

## NOTICE OF FILING

### Details of Filing

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File Title:	SALLY RUGG v THE COMMONWEALTH OF AUSTRALIA AS REPRESENTED BY THE DEPARTMENT OF FINANCE & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*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  
Respondents

Affidavit of: **Monique Marie Ryan**  
Address: 145 Camberwell Road, Hawthorn East 3123  
Occupation: Member of Parliament  
Date: 2 March 2023

I, Monique Marie Ryan, affirm:

1. I am the Second Respondent.
2. The statements made in this affidavit are made from my own knowledge and belief, unless otherwise stated.

### **Applicant's posts on social media following the hearing before Justice Mortimer on Friday, 3 February 2023**

3. I have been informed that on 10 February 2023, the Applicant posted the following message on her personal Instagram account:

*"I can't really talk about my case in the federal court while legal proceedings are still underway, which could be for another 2wks, or if we have to go to a trial, could go on for many, many months."*

Filed on behalf of (name & role of party)	Dr Monique Ryan, MP, the Second Respondent		
Prepared by (name of person/lawyer)	Rick Catanzariti		
Law firm (if applicable)	DLA Piper Australia		
Tel	03 9274 5000	Fax	03 9274 5111
Email	rick.catanzariti@dlapiper.com		
<b>Address for service</b> (include state and postcode)	80 Collins St, Melbourne VIC 3000		

*El. Cole*

*[Signature]*

*But I want to thank everyone who has messaged me with their love and support or made public statements of solidarity. Every day since I left this job that I so deeply loved has been an immense struggle, and I haven't been able to reply to you all. But your messages, flowers and public support has meant everything to me and given me great comfort and strength.*

*Today the parliament affirmed the new Code of Conduct for all MPs, a landmark achievement that took thousands of political staff years of work and advocacy. The 2021 independent inquiry into commonwealth workplaces and subsequent Set the Standard report laid bare the need for this explicit code.*

*I'm devastated to have just missed out on these new protections but am glad they're in place now for current and future staff.*

*I hope that speaking out about what happened to me will help those staff too, and all other workers who aren't able to speak up."*

4. A screenshot of the Instagram post is annexed to this affidavit and is marked "MR-12".
5. I am aware of the post because I was contacted by journalists to comment on it. I am also aware that parts of the post have been published in the media.
6. The Instagram post suggested that the Applicant was subject to poor treatment whilst working as a Chief of Staff in my office, and that she needed, but did not have, the protection of the Code of Conduct whilst working in my office. The Applicant also specifically states that she was "*speaking out about what happened to me*". For the reasons canvassed in my affidavit affirmed 2 February 2023, I deny the Applicant was subject to any poor treatment during her employment as my Chief of Staff.
7. On 24 February 2023, the Applicant tweeted a link to an article published by the Australian Financial Review (AFR) to her public Twitter account, with commentary on the subject matter of the article (**Twitter post**). A screenshot of the Twitter post is annexed to this affidavit and is marked "MR-13".
8. The AFR article was titled "Teals hit back at Labor's \$3m super cap idea" and referred to policy positions of certain independent Members of Parliament ("Teal" independents). The Applicant's Twitter post accompanying the article stated:  
  
*"A progressive, equitable tax system for a sustainable budget and future-focused economy!*

*Oh, except keep tax breaks for the top 1% income earners with millions in super who own homes in the wealthiest parts of the country. Also reduce their income tax"*

*El. Cole*

*[Signature]*

9. The Applicant's commentary was critical of the policy positions of some crossbench independents (the so-called "Teal") Members of Parliament.
10. The Applicant subsequently deleted the Twitter post.
11. I was contacted by several journalists for comment regarding the Twitter post and whether it reflected my views.
12. I am aware that The Australian newspaper published an article on 25 February 2023 which extracted the Applicant's commentary from the Twitter post, and also referred to these proceedings and the fact that the Applicant continues to be paid as she (at that time) continued mediation with me and with the Commonwealth.
13. Pursuant to the undertaking given by the Commonwealth in these proceedings, the Applicant remains employed in my office. Her role as my Chief of Staff and her continued employment have been widely reported in the media.
14. It is not appropriate for the Chief of Staff for any Member of Parliament to make social media posts about political issues, especially posts which are critical of the positions of other politicians, without authorisation from the relevant Member of Parliament. A Member of Parliament's Chief of Staff cannot act independently from, or contrary to the interests of, the Member of Parliament for whom they work.
15. The Twitter post was detrimental to me in my role as a Member of Parliament because it was critical of other politicians with whom I need to work. The Applicant was unaware of my position on the issue at hand and therefore should not have commented on it. I considered that the Twitter post was against my best interests.
16. Furthermore, the Applicant's Instagram post was another example of her belief that she had been treated poorly by me and my office. As stated above, I deny she was treated poorly.
17. The Applicant's behaviour further confirms my belief that any attempts to re-establish a functional working relationship with me or my office would be impossible. The social media posts are further examples of the erosion of the trust and confidence required to adequately perform the role as my Chief of Staff.
18. I have lost all confidence in the Applicant's judgement, and I do not trust her to work in my office.



The affidavit, as signed and notated by the authorised affidavit taker, was signed or initialled by the deponent by electronic means. Administering the affirmation and witnessing the deponent affix her signature/initial to each page were done by means of audio link or audio-visual link. The affidavit is an electronic copy, not an original.

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

**Sally Rugg**

Applicant

**The Commonwealth of Australia and another**

Respondents

**CERTIFICATE IDENTIFYING ANNEXURE**

This is the annexure marked "**MR-12**" now produced and shown to Dr Monique Ryan MP at the time of affirming her affidavit on 2 March 2023

Before me:



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Signature of person taking affidavit

**Annexure "MR-12"**

Filed on behalf of (name & role of party)	The Second Respondent		
Prepared by (name of person/lawyer)	Rick Catanzariti		
Law firm (if applicable)	DLA Piper Australia		
Tel	03 9274 5810	Fax	03 9274 5111
Email	rick.catanzariti@dlapiper.com		
<b>Address for service</b> (include state and postcode)	80 Collins St, Melbourne VIC 3000		



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[\\_campaign\\_papi](#) I can't really talk about my case in the federal court while legal proceedings are still underway, which could be for another 2wks or, if we have to go to a trial, could go on for many, many months.

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**Sally Rugg** ✓  
@sallyrugg

...

A progressive, equitable tax system for a sustainable budget and future-focussed economy!

Oh, except keep tax breaks for the top 1% income earners with millions in super who own homes in the wealthiest parts of the country. Also reduce their income tax.



afr.com

Teals hit back at Labor's \$3m super cap idea

10:04 am · 24/2/2023 · **3,783** Views

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