

NOTICE OF FILING

Details of Filing

Document Lodged:	Statement of Agreed Facts
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	20/12/2024 4:20:15 PM AEDT
Date Accepted for Filing:	20/12/2024 4:20:23 PM AEDT
File Number:	NSD189/2024
File Title:	ANTOINETTE LATTOUF v AUSTRALIAN BROADCASTING CORPORATION
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Federal Court of Australia
District Registry: Sydney
Division: Fair Work

No. NSD 189 of 2024

Antoinette Lattouf

Applicant

Australian Broadcasting Corporation

Respondent

AGREED STATEMENT OF FACTS

The Parties

1. Ms Antoinette Lattouf, the Applicant, is a woman of Lebanese and Arab and Middle Eastern descent.
2. The Australian Broadcasting Corporation, the Respondent, is and was at all material times:
 - (a) a body corporate established by the *Broadcasting and Television Act 1942* (Cth) and continued in existence by the *Australian Broadcasting Corporation Act 1983* (Cth);
 - (b) a national system employer within the meaning of s 14 of the FW Act; and
 - (c) an employer within the meaning of s 42 of the FW Act.

Key individuals

3. In December 2023:
 - (a) Mr Christopher Oliver-Taylor was employed by the Respondent in the position of Chief Content Officer;

- (b) Mr Stephen Ahern was employed by the Respondent and was acting in the position of Head of Capital City Networks;
- (c) Ms Elizabeth Green was employed by the Respondent in the position of Content Director, ABC Radio Sydney;
- (d) Ms Ita Buttrose held the office of Chairperson of the Respondent;
- (e) Mr David Anderson was employed by the Respondent in the position of Managing Director;
- (f) Mr Ronald (Mark) Spurway was employed by the Respondent in the position of Acting Manager, ABC Radio Sydney;
- (g) Mr Simon Melkman was employed by the Respondent as Acting Editorial Director; and
- (h) Mr Benjamin Latimer was employed by the Respondent in the position of Head of Audio Content.

Engaging the Applicant to present on Mornings

- 4. On Friday, 17 November 2023, Ms Green and Ms Lattouf had a telephone conversation.¹
- 5. On Friday, 17 November 2023, Ms Green sent an email to Ms Lattouf.²
- 6. On Friday, 17 November 2023, Julia O'Shea, Planning Coordinator ABC Radio Sydney, sent an email to Ms Lattouf, copy Ms Green.³
- 7. On Monday, 20 November 2023, Ms Lattouf sent an email to Ms Green and Ms O'Shea.⁴
- 8. On Friday, 24 November 2023, Aidan Fonternel, former Unit Coordinator ABC Radio Sydney, sent an email to Ms Lattouf.

¹ Affidavit, Green, 14.10.24 at [19]; Affidavit, Lattouf, 09.09.24 at [20].

² Affidavit, Lattouf, 09.09.24, Ann AL-5.

³ Affidavit, Lattouf, 09.09.24, Ann AL-5.

⁴ Affidavit, Lattouf, 09.09.24, Ann AL-5.

9. On Monday, 27 November 2023, Ms Lattouf responded by email to Mr Fonternel writing '*read and agreed thank you*'.⁵
10. The *ABC Enterprise Agreement 2022-2025* covered and applied to the employment of Ms Lattouf in December 2023.

Monday, 18 December 2023

11. On Monday, 18 December 2023, Ms Lattouf presented her first show on *Mornings* from 8.30 am to 11.00 am.⁶
12. At 1.35 pm and 1.36 pm on Monday, 18 December 2023, Mr Anderson sent three emails to Mr Oliver-Taylor, Justin Stevens, Director of News and Mr Melkman.⁷
13. At 1.40 pm on Monday, 18 December 2023, Mr Oliver-Taylor responded by email to Mr Anderson.⁸
14. At 1.49 pm on Monday, 18 December 2023, Mr Oliver-Taylor sent an email to Mr Ahern copy Mr Latimer, Mr Melkman and Sashka Koloff, Editorial Standards and Compliance Manager.⁹
15. At 1.51 pm on Monday, 18 December 2023, Mr Ahern responded by email to Mr Oliver-Taylor.¹⁰
16. At 1.52 pm on Monday, 18 December 2023, Mr Ahern sent an email to Ms Green and Mr Spurway forwarding the email he had received from Mr Oliver-Taylor at 1.49 pm.¹¹
17. At 1.55 pm on Monday, 18 December 2023, Ms Koloff sent an email to Mr Oliver-Taylor.¹²

⁵ Affidavit, Vagg, 11.10.24, Ann MV-3.

⁶ Affidavit, Green, 14.10.24, at [32] and Ex EG-01 at Tab 4.

⁷ Affidavit, Oliver-Taylor, 11.10.24 at [18] and Ex COT-01 at Tabs 1, 2 and 3; Affidavit, Anderson, 14.10.24 at [34] and Ex DA-01 at Tabs 1, 2 and 3. Affidavit, Melkman, 14.10.24 at [34] and Ex SM-01 at Tab 3.

⁸ Affidavit, Oliver-Taylor, 11.10.24 at [21] and Ex COT-01 at Tab 4; Affidavit, Anderson, 14.10.24 at [38] and Ex DA-01 at Tab 4.

⁹ Affidavit, Oliver-Taylor, 11.10.24 at [22] and Ex COT-01 at Tab 5; Affidavit, Ahern, 14.10.24 at [32] and Ex SA-01 at Tab 1; Affidavit, Melkman, 14.10.24 at [36] and Ex SM-01 at Tab 4; Affidavit, Latimer, 14.10.2024 at [15(a)] and Ex BL-01 at Tab 1-a.

¹⁰ Affidavit, Ahern, 14.10.24 at [33] and Ex SA-01 at Tab 2; Affidavit, Oliver-Taylor, 11.10.24 at [23] and Ex COT-01 at Tab 6; Affidavit, Latimer, 14.10.2024 at [15(b)] and Ex BL-01 at Tab 1-b.

¹¹ Affidavit, Ahern, 14.10.24 at [34] and Ex SA-01 at Tab 3; Affidavit, Green, 14.10.24 at [33] and Ex EG-01 at Tab 4.

¹² Affidavit, Oliver-Taylor, 11.10.24 at [24] and Ex COT-01 at Tab 7; Affidavit, Ahern, 14.10.24 at [35] and Ex SA-01 at Tab 4. Affidavit, Melkman, 14.10.24 at [36]; Affidavit, Latimer, 14.10.2024 Ex BL-01 at Tab 1-b.

18. At 1.57 pm on Monday, 18 December 2023, Mr Oliver-Taylor forwarded to Mr Ahern, Ms Koloff, Mr Melkman and Mr Latimer, as attachments, the three emails from Mr Anderson.¹³
19. At 2.06 pm on Monday, 18 December 2023, Ms Green sent an email to Mr Ahern.¹⁴
20. At 2.53 pm on Monday, 18 December 2023, Mr Melkman sent an email to Mr Oliver-Taylor, Mr Ahern and Ms Koloff.¹⁵
21. At 3.32 pm on Monday, 18 December 2023, Mr Ahern sent an email to Mr Oliver-Taylor.¹⁶
22. At 3.43 pm on Monday, 18 December 2023, Ms Koloff sent an email to Mr Oliver-Taylor.¹⁷
23. At or around 3:30pm, on Monday, 18 December 2023, Ms Lattouf and Ms Green had a telephone conversation.¹⁸
24. At 3.45 pm on Monday, 18 December 2023, Mr Ahern sent an email to Mr Melkman, Mr Oliver-Taylor, Ms Koloff and Mr Latimer.¹⁹
25. At 3.48 pm on Monday, 18 December 2023, Mr Melkman sent an email to Mr Ahern, Mr Oliver-Taylor, Ms Koloff and Mr Latimer.²⁰
26. At 3.50 pm on Monday, 18 December 2023, Ms O'Shea sent an email to Ms Green attaching Ms Lattouf's employment contract.²¹

¹³ Affidavit, Oliver-Taylor, 11.10.24 at [25] and Ex COT-01 at Tab 8; Affidavit, Ahern, 14.10.24 at [36] and Ex SA-01 at Tab 5.

¹⁴ Affidavit, Green, 14.10.24 at [35(g)] and Ex EG-01 at Tab 6; Affidavit, Ahern, 14.10.24 at [39(f)] and Ex SA-01 at Tab 6.

¹⁵ Affidavit, Melkman, 14.10.24 at [39] and Ex SM-01 at Tab 5; Affidavit, Ahern, 14.10.24 at [50] and Ex SA-01 at Tab 7; Affidavit, Oliver-Taylor, 11.10.24 at [26] and Ex COT-01 at Tab 9; Affidavit, Latimer, 14.10.2024 at [15(b)] and Ex BL-01 at Tab 1-b.

¹⁶ Affidavit, Ahern, 14.10.24 at [51] and Ex SA-01 at Tab 8; Affidavit, Oliver-Taylor, 11.10.24 at [27] and Ex COT-01 at Tab 10; Affidavit, Melkman, 14.10.24 at [40] and Ex SM-01 at Tab 6; Affidavit, Latimer, 14.10.2024 at [15(c)] and Ex BL-01 at Tab 1-c.

¹⁷ Affidavit, Oliver-Taylor, 11.10.24 at [28] and Ex COT-01 at Tab 11; Ahern; Affidavit, Latimer, 14.10.2024 at [15(d)] and Ex BL-01 at Tab 1-d.

¹⁸ Affidavit, Green, 14.10.24 at [48]; Affidavit, Lattouf, 09.09.24 at [27].

¹⁹ Affidavit, Ahern, 14.10.24 at [52] and Ex SA-01 at Tab 9; Affidavit, Melkman, 14.10.24 at [41] and SM-01 at Tab 7; Affidavit, Oliver-Taylor, 11.10.24 at [29] and Ex COT-01 at Tab 12; Affidavit, Latimer, 14.10.2024 at [15(e)].

²⁰ Affidavit, Melkman, 14.10.24 at [42] and Ex SM-01 at Tab 8; Affidavit, Oliver-Taylor, 11.10.24 at [30] and Ex COT-01 at Tab 13; Affidavit, Latimer, 14.10.2024 at [15(f)] and Ex BL-01 at Tab 1-f.

²¹ Affidavit, Green, 14.10.24 at [53] and Ex EG-01 at Tab 9.

27. At 3.54 pm on Monday, 18 December 2023, Mr Oliver-Taylor sent an email to Mr Ahern, Mr Melkman, Ms Koloff and Mr Latimer, in response to Mr Melkman's email at 3.48 pm and Mr Ahern's email at 3.45 pm.²²
28. At 4.07 pm on Monday, 18 December 2023, Mr Oliver-Taylor sent an email to Mr Anderson.²³
29. Also at 4.07 pm on Monday, 18 December 2023, Mr Oliver-Taylor forwarded the email that he sent to Mr Anderson, to Mr Ahern, Ms Koloff, Mr Melkman and Mr Latimer.²⁴
30. At 5.30 pm on Monday, 18 December 2023, Mr Anderson received an email from his office notifying him that the emails relating to Ms Lattouf had been moved into a separate 'campaign folder'.²⁵
31. Between 8.44 pm and 9.26 pm on Monday, 18 December 2023, Mr Oliver-Taylor and Mr Anderson exchanged a series of text messages.²⁶
32. At 8.51 pm on Monday, 18 December 2023, Mr Oliver-Taylor sent an email to Mr Ahern, Mr Latimer and Mr Melkman attaching the screenshot received from Mr Anderson at 8.48 pm.²⁷
33. At 8.57 pm on Monday, 18 December 2023, Mr Ahern sent an email to Mr Oliver-Taylor, Mr Latimer and Mr Melkman.²⁸
34. At 9.01 pm on Monday, 18 December 2023, Mr Oliver-Taylor sent an email to Mr Ahern, Mr Latimer and Mr Melkman.²⁹
35. At 9.15 pm on Monday, 18 December 2023, Mr Ahern sent an email to Mr Oliver-Taylor, Mr Latimer and Mr Melkman.³⁰
36. At 9.49 pm on Monday, 18 December 2023, Ms Lattouf sent an email to Ms Green.³¹

²² Affidavit, Oliver-Taylor, 11.10.24 at [31] and Ex COT-01 at Tab 14.

²³ Affidavit, Oliver-Taylor, 11.10.24 at [32] and Ex COT-01 at Tab 15; Affidavit, Anderson, 14.10.24 at [40] and Ex DA-01 at Tab 5.

²⁴ Affidavit, Oliver-Taylor, 11.10.24 at [34] and Ex COT-01 at Tab 16; Affidavit, Ahern, 14.10.24 at [54] and Ex SA-01 at Tab 11; Affidavit, Latimer, 14.10.2024 at [15(h)] and Ex BL-01 at Tab 1-h.

²⁵ Affidavit, Anderson, 14.10.24 at [42].

²⁶ Affidavit, Oliver-Taylor, 11.10.24 at [35] and Ex COT-01 at Tab 17; Affidavit, Anderson, 14.10.24 at [48] and Ex DA-01 at Tab 6.

²⁷ Affidavit, Oliver-Taylor, 11.10.24 at [39] and Ex COT-01 at Tab 18; Affidavit, Ahern, 14.10.24 at [55] and Ex SA-01 at Tab 12; Affidavit, Latimer, 14.10.2024 at [27] and Ex BL-01 at Tab 1-i; Affidavit, Melkman, 14.10.24 at [45].

²⁹ Affidavit, Oliver-Taylor, 11.10.24 at [43] and Ex COT-01 at Tab 20; Affidavit, Ahern, 14.10.24 at [59] and Ex SA-01 at Tab 14; Affidavit, Latimer, 14.10.2024 at [15(j)] and Ex BL-01 at Tab 1k.

³⁰ Affidavit, Ahern, 14.10.24 at [60] and Ex SA-01 at Tab 15; Affidavit, Oliver-Taylor, 11.10.24 at [47] and Ex COT-01 at Tab 21; Affidavit, Latimer, 14.10.2024 at [15(j)] and Ex BL-01 at Tab 1-l.

³¹ Affidavit, Lattouf, 09.09.24 at [28] and Ann AL-07; Affidavit, Green, 14.10.24 at [54].

37. At 10.12 pm on Monday, 18 December 2023, Ms Green sent an email to Mr Ahern and Mr Spurway forwarding the email she had received from Ms Lattouf at 9.49 pm that night.³²
38. At 10.30 pm on Monday, 18 December 2023, Mr Ahern sent an email to Ms Green and Mr Spurway attaching the screenshot of Ms Lattouf's social media activity that Mr Ahern had received from Mr Oliver-Taylor at 8.51 pm that night.³³
39. At 11.00 pm on Monday, 18 December 2023, Mr Melkman sent an email to Mr Oliver-Taylor, Mr Latimer and Mr Ahern.³⁴
40. At 11.03 pm on Monday, 18 December 2023, Mr Oliver-Taylor sent an email to Mr Melkman, Mr Ahern and Mr Latimer.³⁵

Tuesday, 19 December 2023

41. At 6.48 am on Tuesday, 19 December 2023, Mr Ahern sent an email to Mr Oliver-Taylor, Mr Latimer and Mr Melkman.³⁶
42. At 6.51 am on Tuesday, 19 December 2023, Mr Ahern sent an email to Ms Green.³⁷
43. At 6.53 am on Tuesday, 19 December 2023, Mr Latimer sent an email to Mr Ahern, Mr Melkman and Mr Oliver-Taylor regarding setting up a meeting later that morning.³⁸
44. At 7.07 am on Tuesday, 19 December 2023, Mr Ahern sent an email to Mr Latimer, Mr Oliver-Taylor, Mr Melkman and Sara-Jane King, Executive Assistant, regarding setting up a meeting later that morning.³⁹
45. Between 8.30 am and 11.00 am on Tuesday, 19 December 2023, Ms Lattouf presented her second radio program that week on *Mornings*.⁴⁰

³² Affidavit, Green, 14.10.24 at [55] and Ex EG-01 at Tab 10; Affidavit, Ahern, 14.10.24 at [61] and Ex SA-01 at Tab 16.

³³ Affidavit, Ahern, 14.10.24 at [62] and Ex SA-01 at Tab 17; Affidavit, Green, 14.10.24 at [56] and Ex EG-01 at Tab 11.

³⁴ Affidavit, Melkman, 14.10.24 at [47] and Ex SM-01 at Tab 13; Affidavit, Oliver-Taylor, 11.10.24 at [49] and Ex COT-01 at Tab 22; Affidavit, Ahern, 14.10.24 at [63] and Ex SA-01 at Tab 18; Affidavit, Latimer, 14.10.2024 at [15(j)] and Ex BL-01 at Tab 1-m.

³⁵ Affidavit, Oliver-Taylor, 11.10.24 at [50] and Ex COT-01 at Tab 23; Affidavit, Melkman, 14.10.24 at [49] and Ex SM-01 at Tab 14; Affidavit, Ahern, 14.10.24 at [64] and Ex SA-01 at Tab 19; Affidavit, Latimer, 14.10.2024 at [15(j)] and Ex BL-01 at Tab 1-n.

³⁶ Affidavit, Ahern, 14.10.24 at [65] and Ex SA-01 at Tab 20; Affidavit, Oliver-Taylor, 11.10.24 at [51] and Ex COT-01 at Tab 24; Affidavit, Latimer, 14.10.2024 at [16] and Ex BL-01 at Tab 2.

³⁷ Affidavit, Ahern, 14.10.24 at [66] and Ex SA-01 at Tab 21; Affidavit, Green, 14.10.24 at [58] and Ex EG-01 at Tab 13.

³⁸ Affidavit, Latimer, 14.10.24 at [16] and Ex BL-01 at Tab 2; Affidavit, Ahern, 14.10.24 at [67] and Ex SA-01 at Tab 22; Affidavit, Melkman, 14.10.24 at [51]; Affidavit, Oliver-Taylor, 11.10.24 at [52] and Ex COT-01 at Tab 25.

³⁹ Affidavit, Ahern, 14.10.24 at [68] and Ex SA-01 at Tab 23.

⁴⁰ Affidavit, Green, 14.10.24 at [57] and Ex EG-01 at Tab 12; Affidavit, Ahern, 14.10.24 at [69].

46. At 9.02 am, 9.03 am and 9.04 am on Tuesday, 19 December 2023, Mr Ahern and Mr Melkman sent emails to each other and Mr Latimer regarding setting up a meeting that morning.⁴¹
47. At 9.06 am on Tuesday, 19 December 2023, Mr Ahern and Mr Latimer sent emails to each other regarding setting up a meeting.⁴²
48. At 11.10 am on Tuesday, 19 December 2023, Ms Lattouf sent a text message to Ms Green.⁴³
49. At 11.10 am on Tuesday, 19 December 2023, Mr Melkman sent an email to Mr Ahern, Mr Latimer and Mr Oliver-Taylor.⁴⁴
50. At 11.15 am on Tuesday, 19 December 2023, Mr Oliver-Taylor sent an email to Mr Ahern, Mr Melkman and Mr Latimer.⁴⁵
51. At 11.19 am on Tuesday, 19 December 2023, Mr Oliver-Taylor sent an email to Mr Anderson, Mr Melkman and Mr Latimer.⁴⁶
52. On Tuesday, 19 December 2023, Ms Lattouf and Ms Green had a conversation (**Tuesday Conversation**).⁴⁷
53. At 1.16 pm on Tuesday, 19 December 2023, Mr Ahern sent an email to Mr Latimer, Mr Melkman and Mr Oliver-Taylor.⁴⁸
54. At 1.20 pm on Tuesday, 19 December 2023, Mr Ahern sent an email to Ms Green and Mr Spurway.⁴⁹
55. At 1.21 pm on Tuesday, 19 December 2023, Ms Green sent an email to Mr Ahern and Mr Spurway.⁵⁰

⁴¹ Affidavit, Ahern, 14.10.24 at [70] and Ex SA-01 at Tab 24.

⁴² Affidavit, Ahern, 14.10.24 at [71] and Ex SA-01 at Tab 25.

⁴³ Affidavit, Green, 14.10.24 at [59] and Ex EG-01 at Tab 14.

⁴⁴ Affidavit, Melkman, 14.10.24 at [60] and Ex SM-01 at Tab 18; Affidavit, Latimer, 14.10.24 at [17] and Ex BL-01 at Tab 3; Affidavit, Oliver-Taylor, 11.10.24 at [54] and Ex COT-01 at Tab 27; Affidavit, Ahern, 14.10.24 at [73] and Ex SA-01 at Tab 26.

⁴⁵ Affidavit, Oliver-Taylor, 11.10.24 at [56] and Ex COT-01 at Tab 28; Affidavit, Ahern, 14.10.24 at [76] and Ex SA-01 at Tab 27. Affidavit, Melkman, 14.10.24 at [63] and Ex SM-01 at Tab 19; Affidavit, Latimer, 14.10.24 at [18].

⁴⁶ Affidavit, Oliver-Taylor, 11.10.24 at [58] and Ex COT-01 at Tab 29; Affidavit, Anderson, 14.10.24 at [57] and Ex DA-01 at Tab 7; Affidavit, Latimer, 14.10.24 at [23] and Ex BL-01 at Tab 4; Affidavit, Melkman, 14.10.24 at [64] and Ex SM-01 at Tab 20.

⁴⁷ Affidavit, Green, 14.10.24 at [61].

⁴⁸ Affidavit, Ahern, 14.10.24 at [77] and Ex SA-01 at Tab 28; Affidavit, Oliver-Taylor, 11.10.24 at [59] and Ex COT-01 at Tab 30; Affidavit, Melkman, 14.10.24 at [65] and Ex SM-01 at Tab 21; Affidavit, Latimer, 14.10.24 at [24] and Ex BL-01 at Tab 5.

⁴⁹ Affidavit, Green, 14.10.24 at [62] and Ex EG-01 at Tab 16; Affidavit, Ahern, 14.10.24 at [78] and Ex SA-01 at Tab 29.

⁵⁰ Affidavit, Green, 14.10.24 at [62] and Ex EG-01 at Tab 16; Affidavit, Ahern, 14.10.24 at [79] and Ex SA-01 at Tab 30.

56. At 1.22 pm on Tuesday, 19 December 2023, Mr Ahern sent an email to Ms Green and Mr Spurway.⁵¹
57. At 1.23 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor sent an email to Mr Ahern, Mr Melkman and Mr Latimer replying to Mr Ahern's email from 1.16 pm.⁵²
58. Also at 1.23 pm on Tuesday, 19 December 2023, Mr Ahern replied to Mr Oliver-Taylor's email.⁵³
59. At 1.43 pm on Tuesday, 19 December 2023, Ms Green sent an email to Mr Ahern and Mr Spurway.⁵⁴
60. At 1.47 pm on Tuesday, 19 December 2023, Mr Ahern sent an email to Mr Latimer with the content of the email that Mr Ahern had received from Ms Green at 1.43 pm.⁵⁵
61. At 1.48 pm on Tuesday, 19 December 2023, Mr Latimer replied to Mr Ahern's email from 1.47 pm.⁵⁶
62. At 3.04 pm on Tuesday, 19 December 2023, Mr Ahern sent an email to Mr Latimer regarding Ms Lattouf's employment history.⁵⁷
63. At 3.28 pm on Tuesday, 19 December 2023, Lauren Stokes, Executive Assistant to the Chair, sent an email to Mr Oliver-Taylor.⁵⁸
64. At 3.45 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor forwarded the email he received from Ms Stokes at 3.28 pm to Mr Melkman and Mr Latimer.⁵⁹
65. At 3.57 pm on Tuesday, 19 December 2023, Mr Melkman sent an email in reply to Mr Oliver-Taylor and Mr Latimer.⁶⁰

⁵¹ Affidavit, Green, 14.10.24 at [62] and Ex EG-01 at Tab 16; Affidavit, Ahern, 14.10.24 at [80] and Ex SA-01 at Tab 31.
⁵² Affidavit, Oliver-Taylor, 11.10.24 at [61] and Ex COT-01 at Tab 31; Affidavit, Ahern, 14.10.24 at [81] and Ex SA-01 at Tab 32.
⁵³ Affidavit, Ahern, 14.10.24 at [82] and Ex SA-01 at Tab 33.
⁵⁴ Affidavit, Green, 14.10.24 at [63] and Ex EG-01 at Tab 17; Affidavit, Ahern, 14.10.24 at [83] and Ex SA-01 at Tab 34.
⁵⁵ Affidavit, Ahern, 14.10.24 at [84] and Ex SA-01 at Tab 35.
⁵⁶ Affidavit, Ahern, 14.10.24 at [85] and Ex SA-01 at Tab 36.
⁵⁷ Affidavit, Ahern, 14.10.24 at [86] and Ex SA-01 at Tab 37.
⁵⁸ Affidavit, Oliver-Taylor, 11.10.24 at [62] and Ex COT-01 at Tab 32; Affidavit, Buttrose, 14.10.24 at [23] and Ex IB-01 at Tab 2.
⁵⁹ Affidavit, Oliver-Taylor, 11.10.24 at [64] and Ex COT-01 at Tab 33; Affidavit, Melkman, 14.10.24 at [67] and Ex SM-01 at Tab 22; Affidavit, Latimer, 14.10.24 at [25] and Ex BL-01 at Tab 6.
⁶⁰ Affidavit, Melkman, 14.10.24 at [69] and Ex SM-01 at Tab 23; Affidavit, Oliver-Taylor, 11.10.24 at [65] and Ex COT-01 at Tab 34; Affidavit, Latimer, 14.10.24 at [25] and Ex BL-01 at Tab 6.

66. At 4.01 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor sent an email to Mr Melkman.⁶¹
67. At 4.49 pm on Tuesday, 19 December 2023, Mr Melkman sent an email to Mr Oliver-Taylor and Mr Latimer.⁶²
68. At 4.50 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor sent an email to Mr Melkman and Mr Latimer acknowledging Mr Melkman's email received at 4.49 pm.⁶³
69. At 6.19 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor sent an email to Mr Anderson and Mr Melkman.⁶⁴
70. At 8.49 pm on Tuesday, 19 December 2023, Ms Buttrose sent an email to Mr Anderson.⁶⁵
71. At 9.07 pm on Tuesday, 19 December 2023, Mr Anderson sent an email to Mr Oliver-Taylor.⁶⁶
72. At 9.08 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor responded to Mr Anderson.⁶⁷
73. At 9.27 pm on Tuesday, 19 December 2023, Mr Anderson sent an email to Ms Buttrose in response to the email he had received from Ms Buttrose at 8.49 pm.⁶⁸
74. Also at 9.27 pm on Tuesday, 19 December 2023, Mr Anderson sent an email to Mr Oliver-Taylor.⁶⁹
75. At 9.29 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor responded to Mr Anderson.⁷⁰

⁶¹ Affidavit, Oliver-Taylor, 11.10.24 at [67] and Ex COT-01 at Tab 35; Affidavit, Melkman, 14.10.24 at [70] and Ex SM-01 at Tab 24.

⁶² Affidavit, Melkman, 14.10.24 at [72] and Ex SM-01 at Tab 26; Affidavit, Oliver-Taylor, 11.10.24 at [70] and Ex COT-01 at Tab 36; Affidavit, Latimer, 14.10.24 at [25] and Ex BL-01 at Tab 6.

⁶³ Affidavit, Oliver-Taylor, 11.10.24 at [71] and Ex COT-01 at Tab 37; Affidavit, Melkman, 14.10.24 at [74] and Ex SM-01 at Tab 27; Affidavit, Latimer, 14.10.24 at [25] and Ex BL-01 at Tab 6.

⁶⁴ Affidavit, Oliver-Taylor, 11.10.24 at [72] and Ex COT-01 at Tab 38; Affidavit, Anderson, 14.10.24 at [64] and Ex DA-01 at Tab 8; Affidavit, Melkman, 14.10.24 at [75] and Ex SM-01 at Tab 28.

⁶⁵ Affidavit, Buttrose, 14.10.24 at [25] and Ex IB-01 at Tab 3; Affidavit, Anderson, 14.10.24 at [65] and Ex DA-01 at Tab 9.

⁶⁶ Affidavit, Anderson, 14.10.24 at [66] and Ex DA-01 at Tab 10; Affidavit, Oliver-Taylor, 11.10.24 at [73] and Ex COT-01 at Tab 39.

⁶⁷ Affidavit, Oliver-Taylor, 11.10.24 at [76] and Ex COT-01 at Tab 40; Affidavit, Anderson, 14.10.24 at [68] and Ex DA-01 at Tab 11.

⁶⁸ Affidavit, Anderson, 14.10.24 at [69] and Ex DA-01 at Tab 12; Affidavit, Buttrose, 14.10.24 at [27] and Ex IB-01 at Tab 3.

⁶⁹ Affidavit, Anderson, 14.10.24 at [71] and Ex DA-01 at Tab 13; Affidavit, Oliver-Taylor, 11.10.24 at [77] and Ex COT-01 at Tab 41.

⁷⁰ Affidavit, Oliver-Taylor, 11.10.24 at [79] and Ex COT-01 at Tab 42; Affidavit, Anderson, 14.10.24 at [72] and DA-01 at Tab 14.

76. At 9.34 pm on Tuesday, 19 December 2023, Emma Burnett, Executive Assistant at the Managing Director’s Office, sent an email to Mr Oliver-Taylor.⁷¹
77. At 9.35 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor responded to Ms Burnett.⁷²
78. At 10.00 pm on Tuesday, 19 December 2023, Ms Buttrose responded to Mr Anderson’s email to her at 9.27 pm.⁷³
79. At 10.10 pm on Tuesday, 19 December 2023, Mr Anderson sent an email to Mr Oliver-Taylor.⁷⁴
80. At 10.12 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor responded to Mr Anderson.⁷⁵
81. At 10.42 pm on Tuesday, 19 December 2023, Mr Anderson responded to Mr Oliver-Taylor.⁷⁶
82. At 10.45 pm on Tuesday, 19 December 2023, Mr Oliver-Taylor responded to Mr Anderson.⁷⁷
83. At some time on Tuesday, 19 December 2023 Ms Lattouf posted on social media a series of Instagram stories. Amongst other things, Ms Lattouf reposted a report from *Human Rights Watch* as a story on her Instagram account and added additional text reading “*HRW reporting starvation as a tool of war*”.
84. On a number of occasions between 18 and 20 December 2023, the ABC reported on Human Rights Watch’s claims that Israel was “weaponising starvation in Gaza”, including as follows:
- (a) ABC Online story: <https://www.abc.net.au/news/2023-12-18/israel-hostages-made-sos-signs-as-military-reveals-hamas-tunnel/103240278>;

⁷¹ Affidavit, Oliver-Taylor, 11.10.24 at [80] and Ex COT-01 at Tab 43.

⁷² Affidavit, Oliver-Taylor, 11.10.24 at [81] and Ex COT-01 at Tab 44.

⁷³ Affidavit, Buttrose, 14.10.24 at [30] and Ex IB-01 at Tab 3; Affidavit, Anderson, 14.10.24 at [73] and Ex DA-01 at Tab 15.

⁷⁴ Affidavit, Anderson, 14.10.24 at [76] and Ex DA-01 at Tab 16; Affidavit, Oliver-Taylor, 11.10.24 at [82] and Ex COT-01 at Tab 45.

⁷⁵ Affidavit, Oliver-Taylor, 11.10.24 at [84] and Ex COT-01 at Tab 46; Affidavit, Anderson, 14.10.24 at [77] and Ex DA-01 at Tab 17.

⁷⁶ Affidavit, Anderson, 14.10.24 at [78] and Ex DA-01 at Tab 18; Affidavit, Oliver-Taylor, 11.10.24 at [85] and Ex COT-01 at Tab 47.

⁷⁷ Affidavit, Oliver-Taylor, 11.10.24 at [86] and Ex COT-01 at Tab 48; Affidavit, Anderson, 14.10.24 at [80] and Ex DA-01 at Tab 19.

- (b) Video: <https://www.abc.net.au/news/2023-12-20/human-rights-watch-accuses-israel-of-weaponising-starvation/103249098>;
- (c) ABC News Breakfast interview on 20 December 2023 with Omar Shakir from Human Rights Watch.

Wednesday, 20 December 2023

85. Between 8.30 am and 11.00 am on Wednesday, 20 December 2023, Ms Lattouf presented her third radio program that week on *Mornings*.⁷⁸
86. At 10.58 am on Wednesday, 20 December 2023, Mr Anderson sent an email to Ms Buttrose responding to Ms Buttrose's email from 9.59 pm on Tuesday, 19 December 2023.⁷⁹
87. At 11.00 am on Wednesday, 20 December 2023, Ms Buttrose sent an email to Mr Anderson in response to his email at 10.58 am.⁸⁰
88. Between 11.04 am and 11.31 am on Wednesday, 20 December 2023, Ms Buttrose sent a series of emails.⁸¹
89. At 11.07 am on Wednesday, 20 December 2023, Mr Anderson sent an email to Mr Oliver-Taylor.⁸²
90. At 11.13 am on Wednesday, 20 December 2023, Ms Buttrose sent an email to Mr Oliver-Taylor.⁸³
91. At 11.14 am on Wednesday, 20 December 2023, Mr Oliver-Taylor sent an email to Mr Anderson responding to Mr Anderson's email at 11.07 am.⁸⁴
92. At 11.15 am on Wednesday, 20 December 2023, Mr Oliver-Taylor sent an email to Ms Buttrose responding to Ms Buttrose's email at 11.13 am.⁸⁵

⁷⁸ Affidavit, Green, 14.10.24 at [87].

⁷⁹ Affidavit, Anderson, 14.10.24 at [82] and Ex DA-01 at Tab 20; Affidavit, Buttrose, 14.10.24 at [32] and Ex IB-01 at Tab 3.

⁸⁰ Affidavit, Buttrose, 14.10.24 at [34] and Ex IB-01 at Tab 3; Affidavit, Anderson, 14.10.24 at [83] and Ex DA-01 at Tab 21.

⁸¹ Affidavit, Buttrose, 14.10.24 at [37].

⁸² Affidavit, Anderson, 14.10.24 at [84] and Ex DA-01 at Tab 22; Affidavit, Oliver-Taylor, 11.10.24 at [87] and Ex COT-01 at Tab 49.

⁸³ Affidavit, Buttrose, 14.10.24 at [38(a)] and Ex IB-01 at Tab 4; Affidavit, Oliver-Taylor, 11.10.24 at [89(a)] and Ex COT-01 at Tab 51.

⁸⁴ Affidavit, Oliver-Taylor, 11.10.24 at [88] and Ex COT-01 at Tab 50; Affidavit, Anderson, 14.10.24 at [85] and Ex DA-01 at Tab 23.

⁸⁵ Affidavit, Oliver-Taylor, 11.10.24 at [89(a)] and Ex COT-01 at Tab 52; Affidavit, Buttrose, 14.10.24 at [38(a)] and Ex IB-01 at Tab 5.

93. At 11.19 am on Wednesday, 20 December 2023, Ms Buttrose sent an email to Mr Oliver-Taylor.⁸⁶
94. At 11.24 am on Wednesday, 20 December 2023, Mr Oliver-Taylor sent an email to Ms Buttrose responding to Ms Buttrose's email at 11.19 am.⁸⁷
95. Also at 11.24 am on Wednesday, 20 December 2023, Ms Buttrose sent an email to Mr Oliver-Taylor.⁸⁸
96. Also at 11.24 am on Wednesday, 20 December 2023, Sophie Elsworth, Media Writer at *The Australian*, sent an email to Nick Leys, ABC Head of Communications, and Sally Jackson, ABC Deputy Head of Communications.⁸⁹
97. At 11.25 am on Wednesday, 20 December 2023, Ms Buttrose sent an email to Mr Oliver-Taylor responding to Mr Oliver-Taylor's email at 11.24 am.⁹⁰
98. At 11.26 am on Wednesday, 20 December 2023, Mr Oliver-Taylor sent an email to Ms Buttrose responding to Ms Buttrose's email at 11.25 am.⁹¹
99. At 11.27 am on Wednesday, 20 December 2023, Ms Buttrose sent an email to Mr Oliver-Taylor.⁹²
100. At or around 11.30 am until at or around 12.00 pm on Wednesday, 20 December 2023, an 'all-station meeting' was held at the ABC Radio Sydney station. Mr Ahern, Ms Green, Ms Lattouf and others attended the all-station meeting.⁹³
101. At 11.31 am on Wednesday, 20 December 2023, Mr Oliver-Taylor sent an email to Mr Ahern.⁹⁴

⁸⁶ Affidavit, Buttrose, 14.10.24 at [38(c)] and Ex IB-01 at Tab 6; Affidavit, Oliver-Taylor, 11.10.24 at [89(c)] and Ex COT-01 at Tab 53.

⁸⁷ Affidavit, Buttrose, 14.10.24 at [38(e)] and Ex IB-01 at Tab 8; Affidavit, Oliver-Taylor, 11.10.24 at [89(e)] and Ex COT-01 at Tab 55.

⁸⁸ Affidavit, Buttrose, 14.10.24 at [38(d)] and Ex IB-01 at Tab 7; Affidavit, Oliver-Taylor, 11.10.24 at [89(d)] and Ex COT-01 at Tab 54.

⁸⁹ Affidavit, Oliver-Taylor, 11.10.24 Ex COT-01 at Tab 65.

⁹⁰ Affidavit, Buttrose, 14.10.24 at [38(f)] and Ex IB-01 at Tab 9; Affidavit, Oliver-Taylor, 11.10.24 at [89(f)] and Ex COT-01 at Tab 56.

⁹¹ Affidavit, Buttrose, 14.10.24 at [38(g)] and Ex IB-01 at Tab 10; Affidavit, Oliver-Taylor, 11.10.24 at [89(g)] and Ex COT-01 at Tab 57.

⁹² Affidavit, Buttrose, 14.10.24 at [38(h)] and Ex IB-01 at Tab 11; Affidavit, Oliver-Taylor, 11.10.24 at [89(h)] and Ex COT-01 at Tab 58.

⁹³ Affidavit, Green, 14.10.24 at [65]; Affidavit, Ahern, 14.10.24 at [90].

⁹⁴ Affidavit, Oliver-Taylor, 11.10.24 at [92] and Ex COT-01 at Tab 60; Affidavit, Ahern, 14.10.24 at [88] and Ex SA-01 at Tab 38.

102. At 11.32 am on Wednesday, 20 December 2023, Ms Buttrose sent an email to Mr Oliver-Taylor.⁹⁵
103. At 11.33 am on Wednesday, 20 December 2023, Mr Ahern sent an email to Mr Oliver-Taylor responding to Mr Oliver-Taylor's email at 11.31 am.⁹⁶
104. At 12.05 pm on Wednesday, 20 December 2023, Ms Koloff sent a text message to Mr Latimer with a screenshot of Ms Lattouf's social media activity from Tuesday, 19 December 2023.⁹⁷
105. At 12.19 pm on Wednesday, 20 December 2023, Mr Latimer sent an email to Mr Ahern, Mr Melkman and Mr Oliver-Taylor.⁹⁸
106. At 12.23 pm on Wednesday, 20 December 2023, Mr Oliver-Taylor sent an email to Mr Latimer, Mr Ahern and Mr Melkman.⁹⁹
107. At 12.29 pm on Wednesday, 20 December 2023 Mr Oliver-Taylor sent a text message to Mr Anderson.¹⁰⁰
108. At 12.42 pm on Wednesday, 20 December 2023 Mr Leys sent an email to Mr Oliver-Taylor forwarding the email he had from Ms Elsworth at 11.24 am.¹⁰¹
109. At 12.43 pm on Wednesday, 20 December 2023 Mr Oliver-Taylor sent an email to Mr Leys responding to the email from Mr Leys at 12.42 pm.¹⁰²
110. At 1.00 pm on Wednesday, 20 December 2023 Mr Oliver-Taylor sent a text message to Mr Anderson.¹⁰³
111. At 1.17 pm on Wednesday, 20 December 2023 Mr Oliver-Taylor sent a text message to Mr Anderson.¹⁰⁴

⁹⁵ Affidavit, Buttrose, 14.10.24 at [38(i)] and Ex IB-01 at Tab 12; Affidavit, Oliver-Taylor, 11.10.24 at [89(i)] and Ex COT-01 at Tab 59.

⁹⁶ Affidavit, Oliver-Taylor, 11.10.24 at [93] and Ex COT-01 at Tab 61; Affidavit, Ahern, 14.10.24 at [89] and Ex SA-01 at Tab 39.

⁹⁷ Affidavit, Latimer, 14.10.24 at [28] and Ex BL-01 at Tab 7.

⁹⁸ Affidavit, Latimer, 14.10.24 at [32] and Ex BL-01 at Tab 8; Affidavit, Ahern, 14.10.24 at [91] and Ex SA-01 at Tab 40; Affidavit, Melkman, 14.10.24 at [76] and Ex SM-01 at Tab 29; Affidavit, Oliver-Taylor, 11.10.24 at [94] and Ex COT-01 at Tab 62.

⁹⁹ Affidavit, Oliver-Taylor, 11.10.24 at [97] and Ex COT-01 at Tab 63; Affidavit, Latimer, 14.10.24 at [33] and Ex BL-01 at Tab 8.

¹⁰⁰ Affidavit, Oliver-Taylor, 11.10.24 at [98] and Ex COT-01 at Tab 64; Affidavit, Anderson, 14.10.24 at [89(a)] and Ex DA-01 at Tab 24.

¹⁰¹ Affidavit, Oliver-Taylor, 11.10.24 at [99] and Ex COT-01 at Tab 65.

¹⁰² Affidavit, Oliver-Taylor, 11.10.24 at [100] and Ex COT-01 at Tab 66.

¹⁰³ Affidavit, Oliver-Taylor, 11.10.24 at [118(a)] and Ex COT-01 at Tab 64; Affidavit, Anderson, 14.10.24 at [89(c)] and Ex DA-01 at Tab 24.

¹⁰⁴ Affidavit, Oliver-Taylor, 11.10.24 at [118(b)] and Ex COT-01 at Tab 64; Affidavit, Anderson, 14.10.24 at [89(e)] and Ex DA-01 at Tab 24.

112. At approximately 1.30 pm, Mr Ahern asked Ms Lattouf to come to Mr Spurway's office.¹⁰⁵ Ms Green and Mr Spurway were present in Mr Spurway's office with Mr Ahern and Ms Lattouf (**Lattouf Meeting**).¹⁰⁶
113. Mr Ahern sent an email to Mr Oliver-Taylor later that day at 2.57 pm in relation to the Lattouf Meeting.¹⁰⁷
114. Immediately after the Lattouf Meeting, Ms Lattouf left the room and went to the *Mornings* production area.¹⁰⁸ Ms Lattouf had a conversation with Yusuke Aso, Producer, and Michaela Morgan, Producer.¹⁰⁹
115. At 1.35 pm on Wednesday, 20 December 2023, Mr Ahern sent a text message to Mr Latimer.¹¹⁰
116. Before Ms Lattouf left the building, Ms Green and Ms Lattouf had a further conversation.¹¹¹
117. At 1.43 pm on Wednesday, 20 December 2023, Mr Oliver-Taylor sent a text message to Mr Anderson.¹¹²
118. At or around 2.39 pm on Wednesday, 20 December 2023, an article with headline '*ABC presenter Antoinette Lattouf sacked after anti-Israel social media posts*' was posted on *theaustralian.com.au* website.¹¹³
119. At or around 2.53 pm on Wednesday, 20 December 2023, Ms Lattouf sent a text message to Ms Green.¹¹⁴
120. At 2.57 pm on Wednesday, 20 December 2023, Mr Ahern sent an email to Mr Oliver-Taylor, Mr Latimer and Mr Melkman.¹¹⁵

¹⁰⁵ Affidavit, Ahern, 14.10.24 at [104]-[105]; Affidavit, Lattouf, 09.09.24 at [37]-[39]; Affidavit, Green, 14.10.24 at [74]; Affidavit, Spurway, 11.10.24 at [18].

¹⁰⁶ Affidavit, Lattouf, 09.09.24 at [39]-[42]; Affidavit, Ahern, 14.10.24 at [104]; Affidavit, Green, 14.10.24 at [74]; Affidavit, Spurway, 11.10.24 at [18]-[20].

¹⁰⁷ Affidavit, Ahern, 14.10.24 at [107] and Ex SA-01 at Tab 44.

¹⁰⁸ Affidavit, Lattouf, 09.09.24 at [43]; Affidavit, Green, 14.10.24 at [76].

¹⁰⁹ Affidavit, Lattouf, 09.09.24 at [43]-[44]; Affidavit, Green, 14.10.24 at [76] and [95].

¹¹⁰ Affidavit, Ahern, 14.10.24 at [106] and Ex SA-01 at Tab 43.

¹¹¹ Affidavit, Lattouf, 09.09.24 at [45]-[46]; Affidavit, Green, 14.10.24 at [77]-[80], [96].

¹¹² Affidavit, Oliver-Taylor, 11.10.24 at [122] and Ex COT-01 at Tab 64; Affidavit, Anderson, 14.10.24 at Ex DA-01 at Tab 24.

¹¹³ Affidavit, Lattouf, 09.09.24 at [47] and Ann. AL-09.

¹¹⁴ Affidavit, Lattouf, 09.09.24 at [48] and Ann. AL-10; Affidavit, Green, 14.10.24 at [85].

¹¹⁵ Affidavit, Ahern, 14.10.24 at [107] and Ex SA-01 at Tab 44; Affidavit, Oliver-Taylor, 11.10.24 at [123] and Ex COT-01 at Tab 67.

121. At 3.00 pm on Wednesday, 20 December 2023, Ms Green sent a text message to Ms Lattouf in response to Ms Lattouf's text message at 2.53 pm.¹¹⁶
122. At 5.23 pm on Wednesday, 20 December 2023, Ms Lattouf sent an email to Mr Ahern, Ms Green and Mr Spurway.¹¹⁷
123. At 6.02 pm on Wednesday, 20 December 2023, Mr Ahern sent an email to Mr Oliver-Taylor and Mr Latimer, forwarding the email Mr Ahern had received from Ms Lattouf at 5.23 pm.¹¹⁸
124. Ms Lattouf did not perform work for the Respondent on Thursday, 21 December 2023 or Friday, 22 December 2023.
125. On Thursday, 4 January 2024, Ms Lattouf received payment for December 2023, including for the shifts on Thursday, 21 December 2023 and Friday, 22 December 2023.¹¹⁹

¹¹⁶ Affidavit, Lattouf, 09.09.24 at [48] and Ann. AL-10; Affidavit, Green, 14.10.24 at [85].

¹¹⁷ Affidavit, Lattouf, 09.09.24 at [49] and Ann AL-11; Affidavit, Green, 14.10.24 at [86]; Affidavit, Ahern, 14.10.24 at [115] and Ex SA-01 at Tab 46. Affidavit, Spurway, 11.10.24 at [23] and Ex RMS-01.

¹¹⁸ Affidavit, Ahern, 14.10.24 at [115] and Ex SA-01 at Tab 47; Affidavit, Latimer, 14.10.24 at [45] and EX BL-01 at Tab 9.

¹¹⁹ Affidavit, Lattouf, 09.09.24 at [56] and Ann. AL-12; Affidavit, Vagg, 11.10.24 at [17(d)] and Ann. MV-6.