
**Independent Inquiry into matters raised by
Ms Rachelle Miller in her statement of 2 December 2021**

**Dr Vivienne Thom AM
27 January 2022**

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Executive summary

Ms Rachelle Miller worked as a media adviser in the office of the then Human Services Minister, the Hon Alan Tudge MP, from approximately August 2016 to November 2017. In November 2020 Ms Miller disclosed that she had an affair with Mr Tudge. On 2 December 2021, Ms Miller released a statement alleging (among other things) that Mr Tudge was emotionally and physically abusive towards her in the course of their professional and personal relationship. Mr Tudge publicly rejected the allegations in that statement.

This is the report of an independent Inquiry into those allegations. Ms Miller did not participate in this Inquiry because of unresolved concerns about the Inquiry's terms of reference.

There is conflicting evidence about the nature and timing of Mr Tudge's relationship with Ms Miller. The evidence considered in this Inquiry supports the following findings of fact:

- Mr Tudge and Ms Miller were intimate approximately four times in the period June to October 2017. Mr Tudge considers that these interactions were consensual.
- Mr Tudge considered that this was not an ongoing relationship. He believed that Ms Miller wanted a long-term relationship.
- At the time of the relationship at least three employees in Mr Tudge's office were told about the relationship by Ms Miller.
- Mr Tudge supported a request by ██████████ to upgrade Ms Miller's position. The request to upgrade was a reasonable one fairly based on Ms Miller's competence and the workload. The Inquiry has not been able to locate a precise date for this request but, according to the evidence of ██████████, it is likely that it happened at some time after the relationship had commenced. At the time of the request ██████████ was not aware of Mr Tudge's relationship with Ms Miller.

In respect of Ms Miller's allegations and noting that the available evidence was limited by Ms Miller's decision not to participate in the Inquiry, there is insufficient evidence to support a finding on the balance of probabilities that:

- Mr Tudge bullied or harassed Ms Miller.
- Ms Miller's relationship with Mr Tudge was emotionally abusive.
- Mr Tudge was physically abusive to Ms Miller during a work trip to Kalgoorlie Western Australia.

Recommendation

I recommend that the evidence considered in this Inquiry does not provide a basis for a finding that Mr Tudge's conduct breached the Ministerial Standards.

In making this recommendation I note that:

- The evidence available to the Inquiry was limited by Ms Miller's decision not to participate.
- The Ministerial Standards do not specifically address broader integrity and conflict of interest issues that can be a consequence of relationships that do not amount to ongoing or family relationships.

Background

Ms Rachelle Miller worked as a media adviser in the office of the then Human Services Minister, the Hon Alan Tudge MP, from approximately August 2016 to November 2017.

On 9 November 2020 Ms Miller was interviewed on the ABC Four Corners program *Inside the Canberra Bubble*.¹ On that program it was disclosed that Ms Miller had said that she had an affair with Mr Tudge. Ms Miller made a formal complaint to the Department of Finance in November 2020 regarding Mr Tudge's conduct.

On 2 December 2021, Ms Miller released a statement alleging (among other things) that Mr Tudge was emotionally and physically abusive towards her in the course of their professional and personal relationship. Mr Tudge publicly rejected the allegations in that statement.

On the same day the Prime Minister, the Hon Scott Morrison MP, announced that an independent Inquiry would be conducted to provide him with advice or recommended actions to be taken under the Ministerial Standards in relation to Ms Miller's statement.

I was engaged to undertake the Inquiry on 14 December 2021. The terms of reference for the Inquiry are at **Appendix A**.

Ms Miller's complaint

The statement made by Ms Miller on 2 December 2021 is set out in full at **Appendix B**. In summary, Ms Miller made the following three broad claims about Mr Tudge's conduct.

Allegation 1: Ms Miller alleges that she suffered bullying and harassment by Mr Tudge

Ms Miller said that she suffered bullying, intimidation and harassment from Mr Tudge at work which destroyed her confidence in her own ability and made her believe she would not get a job elsewhere. She stated that she needed support but was concerned that if she complained she would lose her job.

Allegation 2: Ms Miller alleges that the relationship with Mr Tudge was emotionally abusive

Ms Miller stated that she was completely under Mr Tudge's control, that he became the only person she could trust because he made her fearful of others, and that she was isolated from her family and friends. She said that he war-gamed lines with her, 'telling me to stay silent, telling me that we were in this together'. Ms Miller stated that Mr Tudge praised her at times then belittled and criticised her in front of members of the public and staff. She stated that the relationship was defined by a significant power imbalance.

Allegation 3: Ms Miller alleges that Mr Tudge was physically abusive to her during a work trip to Kalgoorlie Western Australia

Ms Miller stated that she and Mr Tudge travelled to Kalgoorlie with Prime Minister Turnbull. She agreed to late night drinks with Mr Tudge to avoid a conflict. They drank a lot until very late. She was awoken by a phone call at 4 am from the media to arrange an interview with Mr Tudge. Mr Tudge then kicked the side of her hip and leg as she tried to sit up in bed. She said that he told her to 'get the fuck out of his bed. She realised she was naked. Ms Miller said that he continued to kick her until she fell off the bed onto the floor.

Ms Miller also stated that on the day of the alleged physical abuse she could not remember anything from the previous night. Ms Miller stated she did not remember how they ended up in his room; leaving the bar; if they had sex; or if they used protection.

¹ <https://www.abc.net.au/4corners/inside-the-canberra-bubble/12864676>

Ms Miller said that she was tired and hungover that day. When they arrived back in Melbourne Mr Tudge did not wait for her or offer her a lift to her hotel in his Comcar.

The Inquiry

Terms of reference

The terms of reference are set out at **Appendix A**. The Inquiry is required to be conducted in line with procedural fairness and natural justice requirements and best practice in administrative decision-making, with an expectation that both parties will maintain confidentiality about the process to support these principles.

The 2020 Finance Review

Paragraph 5c of the terms of reference states that the Inquiry may consider:

subject to necessary approval and consent being obtained, the findings of the review undertaken by the Department of Finance in response to the formal complaint made by Ms Miller in 2020.

Confidentiality requirements meant this Inquiry was not able to access a copy of the formal complaint made by Ms Miller in 2020 or the report or findings of the review conducted by Spark Helmore Lawyers for the Department of Finance (the 2020 Finance Review). This Inquiry was provided with a letter to Mr Tudge dated 11 June 2021 notifying him that the review had found that ‘there was insufficient evidence to substantiate the allegations of inappropriate behaviours as outlined in the complaint’. This Inquiry was also provided with a copy of the recommendations made by the 2020 Finance Review aimed at improving the workplace culture and workplace circumstances of other *Members of Parliament (Staff) Act 1984* (MOP(S) Act) employees.

Admissibility of evidence

This investigation is administrative in nature and is not bound to apply the rules about the admissibility of evidence that apply in a court of law. The assessment of the information received during the course of the investigation was based on the criteria that the information was required to be both relevant and reliable.

Standard of proof

This Inquiry has been guided by the civil standard of proof that is ordinarily applied in administrative investigations – that is, a ‘balance of probabilities’. I must be reasonably satisfied that a particular fact is more likely true than not true.

The strength of the evidence necessary to establish a fact on the balance of probabilities will vary according to the seriousness of the allegation. The more serious the allegation the stronger the evidence needs to be to support a finding that the alleged conduct did in fact occur (known as the Briginshaw principle). With serious allegations a decision-maker should not be ‘reasonably satisfied’ based only on ‘inexact proofs, indefinite testimony, or indirect inferences’.² In such serious cases, an allegation without corroborating evidence, for example, will probably not meet the standard of proof required.

In the current investigation the allegations are serious and, if proved, could have serious consequences for Mr Tudge including being required to resign as a Minister. In these circumstances it is appropriate to apply the Briginshaw principle.

² *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 361-362, Dixon J.

Procedural fairness

The Inquiry was conducted with due regard to the principles of procedural fairness.

Confidentiality

Witnesses were advised that any information they provided would be on the record and would form part of the information available for the purpose of carrying out the investigation. All persons to whom information was disclosed in the Inquiry agreed to the terms of a confidentiality undertaking.

Former employees expressed particular concern about the public disclosure of their identities and evidence. An attempt has been made in this report to de-identify individuals by the use of generic titles where appropriate but, given the small number of employees in Mr Tudge's office at the time, these measures should not be considered sufficient to protect the identity or personal information of these individuals in the event of any public release of documents related to this inquiry, including through freedom of information requests.

I note for the record too that Mr Tudge considers his evidence to be particularly sensitive and confidential. His views should be considered by any decision-maker in the context of any public release of information provided to this inquiry including through freedom of information requests.

The investigation

HR Legal acted for Mr Tudge in the Inquiry. I wrote to HR Legal on 15 December 2021 to invite Mr Tudge to participate in the Inquiry by providing relevant information including the names of other persons whom he considered might have information relevant to this investigation.

On 20 December 2021 HR Legal provided me with Mr Tudge's written response to the allegations. I interviewed Mr Tudge on 17 January 2022 and on 21 January 2022 Mr Tudge provided me with further information.

Gordon Legal acted for Ms Miller in the Inquiry. I wrote to Gordon Legal on 15 December 2021 to invite Ms Miller to participate in the Inquiry by providing relevant information including the names of other persons whom she considered might have information relevant to this investigation. I also invited Ms Miller to attend an interview. A tentative arrangement was made to interview Ms Miller on 7 January 2022 but, following correspondence between Gordon Legal and the Australian Government Solicitor (acting for the Department of the Prime Minister and Cabinet), in which Gordon Legal raised concerns about the terms of reference, Gordon Legal advised me on 24 December 2021 that Ms Miller would not be participating in the Inquiry.

I wrote to Gordon Legal again on 11 January 2022 to advise them that I was proceeding with the Inquiry but notifying them that if Ms Miller did decide to assist in this Inquiry at any time up to the preparation of my report, I would be happy to meet with her or to consider any information that she might wish to provide to me. I wrote again on 19 January 2022 to advise them that I was preparing my report in line with the requirement to complete it by no later than 28 January 2022. I again invited Ms Miller to meet with me by videoconference or to provide information. Gordon Legal responded confirming that Ms Miller would not be participating in the Inquiry.

The correspondence from HR Legal dated 20 December 2021 provided five witness statements that had been provided to the 2020 Finance Review by employees within Mr Tudge's office.³ HR Legal suggested that I should interview the five employees who had provided statements as well as a further three named employees. I attempted to contact the individuals who had provided statements to ensure that

³ In this report the term 'employee' is used to include ministerial advisers and other staff employed under the MOP(S) Act as well as departmental liaison officers employed under the *Public Service Act 1999*.

they understood how the information might be used in this Inquiry and to confirm that they provided consent for the statements to be used.

Of the eight employees identified by HR Legal:

- [REDACTED] provided an updated statement to be used in the Inquiry and was also interviewed in the course of this Inquiry.
- Employee A provided an updated statement to be used in this Inquiry.
- Employee B agreed to the original statement being used and provided a second, additional, statement. She was also interviewed in the course of this Inquiry.
- Employee C had not provided a statement to the 2020 Finance Review but was interviewed in the course of this Inquiry.
- Employee D confirmed that her original statement could be used in this Inquiry.
- One employee who had provided a statement did not respond to my request. I did not consider his statement further.
- I did not contact two of the employees suggested for interview as, based on the information provided, I formed the view that they would not possess any particular information that would have added to that provided by other witnesses.

Interviewees were invited to have a support person present at the interview. All interviews were recorded, and transcripts prepared using an external transcription service. The interviewees were provided with the transcript of their own interview to review and comment on its accuracy. The final transcripts have been provided to the Department of the Prime Minister and Cabinet.

Mr Tudge's evidence

Mr Tudge described his work and personal relationship with Ms Miller. Ms Miller worked as his media adviser from around November 2016. Mr Tudge said that during the second half of 2017, their relationship changed from being purely a professional working relationship to becoming intimate with one another. Mr Tudge said that the affair was completely consensual. He wrote:

To the best of my recollection, Ms Miller and I were intimate on four occasions over a six month period in the second half of 2017. These were on the evenings of:

7 June 2017 in Brisbane

30 August 2017 in Perth

31 August 2017 in Kalgoorlie

One night in October 2017 in Canberra (I cannot be certain about this date).

I have referred to these interactions in my public statements as an "affair" because I wanted to take responsibility for my actions and not split hairs as to what did or did not occur. What I did was morally wrong given we were both married at the time. I have never shied away from this.

However, I did not consider this to be a "relationship" in the usual sense of the word. There were almost none of the typical characteristics of what would ordinarily be considered a relationship.

For example, during 2017:

- We did not speak to each other on the phone or communicate over text messages about our daily events or about personal matters. Nearly all of our interactions were work related.

- We never organised a time for us to meet together for dinner or lunch or a walk or any other casual activity. The only time we had a meal or drinks together was at the end of a work trip (or work day in Canberra) and nearly always with other staff. The only exception that I can recall is a drink one late afternoon in Canberra at the Realm hotel, after work. My recollection is that this was in the first half of 2017, but I cannot be certain. It was certainly the only occasion.

- We never once organised a time for us to be intimate together. None of the four times that we were intimate together were organised or pre-arranged or discussed in advance. There was never an expectation that something would occur.

- After each occasion that we were intimate, I assumed it was the last time. Indeed, on the fourth (and last) occasion that we were intimate, she came to my apartment in Canberra (where I live alone) in the evening, and pressed the buzzer at the complex entrance, asking to come up. I said 'no' through the apartment intercom for some five or ten minutes, before I finally agreed to her demand. This was something that, years later, she complained about — "having to beg for ten minutes to come up" — but it was indicative of me not expecting or wanting to see her outside of a work context.

- I never invited her to my apartment in Canberra apart from a time when she attended as part of my whole office staff coming over for drinks one evening. This was despite me being in Canberra not just for sitting weeks, but for at least a night during most other weeks also.

- We never had sex.

- We never talked about a future together, whether in the short, medium or long term.

Mr Tudge said that in his view Ms Miller was in love with him and wanted a long-term relationship, which was not reciprocated. She believed that both should leave their respective spouses and would be happy together. He said that he has not seen Ms Miller since she finished working in his office in 2017. He said that he told her at that time that he could not see her and that his objective was to try to rebuild his marriage.

Mr Tudge said that he had supported a proposal to promote Ms Miller. He said:

- Ms Miller requested, and ██████████ supported, a promotion within the office. Mr Tudge did not object and supported the course of action. In accordance with the usual practice, ██████████ wrote a formal letter to the Prime Minister's chief of staff. Mr Tudge thought that the letter had been sent in around the middle of 2017.
- Mr Tudge believed that that Ms Miller's media adviser position warranted an upgrade in classification because of the size of the job. He said that Ms Miller warranted a senior media adviser role because of her experience. He noted that she was subsequently engaged at the senior adviser level in November 2017 when she left his office for a promotion.
- Mr Tudge noted that it was common for his office to seek to have a position reclassified in order to achieve a promotion for a deserving individual. He provided a number of examples.
- Mr Tudge said that he did not consider that he was in a relationship with Ms Miller at the time that he supported her request. He said that until the end of August he had been intimate with Ms Miller once in a manner which he considered to be inappropriate and which he thought would not be repeated.

Mr Tudge provided the following response to Ms Miller's 2021 allegations:

- Mr Tudge denied that Ms Miller was subject to bullying, harassment, intimidation or any appropriate conduct during her employment. She left his office to take up a promotion in another ministerial office and then joined a consulting firm and so had not 'lost her career'.
- Mr Tudge said that Ms Miller had made no complaint about him during her employment or for three years thereafter. She generally spoke of how much she enjoyed working in the fast-paced environment. Even in January 2020 she had messaged him stating how much she enjoyed the job in his office and that she had a deep respect for him. She has asked him to be a referee for her for a number of positions in the three years since she left his office.
- Mr Tudge rejected the allegations that she was 'under his control'. He said that he had no way of controlling Ms Miller in any way once she left his office. Mr Tudge said he recalled many conversations in 2018, 2019 and 2020 which concerned them discussing keeping their affair silent. He recalls suggesting that it was neither in her interest nor his for it to be public and he did discourage her from publicly revealing their private affair.

- Mr Tudge rejected the allegations that it was an emotionally or, as alleged, on one occasion a physically abusive relationship. He said that the example she alleged of physical abuse did not happen.
- Mr Tudge said that he recalls that evening in Kalgoorlie reasonably well. In his statement he wrote:

The evening was in Kalgoorlie on 31 August 2017. The Prime Minister had arrived during the day and did a street walk with the local MP, Rick Wilson. We visited an old building which is now a tourist site, and in the early evening we attended a reception with the Prime Minister and local community leaders.

After the reception finished, the Prime Minister went to another location, which I was not invited to. Ms Miller and I decided to return to the hotel where we were staying for dinner and drinks. We were seated prominently at the bar.

One of my Advisers [Employee C] joined us at one stage.

Towards the end of the evening, we went outside and up the stairs to where the hotel rooms were. In the moment, she decided to come into my room. We did not have sex (which I provide more information about below).

Having slept for several hours, we woke and Ms Miller got dressed and went to her room. Both of us knew that her being in my room was wrong and we did not wish for anyone else to see us together. Hence, both of [us] knew that we needed to be in our own rooms.

I categorically deny kicking her in the bed and calling for her to “get the fuck out my room.” This is not in my character at all.

I have never kicked or hit anyone in my life, and of course never a woman. I have never been in a fight. I am not an aggressive person.

Anyone who knows me well, including my ex-wife would testify to this. My ex-girlfriend ██████████ contacted me out of the blue after the publicity of the allegations stating:

“I don’t believe the allegations about you and I’m sorry you are going through this. I know what a good and decent person you are and those allegations don’t ring true at all.”

Moreover, Ms Miller has never mentioned this before in almost four and a half years. She never mentioned these allegations in her interviews on national TV in late 2020. In that interview, she only referred to a consensual relationship.

She never mentioned it in the detailed six-page complaint she made about me to the Department of Finance in late 2020. In that complaint she stated:

“This friendship led to a personal intimate relationship which was consensual. I want to make it clear I make no allegations of sexual harassment or unwanted attention from Alan. He could be very charming and caring, and very complimentary, mostly when we were together outside of work hours. ...”⁴

- Mr Tudge said that he would not have offered Ms Miller a lift in his Comcar following the trip to Kalgoorlie because it was not in accordance with the rules and would not have been his usual practice with any staff member.

⁴ As previously noted, this complaint was not made available to this Inquiry.

Mr Tudge and his legal adviser also made a number of other comments relating to Ms Miller's conduct subsequent to her employment in Mr Tudge's office and her possible motivation for making the complaint. Ms Miller has not had the opportunity to respond to these comments and, as they are not material to the findings of this Inquiry, they are not included in this report.

Evidence of other employees

████████████████████
████████████████████ was employed in that position for the whole time that Ms Miller was employed in the office. His evidence can be summarised as follows:

- Ms Miller reported directly to him but she would have discussed the content of her work frequently directly with Mr Tudge. Mr Tudge and ████████████████████ gave joint feedback to staff.
- In his experience, Mr Tudge's treatment of all staff was respectful and professional. Mr Tudge's expectations of staff performance in their duties were high and he took appropriate action to address situations where those standards were not met, including providing direct and clear feedback.
- ████████████████████ did not at any time witness or hear about any behaviour that could be described as bullying by anyone in the office including Mr Tudge. He could recall discussions with Ms Miller about feedback she had received from Mr Tudge but at no stage was concerned that Mr Tudge had acted in a way that could be described as 'bullying'. Ms Miller had never raised any bullying concerns with him ████████████████████. He could also recall many instances where Ms Miller expressed in expansive terms how much she valued and enjoyed working for Mr Tudge.
- ████████████████████ described Ms Miller's performance as 'quite strong', she had a 'very solid work ethic' and brought a lot of experience in the media domain. She had a good relationship with journalists and good political nous. He requested an upgrade to Ms Miller's position by writing a letter to the Prime Minister's chief of staff requesting a reclassification. Ms Miller had advocated strongly for the upgrade to her position based on her performance.
- ████████████████████ thought that this request had been made around the middle of 2017 or just after. He recalled that Mr Tudge had no problems with the proposal: it would not have been proposed without his support.
- ████████████████████ had not been aware of the nature of the relationship between Mr Tudge and Ms Miller at the time the request was made. He said that if he had known he would have changed his approach. He said he would have been 'deeply uncomfortable with the whole situation' but he could not say how he could have resolved the issue.
- ████████████████████ became aware of the relationship between Ms Miller and Mr Tudge a short period before Ms Miller left the office when they had a drink at the Realm Hotel in about September or October 2017 and he noticed Mr Miller and Mr Tudge holding hands. Ms Miller later described the nature of the relationship to him in some detail. ████████████████████ described her as 'excited and enthusiastic about the relationship with the Minister while recognising the awkwardness of the situation'.
- ████████████████████ said that two days after he saw them holding hands he asked Mr Tudge whether there was 'anything going on' and he replied 'No, there is nothing going on right now'. He did not believe that Mr Tudge was under any obligation to tell him about the relationship and he suspected that Mr Tudge might not have considered it to be an 'ongoing' relationship.

Employee A

Employee A worked in Mr Tudge's office together with Ms Miller for about 9 months. His evidence can be summarised as follows:

- Employee A was treated with respect and professional courtesy at all times in Mr Tudge's office. Mr Tudge provided positive encouragement to staff when warranted and constructive feedback appropriately. Staff had a sense of camaraderie and mutual support despite demanding workloads and tight deadlines.
- Employee A did not witness or experience any behaviours by Mr Tudge towards any staff or others that he would describe as bullying, harassment or intimidation. At no time, during the time Employee A worked for Mr Tudge, did any other staff member, including Ms Miller, confide in him or approach him to discuss or complain about behaviours one may describe as bullying, harassment or intimidation.

Employee B

Employee B worked in Mr Tudge's office the whole time that Ms Miller was employed there. Her evidence can be summarised as follows:

- Employee B had always been treated professionally and with respect by Mr Tudge. She had an excellent and respectful working relationship and she felt valued for her contribution. Mr Tudge's expectations of staff were no different to any other Minister. Employee B considered her time in his office as a 'career highlight'.
- Employee B said that she had a very close relationship with Ms Miller – they were friends as well as colleagues and talked for hours on the telephone. Employee B said that Ms Miller never described Mr Tudge as a bully.
- Employee B believed that Ms Miller would share 'pretty much every detail' with her 'every phone call, every time she felt a little flutter, any confusion that she felt' even before she was intimate with Mr Tudge. Ms Miller informed Employee B of her intimacy with Mr Tudge immediately upon returning from a work trip to Queensland. Employee B described Ms Miller as 'infatuated' with Mr Tudge.
- Ms Miller had also shared intimate details of her trip to Kalgoorlie with Employee B. Ms Miller 'spoke glowingly about the trip – about how they were intimate together on the trip and that they had a drink together in public'. Ms Miller did not mention any poor behaviour by Mr Tudge or being kicked in bed. Employee B said that everything Ms Miller said, 'was glowing in praise and positivity about the trip and about Mr Tudge'.
- Employee B said that she was 'very aware both from my conversations with Rachelle and texts that at one time we shared, that they never had sexual intercourse'.
- Employee B said that initially three staff members had been told about the relationship and then other employees. To her knowledge no one ever raised it with Mr Tudge.
- Employee B said that she never saw conduct that she would describe as patronage or favouritism displayed by Mr Tudge in the office.
- Employee B considered Ms Miller's claims of abusive behaviour by Mr Tudge to be untrue.
- Employee B continued to be in contact with Ms Miller after both had left Mr Tudge's office. Ms Miller had wanted to continue her personal relationship with Mr Tudge. Employee B described Ms Miller as 'obsessed with Mr Tudge'.

Employee B also made a number of other comments relating to Ms Miller's conduct and her possible motivation for making the complaint. Ms Miller has not had the opportunity to respond to these comments and, as they are not material to the findings of this Inquiry, they are not included in this report.

Employee C

Employee C worked in Mr Tudge's office together with Ms Miller for about 10 months. His evidence can be summarised as follows:

- Mr Tudge's office was a very stressful, hard-working environment with long hours. Mr Tudge was demanding and expected high standards and high workloads.
- Employee C had been advised by Ms Miller in around August or September 2017 that there was a personal relationship between Ms Miller and Mr Tudge.
- He recalls going on a trip to Perth and Kalgoorlie with Mr Tudge and Ms Miller. The Prime Minister was also present. He does not have a strong recollection of the trip. On the evening in Kalgoorlie he had a dinner with a departmental colleague then joined Mr Tudge and Ms Miller at the hotel bar for drinks. Employee C had two or three drinks and then went to bed.
- Employee C has no particular recollection of the following day. There seemed to be nothing out of the ordinary about Ms Miller's demeanour. Mr Tudge's conduct in not waiting for staff in Melbourne or offering them a lift in the Comcar was in accordance with his usual practice.

Employee D

Employee D worked in Mr Tudge's office together with Ms Miller for about 12 months. Her evidence can be summarised as follows:

- During her time in Mr Tudge's office Employee D was treated respectfully and professionally by Mr Tudge. The Minister's strong work ethic and positive engagement was instrumental in bringing the best out of his staff, which was critical to success.
- At no stage did Employee D witness the Minister exerting bullying behaviour towards his staff. During all interactions that she observed, they were treated with courtesy and respect. This includes all engagements with Ms Miller in her role as media adviser

Findings of fact

The terms of reference state that the Inquiry may inquire into:

- a. the nature and timing of Mr Tudge's relationship with Ms Miller; and
- b. any other matter relevant to assessing Mr Tudge's conduct in relation to the Standards.

It is useful to set out findings in relation to Mr Tudge's relationship with Ms Miller before turning to Ms Miller's allegations.

The nature and timing of Mr Tudge's relationship with Ms Miller

There is conflicting evidence about the nature of Mr Tudge's relationship with Ms Miller. I had regard to Ms Miller's written statement but, as she did not participate in the Inquiry, I could not ask her to comment to try to resolve the areas of conflict. The evidence considered in this Inquiry supports the following findings of fact:

- Mr Tudge and Ms Miller were intimate approximately four times in the period June to October 2017. Mr Tudge considers that these interactions were consensual.
- Mr Tudge considered that this was not an ongoing relationship. He believed that Ms Miller wanted a long-term relationship.
- At the time of the relationship at least three employees in Mr Tudge's office were told about the relationship by Ms Miller.
- Mr Tudge supported a request by ██████████ to upgrade Ms Miller's position. The request to upgrade was a reasonable one fairly based on Ms Miller's competence and the workload. The Inquiry has not been able to locate a precise date for this request but, according to the evidence of ██████████, it is likely that it happened at some time after the relationship had commenced. At the time of the request ██████████ was not aware of Mr Tudge's relationship with Ms Miller.

Conduct alleged in Ms Miller's statement

Now turning to the specific allegations made by Ms Miller.

Allegation 1: Ms Miller alleges that she suffered bullying and harassment by Mr Tudge

Ms Miller's statement does not provide any specific details or examples of the alleged conduct. As Ms Miller did not participate in the Inquiry it was not possible to obtain any further details or ask for corroborating evidence.

Mr Tudge denies this conduct and is supported by general statements from staff stating that they had not seen him engage in bullying or harassing conduct. In the absence of a description of any particular incident by Ms Miller it would have been difficult for Mr Tudge or any other witness to address the claims more directly.

Noting that the available evidence is limited by Ms Miller's decision not to participate in the Inquiry, I find that there is insufficient evidence to support a finding on the balance of probabilities that Mr Tudge bullied or harassed Ms Miller.

Allegation 2: Ms Miller alleges that the relationship with Mr Tudge was emotionally abusive

Ms Miller has not provided details of the alleged conduct or nominated witnesses who could corroborate her claims of being criticised or belittled. Mr Tudge denies that Ms Miller was under his control or that she was subject to emotional abuse. Three of Ms Miller's former colleagues have given evidence that Mr Miller did inform them about her relationship with Mr Tudge. Two said she described it in detail and that she appeared to be excited and enthusiastic about the relationship.

Noting that the available evidence is limited by Ms Miller's decision not to participate in the Inquiry, I find that there is insufficient evidence to support a finding on the balance of probabilities that Ms Miller's relationship with Mr Tudge was emotionally abusive.

Allegation 3: Ms Miller alleges that Mr Tudge was physically abusive to her during a work trip to Kalgoorlie Western Australia

Mr Tudge and Ms Miller have presented very different accounts of events in Kalgoorlie. Mr Tudge denies Ms Miller's allegation and said that he had a reasonable recall of events.

Employee C, who travelled to Kalgoorlie with them, advised the Inquiry that he had not noticed anything out of the ordinary in Ms Miller's demeanour on the day of the alleged assault. Employee B said that upon return Ms Miller had been glowing in praise about the trip and Mr Tudge.

As Ms Miller did not participate in the Inquiry it was not possible to ask her to comment to try to resolve these conflicting accounts.

An allegation of physical abuse is a serious allegation against a person. A finding of that nature should not be reached unless there is a firm factual basis to support the finding. This firm factual basis has not been established.

Noting that the available evidence is limited by Ms Miller's decision not to participate in the Inquiry, I find that there is insufficient evidence to support a finding on the balance of probabilities that Mr Tudge was physically abusive to Ms Miller during a work trip to Kalgoorlie Western Australia.

Did Ms Miller make an allegation of non-consensual sex?

Mr Tudge identified a further allegation in Ms Miller's statement: he said that Ms Miller statement implies that they had non-consensual sex. Mr Tudge denied this in his evidence.

The relevant words in Ms Miller's statement are:

I don't remember how we ended up in his room. I don't remember leaving the bar. I don't remember if we had sex.

I didn't know if we used protection. I still don't. I was too afraid to ask him if he remembered.

While it is possible that Ms Miller meant to indicate that she was so affected by alcohol that consent was not possible, that inference is not clear from the plain meaning of the words. Rather, the statement must be read simply that Ms Miller has no clear memory as to whether she had sex with Mr Tudge. In the absence of any opportunity to put this matter to Ms Miller and seek clarification, this statement has not been considered to be an allegation of non-consensual sex.

Was Mr Tudge's conduct a breach of Ministerial Standards

The Statement of Ministerial Standards

The Statement of Ministerial Standards (the Standards) is issued by the Prime Minister and sets out the expected standards of conduct by Ministers and assistant Ministers.

The Standards that applied at the time of the alleged conduct that is being investigated in this Inquiry are those issued in September 2015 by Prime Minister Turnbull.

The parts of the 2015 Standards most relevant to this Inquiry are set out in **Appendix C**.

In February 2018 Prime Minister Turnbull issued new Standards. The foreword included the following:

Ministers must recognise that while they are entitled to privacy in personal matters, they occupy positions of great responsibility and public trust. The public has high expectations of them in terms of their personal conduct and decorum.

Ministers should be very conscious that their spouses and children sacrifice a great deal to support their political career and their families deserve honour and respect.

Ministers should also recognise that they must lead by example – values should be lived.

So as you will see I have today added to these standards a very clear and unequivocal provision: Ministers, regardless of whether they are married or single, must not engage in sexual relations with their staff. Doing so will constitute a breach of the code.

While this new standard is very specific, Ministers should be acutely aware of the context in which I am making this change and the need for them always to behave in their personal relations with others, and especially their staff, the staff of other Ministers or members of the Australian Public Service, with integrity and respect.

These February 2018 Standards introduced new paragraph 2.24:

Other relationships

2.24. Ministers must not engage in sexual relations with their staff. Doing so will constitute a breach of this code.

The current Standards were issued by Prime Minister Morrison in August 2018. These Standards are essentially the same as those issued in February 2018.

The Implementation of the Standards including the procedure to be followed if an allegation is made involving improper conduct of a significant kind, including a breach of the Standards by a Minister, is set out in paragraphs 7.1 to 7.5 and has remained unchanged since the 2015 Standards.

Assessing the conduct against the Standards

Mr Tudge's conduct, as set out in the findings of fact, should be assessed against the Standards that applied at the time of his relationship with Ms Miller, that is, the 2015 Standards.

Was Mr Tudge's intimate relationship with Ms Miller a breach of the Standards?

The Standards are not a legislative instrument: they are promulgated by the Prime Minister of the day to set out their expectation of standards of conduct. When Prime Minister Turnbull introduced an express provision to prohibit of sexual relations with staff in 2018 he described the amendment as 'adding' a provision and 'a change'. He described the 2015 Standards as 'truly deficient' and said of the new Standards: 'This is the standard that I will hold, **from this day forth** all of my Ministers to' [emphasis added].⁵

I conclude from Mr Turnbull's comments about the amendment that a Minister engaging in sexual relations with staff would not have been considered to have breached the 2015 Standards. For this reason, Mr Tudge's intimate relationship with Ms Miller was not, in itself, a breach of the 2015 Standards.

Did this relationship lead to any other breach of the Standards?

Mr Tudge was emphatic in his evidence that he did not consider his intimate relationship with Ms Miller to be an ongoing relationship. It is clear, however, that from early June 2017 the relationship went well beyond what is usually considered to be 'workplace relationship' with a more junior member of staff.

A sexual relationship with a subordinate in the workplace can often result in a real or perceived conflict of interest. This applies to sexual relationships irrespective of whether a person is a 'domestic partner'. These issues were considered in *Mihalopoulos v Westpac Banking Corporation* [2015] FWC 2087, a Fair Work Commission case involving a workplace relationship. Senior Deputy President Jonathan Hamberger observed that

Employers cannot stop their employees forming romantic relationships. However, in certain circumstances, such relationships have the potential to create conflicts of interest. This is most obviously the case where a manager forms a romantic relationship with a subordinate - especially where the manager directly supervises the subordinate. It is virtually impossible in such circumstances to avoid - at the very least - the perception that the manager will favour the subordinate with whom they are in a romantic relationship when it comes to issues such as performance appraisals, the allocation of work, and promotional opportunities.

It is relevant here that ██████████ told the inquiry that had he known of the relationship he would have handled the reclassification request differently, but he also realised that he would have faced a dilemma. There are particular problems with secret relationships in the workplace. As they are not disclosed there can be no practical means of taking steps to manage any real or apparent conflict of interest. Perceived conflicts can more easily arise too where an apparently covert relationship is actually an open secret in an office – as was apparently the situation in Mr Tudge's office.

Paragraphs 2.1 to 2.25 of the Standards deal with integrity and conflicts of interest. While paragraph 2.1 is expressed broadly ('it is critical that Ministers do not use public office for private purposes') the remainder of this section talks about the use of official information for private purposes. Paragraph 2.2 deals with the declaration and registration of personal interests 'as required by the Parliament from time to time'. The following paragraphs are concerned with such matters as directorships, shareholdings, family members, other forms of employment, gifts, employment of family members and post-ministerial employment. The Ministerial Standards do not specifically address broader integrity

⁵ <https://pmtranscripts.pmc.gov.au/release/transcript-41453>

and conflict of interest issues that can be a consequence of relationships that do not amount to ongoing or family relationships.

There are provisions in other codes of conduct in the public and private sector that regulate such conduct. It is likely that these codes better reflect the standards expected by the Australian public of their officials. For example, the Australian Public Service Commission has published guidance which states that personal and sexual relationships may need to be disclosed if they have the potential to conflict with official duties and that it is generally inappropriate for one employee in a couple to have line management authority over another.⁶

The following elements of the Australian Public Service Code of Conduct as set out in section 13 of the *Public Service Act 1999* would likely be considered in the situation where a senior public servant had sexual relations with a subordinate:

(7) An APS employee must:

(a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment;

(10) An APS employee must not improperly use inside information or the employee's duties, status, power or authority:

(a) to gain, or seek to gain, a benefit or an advantage for the employee or any other person;

If paragraph 13(7)(a) of the APS Code of Conduct applied to Ministers, it would be open for this Inquiry to consider whether Mr Tudge took reasonable steps to avoid any conflict (real or apparent) in connection with his support of Ms Miller's reclassification request, notwithstanding Mr Tudge did not initiate the request and it was based on merit. Such an enquiry is not called for under the Ministerial Standards.

In summary, while it might be questionable whether Mr Tudge's conduct in connection with his support of Ms Miller's reclassification request was consistent with public expectations of proper conduct, his conduct did not breach Ministerial Standards.

(I note here that in the current Inquiry it is not suggested that Mr Tudge improperly used his status, power or authority to gain advantage for Ms Miller but, in any event, such conduct might also not be considered to be a breach of Ministerial Standards.)

Recommendation

I recommend that the evidence considered in this Inquiry does not provide a basis for a finding that Mr Tudge's conduct has breached the Ministerial Standards.

In making this recommendation I note that:

- The evidence available to the Inquiry was limited by Ms Miller's decision not to participate.
- The Ministerial Standards do not specifically address broader integrity and conflict of interest issues that can be a consequence of relationships that do not amount to ongoing or family relationships.

⁶ <https://www.apsc.gov.au/publication/aps-values-and-code-conduct-practice/section-5-conflict-interest>

Appendix A: Terms of reference

Terms of Reference for an Inquiry by Dr Vivienne Thom into allegations made by Ms Rachelle Miller 14 December 2021

1. On behalf of the Prime Minister, the Hon Scott Morrison MP, the Department of the Prime Minister and Cabinet has commissioned an independent Inquiry into matters raised by Ms Rachelle Miller in her statement of 2 December 2021.
2. The purpose of the Inquiry is to provide to the Prime Minister any advice or recommended actions in relation to Mr Tudge under the current Ministerial Standards regarding the matters raised in the statement made by Ms Miller.
3. Dr Vivienne Thom AM will undertake the Inquiry.
4. The Inquiry will be conducted:
 - a. with independence from the executive, without ministerial or government interference; and
 - b. in line with procedural fairness and natural justice requirements and best practice in administrative decision-making, with an expectation that both parties will maintain confidentiality about the process to support these principles.
5. The Inquiry may consider:
 - a. the statement made by Ms Miller on 2 December 2021;
 - b. any further evidence obtained by the Inquiry, including through interviews and any further documentary searches; and
 - c. subject to necessary approval and consent being obtained, the findings of the review undertaken by the Department of Finance in response to the formal complaint made by Ms Miller in 2020.
6. The Inquiry may inquire into:
 - a. the nature and timing of Mr Tudge's relationship with Ms Miller; and
 - b. any other matter relevant to assessing Mr Tudge's conduct in relation to the Standards.
7. The Inquiry will not inquire into any conduct which may amount to a criminal offence. Any such matters should immediately be referred to the appropriate authorities, subject to Ms Miller's wishes.
8. As a priority, the Reviewer should seek to form a view about whether the conduct may fall outside the scope of the Inquiry, as detailed in (7).
9. The Reviewer will immediately suspend the Inquiry if the Reviewer reasonably considers that the conduct may fall outside the scope of the Inquiry, as detailed in (7). In this instance, the Reviewer will immediately inform the Department of the Prime Minister and Cabinet her findings of fact in relation to those matters.
10. The Reviewer will provide the Final Report to the Department of the Prime Minister and Cabinet no later than 28 January 2022.

Appendix B: Statement by Ms Rachelle Miller, 2 December 2021

Message to all Parliamentarians 2 December 2021

Today I stand in my former workplace to say, again, that what happened to me in this place was not ok.

I call on every woman in this building to stand with me, but I know that many are scared about their jobs, their livelihoods, the careers they have worked so hard for.

When I spoke out more than a year ago on Four Corners, I wanted to spark a debate, but I was too unwell to continue to publicly advocate. I needed others to tell their stories, to build a momentum.

Others did, Brittany Higgins told her experience with sheer bravery. So did Kate Johnson, Chelsey Potter, Josie Coles, Emma Husar, Catherine Marriott, others I cannot name, but thank you.

All we ever wanted was for the Government to listen and acknowledge our experiences. Yet when I spoke out, not a single person from this Government contacted me to see if I was ok.

One female Chief of Staff sent me a text. That was it. But many former staffers did, and their stories were shocking.

I am here because the Government will not listen. Despite the PM's claims yesterday that he is willing to hear our experiences, his actions have betrayed that they are not.

I have reached out on many occasions to speak to the PM and others.

One of the PM's senior male staffers replied with the standard words, referring me to the review and helpline.

Minister Reynolds completely ignored a heartfelt request I made to seek her help.

I do thank Stephanie Foster from PM&C and Rachael Thompson from Sen Birmingham's office for listening, but frankly, this was the job they were told to do because the men in this building felt it wasn't their issue.

They delegated the job of listening to the awful experiences of women in this building to other women.

This is entirely a men's issue, and specifically, the men in this building. The Liberal Party doesn't have a women problem, it has a men problem.

Labor have stayed quiet because they have just as many skeletons. The two major parties will work together when it comes to protecting each other.

I am not here because I want to be, but because speaking through the media is the only way that this Government will listen.

All of us who have survived awful experiences in this workplace tried to reach out to seek change many times, the media has always been a last resort.

The Jenkins Review showed that the perpetrators were mostly male Parliamentarians with immense power over their junior female victims.

As the PM reminded us all on Tuesday, they know they can only be held accountable by the Australian people at the ballot box.

They are firmly focused on only ONE THING – re-election.

Chanel Contos broke the silence around the appalling behaviour of boys from Sydney private boys schools towards girls.

Those boys have just moved from their private school to here with even more entitlement.

They know their poor behaviour is protected by powerful mates. In their electorate – they are now the family man with conservative values.

So, I am speaking to all Australians through the media. The appalling treatment of women that happened in the early 90's when I was a teenager, is still occurring every day.

Remember this when you vote.

I know that for Chanel, for Brittany Higgins and Grace Tame, fighting every day requires a huge amount of bravery and self-sacrifice.

While they relive their trauma, they cannot move on. So, I'm stepping in to help again, because other women spoke out when I was unable to.

I ask every person in power in this building to ensure the Jenkins Review recommendations are implemented IN FULL, with no sneaky loopholes for Parliamentarians.

Unfortunately, it's a sad reality that the perpetrators are the ones who must change the laws to make themselves accountable.

You have the power, we do not.

The Prime Minister may not hold a hose, but he does have the power.

Why isn't he immediately committing to this? Are the recommendations from the Australian Human Rights Commission's Sex Discrimination expert not enough?

We have seen the accounts in the Jenkins Review. The utterly shocking statistics. One in every two women here have experienced behaviour that is unacceptable – bullying, harassment, assault.

It is traumatic, but now know I was not alone, this happened to so many others. -----

I am fully aware that a year ago I said my relationship with Minister Alan Tudge was a consensual relationship, but its more complicated than that.

I was so ashamed, so humiliated, so scared, so exhausted. I told the small part of my story I was able to manage.

The PM said that it didn't happen on his watch. So not his problem. Then he talked over Anne Ruston when she was asked for her opinion.

Meanwhile, the PM's men were out, briefing against me to the media.

I am fully aware the messaging between Minister Tudge and I does at times look like I was a willing participant.

He may use that, follow the PM's lead, and release them to the media.

There were times when he was kind, we had great conversations, we did a lot of amazing work together, through such tough times.

But that happens in abusive relationships, as so many women know. You keep going back, hoping you'll get the nice version.

When he is not, it further humiliates you, until you believe you deserve no better.

He became the only person I thought I could trust, and that is because he made me fearful of everyone else. Fearful about people finding out.

I was completely under his control. He war-gamed lines with me, telling me to stay silent, telling me that we were in this together, that people were trying to destroy us, his career, my career.

Creating a bubble of isolation around me that took me away from my family and friends.

The bullying, intimidation, harassment I experienced from him while at work completely destroyed my confidence in my own ability. I did not believe I would find a job anywhere else.

I was breaking down in tears regularly. I wanted to complain. I needed support. But I knew there was none. If I complained, I would get sacked. I had seen it happen.

I wanted to hold on to my career, I loved my job. I had worked so hard to get here. I did not want it ruined by this person's awful behaviour.

People advised me that to be a good staffer you must take any type of abuse and not complain. What sort of culture is that?

I woke up every morning anxious and terrified of what I was going to happen to me at work today. What had I done wrong? Had I forgotten something?

Then he started to throw in compliments, about my dress, or my ability. He started to ask me out to dinner, to have a drink, to stay late, to help with this speech.

He stated he couldn't travel without me. We started to drink, a lot, to cope with the stress. To be able to get to sleep.

Occasionally he treated me like a valued colleague. I thought things were getting better as he got to know me and saw the good work I was doing, for him.

I saw he was stressed, exhausted and paranoid. I attributed his poor behaviour to this. He said I was the only one he trusted. He disclosed things to me, marriage struggles.

I too had marriage problems. The relentless media scrutiny, the long hours and travel were unsustainable. Rumours were circulating.

I had marriage problems because I was never at home. I never saw my family, I was always with the Minister. I was always working. I was deeply lonely and very vulnerable.

He shifted from showering me with praise – “I can’t live without you, I need you, please don’t leave me, this doesn’t have to mean you lose your job,” to belittling and criticising me in front of other staff, in front of community members on electorate tours, in front of other passengers on planes.

I was so confused.

It took a long time to face the truth about what happened but the memories are clearly etched in my brain.

This relationship was defined by a significant power imbalance, it was an emotionally, and on one occasion, physically, abusive relationship.

When I finally stood up to him and asked him to stop treating me so badly, he told me to “stop being such a precious petal.”

I want to finish by recounting just one of the many terrible experiences I had while employed in this building as Media Adviser to Minister Alan Tudge. I do this last, as it is extremely difficult.

We were in Kalgoorlie with PM Turnbull to announce the Cashless Welfare Card trial. I was completely exhausted. We had been up very late the night before in Perth. I hadn’t slept.

We flew in early to a full day of community meetings, I was also busy arranging the media for the announcement the next day.

The PM arrived, we did a street walk, and then a community reception at the Town Hall. I had to get the right photos, I had to get them up on the Minister’s social media accounts.

I was so thankful there was no late dinner. I wanted to get to my hotel room and sleep. We had a huge day with the PM’s announcement the next day.

After the reception the Minister was furious, complaining he had an argument with one of the PM’s staff, I did not know what it was about.

We headed back to the hotel, and I started to hope I might make it back to my room early and get some sleep.

As we walked into the foyer, the Minister saw the bar. He said; “let’s get a drink.” I could never say no to him, by this stage I just did whatever he said to avoid conflict.

As soon as he had a drink he was charming, friendly and had completely forgotten the anger he had just five minutes before in the car.

I was grateful for the swift mood change, when he was like this it meant he was not being abusive.

We drank a lot, until very late.

My mobile phone started ringing. I woke up in the pitch black dark and reached for my phone.

It was about 4am and a morning media producer was calling about the front-page story, wanting to line up an interview with the Minister.

I started to talk to her to arrange a time, but I was still half asleep. Then I felt someone kicking the side of my hip and leg as I tried to sit up in the bed.

It was the Minister. He was furious, telling me to “get the fuck out of his bed.” I quickly told the producer I would call her back. I then realised I was completely naked.

He continued to kick me until I fell off the side of the bed and ended up on the floor.

I searched around in the dark for my clothes. He was yelling at me that “my phone had woken him up. He needed to get more sleep.”

He told me to “get the fuck out of his room and make sure that no one saw me.” I quickly dressed and ran out the door. It was 4 am. I had no idea where my room key was.

I was lucky that reception was open. I asked them to cut me a new key. I asked them to remind me where my room was.

I walked into my room, my fully made bed, and my suitcase unopened.

I unpacked my laptop, sat at the desk, and started answering and making phone calls and emails to arrange the media for the Minister for the day.

The Minister had to do a few radio interviews from his room before we got going. I texted him the details of the interviews to make sure he was now awake and prepared.

After this was all organised, I collapsed in the shower. We had to meet the PM’s team in the foyer in an hour or so.

In the shower I had a moment to think. I could not remember a single thing from the night before.

I don’t remember how we ended up in his room. I don’t remember leaving the bar. I don’t remember if we had sex.

I didn’t know if we used protection. I still don’t. I was too afraid to ask him if he remembered.

We were in the same hotel as the Prime Minister and many of his staff. Some were in that bar. Did they see us?

I had no option but to bury it and continue with my job on an extremely busy day, a long way from home.

The PM and the Minister did their press conference. The PM talked for too long as usual. I tried hard not to throw up as I stood in the hot sun recording the presser. I was very hungover.

We flew back to Perth in the PM’s plane, I declined all the lovely food.

We drank more in the Perth Chairman’s Lounge, did yet another radio interview, and then boarded another plane. We arrived in Melbourne, very late at night.

The airport was empty, the Minister was in business class, I was ruined from no sleep in economy.

As I alighted the plane and into the gate lounge, I realised he hadn't even bothered to wait for me, nor offer me a lift to my hotel in his comcar.

He had headed straight into the comfort of his comcar to travel home. No thanks, no goodbye.

I walked to the taxi rank but there were none there. I got on the SkyBus to Spencer Street Station and then got a tram to my hotel.

I was completely shattered. -----

This is not about revenge. It has never been about that. I still sometimes feel sorry for him.

It's about ensuring that no one else goes through this in this workplace. Its about changing a system that allowed this to happen.

We should NOT have to fight, we have no fight left. Why is it up to the women survivors to fight for change?

No training, no independent complaints mechanism, nothing will work until the people with power; the male Parliamentarians who perpetrate this awful, unacceptable behaviour, are held accountable.

Instead, Minister Tudge has been promoted, multiple times. He is now the Minister for Education and Youth and sits in Cabinet.

I lost my career and so much more. All we ask for is a safe workplace.

I look forward to hearing his positive retelling of this history. But we all know that history is just the truth about what happened, which I have just spoken.

I look forward to the people of Aston holding Minister Tudge accountable at the election.

Or perhaps the Prime Minister might show some leadership before that. For it's his job to hold his Ministers to account for their unacceptable behaviour.

Rachelle Miller, former Government Senior Media Adviser 2010-2018.

Appendix C: Extracts from the 2015 Statement of Ministerial Standards

1. Principles

1.1. The ethical standards required of Ministers in Australia's system of government reflect the fact that, as holders of public office, Ministers are entrusted with considerable privilege and wide discretionary power.

1.2. In recognition that public office is a public trust, therefore, the people of Australia are entitled to expect that, as a matter of principle, Ministers will act with due regard for integrity, fairness, accountability, responsibility, and the public interest, as required by these Standards.

1.3. In particular, in carrying out their duties:

(i) Ministers must ensure that they act with integrity – that is, through the lawful and disinterested exercise of the statutory and other powers available to their office, appropriate use of the resources available to their office for public purposes, in a manner which is appropriate to the responsibilities of the Minister.

(ii) Ministers must observe fairness in making official decisions – that is, to act honestly and reasonably, with consultation as appropriate to the matter at issue, taking proper account of the merits of the matter, and giving due consideration to the rights and interests of the persons involved, and the interests of Australia.

(iii) Ministers must accept accountability for the exercise of the powers and functions of their office – that is, to ensure that their conduct, representations and decisions as Ministers, and the conduct, representations and decisions of those who act as their delegates or on their behalf – are open to public scrutiny and explanation.

(iv) Ministers must accept the full implications of the principle of ministerial responsibility. They will be required to answer for the consequences of their decisions and actions – that is, they must ensure that:

- their conduct in office is, in fact and in appearance, in accordance with these Standards;
- they promote the observance of these Standards by leadership and example in the public bodies for which they are responsible; and
- their conduct in a private capacity upholds the laws of Australia, and demonstrates appropriately high standards of personal integrity.

1.4. When taking decisions in or in connection with their official capacity, Ministers must do so in terms of advancing the public interest – that is, based on their best judgment of what will advance the common good of the people of Australia.

1.5. Ministers are expected to undertake whatever actions may be considered by the Prime Minister to be reasonable in these circumstances to meet the general obligations set out above, including the following specific requirements and procedures.

2. Integrity

2.1. Along with the privilege of serving as a Minister, there is some personal sacrifice in terms of the time and energy that must be devoted to official duties and some loss of privacy. Although their public lives encroach upon their private lives, it is critical that Ministers do not use public office for private purposes. In particular, Ministers must not use any information that they gain in the course of their official duties, including in the course of Cabinet discussions, for personal gain or the benefit of any other person.

2.2. Ministers must declare and register their personal interests, including but not limited to pecuniary interests, as required by the Parliament from time to time. Ministers must also comply with any additional requirements for declarations of interests to the Prime Minister as may be determined by the Prime Minister, and notify the Prime Minister of any significant change in their private interests within 28 days of its occurrence.

2.3. Failure to declare or register a relevant and substantive personal interest as required by the Parliament constitutes a breach of these Standards.

Subsequent paragraphs deal with:

- *Directorships etc.*
- *Shareholdings*
- *Family members*
- *Other forms of employment*
- *Gifts*
- *Employment of family members*
- *Post-ministerial employment*