

**FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: NEW SOUTH WALES  
DIVISION: FAIR WORK**

**NO NSD 580 OF 2012**

**JAMES HUNTER ASHBY**  
Applicant

**THE COMMONWEALTH OF AUSTRALIA**  
First Respondent

**PETER SLIPPER**  
Second Respondent

**BOOK OF RESPONDENTS' EVIDENCE FOR HEARING 23 JULY 2012**

This book has been prepared by the respondents at the request of Justice Rares.

VOLUME 2		
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Date: 20 July 2012

Filed on behalf of the First Respondent, The Commonwealth  
of Australia

File ref: 12026851

Prepared by: Catherine Mann

Australian Government Solicitor.

Address for Service:  
Australian Government Solicitor,  
50 Blackall Street, Barton, ACT 2600  
catherine.mann@ags.gov.au

Telephone: 02 6253 7402  
Lawyer's Email: catherine.mann@ags.gov.au  
Facsimile: 02 6253 7381  
DX5678 Canberra



Our Ref: SXK/3049909  
 T: (03) 9605 2784  
 F: (03) 9258 9613  
 E: SKeating@mauriceblackburn.com.au

10 July 2012

Abbey Burke  
 Associate to Justice Rares  
 Federal Court of Australia  
 Level 17, Commonwealth Law Courts Building  
 Queens Square  
 SYDNEY NSW 2000

Maurice Blackburn Pty Limited  
 ABN 21 105 657 949

Level 10  
 456 Lonsdale Street  
 Melbourne VIC 3000

PO Box 523  
 Melbourne VIC 3001

DX 465 Melbourne

T (03) 9605 2700  
 F (03) 9258 9600

By email: [associate.raresi@fedcourt.gov.au](mailto:associate.raresi@fedcourt.gov.au)

Dear Associate

Re: James Ashby v Commonwealth of Australia and Anor  
 NSD 580/2012

We refer to the above matter and to the Orders made by His Honour Justice Rares on 6 July 2012.

We advise that the Second Respondent intends to rely on the following affidavits for the purposes of the hearing scheduled for 23 July 2012:

1. affidavit of Siobhan Michelle Keating filed on 12 June 2012
2. affidavit of Siobhan Michelle Keating filed on 2 July 2012
3. affidavit of Siobhan Michelle Keating filed on 3 July 2012;
4. affidavit of Siobhan Michelle Keating filed on 5 July 2012.

In addition to the above, we anticipate filing and serving a further short affidavit of Siobhan Michelle Keating annexing relevant correspondence between the legal representatives of the Applicant and the Second Respondent (being material post-dating 5 July 2012).

Finally, we note that we intend to rely on further documents that may be produced in response to the subpoenas issued by the Second Respondent to Mr Steve Lewis and Mr Bruce McIver.

A copy of this letter has been provided to the other parties.



Maurice Blackburn Offices in Victoria, New South Wales, Queensland, Australian Capital Territory and Western Australia  
[mauriceblackburn.com.au](http://mauriceblackburn.com.au)  
 Quality ISO 9001

Maurice Blackburn

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If you have any questions in relation to the above, please contact the writer.

Yours faithfully



Siobhan Keating  
Special Counsel  
EMPLOYMENT AND INDUSTRIAL LAW SECTION  
MAURICE BLACKBURN

## Affidavit

Federal Court of Australia

No: NSD580/2012

District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHBY**  
Applicant

**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First Respondent

Affidavit of: Siobhan Michelle Keating  
Address: 456 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012

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2	Annexure SK-2 being a copy of an e-mail from Buffoni to Slipper notifying Slipper of Federal Court Proceeding, dated 20 April 2012	5	5
3	Annexure SK-3 being a copy of an e-mail from Lewis to Slipper, dated 20 April 2012	6	5

Form 59, Rule 29.02(1)

Filed on behalf of

Mr Peter Slipper, the Second Respondent

Prepared by

Siobhan Keating, Legal Practitioner

Law firm

Maurice Blackburn Lawyers

Tel

(03) 8605 2881

Fax

(03) 9259 8613

Email

j.bornstein@mauriceblackburn.com.au

Address for service

Level 10, 456 Lonsdale Street, Melbourne, Vic, 3000

*Siobhan Keating*  
Deponent

*[Signature]*  
Taken by

4	Annexure SK-4 being a copy of a bundle of online media articles from 21 April 2012	7	5
5	Annexure SK-5 being a copy of an e-mail from Robertson to Paterson, dated 21 April 2012	8	5
6	Annexure SK-6 being a copy of a statement by Peter Slipper, dated 22 April 2012	9	5
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13	Annexure SK-13 being a copy of an e-mail chain between Associate to Justice Rares and legal representatives, dated 15 May 2012	18	7
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18	Annexure SK-18 being a copy of correspondence from Keating to Hamer, dated 4 June 2012, without attachment	24	7

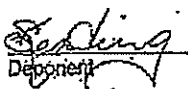
*Keating*  
Deponent

*[Signature]*  
Taken by 2

19	Annexure SK-19 being a copy of correspondence from Keating to the AFP, dated 5 June 2012	25	8
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30	Annexure SK-30 being a copy of an e-mail from Doane to Slipper in relation to illness, dated 10 April 2012	56	21
31	Annexure SK-31 being a copy of an e-mail from Ashby to Slipper in relation to illness, dated 18 April 2012.	56	22

I, Stobhan Michelle Keating, of 456 Lonsdale Street, Melbourne, Legal Practitioner, affirm:

I am a solicitor in the employ of Maurice Blackburn Lawyers (Maurice Blackburn), which represents the Second Respondent in this proceeding (the Proceeding).

  
Deponent

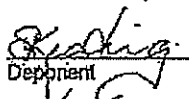
  
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2. The statements set out in this affidavit are made from my information, knowledge and belief based on instructions given to me by the Second Respondent or from my own personal knowledge.

**Relevant People**

3. I know:

- (a) the Honourable Peter Slipper MP (Slipper) to be the Federal Member for Fisher, the Speaker of the House of Representatives and the Second Respondent to this Proceeding;
- (b) Mr Chris Paterson (Paterson) to be the Senior Adviser in the employ of the Commonwealth and attached to the personal staff of Slipper;
- (c) James Ashby (Ashby) to be an adviser in the employ of the Commonwealth attached to the personal staff of Slipper and the Applicant in this proceeding;
- (d) Karen Doane (Doane) to be a Media Adviser in the employ of the Commonwealth and attached to the Electorate staff of Slipper;
- (e) the Honourable Mark McArdle MP (McArdle) to be the Queensland Minister for Energy and Water Supply and Liberal National Party Member for Caloundra;
- (f) Malcolm Brough (Brough) to be the former Federal Member for the Federal Electorate of Longman in Queensland and the Chairman of the Liberal National Party Fisher Federal Divisional Council;
- (g) Bruce Molver (Molver) to be the President of the Liberal National Party of Queensland;
- (h) Steve Lewis (Lewis) to be a journalist in the employ of, or providing services to, News Limited;
- (i) Anthony McClellan (McClellan) to provide strategic media management services through a company called AMC media;

  
Deponent

  
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(f) Michael Hamner (Hamner) to be the Chair of Hamners Workplace Lawyers (Hamners);

(g) Kit Yap (Yap) to be a solicitor in the employ of Hamners; and

(h) Brad Buffon (Buffon) to be a solicitor in the employ of Hamners.

#### Commencement and progress of the Proceeding

4. On or around Monday 16 April 2012, a number of media articles appeared in relation to travel undertaken by Slipper between 2009 and 2011. [REDACTED]  
[REDACTED] The handwritten notations were made by Slipper.
5. On Friday 20 April 2012, Slipper was in New York. In the course of the evening, New York time, Slipper checked his e-mails. At that time, he read an email from Buffon. That e-mail stated that Ashby had filed a proceeding in the Federal Court (the Proceeding) and further stated that Slipper would be served with court papers in due course. Annexed hereto and marked SK-2 is a copy of that email. This was the first notice that Slipper was given of the Proceeding.
6. Also on Friday 20 April 2012, Slipper received an email from Lewis asking him for comment about the Proceeding. Annexed hereto and marked SK-3 is a copy of that email.
7. Details of the Proceeding appeared in a front page story of the Daily Telegraph newspaper on Saturday 21 April 2012. Media outlets in Australia reported the story electronically from around 1:00am on 21 April 2012 and subsequently in print editions. Annexed hereto and marked SK-4 is a bundle of copies of electronic media coverage referencing the Proceeding.
8. On Saturday 21 April 2012 at 9:04am, Paterson received an email from Greg Robertson at Hamers. Annexed hereto and marked SK-5 is a copy of that email.
9. On Sunday 22 April 2012, Slipper issued a statement about the allegations. Annexed hereto and marked SK-6 is a copy of that statement.
10. On Monday 23 April 2012 at 6:44pm, Slipper received an e-mail from Yap attaching a Notice of Change of First Directions date for the Proceeding. Annexed hereto and marked SK-7 is a copy of that e-mail without its attachments.

  
Defendant

  
Taken by



11. On Thursday 28 April 2012, Slipper received an e-mail from Yap purporting to serve him with sealed copies of an Originating Application and Genuine Steps Statement. Annexed hereto and marked SK-8 is a copy of that e-mail without its attachments.
12. [REDACTED]
13. [REDACTED]
14. On Friday 4 May 2012, Slipper received correspondence from the Australian Federal Police (AFP) informing him that it was conducting an investigation into his usage of travel entitlements. Annexed hereto and marked SK-11 is a copy of that correspondence.
15. On Monday 7 May 2012, Slipper received correspondence from Greg Miles, Assistant Secretary of the Entitlements Management Branch at the Australian Government Department of Finance & Deregulation, in which Miles advised Slipper that it was inappropriate for the Commonwealth to represent Slipper in the Proceeding and advising Slipper to obtain separate and independent legal representation. By that letter the Commonwealth advised Slipper that it could not assist him with the financial costs of his defence. Slipper is privately funding the costs of his legal representation.
16. [REDACTED]
17. On Tuesday 15 May 2012, Maurice Blackburn filed a Notice of Acting - Appointment of Lawyer in the Proceeding.

*Reading*  
Deponent

*[Signature]*  
Taken by

18. [REDACTED]

19. On Tuesday 15 May 2012 at 11:50pm, I received an e-mail from Buffon serving a number of documents including a Statement of Claim. Annexed hereto and marked SK-14 is a copy of that e-mail, without its attachments.

20. At approximately 1:00am on Wednesday 16 May 2012, reports of the content of the Statement of Claim appeared in the online media. Annexed hereto and marked SK-15 is a bundle of media reports about the statement of claim.

21. On Thursday 17 May 2012, I received an e-mail from Yap. [REDACTED]

[REDACTED] Annexed hereto and marked SK-16 is a copy of that e-mail, without its attachments.

22. On or around Monday 28 May 2012, I received correspondence from Hammers producing, pursuant to the Order of the Court made on 18 May 2012, an affidavit of Rodney David McKemmish sworn 24 April 2012 (the McKemmish affidavit) and an affidavit of Michael Daniel Harmer affirmed 28 May 2012 (the Harmer affidavit) (annexing a partially redacted affidavit of Ashby) being the documents referred to at page 14 of the Originating Application.

23. [REDACTED]

24. [REDACTED]

*Seeding*  
Deponent

*[Signature]*  
Taken by

25. [REDACTED]

26. [REDACTED]

**Affidavits of Harner and McKemmish**

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

**Affidavit of Rodney McKemmish - Annexures**

30. Also on or around 6 June 2012, I undertook a review of the McKemmish affidavit and in particular the material annexed at RDM-2 and RDM-3. RDM-2 is a forensic image of an iPhone belonging to Ashby. RDM-3 is a spreadsheet extracting SMS, MMS and Chat logs from that iPhone.

31. In particular, from the raw information contained in RDM-2 and RDM-3, I caused to be compiled a spreadsheet of SMS, MMS and chat messages relevant to the interlocutory application in support of which this affidavit is filed. Annexed hereto and marked SK-22

*Reading*  
Deponent

*[Signature]*  
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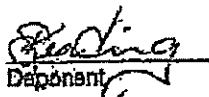
is a copy of that spreadsheet. I also caused a number of MMS messages to be printed. Annexed hereto and marked SK-23 are copies of the MMS I caused to be printed.

32. The process by which the spreadsheet that is annexure SK-22 was prepared included the following steps:

- (a) a program called ".xry" file reader was installed on a computer at Maurice Blackburn's Melbourne Office;
- (b) that program allowed the information at RDM-2 to be viewed through an interface which permits the user to view call logs, SMS logs, MMS logs, chat logs, the contacts stored on the iPhone and a range of other technical data;
- (c) the data stored in Ashby's contacts folder was exported to an Excel spreadsheet;
- (d) the data was then searched to identify all communications in the period 1 January 2012 through to 12 April 2012 that are, or appear, relevant to the Interlocutory application (Relevant Communications);
- (e) where a Relevant Communication was identified it was exported into the spreadsheet that is annexure SK-22;
- (f) the Contacts Spreadsheet was used to identify the name entered into Ashby's contact list for each phone number appearing in the raw data and attached to a Relevant Communication;
- (g) the name of the person to or from whom the Relevant Communication was made, having been matched to the telephone number appearing in the Contacts Spreadsheet, was then inserted into the first column of the spreadsheet.

33. No amendments were made to the content of the messages. Where a message appears with a nonsensical line of text following, the text is the representation of an 'emoticon' from the original text message.

34. The time and date stamp on each message in RDM-2 and RDM-3 is set to UTC time. This means that, in order to determine the date and time that a particular message was sent Australian Eastern Standard Time (AEST) 10 hours must be added to the date/time stamp that appears in RDM-2 and RDM-3. There will also be, for some messages, a Daylight Saving Time (DST) adjustment.

  
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35. In addition, on Wednesday 6 June 2012, I dialled the number [REDACTED] which appears in the data log that is RDM-3 and is identified in Ashby's contacts as 'MB'. I identified the person who answered my call as Brough. Annexed hereto and marked SK-24 is a copy of a file note I made immediately after that telephone call.
36. The people identified as being involved in Relevant Communications include:
- (a) McArdle, with telephone number [REDACTED]
  - (b) Brough, with telephone number [REDACTED]
  - (c) Lewis, with telephone number [REDACTED]
  - (d) Doans, with telephone number [REDACTED] and
  - (e) McCellan, with telephone number [REDACTED]
37. In relation to the MMS, the .xy file reader program allows the user to view the content of the MMS. A number of MMS sent and/or received by Ashby were printed directly from .xy file reader program. The printed copies of the MMS appear at annexure SK-23.
38. [REDACTED]
39. [REDACTED]
- (a) [REDACTED]
  - (b) [REDACTED]

  
Deponent

  
Taken by 10

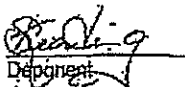
**Slipper's Response to the McKemmish Affidavit**

40. Slipper has viewed the McKemmish affidavit. In particular, Slipper has reviewed RDM-3.

**Release of diary information to Brough – 29 March 2012**

41. Slipper has viewed the MMS messages sent by Ashby's number to Brough's number at 11:34am on 29 March 2012. In response to those messages Slipper informs me that:

- (a) at no time did Ashby make him aware of any request by Brough for information from Slipper's diary for the relevant dates; and
- (b) at no time did Slipper authorise Ashby to release information from his diary to Brough.

  
Deponent

  
Taken by

**Text message exchange between Lewis and Ashby - 4 April 2012**

42. In relation to an exchange of SMS messages between Ashby's number and Lewis's number on 4 April 2012, Slipper instructs me that at no time did Ashby inform him of Ashby's contact with Lewis, and that there was no reason for Ashby to have contact with Lewis in the course of Ashby's work as a member of Slipper's staff during that time.

**Text message exchange between Ashby and Doane - 8 April 2012**

43. In relation to an exchange of SMS messages between Ashby's number and Doane's number on 8 April 2012, Slipper instructs me that at no time did Ashby inform him of the contact with Lewis referred to in that exchange. To the best of Slipper's recollection, there was no reason for Ashby to have contact with Lewis in the course of Ashby's work as a member of Slipper's staff during that time.

**Further release of diary information to Lewis**

44. Slipper has viewed a number of SMS messages sent from Ashby's number to Lewis's number on 9 April 2012 and the message from Lewis to Ashby of that date. In response to those messages, Slipper informs me that:
- (a) at no time did Ashby make him aware of any request by Lewis for information from Slipper's diary for those dates; and
  - (b) at no time did Slipper authorise Ashby to release information from Slipper's diary to Lewis.

**Media following release of diary information**

45. [REDACTED]
- Slipper instructs me that, to the best of his knowledge, he did not release or authorise to be released the information contained in those articles, some of which is inaccurate. Some of the information that appears in the articles is incorrect, but is consistent with Slipper's diary entries for those days. For example, some entries relate to appointments that did not happen, or refer to Slipper attending only a single event, when in fact more than one event was attended. Slipper did not release a travel or appointment schedule

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Deponent

*John*  
Taken by 17

to the media for the days in question. Copies of relevant media articles appear at annexures SK-1.

**Text message exchange between Ashby and Lewis – 10 April 2012 and 12 April 2012**

46. In relation to an exchange of SMS messages between Ashby's number and Lewis' number on 10 April 2012 Slipper informs me that he did not authorise Ashby to forward to Lewis Slipper's message to Ashby. Slipper is not aware of any reason, connected to Ashby's work as a member of Slipper's staff during that time, for Ashby to forward that e-mail to Lewis.
47. In relation to an SMS message from Lewis's number to Ashby's number on 12 April 2012, Slipper informs me that Ashby did not make Slipper aware of any story involving Slipper in relation to 'costs'. Slipper does not know of any reason connected to Ashby's work as a member of Slipper's staff during that time that would explain the content of Lewis' message to Ashby.

**Genuine Steps Statement**

48. Slipper has read the genuine steps statement filed by Ashby in the Proceeding. In response Slipper instructed me that Ashby did not raise any issue or concern with Slipper in relation to the matters set out in the Originating Application prior to commencing the Proceeding.
49. Slipper is advised by personnel from the Department of Finance and Deregulation that, to the best of the Commonwealth's knowledge, no formal complaint has been made by Ashby, and no informal complaints have come to the attention of the Commonwealth.
50. At no time did Ashby raise with Slipper the use of cabcharge vouchers or travel entitlements in relation to the matters set out in the Originating Application. However, Ashby and Slipper did discuss, from time to time, the appropriate response to media enquiries about Slipper's travel entitlements usage.
51. Ashby's employment with the Commonwealth is covered by the *Commonwealth Members of Parliament Staff Enterprise Agreement 2010-2012* (the *Enterprise Agreement*). Annexed hereto and marked SK-25 is a copy of that Enterprise Agreement. Section 74.4 of the Enterprise Agreement provides for particular matters to be referred to the Department of Finance & Deregulation.

  
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52. The Commonwealth has a policy and procedure dealing with bullying and harassment in the workplace. That policy – the *Bullying, Harassment and Workplace Violence Policy and Procedure for MOP(S) Act Employees* – provides a process for employees to make confidential reports of bullying and/or harassment to Konect Response (which is a Commonwealth Government confidential human resources phone service provided through a private provider contracted to the Commonwealth Government – Konect Limited). Annexed hereto and marked SK-26 is a copy of that policy. There has been no indication to Slipper that Ashby ever made such a report.
53. Slipper has had no indication that Ashby ever made a complaint to the Australian Human Rights Commission.
54. Ashby remained in the workplace for many weeks after the alleged unlawful conduct and many weeks after first contacting Lewis and Brough.

#### Discussion with Peter Slipper

55. In the week of 4 June 2012 I had a number of conversations with Slipper. During the course of those discussions Slipper instructed me as follows:

- (a) Slipper was first elected to the House of Representatives for Fisher, Queensland in 1984 as a candidate for the National Party of Australia. Slipper ran for re-election in 1987 and was defeated. Slipper was re-elected to the House of Representatives for Fisher as a candidate for the Liberal Party of Australia in each of 1993, 1996, 1998, 2001, 2004, 2007 and as a candidate for the Liberal National Party of Queensland in 2010.
- (b) Slipper was appointed as Speaker of the House of Representatives on 24.11.11. From that time, Slipper has sat in the Parliament as an independent member.
- (c) Brough was elected to the House of Representatives for Longman, Queensland as a candidate for the Liberal Party of Australia in March 1998. He ran for re-election and lost in November 2007 to the Australian Labor Party candidate, Mr Jon Sullivan.
- (d) Slipper had met Brough when Brough was a constituent seeking assistance with a matter connected to the Commonwealth Government. Brough

  
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subsequently joined the Liberty Party and was supported by Slipper for pre-selection for the Electorate of Longman as a result of a redistribution of Federal boundaries in Queensland prior to the 1996 Federal Election.

- (e) Brough was elected President of the Queensland Liberal Party in May 2008 and held that position until September 2008. In 2011, Brough was elected Chairman of the Liberal National Party Fisher Federal Divisional Council. At that time, Slipper supported the incumbent Chairman, Greg Robinson, for the position.
- (f) Brough has publicly stated his intention to seek pre-selection by the Liberal National Party of Queensland to stand in the seat of Fisher at the next federal election.

56. Slipper also instructed me that:

- (a) [REDACTED]
- (b) Slipper was scheduled to visit a number of countries in March and April 2012 as Leader of a Parliamentary Delegation. In early to mid March 2012 Ashby proposed that he might accompany Slipper, at Ashby's own expense, on the Hungarian leg of that trip.
- (c) On Friday 16 March 2012, Slipper e-mailed Ashby and advised him that it was not possible for Ashby to accompany Slipper on that trip. Also on 16 March 2012, Ashby sent him an e-mail in reply and said "That's no worries. It was only a wild idea, but sometimes wild ideas become reality. :)". Annexed hereto and marked SK-27 is a copy of Slipper's e-mail and Ashby's reply.

  
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Taken by 20

21

(d) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(e) [REDACTED]  
[REDACTED]

(f) Between 16 and 21 March 2012, Ashby and Slipper, among others, exchanged e-mails which were friendly in tone and in which Ashby engaged with Slipper in a friendly and jocular way. Annexed hereto and marked SK-28 is a copy of e-mails from those dates.

(g) On 21 March 2012, Doane e-mailed Slipper expressing concern about the behaviour of Lewis. Ashby responded to that e-mail. Annexed hereto and marked SK-29 is a copy of her e-mail and Ashby's response.

(h) On 24 March 2012, Slipper left Australia for the purposes of official visits to a number of countries. Slipper's wife, Inge, accompanied him. Slipper was scheduled to be away from Australia until 22 April 2012.

(i) [REDACTED]  
[REDACTED]

(j) On Tuesday 10 April 2012, Slipper received an e-mail from Doane advising that she was unwell and was to attend her doctor. Annexed hereto and marked SK-30 is a copy of that e-mail.

(k) On Tuesday 10 April 2012, Slipper called his Electorate Office and spoke to Ellis. Ellis informed Slipper that Ashby was also away from work to illness. Shortly after taking that call, Slipper sent Ashby an SMS message asking after his health and asking that Ashby include Slipper in any messages about being absent from work.

*Sean King*  
Deponent

*[Signature]*  
Taken by 21

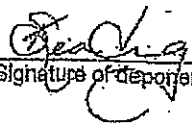
- (l) Also on Tuesday 10 April 2012, Slipper received an e-mail from Ashby advising Slipper that Ashby would be absent from work for two weeks due to illness. In that e-mail, Ashby indicated that he would provide a medical certificate to support his absence from work. Annexed hereto and marked SK-31 is a copy of that e-mail.
- (m) To the best of Slipper's knowledge Ashby did not, and has not, provided a medical certificate for this period. Ashby has not attended for work since that time.
- (n) On 18 April 2012, a number of articles appeared in the Australian media [REDACTED] I refer to those articles above at paragraph 4 and 45.
- (o) On Friday 20 April 2012, Slipper and Inge were in New York and preparing to return to Australia. During the night, Slipper woke and checked his emails on an iPad. The time in Australia was shortly after close of business on Friday 20 April 2012. This is when he first read the email referred to in paragraph 5 above.
- (p) After receiving the email, Slipper was shocked and felt sick.
- (q) Slipper and Inge left New York at 6:45pm and travelled to Los Angeles to board their flight to Australia. Upon arriving in Los Angeles at 10:00pm, Slipper was stopped by representatives of the Australian media, including television crews, who asked him questions about the Proceeding.
- (r) Slipper is not aware of how his travel itinerary became public. Slipper did not authorise its release.
- (s) A representative of QANTAS whose name Slipper does not know assisted him by taking Slipper and Inge into a QANTAS airport lounge. At that time, Slipper explained to Inge what the media attention was about.
- (t) Inge and Slipper boarded a flight to Sydney. On arrival in Sydney, representatives of QANTAS again assisted Slipper to avoid the media at Sydney airport and he was able to board his domestic flight to Brisbane without further media attention.

  
Dependent

  
Taken by

- (u) Slipper was advised by the AFP that there were no media waiting at Brisbane Airport and that it was 'all clear' from a security perspective. However, Inge and Slipper agreed that they would disembark separately so that Inge was shielded from any media attention. Slipper disembarked some distance ahead of Inge.
- (v) On leaving the aeroplane, Slipper was met by a large group of journalists. It was an intimidating and stressful experience, substantially exacerbated by the fact that Slipper knew no more about the Proceeding than he had been able to glean from the email referred to in paragraph 5 above and press and media reports that he had been able to read. Inge remained behind him and later identified herself to AFP officers, who walked her out of the terminal separately. Inge was driven away from the airport by an AFP officer and then met Slipper at a rendezvous point for their trip home to the Sunshine Coast.
- (w) At that time Slipper called Inge's mother, Beverley, to ask her to check for media at Slipper's home. Beverley advised Slipper that there were five media outlets at Slipper's front gate.
- (x) Slipper stayed at Inge's mother's house that night and the following night to avoid the media camped outside his front gate. Over those two days, and for days afterwards, the media broadcast from the front of the property.

Affirmed by the deponent  
at Melbourne  
in Victoria  
on 12 June 2012  
Before me:

  
Signature of deponent

  
Legal Practitioner

ENRICO BURGIO  
of 455 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.

**Federal Court of Australia**

**District Registry:** New South Wales

**Division:** Fair Work

**NSD580/2012**

**Schedule**

**JAMES HUNTER ASHBY**  
Applicant

**COMMONWEALTH OF AUSTRALIA**  
First Respondent

**PETER SLIPPER**  
Second Respondent

**Affidavit****Federal Court of Australia**

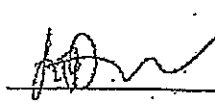
No: NSD580/2012

District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHEY**  
Applicant**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First RespondentAffidavit of: Siobhan Michelle Keating  
Address: 458 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012**CERTIFICATE IDENTIFYING ANNEXURE**This is the annexure marked "SK-2" now produced and shown to Siobhan Michelle Keating  
at the time of affirming her affidavit on 12 June 2012.

Before me:

  
ENRICO BURGIO  
of 458 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.Annexure "SK-2"  
E-MAIL FROM BUFFONI TO SLIPPER  
NOTIFYING SLIPPER OF FEDERAL COURT  
PROCEEDING, DATED 20 APRIL 2012

**Slobhan Keating**

**Subject:** FW: James Hunter Ashby v The Commonwealth of Australia & Anor

**Attachments:** 20120420154444090.pdf; 20120420154502411.pdf

**From:** Brad Buffoni [mailto:brad.buffoni@harmers.com.au]

**Sent:** Friday, 20 April 2012 3:54 PM

**To:** Slipper, Peter (Private)

**Cc:** Michael Haime

**Subject:** James Hunter Ashby v The Commonwealth of Australia & Anor

Dear Mr Slipper

Please find attached an application to the Federal Court filed today.

A hard copy will also be served in accordance with the Federal Court Rules.

Regards

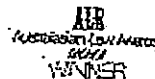
Brad Buffoni

Special Counsel Litigation and Investigations

D +61 2 8993 8519 | T +61 2 9267 4322 | F +61 2 9264 4295

E brad.buffoni@harmers.com.au | W www.harmers.com.au

A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



Harmers Workplace Lawyers – "Employment Specialist Law Firm of the Year"  
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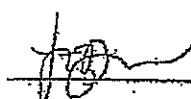
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**Affidavit****Federal Court of Australia****No: NSD580/2012****District Registry: New South Wales****Division: Fair Work****JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA and another according  
to the Schedule**  
First Respondent**Affidavit of: Slobhan Michelle Keating**  
**Address: 458 Lonsdale Street, Melbourne, Vic, 3000**  
**Occupation: Legal Practitioner**  
**Date: 12 June 2012****CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-3" now produced and shown to Slobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:



ENRICO BURGIO  
of 458 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.

**Annexure "SK-3"**  
**E-MAIL FROM LEWIS TO SLIPPER DATED 20**  
**APRIL 2012**

**Siobhan Keating**

**Subject:** FW: Peter -- can u pls call me urgently on [REDACTED]

**From:** Lewis, Steve [mailto:steve@newsitd.com.au]

**Sent:** Friday, 20 April 2012 7:18 PM

**To:** Slipper, Peter (Private)

**Cc:** Slipper, Peter (Private)

**Subject:** Peter -- can u pls call me urgently on [REDACTED]

We are running a story involving allegations of sexual harassment -- the allegations coming from one of your staff members.  
There are also allegations of potential fraud against the Commonwealth, according to court documents.  
Phone me asap.  
Steve Lewis

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message or responsible for delivery of the message to the addressee, you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments which does not relate to the official business of the sending company must be taken not to have been sent or endorsed by that company or any of its related entities. No warranty is made that the e-mail or attachments are free from computer virus or other defect.

**Affidavit****Federal Court of Australia**

No: NSD580/2012

District Registry: New South Wales  
Division: Fair Work

**JAMES HUNTER ASHEY**  
Applicant

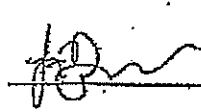
**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First Respondent

Affidavit of: Siobhan Michelle Keating  
Address: 456 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012

**CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-4" now produced and shown to Siobhan Michelle Keating  
at the time of affirming her affidavit on 12 June 2012,

Before me:

  
ENRICO BURGHIO  
of 456 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.

Annexure "SK-4"  
BUNDLE OF ONLINE MEDIA ARTICLES  
FROM 21 APRIL 2012

# The Australian

## Slipper accused of sexual harassment, funds misuse

• by Staff reporters  
• From The Australian  
• April 21, 2012 12:00AM

**FEDERAL** parliamentary Speaker Peter Slipper faces allegations he sexually harassed a young male adviser and misused taxpayer-funded Cabcharge dockets.

The allegations, published in Sydney's The Daily Telegraph today, present a new crisis for the minority Gillard government, which had shore up its parliamentary majority by an extra vote when it lured the then Liberal National Party MP to take up the Speaker's role in the House of Representatives last November.

Mr Slipper, who now sits as an independent, is accused in court documents by James Ashby, who joined the Speaker's staff in December, of making "unwelcome sexual advances" and "unwelcome sexual comments" through text messages and in private conversations, the Telegraph reports.

Mr Slipper, who was last night flying back from overseas, said: "The allegations are denied."

Mr Ashby, in the court documents, alleges Mr Slipper recruited him only "for the purpose of pursuing a sexual relationship".

The court documents revealed Mr Slipper would regularly send "bizarre" kisses to him by ending text messages with an "X".

According to the application filed in the Federal Court yesterday, Mr Slipper asked Mr Ashby, who had told Mr Slipper he was gay before starting employment, to shower with the bathroom door open at his Canberra home.

Mr Ashby reportedly told Mr Slipper he was only interested in a professional relationship.

The Australian Federal Police also will be asked to investigate conduct by Mr Slipper in relation to the use of public funds.

It is claimed in the court documents that he signed Cabcharge vouchers that were later filled out by a limousine driver.

According to the court documents, the Howard government was aware of Mr Slipper's sexual relationship with another young male adviser -- and other allegations of sexual harassment -- as early as 2003 after an adviser to Mr Slipper approached John Howard's then senior adviser Tony Nutt about an "intimate" video featuring the Speaker and the young male adviser.

Mr Ashby is seeking a court order that Mr Slipper undergo counselling and training in anti-discrimination as well as compensation from the federal government and the Speaker.

The Gillard government's move to install Mr Slipper as Speaker came amid allegations that Labor MP Craig Thomson had paid for prostitutes using union credit cards -- claims he denies. Before Mr Slipper's defection from the Coalition, Labor faced the possibility of being unable to command a majority on the floor of parliament if Mr Thomson were forced to resign.

Mr Ashby is reportedly being represented by Harmers Workplace Lawyers, the firm Kristy Anne Fraser-Kirk used in her successful suit against David Jones chief executive Mark McInnes.

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-

# The Courier-Mail

Queensland

## Speaker Peter Slipper denies staffer's allegation of sexual harassment

• by: Steve Lewis  
• From: The Courier-Mail  
• April 21, 2012 1:17AM



Sources: The Courier-Mail

**SPEAKER Peter Slipper is facing explosive allegations he sexually harassed a young male adviser and misused taxpayer-funded Cabcharge dockets in a major new crisis for the Gillard Government.**

The Courier-Mail can reveal the man who holds the highest parliamentary office in Australia is accused by a key adviser, James Ashby, of making "unwelcome sexual advances" and "unwelcome sexual comments".

**Aida says harassment began in Slipper's home**

(<http://www.couriermail.com.au/news/aidas-says-it-began-at-home/story-e6freon6-1226334933887>)

Mr Ashby, in court documents (see below), alleges Mr Slipper only recruited him "for the purpose of pursuing a sexual relationship". The Australian Federal Police will also be asked to investigate conduct by Mr Slipper in relation to the use of public funds.

These include claims he signed Cabcharge vouchers which were later filled out by a Sydney-based limousine driver.

Last night Mr Slipper said: "The allegations are denied."

Speaker Peter Slipper denies staffer's allegation of sexual harassment | The Courier-Mail Page 2 of 4

Prime Minister Julia Gillard now faces the prospect that her minority government's legitimacy rests on two people under serious legal clouds - Mr Slipper and backbencher Craig Thomson, who is accused of using union credit cards to pay for prostitutes.

Mr Ashby is being represented by Harmer's Workplace Lawyers, the firm Kirsty Anne Fraser-Kirk used in her successful suit against David Jones CEO Mark Molihes.

**Read the text exchanges between Slipper and his aide**  
<http://www.couriermail.com.au/news/this-is-an-extract-of-allegations-against-peter-slipper-in-the-application-in-federal-court/story-e6frcn6-1226834972622>

Mr Slipper, who was last night flying back from overseas, is accused of making "unwelcome suggestions of a sexual nature" through mobile phone text messages and in private conversations.

The court documents also revealed Mr Slipper would regularly send "bizarre" kisses to him by ending text messages with an "X". One text message from Mr Slipper to Mr Ashby merely read "xxx".

According to an application filed in the Federal Court yesterday, Mr Slipper asked Mr Ashby to shower with the bathroom door open at his Caribena home.

And after complaining of having a sore neck, Mr Slipper arranged for a massage, during which he made moaning noises indicating "intense sexual pleasure".

It is alleged Mr Slipper asked several weeks later whether he preferred "twinks or bears" - terms which are homosexual slang.

In a series of text messages Mr Slipper sent Mr Ashby in February he told the staffer, "If you are interested we could be closer". But his attempt to forge a closer relationship was rejected by the adviser, who had joined the Speaker's office in December.

He also asked Mr Ashby: "You getting rocks off. Pity," during an exchange of text messages sent on February 1 this year.

A few minutes later Mr Slipper wrote via email: "U want something more? U brilliant (sic) at massages."

However when Mr Ashby - who told Mr Slipper he was homosexual before commencing employment - said he only wanted a professional relationship, the Speaker's tone changed.

He told Mr Ashby he should "in future" arrange all communications through another staffer, Tim Knapp, as Mr Slipper said he "cannot guarantee availability".

He also threatened to stop Mr Ashby accompanying him to Sydney for two harbour cruises with delegations from Samoa and Cyprus.

According to the court documents, the Howard government was aware of Mr Slipper's sexual relationship with another young male adviser - and other allegations of sexual harassment - as early as 2003.

Megan Hibson, a former adviser to Mr Slipper, approached John Howard's then senior adviser Tony Nutt after she - and two other women - had viewed a video featuring the Speaker and the young male adviser.

According to the court documents, the video included footage of Mr Slipper lying on a bed with the male adviser and hugging him in "an intimate fashion".

After hearing her concerns about the video, Mr Nutt allegedly told Ms Hibson to "forget all about it".

Mr Ashby's legal team claim the adviser had suffered "considerable stress, humiliation and illness and was seeking medical assistance".

Speaker Peter Slipper denies staffer's allegation of sexual harassment | The Courier-Mail Page 3 of 4

Anthony McClellan, a spokesman for Mr Ashby, said: "Mr Ashby has nothing further to add at this time."

The allegations against Mr Slipper come at a bad time for Prime Minister Julia Gillard, who is battling record low polls and a collapse in her approval rating. Mr Slipper's defection from the Liberal Party in late November after Labor wooed him with the role of Speaker delivered vital breathing space to the minority government.

The Liberal turncoat, who has been heading a parliamentary delegation to Africa and Europe over the last month, was flying last night.

He will return home to a political storm after being accused of being "vindictive and spiteful" towards Mr Ashby.

The Courier-Mail has learned the Cabcharge transactions allegedly took place in January and February while the Speaker was in Sydney.

Mr Slipper has been a controversial political figure for many years, despite his long tenure as a Federal MP. He was first elected in 1984 as a National Party MP and was defeated in 1987. He was re-elected in 1993 for the Liberals.

He was rumoured to be fighting to gain preselection for his seat at the 2010 Federal poll. But the merger of the Liberal and National parties brought with it a grandfathering clause which guaranteed the preselection all sitting MPs.

The LNP was then set to dump Mr Slipper at the next poll but he left the party late last year and stunned the political community by becoming an Independent MP.

The LNP remains confident of regaining his seat at the next election after its dominant Sunshine Coast performance at the state election.

Below is a series of alleged conversations as detailed in court documents:

Wednesday January 4 2012: Ashby and Slipper were in Slipper's flat after work. Slipper asks applicant: "Can you massage my neck". Ashby says words to the effect of "yeah right" as "he did not know what other response to give as he was brand new to him job and he was being asked by his employer".

Thursday January 5: Ashby was getting ready for work, when Slipper says: "You're a strange one". The following conversation then took place in words to the effect of: Slipper: "You're a weird because you shower with the door shut".

Ashby: "What's weird about that?"

Slipper: "You're a prude".

Ashby: "You can call me what you like, I'm happy to wear the tag of prude. I don't know what you private schoolboys got up to in your day, but I've never found it normal to shower with the door open. My dad's never done it, I've never done it, my mates don't do it, that's not weird".

Slipper: "But you even go to the toilet with the door shut".

Ashby: "It's not weird and it's normal".

Slipper: "You should try showering with the door open"

Ashby: "It's never gonna happen"



Speaker Peter Slipper denies staffer's allegation of sexual harassment | The Courier-Mail Page 4 of 4

Slipper: "What have you got to hide? What are you doing in there?"

Ashby: "I'm not doing anything in there, it's just not normal to shower with the door open".

---

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# ABC News

## Slipper denies sexual harassment allegations

AM By Adam Harvey

Updated April 21, 2012 12:33:49

Federal parliamentary Speaker Peter Slipper has denied sexually harassing a young male staffer and misusing taxpayer-funded Cabcharges.

In explosive claims published in News Limited papers today, 33-year-old James Ashby says he was continually harassed by Mr Slipper since he began working for the speaker in December last year.

He says it is clear the Speaker only hired him to pursue a sexual relationship.

Mr Ashby has launched a Federal Court action, seeking compensation from Mr Slipper and the Federal Government.

The allegations are a new headache for the Gillard Government, which is relying on the Independent Speaker's support to retain its parliamentary majority.

News Limited's Saturday papers have detailed some of the claims about Mr Slipper's behaviour.

Mr Ashby - who is gay - says in his first weeks on the job, Mr Slipper requested massages, asked him for graphic details about his sex life and sent him suggestive text messages.

In one of the alleged exchanges quoted by News Limited, Mr Slipper is said to have asked Mr Ashby if he wanted to become "closer", immediately after allegedly sending a sexually suggestive text message.

Mr Ashby also alleges his employer sent him texts signed with an "x" or an "xxx".



PHOTO: News Limited is reporting allegations that Mr Slipper made unwanted sexual advances and sexual comments towards a young male adviser. (AAP: Lukas Coch)

MAP: Australia

Slipper denies sexual harassment allegations - ABC News (Australian Broadcasting Corpor... Page 2 of 2

Mr Ashby claims he always rejected the advances of the 62-year-old, who is married with two children.

News Limited reports that Mr Ashby stayed at Mr Slipper's Canberra home when he moved to the ACT to take the job at the start of the year.

Mr Ashby's legal statement says Mr Slipper asked Mr Ashby to shower with the door open. Mr Ashby says he refused to do so, but Mr Slipper never closed the door for his showers.

### Allegations denied

Mr Slipper was a Liberal MP before becoming an independent to accept the job as Speaker - shoring up the Gillard Government's numbers in the House.

News Limited says the court documents show the Howard government was aware of Mr Slipper's sexual relationship with another young male adviser - and other allegations of sexual harassment - as early as 2003.

News Limited is also reporting claims about Mr Slipper's alleged misuse of Cabcharge vouchers.

Mr Slipper could not be contacted this morning but a statement on his Twitter account read: "The allegations in News Ltd papers are denied!"

Mr Slipper is believed to be returning to Australia from an overseas trip to Eastern Europe and Africa.

The case is due to come before the Federal Court May 21.

Opposition Leader Tony Abbott says the allegations are serious and Prime Minister Julia Gillard must stand down Mr Slipper while the matter is dealt with in the courts.

New South Wales Liberal Senator Arthur Sinodinos is also calling for Mr Slipper to stand down.

"Peter Slipper occupies the most important formal position in the Federal Parliament as Speaker of the House of Representatives and therefore serious allegations like this cast a pall not only over him but also over the office itself," he said.

"I think it's incumbent on the Government, who has taken ownership of Mr Slipper, to do the right thing and ask him to stand aside while these matters are investigated."

Topics: government-and-politics, federal-government, australia

First posted April 21, 2012 07:22:51

# Perth Now

News

## Speaker Peter Slipper to defend claims of sexual advances

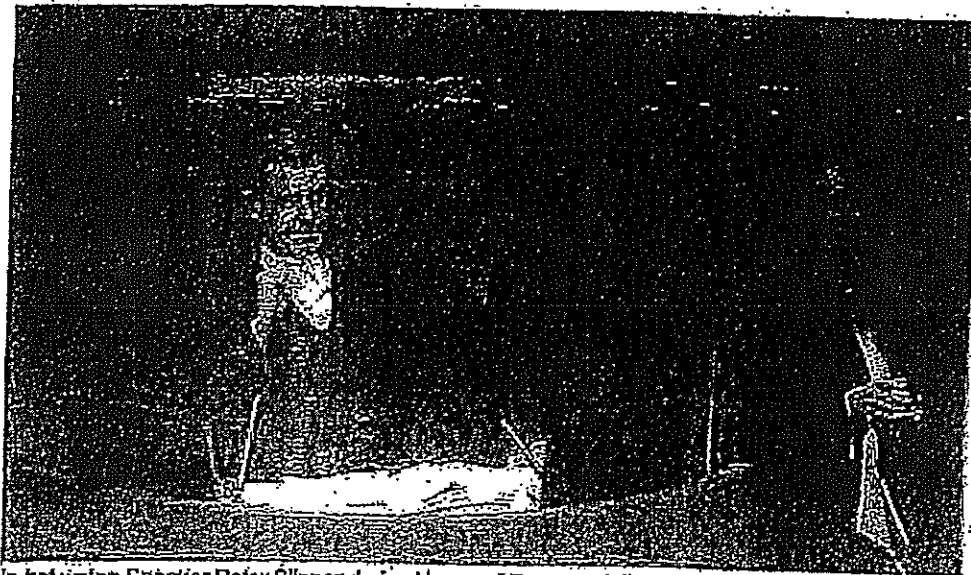
• by: STEVE LEWIS  
• From: The Daily Telegraph  
• April 21, 2012 11:24AM

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In hot water: Speaker Peter Slipper during House of Representatives question time in Canberra.  
Source: AAP



Perth Now James Ashby has accused Speaker Peter Slipper of sexual harassment. Pictured Megan State

Source: The Daily Telegraph

< Prev. (#)

1 of 2

Next > (#)

**SPEAKER Peter Slipper must step aside amid explosive claims he sexually harassed male adviser and misused taxpayer-funded cab dockets, the Federal Opposition said today.**

The man who holds the highest parliamentary office in Australia is accused by a key adviser, James Ashby, 33, of making "unwelcome sexual advances" and "unwelcome sexual comments".

Mr Ashby, in court documents obtained by The Daily Telegraph, alleges Mr Slipper, 62, only recruited him "for the purpose of pursuing a sexual relationship".

Mr Slipper took to Twitter early this morning to deny the claims. He is overseas on a parliamentary delegation.

"The allegations in News Ltd papers are denied!" he tweeted, later adding they were "a surprise to me".

But Opposition Leader Tony Abbott said the Speaker's role was to uphold the integrity of parliament and Mr Slipper should step aside while the allegations were heard in court.

"Yes, the Speaker is entitled to the presumption of innocence but he does have quite a lot of explaining to do," he said.

"These are matters that are now to be the subject of proceedings in court, so these are of a vastly more serious and substantial nature than anything that has been alleged against Mr Slipper in the past."

Mr Ashby, in court documents obtained by The Daily Telegraph, alleges Mr Slipper, 62, only recruited him "for the purpose of pursuing a sexual relationship".

The Australian Federal Police will also be asked to investigate conduct by Mr Slipper in relation to the use of public funds.

Speaker Peter Slipper to defend claims of sexual advances | Perth Now

Page 3 of 4

These include claims he signed multiple Cabcharge vouchers which were later filled out by a Sydney-based limousine driver.

Mr Ashby is being represented by Harmers Workplace Lawyers, the same firm which represented Kirsty Anne Fraser-Kirk in her successful suit against David Jones chief executive Mark McInnes - who resigned over the harassment claims.

Mr Ashby is seeking a court order that Mr Slipper undergo counselling and training in anti-discrimination, as well as compensation from the federal government and the Speaker.

Mr Slipper, who was last night flying back from overseas, is accused of making "unwelcome suggestions of a sexual nature" through mobile phone text messages and in private conversations.

The court documents also revealed Mr Slipper would regularly send "bizarre" kisses to him by ending text messages with an "X". One text from Mr Slipper to Mr Ashby merely read "xxx".

According to an application filed in the Federal Court yesterday, Mr Slipper asked Mr Ashby to shower with the bathroom door open at his Canberra home.

And after complaining of having a sore neck, Mr Slipper arranged for a massage, during which he made moaning noises indicating "intense sexual pleasure".

Just a month after starting work with the Speaker, Mr Ashby also claimed he was asked: "Have you ever c... in a guy's a... before?".

It is alleged that the question was repeated several weeks later, with Mr Slipper also asking whether the adviser preferred "twinks or bears" - homosexual slang.

In a series of text messages Mr Slipper sent Mr Ashby in February he told the staffer, "if you are interested we could be closer".

But his attempt to forge a closer relationship was rejected by the adviser, who joined the Speaker's office in December.

He also asked Mr Ashby: "You getting roks (sic) off. Pity," during an exchange of text messages sent on February 1 this year. A few minutes later Mr Slipper wrote via email: "U want something more? U brillianmt (sic) at massages."

However when Mr Ashby - who told Mr Slipper he was homosexual before commencing employment - said he only wanted a professional relationship, the Speaker's tone allegedly changed.

He told Mr Ashby he should "in future" arrange all communications through another staffer, Tim Knapp, as Mr Slipper said he "cannot guarantee availability".

He also allegedly threatened to stop Mr Ashby accompanying him to Sydney for two harbour cruises with delegations from Samoa and Cyprus.

According to the court documents, the Howard government was aware of Mr Slipper's sexual relationship with another young male adviser - and other allegations of sexual harassment - as early as 2003.

Megan Hobson, a former adviser to Mr Slipper, approached John Howard's then senior adviser Tony Nutt after she - and two other women - had viewed a video featuring the Speaker and the young male adviser.

According to the court documents, the video included footage of Mr Slipper lying on a bed with the male adviser and hugging him in "an intimate fashion".

After hearing her concerns about the video, Mr Nutt allegedly told Ms Hobson to "forget all about it".

Speaker Peter Slipper to defend claims of sexual advances | Perth Now

Page 4 of 4

Mr Ashby's legal team claim the adviser had suffered "considerable stress, humiliation and illness and was seeking medical assistance".

Anthony McClellan, a spokesman for Mr Ashby, said: "Mr Ashby has nothing further to add at this time."

The allegations against Mr Slipper - which are yet to be tested in court - come at a bad time for Prime Minister Julia Gillard, who is battling record low polls and a collapse in her approval rating. Mr Slipper's defection from the Liberal Party in late November after Labor wooed him with the role of Speaker delivered vital breathing space to the minority government.

The Daily Telegraph has learned the Cabcharge transactions allegedly took place in January and February while the Speaker was in Sydney.

Mr Slipper last night denied the claims.

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[SMH | Text-only index]

## Slipper claims need testing: Albanese

Date: April 21 2012

Katrina Curtis

The government says allegations of sexual harassment by Speaker Peter Slipper should be tested in court without political interference.

Mr Slipper has denied claims published in News Limited newspapers on Saturday that he sexually harassed a male staffer and misused Cabcharges.

The civil claims against Mr Slipper, made in court documents obtained by the newspaper, allege he recruited 33-year-old James Ashby to pursue a sexual relationship with him.

The application filed to the Federal Court reportedly says Mr Slipper allegedly made unwelcome advances toward Mr Ashby and sent him explicit text messages making his sexual intentions clear.

Mr Slipper took to Twitter early on Saturday morning to deny the claims. He is currently overseas.

"The allegations in News Ltd papers are denied!" he tweeted, later adding they were "a surprise to me".

Later he repeatedly told media at Los Angeles airport: "All allegations are denied."

He refused to say anything else, including whether he had spoken to the prime minister about the matter.

Mr Ashby is being represented by Hammers Workplace Lawyers, which represented Kristy Fraser-Kirk in a settled harassment suit against former David Jones boss Mark McLinnes.

A spokesman for the firm said it had no present plans to make a public statement about the case filed against Mr Slipper.

The Government Leader of the House, Anthony Albanese, said he knew nothing about the allegations before reading of them in the media.

"It isn't appropriate to comment on the detail of legal proceedings of which obviously I would have no knowledge," he told reporters in Sydney on Saturday.

"It's important that we recognise the separation between the judicial arm and the political arm of the state."

Opposition leader Tony Abbott called for Mr Slipper to step aside from the Speaker's chair while the matter was heard in court.

"Yes, the Speaker is entitled to the presumption of innocence, but he does have quite a lot of explaining to do," he told journalists in Hervey Bay in Queensland.

"These are of a vastly more serious and substantial nature than anything that has been alleged against Mr Slipper in the past."

Tasmanian independent Andrew Wilkie backed these calls, saying Mr Slipper should sit on the crossbench until the matter was resolved.



www.smh.com.au - Slipper claims need testing: Albanese

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"Let's not forget the government only thrust Peter Slipper into the Speaker's role in a cynical move to head off meaningful poker machine reform," Mr Wilkie said in a statement.

That poker machine reform is his pet project.

"If he's found guilty of these allegations it will be a disaster of the government's own making."

Mr Albanese said any question of stepping aside was one for Mr Slipper to decide.

"There aren't allegations against anyone in the government," he said.

He believed Mr Slipper had done "a very good job" as Speaker.

"That's been something that's been acknowledged across the spectrum including by his former coalition colleagues," he said.

Prime Minister Julia Gillard is not expected to comment on the matter on Saturday.

The newspaper reports said court documents showed the Howard government was aware of other allegations of sexual harassment against Mr Slipper as far back as 2003.

But Liberal Senator Arthur Sinodinos, who was John Howard's chief of staff at the time, said on Saturday he could not recall specific allegations of that type.

"I cannot recall particular circumstances that I think are referred to in the News Limited report," he told ABC TV.

"But in a sense now that is ancient history and we're faced with a series of fresh allegations."

The reports also raise allegations that taxpayer-funded Cabcharges were misused.

The Australian Federal Police said on Saturday they were aware of these.

A spokeswoman said police were assessing the information they had about the allegations but it would not be appropriate to comment further at this stage.

Mr Slipper became Speaker on the last day of parliament in 2011 after the Labor speaker, Harry Jenkins, resigned.

The Sunshine Coast MP resigned from the Liberal National Party to take over the job.

His defection effectively gave the minority Labor government two extra votes, a wider buffer than previously.

AAP

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Article from:

## Harassment claims against Slipper

1 April 21, 2012

0 tweet

**SPEAKER Peter Slipper is facing allegations he sexually harassed a male adviser and misused taxpayer-funded Cabcharge dockets.**

The man who holds the highest parliamentary office in Australia is accused in court documents by James Ashby of making "unwelcome sexual advances" and "unwelcome sexual comments".

Mr Ashby, in court documents obtained by the *Herald Sun*, alleges Mr Slipper recruited him only "for the purpose of pursuing a sexual relationship".

The Australian Federal Police also will be asked to investigate conduct by Mr Slipper in relation to the use of public funds.

These include claims made in the court documents that he signed Cabcharge vouchers that were later filled out by a limousine driver.

Last night Mr Slipper said: "The allegations are denied."

Mr Slipper, who last night was flying back from overseas, is accused of making "unwelcome suggestions of a sexual nature" through mobile phone text messages and in private conversations.

The court documents also claimed Mr Slipper would regularly send "bizarre" kisses to him by ending text messages with an "X".

One text message from Mr Slipper to Mr Ashby merely read xxx.

According to an application filed in the Federal Court yesterday, Mr Slipper asked Mr Ashby to shower with the bathroom door open at his Canberra home.

And after complaining of having a sore neck, Mr Slipper arranged for a massage, during which he made moaning noises indicating "intense sexual pleasure".

Mr Ashby claimed that a month after starting work with the Speaker, he asked him if he had ever taken part in a gay-sex act, later making other comments.

According to Mr Ashby, in a series of text messages Mr Slipper sent Mr Ashby in February he told the staff member: "if you are interested we could be closer". But his attempt to forge a closer relationship was rejected by the adviser, who joined the Speaker's office in December.

According to the court documents, the Howard government was aware of Mr Slipper's sexual relationship with another young male adviser - and other allegations of sexual harassment - as early as 2003.

Anthony McClellan, a spokesman for Mr Ashby, said: "Mr Ashby has nothing further to add at this time."

Read more at the [Herald Sun](#).

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## Harassment claims against Slipper

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## SLIPPER SEX CLAIMS NEED TESTING: ALBANESE

By Kate Gledhill, AAP  
Updated April 21, 2012, 4:01 pm

Accessed 4/21/12



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The government says allegations of sexual harassment by Speaker Peter Slipper should be tested in court without political interference. Mr Slipper has denied claims published in News Limited newspapers on Saturday that he sexually harassed a male staffer and released a statement.

The civil claims against Mr Slipper, made in court documents obtained by the newspaper, allege he harassed 33-year-old James Aubrey to pursue a sexual relationship with him.

The application filed in the Federal Court reportedly says Mr Slipper's alleged "sexual advances towards Mr Aubrey and the explicit and repeated sexual advances towards Mr Aubrey" and that the applicant had "sexual intercourse with Mr Slipper".

Mr Slipper took to Twitter early on Saturday morning to deny the claims. He is currently overseas.

"The allegations in News Ltd papers are denied," he tweeted, later adding they were "a surprise to me".

Later he reportedly told media on Los Angeles airport "All allegations are denied".

He refused to say anything else, including whether he had spoken to the prime minister about the matter.

Mr Aubrey is being represented by Hanna & Whitmore Lawyers, which represented Kirby Freechurch in a settled harassment suit against former David Jones boss Mark McKinnon.

A spokeswoman for the firm said it had no press phone to make a public statement about the case filed against Mr Slipper.

The Government Leader of the House, Anthony Albanese, said he knew nothing about the allegations before reading of them in the media.

"It is not appropriate to comment on the details of legal proceedings of which obviously I would have no knowledge," he told reporters in Sydney on Saturday.

"It is important that we recognise the separation between the judicial arm and the political arm of the state."

Opposition leader Tony Abbott called for Mr Slipper to step aside from his Speakership chair while the matter was heard in court.

"Yes, the Speaker is entitled to the presumption of innocence, but he does have quite a lot of explaining to do," he told journalists in Harvey Bay in Queensland.

"There are a few pretty serious and substantial allegations here that have been alleged against Mr Slipper in the past."

Treasurer and opposition leader Andrew Wilton backed the claim, saying Mr Slipper should sit on the sidelines until the matter was resolved.

"Let's not forget the government only took Peter Slipper into the Speaker's role in a cynical move to head off meaningful public machine reform," Mr Wilton said in a statement. The police machine reform is the subject of a bill.

"If he's found guilty of these allegations it will be a disaster for the government's own ratings."

Mr Albanese said any question of stepping aside was for Mr Slipper to decide.

"There aren't allegations against anyone in the government," he said.

He backed Mr Slipper but said he "very good job" as Speaker.

"There is an something that's been pretty well covered in the past including by his former coalition colleagues," he said.

Prime Minister Julia Gillard is not expected to comment on the matter on Saturday.

The newspaper reports said court documents showed the Howard government was aware of other allegations of sexual harassment against Mr Slipper as far back as 2003.

But Liberal Senator Arthur Sinodinos, who was John Howard's chief of staff at the time, said on Saturday he could not recall specific allegations of this type.

"I cannot recall particular circumstances that I think are referred to in the News Limited report," he told ABC TV.

"But in a sense now that it's out in the public and we're faced with a series of such allegations."

The report also says allegations that taxpayer-funded Cashgar was involved.

The Australian Federal Police said on Saturday they were aware of the case.

<http://au.news.yahoo.com/australia/latest/news/13486627slipper-sex-claims-need-testing-albanese>

10/10/2012 7

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A spokesman said AAP police were spreading the information they had about the allegations but it would not be appropriate to comment further at this stage.

Mr Slipper, former Speaker on the last day of parliament in 2014 when the Labor speaker, Harry Jenkins, resigned.

The Sunday, 2001 MP resigned from the Liberal National Party to take over the job.

His deduction effectively gave the minority Labor government five extra votes, a better buffer than previously.

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# Peter Slipper faces sex scandal

Daily Staff Reporters | 21st April 2012 8:13 AM

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Tags: James ashby, peter slipper

DETAILED and sordid allegations of sexual harassment have been levelled at Independent member for Fisher Peter Slipper by one of his top advisers James Ashby.

In reports published in Sydney's Daily Telegraph today, court documents allege Mr Slipper only hired the 33-year-old Sunshine Coast advisor for the purpose of pursuing a sexual relationship.

Mr Slipper has also been accused, in the past, of misusing his travel entitlements for unexplained trips to Sydney and Brisbane nightclub venues.

The Daily Telegraph report alleges Mr Slipper had inappropriate relationships with male staffers dating back years.

The report said the Howard Government was aware of problems surrounding their MP as early as 2003.

The revelations follows lengthy investigations by the Sunshine Coast Daily about Mr Slipper's travel expenses.

Mr Ashby is the adviser who faced a police investigation after he threw the phone of a Daily journalist who asked Mr Slipper about his expenses at a recent press conference.

The police decided not to proceed after Mr Ashby refused to talk to them.

Mr Slipper, who is married with grown up children, has denied the allegations.

The former Liberal MP, who is returning from an overseas trip, took to Twitter early this morning.



Peter Slipper

## Poll

Should Peter Slipper stand down as Speaker

This poll ended on 30 April 2012.

Yes. Until these matters are resolved

44%

No. He is entitled to the presumption of innocence

54%

Unsure

56

He fired off his first tweet at 5am, declaring:  
"The allegations in News Ltd papers are denied!"

Later Mr Slipper was asked on Twitter "what part of the Westminster tradition is this current scandal modelled on???", to which he replied:  
"Well the allegations are denied and a surprise to me."

According to the court documents, Mr Ashby was then treated differently after repeatedly refusing Mr Slipper's advances and told to deal with the House of Representatives Speaker only through another adviser.

Mr Ashby is seeking a court order that Mr Slipper undergo counselling and training in anti-discrimination, as well as compensation from the federal government and the Speaker.

The allegations will appear in front of Fair Work Australia on May 21.

The scandal will create a major headache for the Gillard government which gave Mr Slipper the top Speaker's job to ensure its survival in Parliament.

Opposition leader Tony Abbott has already called for the Prime Minister to stand Mr Slipper down until the claim against him is finalised.

There is already widespread speculation the Independents will now dump their support given the nature of the allegations.

The Daily Telegraph report printed the following extract from the court.

Wednesday January 4 2012: James Ashby and Peter Slipper were in Slipper's flat after work. Slipper asks applicant: "Can you massage my neck". Ashby says words to the effect of "yeah right" as "he did not know what other response to give as he was brand new to him job and he was being asked by his employer".

Thursday, January 5: Ashby was getting ready for work, when Slipper says: "You're a strange one". The following conversation then took place in words to the effect of: Slipper: "You're a weird because you shower with the door shut".

Ashby: "What's weird about that?"

Slipper: "You're a prude".

Ashby: "You can call me what you like, I'm happy to wear the tag of prude. I don't know what you private schoolboys got up to in your day, but I've never found it normal to shower with the door open. My dad's never done it, I've never done it, my mates don't do it, that's not weird".

Slipper: "But you even go to the toilet with the door shut".

0% advertisement

This is not a scientific poll. The results reflect only the opinions of those who chose to participate.

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Slipper: "You should try showering with the door open"

**Slipper:** "What have you got to hide? What are you doing in there?"

More of the allegations contained in the court documents

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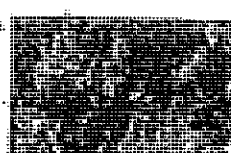
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**Affidavit****Federal Court of Australia**

No: NSD580/2012


District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First RespondentAffidavit of: Siobhan Michelle Keating  
Address: 456 Lonadale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012**CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-5" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:

  
**ENRICO BURGIO**  
of 456 Lonadale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.Annexure "SK-5"  
E-MAIL FROM ROBERTSON TO PATERSON,  
DATED 21 APRIL 2012

**Slobhan Keating**

**Subject:** FW: James Ashby and Karen Doane

**Attachments:** Letter to Penny Wong, Department of Finance and Deregulation - 20\_04\_12.pdf

**From:** Paterson, Chris (P Slipper, MP)

**Sent:** Saturday, 21 April 2012 3:57 PM

**To:** Slipper, Peter (Private);

**Subject:** FW: James Ashby and Karen Doane

fyi

**From:** Greg Robertson [mailto:greg.robertson@harmers.com.au]

**Sent:** Saturday, 21 April 2012 9:04 AM

**To:** Paterson, Chris (P Slipper, MP)

**Cc:** Michael Hammer; Brad Buffon

**Subject:** James Ashby and Karen Doane

Dear Mr Paterson

We act, separately, for Mr James Ashby and Ms Karen Doane, who are employed by the Speaker on behalf of the Commonwealth. We attach a letter which was sent yesterday to the relevant Minister, Senator Wong, and to the relevant administrative section of the Department of Finance. The letter is self explanatory, but we do point out that it is a breach of the Fair Work Act 2008 for any adverse action to be taken against an employee because they have asserted their workplace rights.

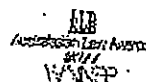
In the circumstances set out in the attached letter, neither Mr Ashby nor Ms Doane will be available for duties for the Speaker until their health concerns are resolved and the other issues are finalised. Ms Doane will divert all enquiries, media or otherwise, to the Canberra office of the Speaker.

Please direct all correspondence to our firm and not to Mr Ashby or Ms Doane.

Kind regards

Greg Robertson  
General Counsel

T +61 2 9267 4322 | F +61 2 9264 4295  
E greg.robertson@harmers.com.au | W www.harmers.com.au  
A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



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Our ref: GKR:BDE:mp:20121209  
Please reply to: Sydney office

20 April 2012

WITHOUT PREJUDICE

Senator Penny Wong  
Department of Finance and Deregulation  
John Gorton Building  
King Edward Terrace  
PARKES ACT 2600

Copy to:  
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Department of Finance and Deregulation  
John Gorton Building  
King Edward Terrace  
PARKES ACT 2600

By email: penny.wong@finance.gov.au

By facsimile: (02) 6267 3271

Dear Senator Wong

## JAMES ASHBY AND KAREN DOANE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

We act, separately, for both Mr James Ashby and Ms Karen Doane, who are currently employed on behalf of the Commonwealth by Mr Peter Slipper, the Speaker of the House of Representatives, as his Adviser and Media Adviser respectively. Both Mr Ashby and Ms Doane have recently been absent from work on sick leave because their health has been affected by conduct associated with their employment.

Today, Mr Ashby (but not Ms Doane) filed proceedings in the Federal Court of Australia against the Commonwealth and against Mr Slipper ("Proceedings"). As the Application was filed electronically, an unsealed copy of the Application is in the process of being served on the parties and formal service will be undertaken when the sealed copy of the Application is received from the Federal Court Registry.

While Ms Doane is not a party to those proceedings, she is both a potential witness in Mr Ashby's matter, and also has her own grounds to make a complaint about the conduct that has been directed towards her. We will write to you, or your nominated representative, about that in due course.

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In those circumstances, the issue of the continued employment of both Mr Ashby and Ms Doane arises. It would be improper and a breach, *inter alia*, of the *Fair Work Act 2009*, for their employment to be adversely affected in any way because one employee had commenced action and the other was making a complaint about her treatment during the employment. It would also be inappropriate, given the nature of the matters complained of and the nature of the matter filed by Mr Ashby, for them to be required to continue to work in any way associated with Mr Slipper.

Accordingly, we request that the Commonwealth of Australia place both Mr Ashby and Ms Doane on special paid leave pending, initially, resolution of their health issues, and then pending further discussions between the legal representatives of the parties as to the best way to proceed.

We would appreciate it if you could advise us whether the Commonwealth of Australia will be agreeable to this request as a matter of urgency.

We look forward to further discussing the issues raised in the proceedings early next week.

Yours faithfully  
HARMERS WORKPLACE LAWYERS

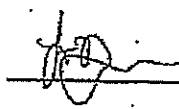
  
Michael Harmer

  
Greg Robertson

**Affidavit****Federal Court of Australia****No: NSD580/2012****District Registry: New South Wales****Division: Fair Work****JAMES HUNTER ASHBY**  
Applicant.**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First Respondent**Affidavit of: Slobhan Michelle Keating****Address: 456 Lonsdale Street, Melbourne, Vic, 3000****Occupation: Legal Practitioner****Date: 12 June 2012****CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-6" now produced and shown to Slobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:



<b>ENRICO BURGIO</b> of 456 Lonsdale Street, Melbourne an Australian Legal Practitioner within the meaning of the Legal Profession Act, 2004.
---

**Annexure "SK-6"**  
**STATEMENT BY PETER SLIPPER, DATED 22**  
**APRIL 2012**



SPEAKER'S OFFICE  
HOUSE OF REPRESENTATIVES  
CANBERRA

**STATEMENT BY THE HON PETER SLIPPER MP**

Some allegations have been made against me by Mr James Ashby.

I emphatically deny these allegations.

The allegations include both a claim of criminal behaviour and a claim under civil law.

Any allegation of criminal behaviour is grave and should be dealt with in a manner that shows appropriate regard to the integrity of our democratic institutions and to precedent.

As such, I believe it is appropriate for me to stand aside as Speaker while this criminal allegation is resolved.

The allegation is incorrect, and once it is clear they are untrue I shall return to the Speakership. I would appreciate the relevant bodies dealing with the matter expeditiously.

In relation to the civil matter there will be an appropriate process that will resolve the matter in due course.

The Deputy Speaker, Ms Anna Burke MP, will act as Speaker during this period.

Office of the Speaker  
22 April 2012

**Affidavit****Federal Court of Australia**

No: NSD580/2012

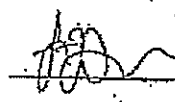
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Division: Fair Work

**JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA** and another according  
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First RespondentAffidavit of: Siobhan Michelle Keating  
Address: 456 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012**CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-7" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:



ENRICO BURGIO of 456 Lonsdale Street, Melbourne an Australian Legal Practitioner within the meaning of the Legal Profession Act, 2004.
--

Annexure "SK-7"  
E-MAIL FROM YAP TO SLIPPER NOTIFYING  
OF CHANGE OF FIRST DIRECTIONS, 23  
APRIL 2012



**Siobhan Keating**

**Subject:** FW: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor [HWL-HARMERS.FID775611]

**Attachments:** NSD580 of 2012 - Change in First Directions Hearing.pdf

**From:** Kit Yap [mailto:kit.yap@harmers.com.au]

**Sent:** Monday, 23 April 2012 6:44 PM

**To:** Slipper, Peter (Private)

**Cc:** Michael Harmer; Greg Robertson; Brad Buffoni

**Subject:** FW: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor [HWL-HARMERS.FID775611]

Dear Mr Slipper,

Please find attached correspondence received from the Federal Court today.

Kind regards,

Kit

Kit Yap  
Solicitor

D +61 2 9993 8551 | T +61 2 9267 4322 | F +61 2 9284 4285  
E kit.yap@harmers.com.au | W www.harmers.com.au  
A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



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**From:** Dezi Tetzopoulos

**Sent:** Monday, 23 April 2012 10:58 AM

**To:** Greg Robertson; Brad Buffoni; Kit Yap; Niaz Payne

**Subject:** FW: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor

**From:** David McNamara [mailto:David.McNamara@fedcourt.gov.au]

**Sent:** Monday, 23 April 2012 10:31 AM

**To:** Michael Harmer

**Subject:** Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor

Hi Michael,

Please find attached a copy of a letter advising of a change in the listing of the First Directions in the above matter for your information.

12/04/2012

485

Page 2 of 2

Regards

David McNamara  
Client Services Officer  
Registry  
Federal Court of Australia

Tel: (02) 8230 8855

david.mcnamara@fedcourt.gov.au  
www.fedcourt.gov.au

10/06/2012

68

**Affidavit****Federal Court of Australia**

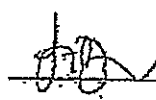
No: NSD580/2012

District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First RespondentAffidavit of: Siobhan Michelle Keating  
Address: 458 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012**CERTIFICATE IDENTIFYING ANNEXURE**This is the annexure marked "SK-8" now produced and shown to Siobhan Michelle Keating  
at the time of affirming her affidavit on 12 June 2012.

Before me:

  
ENRICO BURGIO  
of 458 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.Annexure "SK-8"  
E-MAIL FROM YAP TO SLIPPER  
ATTEMPTING TO EFFECT SERVICE OF  
ORIGINATING PROCESS, DATED 26 APRIL  
2012

**Slobhan Keating**

**Subject:** FW: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor [HWL-HARMERS.FID775611]

**Attachments:** Applicant's genuine steps statement filed 20 April 2012.PDF; Originating application alleging discrimination filed 20 April 2012.PDF

**From:** Kit Yap [mailto:kit.yap@harmers.com.au]

**Sent:** Thursday, 26 April 2012 2:33 PM

**To:** Kit Yap; Slipper, Peter (Private)

**Subject:** RE: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor [HWL-HARMERS.FID775611]

Apologies:

The documents are attached to this email.

Kit Yap  
Solicitor

D +61 2 6993 8551 | T +61 2 9267 4322 | F +61 2 9284 4295  
E kit.yap@harmers.com.au | W www.harmers.com.au  
A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000

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Please consider the environment before printing this email.

**From:** Kit Yap

**Sent:** Thursday, 26 April 2012 2:31 PM

**To:** 'slipperp@aph.gov.au'

**Cc:** Michael Harmer; Brad Buffon

**Subject:** RE: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor [HWL-HARMERS.FID775611]

Dear Mr Slipper,

Further to our email below, we attach, by way of service, stamped copies of the following:

1. Originating application alleging discrimination, filed with the Federal Court registry on 20 April 2012; and
2. Applicant's genuine steps statement, also filed with the Federal Court registry on 20 April 2012.

We apologise for the delay in providing you with the above documents - there were some issues receiving stamped copies of the documents from the Federal Court registry.

Please contact Michael Harmer or myself to further discuss this matter.

Kind regards,

10/06/2012

Kit

Kit Yap  
Solicitor

D +61 2 9993 8551 | T +61 2 9267 4322 | F +61 2 9284 4295  
E kit.yap@harmers.com.au | W www.harmers.com.au  
A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



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Please consider the environment before printing this email.

From: Kit Yap [mailto:kit.yap@harmers.com.au]  
Sent: Monday, 23 April 2012 6:44 PM  
To: slipperp@aph.gov.au  
Cc: Michael Harmer; Greg Robertson; Brad Buffoni  
Subject: FW: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor [HWL-HARMERS.FID775611]

Dear Mr Slipper,

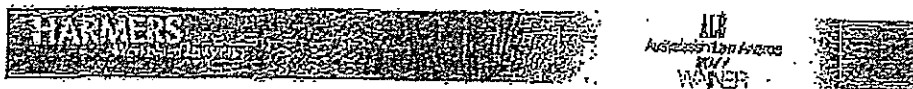
Please find attached correspondence received from the Federal Court today.

Kind regards,

Kit

Kit Yap  
Solicitor

D +61 2 9993 8551 | T +61 2 9267 4322 | F +61 2 9284 4295  
E kit.yap@harmers.com.au | W www.harmers.com.au  
A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



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Please consider the environment before printing this email.

10/06/2012

---

**From:** Dezi Terzopoulos  
**Sent:** Monday, 23 April 2012 10:58 AM  
**To:** Greg Robertson; Brad Buffoni; Kit Yap; Niaz Payne  
**Subject:** FW: Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor

---

---

**From:** David McNamara [mailto:David.McNamara@fedcourt.gov.au]  
**Sent:** Monday, 23 April 2012 10:31 AM  
**To:** Michael Harmer  
**Subject:** Change of First Directions date - NSD580/2012 - James Hunter Ashby v Commonwealth of Australia & Anor

---

Hi Michael,

Please find attached a copy of a letter advising of a change in the listing of the First Directions in the above matter for your information.

Regards

David McNamara  
Client Services Officer  
Registry  
Federal Court of Australia

Tel: (02) 6230 8855

david.mcnamara@fedcourt.gov.au  
www.fedcourt.gov.au

**Affidavit****Federal Court of Australia**

No: NSD580/2012

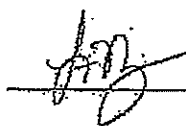
District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First RespondentAffidavit of: Siobhan Michelle Keating  
Address: 456 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner.  
Date: 12 June 2012**CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-11" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:



ENRICO BURGIO of 456 Lonsdale Street, Melbourne an Australian Legal Practitioner within the meaning of the Legal Profession Act, 2004.
--

Annexure "SK-11"  
CORRESPONDENCE FROM AFP TO SLIPPER  
IN RELATION TO INVESTIGATION, DATED 4  
MAY 2012

**IN-CONFIDENCE****CRIME OPERATIONS**

GPO Box 401 Canberra City ACT 2601  
Telephone (02) 6131 5555 Facsimile (02) 6131 5555  
Email [ramzi.jabbour@afp.gov.au](mailto:ramzi.jabbour@afp.gov.au)  
[www.afp.gov.au](http://www.afp.gov.au)  
2012/05/04 14:08

4 May 2012

The Hon Peter Slipper MP  
PO Box 1224  
BUDDINA QLD 4575

Dear Sir

As you are aware, the Australian Federal Police (AFP) is conducting an investigation into your usage of travel entitlements.

The AFP seeks your cooperation in this investigation and will contact you in due course to invite you to participate in a record of interview.

Should you have any queries in relation to this matter please do not hesitate to contact me directly.

Regards

  
Ramzi Jabbour  
Assistant Commissioner  
Crime Operations.


**IN-CONFIDENCE**



**Affidavit****Federal Court of Australia****No: NSD580/2012****District Registry: New South Wales****Division: Fair Work****JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA and another according  
to the Schedule**  
First Respondent**Affidavit of: Siobhan Michelle Keating**  
**Address: 456 Lonsdale Street, Melbourne, Vic, 3000.**  
**Occupation: Legal Practitioner**  
**Date: 12 June 2012****CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-14" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:

ENRICO BURGIO of 456 Lonsdale Street, Melbourne an Australian Legal Practitioner within the meaning of the Legal Profession Act, 2004.
--

**Annexure "SK-14"**  
**E-MAIL FROM BUFFONI TO KEATING AND**  
**OTHERS SERVING STATEMENT OF CLAIM,**  
**DATED 15 MAY 2012**

**Slobhan Keating**

**From:** Brad Buffoni [brad.buffoni@harmers.com.au]  
**Sent:** Tuesday, 15 May 2012 4:54 PM  
**To:** sarah.wright@ags.gov.au; Slobhan Keating  
**Cc:** Michael Harner; Kit Yap; Sandra Marks; richard.harding@ags.gov.au; Josh Bornstein  
**Subject:** James Hunter Ashby v The Commonwealth of Australia & Anor  
**Attachments:** Amended Application.PDF; Proposed orders 18 May 2012.PDF; UNSEALED Statement of Claim.PDF; 201205151629469920001.pdf

Dear Ms Wright & Ms Keating,

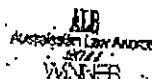
We refer to the subject matter.

Please see attached letter, proposed orders, amended application and statement of claim. The statement of claim has been filed today and a sealed copy will be provided when it is received by us.

Kind regards

Brad Buffoni  
 Special Counsel Litigation and Investigations

D +61 2 9993 8519 | T +61 2 9287 4322 | F +61 2 9284 4205  
 E brad.buffoni@harmers.com.au | W www.harmers.com.au  
 A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



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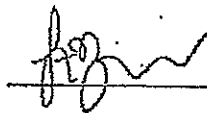
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**Affidavit****Federal Court of Australia****No: NSD580/2012****District Registry: New South Wales.****Division: Fair Work****JAMES HUNTER ASHEY**  
Applicant**COMMONWEALTH OF AUSTRALIA and another according  
to the Schedule**  
First Respondent**Affidavit of: Siobhan Michelle Keating**  
**Address: 456 Lonsdale Street, Melbourne, Vic, 3000**  
**Occupation: Legal Practitioner**  
**Date: 12 June 2012****CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-15" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:

  
**ENRICO BURGIO**  
of 456 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.**Annexure "SK-15"**  
**MEDIA REPORTS REFERENCING**  
**STATEMENT OF CLAIM, DATED 16 MAY 2012**

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## Slipper sex case may be 'expanded'

Staff Reporters | 16th May 2012 9:04 AM

Updated: 12:26 PM

[Email](#) [Tweet](#)

Tags: James ashby, peter slipper, police, politics

**STOOD** aside Speaker Peter Slipper could face wider claims against him despite a former staffer not proceeding with claims that he misused taxi vouchers.

James Ashby has dropped the references to the alleged misuse of taxi vouchers in his latest filing with the Federal Court.

However, a spokesperson for Mr Ashby has told media the decision was made only because the claims were the subject of an Australian Federal Police criminal investigation against Mr Slipper.

"We believe it is important that the formal criminal investigation into Mr Slipper, previously announced by the AFP, be allowed to proceed independently of the civil action being taken by Mr Ashby," a spokesperson said.

"Mr Ashby continues to provide assistance to the AFP, as a witness, in their criminal investigation.

"Also, by continuing to include the cab charge issues in the civil action, once a formal criminal investigation is underway, could be detrimental to Mr Ashby's civil claim, by significantly delaying it until the conclusion of the potential criminal matters.

"We can also announce that Mr Ashby proposes, based on existing information, to significantly expand the scope of his claim against the Commonwealth and Mr Slipper after the process of Legal Discovery is complete."



Member for Fisher Peter Slipper.

News.com.au was reporting this morning that more former staff members of Mr Slipper are considering making claims of sexual harassment against the long-standing Coast MP.

In a statement of claim filed in the Federal Court this week, Mr Ashby accuses Mr Slipper of treating his female and heterosexual staff better than gay men who worked for him.

Mr Ashby said he had suffered "offence, humiliation, distress, anxiety and stress" including "physical symptoms" because he "was required to work in a sexually hostile working environment".

A directions hearing will be held in Federal Court in relation to Mr Slipper on Friday.

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[Brough under cloud](#)

[Slipper says job's not done](#)

[Brough denies claim](#)

[AFP launches full Slipper probe](#)

[Slipper can easily resolve issues](#)

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[MPs 'use cabs as limos'](#)

[Slipper agrees to PM's request](#)

[Slipper's exile may be indefinite](#)

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## National News

### Claims Peter Slipper set to face new sex claims

Save this story to read later

- by: By Steve Lewis and Vanda Carson
- From: The Courier-Mail
- May 16, 2012 12:00AM

- Slipper's driver named in exchange of texts about Ashby
- Mr Conroy says conversation was a "complete fabrication"
- Court begins hearing claims against Mr Slipper this Friday

6

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**MORE** former staff members of Speaker Peter Slipper are considering making claims of sexual harassment as his court fight with adviser James Ashby begins.

It is believed they had previously complained about the Queensland MP's behaviour, with several understood to have taken leave after becoming "distressed".

One ex-employee said: "My

understanding is



James Ashby has lodged a sexual harassment complaint against Peter Slipper. Picture: Megan Slade  
Source: The Daily Telegraph

91

Claims Peter Slipper set to face new sex claims | News.com.au

Page 2 of 2

that one former staff member who left in unusual circumstances may have been contacted" by lawyers for Mr Ashby.

The new developments came as the MP's long standing driver, Tim Conroy, was named in court documents as being involved in an exchange of text messages with Mr Slipper about Mr Ashby.

Mr Conroy last night claimed that the reported conversation - detailed in court documents - was a "complete fabrication".

In a statement of claim filed in the Federal Court late yesterday, Mr Ashby accuses Mr Slipper of treating his female and heterosexual staff better than gay men who worked for him.

The adviser - who accuses Mr Slipper of sexual harassment - says he has suffered "offence, humiliation, distress, anxiety and stress" including "physical symptoms" because he "was required to work in a sexually hostile working environment".

Last night, a spokesman for Mr Ashby said he planned to "significantly expand the scope of his claim against the Commonwealth and Mr Slipper after the process of legal discovery is complete".

The Federal Court will begin hearing the claims made against Mr Slipper this Friday.

## More Story Content

### Slipper's alleged slips

Next



# Herald Sun

## Ashby drops Slipper taxi claims

• From AAP  
• May 16, 2012 7:21AM

FORMER staffer James Ashby is not proceeding with claims that Federal speaker Peter Slipper misused taxi vouchers, to avoid any delays in his civil court sexual harassment case.

Mr Slipper is still being investigated by the Australian Federal Police (AFP) on his use of travel entitlements, which could result in criminal charges.

But his former staffer Mr Ashby has abandoned those allegations in his civil claim and plans to "significantly expand" the scope of his allegations against Mr Slipper and the Commonwealth.

"We believe it is important that the formal criminal investigation into Mr Slipper, previously announced by the AFP, be allowed to proceed independently of the civil action being taken by Mr Ashby," Mr Ashby's spokesman, Anthony McClellan said yesterday.

Mr Ashby is assisting police, as a witness, in their criminal investigation.

But he lodged a statement of claim yesterday that did not refer to allegations Mr Slipper had misused taxpayer-funded Cabcharge vouchers.

His spokesman said now that police were investigating the Cabcharge misuse allegation, civil action against him would be pursued independently.

"By continuing to include the Cabcharge issues in the civil action, once a formal criminal investigation is underway, could be detrimental to Mr Ashby's civil claim, by significantly delaying it until the conclusion of the potential criminal matters," the spokesman said.

"As a result, the Cabcharge issues are not formally raised in the statement of claim."

Mr Ashby now plans to "significantly expand the scope of his claim against the Commonwealth and Mr Slipper".

Herald Sun

## Slipper accuser drops taxis claims

May 18, 2012

PETER Slipper's accuser, his former staffer James Ashby, has abandoned criminal allegations in his civil case that representatives misused Cabcharge cards.

Mr Ashby's lawyers lodged a statement of claim late yesterday that omits allegations from his originating a misuse of Cabcharge dockets in January and February 2012.

It followed a pre-emptive move by the Commonwealth that sought to strike out Mr Ashby's Cabcharge fraud on the ground that it discloses no reasonable cause of action.

The legal manoeuvres by Mr Ashby and the Commonwealth come before a directions hearing on the case.

A statement last night by Mr Ashby's spokesman said the fraud allegations were dropped in the civil case criminal investigation. Mr Ashby was now providing assistance to the Federal Police, as a witness.

The AFP confirmed last night that it is continuing to investigate the Cabcharge fraud allegations against Mr

Mr Ashby's spokesman said continuing to pursue criminal allegations in the civil case "could be detrimental delaying it until the conclusion of the potential criminal matters". Mr Ashby proposed "to significantly expand Commonwealth and Mr Slipper after the process of legal discovery is complete."

With LOUISE HALL  
Katharine  
Murphy

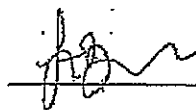


More Katharine Murphy articles

**Affidavit****Federal Court of Australia****No: NSD580/2012****District Registry: New South Wales****Division: Fair Work****JAMES HUNTER ASHEY**  
Applicant**COMMONWEALTH OF AUSTRALIA and another according  
to the Schedule**  
First Respondent**Affidavit of: Siobhan Michelle Keating**  
**Address: 456 Lonsdale Street, Melbourne, Vic, 3000**  
**Occupation: Legal Practitioner**  
**Date: 12 June 2012****CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-16" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:



**ENRICO BURGIO**  
of 456 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.

**Annexure "SK-16"**  
**E-MAIL FROM YAP TO KEATING SERVING**  
**ORIGINATING APPLICATION, DATED 17 MAY**  
**2012**

**Siobhan Keating**

**From:** Kit Yap [kit.yap@harmers.com.au]  
**Sent:** Thursday, 17 May 2012 6:39 PM  
**To:** Siobhan Keating; Josh Bornstein  
**Cc:** Michael Hamer; Brad Buffon  
**Subject:** Ashby v Commonwealth of Australia & Anor [HWL-HARMERS.FID775811]  
**Attachments:** Applicant's genuine steps statement filed 20 April 2012.PDF; Originating application alleging discrimination filed 20 April 2012.PDF

Dear Colleagues,

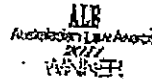
Please find attached an electronic copy of the Originating Application and Applicant's Genuine Steps Statement, both filed on 20 April 2012.

Kind regards,

Kit

Kit Yap  
 Solicitor

D +61 2 9993 8551 | T +61 2 9267 4322 | F +61 2 9264 4205  
 E kit.yap@harmers.com.au | W www.harmers.com.au  
 A Level 28, St Martins Tower, 31 Market Street, Sydney NSW 2000



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**Affidavit****Federal Court of Australia**

No: NSD580/2012

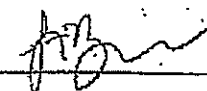
District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First RespondentAffidavit of: Siobhan Michelle Keating  
Address: 456 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012**CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-23" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:

  
**ENRICO BURGIO**  
of 456 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act 2004.**Annexure "SK-23"**  
**PRINTED COPIES OF MMS COMPILED ON OR**  
**AROUND 6 JUNE 2012**

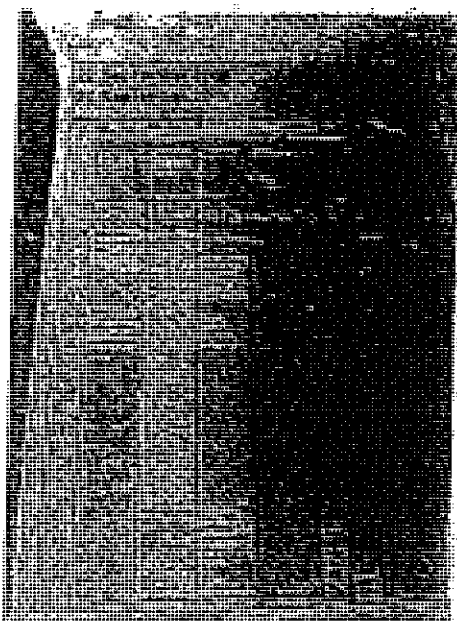
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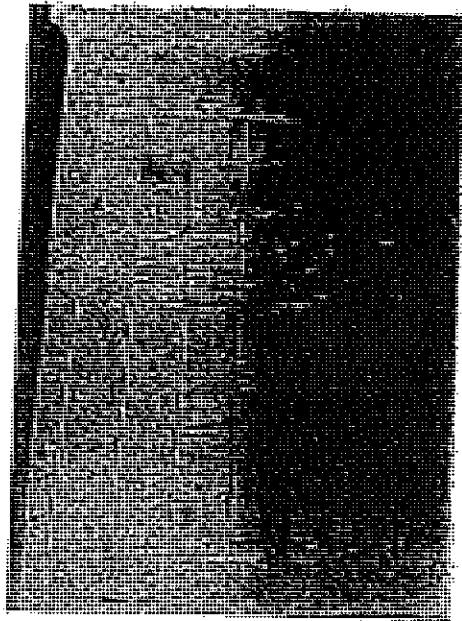
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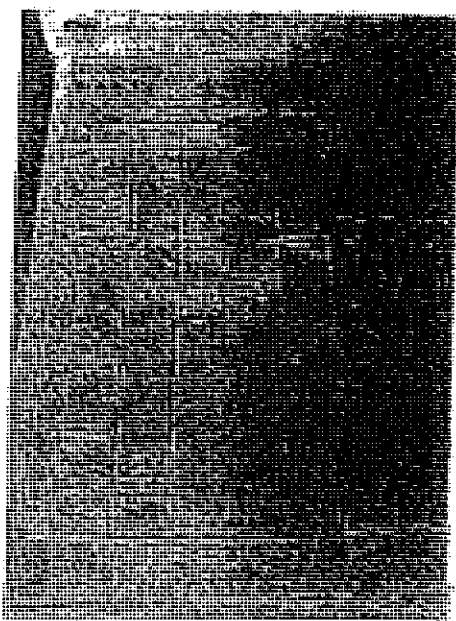


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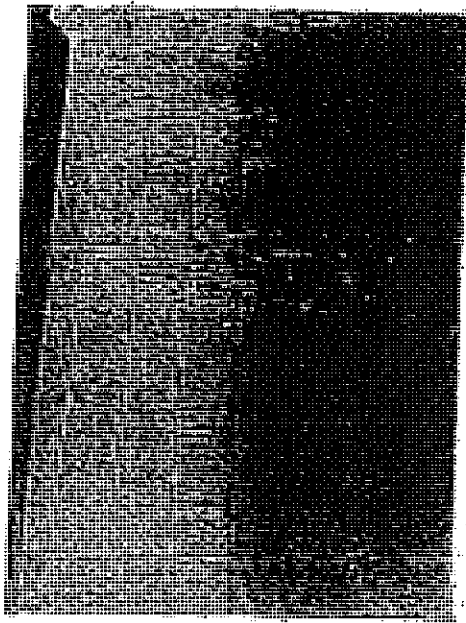
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08-Jun-2012 12:40

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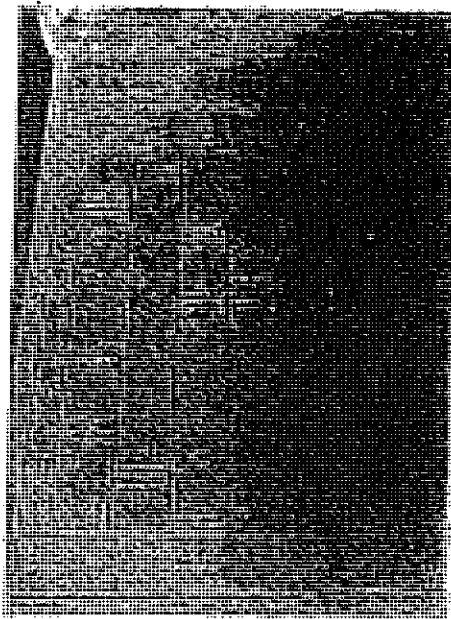
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08-Jun-2012 12:40

## Messages/MMS

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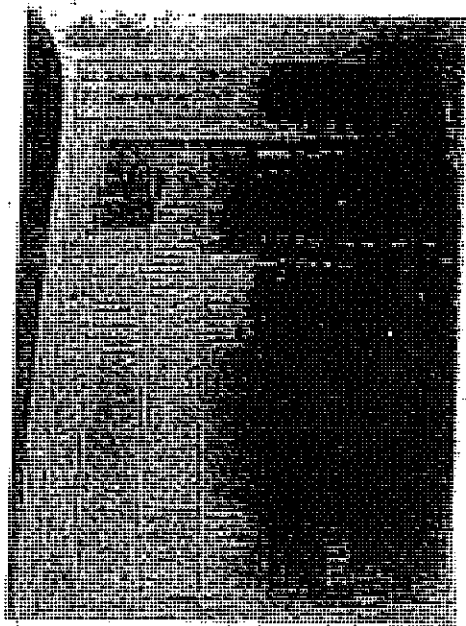


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08-Jun-2012 12:40

**Messages/MMS**


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Status: Sent  
Index: 37889

**MMS Content****File Names**IMG\_1487.jpg  
317.28 KB

**Affidavit****Federal Court of Australia****No: NSD580/2012****District Registry: New South Wales****Division: Fair Work****JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA and another according  
to the Schedule**  
First Respondent**Affidavit of: Siobhan Michelle Keating****Address: 456 Lonsdale Street, Melbourne, Vic, 3000****Occupation: Legal Practitioner****Date: 12 June 2012****CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-24" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:

  
**ENRICO BURGIO**  
of 456 Lonsdale Street, Melbourne  
an Australian Legal Practitioner  
within the meaning  
of the Legal Profession Act, 2004.**Annexure "SK-24"**  
**FILE NOTE OF DISCUSSION WITH MAL**  
**BROUGH DATED 6 JUNE 2012**

## TELEPHONE NOTE OUTWARD

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Called: [REDACTED]  
Date & Time: Wednesday, June 06, 2012 at 12:50pm  
Main Contact: Mr Peter Slipper  
Transaction: Peter Slipper RE Ashby Proceedings  
Reference: ILE/lzw/336308-3049809  
Doc Reference: 4306354 - Siobhan Keating

---

At approximately 12.50 pm today I dialled the number [REDACTED] "Mal". The phone was answered by a person with the words "Hello, Mal". I said "Hello Mal this is Siobhan Keating from Maurice Blackburn Lawyers. I am calling to confirm that this is Mal Brugh's mobile number." Mal laughed and said "Yes, it is". I said "Thanks for your time, good bye." Mal said "Good bye" and I ended the call.

**Affidavit****Federal Court of Australia**

No: NSD560/2012

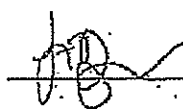
District Registry: New South Wales

Division: Fair Work

**JAMES HUNTER ASHBY**  
Applicant**COMMONWEALTH OF AUSTRALIA** and another according  
to the Schedule  
First RespondentAffidavit of: Siobhan Michelle Keating  
Address: 456 Lonsdale Street, Melbourne, Vic, 3000  
Occupation: Legal Practitioner  
Date: 12 June 2012**CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "SK-25" now produced and shown to Siobhan Michelle Keating at the time of affirming her affidavit on 12 June 2012.

Before me:



ENRICO BURGIO of 456 Lonsdale Street, Melbourne an Australian Legal Practitioner within the meaning of the Legal Profession Act, 2004.
--

**Annexure "SK-25"**  
**COMMONWEALTH MEMBERS OF**  
**PARLIAMENT STAFF ENTERPRISE**  
**AGREEMENT 2010-2012**

[2010] FWAA 3253



## DECISION

*Fair Work Act 2009*  
s.185—Approval of enterprise agreement

Department of Finance and Deregulation  
(AG2010/8132)

### COMMONWEALTH MEMBERS OF PARLIAMENTS STAFF ENTERPRISE AGREEMENT 2010-2012

Commonwealth employment

COMMISSIONER ROE

MELBOURNE, 22 APRIL 2010

*Application for approval of the Commonwealth Members of Parliament Staff Enterprise Agreement 2010-2012.*

[1] An application has been made for approval of an enterprise agreement known as *The Commonwealth Members of Parliament Staff Enterprise Agreement 2010-2012* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). It has been made by the Department of Finance and Deregulation. The agreement is a single-enterprise agreement.

[2] I examined the proposed Agreement as to whether it met the Better Off Overall Test. In this I was assisted by charts comparing the Awards and the Agreement provided as part of the employer's declaration in support of the application for approval of the agreement. The relevant Awards for comparison purposes were identified as the *Electoral Officers—Members of Australian Parliament (Salaries and Conditions of Employment) Award 2001* and the *Journalists\* (Australian Government Instrumentalities) Award 1999*. No Award for comparison purposes was identified by the employer or the bargaining representatives for the Ministerial and Senior Opposition Staff advisers who are covered by the Agreement. There are a number of conditions in the Agreement which are less beneficial than those under the Award and a number which are more beneficial. However, I was able to satisfy myself that the more beneficial conditions and rates of pay when combined with the allowances for overtime work were sufficient to ensure that employees were better off overall. For the purpose of the exercise I assessed the position of the Ministerial and Senior Opposition Staff advisers by comparing them to the *Miscellaneous Award 2010* [MA000104] and I also had some regard to the situation which applies to APS employees at a similar level.

[3] I was however concerned about one matter which was the exclusion or partial exclusion of certain categories of employees under the Agreement from the benefit of redundancy or severance payments. I was concerned that there might be employees in these categories who were not better off overall when compared to the relevant Award and so I wrote to the employer and the bargaining representatives on 14 April 2010 concerning this



[2010] FWAA 3253

matter and received a detailed response from the employer on 21 April 2010. I was also mindful of the need for the National Employment Standards to be observed in respect to all employees pursuant to Section 55 (1). There is no "industry specific redundancy scheme" consistent with the definition in Clause 12 of the Act in that there is no modern award covering these employees which contains a scheme described in these terms. Therefore, the NES redundancy provisions apply to employees covered by this Agreement except for those employees exempted by Sections 121, 122 and 123 of the Act (e.g. casuals, those with less than 12 months service, or those terminated for serious misconduct).

[4] The situations which were of concern are dealt with below.

[5] Clause 70.1(d) of the Agreement excludes employees who have been approved for invalidity retirement benefit under the relevant Commonwealth Superannuation Scheme (CSS and PSS) from severance benefits. I am satisfied that invalidity retirement benefits are not paid by the superannuation schemes in cases of redundancy and so there is no issue of inconsistency with the NES. I am satisfied that the invalidity benefits in the CSS and PSS defined benefit superannuation schemes are directly linked to the level of retirement salary (or in some cases the average salary in the final years of employment) and that the overaward payments as a result of the Agreement will therefore ensure that workers in this category will still be better off overall.

[6] Clause 70.1(e) of the Agreement excludes employees terminated during probation from severance payments but they are entitled to one week's notice payment. Under the Agreement a person cannot be on probation for more than a maximum of 5 months. There is therefore no breach of the NES. However, under the Award, except in cases of serious misconduct, they would be entitled to two weeks pay whilst under the Agreement they are entitled to one week's paid notice only. However, in many cases the termination of employees during probation occurs when a Member of Parliament loses office and in those cases under the Members Of Parliament Staff Act 1984 the employees are given at least an extra two weeks notice. In other cases I am still satisfied that because of the level of over-award payments an employee would have to work for less than one month to overcome this disadvantage and be better off under the Agreement than the Award. I am therefore satisfied that probationary employees are better off overall despite this provision.

[7] Clause 70.1(f) of the Agreement excludes from severance payments employees who have been absent without approved leave for a continuous period of 10 business days and have failed to notify reasonable cause for their absence. I am satisfied that in these circumstances an employer does have the power to dismiss such an employee for serious misconduct and if the employer did take that option the employee would not be entitled to severance pay either under the Award or under the NES. The employee is advantaged by the employer not taking that course of action. I am therefore satisfied that the employees in this category are better off overall despite this provision.

[8] Clause 70.3 of the Agreement reduces severance payment for an employee who is re-employed under the Agreement and the MOFS Act during the period covered by the severance payment. However, the Agreement specifies that the employee cannot receive less than the NES. The difference between the Award entitlement and the NES is never more than 3 weeks pay in total and at some years of service it is less than this amount. Any employee with more than three month's service at the time of receiving the initial severance payment

[2010] FWAA 3253

would have been employed for sufficient time to overcome any disadvantage due to the level of overaward payments. I am therefore satisfied that the employees in this category are better off overall despite this provision.

[9] I am therefore satisfied that the Agreement meets the Better Off Overall Test.

[10] I am satisfied that each of the requirements of ss.186, 187 and 188 of the Act as are relevant to this application for approval have been met.

[11] The Community and Public Sector Union, the Media, Entertainment and Arts Alliance and the Australian Municipal, Administrative, Clerical and Services Union have given notice under s.183 of the Act that they want the Agreement to cover them. In accordance with s.201(2) of the Act I note that the Agreement covers the three organisations.

[12] The Agreement is approved and, in accordance with s.54 of the Act, will operate from 29 April 2010. The nominal expiry date of the Agreement is 29 April 2012.



COMMISSIONER

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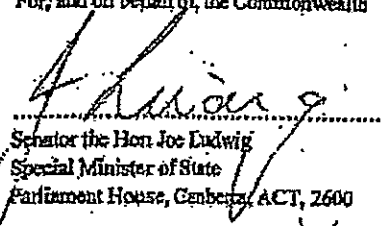
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**COMMONWEALTH  
MEMBERS OF PARLIAMENT STAFF  
ENTERPRISE AGREEMENT  
2010-2012**

### Formal Acceptance of Enterprise Agreement

The Commonwealth Members of Parliament Staff Enterprise Agreement 2010-2012 has been made under Part 2-4 of the Fair Work Act 2009.

For, and on behalf of, the Commonwealth

  
 Senator the Hon Joe Ludwig  
 Special Minister of State  
 Parliament House, Canberra, ACT, 2600

Dated: 12th April 2010

On behalf of the Staff Representative Group

  
 Name: Mr David Williams

Address: M140 PARLIAMENT HOUSE  
 CANBERRA ACT

Dated: 12 APRIL 2010.

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## A INTRODUCTION

Staff employed under the *Members of Parliament (Staff) Act 1984* (the MOP(S) Act) and covered by this Agreement work on behalf of Senators, Members of the House of Representatives and Office Holders, including former Prime Ministers. Throughout this Agreement, MOP(S) Act staff are referred to as employees while Senators, Members and Office Holders are referred to as Members, unless indicated otherwise.

Employees are employed by Members on behalf of the Commonwealth and are responsible to their employing Member. However, significant management responsibilities are exercised on behalf of the Commonwealth by the Special Minister of State (the Minister), under authorisation of the Prime Minister, and by the Department of Finance and Deregulation (the Department) under the Minister's direction.

The Minister may make a determination or determinations under the MOP(S) Act, where required, in order to ensure that this Agreement takes effect in accordance with its terms.

## **B TECHNICAL MATTERS**

### **1 Title**

- 1.1 This Agreement will be known as the *Commonwealth Members of Parliament Staff Enterprise Agreement 2010-2012*.

### **2 Coverage**

- 2.1 This Agreement is made as an Enterprise Agreement under Part 2-4 of the Fair Work Act and covers:

- (a) the Special Minister of State (the Minister) on behalf of the Commonwealth of Australia;
- (b) persons employed under Part III and Part IV of the MOP(S) Act, at the classifications listed in Attachments A, B and C (employees);
- (c) the Community and Public Sector Union
- (d) the Media, Entertainment and Arts Alliance; and
- (e) the Australian Services Union.

### **3 Operation of Agreement**

- 3.1 This Agreement will come into operation seven days after this Agreement is approved by Fair Work Australia (FWA). The nominal expiry date of this Agreement will be two years after it commences operation.

### **4 Closed Agreement**

- 4.1 During the period starting on the date this Agreement starts operating and ending on the nominal expiry date, no further claims may be pursued in respect of terms and conditions of employment by a person or organisation covered by this Agreement, except where such claims are consistent with the terms of this Agreement.

### **5 Transitional Arrangements**

- 5.1 The transitional arrangements that apply to eligible employees who commenced their employment prior to the date that this Agreement commences operation are set out in Attachment E to this Agreement.

### **6 Guidelines**

- 6.1 The operation of this Agreement is supported by policies, procedures, and guidelines. They are not incorporated into, and do not form part of, this Agreement. If there is any inconsistency between the policies, procedures and guidelines and the terms of this Agreement, the express terms of this Agreement will prevail.



- 6.2 Policies, procedures and guidelines which support the operation of this Agreement may be made or varied from time to time following consultation with the Employee Consultative Group and will apply in the form they are in as at the time of any relevant action or decision.
- 6.3 Disputes over the content, application or interpretation of any policies, procedures or guidelines which support the operation of this Agreement will be subject to the dispute resolution procedures of this Agreement.

## **7 Consultation Framework**

- 7.1 In addition to the consultation obligations in relation to major workplace changes set out at clause 9, the following consultation framework is established because the persons and organisations covered by this Agreement value communication, consultation, co-operation and input from employees and their unions on matters that affect their workplace. The Minister will consult with employees and unions on workplace matters when required by this framework.
- 7.2 Circumstances may arise where the consultation referred to at clause 7.1 is not possible or practicable. It is recognised that the Prime Minister, the Minister and employing Members have the authority to make decisions, including under the MOP(S) Act, with regard to employees, and that the Department has a role of administering employment under the MOP(S) Act. This consultation framework does not remove the authority for such decisions and actions to be made or taken, as required, without regard to this consultation framework.
- 7.3 The Department will generally act on behalf of the Minister for the purpose of consultation.
- 7.4 Under this framework, consultation involves;
  - (a) providing relevant information;
  - (b) giving reason for proposed decisions;
  - (c) giving employees and their representatives, including unions, the opportunity to put their views to the appropriate decision-maker;
  - (d) providing feedback to employees and their representatives, including unions, on those views;
  - (e) considering the views of employees and their representatives, including unions, before the decision is made.
- 7.5 A consultative body involving management representatives, union representatives and employees will be maintained and established as set out in clause 8,

- 7.6 To facilitate such consultation under this framework, unions representing employees covered by this Agreement will be entitled to hold meetings with employees to discuss and get feedback on those workplace issues that warrant such feedback prior to meetings of the Employee Consultative Group (ECG). Employees may be provided with reasonable paid time during normal working hours to attend such meetings.
- 7.7 In exercising their rights under this consultation framework, representatives, including unions, will consider operational issues, relevant policies and guidelines and the likely effect on the efficient operation of employing Members' offices and the Department.
- 7.8 Nothing in this clause provides employee representatives, including unions, with a right to enter premises:
- (a) for a purpose referred to in section 481 of the Fair Work Act (which deals with investigations of suspected contraventions);
  - (b) to hold discussions of a kind referred to in section 484 of the Fair Work Act; or
  - (c) in the exercise of a State or Territory OHS right.

## **8 Employee Consultative Group**

- 8.1 An ECG will be established comprising management representatives, employees and representatives of unions covered by this agreement.
- 8.2 The ECG will comprise:
- (a) Employee representation from all political parties on a proportional basis to Party staff numbers, to be elected by Employees covered by this Agreement (Initially, within three months of the commencement of the Agreement).
  - (b) Management representatives, including a nominee of the Minister and/or representatives from the Department.
  - (c) Union representatives nominated by each relevant union.

A formal meeting of the ECG will only be constituted when there is attendance from each of the above three groups.

- 8.3 The ECG will be consulted on workplace issues pertaining to employees generally (as opposed to issues relating to individual employees or individual offices), including but not limited to:
- (a) proposed changes to, or establishment of, guidelines or policies in relation to the Enterprise Agreement, where the proposed change affects Employees;
  - (b) the operation and application of the Enterprise Agreement;

(c) harassment and discrimination policies;

(d) any other relevant workplace matters.

8.4 Consultation must be in accordance with the consultation framework at clause 7 and includes but is not limited to the provision of appropriate and timely responses to matters raised by ECG members.

8.5 The ECG is to meet no less than four (4) times in each complete calendar year over the life of the Agreement.

## **9 Consultation on Major Changes**

9.1 This clause applies if:

- (a) the employer has made a definite decision to introduce a major change to production, program, organisation, structure, or technology in relation to its enterprise; and
- (b) the change is likely to have a significant effect on employees of the enterprise.

9.2 The employer must notify the relevant employees of the decision to introduce the major change.

9.3 The relevant employees may appoint a representative for the purposes of the procedures in this clause.

9.4 If:

- (a) a relevant employee appoints, or relevant employees appoint, a representative for the purpose of consultation; and
- (b) the employee or employees advise the employer of the identity of the representative;

the employer must recognise the representative.

9.5 As soon as practicable after making the decision, the employer must:

- (a) discuss with the relevant employees:
  - (i) the introduction of the change; and
  - (ii) the effect the change is likely to have on the employees; and
  - (iii) measures the employer is taking to avert or mitigate the adverse effect of the change on the employees; and
- (b) for the purposes of the discussion – provide, in writing, to the relevant employees:
  - (i) all relevant information about the change including the nature of the change proposed; and

(f) information about the expected effects of the change on the employees; and

(ii) any other matters likely to affect the employees.

9.6 However, the employer is not required to disclose confidential or commercially sensitive information to the relevant employees.

9.7 The employer must give prompt and genuine consideration to matters raised about the major change by the relevant employees.

9.8 If a term in the Agreement provides for a major change to production, program, organisation, structure or technology in relation to the enterprise of the employer, the requirements set out in clauses 9.2, 9.3 and 9.5 are taken not to apply.

9.9 In this clause, a major change is likely to have a significant effect on employees if it results in:

- (a) the termination of the employment of employees; or
- (b) major change to the composition, operation or size of the employer's workforce or to the skills required of employees; or
- (c) the elimination or diminution of job opportunities (including opportunities for promotion or tenure); or
- (d) the alteration of hours of work; or
- (e) the need to retrain employees; or
- (f) the need to relocate employees to another workplace; or
- (g) the restructuring of jobs.

9.10 In this clause, relevant employees means the employees who may be affected by the major change.

## **10 Evaluation of Electorate Officer working hours and Electorate Staff Allowance**

10.1 The persons and organisations covered by this Agreement, as provided for in clause 2, commit to an evaluation of the working hours of Electorate Officers and the adequacy and framework of the Electorate Staff Allowance to be completed during the life of this Agreement.

10.2 The ECG will be provided with regular reports on the progress of the evaluation.

## **11 Employee Representation**

- 11.1 Employees are entitled to be represented by, and communicate with, an employee organisation or employee representative of their choosing in relation to their employment.
- 11.2 Employees undertaking representational duties will be provided with appropriate support, having regard to the operational and resource requirements of the employing Member. Such support will include:
  - (a) reasonable time during work hours for employee representatives to conduct their representational activities without deduction of salary;
  - (b) reasonable access to office equipment and communications systems; and
  - (c) allowing participation in collective bargaining on behalf of employees who have appointed the organisation or representative as their bargaining representative in accordance with the Fair Work Act.
- 11.3 Employee organisations and employee representatives may engage in official communication with employees, including members of those organisations, including via:
  - (a) emails;
  - (b) access to employee organisations' or representatives' websites; and
  - (c) group or individual meetings between employees and their representatives.

## **C EMPLOYMENT OPTIONS**

### **12 Type of engagement**

- 12.1 Employees covered by this Agreement may be employed on an ongoing, non-ongoing or casual basis.
- 12.2 An agreement to employ a person on any of these bases must be in writing between the Member and the employee and in accordance with sections 13 or 20 of the MOP(S) Act.
- 12.3 An employee employed by one Member is considered to have a single employment for all purposes under this Agreement. For example, if an employee is engaged on an ongoing basis as a part-time employee, and the employee is subsequently engaged by the same Member to temporarily work additional hours, those additional hours will form part of the original ongoing employment (albeit temporarily), rather than a separate non-ongoing or casual employment.
- 12.4 Notwithstanding clause 12.3 above, if an employee is employed by more than one Member, the employee is considered to have a separate employment with each of those Members.
- 12.5 Further information can be found in the relevant Guideline 'Ongoing, Non-ongoing and Casual Employment'.

### **13 Probation**

- 13.1 New ongoing employees are appointed on a period of probation of up to three months.
- 13.2 An employing Member may waive the probationary period in writing, and must notify the employee of the waiver.
- 13.3 An employing Member may extend the probationary period by up to two months, and must notify the employee in writing of any extension prior to completion of the initial probationary period.
- 13.4 Non-ongoing employees may be engaged with a maximum probation period of three months at the discretion of the employing Member.
- 13.5 This clause is not intended to affect any 'minimum employment period' within the meaning of that phrase set out in section 383 of the Fair Work Act.
- 13.6 Further information can be found in the relevant Guideline 'Ongoing, Non-ongoing and Casual Employment'.

### **14 Ongoing**

- 14.1 An ongoing employee receives payment of salary, access to leave and other benefits in accordance with this Agreement.

- 14.2 An ongoing employee may be employed on a full-time or part-time basis in accordance with clause 36.
- 14.3 An ongoing employee must be employed wholly or partly against an established position.
- 14.4 An ongoing employee who is on temporary transfer from the office of one Member to a position in the office of another Member continues to be considered as an ongoing employee for the purposes of employment conditions under this Agreement.
- 14.5 The hours of employment of an ongoing part-time employee by a Member may be increased by employment at the same classification and salary against another position or the Relief Staff Budget in conjunction with the employee's primary ongoing employment to the limit of the full-time hours specified in clause 36. The employee will continue to be considered as an ongoing employee for the purposes of employment conditions under this Agreement.
- 14.6 Further information can be found in the relevant Guideline 'Ongoing, Non-ongoing and Casual Employment'.

#### **15 Non-ongoing**

- 15.1 A non-ongoing employee receives payment of salary, access to leave and other benefits in accordance with this Agreement.
- 15.2 A non-ongoing employee may be engaged on either a full-time or part-time basis in accordance with clause 36.
- 15.3 A non-ongoing employee may be engaged against an established position and/or the Relief Staff Budget. Each period of engagement is separate and may not be for a period of more than 12 months.
- 15.4 The engagement of non-ongoing employees against the Relief Staff Budget is limited by an individual Member's Relief Staff Budget as determined by the Minister.
- 15.5 Further information can be found in the relevant Guideline 'Ongoing, Non-ongoing and Casual Employment'.

#### **16 Casual**

- 16.1 A casual employee may be engaged against an established position and/or the Relief Staff Budget, to work such hours as are required from time to time by the employing Member, on an occasional, non-systematic or irregular basis.
- 16.2 Casual employment will be worked in accordance with an employment agreement between the employee and the employing Member, which specifies that the basis of employment of the employee during the period of the employment agreement will be as a casual employee.

- 16.3 The maximum period for an employment agreement referred to in clause 16.2 will be four weeks (28 days). However, each day (or part-day) worked by a casual employee will constitute a separate engagement.
- 16.4 A casual employee is paid for every hour worked at an hourly rate. The hourly rate is based on a salary point in accordance with clause 23, plus the additional 20 per cent of salary described at clause 16.5.
- 16.5 A casual employee receives an additional 20 per cent of his or her salary in lieu of access to the entitlements referred to in clause 16.6/16.6 below.
- 16.6 A casual employee is not entitled to:
- (a) annual leave;
  - (b) paid personal leave;
  - (c) paid compassionate leave;
  - (d) paid miscellaneous leave;
  - (e) paid maternity leave;
  - (f) paid supporting partner leave;
  - (g) payment for public holidays on which he or she does not work;
  - (h) paid workplace relations training leave;
  - (i) the signing bonus;
  - (j) salary increments;
  - (k) payment of overtime loadings;
  - (l) Electorate Staff Allowance;
  - (m) Personal Staff Allowance;
  - (n) Corporate Responsibility Allowance;
  - (o) time off in lieu of overtime; and
  - (p) notice of termination of employment.
- 16.7 The engagement of casual employees against the Relief Staff Budget is limited by an individual Member's Relief Staff Budget as determined by the Minister.
- 16.8 Further information can be found in the relevant Guideline 'Ongoing, Non-ongoing and Casual Employment'.



(d) Includes details of;

- (i) the terms of the Agreement that will be varied by the arrangement; and
- (ii) how the arrangement will vary the effect of the terms; and
- (iii) how the employee will be better off overall in relation to the terms and conditions of his or her employment as a result of the arrangement; and

(e) states the day on which the arrangement commences.

18.4 The Minister, on behalf of the Commonwealth, must give the employee a copy of the individual flexibility arrangement within 14 days after it is agreed to.

18.5 The Minister, on behalf of the Commonwealth, or employee may terminate the individual flexibility arrangement:

- (a) by giving no more than 28 days written notice to the other party to the arrangement; or
- (b) if the Minister, on behalf of the Commonwealth, and employee agree in writing – at any time.

## **17 Working From Home**

- 17.1 Arrangements for working from home may be approved by the Minister. Further information can be found in the relevant Guideline 'Working From Home'.

## **18 Individual Flexibility**

- 18.1 The Minister, on behalf of the Commonwealth, and an individual employee covered by this Agreement may agree to make an individual flexibility arrangement to vary the effect of terms of the Agreement if:

- (a) the Agreement deals with 1 or more of the following matters:
  - (i) arrangements about when work is performed;
  - (ii) overtime rates;
  - (iii) penalty rates;
  - (iv) allowances;
  - (v) leave loading; and
- (b) the arrangement meets the genuine needs of the Minister, on behalf of the Commonwealth, and employee in relation to 1 or more of the matters mentioned in clause 18.1(a); and
- (c) the arrangement is genuinely agreed to by the Minister, on behalf of the Commonwealth, and employee.

- 18.2 The Minister, on behalf of the Commonwealth, must ensure that the terms of the individual flexibility arrangement:

- (a) are about permitted matters under section 172 of the Fair Work Act; and
- (b) are not unlawful terms under section 194 of the Fair Work Act; and
- (c) result in the employee being better off overall than the employee would be if no arrangement was made.

- 18.3 The Minister, on behalf of the Commonwealth, must ensure that the individual flexibility arrangement:

- (a) is in writing; and
- (b) includes the name of the Minister and employee; and
- (c) is signed by the Minister, on behalf of the Commonwealth, and employee and if the employee is under 18 years of age, signed by a parent or guardian of the employee; and

## **D REMUNERATION**

### **19 Signing Bonus**

- 19.1 Electorate employees and employees of former Prime Ministers no longer in Parliament, other than non-ongoing employees with an employment agreement with a term of less than three months and casual employees, will be paid a one-off signing bonus of 2.4 per cent of the employee's salary as at the commencement of this Agreement.

### **20 Payment of Salary**

- 20.1 Employees will be paid fortnightly in arrears, by electronic funds transfer (EFT) into an Australian financial institution account of the employee's choice.

- 20.2 Annual salary and allowances are converted to fortnightly amounts by the following formula:

$$\text{Fortnightly amount} = \text{annual amount} \times 12 \div 313$$

### **21 Salary Increases**

- 21.1 Employees will receive two salary increases over the life of this Agreement as shown at Attachments A, B and C of this Agreement:

- (a) an increase in salary of 3 per cent on and from the commencement of this Agreement;
- (b) an increase in salary of 3 per cent on and from one year following the commencement of this Agreement.

### **22 Classification Structures**

- 22.1 The classification structure and salary ranges for:

- (a) senior staff are as shown at Attachment A;
- (b) Personal Employees, other than senior staff, are as shown at Attachment B; and
- (c) Electorate Employees are as shown at Attachment C.

- 22.2 An employee may only be employed by a Member at a single classification and a single salary regardless of whether that employment is against a position or positions and/or the Relief Staff Budget.

### **23 Salary Setting and Progression**

- 23.1 The employing Member may appoint Electorate Employees, or engage new Electorate Employees, at the Electorate Officer A classification at

any of the seven lowest salary points of that classification based on the demonstrated and relevant skills and experience of the employee.

23.2 The employing Member may appoint Electorate Employees, or engage new Electorate Employees, at the Electorate Officer C and Electorate Officer B classifications at any of the three lowest salary points of the respective classifications based on the demonstrated and relevant skills and experience of the employee;

23.3 Clauses 23.1 and 23.2 do not apply to Electorate Employees of Ministers, Parliamentary Secretaries, the Leader and Deputy Leader of the Opposition in the House of Representatives and the Senate and the Leader and Deputy Leader of a minority party. The electorate employees of these Office Holders may be appointed/engaged at any salary point within the classification to which the appointment/engagement is made.

23.4 An ongoing Electorate Employee who reaches the top of the salary range for an Electorate Officer classification may:

- (a) after 12 months at that salary point; and
- (b) subject to competency assessment undertaken by the employing Member,

be moved to the next Electorate Officer classification. However; at any time, only one employee of an employing Member can be at the next Electorate Officer classification as a result of the process undertaken under this clause 23.4.

23.5 The employing Member may appoint Personal Employees, or engage new Personal Employees, other than senior staff, at any salary point within the classification to which the appointment/engagement is made based on the demonstrated and relevant skills and experience of the employee.

23.6 A new Electorate or Personal Employee, in relation to engagement, is an employee who was not employed at that classification on the business day immediately preceding the commencement date of the engagement.

23.7 The salary of an employee, other than a senior staff employee, who is promoted may be set by the employing Member to a salary point of the respective classification as if the employee was being appointed to that classification.

23.8 Unless otherwise agreed by the Prime Minister, the commencing salary at a classification for a senior staff employee, within the relevant salary band in the tables at Attachment A, will be:

- (a) for a Government senior staff employee: as approved by the Prime Minister; or

- (b) for a non-Government senior staff employee: as set by the employing Office Holder.

23.9 After 12 months of service at a particular salary point, an ongoing or non-ongoing employee who is not at the maximum salary point within the relevant salary band will advance to the next point in the relevant salary band provided that the employee's performance has not been reported as being unsatisfactory by the employing Member.

23.10 Further information can be found in the relevant Guideline 'Salary Progression'.

## **24 Salary Advancement for Employees of Certain Office Holders**

24.1 In addition to the salary increment provided for in clause 23.9:

- (a) Ministers, Parliamentary Secretaries, the Leader and Deputy Leader of the Opposition in the House of Representatives and the Senate, and the Leader and Deputy Leader of a Minority Party, may advance the salary of one or more of their employees to a higher salary within the employee's classification at any time, subject to any arrangements that the Prime Minister may have put in place from time to time in relation to such salary advancements.
- (b) The Prime Minister may advance the salary of an employee of a Minister or a Parliamentary Secretary to a higher salary within the employee's classification at any time.

## **25 Temporary Performance Progression (Higher Duties Allowance)**

25.1 An employing Member may temporarily progress an ongoing employee to a vacant position at a higher classification under this Agreement within the agreed structure of the office for a defined period.

25.2 For the purposes of clause 25.1, a position is vacant if:

- (a) there is no employee who usually fills the position; or
- (b) the employee who usually fills the position is on leave or is temporarily filling another position.

25.3 Temporary performance progression of an employee may only occur for a minimum period of four weeks.

25.4 The Higher Duties Allowance paid for temporary performance progression to a classification under this Agreement is the salary that would apply if the employee was promoted to the higher classification, less the employee's existing salary.

25.5 Employees who are temporarily progressed to the classifications of Principal Adviser, Chief of Staff and Senior Adviser will be paid an allowance in lieu of a private-plated vehicle as set out at clause 28.

25.6 Further information can be found in the relevant Guideline 'Salary Progression'.

## 26 Salary Packaging

26.1 Under this Agreement, salary packaging is available to all ongoing employees and non-ongoing employees with an employment agreement for a minimum period of three months, upon receipt from the employee of a written election, which is separate to the employment agreement. Salary packaging allows an employee to elect to receive benefits in lieu of salary. It is offered to employees on the basis that it incurs no additional cost to the employing Member or the Department.

26.2 Ongoing employees may include in a salary package items that attract either no Fringe Benefits Tax (FBT) or a concessional rate of FBT. Non-ongoing employees may only include superannuation contributions in a salary package.

Note: Salary packaging these items may provide a benefit to the employee as a result of the difference between the rate of personal income tax and the (nil or concessional) rate of FBT.

26.3 Further information can be found in the relevant Guideline 'Salary Packaging'.

## 27 Superannuation

27.1 Employees are entitled to superannuation in accordance with the relevant Commonwealth legislation.

27.2 Contributions to the Public Sector Superannuation Accumulation Plan (PSSAP) will be calculated in accordance with the ordinary time earnings method for the purpose of Rule 2.2.3 of the Rules for the PSSAP, as amended or replaced from time to time.

27.3 For an employee who exercises superannuation choice in accordance with Part 3A of the *Superannuation Guarantee (Administration) Act 1992*, the Commonwealth will maintain the maximum basic contribution for designated employers as specified in Part 2, Division 2 of the Deed to establish the PSSAP (currently 15.4 per cent), calculated on the employee's ordinary time earnings.

27.4 The choice of superannuation funds is limited to those funds that allow employee and employer contributions to be paid fortnightly through electronic funds transfer.

## **28. Private-plated Vehicle or Allowance**

- 28.1 From the commencement of this Agreement, senior staff with the classifications of Principal Adviser, Chief of Staff and Senior Adviser are entitled to be provided with a private-plated vehicle for private and business use or may elect to receive a Private-Plated Vehicle Allowance (PPVA) of \$21,000 per annum in lieu of the entitlement to a private-plated vehicle from the commencement of this Agreement.
- 28.2 PPVA will increase from one year after the commencement of this Agreement to an amount of \$21,630 per annum.
- 28.3 PPVA does not count as salary for the purposes of salary packaging, superannuation, payment in lieu of accrued annual leave, cash out of annual leave, or severance benefits.
- 28.4 Further information can be found in the relevant Guideline 'Private-Plated Vehicles'.

## **29. Corporate Responsibility Allowance**

- 29.1 An employee, other than a casual employee, will be entitled to receive an allowance (Corporate Responsibility Allowance) of \$20 per fortnight if the employee fills one or more of the following roles in relation to their employment:
- Occupational Health and Safety Site Officer (including first aid officer)
  - Occupational Health and Safety Committee member.
- 29.2 An employee who fulfils more than one of the above roles is only entitled to receive a total Corporate Responsibility Allowance of \$20 per fortnight.
- 29.3 Corporate Responsibility Allowance is not to be included in calculating severance payments or other payments made in lieu of leave on cessation of employment.

## **30. Relocation Expenses**

- 30.1 The reasonable costs of removal and temporary accommodation expenses may be met where an ongoing employee is required to relocate including on appointment, promotion or transfer. Further information on the costs of removal and temporary accommodation expenses that may be met by the Department can be found in the relevant Guideline 'Relocation Expenses'.

## **31. Reimbursement for Loss or Damage to Clothing or Personal Effects**

- 31.1 Employees may be entitled to be reimbursed for loss or damage to clothing or personal effects arising out of or in the course of their employment. Further information can be found in the relevant Guideline 'Loss or Damage to Clothing or Personal Effects'.

### **32 Discretionary Payments**

- 32.1 In certain circumstances, the Minister has the discretion to allow additional payments, as necessary, in any case where an employee would be otherwise financially disadvantaged in the performance of his or her work.

### **33 Supported Wage System**

- 33.1 This clause provides for the employment of people with a disability under the Supported Wage System. Further information on the employment arrangements that would apply can be found in the relevant Guideline 'Supported Wage System'.

### **34 Recovery of Debts**

- 34.1 A debt owed by an employee to the Commonwealth in relation to the employee's employment, including because the employee has received an overpayment of salary, allowances or other remuneration (including a severance benefit), or incurred an expense outside of entitlement, may be recovered, by way of set-off from:

- (a) the employee's pay or salary at a rate of 20 per cent of the gross amount of pay or salary per fortnight, unless a different arrangement is agreed between the Department and the employee, while the employee continues in employment under the MOP(S) Act;
- (b) future payments of Travelling Allowance in relation to debts incurred in the course of travel; or
- (c) the employee's pay or salary, leave entitlements or other monies (except superannuation funds) payable upon termination of the employee's employment under the MOP(S) Act;

and the Department is authorised to implement any such set-off it considers appropriate.

- 34.2 The Department will attempt to contact the employee prior to commencing recovery and will consider any claims of hardship raised by the employee in any decision on the rate of recovery.

### **35 Payment on Death**

- 35.1 Where an employee dies, or the Minister has determined that an employee is presumed to have died on a particular date, payment will be made of the amount to which the former employee would have been entitled had he or she ceased employment through resignation otherwise than by death. Payment should be made to the former employee's executor or legal personal representative. If the former employee does not have an executor or legal personal representative or one cannot be found, payment should be made in accordance with



paragraph 30 of the *Financial Management and Accountability Regulations 1997*.

## **E WORKING HOURS AND ALLOWANCES**

### **36 Ordinary Hours of Duty**

- 36.1 The ordinary hours of duty for a full-time employee are 37 hours and 30 minutes per week (7 hours and 30 minutes per day). These hours will generally be worked between the hours of 8.00 am and 6.00 pm, Monday to Friday.
- 36.2 A part-time employee regularly works a specified number of hours per week, less than full-time hours, as agreed in writing with the employing Member at the commencement of employment, or as varied from time to time by agreement in writing with the employing Member.
- 36.3 A part-time employee receives payment for salary, allowances in the nature of salary if payable, severance benefits and leave on a pro rata basis, based on the proportion of the number of hours worked per week (as agreed in accordance with clause 36.2) when compared to full-time hours.
- 36.4 An employee may agree with his or her employing Member that some part of the ordinary hours of duty (as specified in clause 36.1 or 36.2) may be worked on a regular or occasional basis outside the span of 8.00 am to 6.00 pm, Monday to Friday.
- 36.5 An employee's ordinary times of commencement and cessation of duty within the span of his or her ordinary hours will be determined by the employing Member in consultation with the employee. There will be sufficient and reasonable meal and/or rest breaks within and between periods of duty, to be agreed in advance between the employing Member and the employee.
- 36.6 Further information can be found in the relevant Guideline 'Part-time Work'.

### **37 Additional Hours**

- 37.1 The level of remuneration provided to Electorate Employees and Personal Employees, including salary, allowances and other benefits, reflects an expectation that these employees will be required to work reasonable additional hours over and above the ordinary hours of duty as specified in clause 36 on a regular basis. Additional hours of work, over and above the ordinary hours of duty as specified in clause 36, are recognised and compensated through:
- (a) Parliamentary Staff Allowance, in accordance with clause 38;
  - (b) Electorate Staff Allowance, in accordance with clause 39; or
  - (c) Time off in lieu, in accordance with clause 40.
- 37.2 There is no entitlement to the payment of overtime loadings for employees under this Agreement.