship with Val Bradford that I had a graphic design background and he'd asked if he could catch up with me and utilise some of my skills to put out a flyer which invited people to the FDC AGM (the Federal Divisional Council's AGM), which was to be held at Maleny. I agreed to give him a hand. We got together, I think it was a Saturday morning and discussed what he needed for the FDC AGM. We did the artwork there and then on the spot at my house and he asked me if I'd be interested in running for the Secretary role at the AGM that was coming up as FDC Secretary. He explained what the role was about, basically it was just to make sure all



communication with any FDC members were emailed flyers, he said there was only a small number of meetings each year, so there wasn't a great deal of communication with the FDC but he said you would have to take notes and minutes at any meetings. I thought, I'd love to learn more on a Federal level. So I accepted. Val Bradford put forward the nomination, I think Greg seconded that. There were two people running for that position. I was a bit naïve I suppose in the sense that I didn't realise that there was a real contest brewing.

- 25 Mal Brough at that stage, and I didn't know Mal, was planning on running for the FDC Chairman against Greg Robinson and I was told by Greg perhaps you should give Mal a call and just let him know that you're going to run as Secretary. He said give Mal a call. I called Mal at his home and I had told him. Mal said thanks for the heads up but my support will be going to the current Secretary. I was planning on going overseas to Europe the day after the FDC AGM. The FDC AGM was held at Maleny. I attended the FDC AGM and had my nephew with me because I was on baby sitting duty for my sister. We arrived and I remember there was quite a big crowd. It was a big event. Jarrod Bleijie had put a ticket out for Mal Brough. I didn't even know what a ticket was until that day. Mal Brough's ticket was out and it had a number of people that Mal was endorsing to run to be voted in and little to my knowledge, Peter Slipper had put out a ticket as well and my name was put forward on Peter's ticket for the Secretary role. I had a number of members, but the one I remember, came forward, she was part of the Caloundra Branch, Rhonda Smith, and she said "do you know about this ticket with your name on it" and I said no. She was really cranky, she was really angry. She said you've been tarred with the Slipper brush by having your name put on this. I was kind of angry that my name had been put on a ticket. If I was going to win the right to be Secretary I wanted to win it on my own merits and not because someone had said, vote for this person. But as it would pan out I wasn't successful in winning the vote, I was told it was a good thing that I didn't win because basically you don't want to work with people that might be working against the Federal member. And it was believed that Mal Brough was going to work against the Federal member, Peter Slipper, in order to run his own race at pre-selection which is the act that takes place within the LNP to choose a candidate for the next Federal election. So this was all very new to me at this stage I wasn't sure really what all this meant, but I had said to Peter after the event had taken place that there was a lot of media outside and I had discussed with Peter, at drinks with Bronwyn Bishop at his house, I was invited to a Bronwyn Bishop dinner up at their house prior to this AGM taking place. It wouldn't take much to find out a date for that but I suppose it was a couple of weeks before and I went to a lunch and I was invited after that lunch to go to their house personally with a whole group of other people and meet Bronwyn Bishop that night.

#### Media work for Peter Slipper

- 26 That night at Bronwyn Bishop's event I remember saying Peter's media was terrible, I didn't know who his media advisor was, I said he was just shit house but, I was pretty frank and open and honest, having had a media history myself for nine and a half years working within the radio industry and having quite a number of media friends, I knew that whoever he had was not on the ball and I told him, I was pretty open and honest, I said to him you need a better media person because it's just terrible. So I had said to him after the AGM before he was about to leave, I noticed there was a camera crew out there from Channel 9 in Brisbane and I recognised that you know there was obviously a fair bit of interest in this FDC AGM. There was a considerable number of new members to the Federal Division and I had said to Peter, I hope you've got good plans to go out



there and talk to the media and, , because I had seen a letter that he had put out on the day saying that his position, as Federal member, working with Mal Brough, if he was successful, would be untenable and he said along the lines in that letter that he wouldn't be able to successfully be the member for Fisher with the LNP if Mal Brough was successful. And I think it was more just a scare tactic to say to people look I might defect. Basically he had put forward this idea to people within the party that he may defect from the party, leave the party, if Mal Brough was elected as FDC Chairman. When Mal was elected and on the day it was announced, media crews were there, Peter had to make very clear what his meaning behind the letter that he had put out to everybody was and he had to make it very clear to them whether or not he was prepared to work with Mal Brough and I said to him, before he left, I said you need to be very proactive with this and I think the best way to get your message out, because quite often with the media they will give you a five second grab, they won't give you two or three minutes to explain your whole case. And I had said to Peter, how about we get together straight after this and we record a YouTube clip which will spread virally, naturally it will just spread because of the interest in this case. If the State media are interested there will be many people that are interested and you get more than five seconds of air time, you get as long as you need. It can then be sent out via the FDC email list and that way everybody can then hear your explanation behind what was in that letter and what you plan on doing to work with Mal Brough. I had also had plans that night to go to a black tie event at Buderim that I was invited to by Peter's wife Inge. I bought a ticket through her for that Ball and I had paid her direct I think it was, by direct bank deposit. So we went back to their place, I remembered taking my suit up, I remember getting ready at their house and we recorded the YouTube video. It was posted that night as well - cut up, edited and posted that night before we left and Peter had never used social media before. He had never seen the benefits in it and it was something that was new to him, I had introduced to him, so I remember he was very appreciative of what we had done, he was amazed at what we had done because of the gear that I've got personally own. And we had effectively cut off any rumours, we had stopped any real serious stories being aired or people throwing around their own theories as to whether he was prepared to work with Mal Brough or not. He said that night how appreciative he was, he had said to me personally up front that he had, it was the best media advice he had ever received and we had then gone onto the dinner at Buderim. I ended up getting a lift home I think it was, I think I got a lift home, I can't remember now, I can't remember how I got home, I knew I didn't drive cause I drank. Anyway, got home, but before I got home they had said to me, cause I was flying out to Europe that next day. Peter and Inge had asked me how I was getting to the Airport for my trip off to Europe and I said oh I will just get someone to drop me down or catch an Airport Bus Shuttle. And they said that they were off to Peter's parents house and they could give me a lift so I took them up on their offer, they picked me up from my house, or where I was staying at Kawana, I was house sitting at that stage, a friend's house, and they picked me up and they drove me down in Peter's car, [It was a white?]. So I got dropped off and they continued on their merry way to what I assume was Peter's parents place. Then I went to Europe, I was there for close to four weeks.

27

While I was away, I was keeping a watchful eye on any media coverage that was coming out as a result of the FDC AGM. Peter's colourful media history, particularly on the Sunshine Coast, I had always felt was Peter had had poor media advice in the past and was more than likely the reason why he had such a bad reputation on the Sunshine Coast and he received a bad lot of press. I had sort of kept an eye on it while I was overseas just to see what sort of press he was getting. There was a fair bit, there was mainly newspaper articles that was the only thing I could really keep an eye on. We had



one or two ... or a couple of emails anyway were exchanged while I was overseas, they were just about situations with the FDC AGM. He had said at one stage or another - Are you playing up over there? And I had replied - No, it's not the purpose of the trip. It was just a holiday, not to go and play up.

#### Employment Offers

- 28 When I got back from holidays, I think I was texted first, I was asked whether or not I would be ... basically it was alluded to that if a position became available as media adviser, would I be interested. One, you're flattered by the idea that someone thinks you're worthy of a position like that, but two, I was looking at a number of aspects. I was looking at the money that was associated with that potential proposal and secondly, I was worried about the reputation or my reputation within the party - one to my reputation on a local level with the media locally and also just with family and friends, because I didn't want my good reputation within the media to be tarnished, but I did feel that I would be able to make a change for him - certainly offer him advice which he'd never received before.
- 29 So I showed a little bit of interest in what he was proposing but when I found out that the money was only 85 grand, I said no, I wasn't interested. I also discovered during this time too that Peter had had a barney with his current media adviser who had thrown in the towel, he quit apparently on the spot. Peter had shown me personally on his phone what had happened. Richard and him had just had a disagreement. Peter showed this to me either at the Fisher events he had with Bronwyn Bishop and/or Julie Bishop I used to go to a number of the LNP events that were held and he showed me during one of those events the text messages that had come through from Richard Bruinsma on his phone.
- 30 So Richard had resigned and I believe from what I read it appeared that he'd resigned ... one, of his own accord, but two, during a heated discussion/argument via text and Peter does, this is only after working with Peter, Peter tends to vent or prefer text message over a conversation. I think it's in his nature not to put up a personal fight face to face or over the phone, he'll vent or put forward an argument via text.
- 31 I saw the messages and I'd seen that Richard had resigned. Richard had also returned the media phone which was a Government issued phone, and also keys to the office, he'd returned those and it was effective immediately. I said to Peter - I think it's very important for you to make sure that this break is clean, that there is no backlash from Richard, because I felt that it would affect him if that came out in the media, that there was bad blood between his former media adviser and him.
- 32 I don't know whether it was on my advice that he tried to patch those things up or whether it just naturally occurred, but I suggested that Peter swallow his pride and apologise ... I had an inkling from the text messages that Peter was being unreasonable and I said - Look, you're better off keeping Richard. One, I didn't want the job at that stage because of the money and the stigma attached to it, I didn't ever want to put my name on anything media-wise, so I didn't take the job. There was a number of other reasons as well, one of which was that I'd had a couple material changes of use applications in with Council for the farm to have the caravan park changed to a commercial operation open to the public and also there was a commercial piece of property that the farm also owned that I had applied for an extension of that period as



well. So there were a couple of things that hadn't been tied up or finished off and I felt an obligation to stay with the farm to make sure that they were done.

- 33 Consequently, Richard stayed on, however, Peter had looked at getting somebody else anyway. I had suggested to Peter that he contact a bloke I knew that was working for WIN Television at that stage, Simon Ward. Simon and I have known for each other for a number of years. Simon worked in Townsville when I was there, he was a journalist at that stage for WIN up there and he sort of moved into other positions, he was currently at the Sunshine Coast WIN office and I had suggested to Peter that he contact Simon. I contacted Simon myself and I said that there was a job available if he was interested. I know what money Simon was earning at WIN, it was 55 grand, so I know it was a considerable increase to his wage if he was to be interested. Simon said he wasn't interested in thinking about it because he had just been offered a job with Channel 9 in Brisbane and he was off on holidays a couple of days later to the United States. I know that Peter contacted him and offered him the job, but he didn't take it up.
- 34 Peter Slipper had a poor reputation based on his travel expenses. The travel expenses I know at the last Federal election, not that I took any interest in politics at that stage, but I do remember only days before the polls or the election itself, that there was quite a large story in relation to his travel expenses mainly to deal with cabs the cost of cabs around the country. Everybody knew of Peter's reputation there.
- 35 There was a reputation that was in the background but I've always been of the opinion ... I've worked for a number of people with reputations and 9 times out of 10, it's that typical tall poppy syndrome where people just want to cut people down that are successful. My last job my boss was the subject of that too. He was a pleasure to work for. I have always taken the opinion that I judge people on how they treat me and as a result, I thought well Peter's only ever treated me right, so I didn't believe the reputation that he had.
- 36 Nevertheless, I turned the offer down. I suggested people — one person — that I thought might be suitable for the position, who was Simon Ward. Simon had turned the offer down as well and Peter had then explained to me that he had had word that a bloke in New Zealand might be suitable. Peter's words were "He was a wordsmith" and he was a gay guy from New Zealand and he had his own PR business.
- 37 He told me over the phone because he'd said to me ... cause he'd asked me to reconsider taking the job and I said to him no, I've made my decision and thanks for the offer but no, it wasn't going to take place.
- 38 He then told me he was off to New Zealand to interview this bloke. He said to me "he's a gay bloke from New Zealand".
- 39 Peter said to me — "He is a wordsmith, he was a successful PR/marketing person who had his own business" and he said "You might even like him" ... I didn't know what the purpose of that was but at the end of the day ... he knew I was gay, he had not frowned upon it, he didn't say anything negative towards it, so most of my friends know, most people know that I'm single too, so I just thought it was typical friends set-up thing.
- 40 Anyway, he went over to New Zealand to interview this bloke. It was a weekend, he told me he was only going for a couple of days. He went over, did the interview ... Peter said to me he thought that he had this bloke and that when he got back though, a



couple of days after he got back, this bloke had let him know that he wasn't interested or he wasn't going to take on the role.

- 41 Peter came to tell me that I think it was by phone because I remember ... actually I do remember where I was and I was walking through the ... I have a habit when I'm on serious phone call or on a phone call I want to keep to myself, I'll go for a walk and I was in the caravan park at that stage cause there was no caravans in there. I remember that.
- 42 He once again said to me "Do you want the job?" and I said no. And I remember telling Val Bradford, he's being persistent with offering the job and she was very cagey about me taking the role. She had warned me against taking the role. I went to Mark McArdle and I said to him that I had been offered the job as media adviser to Peter Slipper and Mark said to me "Don't do it, don't do it". I just remember him saying do not work for that man and I think his words were "You'll be fucked if you do" because he just had a reputation of just ... there was a reputation out there that you would be tainted with the Slipper Brush, that was the term used.
- 43 Clearly I didn't take on the role. He had advertised for that role to be filled and he told me had a number ... that's right, I told him of two different sources. If he wanted an experienced media person, I told him two websites to use. I told him to use Jock's Journal which was an industry journal that was put out, like a newsletter, but it also had an online component and I told him to also use radioinfo.com I think it was. They're both industry websites and I said to him that you will get the very best people in media were looking at those. TV and radio people look at them and the money that was on offer was pretty good. It was 85 grand and there were allowances as well, I think it was around that anyway. He said to me great ... so I think he ran an ad in one of them, I don't think he ran an ad in both and I remember him telling me that he couldn't get on to one, he couldn't log in, cause he said to me he couldn't log in for some reason or had to pay to become a member or something. I said to him that he didn't have to be a member to actually run an ad, he'd only have to pay for the ads. I remember he said that he was doing one but he also then was going to advertise the position in newspapers across the country.
- 44 I remember him telling me that he didn't want to use the Sunshine Coast Daily to run the ad cause they were quite often giving him bad press, so he didn't want to spend the money with them.
- 45 He got a number of applications he'd said. He didn't include me on who had applied but he did say to me that ... I think it was Ingo more had said she had received a very good application from a woman on the Sunshine Coast that had worked in the tourism industry. I didn't see any of the applications, they had, however, told me that they made a decision, they did tell me that they didn't receive as many applicants as what they had hoped for, so the talent pool was shallow, although they were really impressed with this tourism woman's application.

#### Invitation to Canberra

- 46 They hired her but there was also a request for me ... Peter said to me - How would you like to come to Canberra for a couple of days? I said - Oh that would be great, love to. He said to me - You don't have to worry about paying for the ticket, that he'd take care of that by putting me on as staff. I was a bit cagey about that because of the fact that once, I didn't want the LNP to ever know that I was regarded as staff, so I didn't want to



be classed as staff, but two, I also didn't want to be part of any potential problems with travel down the track, I didn't want to be a part of that if there was ever any question over why was this person put on as staff for a week and flown to Canberra. So I said to him that I was more than happy to pay for my flight down to Canberra for the experience but he gave me specific dates that he suggested I be down there and that was the final week of parliament sitting and I thought that obviously the final week of parliament sitting in 2011 would be a quieter period for them. I was cagey about the whole thing because I was sort of getting told - stay away from Peter Slipper, stay away from Peter Slipper - and that was from members of the party and also MPs that had sort of told me - don't get tarred with that brush.

- 47 I didn't see anything wrong with him. I knew that he had a reputation but he had always, as I say, he'd always been nice to me. His wife was lovely to me as well, they were both... they were nice people. So in the end, I delayed before saying to him that I didn't want to go down in the end. Cause he was quite persistent ... once he had something in his mind, he was quite persistent and that was fine.
- 48 He contacted me either by phone or by text, it would just depend on the time of day ... it was mainly by text he would contact.
- 49 He hadn't explained why he wanted me to go to Canberra, but it all became really apparent why he wanted me in Canberra because at that stage he didn't have a media adviser on board. She had been hired but she hadn't been on the ground running and the day that he wanted me in Canberra, was also the day that Harry Jenkins stood down and he was asked to be Speaker and he accepted that role and all fell into place ... I know straight away in my mind ... I thought, I know why you wanted me in Canberra and I had spoken to him as well and I said - Now I know why you wanted me there.
- 50 He had no media adviser until that day. The day he became Speaker was the day this brand new media adviser started and she was rushed to be started a few days before. He'd known for weeks before what deal was on the table and consequently after, I started working for him right, and quizzed him about it. He knew that that was all about to happen. There was a reason to ask me to go to Canberra and that was he wanted someone that he felt he could trust to help him with his media, be there for that big day. It was a turning point in politics. We had a government that was in power due to a few independents that chose to go with the Labor government.
- 51 It was all a ploy by Labour to ensure that if they didn't go with Wilkie's pokie reform, that an independent wouldn't pull their support for the government and leave them with not enough numbers.
- 52 It all became very apparent why Harry Jenkins stood down and it was funny because I predicted in a text message about a month before that he would be elevated to Speaker ... surprise, surprise ... it was all in a text message to Peter and I've got it on my phone.
- 53 It's amazing how that all panned out. He'd resigned from the LNP that same day as well and I couldn't stop watching TV and listening to the radio, it was just full on, it was a big, big time in political history.
- 54 I was working at the farm on the day. I'd woken up that morning to chatter that something was going on in the halls of Canberra and as the day unfolded it was just as vivid as September 11, so it was all starting to be a big day.



### Offer of Advisor Role

- 55 He had then contacted me a few days after he'd accepted the Speaker's role and asked me if I would like to be part of the Speaker's employ ... like part of the Speaker's staff and whether I'd like to take on a role as Adviser ... a fairly significant role.
- 56 This would've been on the phone. I remember straight away just thinking, wow, this is a huge role.
- 57 He said "Would you be interested in being an Adviser, taking on an Adviser role?" He explained to me, and it must have been on the phone that he gave me the full in-depth explanation. He explained to me that as the Speaker was entitled to additional staff. He said that Tim Knapp would naturally take on an adviser role too.
- 58 Tim's worked in Peter's office on and off for 9 years. I'd never met Tim before but I'd heard about Tim. Tim and I would be the two Advisers to the Speaker. He said he was also keeping the Senior Adviser that had formerly been Harry Jenkins' Senior Adviser, and also had been the Senior Adviser to the previous Speaker before Harry.
- 59 Peter explained to me he was happy to keep on Chris Patterson who was the bloke I'm talking about, because through discussions with Chris, he felt that Chris was more a Liberal man, more conservative and he needed somebody with the expertise in the office because neither Tim nor myself had any of that background in the Speaker's office.
- 60 He'd explained to me that it was the third highest office in the country, third highest position .... Governor-General, Prime Minister, then him. That spoke volumes to me, regardless of whatever anybody had ever said about Peter, not many people in the history of this country, could ever say that they've worked in the Speaker's office and an opportunity like this does not come along every day.
- 61 I was pulled ... the LNP part of me wanted to follow what they'd said and that was "don't work for Peter", but to me, I wasn't working for Peter, I was working for the Speaker of the House and my role was explained to me by Peter that I was working for the electorate office and my role as Adviser to the electorate. He explained to me that I would be able to represent the constituents when he's not there, so while he was away or even while he was there, I would have to shadow him to events that involved the constituents and the Fisher electorate. Whereas Tim's duties were based around Canberra and the Speaker's office organising cultural events, ambassadors and that sort of thing.
- 62 I was thrilled to be able to work with a local area because my strength was with local business and having grown up on the Sunshine Coast I knew a lot of businesses, I knew what the foundation of the Coast was from tourism to agriculture and I felt that it was going to be a great opportunity for me to showcase agriculture as well because for too long the Sunshine Coast has been known for just its tourism and I had said that to Peter, one of the biggest things I'd like to see you do and I can help you with this, is really bolster that agriculture side of things and really promote that about the Coast.
- 63 He was really keen on that because from the time that I'd known him and Iuge, he had a passion for food, he had an understanding that if we don't preserve agriculture and the dairy industry, that it just goes out the window. I knew that he had an appreciation for

food and agriculture, he probably didn't act on it as much as he should have but I was the one that was prepared to get in there and drive that.

64 I was rapt to be able to take on that role.

65 I asked for 2 weeks to make my decision. I think I made my decision ... I didn't want to act too keen if that makes sense, I wanted to act pretty cool about it ... I'd established what the pay rate was and I said to him "I'd like the letter of offer put forward because if it's in writing, it's very clear and I can then make that decision". He questioned why I wanted that in writing and I said "Look it's a safeguard for me knowing that the offer is there and I'm not going to go and quit a job that pays very well and a job that I love - cause I did, I loved the farm, I was there for close to two years - I said if I was going to go forward with this, I want it in writing."

66 So he did, within a day or two, he had that letter of offer (the letter of 5 December 2011) to me.

67 Correct, the letter I supplied. It's a copy of it. It came direct from his personal email and it outlines the pay rate, the fact that I would be personal staff to the Speaker of the House of Representatives and it was explained to me that my position was only, I guess, good, while he was Speaker, it was made very clear to me that if he was removed as Speaker, my job would go. I was aware of that and I just had to get in my head ...

#### Advising others of role

68 I felt like I was letting a couple of close people down, that being Mark McArdle, Val Bradford - she has liked and gotten on very well with Peter and Inge for many years, Greg Newton who was the regional chair of the whole Sunshine Coast/Caboolture region of all the MPs - State and Federal. There were a lot of people that I wanted to go and tell personally that I'd made my decision. So I did, I lined them up and Mark McArdle was the first one, I wanted to tell Mark personally so he and I went and had coffee one morning, after I had told my boss that I was resigning. I'd shown my boss that letter of offer and Lenny just said to me "Mate, congratulations, that is a bloody great offer" his words were "You'd be a dickhead if you didn't take that job" and I respect that man for his complete honesty and as he said "Mate I wish you the best of luck, you'll do well". Once I'd told him, I lined up Mark, I told Mark. Mark didn't challenge the decision, he said "Look mate, I understand why you've done this" and he shook my hand and said "All the best of luck to you, you'll learn a lot". But no one could deny the position. The position was exceptional, not only from a learning point of view but who knew what you could bring about with that position.

69 I went to a branch meeting after I'd had coffee with Mark, I went to a Glasshouse branch meeting where I knew that Greg Newton would be there. I wanted to go and tell Greg direct and I pulled Greg aside and I said to Greg "Listen I want to let you know personally, face to face, that I've accepted a role with Peter Slipper". He was very much the same as Mark, he was like "Mate, you've made a decision, I congratulate you for that and no worries". So we had a bit of a chat there, Greg just said to me "Just be mindful, be careful" and I noticed Mal Brough was there, the new FDC Chairman, I asked Mal to come over as well because I felt that Mal deserved to know face to face, so I sat him down with Greg and told Mal and Mal didn't react too well, he said "Mate, I don't agree with your decision. Do you realise what you're getting yourself involved in?" I told him that I thought it was a great opportunity. I said to him that while ever Peter Slipper is the elected member, whether it be for the next 13 months or he gets re-

elected down the track, I said that office needs good people in it and I said to him then that I believe that I will be able to assist better than anyone else that takes on the role. He said to me, cause I'd explained that I'd like to really drive home the agricultural side of things for the Coast and he said "You'll never be able to do it". I thought it was a negative approach from him and he said to me that my membership with the LNP was in jeopardy and I said I struggle to understand where my membership is in jeopardy, I'm just doing my job. And I explained to Mal, cause Mal had said that he would never join the LNP when the LNP formed because he was a Liberal, I think he was the President of the Liberal Party for Queensland at that stage before they amalgamated and he publicly said he would not join the LNP and I brought that up with him. I think Mal realised then that he was on a no win basis, whatever he said, I wasn't going to listen to him ... and I wasn't. I'd made my decision, I didn't want somebody talking me out of it. In the end he just said "I wish you all the best of luck" and that was it.

70 I also saw Andrew Powell who was the member for Glasshouse and Andrew couldn't stick around, he said to me "I'll keep the phone free for the next 5 minutes, give me call", he had to shoot off to another event.

71 So I called Andrew on the way out and I explained to him. Andrew was pretty short on the phone once he knew. He said that he couldn't accept that the decision that I'd made and he said that he would never turn his back on the party the way that I had chosen to and he didn't accept Peter's decision to turn his back on the party as well. I kind of looked at it as how do you turn your back on a promotion of that nature. If your boss walked in to you and said here's an extra \$180,000, I think you'd be a bit hard pressed to not take that elevated role. And that's the way I looked at it, at that time, I thought to myself well it's just a promotion really, the Speaker of the House, it's a bloody great promotion and I knew what that role meant for Peter as well cause he did explain to me all the benefits of being Speaker.

#### Accepting the role

72 I went in thinking more positive than negative. I only saw the good things that it could bring to the region. While he had resigned his membership to the LNP, it opened up doors that he had never previously been able to open.

73 By being an independent, I'd always seen that as a strong point that if he wants to knock on the door of a Labor member he can, he can openly have anyone there. You may remember just weeks before he defected from the LNP or resigned his membership, he had Kevin Rudd come to the Sunshine Coast and it made national headlines because it was just unheard of for anyone from the opposing party have a Labour member come into their region. I saw that as a positive cause I looked at it and thought to myself, this is what we want. The public just want the Government to get on and do the job and I thought it was positive seeing a Liberal member and a Labor member work together for the region, I thought it was positive. I'd never seen a negative, I didn't see any negative sides to Labor and Liberal working together and I thought well, Peter's obviously proven that he can work with the Labor government and that's why they've elevated him.

74 I took on the role and my official starting date was just before Christmas, a couple of days before Christmas. I wasn't supposed to start till after Christmas but Peter had said to me "We might as well put you on the books and that way you get paid, even though it's holidays, you get paid" to be honest with you, I wasn't going to say no because it's

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close to 4 grand a fortnight, so it was like an extra 4 grand in my pocket if I was starting just before Christmas.

- 75 My official first day on the job though ... I had gone and filmed the Christmas message at Peter's house with him and his wife, only Peter was filmed but his wife was there as well. The Christmas message we filmed and it was put on YouTube and then linked through to his Facebook, I think it was just Facebook account. There were little things that I did, I did another video as well that he wasn't present at but I went over to their place one or two days before Christmas, where I'd scripted something and he just did the voice over and I put all the vision over the top of it and that was for a thing that Maleny Dairies had done, they were giving away 10,000 litres of milk - I was just trying to actively get him to be seen to do more community things and look like he was being more involved in the community, in his electorate, he was often guilty of just being away from the electorate.

#### First week

- 76 My first official day doing anything within the office or travelling on official electoral business was, I think it was 2 January.
- 77 We didn't meet in the office. We were to fly out from Brisbane to Canberra and we were to spend a week down in Canberra. Peter had asked me to go down to familiarise myself with Parliament House, get my office set up, meeting with the Sergeant at Arms and the Department for Parliamentary Services, (DPS) and meet with the head of that. There are a number of roles which I had no idea that the Speaker was responsible for and in fact the Speaker's office is responsible for over 1,000 employees in Parliament House. Some of those include Parliamentary Services, the Security and a number of other things as well, Parliament House's Postal Service. So part of that week was familiarising myself with those different sections. I was taken on some fairly exclusive behind the scenes looks at Parliament House and just seeing how it all worked. So it was a good week.
- 78 Peter had insisted on me staying at his residence that he owned in Canberra, in the suburb of Hughes. He owned a house there which had a granny flat attached to it so he said to me that he rented out the house, the house was unoccupied actually, it had just had an Ambassador staff member move out I think it was and the granny flat attached was the residence in which he stayed at whenever he was in Canberra. He would normally have Tim Knapp, his other adviser, stay at the house. He had a bed, a single bed, which was made up in what can sort of be described as the lounge room area of the actual apartment. And he said to me while Tim wasn't down that week I could stay in the house, save on expenses with travel, being accommodation and he said I get to keep the TA, which is the travel allowance paid for when you're away, so each night you're away, you're paid a travel allowance and that's to cover your accommodation, meals, things like that.
- 79 Peter said to me "look while Tim's not there you might as well stay in the apartment with me". He said "there's a bed there for you. Tim normally stays in it, but while he's away you might as well stay there and you save on the expense of accommodation, you get to keep your TA." He also told me that staff had stayed there from time to time — while Tim usually was the one to stay, but if Tim was away, other staff would stay. I know that Richard, his former media adviser, had stayed there, so, I know it was a fairly stock standard thing that staff stay. His residence at Hughes was no more than probably

ten minutes by cab from Parliament House. So it did, it sounded like an ideal thing to do, to stay there, particularly while I was getting myself familiar with Canberra. He had suggested that in future that I could look at staying at some cheap accommodation that he recommends to people called the Kurrajong Hotel. So anyway he said keep that in mind for the future. We got down to Canberra on the 2<sup>nd</sup>, we were driven from Peter's house, I had met at Peter's house at the Sunshine Coast that morning to catch the Comm Car down with him, which is the Commonwealth vehicle which MP's are entitled to. It was, actually the vehicle which we caught from his residence to the Airport wasn't a Comm Car it was a chauffeured limousine which he said he had used for ever and ever.

80 We ended up getting into Canberra. We went to Peter's house by Comm Car, an official Commonwealth vehicle. Caught the Comm Car to his house and I remember just dropping everything off at... I just want to spark my memory, not sure, that's all... I have diarised everything... okay so, in my diary I've just put in there first day in Canberra, staying in Hughes at Peter's house, so there was no, nothing extra put in. When I arrived there, there was a made up single bed in the lounge room area, that was mine. Peter had his bedroom. He showed me a complete tour of the house it wasn't big but it was a single bedroom granny flat with a standard bathroom with just a shower, toilet and basin in it. It also had the washing machine and dryer above it. It was a brick place, it wasn't a brand new home, it was just a stock standard little place, it was fine. I had a number of suits I took down with me. There was no real hanging space and he suggested I put them in his hanging wardrobe in his bedroom, so I did that. He had plenty of other suits in there of his own and that was about it.

81 I can't even remember what time we got down there. Monday was the first day that we flew down. We had a number of things that we had to do that week, so Tuesday the 3rd January, was the first full day that we were able to put in at Parliament House.

82 Each morning we would take his car which was a white Ford, like an Explorer, it was a 4-wheel drive, it was quite a large car. He explained to me that the car was part of his package, so I would drive that, Peter's not a good driver, his wife's made that pretty clear to me beforehand, so I would drive everywhere, he didn't drive, he would tell me where to go.

83 So each morning we would go to a café in Manuka, normally around 8 or 9 o'clock in the morning and start the day off there. Reading the papers, going through papers just to see what was in them, make sure he wasn't featured or if he was featured be across what was going on. We had coffee, I'd always order a ham, cheese, tomato toasted sandwich there and then we'd make our way into Parliament House.

84 He had a fair bit of stuff on his plate because obviously he'd explained to all staff that he wanted to bring back a bit of tradition into the role of Speaker. Peter had always made it very clear that he is a traditionalist and a monarchist and believes in supporting the Queen, so we were all very well aware of that in the office and he wanted to bring back some tradition within the Speakership role. He had explained to me that that week he would be meeting with the Sergeant at Arms and getting them prepared because he wanted to bring back the pomp and ceremony to the House of Representatives and he wanted to implement a Speaker's procession once a week and wanted to make sure that the Speaker was dressed appropriately and he had indicated that he wanted to wear more of the traditional outfits that were being worn in New Zealand, Canada's parliament and obviously the UK.

- 85 He'd had a number of images in his mind what he wanted to wear and that was the Queen's Counsel outfit, but he wanted to wear the jabot, it can be a lacy, frilly bib or it can be quite a standard bib. He had indicated to us that he was told by Anthony Albanese, who is the Labor member who he had explained to me had been very instrumental in making him Speaker, that the Labor Government were very cautious of this pomp and ceremony because it wasn't part of their traditions. Most Labor Speakers just wore a suit jacket with a standard tie. It was only the Liberal Conservative Speakers that ever wore the proper attire.
- 86 So they were a little bit nervous about him bringing back this pomp and ceremony because it showed that he was still a Conservative and they were a bit cautious about it.

#### Massage

- 87 So he had those pressures on him that week and I remember on day 2, he was complaining about a sore neck - I think it was just built up stress, natural built up stress - he gets himself into these states just by stressing about, quite often insignificant things to you and I, but they're quite significant things to Peter.
- 88 He complained from first thing in the morning when we arrived at Parliament House, from his flat.
- 89 I was staying in his house still this week.
- 90 He didn't complain about a sore neck at the house, he had complained about being stressed. He complained every day about the stress factor, but he had complained as soon as we got to Parliament House that day that he had a sore neck. I'd been on a complete tour of Parliament House, just a quick walk through if that makes sense ... here's this, here's the food court, here's the gym, here's the doctor, here's the Ministerial wing, here's the Senators' wing. I'd seen a snapshot of everything, I wasn't really across everything, but I knew that we had a gym, I knew we had a spa, I knew we had a hairdresser, I knew we had a doctor, cause he'd shown me all that and part of that gym side of things, there was a little sign saying "massage therapist" and that sort of thing as well, I said to him, go and get a massage or get them to come into the office. The Speaker's office is really well equipped, it's got a change room, dressing room.
- 91 So I said to him, get a massage, and he said no, that he didn't want to get a massage just for a neck, it wasn't worth it, and he didn't have time. There were a number of reasons why he didn't want to get a massage and they all seemed pretty reasonable things to me and I thought, yep, that's fair enough, why would you go to the expense if it's just the neck, but that to me also meant that it wasn't as bad as what he was saying because if it was that bad you'd do something about it.
- 92 He had complained about it all day, just on and off, it wasn't a constant whinge, whinge, whinge, it was every now and then you would see him pulling weird faces because of the pain in his neck and then he'd say something. That had gone on all day. We had left for the day. We normally got away from Parliament House around 6 or 7 each day, the days seemed to go pretty quick. We'd gone from Parliament House, grabbed dinner at a Chinese or Indian joint, and we'd gone back to the house and he was still complaining of the sore neck. He then asked if I would give him a neck massage.
- 93 Basically, the only thing that he said about the sore neck was it was still sore and that he could really do with a neck massage. I sort of joked about the whole thing, I said "I told



you to get a massage" it could have been solved, it could have been all over. I'd said to him earlier throughout the day, use Nurofen or anything like that. I noted too, he generally drinks a couple of Red Bulls a day and normally has a couple of coffees through the day as well, so I sort of thought well, you haven't really helped yourself, if you've got a sore neck, , this is the last thing I'd certainly take, cause it only makes matters worse.

94 He then said to me, "Can you massage my neck?" and I did.

95 I just said to him "Yeah, righto", that's all the response that I could give. It was at his house. He lay down on his bed, he had shorts on, but he had no shirt on. I massaged his neck and it was ... I would say no more than a minute and he began to just moan ... it was a moaning that was uncomfortable. It was an uncomfortable moan, it was like a pleasure moan I suppose that you would anticipate seeing on a movie during a sex scene and I just stopped straight away because I thought, ah this is not right and I said "you're done". I remember him saying words to the effect of "Oh that felt so good" and I thought, mm, all good but it didn't sit right with me and I left his room straight away and he didn't come out of his room. Called it a night and I went to bed.

#### Shower / Toilet Comments

96 The next morning, there was no mention of anything, he woke up fine. I do remember each morning I would normally wake up to the sound of the front door being opened or he'd generally be coming back from an early morning walk. One thing I noticed during that week was he was always an early riser, he would always go for a walk early in the morning ... very early, it was generally 5 o'clock in the morning. I'd always wake up to the sound of the door by about 6.30/7 o'clock and it was generally on his return.

97 We were both getting ready that morning for work and he said to me that, and it was just out of the blue, he said "You're a strange one" and he said I was weird because I showered with the door shut. It was just so bizarre ... it wasn't a normal sort of thing just to come out of the blue.

98 He said to me "You're weird because you shower with the door shut". I quizzed him and I said "What's weird about that?" He said "You're a prude". I said straight back "You can call me what you like, I'm happy to wear the tag of prude, I don't know what you private schoolboys got up to in your day, but I've never found it normal to shower with the door open. My Dad's never done it, I've never done, my mates don't do it, that's not weird".

99 I tried to laugh it off cause I thought this is just a bizarre conversation. He said to me "But you even go to the toilet with the door shut". To me that was even weirder because I've never gone to the toilet with the door open, unless I'm home alone, if I'm home alone, sure you go for a leak with the door open, but I don't know, it was just so bizarre for that question to be raised and I just said to him "It's not weird and it's normal" and he said to me "You should try showering with the door open" and I said "It's never gonna happen".

100 It was the kind of conversation and questioning that was so awkward that you've got nowhere else to go with it so it died a fairly quick death and I just continued getting ready. But I just remember thinking, I don't want to be here. It was already weird enough, it's tough enough spending all day with him cause he's quite different and quite

persistent and full on, you end up with a headache at the end of the day yourself sometimes with just having to deal with him, but that's part of the job.

- 101 I just remember thinking to myself I'm not staying here again, it's just too much, too full on. It was clearly sexual innuendo. None of this sort of behaviour had ever occurred before me working for him and none of these sort of conversations had ever come up, not that I'd ever stayed in the house with him ... I suppose when you're in an environment where you start to see people in their private life versus their work life, you can make your own assessment about them, but that's an unusual assessment to make of anyone.
- 102 It would be different if he said to me, I've noticed you don't clean your teeth of a night time before you go to bed, that's different. That's an assessment which is worthy of bringing up, but not that.
- 103 I remember though waking up the next morning. I could hear the shower running and I could see the entrance to the bathroom but I couldn't see anything past that from where the bed was. I got up and I noticed that the door was open on the bathroom and he was clearly showering with the door open. You couldn't see anything as I say, but you knew that he was showering because you just know by the sound of the water, when you turn the shower on for it to warm up, you hear it hit the floor, but when you're under it, you hear the .... Oh that's right, during that conversation, he said to me about showering with the door open, he said "What have you got to hide? What are you doing in there?" and I said "I'm not doing anything in there, it's just not normal to shower with the door open".
- 104 So he was alluding to the fact that I must have been doing something in there. It just was a really uncomfortable line of questioning.
- 105 So the next day, he started showering with the door open and there's no denying, he was having a shower cause you could hear the water. It was just getting more and more bizarre, day by day, but I knew the week was coming to an end, I was pretty keen to get it out of the way. I had called the office a couple of times, I had spoken to Karen D'ane and explained a couple of weird things that he'd done during that week.

#### Drinking

- 106 Wherever we would go in cabs, I remember we'd catch cabs that week out for dinner, normally from Parliament House. What he would do at Parliament House that week, and it's happened ever since, it started then, he has always had a habit of drinking at work, mostly after lunch, it's mostly lunch onwards. The first couple of days it wasn't until 3 o'clock, 4 o'clock in the afternoon, but as time has gone on, it's always gotten earlier and earlier. He would always insist on having a drink before we would leave the office. On some days, he would polish off a bottle before we left the office. I was pre-warned about Peter's drinking before I went to Canberra and in fact, his wife said before we left on the first trip she said "James, he is not to drink, we are trying to have a baby and he is not to drink" and I said "I can't stop that mate. You tell your husband that, I'm not going to control his drinking habits". She said "I'm relying on you to not let him drink" and as we left he said, along the lines of, "Don't listen to her".
- 107 It's pretty well known that he loves a drink and every day, he would pour drinks before we left the office. He would always choose a place for dinner where we could take BYO wine, but knowing Peter's background with drinking and the staff within the office,

cause I had been to the office before Christmas and caught up with everyone and just said g'day to Karen who was the new media advisor and we all had a drink there and it's funny because someone passed the comment at that time they said "Make sure you don't get involved in the drinking" and they gave me a tip and that is, pour it. So there was a habit in the office of pouring drinks down the sink. Each staff member had their own special little spot where they would pour drinks and when I say pour drinks, I mean pour them out. Some would use coffee cups, always keep a coffee cup on the table and drinks would be poured into the coffee cup with just enough in the bottom so that you could be seen to have had a sip or a bit left.

- 108 While we were in Parliament House, it was always easy to pour drinks, as in get rid of them. I would often just go straight to the sink and tip it out which was the easiest way. He would always come in and say "Oh did you enjoy that?" it was just easier "yeah, yeah, it was great" and he'd top it straight back up and often if you said no, no, no he'd just say no, it won't hurt you or he wouldn't say anything, he'd just continue to pour.
- 109 We would often get a cab from Parliament House to dinner or if we needed the car the next morning, I would drive the car back to his place at Hughes and then we would get a cab to dinner.
- 110 In cabs, I would always have to sit in the front and he would always sit behind the driver. I remember the first cab we took, I said "Peter where are we headed?" and when we arrived at that location, he gave me a dressing down over using his first name and he said to me "We are like a hunted fox in Canberra, never use my name". He said "Call me anything bar Peter" and it sort of became a bit of a joke because I always thought he was paranoid, he's always paranoid and he said the media buy off information from cab drivers and cab drivers tell the media. I said "Mate, what are they going to do? They're going to come and take a photo of you having dinner? There's no crime in having dinner".
- 111 So it became a bit of a joke and I told Karen that week, he makes me call him "Trevor". So we just got into this habit where we had to call him something other than Peter and it's quite funny because on my return back from Canberra that week, I saw Karen get a phone call and it said Peter Trevor and I said "Who's Peter Trevor?" and she goes "Slipper". She found it amusing, she's actually named him that in her phone.

#### Cash for Taxi Travel

- 112 Every night we would go to dinner, but he also insisted that I pay cash for all the cabs and I learned that week that you pay cash for cabs, he wanted me to pay cash because then it didn't appear as his expense or his travel expense, it appeared as "staff" travel expenses. And the other reason why cash was used was because on the docket that we had to keep, instead of it coming up Hughes to wherever the suburb was that we'd have dinner, it would come up suburb to suburb and the tracing of those receipts became a drama then for the Department of Finance, they wouldn't know his movements or anything like that.
- 113 I was a bit cagey on that, I didn't want to be a part of travel rorting ...not that he said that it was a rort because he said that we're allowed to catch cabs to dinner and so I thought that was all legit, but I just didn't find it normal to have to pay cash for something, and you're always out of pocket for weeks. You can spend a hundred bucks on cabs no worries in a couple of days.

## Shirt Comment

- 114 The week finally came to an end and I ended up wearing a purple Polo shirt, it's just a cheap shirt I bought that week while in Canberra cause I didn't have any casual clothes and I was sick and tired of wearing suits. We were travelling home via Sydney. I don't know why we travel home via Sydney but anyway we did. We had a stopover, we went to the lounge first, had a few drinks, I'd say two drinks. Normally there wasn't much time between flights to have anything more than that but I'd had two bourbons and we were downstairs waiting at the gate, there was a bit of a line there, and he said to me "I wouldn't have worn that shirt if I was you" and I said "Why is that?" he said "I would've worn a large. No actually, I would've worn an extra large. You look fat in that". I'd already had a bitch of a week with him, I was tired, we'd had huge days, huge nights, just late nights and early mornings and I just said to him "You're being a real cunt" and I was that furious that I wanted to make a real point that you are being an unreasonable deadshit right now and that's why I chose that word.
- 115 It was a word that he uses every day, there's no issue there, so I knew it wasn't going to upset anything or anyone, but I wanted to prove a point that he was just being unreasonable. It's not the kind of thing you say to anybody. I got my own issues ... I used to be fat, so I suppose it ... bits a raw nerve with me at times if I'm ever accused of being fat, but that's neither here nor there. But he just really, really pissed me off that week, there were just so many things that he annoyed me with.
- 116 Peter was almost gave a smirk when I said to him that he was being a cunt. It was almost like self satisfaction knowing that he had successfully pissed me off, because it does take a fair bit to break me, mainly because I see when you break, a sign of weakness and I don't like to crack very often. He got satisfaction out of knowing that he pissed me off.
- 117 I'm very open about the fact that I lost a hell of a lot of weight. I was 96 kilos and I've often said to people it is possible to lose the weight, it's not an issue, you can do it. I used to be fat, I'm not anymore. He did know that I used to be fat. I don't think he realises that it is something that ... the old saying, once you lose the weight, you'll never go back to being fat, it's just something that I live by anyway, I certainly never want to go back to that place again. Yeah, he knew. Most people's comments to me, including his, is that he never believed that I was fat and that's most people I come across, they find it difficult to believe, I'm certainly nowhere near 96 kilos.
- 118 I think this was meant to be a spiteful comment, because it couldn't be taken as anything else. It's just unnecessary. I can't think of it being anything other than spiteful for the sake of being spiteful.

## Working generally

- 119 I got home, I don't even remember having a weekend to myself. From day one, it's been pretty full on, there has been very few down days but I remember going into the office that week and I told Karen about the whole week cause it was something that I didn't think was a typical week because there was a fair bit of pressure on him and obviously I was adjusting to this new role as well, so I thought things will get better. It sort of did, it was fine, there was no real issues. Peter's main issue that I had at that stage was that he's painful in the sense that when he had something in his mind, he would give you a list of things to do and naturally with any list, you prioritise, so I would always ensure that the important things were prioritised first, but he'd ring you and say, for example,

he said to me "I need you to research a Kindle" and I said "What do you want a Kindle for?" ... "I want a Kindle for my Mum and Dad because they read a lot of books and I think a Kindle would be good for them". "Okay, no worries, I'll look into the Kindle for you" and ten minutes later he'd say to you "Where's that research on Kindle?". Meanwhile, I'd have to get together Parliamentary papers on something of importance that was due by that afternoon, but all of a sudden he was more interested in a friggin Kindle than meeting a deadline for a Parliamentary paper.

- 120 There was some frustrating points about him and I was always up front and I'd always say "Peter, that's the priority, not your Kindle. Worry about the Kindle when we've all got the time". So I was normally pretty up front with him and that took staff by surprise because everybody else has typically pandered to his needs and I've always said "No, no, no, we're going to do this".
- 121 Staff found my dealing with Peter quite unusual. There were times – Karen in particular – she'd say I don't know how you get away with saying that cause normally if it was me I would run into a whole lot more issues with him or we wouldn't be allowed to say that. I guess I would always tell him how I felt and I had always told him how I felt towards situations before working for him and he would say that "I love how you're just honest and there's no bullshit with you". I've got text messages that show that as well.
- 122 There are a number of things with my job as Adviser, my job is to advise him on what I think is the best path for him to take and that's not just related to constituent issues but it also related to media. He had expressed to me the very first day that I had walked into the office that he had no confidence in his media advisor. He said to me the very first day, he made me shut the door and he said to me "She was an ugly cunt".

#### Karen Doane

- 123 Karen had started before I had begun. Karen Doane was the Media Adviser.
- 124 The first day that I was there, I remember meeting Karen ... the only way I can describe it is that we were never ever meant to respect or like one another, in fact I almost feel as though, given the situation, that Peter had always wanted me to do the media role and the only reason I say that is because the first opportunity he had – we were discussing other things in his office and I can't even remember what they were, they were no doubt just a general run of the mill discussion – but he had me close his door and he said to me that he didn't trust his new media adviser.
- 125 He said to me that he didn't trust her. He said that he believed that she exaggerated her qualifications and she was an ugly cunt. Her photo on her resume is nothing like she looks like in real life.
- 126 You either can do the job or you can't do the job. I didn't know Karen at this stage so I was only going off what he was saying. I had not read her resume, in fact it's only been in the last couple of weeks that I was given the privilege of having a look at her resume and I would have to say it took me about a week to ... I wasn't going to take what he said as gospel, and I remember going back to my housemate and I said to him, "Peter's got no respect for his new Media Adviser, in fact, he doesn't trust her at all". He had called me a number of times from his trips away and he'd said to me that he didn't trust her and he was regretting the decision putting her on.



- 127 I hadn't seen any of her work at this stage, it was sort of over that Christmas quiet period and I do remember saying to him "Look if you don't trust her, get rid of her" because at that stage if you're going to have a media adviser you have to trust them. He said what do you think and I said I don't know, I had no idea what she was like. Instead of just assuming what Peter said was correct, I made a conscious effort of actually taking her out, we grabbed a coffee and I even said to my flatmate that I think the best thing is to create a relationship with this person because regardless, I think it's worth seeing what her talents are.
- 128 So we had a coffee, she had her guard up, she was quizzing a lot of what she knew of me. We did establish quite quickly that we had a mutual friend that she had worked with - a person I went to school with and still remain good friend with. She worked with Leigh Hubner, a mate of mine through her time in Townsville North Queensland I think it was and Leigh was a cameraman for Channel 7 Sunrise so he had done this trip which involved Karen on a fairly lengthy period. What I liked the idea of was being able to cross reference with Leigh. I gave Leigh a call and I said "You worked with Karen Doane" and he said "Yeah, mate" I said "What's she like?" he said "Mate, she's a cracker, as long as you get on the right side of her". He said "She's very professional, very organised, but I'd hate to be on the wrong side of her". I thought fair enough. I took that basically as a pretty good recommendation. Leigh has worked with plenty of good people, we had worked together in radio in our younger years and he just took a different path to me and I keep in touch with Leigh for various reasons. He's a pilot, I'm a pilot. He's into a whole heap of things with new digital camera technology and I've got the same cameras. We're not best mates but we're mates where we can call each other and we'll answer the phone to one another. I did respect what he had to say about her. I took a lot more time to get to know Karen and I wasn't just going to take what Peter said as gospel truth that she was useless.
- 129 However, I didn't want the pressure of working with somebody that he was always going to challenge as well. I said if you don't respect her, "If you don't believe what she does is in your best interest, get rid of her, no point in having her around". I took that harsh approach because I figured well what's the point of having this person here.
- 130 He had told me that the media releases that she was putting out were just crap. She wouldn't take direction and I took it upon myself to have a look at a couple of her media releases and she literally handed me a pile an inch thick of media releases that related to one incident, one media release. I said what's this and she said they're all the changes and I said right, can you show me what's been released? And she said oh no, we're not finished yet, this is something that we're still working on. I remember looking at the media release that he was quite happy on sending out and it was two pages long and I know, as well as Karen, a media release should be one page. Just give out the bare minimum information, it's like throwing a hook out there with a bit of bait on it, you just have to get the media to bite and then reel them in. That's a philosophy that I've always used and I said to her, can I have a look at the original media release that you wrote? She said, it's at the bottom, where they start. I read it and I just walked into Peter's office and I said to him "How come you didn't use this one?" and he said "Because it's not written properly" and I said "Well I'm telling you that is one of the best media releases you will ever put out" and backed her 100%.
- 131 He didn't use that release entirely the way it was written, he altered it just slightly but it was still the best damn media release that was ever going to get put out. So I saw the talent that she had, I could see the ability and she proved that she knew what she was

doing, so I was only willing to work with her, not against her. Out of all the media releases that she wrote in the first month, I only ever suggested a correction of one and that was not to the crux of the media release, it was just to the title. It needed something more hard hitting and punchier so it would capture the attention of the media. She agreed and she changed it. That's the only time I've ever, ever had any problems with her.

- 132 Peter had a great deal of issues with her and that didn't sit well with me but at the same time too, Karen and I worked really well together and we do trust each other. We've been able to trust each other enough to tell each other things and when I came back from Canberra, I was able to tell her about my experience down there that first week and know that she wasn't going to say anything to anyone. I needed some outlet because I struggled with what went on that week and she saw a definite change in me from that first day to after that first week. She saw my shift, there was a shift in the way I acted in the office, I was, I was quiet ... and she said that a few times and I knew what she was talking about I just didn't want to say too much. We were getting along quite well and I did trust her. She has always done the right thing by me by not going and telling people about it.
- 133 Peter Slipper said on separate occasions with media releases that she's put out that he hates Americans because they have no concept of the English language and they can't spell. He's not a fan of Americans. He said something along the lines of "She was very lucky to even get a job interview" cause he's not fond of Americans.
- 134 I know he's even said that to her because she's come to me a couple of times and said "I can't believe his attitude towards Americans". She gets a bit angry about it.

#### Text Messages

- 135 The incident that really took me by surprise was text messages I had received from 1 February. We'd had a tough day with Peter. When I say "we", Karen and I, we were seen as the media team, even though my role wasn't media, Karen and I worked together on things and it was encouraged of us to work on things together because there was the trust in me for good judgment on media even though it was Karen's idea 99% of the time to do certain media stories.
- 136 We had received a request from the Sunshine Coast Daily which is our local newspaper on the Sunshine Coast. We had received a request for information on Peter using social media. Karen and I had worked hard to really try and get him to embrace social media. As I've expressed several times to Peter, this will be the very last time any State or Federal election will be run that doesn't involve the use of social media. There are many reasons behind using social media, one is there is zero cost attached to it, it's a very easy way to communicate with people that like you and don't like you. YouTube is great it's your own TV channel basically. We got him involved in Facebook, we got him involved in Twitter. They were all things that beforehand he was quite cagey about and he's not afraid of technology, but he slowly embraced it but we certainly pushed him to embrace it more.
- 137 A lot of the media was starting to recognise that Peter was getting quite involved in social media. We were recording videos, posting them to YouTube, linking them to his Facebook page and Twitter account and it was becoming apparent to media that he was accelerating his use of social media and in comparison to most other Federal and State MPs, he certainly was on the front foot not the back foot.

- 138 The Sunshine Coast Daily rang and requested an interview. They had compared Peter's use of social media with that of Wyatt Roy and Kevin Rudd, both very good with their social media, and I guess the comparison was with the younger politician being Wyatt Roy who is 21 versus a bloke that's 60. They had a few questions in relation to social media, but it was basically ... we saw it as entrapment. We didn't feel that there was any right answer. Every answer that he was to give could've been skewed in the way they reported it because some of the questions they were asking were along the lines of - Do you do all your social media? Do you do all your own tweets? Do you do your own Facebook? Do you do your own YouTube videos? We could just see that, given that Peter had been given an extra allocation of staff numbers, there was room for them to take the story in another direction and that is ... because the stories that had previously come out days before was that he wanted a third media assistant advisor. We knew that wasn't the case, he only had one media advisor. He had an Advisor and the new role was an Assistant Advisor.
- 139 We saw that as the outcome and he went against our decision and did the interview with Kathy Sundstrom, she was journalist at Sunshine Coast Daily and I was really annoyed, I was repeatable because two professional people with media experience had advised him not to do it and he chose to go against our advice and we questioned him, we said what's the point of us being here? If you're not going to listen to us, in the end I did text him because he wouldn't take phone calls in the end from us. The text messages that I originally sent him, I have provided those and you can see at 5.44pm on 1 February, I had said "Do not do the social medial interview with Kathy. They are digging for a new angle. It will not be good. The questions are laced with double meaning, it's like answering the 'Do I look fat?' question. There is not a right answer. The Daily do not like you, you do not like them, I do not like them, do not help them sell papers".
- 140 Because I had been advised by Tim Knapp that he did the interview I sent another text message to him straight away at 6.10pm, I said "You're not funny. I can't believe you called her. We'll have to clean this mess up now. Fuck, fuck, fuck."
- 141 At 7.06pm, he replied "Relax my friend!x" with an exclamation mark with a cross, not that I took any notice of that.
- 142 I wrote to him "Very hard to when you care about the bloce they keep fucking over. I hope like hell they don't fuck you over with this report".
- 143 At 7.19pm, he'd written "Xxx". Which was bizarre, I know myself, an x at the end of something could be the slip of a ... I've sent enough messages where I've accidentally put a "b" at the end of something and it doesn't make sense, but I didn't read into the earlier one, but I did look at the "Xxx" at 7.19 as bizarre.
- 144 What followed on from that was even more bizarre because he was away, I can't recall where he was, but I'm only guessing it was Canberra. At 9.38pm on 1 February, he wrote to me in text and said "Would be good if you here but perhaps we're not close enough?" followed by a question mark, so he was clearly looking for a response. I had felt that that was weird.
- 145 I think that night I was at dinner with friends of mine from up north, they work in a mining town, I can't remember what the town is, but it's north west of Mackay. I didn't respond to anything. Peter has a habit of ... which is evident through texting whether it be to me or any of the other staff, if you don't respond to one of his text messages, he will copy and send you the same message again until you do respond to it. So at 10

o'clock, the same message came through: "Would be good if you here but perhaps we're not close enough?". The rumours of Tim and him having had a relationship started to become evident because I had spoken to Judy McAttle before I started and she had said to me there is the rumour of Tim and Peter having a relationship. She said there's been people that have seen them kissing in the car park out back of the old office and that had been seen by ABC staff that were in the same building. She said but I don't know, it's all just rumour and innuendo and she said that however, there was a video which I do believe exists of a sexual nature between Tim and Peter and she said it was seen by one of the staff members in the office after she borrowed a video camera from work and the story goes that she was checking what she'd filmed and come across what had been filmed previously on that camera. Judy didn't elaborate but she said it involved both Tim and Peter on a bed and there was something involved.

- 146 Tim was down in Canberra ... or Tim was away with Peter at this stage, whichever they were, and that's why I assume it's Canberra, I can't quite remember. I wrote: "Ha ha where's Tim tonight?" and he wrote; "Missing".
- 147 I just wrote back: "Gone to pick up. LOL" (laugh out loud) trying to keep it light hearted cause I didn't know where it was going and I wasn't fishing for anything but at the same time too, I just want to deflect it. He wrote back: "Do you think Timbo is closer to me than you?" and I text back saying "Yeah, but that's to be expected. He's known you longer that sort of stuff doesn't worry me".
- 148 There was a comment passed in the office in that first week actually in my office, he said to me, it was along the lines of "Tim says that you're my fuck buddy". I've heard that term used plenty of times before, it's like when you're in high school, everyone says you're like best chums or fuck buddies or whatever, but you don't look at it as anything weird. I suppose I brushed over that, but it sort of started to become apparent why Tim may have said that in these text messages. So I said "Gone to pick up LOL", he then said "Do you think Timbo is closer to me than you?" and I said, "Yeah, but that's to be expected. He's known you longer that sort of stuff doesn't worry me".
- 149 He wrote back to me saying "Gone to prick up whom and closer to you than Pete?". I wrote back and this is getting later in the night, this is at 10.16pm "No, he's closer to you, I hardly know him" and then I followed up with the following text saying "A random root. LOL". I wrote then following that "I've got to stop being rude to my friends, text you when I leave" with a wink smiley face.
- 150 At 10.37pm he wrote to me "You getting rocks off? Pity" followed by "If you interested we could be closer?" and I ignored it and then he wrote "?" again and I followed up with "I think we're good already. I'm happy seeing Tim being closest. I hate stepping on toes".
- 151 At this stage, I had already come home and my flatmate was in the lounge room and I said to him, I'm getting some really bizarre text messages from Peter tonight and I read them through to him. So I followed up with a response to his question mark about "If you interested we could be closer" and I said "I think we're good already. I'm happy seeing Tim being closest. I hate stepping on toes" with a smiley face.
- 152 Peter then wrote "Your call if you want to keep degrees of separation, no toes", followed by "I told Tim position open", followed by another text saying "But your call and no hard feelings in that you only want business like contact. In that event, of the difficulty in our persons". Once again, I'm reading these to my flatmate. I said I can't

believe the nature of the texts and that he's stupid enough to text them, just foolish. As I said to Will, there's no issues with him if he is gay, who cares, it's not a problem, but you don't go and do this, you don't hit on your staff.

- 153 Will said to me – Will is my flatmate in Queensland and is in his 40s and he's a pretty smart fellow. He's retired, he's 42, he's retired and has been since he was 30, he's a scientist and he's a smart fellow and he said to me – he hasn't really said anything too far, but you need to ask him to be clear on what he wants. So I sent him a text message and I said "I don't know what type of contact you expect Peter. Perhaps you should define what you would like and I can then be clear on my position".
- 154 He wrote back "You want something more? You're brilliant at massages".
- 155 I just wanted to shut it down cause I knew where he was heading with it.
- 156 And I wrote "No I'm happy the way things are. Care for you Pete but the massage is as far as it goes, life's a lot more simpler when it's business and a few drinks after work".
- 157 At 11pm on the dot, he wrote back "Oh" followed by "No problems and thanks for" I'm guessing that's 1, but it looks like a capital L
- 158 I wrote "All good" with a smiley face.
- 159 He followed with "Sorry things not working out but appreciate your frankness. In future, in circumstances, please arrange all communications" followed by "through Tim as cannot guarantee availability. Sorry you're missing Sydney harbour cruises".
- 160 This is where ... I was annoyed at this just because I turned down his offer for anything of a sexual nature, is what I believe that this series of text messages was alluding to, I was now being punished for not taking up his offer and I wanted to clear this right up and I said "Am I missing it now?"
- 161 He followed my question with the response "Suspect if you miss" followed by "If you miss okay, Tim has girlfriend abd" I would assume that that should have been "and" because he follows that up with "And Pete needs to sort ou" which I'm thinking means "out".
- 162 Then 11.17, I had sort of come to a point where I wasn't really too keen on texting anymore, cause I was annoyed at the whole thing. He wrote "Okay, your call, sorry? You still happy to ? come to Can? If not car cover".
- 163 I wasn't responding, I'd had enough and I only assume that given the number of spelling mistakes in the text messages, can only assume that he had had a bit of a night on the drink as he normally does have a drink every day, so I just left it.
- 164 The reference to the harbour cruise was to a harbour cruise which had been locked in with a delegation of Samoans. We had the Deputy PM from Samoa flying in on the 5th ... the delegation I think was here before the 5th, but we had a cruise here on Sydney harbour which involved the Deputy PM and a number of delegates from the Samoan government and we were showcasing Sydney harbour to them. I was invited to participate as part of that day and I was looking forward to it. The travel I like, I enjoy the travel side of things, but I more enjoy the fact that when you create relationships with these countries, you then open doors for export trade opportunities, import



opportunities and just a whole lot of connections. It's good to have those sort of connections.

165 I did end up going on the cruise the following week or whenever it was, it was 5th February.

166 The next day, at 6.40am on 2nd February, I got a text message from him obviously early in the morning, it said "Ha, only joking last night. How media/daily? Sometimes I feel depressed and as though the weight of the world is on my shoulders" followed by a text at 7.53am on 2nd February "Suspect I'm pretty stressed about next week" which referred to his first week of Parliament recommending for the new year and he would then be the official Speaker for the House of Representatives.

167 I wrote back to him at 8.39am and said "Yeah I get that, just be mindful, we all carry the same level of commitment and stress for various reasons".

168 He followed that with a message which just said "Okay" smiley face.

169 At 10.01am, he wrote "How daily? Media?" so that referred to the Sunshine Coast Daily and general media.

170 That sort of gives you an indication of what I had to go through and I felt it was necessary to show that to someone in the office. My housemate knew about it, but I was feeling increasingly ... there was an increase of things running through my mind as to I don't want to be caught in a situation where I'm left in a room with him on my own. I didn't know what to do with that series of messages. I was annoyed that all of a sudden my job seemed in jeopardy. I didn't know what to feel after that. I started questioning why I was hired in the first place. I questioned a lot of my own abilities all of a sudden and what was I hired for? That was the big question that I had on my mind was ... what was it?

171 He knew that I was gay, but ... I don't know, was it just to try and get something further out of me cause he knew that he had half a chance, knowing that someone's gay is a good start than someone who's straight to try and hit on. It fucked with my head. Big time. And Karen was the only person I could talk to.

172 We went and had a coffee and I showed her the text messages because I wanted to get her personal opinion as to whether or not ... just see what she thought about the situation and what she thought that I should do. Together we agreed that because the Government was hanging by a thread with numbers, neither of us wanted to be responsible for any problems with the Government. We were mindful that this would bring us into a position where we would be chased by the media, while my family are very supportive of me and have been very accepting from day one from the day that I came out to them ... I don't go and flaunt my sexuality to people and I don't go and rub it in their face because I think that ... one, I'm a very conservative person as it is, but it's not my place to go and flaunt to people sexuality, same as it's not your place to go and flaunt yours to gay people or bisexual people. It's what you do in your own personal time is your business as long as it doesn't hurt anyone and that's always been the way I deal with things.

173 If someone was to ask me are you gay, I don't have any hesitation saying yeah, mate, there's nothing wrong with that, it's just not something that I go and openly go and say "Hey I'm James, I'm gay". I've never done. I like people to get to know me one on one

level and like me for who I am or don't like me for the way I act. You either like me or you don't for the way I conduct myself, it's not because of your sexuality that you like or don't like somebody and that's always the way I've been.

174 I didn't really want for that to ... I wasn't prepared ... I'm still partially not prepared for people to judge me ... but at the end of the day, I am a good person, I'm a normal person and people will judge someone regardless of what you say and do. We get judged every day on the way we look, whether it's by dress or hair colour or whatever, so people will be judgemental if they want to but the reality was I didn't want to set out in putting that in people's faces.

175 So Karen and I spoke about it for a while and we just said no, there's too many things that can happen, Karen said you've made it clear and I agreed, I had made it clear; I wasn't interested, I wasn't interested in whether Peter was gay, bisexual or straight, I still don't care, all I cared about was not being hit on at work or harassed over stupid questions you know what I mean? The questions that were asked during the week that I was down in Canberra I felt that providing I had somebody that I could confide in at work, that could keep an eye on the situation, so watch, not leave me in a room on my own with him, that I would be right. When I say don't leave me in a room on my own with him, there are times where private conversations need to be held but private conversations are normally a door away from another person and I found that the moments that he was asking the bizarre questions have always been when no one else is near so I felt that if I kept someone nearby, I'd be right. So we did, we let it go and I was prepared to let that all go but I was also of the mindset that he's been told now, it's been made clear, I'm not interested and I shouldn't have any more issues. But it never stopped.

#### Question on 14 January

176 We had received a complaint from a business, a number of businesses, via phone. I had taken the phone call as constituent advisor in the office. It was in relation to an upgrade of the Bruce Highway between the Caloundra turnoff and Sunshine Motorway.

177 The State Government had indicated to businesses and land owners, residents, that they had proposed a series of changes to a stretch of Bruce Highway which was only a 5km stretch of road and had put out a notice to all residents that had businesses that would be affected by the proposed changes.

178 It was a \$2billion exercise, money not yet obtained through the State or Federal Government, but it was a long term commitment to the region that they were going to upgrade this stretch of highway because it had exceeded or was approaching the exceeding limit of vehicles on the stretch of road.

179 Their proposal was to remove a number of on and off ramps, 6 in total, and all 6 had significant impact on businesses and residents for a number of different reasons, effect on their financial position, effect on time in which it would take to get kids to and from school, effect on emergency response vehicles reaching home or business in the event of an accident. So I recognised that there was a need to get a copy of these plans and I had called the Department of Main Roads. I met with them, seen the plans, didn't like what I saw myself, and advised Peter that we should take a real interest in this because while it was a State Government initiative, the \$2billion was to be Federally funded so there was crossover of local council, State government and Federal government involvement in the funding and upgrade of this stretch of road.

- 180 Peter's position as independent speaker gave us – it definitely gave us a stronger ability to liaise with the State and Federal governments and the benefit to me taking on this role was that I had the time to do it and I had already found the trust in some of the businesses that I had visited during work time to find out how it would impact their business.
- 181 I asked Peter to come out on 14 January and meet with some of the business owners. He agreed, he was in town and he agreed to come out. We also, between Karen and I, arranged for the local media to join us out there to raise greater awareness that Peter was actually assisting the businesses to stop these changes taking place.
- 182 I was asked to pick Peter up from his house on the 14th. It was early in the morning, I remember I picked him up and he wanted a coffee before we left and I said, don't worry about making a coffee, we're not going to be late, cause he has a habit of being late to everything. I said we'll grab a takeaway coffee, get in the car and we'll go and we'll grab that. Down the road from his house, probably less than 2kms from his house, there is a set of shops and I know there is a little patisserie/café, so we pulled over there and we grabbed coffees. It was at that same location, he said to me in the car out of just nowhere "Have you ever come in a guy's arse before?". Talk about knock you over with ... once again, it was just one of those out of the blue questions that you just don't expect anyone to ever ask you. It's not a normal question. It's not something that I would anticipate any of my friends saying. At 60 years of age, I could not ... my Dad's only 52, I couldn't imagine my Dad asking that of somebody, nor could I imagine my grandparents ever asking a question like that. I don't care how comfortable you are with a person or how good a friend you think you are, that's not a question you ask somebody. I told him, it's not the kind of question you ask people Peter. The conversation died.
- 183 It was awkward because it's not like you can turn away and just walk away from it. We're in a car together and I'm driving and it was like ... what are you thinking? What surprised me was he has no ... I'm trying to explain the way he is. It's almost like he feels he has a right to ask these questions.
- 184 There's no lead-in, you know what I mean? Even if you did want to ask those questions, wouldn't you try and build up to leading into somehow, there was no lead in, it was just a ... bang. I didn't know what to do and once again, I told Karen, I had to laugh because I thought this is not normal, this not normal for a person to want to ask that and even if you were so comfortable in talking about that, who's to say the other person is? And I wasn't comfortable talking about ... it's not a conversation I'd ever had with anybody.

#### Second Question

- 185 I remember he asked that same question again some weeks later and I didn't diarise them, I am kicking myself I never did, but I do remember though as part of that second time he asked, he also asked about Twinks and Bears, what am I in to? And I said it's not questions you ask, but that was the best response to give him because it told him that I wasn't one, comfortable but two, it's just not the questions you ask someone.
- 186 Twink and Bear are terms that I wouldn't typically say.
- 187 They were his words, they were the questions he asked, the words used in his question to me and to me it's not normal because I told my Mum about the questioning and Mum said to me "Oh what's a Twink?" and I told her the reference to a Twink is someone



that's normally younger, gay, they're normally fairly metrosexual, quite boyish and a Bear on the other hand is someone that's normally fat, hairy, manly ... Mum laughed because she said ... she found it amusing because she's a hairdresser and she said "I'm guilty of using the term Twink because it's a type of perm" and she said I'm going to have to be really careful how I use that. Mum's been really good in that respect, she's tried to look at things in a different light and stay a little bit humorous rather than get all depressed and upset by it. Mum and I have got a good relationship where we can have a bit of a laugh or try and turn something negative into a positive just by talking it out. Even she said too, that's not normal.

- 188 I knew it's not normal. Even Karen said the same thing, it's not normal.
- 189 As far as I can recall, it was in another car trip and again, the question came out of the blue.
- 190 Two words that I guess are not run of the mill ... my Dad wouldn't know what they were and most straight guys don't.
- 191 I don't have many gay friends, most of my mates are all straight and I can just assure you, none of them would know what those terms are. They just don't.

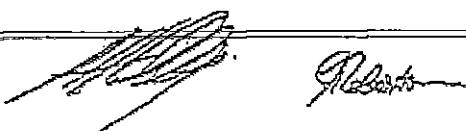
#### Text messages on 26 February

- 192 The 26<sup>th</sup> February he's bizarre in some of the conversations he has with people. I know that Karen told me a couple of weeks after I started, she said to me, I remember on one occasion there was a newspaper or magazine or something in the room and she said, God, he's hot, but the way she said it to me it was like ... what are you looking at? Then she just came out with it, she said, do you think he's hot? So she obviously knew that I was gay and I had not raised it with her. She said to me after that day, she said "Oh yeah, Inge was quick to tell me that you were gay". Good on you Inge. As I say, it's not something I go and tell people.
- 193 Anyway, Karen and I had flown down to Canberra, it was a Sunday, 26<sup>th</sup> February, we would typically fly into Canberra if we had a sitting week, on a Sunday. Karen and I were staying at the Kurrajong Hotel, separate rooms, but I had suggested to Karen that she stay at the Kurrajong Hotel because it was close to Parliament House and our Senior Advisor, Chris, had said to me in just a passing comment, said that I was using a Cabcharge to get to and from the Kurrajong, and he goes "You can't do that" and I said to him well Peter said that that's what Cabcharge was for to get to and from work safely and the only way to do that was catch a cab. He said "No, no, that's what your TA is for, you've got to use your travel allowance. You shouldn't be using your card unless it's from the airport to your hotel or from your hotel to the airport, you're fine to use that". I said to Karen, Chris just said to me that we're not supposed to be using our Cabcharges for travel to and from Parliament House while we're down here. She was staying half an hour from Parliament House so it was costing 50 bucks each time she caught a cab to work and then back to where she was staying, and Mel was doing the same thing, and Karen and I have always been conscious about the money spent because at the end of the day we've got to go and defend him against spending allegations that come up. She said "Oh well I won't stay there any more, I'll come and stay where you are" cause my cab fares were only like \$9 anyway to and from Parliament House.

- 194 So anyway she stayed there with me that week. We got down and we decided we'd go straight out for a meal and we went to the Kingston Hotel, it's a bit of a hotspot for Parliamentary staff and journalists all go there looking for a bloody story. We just got in there, you cooked your own steak, so we were cooking our own steaks on the bbq there. I started to get this bombardment of text messages from Peter and the conversation was between Peter and I but he referenced in his text messages, a conversation between Tim Conroy and he'd written in one of his text messages which we can go through, but he said in there "Tim thought I was a nice Twink" and once again, it sort of highlights he knows these terms.
- 195 First of all I was concerned about the conversation that he was having with this Tim fellow that I didn't know. This began on 26 February at 5.37pm, he texted me saying "1,593" which is in reference to his Twitter followers, he's quite proud of his Twitter followers. I had written back to him saying "Yeah, there's a lot now, it's growing and growing". Peter then wrote "I think my Tweets might be helping the generating where are you now?". Then he followed that with "Can we do another YouTube tomorrow, Alex Forbes suggestion on Twitter was good". I had written "What was the suggestion?" followed by "Are you down already?" asking if he was in Canberra.
- 196 So by 7.16pm, he had written back to me "Sydney just arrived you?" I wrote "Yeah I'm here in Canberra". Peter wrote back "Lucky Canberra. Tim Conroy thought you were a nice Twink!". I showed Karen cause we were both having dinner together and then didn't respond cause I was annoyed. He then repeated the same text "Lucky Canberra. Tim Conroy thought you were a nice Twink!". I thought straight away, one, who is Tim Conroy. I thought he was a politician to be honest, I thought he was an MP at first, the name rang a bell but I couldn't quite put two and two together and I wrote back to him "Why would he have seen a pic of me? That's a little weird that comment from him. Weird he was having that convo with you". He wrote back 7.56pm "Met you in person" and I said "When? Why don't I remember meeting him. Is he the bi/gay one" cause he'd mentioned he'd had dinner some weeks before with a State MP that was in the Valley and Peter said that he suspected he was gay or bi, so that's my reference to that one. And he wrote "No, the LNP member who owns the hired -- [that should've been car I think] he has three daughters" and I wrote back "Oh Tim what was the discussion about" and he wrote "You". My response was "In a good way I hope". He wrote "About whether your loyalty was to the thugs in the LNP or to me. I told him I was hopeful your loyalty was to me". He then followed on saying "Though after the event I found out you did a video for a party that wants to terminate my career without telling me which does make me feel a bit vulnerable". He wrote in another one "Having said that, had I been consulted, I would have encouraged you to help Andrew though I cannot think of any other Coast LNP candidate worth supporting except Steve Dixon". He then wrote "Happy dreams. In this job you are no longer a free agent and I get held to political account for whatever you do". He then wrote "Sadly you are no longer a free agent".
- 197 And because I hadn't given a response, he wrote it again "Sadly you are no longer a free agent". I wrote back "I supported Andrew by making that video because if its someone you get along with, I am a free agent in my own time and I do not see an issue with helping friends, I consider Andrew a friend as much as you do. I've made it clear to you before, that I have your best interest at heart, I will not turn my back on friends who haven't turned their back on me. You need to respect my decisions outside of work, the same as I respect your decisions".



- 198 Andrew is reference to Andrew Powell the State member for Glasshouse and I did a campaign video for him at his campaign launch just weeks before the State election took place and cut it up and produced it and put it on You Tube.
- 199 My reference to Andrew being a friend and not turning my back on friends who haven't turned their back on me, there are a lot of people that could've wiped me for taking this job with Peter Slipper's office because he's not very well respected in political realms within the LNP, but politics aside, I have a great deal of respect for many of the politicians that I've met whether they're Labour or Liberal and Andrew being an LNP member, we only have LNP members on the Sunshine Coast, we don't have any Labour members, so I didn't really have any Labour mates until I got to Canberra. I wasn't going to turn my back on somebody that hadn't dumped me. As I say, I take people on face value and how they treat me.
- 200 Andrew had gone a bit quiet on me since starting at Peter's, but he explained to me that it was because he didn't like what Peter did and they have to be careful as to what information they feed through to Peter because Peter could then feed it back to the Labour party and that's fair too.
- 201 So he continued on in his text messages and says "Happy dreams. In this job you are no longer a free agent and I get held to political account for whatever you do". He wrote "No problems with helping Andrew but you need to run everything past me because I am judged by what you do". He then wrote "The problem with helping Andrew was only that I was not told".
- 202 Still on 26<sup>th</sup> February at 8.17pm, he wrote "I would be upset if anyone else running for the party that is seeking to end my career was helped. You can be absolutely certain that come the Fed, every last one including Andrew will be trying to ensure my demise", Fed means Federal election. He then wrote "You must choose between those who are intending to destroy me and me".
- 203 I wrote "You don't get held to political account for my private life Peter, I'll not have my private life managed, I would not bring you into disrepute through my actions. If I felt my actions would have an impact on you or the Speaker's role, I would resign. I'm proud of the fact that I took on this role against all advice from the LNP. I am as independent as you in my right to make decisions".
- 204 He then wrote "Is that unreasonable", he then followed that "Sorry if you intend to assist my political enemies, that is your right, but you owe it to me to tell me so you and I can sort out our respective positions".
- 205 I then wrote to him "I think this should be discussed in person. Text does not give a reasonable opportunity for both sides to state their case. I am more than loyal and anything that is discussed or planned for you is private. We're all working for your re-election, to think otherwise is just ludicrous".
- 206 I then followed that with "I've told you the only assistance is and will be towards the State candidates, I have no respect for Mal Brough and never will".
- 207 He then wrote "To assist the election at State level of people who will seek to prevent my re-election at the next Federal poll is not a loyal act".



- 208 I wrote "Well why would you insist on having coffees and catch up with Andrew and Steve Dixon, you draw a very blurry line".
- 209 And that reference there is he has been hunting Andrew Powell down. Andrew doesn't want to have coffee with him, he doesn't respect him, he doesn't like him and while there may have been some relationship there while Peter was the Federal Member within the LNP, he's no longer part of the party and Andrew doesn't have to tolerate Peter at all so. Anyway I wrote, on a different subject, once the media crews camped out at the arrival doors they're hunting in a pack, you're bound to be confronted by them, don't have too many wines cause they will no doubt want comment based on your YouTube message, just reiterate what you've already said on YouTube. Now that comment there was when the Kevin Rudd, Julia Gillard caucus was to occur and the media were literally hunting in packs. You could not leave that Airport, you couldn't come through the doorways of Canberra without the media right there in your face. And so that's why that comment was put forward. Peter wrote those guys okay, bee, so in other words, because, neither will work to put either of us out of a job and I should be told, other cunts will. You make me out to be like a guy who is being cuckolded. Peter wrote, again those guys okay because neither will work to put either of us out of a job because I should be told, ah, but I should be told, other cunt will, you make me out to be like the guy who is being cuckolded. I wrote back, it's unreasonable of you to have this conversation on text, I'm actually angry you would do this, it makes for a jolted conversation and doesn't come across reasonable.
- 210 I am aware what cuckolded means and it's normally a term that's, well cuckolded is in my eyes it's a term that's used to reference a jealous lover and you know, I found it just a bizarre word to use, but he's no stranger to big unusual words as well at times or you know words that aren't typically used in a standard day to day conversation. In all my life he's the only person I've ever heard use that term cuckolded, to be honest with you. I knew what it meant but I'd never ever heard anyone ever use it before so. He gave the wink smiley face and said okay I do like you but must understand I get upset when you play with my enemies and keep me in the dark, it's not what I expect of someone I consider I am close to. If you find this intolerable please discuss. He then wrote I previously advised I did not want any LNP State candidates helped without reference to me, to me the key element of eligibility for you/us to assist them is whether they will support/oppose or be neutral at the next Federal poll. Basically Peter's belief was now that he was independent speaker of the House of Representatives, kind of the Westminster tradition typically, both Labor and the Liberal Party, well the LNP in this case, would not contest the seat of Fisher - so they wouldn't put forward a candidate for either party so that's what his reference is there. I wrote we will discuss tomorrow but understand what happens at work, stays at work, anything I do in my personal life is always measured, I would not put myself or you in a position of question. I believe in a professional attitude at all times. Followed by a message from me again at 8.49pm - I had advised you of my assistance to Andrew before yesterday. Whether you chose not to listen or take it in is not my fault. I have never been dishonest with you Peter, my core values from a young working age has always included complete honesty. I don't hide things on a professional basis from you, if mistakes or decisions are made I will always man up and tell you, I would tell anyone. I'm a grown man who has worked in positions of integrity for many years. I will not alter my professionalism now that I work sideline to a politician. Karen and I have only one priority - your office and future political career. You know how hard we work on that. I have not let you down once. You don't want an office of weak staff like Richard. (Richard is his former media advisor). I am strong and you knew full well my relationship, good and bad, with the

LNP. I see the good and bad in them for sure. Don't let the party or the haters detract from the good work you are achieving. Stay true to course and you will run a very strong race in 18 months. Independence means you don't have to watch your back, just look forward and never backwards.

- 211 He wrote back at 9.38pm. Well no problem - I'm assuming that's supposed to be "with Andrew" - a threshold question of any other LNP candidate is do they intend to work against my re-election at the next poll. He then wrote - if they will not commit to not opposing me then they are not to be helped.
- 212 I wrote - I am mindful of that, I am off to bed. If you feel this needs further discussion we can talk about this tomorrow. Goodnight.
- 213 He then wrote - Also, please do nothing to assist any LNP candidate until I am consulted. Also do not treat you and Karen as a person, you are different people.
- 214 Then he wrote - okay we should discuss in person however there are two non negotiable points. Firstly, you cannot have any ex-occular political, in capitals, activity without my consent. And secondly I will not tolerate your working for anyone who will not support me at the next election.
- 215 He then wrote - otherwise it's like being married to someone who is sleeping with someone else.
- 216 He then wrote - ie being cuckolded.
- 217 I wrote back - I will discuss with you tomorrow. I already told you the only thing I had planned is to hand out how to vote cards for Mark and Rhys in Council.
- 218 Mark is Mark McArdle. Peter and Mark don't get along. I've not bought into their dispute. What they have as a dispute is between them and not me and I've always been very upfront. I've said the same thing to Mark and I've said many a times to Peter. Mark does not bring Peter up. Mark does not speak negative of Peter. I do and am aware that they don't like each other, but that's not my place to get involved.
- 219 Peter then followed on to write - working in my office at your level means you cannot have divided loyalties.
- 220 I wrote - I haven't.
- 221 He then wrote - no problems with HTV - which is How To Vote - for McArdle or Rhys, though I don't recall you mentioning Rhys in this context.
- 222 I then wrote - No, I once again don't see Rhys as a threat to your political future. Let's talk about this tomorrow.
- 223 He then wrote - I said I have no problem, wrt (which I'm guessing is wrt) your handing out Rhys How to Vote, HTV, just I don't recall you having told me before.
- 224 I wrote - it was something I was discussing with Rhys this week. Nothing's planned 100%, let's talk tomorrow.



G. J. Roberts

- 225 He then wrote - okay but if you're a senior person in the speaker's office you cannot freelance without consent. I had thought we had already agreed on that and thus my high levels of angst, concern and obvious discomfiture. [sic - discomfiture?]
- 226 I wrote - you've never said that I cannot do anything for anywhere else. No where have I seen that. Never have you insisted that.
- 227 He then wrote - I have enough challenges without having to second guess / monitor you.
- 228 He then wrote - we I now have.
- 229 I then wrote - that's the thing, I don't need monitoring.
- 230 He wrote - without my express consent.
- 231 I wrote - I'm trying to sleep Peter. We will discuss further tomorrow.
- 232 He then wrote - well I am starting to wonder.
- 233 Followed by - okay. But if you are a senior person in the Speakers office you cannot freelance without consent. I had thought we had already agreed on that and thus my high levels of angst, concern and obvious discomfiture. [sic - discomfiture?]
- 234 I wrote - no need for further angst, I will consult with you on any further requests for assistance from outsiders.
- 235 At 10.46pm he then wrote - thanks, appreciated, sleep well my friend.
- 236 Then the next morning at 6.40am, the 27<sup>th</sup> of February, I get a text message, first one in the morning - Good morning, trust you slept well. 1,751.
- 237 So there's like a all of a sudden - he's almost bipolar and I know his wife jokes about that bipolar disorder but as she said he's never been diagnosed with anything. He runs hot and cold. He gets stuck on subjects and what we've discovered is it's better to just say that you're right Peter and it's over and done with - it's quicker, it's easier. Like I'm always one to, if you're wrong, you admit you're wrong, but sometimes easier just to say you're wrong when you know you're not, but, it's just easier.
- 238 Okay. Now there were a couple of incidents of touching and a few other things. Do you want to cover those?

#### Touching on 1 March

- 239 In March we were still extremely supportive of everything that he's doing or trying to do our best to you know, part of me is thinking God this is a big challenge, he is a challenge, but we stayed strong and we've always stayed strong in trying to build some credibility for him. My feeling towards the YouTube videos has swung from trying to make Peter a superstar into trying to make him an educator of politics. I think one of my biggest criticisms of politics is that very few people follow it and there's nowhere really for people to learn about politics either. You either watch Question Time or you don't and we have a lot of very uneducated people in this country when it comes to politics. So I had recommended to Peter that we try and do informative videos that could be posted on YouTube and one of the things that I'd discovered that was lacking was any

reference to the Mace which is the House of Representatives cannot sit without the Mace being in the Chamber and it always leads the procession and it's part of politics and a lot of people aren't aware of that. So I asked him to do a bit of an education lesson on the Mace. So I had shot all the overlay vision before Parliament began that morning at 9 o'clock. It lives normally in his office in Parliament House and it's kept behind glass. It's opened and taken into Parliament each and every morning and then it's returned at the close of Parliament. So we got some good vision and I asked Peter to do a piece to the camera where he could tell people how it originated, the Australian Mace anyway, and the importance of it in politics and so we did that. He recorded that just before 9 o'clock, before he went into the opening of Parliament for that day. And throughout the morning I cut it up and by the afternoon, he likes to check you know everything's fine before it goes online, which is fair enough, he's never once said no it can't go up, he's always approved everything but I didn't have a problem with him checking it out, it was good. But he came and stood over me cause it was on my laptop and I use a personal laptop because Parliamentary Services won't allow programs to be put on Parliamentary computers unless it's approved and that process takes forever and the computers really aren't cut out for video edit. So I used mine, he came and stood over me, over my left shoulder and was watching it on my laptop screen. The video only went for maybe a minute and a half and he was, I was sitting like this with the keyboard in front of me and he put his arm on my arm, on my left arm, he put his hand on my left arm and he stroked it and said you do, in this really low tone voice, you do such a beautiful job with these videos. And sort of stroked it. I just had to drop my arm because it just, it sent shivers down me. It's just not something that, look, I'm the first to admit, I have turned to people and you know given them a tap on the shoulder, hey that's a good job or you know, in the past but, with my own employees in the past, but this was just weird, I was just uncomfortable. And I suppose I'm already on edge too. But it was just not normal. And I just, he was very aware I'm sure that I didn't like it and, so that sort of

- 240 I told Karen about that. There was only me in the room but Karen's office in Canberra is sort of diagonally through, and we can see each other.

#### Incident on 13 March

- 241 On the 13<sup>th</sup> of March we had a Hungarian Ambassador Dinner and over the last couple of months I've become quite good friends with the Ambassador for Hungary and we call each other regularly and we have you know good catch ups and we see each other at a number of Ambassador functions that we regularly go to. And the particular night, on the 13<sup>th</sup>, we had a Hungarian Ambassador's Dinner. It was a really good night. It was held in the Speakers courtyard. We had Hungarian dancers, we had, everything was Hungarian, so a Goulash dinner and all different foods and wines and, we had an invitation that was sent out to all the parliamentarians, so MPs, Senators, all the Members of the staff of Members. So there was a good number of people attended that night but as things wound down and most people had gone home there was a small table of us sitting out in the Speakers courtyard. Parliament had finished for the night. And two of Peter's friends had come up from, well come down from the Sunshine Coast, Nick and Darren, they own the Caloundra Cinemas, they were there on the night. And Christopher Pyne had just left, he's one of the MPs, he was the Liberal MP, he was sitting in that area with us. He had just left and Peter had come out, sitting down having a wine and just out of nowhere he turned around and said that he believed that I was a spy. And I said well geez must be a bloody good spy, I didn't even apply for the job, you offered it to me remember. I just thought it was a stupid comment to say in front of

people and I wasn't, it was so stupid yet, it needed a reply because it was so dumb and I wanted to make sure people realised it was a stupid comment. This was in front of this Nick and Karen.

242 They probably wouldn't have even gathered what was going on, but it just seemed like all of a sudden there's this yeah, I don't know, it's almost like he's setting me up to, either one get rid of me, or two, trying to see if I'll confess to doing something that I've never done before. My communication with the LNP was to a minimum. The only people that I really spoke to was every now and then I would say g'day to Mark if I saw him or if I hadn't spoken to Mark for a while, that's Mark McArdle I would give him a quick call and nine times out of ten you'd never get him anyway because they were in election mode. So I'd leave a message and that was it. But Val Bradford, I stayed in touch with her, but you know, he'd only just given her an award on Australia Day this year, you know for her outstanding achievements to the community, so he was still friends with her. And okay so she's the chairperson of the Mooloolah Branch for the State LNP member but he's got mates on both sides, LNP and Labor — always tells us that he has dinner with people. So I'd never seen an issue with our becoming close or friends with any of the members. As I say since being in Canberra I've got a lot of respect for Anthony Albanese, I think he's a nice bloke, I've met him numerous times, I've spent time just on general chit chat level. Anna Burke is a Labor member. She's great, really nice. John Murphy is the same. So my relationship with Labor and Liberal members was equal. In fact I probably knew more Labor people working in the Speakers office than I knew Liberal. The only person I knew on the Liberal side was Christopher Pyne who was in our office most days of the week. He would come in and catch up with Pete, say g'day to the staff. And Wyatt Roy who, for some reason I always ran into going and getting lunch and we were on the same communications committee. Peter was always at those anyway with me. So I don't know where he came from with that spy thing. It really through me and I thought, what are you getting at, what's the point of this. He had also made numerous comments on the fact that I was still on probation period. But he'd always do it jokingly I use to say to him that three month probationary period goes for you too, if I don't want to be here, I can leave too. But it was just more, I had to have something to say because he'd often do it in front of people, it was almost as if well, yeah, he liked to feel that bit more superior or something, I've got no idea.

243 Over a couple of weeks there was a point there where Chris Pyne seemed to come in every day and he'd always go, and how are you today, and he got along extremely well with Tim. Nine times out of ten you'd find him in Tim's office having a good old chat to Tim before he'd say hello to anyone else. But no, Chris was good. They had a running joke, Tim and Peter, that Chris was gay and that Chris was only coming in to say g'day to me and I, didn't think anything of it. They tried to make out one day that Chris had asked for my number and my email address and everything, and it never happened, they admitted to that, it was just a joke. Yeah I don't know why, so comments were passed in that respect and look, Christopher Pyne, he's married with four kids, but who's to judge who knows. Chris has never shown me any attention that would have me think that he was.

244 Peter Slipper mentioned, cause Chris stayed behind and had a few drinks with us, many MP had, from both sides of politics. I think it's actually good to see some of these politicians let their hair down every now and then. Not that anyone was drunk or anything but it was nice to actually see them in a real world where they were standing around having a conversation about their kids or their travels or Christmas or whatever.

Because I suppose we only ever see them on TV during Question Time or in serious mode when they're, you know, saying negative stuff about the opposite party. Yeah he joked that night about you know Chris being keen on me and I hadn't ever thought of it like that. Chris had never shown that sort of interest. Chris is a very chatty fellow, he is very engaging whenever he talks to anyone, can be just anyone in the office.

#### Incident on 20 March

- 245 20<sup>th</sup> of March was a day that we, Karen and I had, Karen mainly, Karen had been dealing with a series of emails that were coming through from journalist Steve Lewis who works for News Limited and mainly The Australian. I had never dealt with Steve before, never met him. He had a reputation as the bloke that broke the Ute Gate Scandal with Kevin Rudd some years ago when he was Prime Minister. But Steve had been quite persistent with his questioning of the use of Parliamentary funds to purchase wine, the involvement that Peter Slipper had with Get Wines Direct and the owner Tony Sells. There was a series of questions relating to the supply of wine, as to whether it was donated to his last election campaign, and look it was a nonsense story, it wasn't going to go anywhere. It had no substance, we knew it had no substance. We could tell by Peter's reaction that it had nothing. And we had suggested to Peter that he try a method of putting out the questions and answers cause everything's always done by email, so we had a log of questions and answers. With any journalist they only pick and choose what they want to write, pick and choose bits of substance or something that might sell more papers and we thought we'll get your story out there. I had been tipped off that it was going to be a big story, like a front page story and in all honesty Karen and I were tired of mopping up messes so we thought well rather than let this become a mess let's just go and put all the questions and answers out there publicly for every journalist to have instead of it being an exclusive rule on this story, give it to everyone you know. So we compiled, well Karen compiled the questions and answers from email. I had suggested that we just tweet it ~~holus bolus~~ and so we put a teaser on Twitter, on Peter's Twitter. At this stage he had I think around 2,500 followers, a lot of which were journalists, from all newspapers, TV networks, radio stations across the country. We thought bugger it we will put it out to them. We knew it was going to ruin the story. And it was a tactic that had never been tried before. And yes there was a lot of nervous moments, for particularly Karen because it was her name that was on all these emails. And the strategy worked very well. We teased on Twitter that we were putting out a press statement in 20 minutes. Took about an hour to put out. By which stage we had every journalist in the Country aware that something big was going to come out. And we posted this thing on Twitter. It stung the shit out of every journalist in this Country because it had never been done in this manner before. We had created a new hash tag, hash tag is a term on Twitter that trends, so we created hash tag grubby journalism and it trend very well. In fact people are then using that hash tag to put with other stories that were grubby journalism you know, or stories of no substance that were turned into something fabricated. We had quite a lot of chatter through all the MPs offices. In fact it was fairly significant chatter to the point where both sides, Labor and Liberal, were well aware of the strategy that was put forward and put out there publicly. The journalists were shocked that a tactic like this had been used because it changed the playing field of journalism. Most journalists refused to email us anymore. They shut down basically on us. And we knew it would set a precedent, we knew it would be talked about, but we didn't expect to the extent that it would be throughout the MPs office. We had Bill Shorten come straight to the office and ask for a copy of what we had done, what terms we had used and everything. When Parliament had finished that night we had a number of MPs, Labor and Liberal, flock back to the Speakers office for

a drink, they were all talking about it. But before they came back, Peter had walked into the office and I was the only one in my office but Karen was in hers. And he walked straight up to me and he goes can I kiss you both, but was just looking at me. And I went "no!" and tried to dodge him and I said it loud enough that Karen looked straight up. And it was just like, once again, you just don't say that. Particularly, and I know that, I'm edgy about everything that he does and says, but we weren't both in that room, we weren't you know, it was just bloody uncomfortable. Just yeah, I didn't like it. Karen asked me what went on and I told her and she said I can't believe he's still doing this. And that was my last week in Canberra, that was the final week.

246 My text messages jog my memory very well and I, haven't gone right through on my text messages but there is plenty of reference to his character. I know even when I tell friends or family , some of the words that he uses, they find it really difficult to believe, because they only see one side of him. He's a man that, really likes to tell a lot of people that he's the third most powerful person in the Country. He likes to dress up appropriately for you know when he sits in that chair. He likes to make sure that the behaviour of politicians within Parliament House is appropriate. He likes to make sure, there's no name calling or inappropriate use of language in Parliament and yet his behaviour outside of that Chamber is disgraceful. And, it's just so evident. Whether it be in text message or verbally, , no wonder people have poor thought on politicians, they think poorly of politicians and yet I don't, most politicians are bloody hard workers. They don't deserve the reputation because of someone like this and sadly that's what's happening you know.

#### Abuse of travel entitlements

247 I think that there's a genuine need to notify the Federal Police in relation to these. My biggest concern, I travelled with Peter Slipper on three occasions which involved trips to Sydney. Some were stopovers, some were purely for a trip to Sydney to meet with certain people. The first trip I had travelled to Sydney on was on the 27<sup>th</sup> of January and we had a meeting with Anthony Albanese – well Peter had the main interview, the main meeting with Anthony Albanese – I was asked to come down on a 6am flight that day to attend part of that meeting at 11 o'clock in Anthony Albanese's office at Marrickville. I flew down at 6, caught a cab to the CPO which was in Phillip Street in Sydney. I was given instructions that they, to print out all the job applicants for the Assistant Advisers role and bring them with me to the meeting with Anthony Albanese. We were later then to travel onto Canberra for further meetings with the Cuban Ambassador. At 11 o'clock I had to meet Peter Slipper at Anthony Albanese's office in Marrickville. I took a cab from the CPO, the Commonwealth Parliamentary Offices. My whole reason for travelling that day was to ask Mr Albanese, as the Infrastructure Minister for the Federal Government, to record a piece in relation to the Bruce Highway upgrade which was to occur on the Sunshine Coast between the Caloundra turn off and the Sunshine Motorway. A piece that they had planned on spending \$2 billion on. We had consulted Anthony Albanese over the issues that the residents and businesses had raised and Anthony Albanese, while he couldn't attend a forum that I had organised for Peter he was prepared to record a piece to camera which we could play on the night of the forum which was happening on Sunday. So I went along with my gear, my camera gear, and filmed that. I arrived by cab, Peter was already in Sydney. I believe he flew down the day before on Thursday the 26<sup>th</sup>. I met with Peter and Anthony in Anthony's office. We filed the piece and we then had a connecting flight to catch from Sydney to Canberra. Peter had asked me to travel with him. He had a chauffoured car that was waiting for him. He explained it as a, he had a mate, he explained at first he had a mate picking him

up, a friend I think his words was, not mate, but a friend. We left Anthony Albanese's office, walked across the road where Peter had then called his friend Antoine and arranged for a pick up spot. That pick up spot was across the road from Mr Albanese's office, down a side street which had a bottle-o right beside it. So we got in the car there, the car was a black Audi A8, so top of the range, limousine style vehicle. And I commented on how nice the car was, had all the trimmings, the bells and whistles. I didn't think it was, I genuinely thought it was a mate's car because in Queensland we have what we call L plates, or limo plates, that they start with an L, but it certainly didn't look like a Comm Car. It wasn't a Comm Car, which is a Commonwealth vehicle, and it certainly didn't look like a limo, that's why I was led to believe that it was a friend's vehicle. To me it looked like normal number plates. But I've, I never took down those number plates, but I remember the car and I remember the bloke's name, Antoine. And when we were in the car I sort of asked a couple of questions about the car because you know, it was a nice vehicle. And Antoine was this short Lebanese fellow, bald head, wasn't overly dressed or anything. He had a pair of pants on with, slacks, with just an open neck collared shirt, so no tie or anything, so I didn't suspect for a moment that he was a chauffeur driver. But during the course of our trip we ended up having to go back to the CPO to collect my luggage that I was then going to take on board the plane down to Canberra. And we had to go, as I said, back via the CPO, and then to the Airport. So I asked a couple of questions while we were driving and Peter said that Antoine had been driving him for. He asked Antoine actually, how many years have you been driving me Antoine and to my memory he said, 19 years. And which made me sort of think to myself okay well maybe they do call themselves friends but it obviously started out as a driver client relationship. When we got out, sorry before we got out at the Airport, at Sydney Airport, I remember Peter asking Antoine how many cab charges did he require and he said three. And I thought it was really strange because you know this was suppose to be a friend picking him up and yet the friend was referring to payment via cab charges and in cabs that I've ever caught you pay one lump sum. Like you pay one form and you fill it out with all the details. Although we've all been issued cab charge cards. This was not a cab, this was not a Comm Car and yet Peter was issuing just signed cab charge forms, they weren't filled out properly. I saw him sign them, —but there was no other writing or any other detail contained on those cab charges.

- 248 There was no meter, nothing in this car.
- 249 And I thought it was bizarre. I didn't question it. I did note it though in my diary. And I noted in here he paid him with the old school cab charge, click clack machine style forms, more like a cheque size you know.
- 250 Like the credit card slips. That's why I refer to the click clack style, you know that you run across. So I didn't say anything because I was only in my first couple of weeks there, I didn't know what arrangements you know had been made, and you know, you expect that things are done right. On the 5th of February, just a couple of weeks, a week or two later, we had another trip to Sydney which was a Sunday. Early flight again, 8.30 from Brisbane to Sydney. It was only for a day trip. We were coming back that night, on that Sunday I took a cab to Sydney Harbour. I waited at the Harbour and Peter and Inga arrived by Antoine, the Audi driver.
- 251 After the Cruise had finished, which would have been around 3 o'clock and we were picked up by Antoine in the same spot in which Peter and Inga were dropped off and that was at Circular Quay. I remember the weather was a bit funny, it was sort of hot and



miss weather, rainy in parts and then sunny in other times. And he pulled in just underneath the train line or something there, there's an upper level platform of some form. So he pulled in there. And that's precisely where we met him. Once again when we were taken to the Airport to fly home that night, Antoine was given cab charge forms. Once again there were three cab charge forms. And it was just an unusual method of payment for a vehicle that, as I said, wasn't a cab and wasn't a Commonwealth vehicle. Once again I didn't say anything. But on the following week we had another delegation, on the 11<sup>th</sup> of February. And I had flown down once again for the day and the flight was at 7.25 in the morning from Brisbane to Sydney. We met at 11.30 at Circular Quay to board the boat. We were picked up from the Airport by Antoine in the same vehicle. It's always a black Audi A8. Look without knowing the rego or checking the rego, I can't say 100% that it's the same vehicle but I have no doubt it's the same vehicle because there couldn't be too many, you wouldn't own too many quarter of a million dollar cars. On this trip the car wasn't in pristine condition on the inside. It was a bit dirty and I remember saying oh what did you have a big night in the car or something last night Antoine. He said that he'd had a wedding or something the night before so that car had had a bit of use. So it occurred to me for sure that the vehicle was definitely some form of hire vehicle, chauffeured vehicle. Once again we were dropped off at Circular Quay. We had another boat cruise, same sort of thing as the week before for the Samoans, but this week was for the Cyprus Delegation, we had the President of Cyprus with us. And we were given, I remember we had gotten off and there was indication that a gift was to be dropped off by the Cypriot's driver to our driver and the meeting place was just behind, there's a little, like a zoo or something down on the boardwalk there of the Circular Quay sort of area, or on the harbour there's a little zoo, there were two women out there with snakes, with a snake actually. I just can't think what that zone was because it was different to where we were picked up. So we were met by the vehicle

252 I'm not sure, it could have been either Circular Quay or Darling Harbour. I'm not sure, I'm not familiar with Sydney. There was like this little zoo, not zoo but, it was definitely an animal land of some sort. So we met there, there was a gift apparently for the drivers to do a swap but they couldn't find each other and Peter had given me Antoine's number to call and arrange for the meeting spot so I had called Antoine. That's how I ended up with his phone number. So we had met, they had a carton of beer to give to us and they also gave us each a token, which was a paper weight. So I got that from the President. We got a lift back to the Airport. Oh sorry no we didn't we were suppose to go straight to the Airport but Peter had plans to meet with a NSW QC at a pub in Anthony Albanese's electorate because I remember him saying oh we're in Anthony Albanese's electorate. And the pub was on, the rail line and it had a TAB and Keno and a couple of pokies in there and the rest was just normal pub. And I was allowed to stay part of that meeting for maybe ten minutes before I was asked to leave and give them some time to talk. Antoine was told to hang around when he dropped us off and then once the QC and Peter had finished having their chat, they're both very religious, because the QC and him only spoke about religious matters when I was at the table with him.

253 I don't remember the name of this person but I would know him by face. Something tells me it's John someone. He's quite a tall fellow. I remember certain features about him. For a QC he wasn't, Peter had told me he earns \$10,000 a day. I know that he was a Labor QC. He explained to me that he was very well connected to the Labor Party. For a man that earned that sort of money he was very tight with money, his clothes were old, his shoes were pretty drab, he had a weeping left ear. He had quite a large number

of sun spots or what appeared to be scabby scaly spots on his forehead and face. He had cufflinks of cricket bats. Thinning on top, with really light hair and he would have been in his 60s and I remember making comment to Peter after we got in the car what my observations were. He was a nice enough fellow, nothing wrong with him, but there were just certain things that I remembered about him.

254 And we were picked up outside the pub by Antoine again, he had been waiting. We were then taken once again to the Airport and multiple cab charges given to Antoine again.

255 I do not remember there being questions about the number this time. Peter Slipper just signed a number of them. He just, hands over a number of these cab charges. So it, by this stage, I have a little philosophy I've always lived by and I tell my friends the same philosophy. You have to think like a criminal because if you're not thinking like a criminal you're bound to be taken for a ride. Even though you think like one you don't have to act like one, it's just to make sure you don't get caught out for you know behaviour that, many of my friends have been ripped off and scammed in the past and I've always said to them you've got to think like a criminal. If they propose something to you well you have to think well you know, what's the worst that can happen. And I don't know, I suppose I just looked at what I knew of people's history with travel rorts and what occurred to me was that there's been large questions over a certain cab charge in 2009 where Peter had a cab charge that I think was around eight or nine hundred dollars here in Sydney. And I put two and two together. He said that he had been using Antoine for 19 years and I thought to myself okay well if Peter has been using him for 19 years questions are his 2009 questionable cab charge has been the result of using Antoine's services and what I thought myself was how do you avoid a eight, nine hundred dollar cab charge because he's been pinned for it. So he would have been looking for the way around not getting pinned again for a \$900 or \$800 cab charge. And it occurred to me that my suspicion was that hence the multiple documents because if you break it down it doesn't flag on a system as a big lump charge for a cab. If you put through multiple cab dockets it's not going to show up. And I asked some questions of this behaviour to a former MP, Federal MP and he said that is not right, that is not legal, that is not kosher, it is the wrong thing to be doing. And I explained my theory to him in relation to why I thought he did it and his words to me were – how is it in three months you've managed to discover how Peter has been using these fees in Sydney when for 20 odd years people have never been able to catch him out. And I just said to him well it's my suspicion that that's what's occurring and the MP, former MP said to me, you have an obligation, if you believe that there's any criminal activity to report it. And I said well I don't disagree with you, if that's what's going on, it's not right. And yeah, I just sort of had to think about it a bit. You know I've second guessed myself a couple of times thinking okay well hang on it could be legit. But if it was legit and he was doing the right thing he would have caught cabs but the car has always been on hold. He has always made that car wait for us. So that's why I don't believe that, well that's why I believe that the fees are as high as they are when he catches that transport while in Sydney. So, I also noticed that Peter, when he flies to Canberra, will very very rarely catch a direct flight to Canberra, he always comes via Sydney. And it's only a theory, but it makes good sense that, and it would need to be checked against records, that those documents could be but through on dates in which he passes through Sydney, so that's where it's highly likely that that's what's been occurring.

256 I later found out that the name of the company that owned the car was called "Unity" but the cab charge voucher went through a company named "GM".

257 So is it concrete evidence, no. But it's, it explains a lot when no one else was aware of this. And yeah, it's, it just doesn't appear right.

#### My motivation and independence

258 I am not a member of any political party or organisation, whether formal or informal. In particular, I am no longer a member of the Liberal National Party, having resigned on 14 December 2011.

259 I am not motivated, in making a complaint about the Speaker of the House of Representatives, Mr Peter Slipper, by any political considerations, or by any financial considerations. My motivation is to ensure that Peter Slipper's conduct towards me stops and, more importantly, that such conduct is not repeated in relation to any other staff, current or future.

260 In relation to my complaint about the conduct of Peter Slipper (including my complaints about sexual harassment and my complaints about his conduct in relation to use of cab charge vouchers) and any action in any court or tribunal that may be commenced by me in relation to the conduct of Peter Slipper towards me:

- (a) I have not been paid or promised any financial or other benefit or consideration (whether in money, goods, services or in any other form whatsoever) if I make any complaint or commence such action;
- (b) To the best of my knowledge and belief, no other person has been paid or promised any financial or other benefit (whether in money, goods, services or in any other form whatsoever) if I or Karen Doane make a complaint or commence action;
- (c) I am not being funded or materially supported by any person, organisation or body to make a complaint or commence action;
- (d) I am not making the complaint or commencing action at the instigation of, or at the behest of, any person, organisation or body. In particular, I am not making the complaint or commencing action at the instigation of,
  - (i) any newspaper, television station, radio station, journalist or media organisation or entity; or
  - (ii) any member of parliament, State or Federal; or
  - (iii) any political party or organisation or any officer or member of a political party or organisation.



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Affirmed by the deponent  
at Sydney  
in New South Wales  
on 13 April 2012  
Before me:

}  
Signature of deponent

  
\_\_\_\_\_  
Signature of witness

[Name and qualification of witness]

IN THE FEDERAL COURT OF AUSTRALIA (FCA)  
NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
FAIR WORK DIVISION  
No: NSD580/2012

**NOTICE OF FILING**

This document was filed electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on  
18/06/2012.

**DETAILS OF FILING**

Document Lodged: Affidavit - Form S9 - Rule 29.02(1)  
File Number: NSD580/2012  
File Title: James Hunter Ashby v Commonwealth of Australia & Anor  
District Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



\* Dated: 18/06/2012

*Registered 18/06/2012 Soden*

**Note**

This Notice forms part of the document and contains information that might otherwise appear elsewhere in the document. The Notice must be included in the document served on each party to the proceeding.

## FEDERAL COURT OF AUSTRALIA

EXHIBIT / M<sup>1</sup> NO. C1

23/7/12

JUDGE: Rose

DATE:

Abby v Cm & Anor

FILE NO. 580 OF 2012

RETURN TO: R7

(party) non-party, if produced on subpoena)

ASSOCIATE: Abby Burke

in a way to harass or annoy, cause delay or detriment, and for the wrongful purpose already mentioned.

7. In summary, the Commonwealth relies on the following matters in support of its applications:

- a) The application, as originally filed, included a number of allegations against the second respondent which were widely publicised by the applicant but which were abandoned before the first directions hearing. The allegations in paragraphs 5 to 9 of the originating application were not supported by any sworn, admissible evidence yet made available by the applicant.
- b) The applicant is either unwilling or unable to particularise any loss or damage suffered as a consequence of any alleged conduct of the second respondent, notwithstanding that in his original application he claimed to be suffering an illness as a consequence of the actions of the second respondent, and that he continues to allege that this conduct has caused him anxiety and stress including physical symptoms.
- c) The applicant did not take appropriate alternatives to litigation encouraged by the *Civil Disputes Resolution Act 2011* which had the potential to resolve any concerns he had about the conduct of Mr Slipper, but without publicity and the associated damage to Mr Slipper's reputation.
- d) The proceedings were brought against a background of conduct by the applicant which demonstrated a clear desire to hurt Mr Slipper's reputation. This conduct included the applicant providing to Mr Slipper's political opponents in the Queensland Liberal National Party (specifically Mark McArdle and Mal Brough) material which he believed would harm Mr Slipper. The material he supplied to them including text messages and confidential diary information.
- e) During his employment, and without the knowledge of the respondents, the applicant provided confidential information concerning Mr Slipper to Steve Lewis, a journalist with News Ltd. The apparent purpose in providing that information to Mr Lewis was to assist Mr Lewis's inquiries into matters likely to harm Mr Slipper's reputation. The information included extracts from Mr Slipper's private diary and text messages. On 4 April 2012 Mr Ashby agreed with Mr Lewis that they would "get" Mr Slipper.
- f) In addition to bringing the proceedings to harm Mr Slipper and assist his political opponents, the material referred to in the body of this affidavit shows that the applicant brought these proceedings for the subsidiary, but also illegitimate, purpose of pursuing collateral benefits for himself and Karen Doane, in the form of employment with Queensland State Ministers who will look favourably on them for having brought proceedings against Mr Slipper and who helped them in damaging Mr Slipper's reputation.
- g) The action against the Commonwealth is brought for the purposes of facilitating proceedings against Mr Slipper which are designed to damage Mr Slipper's reputation.

*Entire Affidavit*

FEDERAL COURT OF AUSTRALIA  
EXHIBIT / FILE NO. C2

JUDGE: Ross J DATE: 23/7/12

Ashby v Cth & Anor

FILE NO. 580 OF 2012

RETURN TO: First Respondent

(party / non-party, if produced on subpoena)

ASSOCIATE: Abbey Burke

Form 59  
Rule 29.02(1)

### Affidavit

No. NSD 580 of 2012

Federal Court of Australia

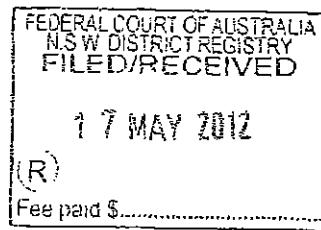
District Registry: New South Wales

Division: Fair Work

**James Hunter Ashby**  
Applicant

**Commonwealth of Australia**  
First Respondent

**Peter Slipper**  
Second Respondent



Affidavit of: **MICHAEL DANIEL HARMER**

Address: Level 28, St Martins Tower, 31 Market Street, Sydney, NSW

Occupation: Solicitor

Date: 17 May 2012

I, Michael Daniel Harmer, of Level 28, St Martins Tower, 31 Market Street, Sydney in the State of New South Wales, affirm:

1. I am the solicitor for the applicant.

Filed on behalf of James Ashby, Applicant  
**HARMERS WORKPLACE LAWYERS**

Address for service:  
Level 28, St Martins Tower  
31 Market Street  
SYDNEY NSW 2000

Michael Daniel Harmer

Tel: 02 9267 4322,  
Fax: 02 9264 4295,  
Email: michael.harmer@harmers.com.au

- [REDACTED]
4. After counsel was briefed in relation to this matter (and without disclosing the substance of any advice from counsel) I considered that the just resolution of this dispute as quickly, inexpensively and efficiently as possible would be assisted by the issues being defined by way of pleadings and for the issues to be refined and narrowed.
- [REDACTED]

Sworn by the deponent  
at Sydney  
in New South Wales  
on 17 May 2012

) *Am - Pham*  
])  
]) Signature of deponent  
])

Name of witness: Kit Woon Yap



Address of witness: Level 28, St Martins Tower, 31 Market St, SYDNEY NSW 2000

Capacity of witness: Solicitor

# HARMERS

Workplace Lawyers

- Change Management
- Industrial Relations
- Employment
- Occupational Health & Safety
- Human Rights & Equal Opportunity
- Legal Risk Management

Our ref: MDH:GKR:BDB:20121209

18 July 2012

Australian Government Solicitor  
50 Blackall St  
BARTON ACT 2600

**Attention:** Sarah Wright /  
Catherine Mann

By email: [sarah.wright@ags.gov.au](mailto:sarah.wright@ags.gov.au)  
[catherine.mann@ags.gov.au](mailto:catherine.mann@ags.gov.au)

Maurice Blackburn  
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MELBOURNE VIC 3000

**Attention:** Siobhan Keating  
Josh Bornstein

By email: [skeating@mauriceblackburn.com.au](mailto:skeating@mauriceblackburn.com.au);  
[jbornstein@mauriceblackburn.com.au](mailto:jbornstein@mauriceblackburn.com.au)

Dear Colleagues,

## JAMES ASHBY V COMMONWEALTH OF AUSTRALIA & ANOR (NSD580/2012)

We refer to the particulars at paragraphs 22(a) and 35 of our client's statement of claim and to our repeated references to the fact that we would provide additional particulars of injury and loss and damage at the time of service of opinion evidence. We now enclose, by way of service, the report of Clinical Associate Professor Phillips dated 16 July 2012, which our client will rely upon at the hearing.

We also provide particulars as follows.

### Paragraph 22(a)

#### *Particulars*

*Particulars will be provided at the time of service of opinion evidence. The applicant suffered the following physical symptoms: (i) blood in his urine; (ii) nausea; (iii) abdominal pain; and (iv) diarrhoea. The applicant also suffered an injury being an adjustment disorder with mixed features of anxiety and depressed mood DM IV TR 309.28 (chronic type).*

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**Paragraph 35***Particulars*

*Offence, humiliation, distress, anxiety and stress (including physical symptoms consisting of: (i) blood in his urine; (ii) nausea; (iii) abdominal pain; and (iv) diarrhoea); dislocation to life; further particulars will be provided at the time of the service of opinion evidence., an adjustment disorder with mixed features of anxiety and depressed mood DM IV TR 309.28 (chronic type) and associated medical expenses.*

We also draw to your attention paragraphs 67 to 70 of the report of Clinical Associate Professor Phillips and note that in his opinion the applicant requires between 30-40 psychotherapy sessions to treat his disorder and that such sessions may cost \$315 per session. At trial, updated evidence will be provided as to likely duration and costs of ongoing treatment.

Yours faithfully  
**HARMERS WORKPLACE LAWYERS**

*m. Harmer*

**Michael Harmer**

**Karen Jones**

Encl

**FEDERAL COURT OF AUSTRALIA**  
**EXHIBIT / MEL NO. 63 CS**

JUDGE: *Rao J* DATE: *23/7/12*

*Ashby v Cth & Anr*

FILE No. *580 of 2012*

RETURN TO: *First Respondent*

(party/non-party, if produced on subpoena)

ASSOCIATE: *Abby Burke*