

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	2/03/2023 10:08:21 PM AEDT
Date Accepted for Filing:	2/03/2023 10:08:25 PM AEDT
File Number:	VID44/2023
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 named in the schedule
Respondents

Affidavit of: **Sally Margaret Rugg**

Address: [REDACTED]

Occupation: Chief of Staff

Date: 2 March 2023

Contents

Document number	Details	Paragraph	Page
1	Fourth affidavit of Sally Rugg in support of originating application affirmed 2 March 2023	1	1
2	Annexure "SR-24", being a screenshot of a tweet dated 26 September 2022.	12(a)	6
3	Annexure "SR-25", being a screenshot of a tweet dated 4 October 2022.	12(b)	8
	Annexure "SR-26", being a screenshot of a tweet dated 9 November 2022.	12(c)	10
	Annexure "SR-27", being a screenshot of a tweet dated 14 November 2022.	12(d)	12

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; JSzumer@mauriceblackburn.com.au;
JBornstein@mauriceblackburn.com.au
 Address for service Level 21, 380 La Trobe Street, Melbourne VIC 3000
 (include state and postcode)

Document number	Details	Paragraph	Page
	Annexure "SR-28", being a screenshot of a tweet dated 19 November 2022.	12(e)	14
	Annexure "SR-29", being a screenshot of a tweet dated 24 November 2022.	12(f)	16
	Annexure "SR-30", being a screenshot of a tweet dated 27 November 2022.	12(g)	18
	Annexure "SR-31", being a screenshot of a tweet dated 28 November 2022.	12(h)	20
	Annexure "SR-32", being a screenshot of a tweet dated 30 November 2022.	12(i)	22
	Annexure "SR-33", being a screenshot of tweets dated 29 December 2022 and 2 January 2023.	12(j)	24

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

1. I am the Applicant in this proceeding.
2. I make this affidavit in support of my application, including for urgent relief.
3. Unless stated otherwise, my statements in this affidavit are based on my own knowledge.

Private Instagram

4. In her affidavit affirmed on 2 March 2023, Dr Ryan mentions my personal Instagram account and a post I made on it.
5. That Instagram account is separate from my public Instagram.
6. The bio for my personal Instagram profile is:

Private account for pics of my family and 900 cats. Please follow my public profile:
7. My public Instagram profile is linked after those words in my bio. My public profile has 8,126 followers. My Twitter account has approximately 74,000 followers.
8. My personal Instagram profile has only 350 followers, who are all people that I know. I have had a private account for 15 years. To follow me on my personal Instagram, someone needs to request to follow me, and I need to approve them. The followers are mostly extended family, close and old friends. I don't allow any colleagues or anyone from my work at Parliament House to follow me on my personal Instagram.



9. I consider my personal Instagram to be a private space. If I want to make a public statement, I would use my public account. I did not intend for the post that Dr Ryan quotes in her affidavit to become public.

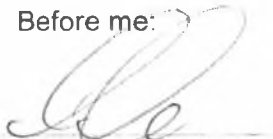
Twitter

10. I do not agree with Dr Ryan when she says that it is not appropriate for a chief of staff to make social media posts about political issues, including posts critical of other politicians' positions on issues, without authorisation from their parliamentarian.
11. I was active on Twitter throughout my employment with Dr Ryan, and posted many tweets critical of the positions of political parties and other Members of Parliament. Some of my tweets were critical of Dr Ryan's position, or expressed views on issues about which Dr Ryan had not yet formulated a position.
12. In particular:
- (a) On 26 September 2022, I posted a tweet that was critical of opposition leader, Peter Dutton MP. Now shown to me and marked "SR-24" is a screenshot of my tweet.
 - (b) On 4 October 2022, I retweeted an article and made comments that were critical of the Labor Government's response to the housing crisis. Now shown to me and marked "SR-25" is a screenshot of my tweet.
 - (c) On 9 November 2022, I retweeted a tweet linking to an article that was critical of the former Coalition Government's policy known as 'robo-debt'. Now shown to me and marked "SR-26" is a screenshot of my tweet.
 - (d) On 14 November 2022, I tweeted a photograph of the website of the Victorian Labor Party criticising that party for its inattention to aspects of housing policy. Now shown to me and marked "SR-27" is a screenshot of my tweet.
 - (e) On 19 November 2022, I retweeted an article that was critical of Labor MPs for owning as many properties as Liberal MPs. Now shown to me and marked "SR-28" is a screenshot of my tweet.
 - (f) On 24 November 2022, I retweeted a tweet and an article that were critical of both the Labor Government and the Liberal Opposition for not voting for legislation concerning a National Anti-corruption Commission. Now shown to me and marked "SR-29" is a screenshot of my tweet.
 - (g) On 27 November 2022, I retweeted a tweet that ridiculed Coalition MPs' position on penalty rates. Now shown to me and marked "SR-30" is a screenshot of my tweet.



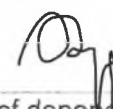
- (h) On 28 November 2022, I retweeted a tweet and made comments suggesting that housing reform that might cause landlords to disinvest should be considered. Dr Ryan has not publicly advocated for any position on that issue. Nor have any of the other 'teal' independent cross-benchers. Now shown to me and marked "SR-31" is a screenshot of my tweet.
- (i) On 30 November 2022, I retweeted a tweet and a link to an article that was critical of the Labor Government's migration policy. Now shown to me and marked "SR-32" is a screenshot of my tweet.
- (j) On 29 December 2022 and 2 January 2023, I retweeted tweets that were critical of the Labor Government's position on mandatory testing of people arriving in Australia from China. Dr Ryan's own position was in favour of such testing. Now shown to me and marked "SR-33" is a screenshot of my tweets.
13. I did not seek Dr Ryan's authorisation to post the tweets I mention above. Dr Ryan was also aware that I was active on Twitter, and did not reprimand me for any of the tweets.
14. Dr Ryan has never raised any issue with my tweets on any political issue.

Affirmed by the deponent
at Melbourne
in Victoria
on 2 March 2023
Before me:


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)

)
)
)
)
)


Signature of deponent

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: 2 March 2023

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a cursive representation of a name.

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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-24**" now produced and shown to Sally Rugg at the time of affirming her affidavit on 2 March 2023

Before me:


Signature of person taking affidavit

Annexure "SR-24"

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	<u>AMackenzie@mauriceblackburn.com.au; EmilyCreak@mauriceblackburn.com.au;</u> <u>JBornstein@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	Level 21, 380 La Trobe Street, Melbourne VIC 3000

[Version 3 form approved 02/05/2019]





Sally Rugg
23.4K Tweets



Tweets

Replies

Media

Likes



Sally Rugg  @sallyrugg · 26/9/2022

It's correct that Dutton was instrumental in unlocking coalition's total opposition to marriage equality & in securing Liberal govt to finally act. He saw writing on the wall, knew they wouldn't survive next election.

But that's the *public* winning reform, forcing Gov. Not him.



3



12



374



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District Registry: Melbourne
Division: Fair Work

Sally Rugg

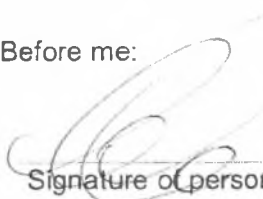
Applicant

Commonwealth of Australia and another named in the schedule

Respondents

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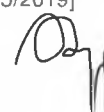
Before me:


Signature of person taking affidavit

Annexure "SR-25"

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
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Sally Rugg ✓
@sallyrugg

If you're moved by the human suffering caused by Australia's housing crisis (can it be a crisis when housing policies are working as they were designed?) I encourage you to engage with & support the brilliant work of [@_EverybodyysHome](#)

(And write to ur MP)



everybodyshome.com.au
Home - Everybody's Home

8:02 am · 4/10/2022 from Melbourne, Victoria

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 Division: Fair Work

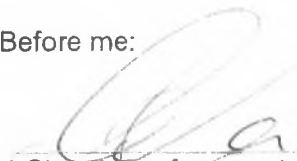
Sally Rugg

Applicant

Commonwealth of Australia and another named in the schedule
 Respondents

This is the annexure marked "**SR-26**" now produced and shown to Sally Rugg at the time of affirming her affidavit on 2 March 2023

Before me:


 Signature of person taking affidavit

Annexure "SR-26"

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;
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Sally Rugg
23.4K Tweets



Tweets

Replies

Media

Likes

↻ You Retweeted



Luke Henriques-Gomes · 9/11/2022

Recap of evidence from Serena Wilson, deputy sec at DSS:

- got the legal advice saying robodebt was no-go
- may not have told head of her dept, didn't tell Morrison
- didn't speak up whgen she "realised" income averaging being used, now "ashamed"



theguardian.com

Robodebt royal commission: official says she failed to tell Scott Morrison schem...

18



160



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Sally Rugg
Applicant

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Before me:


Signature of person taking affidavit

Annexure "SR-27"

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
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Sally Rugg
23.4K Tweets



Tweets

Replies

Media

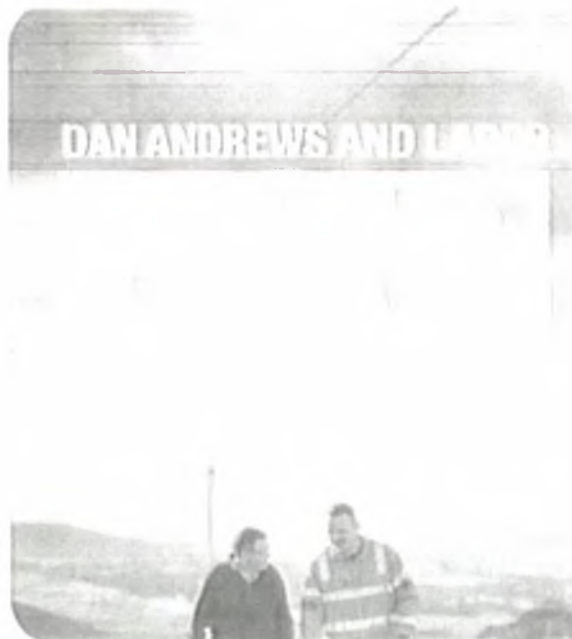
Likes



Sally Rugg @sallyrugg · 14/11/2022

Am genuinely perplexed and a little stunned that Vic Labor doesn't mention housing at all on its campaign website...

A brief mention about better rights for tenants (v good) but nothing about supply, affordability, market reg, social housing, growing homelessness... huh



EXPERIENCE A VIBE

JOBS

FAIRNESS

ENERGY

Medicare payments to install solar panels and batteries to keep power bills down.

But we'll do more.

More to invest in hospitals, train thousands of nurses and paramedics and we'll make nursing free - to make

going to work for the first time in 10 years.



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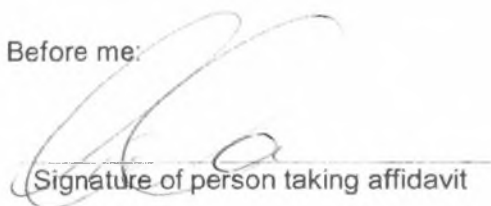
Sally Rugg

Applicant

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This is the annexure marked "**SR-28**" now produced and shown to Sally Rugg at the time of affirming her affidavit on 2 March 2023

Before me:



Signature of person taking affidavit

Annexure "SR-28"

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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
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Sally Rugg
23.3K Tweets



Tweets

Tweets & replies

Media

Likes



You Retweeted



Noah Yim @noah_yim · 19/11/2022

1/ New from me: the share of federal Labor MPs with three or more properties now matches that in the Coalition.

[dailytelegraph.com.au/news/nsw/revea...](https://www.dailytelegraph.com.au/news/nsw/revea...)

Share of MPs with three or more properties



31



167



380



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 District Registry: Melbourne
 Division: Fair Work

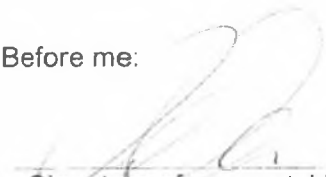
Sally Rugg

Applicant

Commonwealth of Australia and another named in the schedule
 Respondents

This is the annexure marked "**SR-29**" now produced and shown to Sally Rugg at the time of affirming her affidavit on 2 March 2023

Before me:


 Signature of person taking affidavit

Annexure "SR-29"

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;
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Address for service Level 21, 380 La Trobe Street, Melbourne VIC 3000
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Sally Rugg

23.4K Tweets



Tweets

Replies

Media

Likes

↻ You Retweeted



Rachel Withers @rach... · 24/11/2022

Labor and Liberal voting against @helenhainesindi's attempt to strengthen the NACC by removing the "exceptional circumstances" clause.

Imagine siding with Stuart Robert over Helen Haines on integrity.

themonthly.com.au/the-politics/r...



49

459

1,131



[Show this thread](#)

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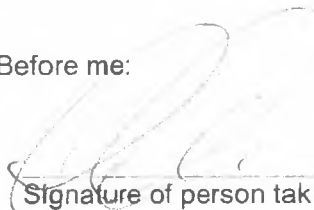
Sally Rugg

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Annexure "SR-30"

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Prepared by (name of person/lawyer)	Angus Mackenzie
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Tel	03 5018 4019
	Fax -
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12:50

5G **Sally Rugg**

23.3K Tweets

**Tweets****Tweets & replies****Media****Likes**

You Retweeted

**Ewin Hannan**  @Ewin... · 27/11/2022

Will Coalition MPs ask for penalty rates for parliament sitting on Saturday?

[#Insiders](#)

4



10



72



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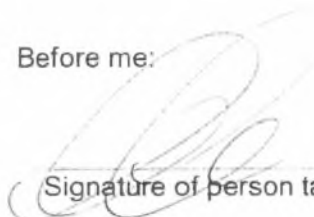
Sally Rugg

Applicant

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Before me:


Signature of person taking affidavit

Annexure "SR-31"

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Prepared by (name of person/lawyer)	Angus Mackenzie
Law firm (if applicable)	Maurice Blackburn Lawyers
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Fax	-
Email	AMackenzie@mauriceblackburn.com.au; EmilyCreak@mauriceblackburn.com.au; JBornstein@mauriceblackburn.com.au
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Sally Rugg ✓ @sallyrugg · 28/11/2022

“So, does tenancy law reform cause disinvestment?”

Looking back: no

Looking forward: maybe it should.

Perhaps govts should reform more, and if landlords disinvest - good. That's more space for first home buyers and a different better sort of rental housing provider.”



Chris Martin @dr_... · 28/11/2022

Does tenancy law reform cause landlords to disinvest?

Does trying to make renting better only make it worse for tenants - as landlord reps claim?

We put the disinvestment claim to the test in new research for @AHURI_Research

ahuri.edu.au/research/final...

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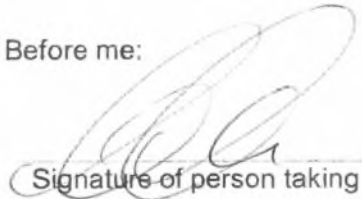
Sally Rugg

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Before me:



Signature of person taking affidavit

Annexure "SR-32"

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

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Sally Rugg ✓

@sallyrugg

Australia's Migration Act allows Aus to deport families w/o permanent residency if their child has a disability, including autism.

These grounds for deportation usually spread after a child is born, here in Aus.

abc.net.au/article/100018...



tink @arcaneconvet · 28/11/2022

new zealand doesn't let you move there if you have autism ?????

[Show this thread](#)

8:44 am · 30/11/2022

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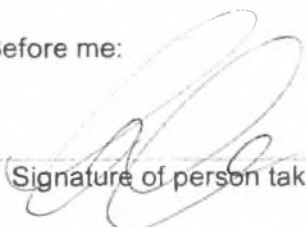
Sally Rugg

Applicant

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 Respondents

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Before me:


 Signature of person taking affidavit

Annexure "SR-33"

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Prepared by (name of person/lawyer)	Angus Mackenzie
Law firm (if applicable)	Maurice Blackburn Lawyers
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	Fax -
Email	AMackenzie@mauriceblackburn.com.au; EmilyCreak@mauriceblackburn.com.au; JBornstein@mauriceblackburn.com.au
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Amy Remeikis  @AmyR... · 2/1/2023

Given you don't have to isolate here even with a positive test and can just get on a plane if you want to, because everyone is supposed to be 'living with Covid', testing people arriving from China seems 🤔

💬 228  311 ❤️ 3,167 📊 205K ↗️

 You Retweeted

Raina MacIntyre  ... · 29/12/2022

Replying to [@wokabaut_meri](#)

my point being a strange fixation with only China and complete ignoring of the virus at home and elsewhere.

💬 8  38 ❤️ 352 📊 10.6K ↗️

 You Retweeted

Raina MacIntyre  ... · 29/12/2022

Replying to [@wokabaut_meri](#)

We are letting plane loads disembark from all around the world multiple times a day, every day. SARS-CoV-2 is rampant inside Australia and outside, in most countries.

💬 9  72 ❤️ 620 📊 17.8K ↗️