



Federal Court of Australia

District Registry: New South Wales Registry

Division: Fair Work

No: NSD189/2024

ANTOINETTE LATTOUF

Applicant

AUSTRALIAN BROADCASTING CORPORATION

Respondent

ORDER

JUDGE: Justice Rangiah

DATE OF ORDER: 11 December 2024

WHERE MADE: Brisbane

THE COURT ORDERS BY CONSENT THAT:

1. By no later than 5 pm on 17 January 2025, the parties are to give discovery of the categories contained in Schedule 1 and Schedule 2 to these orders, in accordance with Rule 20.16 of the *Federal Court Rules 2011* (Rules), by filing a list of documents in accordance with rule 20.17.
2. The parties are to produce the discovered documents pursuant to order 1, by no later than 5 pm on 17 January 2025, electronically on a hard drive, or via a document sharing platform.

Date orders authenticated: 11 December 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule 1

Categories to be discovered by the Applicant

The Applicant will give the Respondent discovery of documents in the following categories:

1. All applications for, or communications that refer to, any form of Paid Work Opportunity made by or in respect of the Applicant since 1 July 2021.
2. All communications to or from the Applicant, or an agent of the Applicant, since 1 July 2021, that comprise or refer to any offer or arrangement, however described, for or in respect of any Paid Work Opportunity or Unpaid Work Opportunity.
3. All communications to or from the Applicant, or an agent of the Applicant, since 1 July 2021, that refer to the withdrawal or cancellation of any Paid Work Opportunity or Unpaid Work Opportunity.
4. All records of money received (whether that be wages, fees, allowances or reimbursements) by or on behalf of the Applicant for or in respect of any Content, or any work performed, or services rendered by the Applicant under any Paid Work Opportunity since 1 July 2021.
5. All Content partly authored or created by the Applicant published in, or submitted to, any Media Outlet since 1 January 2023.
6. Any record of the number of followers (and any variations thereto) on the Applicant's Instagram, LinkedIn and X (formerly Twitter) social media accounts since 1 July 2021.

'Content' means any written, visual or audio content, that was created, authored or other contributed to, whether in whole or in part, by the Applicant, to be made available to any person in or on any Media Outlet.

'Document' has the same meaning as under the Evidence Act 1995 (Cth).

'Media Outlet' means any television station or programme, radio station or programme, podcast, newspaper, journal, magazine, website, blog, social media platform, digital platform, or other vehicle for mass media.

'Paid Work Opportunity' means any opportunity, however described, whereby the Applicant would, could or might perform paid work or provide services of any kind, or create



Content, including (a) in any capacity, including as an employee or independent contractor, or (b) under permanent, part-time or casual engagement, and (c) whether formal or informal.

‘Unpaid Work Opportunity’ means any opportunity, however described, whereby the Applicant would, could or might perform work or provide services of any kind, or create Content, including for or in relation to public facing appearances.



Schedule 2

Categories to be discovered by the Respondent

The Respondent will give the Applicant discovery of documents in the following categories:

1. All documents, including minutes or notes, created by persons who were party to the following meetings or conversations recording the content of those meetings or conversations:
 - (a) the conversations between Stephen Ahern and Elizabeth Green on 18 December 2023 as referred to at [38] and [47]-[49] to Stephen Ahern's affidavit, and at [35] and [44]-[45] to Elizabeth Green's affidavit;
 - (b) the conversation between Antoinette Lattouf and Elizabeth Green on 18 December 2023 referred to at [48] to Elizabeth Green's affidavit;
 - (c) the meetings or conversations between Benjamin Latimer, Stephen Ahern and Simon Melkman on 18 December 2023 as referred to at [17] to Benjamin Latimer's affidavit and/or Stephen Ahern's affidavit at [44];
 - (d) the conversation between Christopher Oliver-Taylor and Benjamin Latimer on 19 December 2023 referred to at [20] to Christopher Oliver-Taylor's affidavit and/or [26]-[27] to Benjamin Latimer's affidavit;
 - (e) the conversation between Antoinette Lattouf and Elizabeth Green on 19 December 2023 referred to at [61] to Elizabeth Green's affidavit;
 - (f) the meeting or conversations on 19 December 2023 involving Christopher Oliver-Taylor, Benjamin Latimer and Simon Melkman referred to at [69] to Christopher Oliver-Taylor's affidavit and/or [72] to Stephen Ahern's affidavit and/or [52]-[59] to Simon Melkman's affidavit;
 - (g) the conversations or meetings between Benjamin Latimer and Stephen Ahern on 19 December 2023 referred to at [20]-[22] to Benjamin Latimer's affidavit;
 - (h) the call on 19 December 2023 involving Christopher Oliver-Taylor referred to at [71] to Simon Melkman's affidavit;
 - (i) the conversation between Stephen Ahern and Elizabeth Green on 19 December 2023 referred to at [74]-[75] to Stephen Ahern's affidavit;
 - (j) the meeting between Ita Buttrose and David Anderson on 19 December 2023 referred to at [56] and [59] to David Anderson's affidavit;



- (k) the conversations on 19 December 2023 between David Anderson and Christopher Oliver-Taylor referred to at [62]-[63] to David Anderson's affidavit and/or [68] to Christopher Oliver-Taylor's affidavit;
 - (l) the conversation between Benjamin Latimer and Christopher Oliver-Taylor on 20 December 2023 referred to at [31] to Benjamin Latimer's affidavit;
 - (m) the meeting on 20 December 2023 referred to at [101]-[111] to Christopher Oliver-Taylor's affidavit and/or [34]-[35] of Benjamin Latimer's affidavit and/or [94]-[95] to Stephen Ahern's affidavit and/or at [67] to Elizabeth Green's affidavit and/or [80] to Simon Melkman's affidavit;
 - (n) the conversation between Benjamin Latimer and Christopher Oliver-Taylor referred to at [42] to Benjamin Latimer's affidavit;
 - (o) the conversation between Benjamin Latimer and Stephen Ahern on 20 December 2023 referred to at [43] to Benjamin Latimer's affidavit and/or [99] to Stephen Ahern's affidavit;
 - (p) the conversation involving Stephen Ahern on 20 December 2023 referred to at [72] to the affidavit Elizabeth Green;
 - (q) the conversation between Christopher Oliver-Taylor and Benjamin Latimer referred to at [121] to Christopher Oliver-Taylor's affidavit;
 - (r) the conversation on 20 December 2023 involving Stephen Ahern, Elizabeth Green and Ronald Spurway referred to at [16] to Ronald Spurway's affidavit;
 - (s) the meeting with Antoinette Lattouf on 20 December 2023 referred to at [105] to Stephen Ahern's affidavit and/or [74] to Elizabeth Green's affidavit and/or [18] to Ronald Spurway's affidavit; and
 - (t) the conversations on 20 December 2023 between David Anderson and Christopher Oliver-Taylor referred to at [92] and [100] to David Anderson's affidavit.
2. The positions descriptions of the roles that the following individuals were fulfilling as at 18 to 21 December 2023:
- (a) Benjamin Latimer;
 - (b) Christopher Oliver-Taylor;
 - (c) Stephen Ahern; and
 - (d) Simon Melkman.



3. Copies of Stephen Ahern's handwritten diary for 18 to 20 December 2023.
4. All documents, including but not limited to text messages, messages over WhatsApp and other platforms, created in December 2023, recording communications between Christopher Oliver-Taylor and any other employee or officer of the Respondent about the employment by the Respondent of Antoinette Lattouf not captured by category 1.
5. All documents, including but not limited to text messages, messages over WhatsApp and other platforms, created in December 2023, recording communications to and from Ita Buttrose about the employment by the Respondent of Antoinette Lattouf other than those captured by category 1.
6. All documents, including but not limited to text messages and messages over WhatsApp and other platforms, created in December 2023, recording communications to and from David Anderson about the employment by the Respondent of Antoinette Lattouf other than those captured by category 1.
7. All documents, including but not limited to text messages and communications over WhatsApp or other online platforms, recording communications between David Anderson and any other person created in December 2023, relating to or referring to the 'WhatsApp' group referred to in his email correspondence to Ita Buttrose dated 20 December 2023 which appears at Tab 20 of Exhibit DA-1.
8. All documents recording communications between employees of the Respondent employed in People and Culture and Christopher Oliver-Taylor and/or Ben Latimer and/or Steve Ahern relating to the decision to remove Ms Lattouf from air on 21 and 22 December 2023.
9. All documents recording communications between employees or officers of the Respondent and Sophie Elsworth or other journalists from The Australian newspaper on 19-22 December 2023 in relation to Antoinette Lattouf.
10. Daily ratings for Sydney Mornings in the weeks:
 - (a) commencing 18 December 2022;
 - (b) commencing 4 December 2023;
 - (c) commencing 11 December 2023; and
 - (d) Commencing 18 December 2023

'Document' has the same meaning as under the *Evidence Act 1995* (Cth).