

ADMINISTRATIVE DECISIONS TRIBUNAL

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ADMINISTRATIVE
DECISIONS TRIBUNAL

Division: General

Applicant: Jason Bouman

Respondent: Australia Traffic Network Pty Ltd

File Number: 111095

Statement of Jason Bouman

1. I am the Applicant.
2. I make this statement in response to the statements of Mr Woods, Mr Flood and Mr Pezzimenti which were filed by the Respondent. I do not respond to the statement of Ms Oberhardt.

Response to Mr Pezzimenti

3. I refer to paragraph 6 of Mr Pezzimenti's statement. Traffic reporters are engaged on particular stations and for specific mediums. In my experience television and radio stations want the same regular reporter to ensure consistency for their viewers and listeners to keep their brand strong. For example, prior to my commencement covering Channel 9, Ms Sally-Ann Ryan held the position for more than 5 years. Prior to Mr Strauss commencement on Channel 7's *Sunrise*, Mr Alf Paranihi held the position for

more than 5 years. Mr Vic Lorusso has held a position with Channel 10 for more than 10 years. Mr Brian Sanders has reported for 2Day FM and Triple M for more than 10 years. Mr Ian Wallace has reported for 2GB for 8 years. Mr Latter reported on 2UE for more than 5 years. Mr Vic Lorusso has reported on WS FM for a number of years.

4. I refer to paragraph 7 of Mr Pezzimenti's statement. While it is correct that Affiliates participate in the decision, this was not the case in my removal from Channel 9 as set out in my earlier statement at paragraphs 44 and 45.
5. I refer to paragraph 8 of Mr Pezzimenti's statement. I did not attend ATN's 10th anniversary party. I had regular day to day contact with Mr Pezzimenti when I held the position of NSW Operations Manager around the time of the Sydney Olympics. I regular worked from ATN's North Sydney offices covering reports via landline for Mix 106.5 FM. Mr Pezzimenti worked from the same office located in North Sydney around the same time.
6. I refer to paragraph 12 of Mr Pezzimenti's statement. When I was trained for the position of Television Traffic Reporter, at the instructions of the former reporters Alf Paranihi and Sally-Ann Ryan, we were trained to display the same shots for Channel 9 and Channel 7. This was due to time restrictions while flying and sub-standard analogue equipment, such as the tape player. I also note that I sat in the front seat of the helicopter during filming and had no control of the television equipment which was located in the rear of the helicopter.
7. I refer to paragraph 14 of Mr Pezzimenti's statement. This issue was raised by Mr Jay Flood with Mr Duane Strauss and me. This issue was addressed immediately. I refer to paragraphs 14 and 15 of my previous statement.
8. I refer to paragraph 15 of Mr Pezzimenti's statement. I only received positive and highly complimentary feedback about my TV work, and about my appearance and presentation on Channel 9 from ATN management. Mr Pezzimenti never raised these issues with me. I deny ever looking unkempt, dishevelled or unshaven on Channel 9. I always wore make-up and had my hair waxed and professionally prepared for Channel 9. I shaved on a daily basis.

9. I refer to paragraph 17 of Mr Pezzimenti's statement. I deny ever appearing untidy on camera on Channel 9. Mr Pezzimenti's alleged concerns were never raised with me by any member of ATN management. I was unaware that Mr Pezzimenti referred to me as looking like Curly from *The Three Stooges*.
10. I refer to paragraph 18 of Mr Pezzimenti's statement. I continue to rely on paragraphs 18, 20 and 21 of my earlier statement.
11. I refer to paragraph 19 of Mr Pezzimenti's statement. I continue to rely on paragraphs 25 and 28 of my earlier statement:
12. I refer to paragraph 20 of Mr Pezzimenti's statement. ATN traffic reporters are not regularly re-assigned. Affiliates don't like chopping and changing their reporters. In my experience television and radio stations want the same regular reporter to ensure consistency for their viewers and listeners to keep their brand strong. I refer to paragraph 3(above).
13. I refer to paragraph 21 of Mr Pezzimenti's statement. I deny ever looking untidy, unshaven or like I just woke up on Channel 9. I showered every morning before arriving for work, and washed my face and hair. I always wore make-up and had my hair waxed and professionally done for Channel 9. I shaved on a daily basis. .
14. I refer to paragraph 25 of Mr Pezzimenti's statement. I deny Mr Pezzimenti's version of events. I continue to rely on paragraphs 26, 28 and 29 of my earlier statement:
15. I refer to paragraph 27 of Mr Pezzimenti's statement. Ms Oberhardt had limited experience as a television traffic reporter. She commenced covering the Channel 9 *Today* show in Brisbane in January 2011. Ms Oberhardt replaced me on Channel 9 in Sydney just 8 weeks later in March 2011. Ms Oberhardt also noted in a Sydney Morning Herald media article that she was studying the Sydney street directory due to her lack of familiarity with Sydney's roads.

16. I refer to paragraph 31 of Mr Pezzimenti's statement. I continue to rely on paragraphs 32 of my earlier statement.

17. I refer to paragraph 32 of Mr Pezzimenti's statement. I continue to rely on paragraph 41 and 42 of my earlier statement.

Response to Mr Flood

18. I refer to paragraph 4 of Mr Flood's statement. NSW Operations Manager Mr Woods gave me personal guarantees that I would continue on Channel 9 for at least another couple of years. I rely on paragraphs 25, 26 and 29 of my earlier statement.

19. I refer to paragraph 10 of Mr Flood's statement. I checked in with Mr Flood at least once every couple of months by telephone. The purpose of these calls was to make sure Mr Flood was happy with my TV work on Channel 9. Mr Flood's feedback was always extremely positive and complimentary of the high standard of my television work.

20. I refer to paragraph 11 of Mr Flood's statement. I did not film for Mr Duane Strauss. I sat in the front seat of the helicopter. Mr Strauss sat in the back seat of the helicopter. All of the television equipment was located next to Mr Strauss in the back of the helicopter. As a result, Mr Strauss was required to do all filming for both Channel 9 and Channel 7.

21. I refer to paragraph 12 of Mr Flood's statement. I spoke to Mr Flood on the telephone once every couple of months about my television work. All of Mr Flood's feedback regarding my television work was extremely positive. I rely on paragraphs 10, 14, 15, 16 and 17 of my earlier statement.

22. I refer to paragraph 13 of Mr Flood's statement. I deny Mr Flood's allegation that I ever appeared dishevelled on Channel 9. This was never raised with me by Mr Flood or any member of ATN management. All feedback I received from ATN management was positive.

23. I refer to paragraph 15 of Mr Flood's statement. Mr Flood did not say to me that the position on Channel 9 was not permanent or that it was subject to change at ATN's

discretion. Mr Flood was very clear with me that if Channel 9 was happy, then so was ATN. Annexure JF2 was not attached to the statement provided to me.

24. I refer to paragraph 17 of Mr Flood's statement. The reason the shots for Channel 9 and Channel 7 were the same has a simple explanation. When I was trained for the position of Television Traffic Reporter, the previous reporters Alf Paranihi and Sally-Ann Ryan who conducted our training gave me instructions to compile the TV shots this way, as this was ATN's preferred method for Channel 9 and Channel 7. This was also a consequence of using outdated analogue equipment which was frequently out of order and unavailable. When Mr Flood instructed Mr Strauss and myself to compile separate shots for Channel 9 and 7, we implemented this instruction immediately.

25. I refer to paragraph 23 of Mr Flood's statement. I deny ever looking unkempt or unshaven. I deny ever looking unprofessional on Channel 9. I was unaware that Mr Pezzimenti told Mr Flood that I looked like Curly from *The Three Stooges*.

26. I refer to paragraph 24 of Mr Flood's statement. Mr Flood's alleged concerns were never raised with me. I deny speaking about incidents that were not on screen. My voice was always strong and happy, with consistent pitch and pace. I have worked in radio and television for more than 20 years. I deny ever appearing unkempt, dishevelled or unshaven on Channel 9. I always wore make-up and had my hair waxed and professionally done for my appearances on Channel 9.

27. I refer to paragraph 25 of Mr Flood's statement. I deny Mr Flood's version of events. Mr Flood did not ask me for more pictures of traffic incidents. He did not say to me that I looked small on screen. Mr Flood did ask me to sit further away from the side door of the helicopter. I explained to Mr Flood that I was forced to sit close to the side door to ensure that Mr Strauss (who sat directly behind me in the helicopter) was not visible in my camera shots on Channel 9. This prompted ATN to purchase a black partition to ensure that Mr Strauss was not visible in my TV shots. This then made it possible for me to reposition myself so that I wasn't sitting too close to the door and to comply with Mr Flood's request. Mr Flood said to me that I was doing a great job for ATN.

28. I refer to paragraph 26 of Mr Flood's statement. Paragraph 18 of my statement does not refer to Mr Strauss and it relates to a conversation Mr Woods had with Mr Rolden.
29. I refer to paragraph 28 of Mr Flood's statement. Mr Flood is located in Brisbane, making it impossible for him to know if audition tapes were left in the helicopter. Mr Flood visited Bankstown airport only once during my tenure covering Channel 9. I continue to rely on paragraph 20 of my earlier statement.
30. I refer to paragraph 32 of Mr Flood's statement. The alleged view formed by Mr Flood was never raised with me, and is completely inconsistent with all correspondence and conversations I had with Mr Flood. Mr Flood was extremely complimentary of my TV work on a consistent basis.
31. I refer to paragraph 33 of Mr Flood's statement. Mr Flood was always highly complimentary of all aspects of my TV work. None of Mr Flood's allegations in paragraph 33 of Mr Flood's statement were ever raised with me.
32. I refer to paragraph 39 of Mr Flood's statement. Ms Oberhardt had limited experience as a television traffic reporter as set out in Ms Oberhardt's statement.
33. I refer to paragraph 40 of Mr Flood's statement. I continue to rely on paragraphs 46 and 47 of my earlier statement.
34. I refer to paragraphs 41 and 42 of Mr Flood's statement. I continue to rely on paragraph 30 of my earlier statement.
35. I refer to paragraph 43 of Mr Flood's statement. I rely on paragraph 30 of my earlier statement. I deny having any prior knowledge of my cessation on Channel 9. Mr Woods told me on the very same day that I spoke with Mr Flood that I would remain on Channel 9 for at least another couple of years but not ten years, as Mr Pezzimenti saw the television roles being filled by younger people in the long term.
36. I refer to paragraph 48 of Mr Flood's statement. I deny Mr Flood's allegation that I breached my duty of confidentiality to ATN. I did not contact the journalist from the

Sydney Morning Herald. Mr Hornery, the journalist with the Sydney Morning Herald, telephoned me and told me a 'little birdie' had told him that I was being removed from Channel 9. I confirmed I was finishing on Channel 9.

37. I refer to paragraphs 49, 50 and 51 of Mr Flood's statement. I deny Mr Flood's version of the discussion. I continue to rely on paragraph 45 of my earlier statement:

Response to Mr Woods

38. I refer to paragraph 3 of Mr Woods's statement. As an ATN traffic reporter I was of the understanding that I was engaged to a particular affiliate at the discretion of the affiliate, not ATN.

39. I refer to paragraph 6 of Mr Woods's statement. When I commenced at ATN I was conducting traffic reports from home at the rate of \$30 per hour. In October 2010, NSW Operations Manager Ian Wallace offered me a permanent position as the Traffic Reporter for Channel 9. As a result, I travelled to Bankstown Airport every weekday from Monday to Friday to fly in the helicopter to record the Channel 9 reports. When I commenced on Channel 9, my remuneration was increased to \$200 per day plus GST, as negotiated with Mr Flood.

40. I refer to paragraph 9 of Mr Woods's statement. Mr Woods was always highly complimentary of my work both on television and radio. I was not aware that Mr Pezzimenti wanted me off Channel 9 or that he thought I looked like a mug.

41. I refer to paragraph 10 of Mr Woods's statement. I deny the allegations of Mr Woods and Mr Pezzimenti that I sometimes looked unkempt, and that I did not comb my hair or shave. I always wore make-up and had my hair waxed and professionally done for Channel 9. I shaved on a daily basis.

42. I refer to paragraph 11 of Mr Woods's statement. I deny these allegations. I always conducted both my television and radio work with passion, enthusiasm and

professionalism. I always worked hard to engage with the TV audience. Mr Woods never raised these matters with me at any time

43. I refer to paragraph 12 of Mr Woods's statement. Performance issues were never raised with me. Mr Woods was always highly complimentary of both my work on television and radio.

44. I refer to paragraph 13 of Mr Woods's statement. I believe I always sounded confident and positive on television. This was consistent with the ongoing positive feedback I received from Mr Wallace, Mr Flood and Mr Woods about the high standard of my television work.

45. I refer to paragraph 14 of Mr Woods's statement. I deny Mr Woods's version of events in this paragraph. I deny ever initiating any conversations with Mr Woods between May and October, and deny saying to him that Mr Pezzimenti wanted me off Channel 9.

46. I refer to paragraph 15 of Mr Woods's statement. I deny this alleged conversation ever took place.

47. I refer to paragraphs 17 and 18 of Mr Woods's statement. I rely on paragraph 18 of my earlier statement.

48. I refer to paragraphs 19, 20 and 21 of Mr Woods's statement. I deny this alleged conversation between Mr Woods and myself ever took place as alleged by Mr Woods. I was not aggressive, abusive or unprofessional in my dealings with Mr Woods. I continue to rely on paragraph 19 of my earlier statement.

I refer to paragraph 22, 23 and 24 of Mr Wood's statement. I continue to rely on paragraphs 20 to 23 of my earlier statement.

49. I refer to paragraph 25 of Mr Woods's statement. All of the tapes found in the helicopter were of younger females who were exclusively reading out my Channel 9 *Today* show commercial tag at the conclusion of their audition.
50. I refer to paragraph 26 of Mr Woods's statement. I deny Mr Woods's version of events. I deny ever approaching Mr Woods in the car park, and deny that this conversation ever took place.
51. I refer to paragraph 27 and 28 of Mr Woods's statement. I continue to rely on paragraph 22 of my earlier statement.
52. I refer to paragraph 29 of Mr Woods's statement. Paragraph 18 of my earlier statement refers to my conversation with Mr Rolden. Mr Strauss is not mentioned in this paragraph.
53. I refer to paragraph 32 of Mr Woods's statement. I continue to rely on paragraph 25 of my earlier statement.
54. I refer to paragraph 33 of Mr Woods's statement. I deny Mr Woods's version of this discussion. I continue to rely on paragraph 26 of my earlier statement.
55. I refer to paragraph 34 of Mr Woods's statement. I continue to rely on paragraph 28 of my earlier statement.
56. I refer to paragraph 35 of Mr Woods's statement. Mr Woods did tell me on many occasions that Mr Pezzimenti wanted to move me onto 2UE because of my 'much older sound'.
57. I refer to paragraph 36 of Mr Woods's statement. I deny Mr Woods's version of the discussion. Mr Woods told me that Mr Pezzimenti saw my next move with ATN was 2UE because of my older sound. Mr Woods also gave me a personal guarantee that I would remain on Channel 9 for at least another couple of years.

58. I refer to paragraph 37 of Mr Woods's statement. I deny Mr Woods version of events or that this conversation ever took place. I deny saying that Mr Woods was a puppet of Mr Pezzimenti. I deny ever being disrespectful or unprofessional towards Mr Woods. I did say to Mr Woods on several occasions that I did not blame him for my predicament, as I knew he was just doing his job and was just the person executing what Mr Pezzimenti wanted.
59. I refer to paragraph 38 of Mr Woods's statement. All of the feedback I received from both Mr Flood and Mr Woods regarding my television presentation style was always highly complimentary and positive. I never received any negative feedback about my presentation on television from any representative of ATN.
60. I refer to paragraphs 39, 40 and 41 of Mr Woods's statement. I deny Mr Woods's version of events in this conversation. I continue to rely on paragraph 26 of my earlier statement. On several occasions Mr Woods reassured me that I was safe and would be on Channel 9 for at least another couple of years.
61. I refer to paragraph 42 of Mr Woods's statement. I deny Mr Woods's version of events or that this conversation ever took place.
62. I refer to paragraph 44 of Mr Woods's statement. I deny Mr Woods's version of events or that this conversation ever took place.
63. I refer to paragraph 45 of Mr Woods's statement. I deny Mr Woods's version of this discussion. I continue to rely on paragraph 27 of my earlier statement.
64. I refer to point 48 of Mr Woods's statement. All feedback I received from both Mr Flood and Mr Woods regarding my television presentation style was always highly complimentary and positive.
65. I refer to paragraph 50 of Mr Woods's statement. Mr Greg Rust is referred to as an ATN reporter. During my tenure at ATN, Mr Rust has not worked for ATN.

66. I refer to paragraph 52-54 of Mr Woods's statement. I deny Mr Woods's version of this discussion. I continue to rely on paragraph 28 of my earlier statement.
67. I refer to paragraph 55 of Mr Woods's statement. I deny Mr Woods's version of events and I continue to rely on paragraph 29 of my earlier statement.
68. I refer to point 56 of Mr Woods's statement. I deny Mr Woods's version of events and discussion. I continue to rely on paragraph 31 of my earlier statement.
69. I refer to paragraph 59 of Mr Woods's statement. I continue to rely on paragraphs 46 and 47 of my earlier statement.
70. I refer to paragraphs 60-63 of Mr Woods's statement. I deny Mr Woods's version of events. I continue to rely on paragraph 33 of my earlier statement.
71. I refer to point 61 of Mr Woods's statement. I disagree with Mr Woods's version of events. My position at ATN became untenable as the position being offered to me was impossible to execute. This was not a position being performed by any other ATN reporter at this time.
72. I refer to point 63 of Mr Woods's statement. I deny Mr Woods's version of events. I stand by point 33 of my statement.
73. I refer to paragraphs 64 -66 of Mr Woods's statement. I continue to rely on paragraph 35 of my earlier statement.
74. I refer to paragraph 67 for Mr Wood's statement. I continue to rely on paragraph 34 of my earlier statement.
75. I refer to paragraphs 68-70 of Mr Woods's statement. I continue to rely on paragraph 36 of my earlier statement.

76. I refer to paragraph 71 of Mr Wood's statement. I deny Mr Woods version of events. I continue to rely on paragraph 32 of my earlier statement.

77. On Thursday March 22 2012 I had the following conversation with Mr Sanders. Mr Sanders told me he had met Mr Woods for a secret breakfast at McDonalds Merrylands. The breakfast was instigated by Mr Woods. Mr Sanders had a conversation to the following effect with Mr Woods:

Mr Woods said: "Bill (Pezzimenti) called me in to go through Jason's statement. I told Bill I didn't show you that message. Showing you that message was my biggest mistake ever."

Mr Sanders said: "The last thing I want is to be dragged into this, but I won't lie, mate. I know what I was shown, I know what I saw, Steve"

Mr Woods said: "I know. I don't expect you to lie but I'm gone when they find out. He told me if he finds out that I showed you any message it will be instant dismissal. The thing that worries me is that Bill's crazy enough to ring Austereo and tell them to sack you or he'll pull his spend."

78. I refer to paragraph 76 of Mr Woods's statement. I deny Mr Woods's version of the discussion. Mr Woods telephoned me and said words to the following effect:

Mr Woods said: "There's a journo from the Herald ringing around the reporters. If he calls you, can you flick him straight to me?"

I said: "He's already called me."

Mr Woods asked: "What's his name?"

I said: "Andrew Hornery. He's the gossip guy, the same one that wrote about Alf (Paranihi)."

Mr Woods asked: "What did you say to him?"

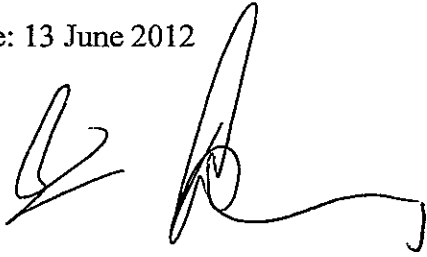
I said: "I didn't need to say anything. He knows everything that's going on."

Mr Woods said: "OK, well if he calls again, can you flick him to me."

79. I refer to paragraph 78 of Mr Woods's statement. I have spoken to both Mr Lorusso and Mr Paranihi who both refute ever having such a conversation with Mr Woods.

80. I refer to paragraph 79 of Mr Woods's statement. I continue to rely on paragraph 41 of my earlier statement.
81. I refer to paragraph 80 of Mr Woods's statement. I deny making any comments that were published in the Sydney Morning Herald. Mr Woods was the only person to comment in the article on behalf of ATN.
82. I refer to paragraph 81 of Mr Woods's statement. I did not give any information to Mr Hornery (Sydney Morning Herald) that led to the article being published. Mr Hornery telephoned me with information he already had, and asked me some questions. I did not telephone or email Mr Hornery regarding the story.
83. I refer to paragraph 85-87 of Mr Woods's statement. I deny Mr Woods's version of the discussion. I continue to rely on paragraph 42 of my earlier statement.
84. I refer to paragraph 91 of Mr Woods's statement. I deny Mr Woods's version of events. I deny ever raising with Mr Woods if I was attractive enough for television. On many occasions, I did have several discussions with Mr Woods, which left me perplexed by what he told me. I did not ever truly understand his reasons for removing me from Channel 9. He told me that Mr Pezzimenti saw the television roles being more suitable for younger people. I continually questioned Mr Woods to seek an answer as to how someone with my level of experience (20 years), with the full support of Channel 9, would be removed.
85. I refer to paragraph 96 of Mr Woods's statement. I did not respond, as Mr Sanders told me that Mr Woods had offered him the fill-in work.
86. I refer to paragraph 99 of Mr Woods's statement. I deny Mr Woods allegations. I deny making false allegations and stand by all points in my statement. I deny ever being abusive or conducting myself in an unprofessional manner.
87. I shall exhibit 60 recordings of my TV spots from my time on Channel 9.

Date: 13 June 2012

A handwritten signature in black ink, consisting of a stylized 'J' followed by a large, looped 'B' and a trailing flourish.

Jason Bouman