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Maira Deeming serves John Pesutto with defamation concerns notice

EXCLUSIVE

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6:06AM MAY 12, 2023

Maira Deeming has served John Pesutto with a defamation concerns notice, 24 hours before the state parliamentary party is due to vote on a second motion to expel her.

The notice warns that the suspended Liberal MP may commence Federal Court proceedings after 28 days if the Victorian Opposition Leader does not immediately seek the withdrawal of Friday's expulsion motion, publish an apology to her on his website, and pay her compensation and legal costs.

Should it go ahead, Friday's expulsion motion is [expected to pass with support from the majority of the state Liberal party room](#), but the concerns notice [puts Mr Pesutto in the awkward position](#) of placing himself at risk of an unedifying public legal battle if he allows the expulsion to proceed.

Company Giles principal Patrick George, who [wrote the textbook on Australian defamation law](#), issued the legal threat on Ms Deeming's behalf on Thursday morning.

In the 11-page legal letter, Mr George alleges that Mr Pesutto accused the MP “of being a Nazi sympathiser” in seeking to justify his [botched attempt to expel her from the party in March](#).

“These accusations, and the motion to expel her, [leaked by you to the media](#) to be published as widely as possible, were defamatory of our client, are false, and have caused serious and potentially irreparable harm to her reputation,” Mr George wrote in the concerns notice.

Mr Pesutto’s March attempt to expel Ms Deeming followed her attendance at a [“Let Women Speak”](#) rally alongside [British activist Kellie-Jay Keen, also known as Posie Parker](#), former federal Liberal candidate Katherine Deves, and left-wing Jewish feminist Angie Jones.

The rally was organised by Ms Keen’s activist group, Standing for Women UK, which campaigns against what its supporters see as the infringement of transgender rights upon those of women and children.

Transgender rights activists held a counter-protest, and a third group, of masked men dressed in black, joined the fray and performed the Nazi salute on the steps of state parliament.

In the days that followed, Mr Pesutto gave notice to the state Liberal party room that he intended to move an expulsion motion against Ms Deeming, and circulated a 15-page dossier of social media screenshots and media reports — mostly relating to Ms Keen — in seeking to make the case that the MP had protested alongside people who were “known to be publicly associated with far right-wing extremist groups including neo-Nazi activists”.

During the [heated March party room meeting](#), minutes of which were [last week leaked to The Australian](#), at least 10 MPs spoke in Ms Deeming’s favour, with veteran staffer-turned-MP Nick McGowan telling Mr Pesutto that if his motion were to proceed, he would be “actually labelling someone a Nazi”.

“It’s like calling someone a murderer, a rapist, or a paedophile,” Mr McGowan told the meeting.

Following a tearful speech during which Ms Deeming said she had been raped as a child and detailed her close relationship with an uncle who was a Holocaust survivor, the party opted not to proceed with the expulsion motion, and [instead suspended the MP for nine months](#).

In her concerns notice, Ms Deeming's lawyer argues the suspension "was based on certain conditions, which you and our client agreed to, which was to include a full and public retraction by you of the accusations you made about her."

"You then proceeded to disregard those conditions and refused to carry them out," the legal letter states.

Ms Deeming and her supporters have been engaged for weeks in a dispute with Mr Pesutto over the content and release of the meeting minutes.

The dispute became public last week via the leaking to Sky News of an [email in which minute-taker Renee Heath accused the Liberal leader of having "bullied" her](#) and other conservative female MPs.

The stalemate prompted Ms Deeming to write to Mr Pesutto last Thursday, [giving him a 2pm deadline to issue a statement "exonerating" her](#), or she would officially challenge her suspension, "demand re-entry to the party room and instruct my lawyers to commence legal proceedings".

In response, five MPs including frontbenchers James Newbury, Cindy McLeish and Roma Britnell, former leader Matthew Guy, and newly-elected MP Wayne Farnham, circulated a second expulsion motion, upon which the party is due to vote on Friday.

Hours before the latest expulsion motion was circulated, Ms Deeming [issued a statement claiming she had "never once considered suing the Liberal Party"](#). The concerns notice is addressed to Mr Pesutto, and not the party.

Mr Pesutto is not a signatory to Friday's motion but has publicly declared his support for it.

The reason given in the motion for seeking to expel Ms Deeming is that she “has engaged in conduct in violation of Clause 57, bringing discredit on the Parliamentary Party.”

However, no explanation is offered as to how such “discredit” has been brought.

“This second motion [does not state the grounds for our client’s expulsion](#), and yet you still have publicly stated your support for it,” Ms Deeming’s legal letter states.

“In the absence of any grounds, and in the absence of your withdrawal of the accusations, this second motion, it can reasonably be assumed, is made on the same basis as the first motion, with the same false and defamatory accusations made against our client.

“Apart from being grossly unfair, the circumstances entitle our client to commence defamation proceedings against you.”

Ms Deeming is not expected to attend Friday’s meeting.

Her concerns notice asks Mr Pesutto to “seek the immediate withdrawal” of the new expulsion motion, and “agree to never repeat or republish the contents of the original motion or the new motion”.

It also asks the Liberal leader to publish on his website for a period of at least 14 days an apology stating:

“On 22 March 2023, I, John Pesutto, wrote, published and released to the media a motion to expel Moira Deeming from the Liberal Party.

The motion made false and defamatory allegations about Mrs Deeming concerning her attendance at an event on 18 March 2023.

I withdraw those allegations without reservation. They should never have been made.

I apologise to Moira Deeming for the harm, hurt and distress caused to her and her family by reason of my making the false allegations.”

The notice asks Mr Pesutto to pay Ms Deeming “compensation by reason of the substantial damage, including damage to her reputation, which she has suffered a result of the publication of the motion”, and cover her legal costs.

“Although you have 28 days under the act to make amends, noting the serious and ongoing damage to our client’s reputation, this offer is open until 9am on Friday, 12 May 2023,” the letter states.

“The timing is urgent because of the extreme and unseemly speed with which the new motion has been proposed and is to be determined despite clear and obvious breaches of the (Victorian Liberal Party) Constitution and the continuing defamation of our client.

“Any delay in the publication of an apology will of course significantly decrease its effect.

“In the unfortunate event that the above requests are not agreed to, we are instructed to commence proceedings in the Federal Court of Australia without further notice after the lapse of 28 days.”

In response to a request for comment, a spokesman for Mr Pesutto said: “Mr Pesutto has received a letter from Mrs Deeming foreshadowing legal proceedings. As the matter is likely to go before the courts, he will not make any further comment.”

Comment was also sought from Ms Deeming.

Mr George joined the boutique firm of reputational risk lawyer Rebekah Giles, Company Giles, in March, having been senior partner at global firm Kennedys for the previous 20 years of 40 year career.

The author of ‘Defamation Law in Australia’ has represented former prime ministers Paul Keating and Kevin Rudd, as well as former Australian Olympic Committee president John Coates.

His business partner Ms Giles has defended former Liberal staffer and alleged rape victim Brittany Higgins, and former attorney-general Christian Porter.

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