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Moira Deeming: Expelled MP issues second defamation notice against embattled Liberal leader John Pesutto

EXCLUSIVE

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[Expelled Liberal MP Moira Deeming](#) has served a second defamation concerns notice on [John Pesutto](#), seeking substantial and aggravated damages and alleging the Victorian Opposition Leader accused her of being a “Nazi sympathiser and Nazi associate”, and used that as a basis to “threaten and bully” her out of the parliamentary party.

Mr Pesutto was served with the documents on Wednesday morning, hours after being blindsided by the [resignation of Deeming ally Ryan Smith](#), which is set to spark a by-election in the outer eastern Melbourne seat of Warrandyte.

The 16-page notice, written by [leading defamation lawyer Patrick George](#) on Mrs Deeming’s behalf, serves as a stand-alone case, separate and in addition to the [notice with which Mrs Deeming issued Mr Pesutto earlier this month](#), with the first case due to be filed in the Federal Court on June 8.

The latest notice accuses the Liberal leadership team of stationing a male staffer outside Ms Deeming’s office with the intention of intimidating her and sympathetic

MPs, includes numerous public comments Mr Pesutto made surrounding Mrs Deeming's [expulsion from the parliamentary party on May 12](#), and cites a [statement issued last week by the UN's special rapporteur on violence against women and girls](#).

It spans events dating back to [Mr Pesutto's initial botched attempt to expel Mrs Deeming](#) following her attendance at a March 18 "[Let Women Speak](#)" rally, which was gatecrashed by neo-Nazis.

"On and from 19 March 2023, Mr Pesutto ... publicly accused Mrs Deeming, a fellow member of parliament from the same party, of being a Nazi sympathiser and Nazi associate, amongst other things, in the media, and on that basis threatened and bullied her with expulsion from the parliamentary Liberal Party," Mr George wrote in the latest concerns notice.

"Mr Pesutto's accusations were false and seriously defamatory of Mrs Deeming personally and professionally and have caused serious harm to her reputation. She is entitled to substantial damages as a result.

"Mrs Deeming is also entitled to aggravated damages based on Mr Pesutto's conduct (set out below) which was lacking in good faith, improper and/or unjustifiable, and significantly increased the harm Mrs Deeming has suffered."

The Australian can reveal that in addition to Mr George, Mrs Deeming is being represented by high profile defamation barrister Sue Chrysanthou SC, who has previously acted for former Attorney-General Christian Porter and journalist Lisa Wilkinson.

In turn Mr Pesutto has engaged veteran media lawyer and Minter Ellison partner Peter Bartlett, as well as KC Matt Collins, who has previously acted for columnist Andrew Bolt and actor Rebel Wilson.

The March 18 rally was organised by [British activist Kellie-Jay Keen](#)'s 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 — accusing the MP of “organising, promoting and participating in a rally with speakers and other organisers who themselves have been publicly associated with far right-wing extremist groups including neo-Nazi activists.”

The concerns notice alleges Mr Pesutto distributed the dossier to MPs and the media “with the knowledge and intention that the matters of which he and the leadership team had accused (Mrs Deeming) would seriously damage Mrs Deeming’s reputation not only within the parliamentary party but also outside in the electorate and the world at large, and hold her up to vilification, contempt, abuse and ridicule, and mislead the public into believing that the expulsion was justified.”

“The media and public condemnation of her snowballed with wider condemnation of her from many quarters. Mr Pesutto is now liable for the damage that his improper tortious conduct has caused,” the notice states.

It also alleges that in the days following the publication of the first expulsion motion, a staffer from deputy Liberal leader David Southwick’s office “sat outside Mrs Deeming’s office in what she (and others) considered was a transparent attempt to intimidate her but also to record and intimidate any members who went to visit her in the lead-up to the determination of the first motion.”

“Mrs Deeming understands that the conduct of these persons was at the direction of Mr Pesutto,” her lawyers allege.

The concerns notice details the [heated March party room meeting to decide on the first expulsion motion](#), and an ongoing [disagreement between Mrs Deeming and Mr Pesutto regarding the minutes](#) of the meeting and an undertaking Mrs Deeming believes Mr Pesutto made to [publicly exonerate her](#) of his earlier claims linking her to Nazis.

It accuses the Liberal leadership team of issuing a statement on Mrs Deeming's behalf in the aftermath of the first expulsion attempt, in conduct her lawyers describe as "seriously concerning, particularly by the release of a statement in Mrs Deeming's name without her consent, in order to mislead and deceive the Australian public."

Ms Deeming's lawyers also accuse Liberal frontbencher James Newbury of "acting under the direction and/or approval of Mr Pesutto" in moving the second motion to expel Mrs Deeming at a May 12 meeting and state that she received no response to two requests to explain the grounds for her expulsion for "bringing the party into disrepute".

"After the 12 May Meeting, Mr Pesutto deliberately misrepresented the reasons for Mrs Deeming's expulsion," Mrs Deeming's lawyers state.

"He claimed, falsely, that it was based on Mrs Deeming's threat to sue him for defamation in a concerns notice. However, the concerns notice was served on Mr Pesutto on 11 May 2023 and could not possibly have been the basis for the second motion which was issued on 6 May 2023."

Mrs Deeming had made repeated public threats to engage lawyers prior to May 6.

"Moreover, Mr Pesutto told members at the 12 May Meeting that Mrs Deeming's concerns notice had threatened to sue all of the members individually," Mrs Deeming's lawyers allege.

"This was also false and he must have known it was false. One of the members asked to see the concerns notice to understand the risk to members. Mr Pesutto refused to table it, presumably because its content would plainly contradict his lie to members."

Mrs Deeming's lawyers cite subsequent comments to the media by Mr Newbury, including "You cannot sue your boss and expect to keep your job" and "Suing your party and your leader is a gross act of betrayal", which they claim "were made at the behest of, or with the approval of, Mr Pesutto."

“Mrs Deeming considered these comments patronising, paternalistic, and misogynistic. They totally ignored the circumstances described in this correspondence, namely the series of dishonest, unjustified, unlawful and improper acts engaged in by Mr Pesutto,” the concerns notice states.

“The comments were also embarrassingly ignorant of the law, namely that ‘bosses’ who threaten and bully employees can expect not only to be sued but to lose their jobs for workplace misconduct.

“The law protects employees’ rights, particularly the rights of women, who have no alternative other than to make a complaint about, or to sue, their boss for workplace misconduct (such as publicly abusing them and defaming them and calling them a Nazi sympathiser).

“A threat to sue a boss is no longer grounds for dismissal. Retaliation against a person for complaining about the way they have been treated at work is victimisation and amounts to an unlawful adverse action.”

Mrs Deeming’s lawyers argue that she has “suffered terribly as a result of Mr Pesutto’s unlawful defamation of her reputation”, that she has been “extremely humiliated, abused, vilified, and demonised in the public eye, and that her “suffering has drawn the attention and condemnation of an expert at the United Nations.”

“On 22 May 2023, the United Nations Special Rapporteur on violence against women and girls issued a statement expressing concern about the threats and intimidation against women expressing their opinions on sex and sexual orientation,” the concerns notice states.

“The UN expert said that discrimination on this basis was prohibited in international and regional human rights law. She said ‘I am disturbed by the frequent tactic of smear campaigns against women...Branding them “Nazis”..or “extremists” ...Of particular concern are the various forms of reprisals...In some cases, women politicians are sanctioned by their political parties, including through the threat of dismissal or actual dismissal”

The concerns notice also makes reference to several ABC TV interviews given by Mr Pesutto, arguing they caused serious harm to Mrs Deeming’s reputation and

perpetuated false imputations.

Mrs Deeming's lawyers have sought an order that Mr Pesutto never repeat the defamatory statements they accuse him of making, that he remove from every Liberal Party platform the statement to which she claims she never consented, and that he issue a signed, dated, public apology stating that he "made false and defamatory allegations about Moira Deeming concerning her attendance at the 'Let Women Speak' event on 18 March 2023."

They request that Mr Pesutto publish the apology for a period of 14 days in a prominent position on his website and all social media accounts, and that he pay Mrs Deeming "her reasonable legal costs in pursuing this matter."

"We note that your client has 28 days to offer to make amends under the Act. However, noting the ongoing harm to our client, and the period of time that has already passed, the offer in this letter is open for 7 days from the date of the letter," the concerns notice states.

"We look forward to your prompt response, noting that we have briefed senior counsel on Mrs Deeming's behalf to commence the preparation of the pleadings to be filed upon the expiry of the statutory period if a satisfactory resolution cannot be reached between the parties."

Mr Pesutto's office, Mr Southwick and Mr Newbury all declined to comment.

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