

Written questions to Ms Holgate from Senator Henderson – response requested by 17 May 2021

I have provided answers to these questions to the best of my ability, recognising this is almost seven months ago and I have limited access to information. However, I have extensive notes filed and I have been able to prepare robust answers.

1. In your submission and at the public hearing on 13 April 2021 you stated that you did not speak to Mr Di Bartolomeo during the afternoon of 22 October 2020. Phone records show that you called Mr Di Bartolomeo at 16.27 for 2.51 minutes and at 17.50 for 4.25 minutes that day. Mr Di Bartolomeo's phone records show that he called you at 14.17 for 5.06 minutes and at 18.38 for 2.20 minutes that day. In evidence to this committee you also stated that Ms Davies took a call from Mr Di Bartolomeo on your behalf. Ms Davies confirmed in evidence provided to this committee that she did speak with Mr Di Bartolomeo that afternoon but could not remember whether it was on your phone or her own. Phone records from Mr Bartolomeo show that he called Ms Davies at 16.18 for 1.27 minutes that day. Please clarify whether you spoke directly to Mr Bartolomeo for each of the four phone calls (14.17, 16.27, 17.50, and 18.38), and what the nature of discussions and agreements were.

Answer: I have no record of speaking to the Chair of Australia Post that afternoon, I have stated many times **I did not speak to him, nor did I speak to anyone else and agree to stand down**. Although I was in very regular contact with many people that afternoon, all have or can vouch at no point did they hear me say I agree to stand down. I have never questioned that he spoke on my phone to Sue Davies, or he left messages, as did many others. There were over 100 calls and messages to my phone that afternoon. I have shared this evidence multiple times and multiple times prior to the hearing.

The Chair stated at the Senate that I agreed on the 17.50 phone call. He spoke to Sue Davies. Whilst he was on that call, I sent an email asking to take annual leave. He claims he saw that and talked me out of it. This is incredible. It would have meant that within 33 seconds he received my email, read it, and then persuaded me to do the opposite to what I wanted. This is not true. Why would I then go on to have multiple written communications with Tony Nutt and a lawyer on offering to take annual leave if I had agreed the opposite. The Chair again is misleading the Senate.

My lawyer and I asked multiple times in writing in the week commencing 26th October when I had agreed anything with the Chair. All we received was that the Chair said so. We asked for the time when I had supposedly agreed, no time was provided by Australia Post. This is not lawful and at no point would he provide any evidence. The Chair required my written consent that I agreed to stand down, he does not have it, as I did not agree. Without this written consent his actions were unlawful. I did write multiple times that I would take annual leave and support an inquiry.

I shared in writing my evidence to Maddocks on November 11th 2020, to Minister Simon Birmingham on the 23rd November 2020 and to Minister Fletcher on the 25th November 2020 to the whole Board on December 2nd 2020 as well as multiple times in this submission. At no point, prior to this inquiry, has anyone ever challenged my evidence or given me any evidence to the contrary or substantiate the Chairman's views. Giving evidence at the Senate, the Chair himself could not even recall the words he alleges I said nor prior to the Inquiry remember when.

I remind the Senate that it was the two Shareholder Ministers who first advised publicly that I would be stood down at approximately 5.25pm on October 22nd 2020. The letter sent to myself dated the 24th October 2020 (page 95 in my main submission) refers to the fact that I was stood down because the Shareholder Ministers advised “you should stand aside”.

I urge the Senate to remember I have a contract and that contract should be respected, please refer to my SC Opinion provided by Ingmar Taylor which clearly states that without my written approval the actions of the chair were unlawful, the shareholder ministers cannot instruct I am to be stood down, if they direct the decision there is a process for that, which was not followed. The Chair’s actions were unlawful and by doing so he repudiated my contract.

2. Mr Di Bartolomeo has stated that he first heard your claim that you did not agree to stand aside on 27 October 2020 in the letter from your lawyer, Mr Belling.
 - a. When were you first made aware of Mr Di Bartolomeo’s position that you had agreed to stand aside?
 - b. When did you first respond in writing on this issue? (Text message, email, or letter.)
 - c. Did you raise this issue in writing with any third party prior to raising it with Australia Post? Please provide any supporting documents not already on file with the committee.

Answer: The letter stating that I had agreed to stand down was sent to my husband on the Sunday 25th October 2020. It is Australia Post policy that the letter should be sent within 24 hours and clearly explain the reason. It was not sent to me directly and not within 24 hours. I understand because Australia Post were concerned by the extreme stress I was under and I felt suicidal. I was advised not to read it until I was with a lawyer. I did so with Bryan Belling the next day on Monday 26th October 2020 and we replied in writing the next day, less than 24 hours after reading it.

The Committee will have seen in my considerable written evidence that I wrote multiple times to Tony Nutt, Board Member; John Curtis (My Mentor); Andrew Pike, Senior Partner at Herbert Smith Freehills and Ross Thornton regarding my offer to take annual leave. Mr Tony Nutt has stated in evidence at the Senate at no point did he have a conversation with me where I said I had agreed to stand aside. Mr Tony Nutt was in very regular conversation by email, phone and text, long after the Ministers announced I would stand aside at 5.25pm on the 22nd October 2020 and the Chair making a statement.

The Chair’s statement on October 22nd states “Christine Holgate will stand aside during the investigation”. It does not say I have agreed.

There is no written evidence that at any stage I agreed to stand aside. Every written evidence is to the contrary. I have stated this multiple times, to both the Chair, the Board, Maddocks and the Ministers.

I believe the fact that I had not agreed to stand down was well known. The Prime Minister himself on October 30th 2020, stated on the radio I “had been instructed to stand down”.

I have an employment contract and the Chair’s actions in relation to that were unlawful. Please see the SC Opinion provided by Ingmar Taylor.

3. On 2 November 2020 you made an offer of resignation to Australia Post, including a media release that was to be shared later that day. Why did you say you would release the statement 'in any event' if you were expecting to discuss the terms of your resignation prior to releasing it?

Answer: I drafted the statement when I was very ill, it is well documented about the significant deterioration of my health and the medication I was taking at this stage and I wanted many things to stop happening. The week prior to drafting the statement I asked multiple times for help and for Australia Post to correct incorrect statements being made about me. Board members were aware of the cartoon depicting me as a prostitute, but they did nothing to defend my honour. I often copied on emails asking for help Tony Nutt and Andrea Staines (Both Board Members), whom I had been advised were appointed by the Board to 'manage' my situation. Australia Post said they would not correct incorrect news reports. I asked Australia Post to put out a statement from me on their intranet for Licensed Post Offices to not close in support of me, as they had planned to – they chose not to. Australia Post did make two statements on the 23rd October 2020, both referring to me but they neither consulted with me nor informed me they had been released; I was told of them via the media. The Board had taken no actions to publicly support me, and they allowed considerable misreporting, which defamed me and caused me considerable harm. I was urging the Board for a decision and help. It was in this context that I wrote that line.

4. At the public hearing on 13 April 2021 you stated that on 2 November 2020 you received a call asking you to confirm whether the statement regarding your offer of resignation was real or not. Who made this call to you and what time did it take place?

Answer: Please refer to page 20 of the Hansard, my records show the opposite. I said that the Board Members were very aware I was ill and that they under Fair Work had a duty of care to call me to check that this is what I really wanted to do. By law they needed to test this is what I wanted to do and to be sure in their own minds that I was making this decision in a 'sound frame'. They did not test this. They failed in their duties.

5. The first public reference that this committee is aware of related to your anticipated resignation was made on Sky News around 14.04 on 2 November 2020. On 13 April 2021 you stated that you believed your resignation was aired around 13.30 that day. What evidence do you have that the story was run on Sky News or elsewhere prior to 14.04?

Answer: Please refer to page 21 in my main submission. At 1.30pm we received a call from Sky News that they had been briefed I was to resign immediately. It was apparent my statement had been leaked, as I only sent it to the Chair, the Australia Post Board and the people sitting in the room with me at the time, the leak must have come from the Board. (I have latter been told that Australia Post sent my statement to the Ministers at approximately 11.30am) I was under considerable pressure to respond. I sent the final copy of the statement to Ross Thornton at 2.14pm (after the story had gone to air) and asked him to release it. Ross sent this out shortly afterwards at approximately 2.20pm-2.30pm. Please see below a copy of the email and time:

From: Christine Holgate

Date: Monday, 2 November 2020 at 2:14 pm

To: Ross Thornton

Subject: Fwd:

Ross I gave this statement to the Board today at 10.46am. I am happy for you to release it.

Christine

6. When did you first publicly release your resignation statement? By what method and to whom?

Answer: See above

7. On 13 April 2021 you stated that you provided a copy of your statement related to your offer of resignation to Ross Thornton at approximately 14.20. What did Ross Thornton do with the statement at that point? Please provide the emails or documents to support this.

Answer: See above

8. Australia Post has submitted that 'the Chair sought (without success) to contact [you] during a break in the Board meeting on 2 November 2020, from 1:35pm to 2:45pm.' The call logs show calls at 1.37pm and 1.45pm. In your submission you state that during that afternoon you waited but you 'did not hear from the Chair at all' (p. 22).
- Did the Chair try to call you?
 - Why did you not answer his calls?

Answer: I have no evidence of these calls; your question is my first knowledge of any possibility of them. I asked many times for phone records, and these were never provided until after submissions were due, I was even told Australia Post could charge me for providing them. I have no confidence in any evidence provided by the Chair, he has proved highly unreliable throughout this inquiry.

If Australia Post had wanted to contact me, why did they not contact my lawyer or message me by text? They did not. If they were in doubt, they should have not gone ahead, especially considering how ill, they knew I was. They failed in their duties.

My evidence has not changed. On November 9th 2020, I documented it in detail for Maddocks, and then to Minister Birmingham on 23rd November 2020, then to Minister Fletcher on 25th November 2020, then to the Chair and the whole Board on 2nd December 2020. At no point did Australia Post come back and question my evidence, even though they were aware of what I had documented. The evidence of the Chair has changed.

I remind the committee that I had an employment contract. The opinion of leading SC Ingmar Taylor clearly states that without my written consent the Chair unlawfully stood me down and by doing so repudiated my contract. I also remind the committee that my employment contract clearly states that if there is any variation in the contract this must be signed in writing by both parties. The letter to me from the Chair on November 2nd (see page 69 my main submission) clearly states "In accordance with your contract of employment, please sign below **to vary** the contract of employment". I did not sign it. There was no agreement.