

James Ashby Statement

Wednesday 18 June 2014

“ More than two years ago,I launched legal action in the Federal Court against Peter Slipper,the then Speaker of the House of Representatives for sexual harassment and Breach of Contract.

After deep reflection and consultation with those close to me,I now have decided to seek leave to discontinue my Federal Court action against Peter Slipper.This has been an intense and emotionally draining time for me and my family, taking its toll on us all.

I have made this decision in light of several important considerations.Firstly, in the decision on my recent appeal, the Full Court of the Federal Court not only found in my favour by awarding my appeal,but also made significant findings in my favour regarding some of the most vital aspects of my claims. Fundamentally, that the harassment had in fact occurred. Also, that the judge in the first case,on certain very important matters, “was wrong”, “was in error”, and had “erred in law”. The overall conclusion by the Full Court was that **“the evidence before the primary judge did not warrant the adverse finding said to constitute an abuse of the Court’s process.”**

I am of course gratified by these new findings which justify the action I took.

One of the key reasons I started this action was to stop Peter Slipper’s behaviour. I am confident this has been achieved.I also raised what are now known as the Cabcharge allegations,concerning Mr.Slipper’s use of Cabcharge vouchers.I note,without further comment,that Mr. Slipper is currently facing criminal charges relating to misuse of Cabcharge entitlements.

I am also aware, through recent public reports, that Mr. Slipper has been mentally unwell. Under such circumstances, I do not wish to continue lengthy proceedings that could potentially cause him great harm.

Another important consideration relates to the cost of this case. The Commonwealth Government continues to fund Mr. Slipper’s legal costs against me. It is most likely that well over a million dollars has been paid already by Australian taxpayers to Mr. Slipper, this is on top of the Commonwealth’s own legal costs, in excess of \$700,000.

Confirmation by the Minister of State, Michael Ronaldson that Mr Slipper will continue to have tax payer support for an unknown “quantum” in funding makes this case financially very one-sided. This gross imbalance in funding makes it unpredictable how long this case may run, and more importantly cost.

If I succeed against Mr Slipper, that win may result in another appeal which will only prolong closure for me, and increase costs. This type of ‘deep pocket’ litigation, where one side has unlimited money, from the taxpayers,makes it fundamentally unfair for an ordinary person seeking justice. Also, Peter Slipper has claimed in other legal proceedings that he has no funds. This will make it unlikely that he will pay any verdict or additional costs orders beyond his deal with the Commonwealth.

The legal and other costs on my side have been very substantial, well over a million dollars.As we have previously said, all of those costs have been met by my lawyers,Harmers Workplace Lawyers.Their unflinching legal and moral support have allowed me to afford what otherwise would have been impossible. Harmers did this out of a genuine sense of social justice.

Harmers are prepared to continue funding and supporting me,but they are funding other cases and I have decided that my case should not continue in such unfair circumstances given our already significant legal victory in a senior court.

MORE FOLLOWS

A full scale legal hearing was about to start which would go over much of the same ground as canvassed in the Full Court decision. My decision relieves the need for that costly hearing to go ahead.

I would like to thank my family, Michael Harmer and the Harmers lawyers, Michael Lee and my barristers, Harris Freidman Solicitors and all of those who have supported me over the past two years.”

James Ashby

James is not available for interview at this time.

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BACKGROUND

James Ashby launched legal action in the Federal Court against Peter Slipper, the then Speaker of the House of Representatives for sexual harassment and Breach of Contract in April 2012. He also sued the Commonwealth, being his ultimate employer. A counter suit for ‘abuse of process’ was filed by Mr. Slipper and the Commonwealth. The Commonwealth settled with James by agreeing that all MPs would undergo training to combat sexual harassment and by paying \$50,000 to Mr. Ashby. Subsequently, the single judge in the ‘abuse’ case found against James (December 2012). On appeal of that finding, the Full Court of the Federal Court overturned that ‘abuse’ decision and its key findings in Feb 2014 and opened the way for James to continue his original lawsuit for sexual harassment against Peter Slipper. Attempts at mediation failed and the matter was scheduled to return for a hearing in late June. As to costs, the former Labor Government in July 2013, made an “act of grace” ministerial decision which allowed the Commonwealth to fund Peter Slipper. The July 2013 decision was fundamentally influenced by the original ‘abuse’ court decision in December 2012 which found against James. Of course that has now been reversed, yet the taxpayer funding of Mr. Slipper continues as the funding agreement has been continued by the present Government. For the short time the Commonwealth was a party they employed 17 lawyers on the case, costing taxpayers over \$700,000.

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