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Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	2/02/2023 5:06:36 PM AEDT
Date Accepted for Filing:	2/02/2023 5:06:42 PM AEDT
File Number:	VID44/2023
File Title:	SALLY RUGG v THE COMMONWEALTH OF AUSTRALIA & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading 'Sia Lagos'.

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. VID44 of 2023

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Sally Rugg

Applicant

The Commonwealth of Australia and another named in the schedule
Respondents

Affidavit of: **Sally Margaret Rugg**

Address:

Occupation: Chief of Staff

Date: 2 February 2023

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I, Sally Margaret Rugg, of [REDACTED], affirm:

- I am the Applicant in this proceeding.
- I make this affidavit in support of my application, including for urgent relief.

Filed on behalf of (name & role of party) Sally Rugg, Applicant

Prepared by (name of person/lawyer) Angus Mackenzie

Law firm (if applicable) Maurice Blackburn Lawyers

Tel 03 5018 4019

Fax -

Email AMackenzie@mauriceblackburn.com.au; EmilyCreak@mauriceblackburn.com.au;

JBornstein@mauriceblackburn.com.au

Address for service Level 21, 380 La Trobe Street, Melbourne VIC 3000
(include state and postcode)

Angus Mackenzie

[Version 3 form approved 02/05/2019]

[Signature]


3. Unless stated otherwise, my statements in this affidavit are based on my own knowledge.

Illness during employment

4. The first two weeks of my job were sitting weeks, and I worked at least three days of the first two weekends I had in the role. For the first three days of my third week working in Dr Ryan's office, being 8, 9 and 10 August 2022, I had cold and flu symptoms and was exhausted, so I took sick leave.
5. I was sick again on 1 September 2022. I had a bad headache, was exhausted and I had cold and flu symptoms again. I took sick leave for a day this time.
6. I had the flu and had to take four days of sick leave from Monday 10 October 2022 through to 13 October 2022.

My family responsibilities

7. I live with my partner, Kate, and my seven year old step-daughter.
8. I have known my step-daughter since she was three and for the purposes of our family, she is my daughter. She spends half of each week with us, and half the week with her dad and his partner. We have her Monday and Tuesday nights. Her dad has her Wednesday and Thursday nights, and we alternate each Friday through Sunday.
9. Kate makes television shows, so her schedule is intense when she is filming. Kate and I accommodate each other with our schedules, so, for instance, when Kate was working during covid restrictions in 2020 and 2021, I did almost all of my step-daughter's remote learning, even when she was staying with her dad and his partner.
10. My step-daughter just started year 2 at school this year. When she is with us, we normally drop her off at school about 8.35am. After school, she goes to after school care until about 5.30pm or 6.00pm each day.
11. We tend to alternate who drops her off in the morning, depending on which one of us is able to do so. Sometimes she goes to before school care from about 7.30am if Kate and I both have commitments early in the morning. But she is only seven, so we prefer not to have her at school or in before- or after-school care for 10 or 11 hours a day. We prefer her to spend more time at home, with us, if we can manage it.
12. Kate also has a recurring appointment on Wednesday mornings, so I always do the school run on Wednesday mornings.
13. From before I started in Dr Ryan's office until December 2022, Kate was making a show for Amazon Prime and working really long hours. So throughout my employment in Dr Ryan's office, I often had many of the parenting responsibilities. Of course, when I am in

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Canberra for sitting weeks, Kate has to do all the parenting and other work around the house, which is tough.

14. Kate's schedule also got a lot lighter from early December onwards, so she had more time for parenting.
15. I would say that the other work around the house, parenting aside, is divided about 50–50, when I'm not in Canberra.
16. Having my step-daughter with us half the time is also a kind of double bind. When she is with us, we need to spend time with her because that's the only time we have with her. For example, if I miss a few evenings with her, I won't see her for another week.
17. Dr Ryan knows about my family responsibilities. When I initially interviewed for a role in Dr Ryan's office in June 2022, Dr Ryan asked me about family responsibilities. The discussion was to the following effect:
 - (a) I called my step-daughter 'my daughter' (because that is how I think of her) and said that, in fact, she is my step-daughter;
 - (b) Dr Ryan said that she had step-children herself, and that in her view step-children are children;
 - (c) Dr Ryan said that there is a lot of travel associated with sitting weeks, and asked me how I would go being away from my step-daughter; and
 - (d) I said 'that's okay, I do 50-50 custody so I have experience not seeing my step-daughter for a couple of days at a time. Being away from Monday to Thursday in sitting weeks is something I understand. I can do it'.
18. After I had been in the role a few weeks, and I had worked a week or so from the electorate office (the first two weeks of my employment were sitting weeks), I realised that traffic between my home in Thornbury and the electorate office in Hawthorn was difficult to predict. So when I did the school run in the morning, sometimes I couldn't make it into the office until about 9.30am, but it varied.
19. Whenever I was going to arrive in the office after about 9.15am, I would message Dr Ryan and the team on Slack telling them what was happening. In that way, everyone in the office (and Dr Ryan) came to know that I did school drop offs every Wednesday and on many other days. All of the staff in Dr Ryan's electorate and parliamentary offices are women with children, and each of us came to know pretty well what everyone else's responsibilities outside of work were. Dr Ryan too knew that I was responsible for school runs.


20. Before I began in the role, cross bench parliamentarians had an entitlement to four parliamentary advisers, also known as personal staff. Parliamentarians have discretion about how to distribute their staff entitlement. But normally the four staffers occupied the roles of chief of staff, media advisor and two other advisors. Parliamentary staffers are also known as an MPs' personal staff.
21. In this affidavit (and in my first affidavit) I refer to different roles in parliamentary offices as 'chief of staff', 'media advisor', 'policy advisor' and 'parliamentary advisor' and similar. When I use those terms, I'm referring to the traditional or common roles in parliamentary offices. I am not referring to the different classifications in the Enterprise Agreement. The roles that I talk about are understood by people who work in Parliament House (like MPs, staff, public servants, lobbyists and members of the press gallery). But they do not map directly (or at all) onto the Enterprise Agreement classifications. My role is an example of that, in that I performed the role of chief of staff, but I was engaged as an Advisor under the Enterprise Agreement.
22. Usually, the chief of staff role was responsible for high-level strategic planning for the parliamentarian and for the office. It involves oversight of management and recruitment of staff and volunteers. It also includes managing staff within the office. The chief of staff is the right-hand person of the parliamentarian.
23. A media advisor is usually responsible for managing incoming and proactive engagement with traditional media, creating social media content and managing social media platforms. The media advisor also writes speeches and monitors the media for issues that are relevant to the parliamentarian.
24. When crossbench MPs had four personal staff, the other two staff were usually engaged as parliamentary and policy advisors. The duties of parliamentary and policy advisors are, broadly, being across legislation and policy issues to provide advice to the parliamentarian on how she should vote and whether they should propose amendments, and giving overviews on what legislation means. Their roles are also to liaise with stakeholders. The parliamentary advisor aspect involves managing Dr Ryan's relationships with Ministerial offices and departments and other parliamentarians' offices, and following the operation of parliament to advise the parliamentarian on when certain votes are happening, and other parliamentary business.
25. When I applied for my role in Dr Ryan's office, cross bench parliamentarians were still entitled to four parliamentary staff. I had initially applied for a media advisor role, but I told Dr Ryan that I was more interested in the chief of staff role.
26. A few hours after the PM's direction reducing the allocation to one staffer, ~~Angus Mackenzie~~ ^{Angus Mackenzie} who was then Dr Ryan's chief of staff indicated to me by text message that Dr Ryan's

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office was then looking for a 'jack or jill of all trades' to perform a hybrid role, covering the chief of staff role and the duties of the other four advisors.

27. In around August 2022, Dr Ryan engaged Liza Miller as a policy advisor. Ms Miller came on as an electorate officer, so she is paid out of the electorate staff budget. Since that time, I still performed, effectively, the role of three advisors. Ms Miller was also an electorate officer, and had to perform her duties in that capacity, too. So I still had to perform parts of the policy advisor role, to cover the parts of that role that Ms Miller was too busy to do.
28. In paragraph [57] of my first affidavit, I describe how, on 7 December 2022, I gave Dr Ryan a document that set out how other cross bench MPs had arranged their staff allocations. That document is **SR-10** to my first affidavit.
29. The document is colour-coded to show which roles are broadly equivalent with each other, and to show how the roles are spread across parliamentary and electorate staff. The line dividing the top from the bottom segments shows the separation between parliamentary and electorate staff. So, for example, the purple role is the chief of staff or equivalent. In Dr Ryan's team, I fulfil that role, and I am part of Dr Ryan's parliamentary staff. But in Zali Steggall MP's team and Kate Chaney MP's team, that role is filled by electorate staff.
30. The colour coding also shows that every other teal MP has a separate media advisor. So did Helen Haines MP (who is not considered a teal MP). The document also shows that every other MP had prioritised their existing headcount and staffing budget to properly resource the duties of a media advisor, community engagement manager and (for some, but not all of them) also a chief of staff.
31. So, the document showed that it was unique among cross bench MPs' offices, for me to be performing such a wide range of duties within Dr Ryan's office. It is fair to say that my responsibilities were greater than those of any other cross bench staffer. The document showed that it wasn't just me saying that my role was too big, and that my workload was consequently unmanageable: so much was reflected in what other cross bench MPs were doing.
32. My point in preparing the document for Dr Ryan was to explain that, if work is important, then it is important to resource it properly. The document was supposed to show that other MPs in a similar position to Dr Ryan had devoted whole roles to doing things that I was doing on my own, along with my other duties.


Overtime, penalty rates and other compensation for working additional hours

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33. In addition to my regular salary, I receive an allowance for working additional hours under cl 33 of the enterprise agreement. Clause 33 appears on pages 50 and 51 of my first affidavit.

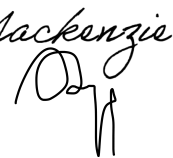
Usual patterns of work in the industry

34. What a typical day looks like for me in my role is very different as between a day when I'm in the electorate office and a day during a sitting week.
35. Typically, on a day when I'm working in the electorate office in Hawthorn, I get up at 6.00am, turn on the news and check my email, Slack and all of Dr Ryan's social media accounts from home. That usually takes about 20 minutes, and in that time I figure out what has happened overnight. What has happened determines what I have to do in the next couple of hours.
36. If there is nothing major in the news happening that day, or no major issues have arisen for Dr Ryan overnight, I keep listening to the news whilst I get ready for work, have breakfast, make breakfast for my step-daughter and get her ready for school. I also scan traditional media and social media to pick out highlights that are relevant to Dr Ryan's social media presence or important policy areas, and share those articles with the team through Slack. I also pick out and share mentions of Dr Ryan in the media or on social media with the team. Most of the time, I also draft social media content for Dr Ryan about things that are happening in the media whilst I'm getting ready, and send them to Dr Ryan for approval. I do those things before I leave home for work, in amongst getting myself and my step-daughter ready to leave.
37. If something important has come up overnight, I have to prepare a response for Dr Ryan. Often, issues came up overnight that Dr Ryan needs to speak about in the media. Sometimes, she needs to write to a Minister about something that has happened during the night. What I need to do to assist Dr Ryan depends on what the issue is. But for example:
- (a) When National Cabinet announced that all covid restrictions had been removed, Dr Ryan had to formulate an appropriate policy position, make a statement about what she thought should have been done and write to the Minister about it; and
 - (b) When there was violence in Iran, we had to prepare a letter to the Minister calling on Australia to condemn the violence and consider sanctions against Iran.
38. When something like that comes up, I have to rapidly analyse a policy issue, formulate a position to propose to Dr Ryan, and start taking steps to respond publicly or to the relevant Minister. Usually, I have to either draft the relevant document, or supervise and assist someone else to do the drafting.

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39. I am expected to be available on Slack pretty much all the time, and I usually send several Slack messages to my colleagues before I leave for work.
40. On Monday through Wednesday I usually leave the house at about 8.30am, and drop my step-daughter off at school at about 8.35am if I'm taking her. Driving to the electorate office takes somewhere between 25 and 50 minutes. I listen to the news as I drive to work until 9.00am. If I am still driving at 9.00am, I start making calls about then. On Thursday and Friday my step-daughter is at her dad's house, so I usually get to the office about 8.00am.
41. Once I arrive at the office, I greet my colleagues and Dr Ryan. Most days, I have at least three or four meetings, which I mostly attend with Dr Ryan. Some of them are offsite, some are in the office and some are online. They include:
- (a) meetings with stakeholders (such as thinktanks, like the Australia Institute, community groups and advocacy groups, like ASRC);
 - (b) meetings with other parliamentarians and their staff;
 - (c) briefings from the Government, Ministers or Departments; and
 - (d) other events that Dr Ryan goes to as a representative for the community, like visits to local businesses and events.
42. As well, if Dr Ryan is being interviewed by the media, I drive with her to press events, and help to prepare her for the interview as we were driving.
43. In addition, in the electorate office, volunteers and members of the community often come into the office. Dr Ryan really values the contribution of her volunteers, so I am expected to meet with them and welcome them to the office. I also have to deal with people who come in to talk about issues in the community.
44. As well, my phone rings and pings with messages and emails constantly throughout the day, and when I'm not in meetings, I am dealing with phone calls, messages and emails. Most of the phone call and message/email traffic I receive is from journalists and staffers.
45. By around 5.00pm, my meetings are usually over and I can sit down at my computer to start my other work. Media deadlines also frequently fall at about 4.30 or 5.00pm each day, so a lot of my urgent work finishes around that time and I can turn my mind to other things.
46. That usually includes drafting or editing speeches, media releases and social media content. I can also use that time to work on larger pieces of work, like strategic plans and planning and preparing to recruit volunteers and staff in the office. I also help to

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work then, like reading policy briefings, researching policy issues and preparing policy documents to discuss with Dr Ryan.

47. Normally about that time, I start receiving calls from other staffers looking to discuss things relevant to their offices. Staffers often ring me to talk about whether Dr Ryan might want to support motions being moved in parliament, how Dr Ryan might vote on various legislation and things in the media. I don't really know for sure, but I suspect that staffers start calling around that time because their external work finishes about 5.00pm, too.
48. A sitting week is completely different from a day in the electorate office. Usually I fly up to Canberra on Sunday afternoons, unless I have a reason to get there earlier. Usually, I get to Canberra at about 3.30pm or 4.00pm so I can go to the supermarket and stock up on food for the office for the week. There's usually no time during sitting weeks to leave the office to get food, so if there is no food in the parliamentary suite fridge, sometimes I can't have anything to eat. There is a cafeteria and two cafes at Parliament House, so food is available to buy but I very rarely have enough time to do that.
49. I also usually go to the office for a couple of hours on Sunday afternoon to get things ready for the week, like doing printing and preparing paperwork for Monday morning. I also try to get a hold of briefing notes for different amendments and things that we know are going to be proposed that week, and make sure they are printed and ready for the week ahead. I also write out Dr Ryan's diary on a large whiteboard in the office each week. I otherwise have to set the office up so it was ready for the week by doing things like putting flowers in vases in the office, so it was ready for Dr Ryan to have visitors and meetings in the suite.
50. No one uses the parliamentary suite when it's not a sitting week, so after each week the office has to be packed down. That means we have to set it up again on the Sunday evening before each sitting week.
51. Dr Ryan doesn't like to read legislation on a screen, so we also have a large volume of printed legislation that needs to be set out in the office and organised in a way that means we can use it easily during the week. Liza Miller, who comes down on Sunday afternoons too, brings down the legislation and I help her organise it.
52. Liza and I nearly always spend a few hours working online or in person with Dr Ryan on Sunday evenings. Frequently, we do that online, but if it is in person, Liza and I sometimes go to the house Dr Ryan rents in Canberra with two other teal parliamentarians, Kylea Tink MP and Kate Chaney MP. It varies, but usually we finish working about 6.00 or 7.00pm in the evening.


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53. When I am in Canberra for a sitting week, I stay with a friend in Curtin, which is about a 15-minute drive from Parliament House, depending on the wait for an Uber.
54. Each sitting week is really hectic. I usually get up about 5.00 or 5.30am, and I check the media and start preparing responses as I'm getting ready basically as I would if we were in the electorate office, though everything starts earlier during a sitting week.
55. There is more pressure to figure out what Dr Ryan's response to an issue will be during sitting weeks, because you might not get another chance to look at the news before the end of the day. There's also more pressure to be across what other parliamentarians are doing and saying because, nearly always, that's how you find out what other parliamentarians are going to do on particular issues, and that can often affect what Dr Ryan will do about that issue. Sometimes we find out what some parliamentarians are going to do on different issues because their offices tell us. But more often, we find out through the media and have to respond. So during sitting weeks, media is very important to Dr Ryan's policy response as well as her media response. During electorate office weeks, media is more important to Dr Ryan's media response than the policy work.
56. I leave for Parliament House sometime between 6.30am and 7.15am, and arrive at the office between 6.45am and 7.30am, depending on what work I've had to do before I leave the house. Dr Ryan is usually in the office before me during sitting weeks. When I arrive, I try to have breakfast and put makeup on in the office as I check my emails. If something urgent has come up, though, I might have to attend to it straight away after I get in, and breakfast and my make up has to wait.
57. Each day, the parliamentary offices receive a notice paper which sets out what is supposed to be happening that day in the parliament. We also receive a document called a 'blue' which is a detailed daily schedule. We also have to try to get a copy of the 'grey', which is a list of the amendments being moved. The grey is only provided to offices who are moving amendments. So if we're not moving an amendment, we have to try to get a copy of the grey from a journalist or another office. We also get a speaking list, which sets out when parliamentarians (including Dr Ryan) are speaking and where. Sometimes we don't get the documents until just before 9.00am, and they nearly always require reactive planning on our part.
58. Crossbench MPs are whipped by the opposition whip, which means the office of the Chief Opposition Whip is responsible for managing when crossbench MPs can speak on bills, procedural matters or in other speaking opportunities in the House of Representatives and the Federation Chamber. Some of the staff in the opposition whip's office are lovely, but, generally, the opposition is very hostile to the teal MPs, so it


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was not uncommon for the opposition to not tell us about parliamentary business or changes to the schedule that affect Dr Ryan. So, for example, Dr Ryan's speaking spots in the House of Representatives or the Federation Chamber (which is a spill-over chamber from the House of Representatives, and operates concurrently) frequently change and we don't find out about it from the opposition whip until a couple of minutes before hand. If we get a change in a speaking slot late, sometimes I have to rush to write or edit a speech for Dr Ryan when I wasn't expecting to have to do that. So our schedule for the day is always moving and it's really difficult to keep up with what is happening.


59. Meetings start from 8.00am during sitting weeks. So we have to try to plan as best we can (often without the different scheduling documents) before our meetings start at 8.00am.
60. Dr Ryan also often attends breakfast events, which often start before 8.00am. I don't always attend those events with Dr Ryan. If I don't have to go, I will be working trying to get across what is happening that day and preparing.
61. During sitting weeks, I go with Dr Ryan to nearly all meetings. Unless there is a good reason for me not to go (like a clashing commitment), I go to all these meetings. If Dr Ryan has a clash, sometimes I go to briefings on her behalf.
62. There are a couple of standing meetings at 8.00am. On Tuesdays, the independent community cross benchers (the 'teals') have their weekly meeting. Otherwise, there are a few different kinds of meetings.
63. There are briefing meetings from the Government (including ministries and departments), either for the whole cross bench, or for parliamentarians who have requested briefings. The current Government is reformist, so there is a huge amount of legislation coming through the parliament. That means I am always rushing to try to find out as much as I can about the new legislation from other parliamentarians' offices, the parliamentary libraries and stakeholders.
64. There are also meetings with other parliamentarians. Some of those are standing meetings, for example, with the cross bench. There are also specific meetings set up with parliamentarians about upcoming votes. That's when parliamentarians plan with each other and negotiate positions on different policy issues.
65. In addition, Dr Ryan sometimes has formal stakeholder meetings during sitting weeks. That might include briefings from external experts or peak bodies on legislation. For example, the ACTU might brief the cross bench on industrial relations legislation.

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66. There are also lobbying meetings. Dr Ryan gets hundreds of requests for meetings each week. In electorate office weeks, we prioritise community meetings. Generally, Dr Ryan does not meet with professional lobbyists during sitting weeks. During sitting weeks, we try only to meet with people who had travelled to meet with us about issues they are personally impacted by, like former asylum seekers who had spent time on Manus Island and Nauru. If Dr Ryan can't go to a meeting with someone who has lived experience on an issue and has travelled to be in Canberra, I go to the meeting.
67. Meetings often go through until 8.30pm in the evening. There isn't a moment free during the day in our office. If I'm not in a meeting or writing a speech, I need to be preparing social media content, by writing text or editing videos and pictures.
68. When parliament is sitting, all MPs are in the building, but the chamber is very unpredictable. That is especially so because the Government has a majority in the House, so it can decide to limit debate and force a vote on an issue. A consequence of that is that a vote can be brought forward. When a vote is on, bells start ringing throughout the building. Votes often need to be had on procedural things, too. For example, the opposition often tries to use procedure to stop the Government doing what it wants to do. They might do that by moving to suspend standing orders. A motion like that then goes to a vote, which means Dr Ryan needs to go to the chamber. Sometimes MPs and staff don't even know what the vote is about, because it has come on suddenly, so I have to work out what is being voted on and try to get my hands on the text of the motion and information about it whilst I am walking or running to the chamber with Dr Ryan. It is minute-to-minute work and you hardly ever know what is going to happen next.
69. Question time starts at 2.00pm each day. Otherwise, the day is unpredictable and our work is largely reactive. I watch question time while I eat something from the office fridge, because watching question time is often the best way to figure out what the Government or the opposition are going to do on different policy issues. While MPs are in the chamber for question time, cross-bench staff often meet to discuss policy issues. That is a time for the staff to plan their MPs' approaches to issues on which they agree or might agree, so they can take a strategic approach to an issue instead of doubling up or confusing issues.
70. Because the media gallery and many MPs are in the chamber during question time, question time is also a time for me to create and post social media content. So a lot of the time I use question time to package footage of Dr Ryan speaking into a format that I can share on social media, or draft text for social media explaining why Dr Ryan is voting in particular ways.

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71. On Tuesdays, the House of Representatives doesn't sit until midday, because the major parties have their caucus meetings. After the teal MP meeting from 8.00-9.00am, there is a meeting of the cross bench from 10.00-11.30am. So we are still rushing throughout that time.
72. The House and the Federation Chamber normally rise about 8.00pm, or 9.00pm on Tuesdays. That's just the official finish time, though. Frequently, the chambers are still sitting until 10.00pm or 11.30pm. If Dr Ryan isn't speaking or involved in parliamentary work, I use the evenings to write speeches and prepare text, photos and videos for social media.
73. Around November 2022, Dr Ryan engaged a contractor to help with social media work, Lilly. Lilly worked as a contractor for Climate 200 and we separately paid Lilly as a contractor using the electorate support budget, which is a sum of money MPs have to engage personnel. After Lilly came on, she could do a lot of the technical social media work, but she still required close supervision because she wasn't across the substance of what Dr Ryan was saying on social media. Anyway, I already had so many speeches to write and other material to get across, and I still had to prepare a lot of the content of the social media content. My workload did not reduce. Rather, from that time, Dr Ryan's social media accounts posted more frequently, and my workload remained just as high.
74. Sometimes, if I am able to get out of the office before 8.00pm or 8.30pm, I have dinner with another staffer or with Dr Ryan or Ms Miller. I usually try to spend some time with someone who doesn't live in Melbourne, like a stakeholder or another staffer. Sometimes I go to events with Dr Ryan in the evening, which go until late. For example, I went to a mixer with journalists from the press gallery and new MPs at the Press Club. On two or three occasions, I also organised dinners for all the cross-bench staff in the House of Representatives and the Senate, as a networking opportunity. During Budget Week, I also attended an event hosted by Future Women about women's policies in the budget.
75. Most often, I would have dinner in the office and keep working until after 9.00pm. What time I left the building varied, but it was rarely before 7.30pm and often after 10.00pm.
76. My phone also rang throughout the day, and into the night, with work calls and messages. The office phone also rang constantly. As well, lobbyists and other people tend to just walk into the parliamentary suite to speak to Dr Ryan. To help us deal with that, and to engage with people in our community who had supported Dr Ryan's campaign, volunteers came to Canberra each week to help manage people coming to

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the suite and helping with reception duties. I also had to induct and supervise the volunteers, and help them through the week.

77. I have really missed being at work, especially sitting weeks. I love my job, especially then. It is exciting. I feel lit up like a Christmas tree to be there.

Specific examples of refusing to perform additional work

Community engagement work

78. From early on in my role, I identified that no one on Dr Ryan's staff was responsible for the management of volunteers and running community engagement projects and events, that this work was too important to be under-resourced, and I did not have time to do it myself. To find a solution, I engaged Climate 200 to assist with the development of a community engagement strategy. I also got in touch with my contacts across the campaigning sector to look for candidates to apply for a community engagement role within Dr Ryan's office.
79. On 26 August 2022, I presented the community engagement strategy to Dr Ryan with Nina O'Connor from Climate 200. We had developed a six-month plan on how to do a community survey and a couple of events following it. The first phase was to indicate to the community that Dr Ryan wanted to hear from everyone in the electorate, through a digital survey. We proposed to email the survey to the mail list, send it out on social media and send every house in the electorate a paper letter including a QR code for the survey. There was also a cohort of about 30 or 40 volunteers who, in our view, were not being utilised as much as they might have been and who were eager to help. That, we thought, was untapped capacity, but we needed someone to manage those volunteers to plan and implement the surveys. We sought to activate those volunteers through the strategy we proposed.
80. The next phase was to speak to the electorate about the results of the survey, through town hall events, social media and email. Through those measures, we proposed to speak to the electorate about what Dr Ryan was doing to implement what she had learned from the community through the survey.
81. Because the community engagement strategy required a staff member to manage the volunteers, we needed to find funding for that role. In the strategy we proposed to use spare staff funding in the electorate office budget to bring on a new staff member to do community engagement work. The electorate office budget is funding allocated to every MP by the Government. The MP has a discretion on how to spend the electorate budget. One part of the electorate budget is set aside for communications, like printing materials and mail-out resources. The other part is called the electorate support budget. There are strict rules on what it can be used for, but, essentially, that part is there to be

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used for staff or consultants to assist the MP as the MP sees fit. The budget also doesn't roll over, so if the money isn't spent, it can't be used.


82. Dr Ryan was enthusiastic about our proposal, and approved us to go ahead with the proposal in that meeting. Ultimately, Dr Ryan approved and implemented the core parts of the strategy, including the survey, the town hall event and the engagement of a community engagement manager.
83. From 8 September 2022, Parliament was suspended for a fortnight because Queen Elizabeth II died. During the suspension, which covered the two sitting weeks running 12 to 23 September 2022, Dr Ryan and I worked from her electorate office, in Hawthorn.
84. During that fortnight, Dr Ryan was very keen for the community engagement to start. Dr Ryan suggested on several occasions that I should do the work myself. I reiterated each time to Dr Ryan that I did not have the capacity to do the work myself. That was why we had agreed to bring someone else on to do it. I said at least several times in those discussions that I already had too much work to do, so I couldn't do the work myself.

23 August 2022

85. On Tuesday 23 August 2022, Dr Ryan was due to attend the Xavier orchestra performance at Hamer Hall from 7.00pm until about 10.00pm in the evening. Dr Ryan asked her staff (including me) who, from among them, was going to attend with her.
86. In the week leading up to 23 August 2022, I told Dr Ryan that I would go to the event, because I like classical music.
87. The day before the event, Monday 22 August 2022, I had a discussion with Dr Ryan in person in the electorate office. In that discussion, I said words to the effect that I could not attend the event because I had to look after my step-daughter. I can't remember specifically what had changed such that I had to look after her, but I think we had arranged for Kate's mum to pick her up that day, but Kate's mum was unable to do that.
88. Dr Ryan ultimately attended the event with her husband. I did not go.

28 August 2022

89. On Sunday 28 August 2022, Dr Ryan was doing a 5km fun run on Kew Boulevard from 8.00am.
90. In the week leading up to the fun run, Dr Ryan asked her staff if anyone would be doing the fun run with her, and encouraged us to attend. I responded jovially to the effect that I don't like running and I can't really run, so I wouldn't do the fun run.

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91. It also wasn't going to be an event at which Dr Ryan needed my support, because there was unlikely to be any relevant media or other parliamentarians there. There didn't seem to be any organisational need for me to go, so I said I would not go.
92. I did not go to the fun run.

10 September 2022

93. On 10 September 2022, Dr Ryan was participating in a tree-planting day at Widgiewar Conservation Reserve. The event was a whole day event on a Saturday between two sitting weeks. The sitting week beginning 12 September 2022 was subsequently cancelled, as parliament was suspended for a week after the Queen died. But at the time of the discussion about whether I would go to the tree-planting trip and on the day of the trip, parliament was still scheduled to sit for both weeks. It involved getting on a bus with volunteers for two hours to drive to the site to plant trees for the day, before driving back on the bus.
94. In the week leading up to the event, I had a discussion with Dr Ryan in which Dr Ryan said she wanted me to attend the event to take photos of the event for social media. I said I thought that Dr Ryan would be exhausted, and that she might like to drive up separately instead of taking the bus. I said I didn't like long bus trips, because I get worried that someone is going to get motion sick, so I didn't want to go. I also said I didn't want to attend because it was the weekend between two sitting weeks and I didn't want to exhaust myself with a full-day tree-planting event, when taking photos for social media was a simple task that a volunteer attending the event could assist with. I was exhausted after the previous sitting week, and apprehensive about the next one.
95. My step daughter also had a dance concert on that weekend, and I really wanted to go to that. My step-daughter and I practised her dance routine together at home for a whole term, and we loved doing it together, so it was important to me that I was there. Things like that are really important for kids, so I wanted to be there.
96. I suggested that another staff member, Charlie, could go with Dr Ryan to take photos for social media.
97. I did not attend the event. Charlie went with Dr Ryan and took photos instead.

17 September 2022

98. On Saturday 17 September 2022, Dr Ryan was due to attend Chinese Seniors Cultural Association Moon Festival Performance.
99. In the week leading up to the performance, I told Dr Ryan that I didn't want to go. My step daughter was with us that weekend, and I really wanted to spend some time with her and help Kate with parenting.

Angus Mackenzie


100. Dr Ryan said she needed someone to go with her. I said words to the effect of 'well, can we organise a volunteer to go with you?'. I also phoned at least one volunteer myself, to see if they could attend with Dr Ryan, and I asked one of Dr Ryan's electorate staff to see if they could find a volunteer to go with Dr Ryan.

101. I did not attend the event. Electorate staff organised a volunteer to go with her instead.

Kooyong Independents Ltd work

102. Towards the end of September 2022, after the suspension of Parliament, the plan to pay for the community engagement role through the electorate budget had been abandoned. Instead, I began discussing with Dr Ryan whether the role could be engaged through Ms Ryan's campaigning company, Kooyong Independents Ltd.

103. Kooyong Independents Ltd is the corporate vehicle through which Dr Ryan fundraised for her election campaign and paid campaign staff. Throughout the campaign, campaign staff had been engaged as independent contractors, not as employees. In the discussions, Dr Ryan and I determined that the new community engagement role would need to be filled by an employee, not a contractor.

104. Around the same time, Damien Hodgkinson, a director of Kooyong Independents Ltd, was stepping off the board of directors. Mr Hodgkinson's leaving meant that a new board member needed to be appointed, and other changes needed to be made. They included things like changing access to bank accounts and reporting changes to the Australian Electoral Commission.

105. As well, Kooyong Independents Ltd was not set up to employ anyone. To employ someone, work needed to be done to register the company with the ATO and draw up employment documents.

106. Around this time, I attended a meeting with Dr Ryan and Mr Hodgkinson. Dr Ryan and I attended the meeting from Dr Ryan's electorate office, and Mr Hodgkinson attended by Microsoft Teams. We had a discussion to the following effect:

(a) Dr Ryan remarked that there was a lot of work that needed to be done and she didn't know when she would have the time to do it;

(b) Dr Ryan asked me if I could take the work forward;

(c) I said to Dr Ryan that I didn't have time to do that work, and that it would not be possible for me to pick it up;

(d) I also said that I felt that it was inappropriate for me to do that work, and if I did, we might breach Victorian Electoral Commission laws;

Angus Mackenzie



- (e) I told Dr Ryan that if I had to do the work, I would have to do it all outside of my work hours to avoid breaking Victorian election laws, and I did not want to, and could not, do that;
- (f) Dr Ryan said the work needed to be done and she did not have time to do it herself;
- (g) Dr Ryan looked frustrated and worried;
- (h) I said to Dr Ryan that Ann Capling was due to return from Canada in about a fortnight, and that if we could wait for a fortnight, Dr Ryan could ask Ms Capling to do that work; and
- (i) Dr Ryan said she was unhappy with the fortnight's delay, but agreed to take those steps.

Weekend of 24 and 25 September 2022

- 107. The supporter newsletter goes out to a few thousand core supporters of Dr Ryan's election campaign every fortnight on a Sunday morning. Dr Ryan considers its recipients to be her core supporters. When I started in my role, Ms Capling told Dr Ryan that she would continue to prepare the newsletter after she finished up as Dr Ryan's chief of staff. It was a large piece of work, and I was happy for it not to be part of my role. I estimate it took about a full working day to complete each fortnight, though the work was more often spread across several days.
- 108. However, when I received my position description, writing the newsletter was included in it. When I started in my role, generally, I was writing most of the newsletter. Other staff helped, and occasionally Dr Ryan prepared a first draft, but I was putting in the bulk of the work each fortnight.
- 109. From early on in my role, I had several discussions with Dr Ryan to the effect that the newsletter was a big piece of work every fortnight, but that I didn't have time to prepare it along with my other responsibilities. I continued writing most of the newsletter until about December 2022, when I went on sick leave.
- 110. I had discussions with Dr Ryan about the newsletter on 18 September 2022. Now shown to me and annexed at **SR-20** is a screenshot I took of those text messages.
- 111. Late in the afternoon on Friday 23 September 2022, I was working in Dr Ryan's electorate office, in Hawthorn. Dr Ryan entered the part of the office where the staffers sit and where my desk is. Dr Ryan then said words to the effect of 'it would be good to put a call out for the NDIS committee and the NACC committee and also to send out links to my speeches to people can watch them in the newsletter'.


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112. The NDIS committee is a group of people from Dr Ryan's electorate who act as a kind of community advisory group to Dr Ryan on the National Disability Insurance Scheme. Their role was to provide community-based advice to Dr Ryan on general policy and relevant legislation. Having the NDIS committee was part of Dr Ryan's community engagement work.
113. The NACC committee is a similar community engagement body that we set up to provide advice to Dr Ryan on the National Anti-corruption Commission.
114. To collect expressions of interest for people to sit on these community advisory groups, would involve several hours' work on a survey tool. I would need to build a digital expression of interest form with different pages describing the community group, who Dr Ryan was looking for and pages seeking details of people expressing interest. I would also have to test the form on a mobile phone and on different browsers.
115. I was reluctant to do that work, because it would take a long time to do. We also hadn't had a discussion about who, in the office, would be responsible for the community groups. We had not, for example, decided who was going to follow up with people who had expressed interest.
116. To put the speeches on YouTube would also have taken a long time. I would have had to go onto the parliamentary intranet, find Dr Ryan's speeches, record them through parliamentary software, download them to my computer and then upload them to YouTube. I would also need to create a caption, a thumbnail and a title and check the subtitles, and check that the links worked properly on mobile phones and with different browsers. It would have taken less time than the expression of interest work, but it was still going to take several hours. My colleague, Tamar Simons, was also on leave, so she wouldn't have been available to help me, as she would usually have done with similar tasks.
117. The newsletter was to go out that Sunday morning, 25 September 2022. The work needed to be done before the newsletter could go out. I wasn't willing to work all day Saturday to perform it, so I didn't do it.
118. I exchanged emails with Dr Ryan about this on 30 September 2022. A true copy of Dr Ryan's email to me on 30 September 2022 and my response is annexure **SR-5** to my first affidavit.

Social Media work

119. Throughout August and September 2022, Dr Ryan asked me many times in person to create social media content. I told Dr Ryan many times throughout this period that I did not have capacity to create the volume of content she wanted every day, and that Dr

Angus Mackenzie

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Ryan could not have the volume of social media content she desired because we did not have a social media manager.

120. On 30 September 2022, Dr Ryan sent me an email related to this issue, in which she said, among other things:

Could one of you please put something on Insta? Tam, I thought yesterday you were going to rebadge Kylea's optus thing.

*It's been **2 weeks** since we posted on Insta. I have no vision of the FB so don't know how long it is since we posted on FB.*

I can't post to Insta or FB.

I feel like we have really dropped the ball on non-Twitter SM.

121. I responded later on 30 September 2022, saying:

Mon, we haven't dropped the ball on insta and FB – we are exceptionally short-staffed, and the consequence of this is that we're not able to deliver the volume of work of a fully-staffed team (or a fully staffed team with assistance from additional fundraised roles). We don't have a social media manager, we are all doing our very best.

122. A true copy of those emails is also annexure **SR-5** to my first affidavit.


27 November 2022

123. On Sunday 27 November 2022, I was isolating at home because I had Covid. I was in bed at the time, recovering from Covid, as I had been for most of the week before. At about 8.40am that morning, Dr Ryan messaged her electorate and parliamentary staff, including me, on Slack to the effect that the team needed to meet to discuss who was coming to Parliament House that week and who was bringing what things to the Christmas party that was to occur that week. In her message, Dr Ryan called a meeting at 9.00am the same day, that is, in only 20 minutes' time on a Sunday morning. I no longer have access to the team Slack channel, so I can't access this message anymore.

124. When I saw Dr Ryan's message, I sent her a text message. In my message I said, among other things:

it's not great to call a team meeting at 8.40am on a Sunday morning for 20 mins time. Liza and Tamar aren't on Slack right now and won't have seen the message.

Can I suggest a meeting later in the day so people have time to organise with their families that they have a work call?

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125. Shortly after, I sent some further messages to Dr Ryan on the same topic, in which I said:

it's not necessary to call a sudden team meeting to discuss the week ahead at 9am on a Sunday. My 2c

and

We should be aiming to create a work culture where staff do not respond to slack messages at 8.30am on Sundays, I'm glad Tamar and Liza aren't on Slack right now because I want them to be part of the team for years to come

126. Tamar and Liza both have school aged children.

127. Now shown to me and annexed at **SR-21** is a screenshot I took of those text messages.

16 November 2022

128. On or around Wednesday 16 November 2022, Dr Ryan held a meeting for the Indian Australian Community Advisory Group roundtable after hours at Dr Ryan's electorate office.

129. In the days leading up to the event, Dr Ryan asked me if I was attending the event. I responded to the effect of 'No, I think Liza is going to go'. Ms Miller had been working on the Free Trade Agreement that was to be discussed in the roundtable, so I wasn't really across the issue they were discussing.

130. We had also had four sitting weeks in only six weeks around that, including budget week. The previous week had been a sitting week, and the next fortnight were sitting weeks. I was exhausted and worried that if I didn't pace myself I wouldn't be able to manage the next fortnight if I didn't get some rest.

131. I did not attend the event. Ms Miller went.

My financial means

132. If I were granted an interlocutory injunction, and I continued to receive my salary, but was unsuccessful at trial, I would have the financial means to repay the salary I received between the time of the injunction and trial.

Angus Mackenzie



Affirmed by the deponent
at Melbourne
in Victoria
on 02 February 2023
Before me:

)
)
)
)
)



Signature of deponent

Angus Mackenzie

Signature of witness

Angus Mackenzie of
Level 21, 380 La Trobe Street
Melbourne Victoria 3000
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

This affidavit was signed and affirmed by the deponent by audio visual link. The authorised affidavit taker has used an electronic copy of the affidavit in completing the jurat requirements for the purposes of the Oaths and Affirmations Act 2018 (Vic)

Schedule

No. VID44 of 2023

Federal Court of Australia
District Registry: Victoria
Division: Fair

Sally Rugg

Applicant

The Commonwealth of Australia

First Respondent

Dr Monique Ryan MP

Second Respondent

Date: 02 February 2023

Certificate Identifying Annexure

No. VID44 of 2023

Federal Court of Australia
District Registry: Melbourne
Division: Fair Work

Sally Rugg

Applicant

Commonwealth of Australia and another named in the schedule

Respondents

This is the annexure marked “**SR-20**” now produced and shown to Sally Rugg at the time of affirming her affidavit on 02 February 2023

Before me:

Angus Mackenzie

Signature of person taking affidavit

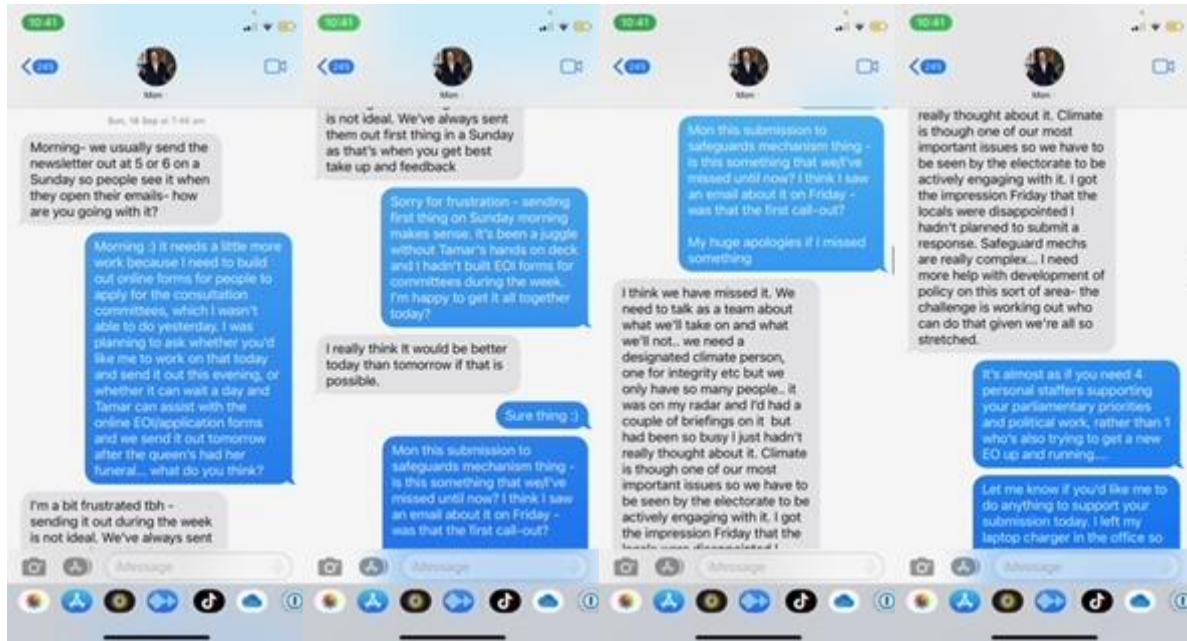
This affidavit was signed and affirmed by the deponent by audio visual link. The authorised affidavit take has used an electronic copy of the affidavit in completing the jurat requirements for the purposes of the Oaths and Affirmations Act 2018 (Vic).

Annexure “SR-20”

Filed on behalf of (name & role of party) Sally Rugg, Applicant
Prepared by (name of person/lawyer) Angus Mackenzie
Law firm (if applicable) Maurice Blackburn Lawyers
Tel 03 5018 4019 Fax -
Email AMackenzie@mauriceblackburn.com.au; EmilyCreak@mauriceblackburn.com.au;
JBornstein@mauriceblackburn.com.au
Address for service Level 21, 380 La Trobe Street, Melbourne VIC 3000
(include state and postcode)

[Version 3 form approved 02/05/2019]





Certificate Identifying Annexure

No. VID44 of 2023

Federal Court of Australia
District Registry: Melbourne
Division: Fair Work

Sally Rugg

Applicant

Commonwealth of Australia and another named in the schedule

Respondents

This is the annexure marked “**SR-21**” now produced and shown to Sally Rugg at the time of affirming her affidavit on 02 February 2023

Before me:

Angus Mackenzie

Signature of person taking affidavit

Annexure “SR-21”

Filed on behalf of (name & role of party) Sally Rugg, Applicant
Prepared by (name of person/lawyer) Angus Mackenzie
Law firm (if applicable) Maurice Blackburn Lawyers
Tel 03 5018 4019 Fax -
Email AMackenzie@mauriceblackburn.com.au; EmilyCreak@mauriceblackburn.com.au;
JBornstein@mauriceblackburn.com.au
Address for service Level 21, 380 La Trobe Street, Melbourne VIC 3000
(include state and postcode)

[Version 3 form approved 02/05/2019]



