

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 24/01/2022 10:33:05 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD912/2020
File Title: CLIVE FREDERICK PALMER v MARK MCGOWAN
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 24/01/2022 10:39:04 PM AEDT

Registrar

Important Information

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Affidavit

Federal Court of Australia
District Registry: New South Wales
Division: General

No. NSD 912 of 2020

Clive Frederick Palmer

Applicant/Cross-Respondent

Mark McGowan

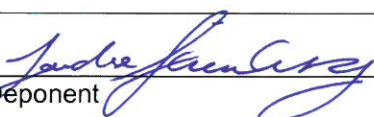
Respondent/Cross-Claimant


Affidavit of: **Jordie Gerard Fienberg**
Address: Level 27, QV1 Building, 250 St Georges Terrace, Perth
Occupation: Solicitor
Date: 24 January 2022

Document number	Details	Paragraph	Page
1	Affidavit of Jordie Gerard Fienberg in support of the Respondent's application to give evidence by audio-visual link dated 24 January 2022	1-7	1-3

I, Jordie Gerard Fienberg, of care of Clayton Utz, Level 27, QV1 Building, 250 St Georges Terrace, Perth, Solicitor, say on oath:

- I am a solicitor at Clayton Utz, the solicitors on record for the Respondent/Cross-Claimant in this proceeding, Mr Mark McGowan. I assist in the conduct of this matter under the supervision of Mr Nicholas Cooper, Partner at Clayton Utz.


Deponent


Witness

Filed on behalf of: The respondent

Prepared by: Nick Cooper
Law firm: Clayton Utz

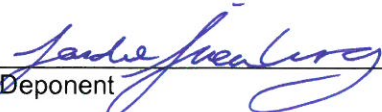
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Ref: 14101/17189/81011768

2. I make this affidavit in support of Mr McGowan's application for orders that Mr McGowan and Mr John Quigley be permitted to give evidence at the hearing of these proceedings by audio-visual link.
3. The matters to which I depose below are true to my own knowledge, save where stated otherwise, in which case they are true to the best of my knowledge and belief and I set out the source of that knowledge and belief.

Audio-visual facilities in the Perth office of Clayton Utz

4. The Infrastructure Services department of the Perth Clayton Utz office (**ISD**) is responsible for, among other things, the facilitation of all technology services at the firm. These services include making arrangements for the preparation and conduct of all activities involving remote access technology.
5. I am informed by Mr Graham Ellis, Team Leader of ISD in the Perth office of Clayton Utz, and verily believe that the Perth office of Clayton Utz is equipped with appropriate resources that enable all persons present in hearings facilitated using remote access technology to be seen and heard clearly. Those resources, in relation to the meeting room in which the hearing of these proceedings would be conducted remotely, include:
 - (a) dual 75-inch wall-mounted screens that enable high definition quality of picture;
 - (b) Polycom model of videoconferencing system;
 - (c) a table large enough to seat approximately 10 people, with enough space for the use of any physical documentation;
 - (d) microphones and speakers installed externally on the tabletop as well as in the ceiling of the meeting room, to increase the clarity and quality of sound passing through the microphones and received through the speakers;
 - (e) touch control panels on the tabletop to enable any changes to video (such as angle or zoom) or sound (such as muting or unmuting a microphone or increasing volume) to be made easily and quickly; and


Deponent


Witness

- (f) internet connection to two separate internet providers to account for any unexpected failures of one internet provider, with a bandwidth of 250Mbs.
6. I am also informed by Mr Ellis and verily believe that:
- (a) the facilities set out in paragraph 5 above are compatible, and have been successfully used in conjunction, with the Federal Court's preferred remote access technology system, Microsoft Teams (**Teams**); and
 - (b) given that Teams is the Court's preferred remote hearing system and is widely used across the world, it is expected that the hearing of these proceedings will be as secure as any other communication facilitated by Teams.
7. If the hearing of these proceedings were to be conducted using Teams and any technical issues arise, at least one member of ISD would be available to immediately attend to that issue in combination with Court staff.

Sworn by the deponent Jordie Gerard Fienberg
at Perth in the State of Western Australia
this 24th day of January 2022


Deponent

Before me:



Signature of witness

Cecilia Louise Cornu, a legal practitioner
who has held a practice certificate for 2
years and who holds a current practice
certificate