

## NOTICE OF FILING

### Details of Filing

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Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Registrar

### Important Information

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Form 59  
Rule 29.02(1)

### Affidavit of Moira Deeming

VID 1023 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**MOIRA DEEMING**

Applicant

**JOHN PESUTTO**

Respondent

Affidavit of: **Moira Deeming**

Address: [Redacted]

Occupation: Politician

Date: 23 July 2024

I, Moira Deeming, of [Redacted], say on oath:

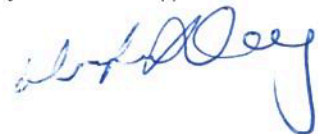
**Introduction**

1. I swore my first affidavit on 27 May 2024 (**First Affidavit**).
2. Since swearing my First Affidavit, I have read the affidavits which were served on behalf of Mr Pesutto on 27 May 2024 (**Respondent's Affidavits**).
3. In this affidavit, I set out my reaction to and responses to some assertions made in the Respondent's Affidavits and in the Respondent's Defence.
4. I adopt, in this affidavit, the defined terms used in my First Affidavit.
5. Exhibited to this affidavit is a paginated bundle of documents marked '**Exhibit MD-2**'.

Filed on behalf of (name & role of party)	Moira Deeming, Applicant
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 [Redacted]

[Version 3 form approved 02/05/2019]



## Responses to assertions made in Respondent's Affidavits

### Candidate for Gorton (federal)

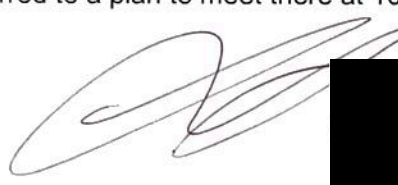
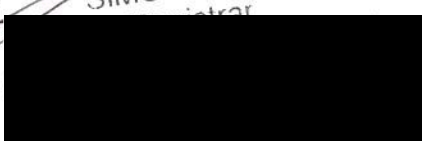

6. In relation to [16] of Mr Pesutto's affidavit and [8]-[9] of Ms Crozier's affidavit, I had been asked to run as the Liberal candidate for Gorton. There was also another candidate, John Fletcher. The Liberal Party's Administrative Committee ultimately endorsed Mr Fletcher. I do not know whether this was the result of intervention by the Liberal Party Federal Secretariat or the Prime Minister's Office, as suggested at [16] of Mr Pesutto's affidavit and [8] of Ms Crozier's affidavit. After Mr Fletcher was endorsed, I personally campaigned for him and have supported him since then.
7. In response to [22] of Mr Pesutto's affidavit, based on my experience and knowledge, it would not have been rare or remarkable if the Liberal Party Federal Secretariat or the Prime Minister's Office had intervened to prevent my pre-selection at the federal level. My understanding is that it is quite common for different factions within the Liberal Party to intervene in the pre-selection process for a variety of political reasons.

### Candidate for the Western Metropolitan Region (Victoria)

8. It is not my recollection that between me being preselected as the Liberal Party's candidate for the Western Metropolitan Region and me being endorsed by the Liberal Party's Administrative Committee there were 'daily negative media reports' about me, as alleged by Ms Staley at [10] of her affidavit. I recall there were some articles about me, some positive and some negative, but I do not recall how many there were or how frequently they were published. I recall there being some negative reporting about other MPs, and I did not think that the reporting about me was more widespread than the reporting about other MPs or that it was otherwise unusual.
9. In response to [21] of Mr Pesutto's affidavit, I do not know what Mr Pesutto means by his suggestion there was 'some controversy' surrounding my endorsement. In response to Ms Crozier's suggestion at [13] of her affidavit that there was 'some negative press coverage' about my endorsement, I repeat paragraph [8] above.

### Conversation with Mr Pesutto in December 2022

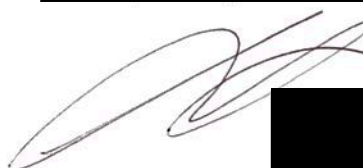
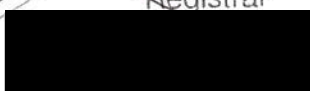
10. Mr Pesutto refers, at [24]-[27] of his affidavit, to a conversation he says we had over coffee at the Watergardens Hotel in Taylors Lakes in early December 2022. Whilst I cannot now recall where or precisely when this conversation took place, I think it likely took place at the Watergardens Hotel (as suggested by Mr Pesutto) on 5 December 2022 because my texts with Mr Pesutto on 4 December 2022 (a copy of which is at page 1 of Exhibit MD-2) had referred to a plan to meet there at 10.30am on 5 December 2022.

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11. In my First Affidavit, at [32], I said:

*At around this time [around 8 December 2022], I had a conversation with Mr Pesutto in which I told him about my advocacy for sex-based rights and safeguards. I recall telling him, in effect, that I realised these could be controversial issues. But I said I had massive grass roots support for my position on these issues and that I was good at speaking about them and winning people over in relation to them. I understood his advice to me was that I could advocate on these issues provided I did so respectfully.*

12. Having now read Mr Pesutto's affidavit, and refreshed my memory by reviewing my texts with him at around this time, I think that the conversation to which I referred at [32] of my First Affidavit is the same conversation to which Mr Pesutto refers at [24]-[27] of his affidavit.
13. I do not agree either that there was an 'emerging media controversy' surrounding my views at that time or that we had a discussion about any 'emerging media controversy' surrounding my views, as alleged at Pesutto [24], or that he broached the 'concerns' referred to at Pesutto [25]. I do not recall him raising any concerns in relation to my views. Rather, I raised my views about sex-based rights and safeguards for women and children and my desire to work constructively with the Victorian Parliamentary Liberal Party team to convince them that the issue was important and a vote winner. I told him I thought I had a reputation for being persuasive across political boundaries on these issues including because I always tried to express my views respectfully. I told him he could ask me anything he wanted about my views, at any time, and we could discuss them. I said I was confident he would see I was a hard worker and a team player. In general, my recollection is that he was trying to gain my support and win my vote to be Leader of the Party. I recall the gist of what he was saying was as set out in the first half of the first sentence of Pesutto [26] – that is, that he was supportive of my right to speak freely on the issues that mattered to me. I do not agree with the second half of the first sentence of Pesutto [26] – that is, that 'he encouraged [me] to ensure that [my] position in relation to transgender and sex-based rights was not the only view for which [I] would become known'. Rather, I raised that I didn't regard myself as a single-issue politician. I said words to the effect that I was interested and passionate about plenty of things, as my record on the Melton City Council showed.
14. I agree with Pesutto [27] that the conversation seemed to be positive.
15. Following this conversation, I sent Mr Pesutto, by text on 6 December 2022, a video of an excerpt from a Senate enquiry interaction that I had participated in with then Senator Janet Rice. [REDACTED]

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[REDACTED]. Mr Pesutto responded with a text saying "Very calmy done Moira. Thanks too for your time and consideration yesterday. I know it's a tough decision and I appreciated the opportunity. Cheers, JP". A copy of those texts is at pages 2 to 3 of Exhibit MD-2. I understood his reference to 'a tough decision' to be a reference to the upcoming decision as to who to vote for Leader of the Party.

Election as Liberal Party Whip in December 2022

16. On 8 December 2022, Mr Pesutto was voted Leader of the Victorian Liberal Party. At [31] of my First Affidavit, I said that I was voted to be the Liberal Party Whip in the Legislative Council at the meeting that Mr Pesutto was voted Leader. I now realise I was confused over the dates and to that extent [31] of my First Affidavit is inaccurate. Rather:

(a) When Mr Pesutto was voted Leader, I had the following exchange of texts with him (a copy of which is at page 3 of Exhibit MD-2):

Thu, 8 Dec at 2:05 pm

Congratulations on the win! I'm looking forward to working with you :)

Thu, 8 Dec at 10:39 pm

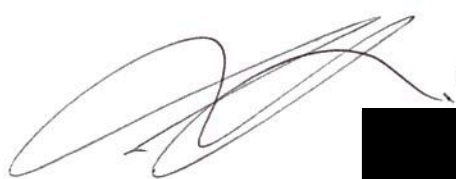
Likewise Moira. You'll be great in the Parliament. I'll touch base to organise a time when we can catch up as we discussed over coffee. I hope you enjoyed today. Cheers, JP

(b) After that, he suggested I run for Liberal Party Whip. I understood that he was supporting me to become Whip. On 14 December 2022, I texted him to ask him if I should be asking around for people's support for Whip. He responded as follows:

Sorry- just quickly- should I be asking around for ppl's support for Whip?

Not yet Moira. I'll start working on it internally and keep you advised. If it's necessary to get you to work the phones, will do so, but I don't think it will be. Should be all good but let me get back to you just to be sure. Speak soon. Cheers, JP

Ok great, much appreciated. Good thing I asked!



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[REDACTED]



A copy of those texts is at page 4 of Exhibit MD-2.

(c) At a meeting later in December 2022, either Mr Pesutto or Ms Crozier (I cannot recall which) nominated me for the position of Liberal Party Whip for the Legislative Council and I was unanimously endorsed. As I said at [31] of my First Affidavit, I was happy and honoured to have been voted Whip. This was particularly because I thought it indicated I was supported by the Leadership Team including Mr Pesutto and by the members of the Legislative Council who had voted for me. The position came with a substantial increase in my pay.

Western Metropolitan Meet & Greet in February 2023

- 17. Mr Pesutto refers, at [28] of his affidavit, to us attending an event, the Western Metropolitan Meet & Greet, on 4 February 2023. I had arranged this event. I had started arranging it in early 2023, as a thank you to the candidates and the communities within the western suburbs who had supported me and the Liberal Party in the lead up to the election in late 2022. I had also planned on Warren Mundine AO being a main speaker, as he had been a supporter of mine and was extremely well liked and regarded in the western suburbs. I used some of the money I'd raised during my campaign to put on the event for free because I didn't think people should have to pay to attend. I sent special invitations to community leaders, and others, within the western suburbs to come and meet members of the Liberal Party. I invited Mr Pesutto to attend, as well as Greg Mirabella, the Liberal Party President. They both asked if they could be speakers, and I agreed.
- 18. On 20 January 2023, I sent Mr Pesutto a series of texts about the event, a copy of which is at pages 5 to 7 of Exhibit MD-2. In one of my texts, I sent him the following proposed flier for the event:



*[Handwritten signature]*

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*[Redacted area]*

*[Handwritten signature]*

19. On the flier were photos of myself, Mr Pesutto, Mr Mundine, and Mr Mirabella.
20. At some stage after I sent those texts, Mr Pesutto asked me to take Mr Mundine's face off the flier because, he said, he didn't appreciate Mr Mundine's opposition to the 2023 Australian Indigenous Voice referendum. I told Mr Pesutto that Mr Mundine was beloved in the western suburbs but Mr Pesutto insisted and said it was not appropriate because Mr Mundine was not a current or former Liberal MP. I felt I had no choice, so I removed Mr Mundine's face from the flier and sent Mr Pesutto the following revised flier which he approved:



21. I regarded the event as a success. The attendees were a very diverse group of people – for example, there were leaders from the Chinese community, Islamic communities, and Vietnamese communities. I had met many of these people during the lead up to the election. I witnessed several of these people approach Mr Pesutto to praise me and say they supported my views about sex-based categories in law. I recall him responding positively to them all – and I recall on one occasion him saying words to the effect 'Yes, she's very good'. I did not at any time observe him telling any of these people that he did not support my advocacy for sex-based legal safeguards for women and children. I had been given no indication, by this point in time, that Mr Pesutto apparently had any 'concerns' about my views or that he apparently considered my views 'fringe' or inconsistent with his goal of 'modernising' the Victorian Liberal Party.

  
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February 2023 - my maiden speech, and discussions with Mr Pesutto and Ms Crozier

22. Before my maiden speech, I asked Mr Pesutto if we could meet to discuss the issues I planned to include in my speech, but he didn't take me up on that offer.

23. In response to Ms Crozier's allegations at [17]-[19] of her affidavit:

(a) I agree that I did not attend the meeting of the Victorian Parliamentary Liberal Party on 21 February 2023 (**21 February Meeting**) because I had an appointment with my hairdresser.

(b) Prior to the 21 February Meeting, I had texted Ms Crozier to ask if it was OK if I was late to the meeting because I could not shift an appointment. She responded 'Yes of course. Just let Renee know too.' A copy of my texts with Ms Crozier on 20 February 2023 is at page 8 of Exhibit MD-2.

(c) After that, I texted Renee Heath, the then Secretary, to let her know I would be absent or late to the meeting. A copy of my texts with Ms Heath on 20 February 2023 is at page 9 of Exhibit MD-2.

(d) At [17] and [19] of her affidavit, Ms Crozier alleges:

*During the course of our conversation, she told me she had been out getting her hair done. I was stunned and said to Moira words to the effect, please understand that the expectation is that the Party Room and Parliament is the priority and you can't go off and have your hair done when Parliament is sitting.*

...

*The discussion about Moira's absence from the Party Room meeting was only between Moira and myself and when I explained the reasoning as to why this was the expectation there was little to no reaction from Moira.*

(e) That generally accords with my recollection, that Ms Crozier was extremely angry at me that I had not attended the 21 February Meeting. I recall being shocked at her anger because: i) I thought I had obtained proper approval not to attend the 21 February Meeting; ii) I thought I had told her the reason why I was not attending; iii) I had submitted all the Whip paperwork in advance of the 21 February Meeting so that I did not think my non-attendance would cause any inconvenience; and iv) I had understood it was a once-off permission given the significance of the day for me (the day of my maiden speech to Parliament – a once in a lifetime event for me). I do not know whether I showed 'little to no reaction' to what Ms Crozier was saying, as suggested by Ms Crozier at [19], but I recall feeling distressed and eventually falling silent because I was confused that she seemed not to remember that my absence from the 21 February Meeting had been pre-arranged with her permission.

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*WJP*



- (f) In relation to Ms Crozier's suggestion at [18] that 'it is convention that you attend a Party Room meeting unless there is a funeral, medical appointment, or emergency, and in such an event the protocol (for Party members in the Legislative Council) is to inform the Party Room Leaders and Secretary if not attending a Party Room meeting', I do not recall Ms Crozier (or anyone else) ever telling me this, and I do not recall receiving any formal induction or training about this, but I agree that MPs should attend every Party Room meeting unless there is a good reason why they are unable to. I do not know whether this is a formal 'convention'. I thought that because my maiden speech was such a significant occasion it would be permissible for me to miss the 21 February Meeting.
24. In response to Mr Pesutto's allegation at [30] of his affidavit that my maiden speech 'was the subject of widespread negative media coverage, including in *The Age* newspaper and other mainstream publications', I recall there was some negative publicity about my maiden speech, most of which contained factual errors and I thought misrepresented the speech. But my general recollection is that the reaction was positive and as set out at [33]-[36] of my First Affidavit. My recollection is that I was the only MP to get two rounds of applause from the gallery. Mr Bach texted me saying 'Amazing and powerful speech'. I recall Ms Crozier shaking my hand and congratulating me.
25. In response to Ms Crozier's allegation at [20] of her affidavit that my maiden speech 'generated a strong response in both the Parliament and in the media, much of it negative', I recall there being some negative response to my maiden speech in Parliament and in the press, but there were others in Parliament who praised me for and were supportive of my maiden speech and I otherwise repeat [24] above in relation to my recollection of the publicity in relation to it.
26. In the evening of 21 February 2023, after my maiden speech, my husband told me that my Aunt, Terry Gellert, had died. As I said in my First Affidavit, she had been like a second mother to me and I was utterly devastated by this news.
27. In response to [31]-[32] of Mr Pesutto's affidavit, I cannot recall if I went out to dinner with other Members of Parliament on 22 February 2023 or why I did not meet Mr Pesutto in his office. I did go to dinner with other MPs at around this time (as set out further at [33] below) but I cannot recall if this was on 22 February 2023.
28. In response to [33] and [34] of Mr Pesutto's affidavit, I agree I had given Mr Pesutto forewarning about the 'FOI documents'. I had asked him for guidance and offered to show him the entire FOI file, but he declined and said he had no input to give. He asked if I'd like somebody from his media team to contact me to help with it, and I said yes please (but this never occurred).

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29. In response to [36] of Mr Pesutto's affidavit and [21] of Ms Crozier's affidavit about the meeting I had with them on 23 February 2023:
- (a) I agree with Mr Pesutto's comments at [36] of his affidavit that he said words to the effect that he had wanted to call for Danny Pearson's resignation but was worried he would face questions about me and my views, and I also agree that I said I wanted him to defend me.
  - (b) I dispute Ms Crozier's recollection of the conversation at [21] of her affidavit.
  - (c) My recollection is that I said several times that I do not have homophobic or transphobic views and neither Ms Crozier nor Mr Pesutto disputed that. I said the FOI documents related to me questioning why we couldn't find a different way for us to balance the laws so that we can look after transgender people whilst also protecting single sex rights. I told Mr Pesutto several times that, if it was put to him by the media that I have 'anti-trans' or 'transphobic views', he should defend me because I don't hold such views. I said it was absurd to say that I was homophobic or transphobic just because I care about single-sex spaces. I asked him what he was proposing to say about me, a member of his team. I asked if he was going to give the impression that he agreed that I am homophobic or transphobic. He didn't give a straight answer but I understood he was going to prepare for the press conference with his media team and wanted me to send him some input he could use about my views and positions.
30. After the meeting, I sent Mr Pesutto a series of texts (at pages 10 to 12 of Exhibit MD-2) which were intended to clarify the factual position in relation to my views and help him respond to potential media questions.
31. Later that day, Mr Pesutto held a press conference. Although he says in his affidavit at [38]-[39] that he refused to condemn me, that was not my impression. I felt betrayed and publicly degraded. I was angry and disappointed because I felt that he knew from our conversation that I would consider a failure to defend me against accusations of hateful views to be an endorsement of the idea that I hold those views. He did not say, as I had implored him to, that I do not hold homophobic or transphobic views. I regarded this as a betrayal.
32. At 5.50pm that day, Mr Pesutto sent me a text asking if I was around for a quick chat. I felt betrayed, I was exhausted, I was grieving the death of my Aunt, and I was about to leave for home. So I declined his invitation for a 'quick chat'. A copy of those texts is at page 12 of Exhibit MD-2.

  
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33. In response to [22] of Ms Crozier's affidavit:
- (a) I recall a conversation with Ms Crozier at around this time (I cannot recall precisely when it occurred). The previous night, I had been invited to go to dinner with a group of MPs (Bev McArthur, Renee Heath and a few others). They had been walking past my office and they asked if I would join them and I said yes. The following morning, Ms Crozier rang me and criticised me for going to dinner with them. She said words to the effect that she wasn't stupid and she knew who I'd gone to dinner with and could see what I was doing. She said words to the effect that everyone could see the factional games that Bev was playing, and that people like Renee put Upper House MPs like her, who were second on the ticket, at risk. I responded to the effect that I wasn't sure why she was upset but I certainly hadn't meant any disrespect. I said words to the effect that I was a new MP and was just trying to get to know people in the team, that I would be happy to have dinner with her too, that I was uninterested in the different factions, that I wanted to be professional with everyone, and that all I had done was accept an invitation from colleagues to go to dinner.
- (b) Within this context, I agree that there was discussion about working as a team, but my recollection is that it was me reassuring her, and I do not otherwise recall the conversation being to the effect suggested by Ms Crozier.
34. Following this call with Ms Crozier, I was worried about the apparent divisions within the team, so I spoke with a few MPs including Chris Crewther and Michael O'Brien about my desire to get to know and work well with everyone on the team. I suggested there should be more events that were not factional but for the whole team. Following this, Chris Crewther set up a 'Whip's Drinks' event once per month where everyone was invited, rather than just 'factions'.

#### Events in March 2023

35. On 8 March 2023, International Women's Day, I gave the speech in Parliament which is set out at [37] of my First Affidavit.
36. In response to the allegations at [9] of Mr Bach's affidavit, my recollection is that I said words to the following effect as we were leaving the Chamber following my speech: 'Don't worry; that's the last one for the year'. When I said 'the last one for the year' (or words to that effect), I was referring to women's rights events. The context for this from my perspective was as follows. At the Party Room meeting that morning, James Newbury had announced that it was International Women's Day and encouraged everyone to do a Facebook post about it. Mrs McArthur asked 'But James, what is a woman?'. Mr Newbury lost his temper. My recollection is that he rolled his eyes and threw his hands up, raised his voice, and swore repeatedly at Mrs McArthur including words to the effect 'For fuck's

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sake, don't do this to me Bev. Not today, of all days.' I was shocked to see Mr Newbury speak like this to a senior, female colleague, in front of the entire team, on International Women's Day. I was also shocked that Mr Pesutto did not seek to intervene in any way. This context was in my mind when I made my remarks to Mr Bach after my speech. I was not apologising 'for stepping out of line...in a way that was contrary to the interests and stated position of the Party', as suggested by Mr Bach. I also do not know what the 'stated position of the Party' is to which Mr Bach is referring.

37. In relation to [10] and [11] of Mr Bach's affidavit:

(a) I recall being informed that Mr Bach or one of his staffers had approached one of my staffers to ask her what my views were on the adoption of children by homosexual parents. I raised this with Mr Bach and he said he was doing an interview with Joy FM and thought he would be asked about my views on this. I told him my view is that ideally a child should have a safe and loving father and mother, but that this isn't always possible and where it's not possible I have no problem with gay adoptive parents. I told him that, in the future, he could feel free to ask me directly about my views and I'd be happy to share them.

(b) I don't specifically recall saying, as he alleges, that things often get attributed to me that I never actually said. But I do recall he was himself mischaracterising my views back to me when paraphrasing what he would say on radio. I was distressed by this. I said that if he misrepresented my views then I would have to publicly correct the record and that it might be a better idea for Joy FM to allow me to speak for myself.

38. [REDACTED]

39. [REDACTED]

#### Events leading up to the LWS Rally

40. As I said at [38] of my First Affidavit, in late 2022 I learned that Ms Keen and Standing For Women (**SFW**) would be doing an international Let Women Speak (**LWS**) tour and that the Melbourne event would be hosted on 18 March 2023 (**LWS Rally**).

41. My understanding at the time was that SFW was an organisation run by Ms Keen which advocates for the preservation and/or reinstatement of reasonable biological sex-based rights (such as female only bathrooms and changerooms) as well as against the irreversible and harmful medical transitioning practises used on gender non-conforming, autistic and gay minors. My understanding was that the organisation and its goals were mainstream and global, and supported by high profile members of every mainstream

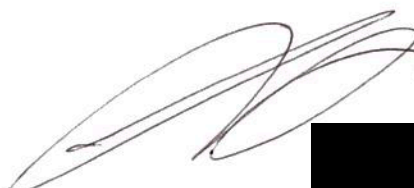
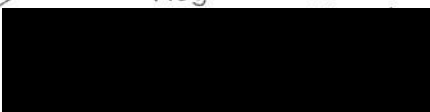
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political party in the world. I was excited that SFW was coming to Australia. I thought it was an opportunity to shine light on these issues in Australia. They were, and are, issues about which I am passionate.

- 42. At some stage after this (I cannot recall precisely when), I reached out to Ms Keen to introduce myself and ask if there was anything I could do to help. We had a Zoom meeting together. I suggested to her that I should try to arrange for MPs to meet with her privately to hear her views, or even to join us at the LWS Rally to hear the perspectives of the women there. She liked the idea. She already had a Melbourne team organising the LWS Rally, but she suggested I get in contact with Ms Jones, one of the key organisers, to see if I could help her.
- 43. It was around this time that I invited Mr Pesutto to meet Ms Keen before the LWS Rally so he could hear her views and perspectives (as set out at [39]-[40] of my First Affidavit).
- 44. I cannot now recall the precise sequence of events leading up to the LWS Rally but based on my communications around this time in early 2023, I believe that:
  - (a) I exchanged the following messages with Ms Jones on 10 January 2023 in which I asked if I could help out in relation to the LWS Rally:



- (a) I communicated in January 2023 with Ms Keen about her obtaining public liability insurance for the LWS Rally and offered to help her with this but she said that CPAC was going to organise her insurance.

  
SIMON NIXON  
Registrar  




(b) On 3 February 2023:

- a. I spoke with Ms Jones about the LWS Rally and about my idea of inviting MPs to a private 'meet and greet' with Ms Keen so they could hear her views;
- b. I told Ms Keen on 3 February 2023 that as an MP I could book the steps of Parliament House, and I told her I had booked them for her as well as a private car park;
- c. I told her I thought it was best the event be held at Parliament House, including because she and her security guards could be driven into the Parliament House car park for safety reasons and I could try to arrange a private meeting with MPs at Parliament House prior to the rally; and
- d. I made a booking for the front steps of Parliament House for the LWS Rally and I understood that Brenda Kittelty (Serjeant-at-Arms Office Coordinator | Parliament of Victoria) accepted the booking on 3 February 2023. A copy of the booking documents is at pages 13 to 16 of Exhibit MD-2.

(c) On 4 February 2023:

- a. I exchanged the following messages with Ms Jones:

4 FEB 2023 AT 12:30

The working group thinks State Library is a better place for our event regarding accessibility Etc (i tend to agree) but how would we get KJ from the meet & greet at Parliament to the Library? It seems like we have to stay at PH or TRAs will stop her from attending her own event. Or could you have the meet & greet at the Library?



4 FEB 2023 AT 15:35

I can't book the library 😞 and they won't go there as it's not private.

- b. I told Ms Keen that her Melbourne organisers (i.e. Ms Jones and the 'working group') thought it would be better for the LWS Rally to be held at a library instead

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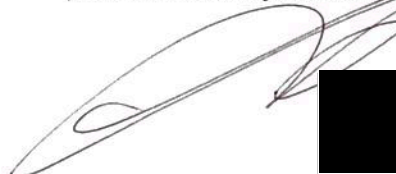

of at Parliament but that I disagreed and that I thought the Parliamentary steps would be better visually and safer; and

- c. Ms Keen agreed with me.
- (d) On 9 February 2023, Ms Jones messaged me to ask if she could put me down as 'an additional police contact' for the LWS Rally and I said yes.
- (e) On 27 February 2023 at 4.28pm, I sent an email to Sally West (Usher of the Black Rod | Legislative Council | Parliament of Victoria) about the booking for the Parliament House steps. A copy of this email is at page 17 of Exhibit MD-2.
- (f) On 27 February 2023 at 5.26pm, Ms West responded to my email. She informed me that the LWS Tour was already booked in the Parliament system and that, because it was proposed to take place on the bottom six steps of Parliament House which was not considered to be within the Parliamentary precinct, no approval for the event was needed by parliamentary staff, so I cancelled the booking. A copy of my email exchange with Ms West on 27 and 28 February 2023 is at pages 19 to 20 of Exhibit MD-2.
- (g) Also in February 2023, Ms Jones mentioned that the organisers were having difficulties securing insurance and sound, so I offered to get quotes for insurance and sound. I obtained quotes for Ms Keen's security, and I paid for sound.
- (h) On 12 March 2023:
- i. I messaged Ms Jones to say I had 'organised sound and security' and that I would 'have the parliament office space organised by tomorrow'; and
  - ii. Ms Jones asked me about an 'after event venue' and said they preferred a private room for about 20 people, and I suggested we could do it inside Parliament. At that time, I thought I was able to host a small group of people in my office.
- (i) On 14 March 2023, I exchanged emails with Adam Boyd (Security Operations Manager | Department of Parliamentary Services), a copy of which is at pages 22 to 23 of Exhibit MD-2, in which:
- a. I said:

*Good afternoon,*

*As mentioned in a previous email. Police and security services have alerted me to personal and group threats from counter protesters at the listening post on Saturday, which I am attending, on Parliament House Steps.*

SIMON NIXON  
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*I need Security to be onsite to let me back into parliament in an emergency, and some extra guards if possible.*

*It will be from 11am-4pm this Saturday.*

*Could you please contact me with advice on how to proceed?*

b. Mr Boyd responded:

*Good Afternoon Ms Deeming,*

*Thank you for reaching out and seeking further guidance and support in relation to the below concerns.*

*Unfortunately Parliamentary Security Services team do not provide personal protection for members and neither do our contracted security provider as neither they nor us are authorised officers under law.*

*What I can do however is raise your concerns with the Protective Services Unit Supervisor and with VICPOL State events in relation to your concerns and seek what their professional advice may be in relation to your attendance at the event.*

*Kind Regards*

(j) On 17 March 2023, I exchanged further emails with Ms West, a copy of which is at pages 24 to 25 of Exhibit MD-2, in relation to me bringing 'non-passholders' (Ms Keen and her two security guards) into Parliament:

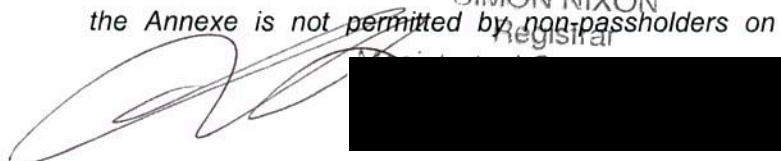
a. Ms West's email to me at 4.42pm on 17 March 2023 stated:

*Hi Moira,*

*I hope you're well. Sorry I missed you yesterday. Given tomorrow's planned activities, I wanted to revisit our brief discussion about bringing non-passholders into Parliament. As you know all non-passholders need to be signed in by a passholder and then security screened during normal hours, however because that can't happen on the weekend or after hours, non-passholders aren't permitted on the precinct (building and grounds).*

*In practice, what sometimes happens is that Members may have their family with them in the car when they're using the car park after hours. This inadvertent attendance onto the precinct by non-passholders is generally accepted as they immediately exit the grounds after parking. You mentioned that you had one person that you wanted to bring into the building. My advice to you is that attendance inside Parliament House or the Annexe is not permitted by non-passholders on the weekend. If*

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*however, you did have one or two people that were nonpassholders and that were travelling with you in a vehicle, then it would be consistent with common practice to utilise the car park only.*

*If this is the case, please let me know and I'll let the PSOs so they can keep an eye out for you tomorrow.*

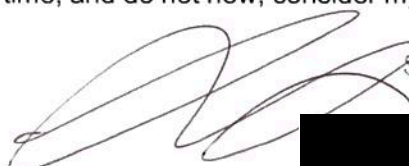
- b. I understood at the time that Ms West's email indicated that although non-passholders were technically not permitted on the Parliamentary precinct on the weekend, if I had non-passholders travelling with me in a vehicle, parking in the Parliament car park, 'it would be consistent with common practice' for us to use the car park and then exit the grounds after parking.
- c. I responded to Ms West's email at 4.49pm to say that I would 'arrive in the car with 3 non pass holders and just walk out to the front steps'.
- d. Ms West responded to my email at 4.57pm to say:

*Hi Moira,*

*Thanks for that, we will let the PSOs know that you and three non-passholders will be arriving tomorrow and utilising the car park. Regarding our phone conversation about utilising the annexe after the event, I've just had a quick chat to our security team, and unfortunately, we don't have enough time to book Wilson's guards to work tomorrow.*

*I'll call you as a follow up, but thanks for working with us on this.*

- (k) At around this time, I spoke with Ms West over the phone. From this conversation, I had understood that I wasn't allowed to hold the event after the LWS Rally in my office but that I could hold a small, private meeting with MPs in my office. I had thought it was common practice to bring one or two guests into Parliament even on the weekends.
  - (l) After this, also on 17 March 2023, I messaged Ms Jones to say that Parliament had told me that I couldn't bring people back to my office after the LWS Rally, for the after event we had been planning. We arranged to go to the Sheraton Hotel instead.
45. Mr Pesutto alleges in his Defence (at [20] of Annexure A) that I 'participated in the organisation of the Rally'. I admit that, as a result of the matters referred to in the preceding paragraph, I played a part in the organisation of the Rally. But I was not one of the official organisers. I provided assistance to Ms Keen and Ms Jones, as set out above, but I did not at the time, and do not now, consider myself an official 'organiser' of the LWS Rally.

 SIMON NIXON  
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*SNP*

My prior knowledge of Ms Keen

46. I was unaware, prior to the LWS Rally, of any allegations that Ms Keen was or ever had been associated with Nazis, Nazi sympathisers, far-right extremists, or white supremacists.
47. I otherwise respond to the allegations against Ms Keen which are pleaded in 'Annexure A' of Mr Pesutto's Defence at [143] below.

My prior knowledge of Ms Jones

48. I was unaware, prior to the LWS Rally, of any allegations that Ms Jones was or ever had been associated with Nazis, Nazi sympathisers, far-right extremists, or white supremacists.
49. I otherwise respond to the allegations against Ms Jones which are pleaded in 'Annexure A' of Mr Pesutto's Defence at [144] below.

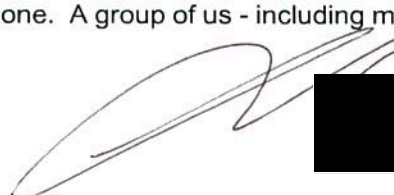

Events of 18 March 2023*The LWS Rally*

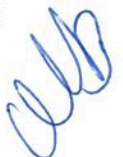
50. I met Ms Keen for the first time on 18 March 2023 prior to the LWS Rally.
51. I arrived at the Parliament House car park with Ms Keen and her two security guards. I took them through Parliament House to get to the LWS Rally on Spring Street. Mr Pesutto alleges in his Defence ([18] and [19] of Annexure A) that although I had 'sought and obtained permission from Parliamentary Security to escort Rally organisers and participants, including Keen, through the Parliament House carpark' I did not have authorisation to escort Ms Keen and others 'through the Parliament House precinct to the Rally'. I agree that the effect of Ms West's emails to me on 17 March 2023 (referred to at [44(j)] above) is that I did not technically have 'authorisation' to take Ms Keen and her security guards through the Parliament House precinct. But I had thought at the time I was being told that it was 'common practice' for people to park in the car park if they were then going to exit the grounds. I had misunderstood 'Parliament House precinct' to mean the Parliament House building. I thought we were allowed in the annex building. I didn't realise until after the event that I wasn't meant to have taken Ms Keen and the security guards even into the annex building.
52. I arrived at the LWS Rally with Ms Keen. She livestreamed the LWS Rally, although I cannot recall when she commenced the livestream.
53. At the LWS Rally, I was struck by the diversity of the LWS group. Although they were almost exclusively female, there were some men (including my husband). There were some families. There were Muslims, Christians, Atheists, and politicians across the

SIMON ALEXANDER  
Registrar

political spectrum including members of the Greens, Labor, Libertarian and Liberal Parties. They were clearly of different ages and socioeconomic backgrounds. I was moved to see us all there together, uniting peacefully as a new type of political coalition - one that was breaking the old 'Left v Right' political tribalism for the sake of safeguarding sex-based rights for women and children.

54. We were all there for one simple purpose - to 'Let Women Speak'. We were essentially a group of ordinary women - grieving mothers, sexual assault survivors, feminists, lesbians, doctors, teachers, conscientious objectors, etc - all trying to advocate for sex-based rights and safeguards for women and children.
55. Ms Keen spoke and then extended the invitation to speak specifically to women. My understanding is that Ms Keen's events are known for platforming women almost exclusively and always before men. That is part of the reason why it was so infuriating and insulting to me that Mr Pesutto subsequently conflated the LWS group with the men who did Nazi salutes. It was obvious to me in the aftermath of the LWS Rally that the men who did the salutes were having their own separate rally in their own separate zone from the almost exclusively female LWS Rally, pursuing their own separate agenda, using their own separate banner, their own separate speakers, their own separate equipment, wearing their own separate uniforms, and attended by their own exclusively male members.
56. I also spoke. I made sure I did not speak as a Liberal, and in fact did not even mention I was a Liberal. My contribution was to read a letter from a Muslim friend and constituent who shared her concerns about the loss of sex-based rights from a migrant Muslim perspective.
57. There were many people protesting against the LWS Rally (**protesters**). I was aware that Ms Jones had previously liaised with Victorian Police to arrange a buffer zone between the LWS event and the protesters. There was a line of police, including police horses, separating and holding back the protesters from the LWS group.
58. I cannot recall the precise timings of these events but I recall the following events:
- (a) A policewoman approached Ms Keen and said words to the effect that a big group from the right wing were agitating the left wing.
  - (b) There was a security breach by a couple of disguised female protesters who tried to take the microphone and throw some paint over the crowd. A few of us blocked them and then security took over.
  - (c) Later, another disguised female protester rushed the stage and grabbed the microphone. A group of us - including me, and the marshals and security for the LWS

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Rally - tried to retrieve the microphone from her. I was hurt during this incident. One of the attackers kicked me in the legs while I was trying to stop the microphone from falling on her.

(d) [REDACTED]  
[REDACTED]

59. At some stage (I cannot recall precisely when), I noted that a group of masked men in black were inside the buffer zone near the stairs of Parliament. I will refer to these men as **'the Men'**. I was horrified. I froze and thought the police line had been breached. I thought we were going to be attacked. But the police didn't seem to be worried by them and were talking with them over at the edge of the line. The Men weren't getting closer to us and didn't seem to show any interest in us or the LWS Rally, and I trusted the police to protect us from them, so I returned my focus towards what was happening with our rally. I did not see them salute and I do not recall seeing their sign. I didn't see anyone from the LWS group interacting with them, including taking photos of and with them.
60. Later on, I heard a big commotion over near the protesters. When I looked over there, I saw the police ushering the Men into the buffer zone between the LWS group and the protesters, and then directing and escorting them through the buzzer zone, towards the south exit along Spring Street. At this point I saw them do their salute. I recall being horrified and offended. But it was also strange and surreal, and I was confused by them and who they were and what they were doing and why they had been allowed in the buffer zone. I was relieved they were gone.
61. It was only after the event that I was informed that the Men had in fact mounted the steps of Parliament House (outside my view), on the other end of the steps, and had performed a Nazi salute. I was also informed that some members of the LWS group had seen them and asked the police to make them leave but that they had been informed that the police had no powers to move them on.
62. Repeatedly in the Respondent's Affidavits, there are assertions to the effect that the Men or Nazi element who performed the Nazi salute attended the LWS Rally on 18 March 2023 and were in the vicinity of Parliament House to participate in or support the LWS Rally. I continue to strongly reject these assertions as false and offensive. As far as I am aware, the Men or Nazi element did not 'attend' the LWS Rally or participate in or support it.
63. The LWS Rally continued on for about another 45 minutes after the Men left. Then the police warned us to bring it to a conclusion as the protesters were getting increasingly violent. So Ms Keen agreed to conclude the LWS Rally early.

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[REDACTED]

*SN*

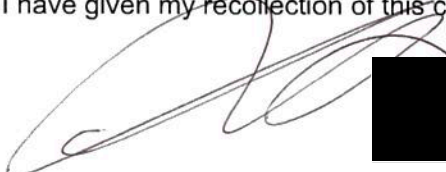
*After the LWS Rally*

64. Ms Keen's security guards said they thought it wasn't safe to leave immediately so we agreed to wait in my office for some time to pass before leaving. In general, we were delighted with how the day had gone, the number of women who had attended, the inspiring speeches that had been given, and that there had been no terrible violence against us [REDACTED]  
[REDACTED]
65. After the LWS Rally, some of the attendees went to an after event at the Sheraton Hotel. My impression was that people were positive and upbeat. The consensus was that the event had largely gone well.
66. After that, I joined Ms Keen (with Ms Jones and Ms Deves) in her hotel room. We watched some of the livestream footage of the LWS Rally and I saw, for the first time, that the Men had mounted the steps of Parliament House, on the other end of the steps from where the LWS Rally was, and had performed a Nazi salute. We started speculating about who the Men were and why they were there. I was confused by them. They had no Nazi insignia but had done a Nazi salute. They didn't look like what I thought Nazis would look like. I didn't think their sign made sense for Nazis – it seemed to me to be inciting violence towards paedophiles and I didn't understand it. The presence of the Men didn't make sense to me. They seemed so out of place.
67. I was shocked about the possibility there might be real Nazis in Melbourne in 2023. Ms Keen said that Nazis were real. She said she had seen them when travelling through Europe and that they were utterly real and utterly terrifying. She said people shouldn't underestimate their ability to dupe stupid young men into blaming other people's skin colour for their problems. But she was incredulous at the idea that the Men were real Nazis, because they seemed so clownish and frivolous. She wondered if they had been sent to discredit us. I had heard similar suggestions at the after event at the Sheraton Hotel. I hadn't previously considered this a possibility and it shocked me.
68. She said that, whoever they were, they were vile men and she didn't want them to steal the attention away from the brave women who had spoken at and supported the LWS Rally.
69. While I was there, Mr Southwick called.

*My conversation with Mr Southwick*

70. At [10] of his affidavit, Mr Southwick gives his recollection of the conversation we had on 18 March 2023. In that regard:

(a) I have given my recollection of this conversation at [46]-[51] of my First Affidavit.


  
[REDACTED]  
Registrar



- (b) I do not recall Mr Southwick asking if I was okay. I agree that I did not call the Men 'Nazis' or 'neo-Nazis' (for the reason I gave at [47] of my First Affidavit, that I did not know for sure whether they were Nazis). I didn't argue with Mr Southwick when he called them Nazis nor deny they were Nazis; I just didn't know whether they were and I wasn't going to call them Nazis without being sure. I agree that I said words to the effect that we had felt unsafe. I agree that Mr Southwick suggested I should denounce the Nazis. I do not agree that I asked him to do that for me specifically, but as he had referred to a joint statement with Brad Battin, I had asked whether the Leadership Team could release a press statement on behalf of the entire Victorian Parliamentary Liberal Party team to denounce and distance us all from Nazism and neo-Nazis, as set out at [51] of my First Affidavit. I do not recall Mr Southwick saying words to the effect 'this has to be your statement, not mine', just that he refused to arrange a statement on behalf of all of us. My recollection is that his response was to demand that I get Ms Keen to say that the 'Nazis' were not with her or the LWS Rally. In relation to Mr Southwick's statement that he was left with the impression that I would 'prepare a statement to publish', my recollection is that I told him I would try to get Ms Keen to publicly state that the 'Nazis' were not with the LWS Rally.
- (c) Having read Mr Southwick's affidavit, I now realise that Mr Southwick could not have told me, during our conversation, that he and Mr Battin 'had already' issued a press release, as I stated at [51] of my First Affidavit, since it seems from Mr Southwick's affidavit that the press release from him and Mr Battin was only published at approximately 5.59pm, after the call. I recall him mentioning a press statement from him and Mr Battin. I must have mistakenly thought it had already been published.

*The 18 March Video*

71. After my conversation with Mr Southwick, I had the exchange with Ms Keen which is referred to at [52] and [53] of my First Affidavit.
72. At approximately 6.03pm, I published the 18 March Tweet to which I referred at [56] of my First Affidavit.
73. Later, we filmed the 18 March Video.
74. The Respondent's Affidavits refer to the 18 March Video (to which I referred at [57] of my First Affidavit). Mr Southwick says at [18] of his affidavit that he was horrified when he saw the 18 March Video because he felt that I, and the other participants in the video, 'were trivialising the presence of Nazis at the Rally' and 'were not treating the Nazis as genuine Nazis'. At [20] of his affidavit, Mr Southwick suggests that in the 18 March Video I was 'trivialising the situation' and at [30] of his affidavit he states that from his point of view the problem was that I had featured in the 18 March Video 'trivialising the presence

  
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of Nazis at Parliament House rather than condemning them or distancing [myself] from them'. In response to these allegations:

- (a) I do not accept that I trivialised the presence of the Nazis, and I certainly did not intend to trivialise their presence. But I was mindful of the views Ms Keen had expressed to me, as set out at [52] of my First Affidavit, to the effect that she did not want the LWS Rally to be overshadowed by a small group of disgraceful men who were unaffiliated with the rally. I agreed with this. She wanted to demonstrate that the men were unaffiliated with the LWS Rally and were unwelcome, in a way which did not undermine or overshadow the LWS Rally and its advocacy goals. I agreed with that sentiment. I did not want, by talking about the Nazis, to give them even more airtime and attention. I didn't want the focus to be on them. I thought that was exactly what they would have wanted. I was supportive of Ms Keen trying to keep the focus on the purpose of the LWS Rally.
- (b) I also still did not know for sure, at this time, that the Men were actual ideological Nazis as opposed to ignorant and insulting fools. After the LWS Rally, at the catch up at the Sheraton Hotel, I had met with many of the women attendees, and I recall there was a lot of discussion about the protesters and the Men and there was lots of speculation as to who they were, including whether or not they were really Nazis. My recollection is that the women were not sure at that stage because, apart from the salute, nobody had seen any Nazi insignia and also the sign they were carrying was confusing and didn't make sense to us. Some people were suggesting they were Antifa, which is what I had originally thought. There was a general sense of confusion, and as I had been raised never to use the word 'Nazi' lightly, I instinctively held back from condemning the Men as actual ideological Nazis without being sure they really were Nazis. As stated in my First Affidavit, I instead opted to condemn their behaviour (including their sign) and their 'Nazi salute' until I could be sure.
- (c) At any rate, I don't agree that we didn't condemn them. Prior to the 18 March Video, we had all been utterly contemptuous towards those men. We had mocked them and thought they were pathetic and offensive. I thought this was another brutal way of condemning and dismissing them at the same time, by showing contempt for them and treating them as unworthy of any attention. I had also already condemned their presence and their revolting Nazi salute - in my 18 March Tweet (at [56] of my First Affidavit).

75. Mr Pesutto refers at [61] of his affidavit to being concerned that my involvement at the LWS Rally would be 'a huge political issue for the Party', and that Dan Andrews would attack the Party, and about 'the potential effects on us as a Party'. It upset me to read this – first, because it seems to me that from the outset Mr Pesutto prioritised himself, his seat

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and his leadership position, and had never even considered defending me even if I was innocent; secondly, because it seems to me that he had deliberately waited almost 24 hours to publicly condemn the Nazis because he wanted to find a way to associate them with me and then condemn us both as though we were one and the same; and thirdly, because I strongly believe he deliberately exacerbated any potential impact on the Party by issuing the Media Release and by his subsequent decision-making in relation to me and his publications about me.

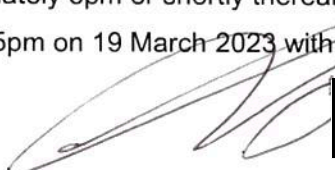
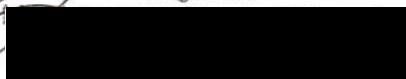
76. I have read Mr Pintos-Lopez's statement at [17] of his affidavit that on 18 March 2023:

*I said words to the effect [to Mr Pesutto and Mr Southwick] that we needed to slow down and not take any action precipitously and that we first needed to gather and understand all the relevant facts. I said words to the effect that any action that the Leadership Team might take needed to be measured and justified. I said that I did not believe that we should do anything other than gather information on the Sunday and that if any action was required, the reason to act needed to be explained to the party room and to the electorate, if necessary, during the week and prior to taking that action if any. I understood from what Mr Pesutto and Mr Southwick said following my giving them that advice that they wished to act that day rather than slowing down as I had advised.*

77. I was sickened by this. It affirmed what I had always suspected – that Mr Pesutto was moving towards a pre-determined outcome of expelling me, regardless of what I said or others said or even others advising him said.
78. At [22] of Mr Johnston's affidavit, he alleges that during the course of the day on 18 March 2023 he 'received calls from journalists asking what we were going to do about the fact that Mrs Deeming had attended the Rally with Nazis'. I deny that I 'attended the Rally with Nazis'. But I also do not recall receiving any calls myself from journalists on 18 March 2023 about the LWS Rally. I do not recall receiving any calls until after the Media Release was published during the evening of 19 March 2023.

#### Events of 19 March 2023

79. In relation to [27] of Ms Crozier's affidavit, my recollection of my conversation with Ms Crozier is set out at [58] of my First Affidavit. I do not recall saying words to the effect 'I've done nothing wrong'.
80. It upset me to learn from reading the Respondent's Affidavits that a version of the statement which became the Media Release had been prepared prior to the 19 March Meeting. According to Mr Pesutto (at [82] of his affidavit), the 19 March Meeting started at approximately 5pm or shortly thereafter, but Mr Johnston had already sent a text to Mr Woff at 4.55pm on 19 March 2023 with a draft form of words for Mr Pesutto (according to

  
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Mr Woff at [13]). That draft form of words (at 'AW-1' to Mr Woff's affidavit) included that 'Mrs Deeming tendered her resignation as a member of the Parliamentary Liberal Party'. This reaffirmed the view I had already held that the Leadership Team were working towards a predetermined outcome during the 19 March Meeting and were never seriously interested in the truth or anything that I had to say.

*The 19 March Meeting*

81. [REDACTED]
82. Mr Pesutto alleges at [70] of his affidavit that, prior to the 19 March Meeting with me, he had a meeting with the Leadership Team and Mr Johnston and Mr Pintos-Lopez and that he recalls Mr Pintos-Lopez showing him:
- (a) 'that Ms Keen had, or once had, a social media profile picture of a Barbie doll wearing a Nazi uniform', which he describes as the '**Nazie Barbie doll image**';
  - (b) that 'Ms Keen had previously tweeted 'Pridestapo' with an image of a Nazi eagle insignia and a swastika superimposed over a rainbow', which he describes as the '**Pridestapo image**', and which he says appeared to him 'to equate the expressions of LGBTIQA+ pride with the conduct of the Nazis and the Gestapo during World War II'; and
  - (c) that 'Ms Jones had posted a tweet shortly after the Rally stating 'Nazis and women want to get rid of paedo filth. Why don't you?', which he describes as the '**Jones Tweet**'.
83. Prior to the 19 March Meeting, I had never heard about or seen the Nazie Barbie doll image, the Pridestapo image, or the Jones Tweet.
84. Mr Pesutto alleges at [86] of his affidavit:
- I showed Mrs Deeming some of the research my office had conducted that day. I specifically recall Mrs Deeming being shown copies of the Nazie Barbie doll image, the Pridestap image and the Jones Tweet...*
85. I do not recall being 'shown' anything in the 19 March Meeting. As set out in my First Affidavit (at [69] and [70]), I recall Mr Pintos-Lopez reading out content from his laptop. But I do not recall being shown any of this content. We were sitting around a table. Mr Southwick and Mr Pintos-Lopez were on the opposite side of the table to me. I could not see Mr Pintos-Lopez's screen. I specifically recall that when I asked to see what was on the screen, Mr Pintos-Lopez tilted the laptop further away from me. I specifically recall being distraught that I had to sit and listen and try to respond to what was being put to me

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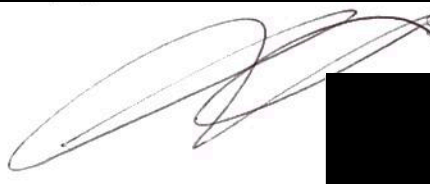
*SN*

without being given a chance to understand what I was responding to or why. I felt I was in an impossible position. That's why I asked to see the evidence. But they refused and Ms Crozier said words to the effect of 'Moira, it's all over the internet'. My recollection is that I did not see the Nazie Barbie doll image, the Pridestapo image or the Jones Tweet until I received the Expulsion Motion and Dossier in the evening of 20 March 2023. If I had been shown the Nazie Barbie doll image or the Pridestapo image or the Jones Tweet during the 19 March Meeting, I would expect to recall this. A day or so after the 19 March Meeting (as set out in my First Affidavit at [86]), I made some handwritten notes as a short summary of the 19 March Meeting. Those notes were at pages 2-5 of Exhibit MD-1. The notes included the following:

- Can I see evidence?  
~~the~~ - No.  
 AC - It's all over internet!!

86. Further, I do not recall the Leadership Team describing the Nazi Barbie doll image or the Pridestapo image to me. I do not recall them being discussed. If they had described them to me, or if we had discussed them, I would expect to recall this. Instead, my recollection is that they were suggesting to me that Ms Keen was a Nazi and had associations with Nazis, and that they were reading text in support of these suggestions (i.e. they were reading words, rather than talking about images). I do recall them discussing the 'Jones Tweet', but my recollection is that this occurred later in the meeting, as set out in my First Affidavit.
87. The allegations which the Leadership Team made against Ms Keen and Ms Jones at the 19 March Meeting took me completely by surprise. They were alleging Ms Keen was a Nazi. The conversations I had had with her, and her behaviour generally, was totally inconsistent with that. This included her rejecting the Men as supporting the LWS Rally and ridiculing them. I thought the allegations meant either she had been lying to me or there was no truth to it. I was not prepared to believe it at the time on the limited information they gave to me.
88. In relation to Mr Pesutto's account of the 19 March Meeting (at [82]-[96] of his affidavit):

(a) [REDACTED]  
 [REDACTED]  
 [REDACTED]

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 [REDACTED]

*WLP*

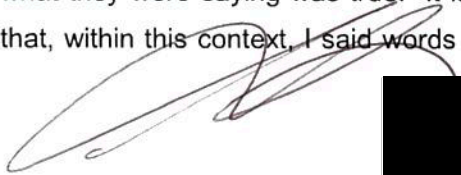

[REDACTED]

(b) [REDACTED]

(c) [REDACTED]

(d) [REDACTED]

(e) In relation to [87], and Mr Pesutto's assertion that I said in substance 'that's a joke, you are misunderstanding' and that I 'laughed off the images', I repeat subparagraph (d) above. I was not shown any images, and I do not recall them describing or discussing any images with me. I do not recall saying any of the content was a joke or laughing it off and I do not recall Mr Pesutto saying words to the effect that 'you can't joke with the Nazi swastika'. My recollection, as set out in my First Affidavit at [69], is that I was confused when Mr Pintos-Lopez started reading out the content from his laptop. I recall saying words to the effect that I was sorry but that I had never heard or seen anything like that. I recall being frustrated that I wasn't able to interpret what they were saying because it was all new to me and none of it lined up with what I had come to know about Ms Keen and Ms Jones (and Ms Deves). Then, as set out in my First Affidavit at [70], I started to become suspicious about the accuracy of the claims. I asked to see the 'evidence' on the laptop and they refused to show it to me. As I set out in my First Affidavit at [71] and [72], I said words to the effect that I doubted that what they were saying was true. It is possible (although I do not specifically recall) that, within this context, I said words to the effect that they were 'misunderstanding'

  
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(as alleged by Mr Pesutto) – because, even though none of what they were saying made logical sense to me, they were demanding that I respond, and I just couldn't.

- (f) In relation to [88], I think this is a reference to the exchange with Mr Bach to which I referred at [76] of my First Affidavit.
- (g) In relation to [89]:
- i. I did offer to call out and condemn the Nazis, as set out in my First Affidavit.
  - ii. I dispute that I said words (in unqualified terms as seems to be suggested by Mr Pesutto) to the effect that I 'stood by Ms Jones and Ms Keen' or that I was 'not going to say anything condemning them or expressing any disapproval of what they had done'. Rather, as set out in my First Affidavit, the Leadership Team was alleging that Ms Keen and Ms Jones (and Ms Deves) were Nazis and I was saying that I would not denounce them as Nazis without seeing proof. They were putting me on the spot and asking me to denounce the three women, in respect of very serious allegations, without showing me the evidence or giving me any opportunity to think or reflect on what they were saying. I was not going to be pressured into denouncing them as Nazis, or Nazi sympathisers, etc, without proof that this was true. I was not acting out of insubordination, but I couldn't let myself be pressured into denouncing innocent women as Nazis, or Nazi sympathisers, etc, without proof this was true. It was, and still is, my deeply held conviction that to do such a thing, in circumstances like that, would be a grave, moral wrong.
- (h) In relation to [90], this is not my recollection of what Mr Pesutto said. My recollection is that he started the 19 March Meeting by saying I would be better suited to be an Independent rather than a Liberal Party MP, and then right at the end of the 19 March Meeting he said the Leadership Team was proposing to expel me or I could make it easier for them by resigning (and I refused to resign). I do not recall being offered '3 options', as he suggests at [90].
- (i) In relation to the first sentence of [91], the focus of the 19 March Meeting, as I recall it, was not on the neo-Nazis but instead on Ms Keen and Ms Jones (and Ms Deves). I did repeatedly say I didn't know any Nazis, and I said I did not know the neo-Nazis who were in the vicinity of the LWS Rally. As set out at [73] of my First Affidavit, I said those men had nothing to do with the LWS Rally and I invited the Leadership Team to watch the livestream footage (either Ms Keen's or Mr Fernando's) to prove it for themselves. I do not otherwise respond to the balance of [91] given it purports to be evidence of Mr Pesutto's views and perceptions.

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alp

(j) [REDACTED]

89. In relation to Mr Southwick's account of the 19 March Meeting (at [36]-[38] of his affidavit):

(a) [REDACTED]

(b) [REDACTED]

i. [REDACTED]

ii. [REDACTED]

iii. [REDACTED]

iv. [REDACTED]

(c) [REDACTED]

(d) In relation to [37(d)], as I have said above, and in my First Affidavit, Mr Pintos-Lopez read out content from his laptop but he did not show it to me. I deny I was given a proper opportunity to comment or respond.

(e) In relation to [37(e)], I do not recall saying words to that effect in relation to the Jones Tweet. As set out in my First Affidavit, I recall that:

i. Mr Pintos-Lopez read out the Jones Tweet;

ii. I said words to the effect that I had not seen it and I didn't understand it;

 [REDACTED]  
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- iii. Mr Bach said he understood that Ms Jones' tweet was suggesting that LGBTQI people are paedophiles, and I said that I didn't believe that, and that Ms Jones was pro gay rights, and that I had never heard her say anything like that;
  - iv. It is possible (although I do not specifically recall) that within that context I said I was confident Ms Jones didn't mean the Jones Tweet in the way the Leadership Team was interpreting it; my recollection is that I said that from what I knew of her I highly doubted that she would have meant it in the way they were suggesting; and
  - v. I said words to the effect that Ms Jones is a left-wing, pro gay marriage, pro choice, Jewish woman, and that I doubted she is a Nazi.
- (f) In relation to [37(f)], I was not shown the 'barbie doll image and the pridestapo image'. I do not recall saying words to the effect of 'I guess that's not a great look' or 'that could look bad', and I do not think I said words to that effect because I was not shown and so did not 'look' at the images and because I do not recall the images being raised at all. But I do not deny I said words to that effect about the general allegations they were making. My recollection is as set out at [69] of my First Affidavit, that I was shocked when they started reading out the material to me and I didn't understand it.
- (g) [REDACTED]
- (h) In relation to [37(h)], my recollection is that the only opportunity 'for a different outcome' they presented was for me to denounce Ms Keen and Ms Jones (and Ms Deves) as Nazis. From my perspective, it didn't feel to me as though Mr Southwick was trying to work with me. I do not recall him saying words to the effect that 'you are a new MP' and that 'it is understandable to make a mistake' and that '[e]ven experienced MPs make mistakes'. I also do not recall him saying words to the effect that '[a]ll you need to do is put out a statement in which you clearly distance yourself from the Nazis who turned up at the rally and the organisers'. The Leadership Team did not clearly distinguish between the Nazis and the organisers – what they were repeatedly putting to me was that the organisers of the LWS Rally were Nazis and Nazi sympathisers. I offered to denounce the Nazis and Nazism. But the Leadership Team were focussed on getting me to denounce the LWS organisers as Nazis.
- (i) In relation to [37(i)]:
- i. I do not recall blaming the police; and
  - ii. I do not recall the words 'press release' being used. The Leadership Team were trying to persuade me to condemn or denounce Ms Keen and Ms Jones (and Ms Deves) as Nazis, and I was refusing to do so without evidence. It was

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not the case that I was outright refusing to condemn them; I was refusing to condemn them for being Nazis without proof that they were.

(j) In relation to [37(j)], I believe Mr Southwick is referring to my exchange with Mr Bach to which I referred at [76] of my First Affidavit.

(k) [REDACTED]  
[REDACTED]  
[REDACTED]

90. In relation to Ms Crozier's account of the 19 March Meeting (at [32]-[40] of her affidavit):

(a) I deny the second sentence of [33].

(b) In relation to [34]:

i. I deny that my demeanour was 'defiant and veiled', and this was not my intention. I was trying to defend myself.

ii. I was not 'shown' the content on Mr Pintos-Lopez's laptop.

iii. I do not know whether I 'did not appear' to Ms Crozier to be surprised but I was surprised when Mr Pintos-Lopez started to read out content from his laptop, as set out at [69] of my First Affidavit.

iv. I recall saying words to the effect of 'I've done nothing wrong'. I cannot recall if I 'kept saying' that, as alleged by Ms Crozier, but I agree that was the general sentiment I was expressing throughout the 19 March Meeting, as set out in my First Affidavit. I felt I was being falsely accused and unfairly attacked.

v. I do not agree that I was 'defensive and incredibly supportive' of Ms Keen and Ms Jones throughout the 19 March Meeting. As I have said above, and in my First Affidavit, my position was that I would not denounce them (or anybody else) as a Nazi, on principle, without first seeing irrefutable evidence.

(c) In relation to [35]:

i. I do not agree that the Leadership Team requested that I issue a statement condemning the presence of the neo-Nazis on the steps of Parliament. As I have said above, and in my First Affidavit, I was the one who offered to condemn the Men and offered to make general statements against Nazism and bigotry.

ii. From my perspective, the discussion was not 'open and supportive' as alleged by Ms Crozier. I felt it was the opposite. I felt that I was ambushed and attacked, as set out in my First Affidavit, and that it was an 'us versus her scenario'.

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[REDACTED]

[Handwritten signature]

iii. In response to the final sentence of [35], which alleges that the Leadership Team requested that I put out a statement 'to condemn the actions of the neo-Nazi group that attended the Rally':

1. I deny that the neo-Nazis 'attended the Rally';
2. I made that clear during the 19 March Meeting; and
3. I did offer to condemn the neo-Nazis (but I refused to condemn the organisers of the LWS Rally for being Nazis without proof).

(d) In relation to [39], my recollection of the conclusion of the 19 March Meeting, after the Leadership Team went out of the room for their private discussion, is set out at [83] of my First Affidavit. Ms Crozier's assertions at [39] are inaccurate.

(e) In relation to [40], I recall Ms Crozier repeatedly apologising to me. I do not recall her saying 'I've tried to help you' at that time (and I do not consider that she had tried to help me). My recollection of Ms Crozier walking me out of the 20 March Meeting is at [84]-[85] of my First Affidavit.

91. In relation to Mr Bach's account of the 19 March Meeting (at [26]-[37] of his affidavit):

(a) In relation to [27]:

i. [REDACTED]

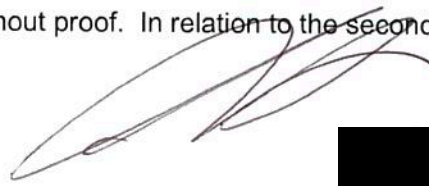
ii. [REDACTED]

iii. [REDACTED]

iv. I deny [27(d)].

(b) I do not specifically recall words being spoken to the effect set out at [28] although I did say I hadn't heard or seen the allegations against Ms Keen or Ms Jones previously.

(c) In relation to the first sentence of [29], I agree that the Leadership Team was trying to impress upon me that I would have to back away from these people (Ms Keen, Ms Jones, Ms Deves, and LWS) and put some distance between them and the Party. They were trying to make me denounce them as Nazis and I was refusing to do so without proof. In relation to the second sentence of [29], I do not recall describing the

  
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 [REDACTED]





tweets (which I had not seen) 'as jokes' and I was not refusing to distance myself from them but I was refusing to denounce them as evidence of Nazism or as evidence that Ms Jones believed that LGBTQI people are paedophiles (as Mr Bach had suggested) without seeing them or properly understanding them.

(d) [REDACTED]

(e) In relation to [36] and [37]:

i. [REDACTED]  
[REDACTED]  
[REDACTED]

ii. I do not know whether I 'appeared very calm'. I did not feel calm. I have described my emotional reaction to the 19 March Meeting in my First Affidavit.

92. In relation to Mr Pintoz-Lopez's account of the 19 March Meeting (at [35]-[42] of his affidavit):

(a) I did not know who Mr Pintos-Lopez was at the time.

(b) I deny the suggestion at [36] that Mr Pintos-Lopez showed me any material including any social media posts by Ms Keen.

(c) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

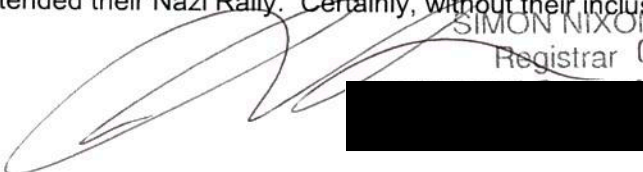
(d) [REDACTED] [REDACTED]  
[REDACTED]

(e) [REDACTED]  
[REDACTED]  
[REDACTED]

93. I was upset and horrified to read that a draft of the Media Release (at 'AW-2' to Mr Woff's affidavit) had included the following words which were then excluded from the version that was ultimately sent:

*This afternoon, I met with Moira Deeming MP to discuss the events of Saturday. Mrs Deeming assured me that she was not involved in the organisation or actions of the Nazi protesters. I have no reason to doubt Mrs Deeming's account.*

94. I feel there is no logical reason for leaving those words out, except to deliberately lead people to wrongly think that I was associated with and connected to the Nazis and that I had attended their Nazi Rally. Certainly, without their inclusion, that is what occurred.

  
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[REDACTED]



Events of 20 March 2023*My 20 March Statement*

95. The Respondent's Affidavits refer to my 20 March Statement (at [125]-[127] of Mr Pesutto's affidavit, [46] of Mr Southwick's affidavit, and [46] of Ms Crozier's affidavit). I have referred to my 20 March Statement at [134]-[137] of my First Affidavit. I published this statement on Facebook and Twitter because, as I set out at [54] of my First Affidavit, I had been told I was not authorised to do an official press release and at any rate I did not know how to do so.

96. Amongst other things, I said in my 20 March Statement:

*I and the other attendees were horrified to see masked men all clad in black inside the buffer zone. We thought that we were going to be attacked. However, the police did not seem worried and were talking with them over at the edge of the line.*

*Later I saw the police seemingly usher these men right through the centre of the buffer zone in between our event and the counter protestors, which is when I saw those men raise their hands in a Hitler salute.*

*I along with the few others who were facing them from the front were horrified, but relieved that the police were moving them on.*

*After the event I was informed that these masked men had in fact mounted Parliament House steps outside of our view on the other end and performed a Nazi salute, and that members of the SFW group asked the police to make them leave, but were informed that the Police had no powers to move them on due to Labor's removal of those powers.*

...

*I also condemn of [sic] the actions of the masked men in black who were later identified as Neo-Nazis, who gate-crashed the Let Women Speak event. Most of the LWS supporters did not realise who they were until they were being escorted out by Victoria Police, when they did the despicable Nazi salute.*

*I completely reject the beliefs of National Socialists (Nazis) and I have seen first-hand the impact that the Holocaust had on a family member.*

*None of those organising the event had any involvement with these men, as has been confirmed by Victoria Police, the Australian Jewish Association and all the organisers themselves.*

97. Mr Pesutto refers to my 20 March Statement at [125] to [127] of his affidavit. He refers to the following comment in my 20 March Statement: 'I also condemn...the actions of the

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masked men in black who were later identified as Neo-Nazis, who gate-crashed the Let Women Speak event'. Mr Pesutto says: 'I had always believed and understood the neo-Nazis attended to support the Rally. At the time, I took Mrs Deeming at her word that the neo-Nazis had not been invited and had 'gate crashed' the Rally.' As I have said above, my understanding is that the neo-Nazis did not attend Parliament that day to support the LWS Rally. They certainly were not 'invited' to the LWS Rally. They did not stand with us or listen to us. As to my comment that they had 'gate crashed' the LWS Rally, it seems to me from Mr Pesutto's comments at [126] that my comment has been misinterpreted. I did not intend to suggest that the neo-Nazis were somehow both 'uninvited' and also 'attendees' at the LWS Rally (i.e. that they attended the LWS Rally); what I was intending to reinforce was the fact that their appearance that day was a shock, and that they were uninvited and unwelcome. They had nothing to do with me or the LWS Rally.

*Publication of the Expulsion Motion and Dossier*

98. The Respondent's Affidavits (for example, Mr Woff at [24]-[25]) refer to an article published by *The Age* on or around 8.45pm on 20 March 2023 entitled 'Deeming vows to fight move to expel her from party room' (**Age Article**). It is suggested that the Age Article indicates that the Expulsion Motion and Dossier, or the information in it, had been leaked to *The Age* by someone within the Victorian Parliamentary Liberal Party who had received the Expulsion Motion and Dossier. I did not provide a copy of the Expulsion Motion and Dossier to anyone from *The Age*, or any other journalist, and I did not disclose any information in the Expulsion Motion and Dossier to anyone from *The Age* or any other journalist. I am unaware of anyone who disclosed the Expulsion Motion and Dossier to the media before Mr Pesutto.
99. Mr Pesutto refers at [137] to being asked by Peta Credlin during an interview at approximately 6pm on 20 March 2023 whether the Expulsion Motion and Dossier would be released to the public, and to his response that he 'would consider it' but that he wanted to give me 'due process'. Mr Pesutto never asked me whether I thought the Expulsion Motion and Dossier should be released. I would have said no. I do not consider that I was afforded any 'due process' in this entire one and a half year saga, which continues to infuriate and upset me.

21 March Meeting

100. The Respondent's Affidavits refer to the 21 March Meeting. I have given my recollection of the 21 March Meeting at [151]-[156] of my First Affidavit.
101. In response to [144] of Mr Pesutto's affidavit, I recall speaking about the contents of the Expulsion Motion and Dossier. I cannot recall specifically what I said but it was to the effect that the contents did not justify my expulsion. I do not recall using the word 'hilarious'

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specifically. What I recall is that I was trying to express that it was simply absurd, ludicrous and laughable to think that this Dossier was evidence to prove anything that had been alleged. What I was trying to express was that, at worst, the images showed poor taste humour, not support for Nazism. I was criticising the Expulsion Motion and Dossier as not coming close to justifying my expulsion. I thought the whole thing was insane and I couldn't believe that when I finally got to see the 'evidence' against me - it was that ridiculous document. I could not believe he was proceeding with the Expulsion Motion on the basis of what was in the Dossier.

102. Likewise, in response to [49] of Ms Crozier's affidavit, I do recall flicking through the Expulsion Motion and Dossier whilst refuting it, page by page. I was 'scoffing and rubbishing' the fact that the Dossier, which I thought was unconvincing, was apparently being said to justify my expulsion. I was, and still am, furious I have been put in this position.

#### Events leading up to the 27 March Meeting

103. In response to [44] of Mr Southwick's affidavit, although I was trying to defend myself and persuade members of the Victorian Parliamentary Liberal Party to vote against the Expulsion Motion by explaining the truth to them, I do not agree with Mr Southwick's characterisation that I was engaged in a 'PR campaign'. I had no involvement in Katherine Deves' post referred to at [44] of Mr Southwick's affidavit.
104. In relation to [52] of Ms Crozier's affidavit, I repeat [103] above.
105. The Respondent's Affidavits refer to the email I sent at approximately 2.51pm on 26 March 2023, to which I referred at [175] of my First Affidavit.

#### Events on 27 March 2023

##### *My email sent at approximately 6.29am*

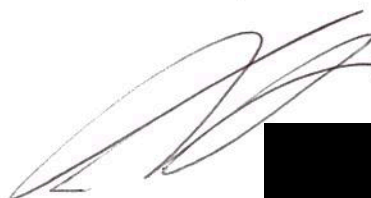
106. The Respondent's Affidavits refer to the email I sent on the morning of the 27 March Meeting (at [151] of Mr Pesutto's affidavit, [54] of Mr Southwick's affidavit, and [54] of Ms Crozier's affidavit) in which I provided my response to the Expulsion Motion and Dossier (**Dossier Response**). I had referred to this at [177] of my First Affidavit. My Dossier Response was at pages 22-28 of Exhibit MD-1.
107. Amongst other things, in my Dossier Response, I said: 'I admit that with the benefit of hindsight of what has occurred that my participation may have been an error of judgment that resulted in unneeded scrutiny'. I made this statement as a recognition, based on my experience since the LWS Rally, that I needed to be more mindful of how persons such as Mr Pesutto and his supporters could misrepresent my public activities and create adverse publicity for me and the Liberal Party if I was not more careful in the future.

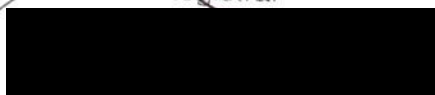
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*The 27 March Meeting*

108. The Respondent's affidavits refer to the 27 March Meeting. Subject to the matters I have raised at [109]-[117] below, my recollection of the 27 March Meeting is set out at [176]-[190] of my First Affidavit.
109. At [154] of Mr Pesutto's affidavit, he states that he has annexed, as 'Annexure JP-24', '[a] copy of the minutes of this meeting'. 'Annexure JP-24' is described as 'Minutes of Liberal Party Meeting on 27 March 2023' (at the top of page 181 of Mr Pesutto's affidavit). These 'minutes' were at pages 29 to 33 of Exhibit MD-1 to my First Affidavit. As I said at [179] of my First Affidavit, they are consistent with my memory of the 27 March Meeting.
110. In relation to Mr Southwick's account of the 27 March Meeting, I cannot recall precisely what Mr Southwick said, including whether he said words to the effects set out at [58] of his affidavit. I do not agree with his suggestion that I 'ignored' his advice about 'putting out a statement after the rally'.
111. Each of Mr Pesutto (at [159]), Mr Southwick (at [59]), and Ms Crozier (at [59]) give evidence to the effect that, after my speech at the 27 March Meeting, they felt they could no longer proceed with the Expulsion Motion because I had revealed that I had been sexually abused from early childhood. It was incredibly painful for me to read those paragraphs of the Respondent's Affidavits. When I read those paragraphs, I was deeply distressed because it indicated to me that they were still, even in that moment, thinking of themselves – that they thought it would be a bad look for them to keep pressing for my expulsion after what I had revealed. It indicated to me that they didn't care whether I was innocent or not, or whether or not what they had put in the Expulsion Motion and Dossier was true, or what it would do to me, my husband or my children. I felt sickened that they seemed to never have viewed me as a human. They only seemed to react to how things would impact upon themselves politically.
112. I was extremely hurt and offended when I read Ms Crozier's allegation at [57] that my statement that I had been sexually assaulted 'was designed to elicit a reaction and it did'. It was deeply wounding and sickening for me to have to read her false implication that I exploited my own sexual abuse for political ends. I was shocked that she would write such cruel and contemptuous words. I felt discouraged and hurt and sad that she and the others in the Leadership Team apparently viewed themselves as somehow 'outmanoeuvred' in a political game, when in reality I was in the fight of my life to defend myself and my children. I would never have revealed those personal things except as a desperate last resort to help them finally see they were wrong about me.

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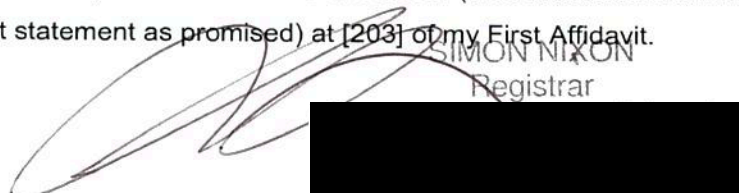


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113. I was angry when I read Mr Bach's suggestion at [55], which I reject as utterly untrue, and feel was written with the intent to ridicule me, that Mr Pesutto decided he could not expel me because of a sense 'of pastoral care' for me.
114. In relation to the negotiations (to which Mr Pesutto refers at [160]-[161], and to which Mr Southwick refers at [61]-[62]):
- (a) I have given my recollection of these negotiations at [184]-[188] of my First Affidavit.
- (b) I do not agree with Mr Southwick's suggestion at [62] of his affidavit that, 'as a matter of common political sense', he 'understood that a "joint statement" meant there would be a statement agreed by both parties, which Moira would release through the Leader's office, and the statement would effectively be Moira unequivocally condemning the Nazis and acknowledging that it was an ill-informed error to attend the Rally'. In my experience, the words 'joint statement' mean a statement by both people together.
115. In relation to Mr Pesutto's allegations about the conclusion of the 27 March Meeting, I have given my recollection at [189]-[190] of my First Affidavit.
116. In response to [65] of Ms Crozier's affidavit, I am not aware of any tape recording of the 27 March Meeting. I also did not distribute any minutes of the 27 March Meeting to any media outlets. If they were provided to the media, I do not know who did so.
117. In response to [61] of Mr Pintos-Lopez's affidavit, I do not agree that the outcome of the 27 March Meeting was that I had been suspended for 9 months 'with requirements that [I] be of good character and not misbehave during that time', as Mr Pintos-Lopez alleges he was told by Mr Pesutto following the 27 March Meeting. No such 'requirements' were imposed with the suspension.

*Preparation of the joint statement*

118. The Respondent's Affidavits refer to the preparation of the joint statement following the 27 March Meeting. Subject to the matters I have raised at [119]-[123] below, my recollection of events relating to the preparation of the joint statement is set out at [191]-[205] of my First Affidavit.
119. In response to Mr Pesutto about this:
- (a) In relation to [165] of Mr Pesutto's affidavit, I have referred to the WhatsApp communications between myself and Mr Woff at [203] of my First Affidavit.
- (b) In relation to [166] of Mr Pesutto's affidavit, I referred to my reaction to the publication of the statement by the Liberal Nationals Media (as a statement from me alone rather than a joint statement as promised) at [203] of my First Affidavit.

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Registrar



120. In response to Mr Southwick about this:
- (a) In relation to [65] of Mr Southwick's affidavit, my recollection of this first meeting is set out at [195] and [196] of my First Affidavit.
  - (b) I was not a party to his conversation with Mr Wells as referred to at [66] of Mr Southwick's affidavit.
  - (c) In relation to [67] and [68] of Mr Southwick's affidavit, my recollection of this second meeting is set out at [198] and [203] of my First Affidavit.
  - (d) In relation to [69] and [70] of Mr Southwick's affidavit, I repeat [203] of my First Affidavit and [122] below.
121. In response to Mr Johnston about this at [44]-[52] of his affidavit:
- (a) I have given my account of the meetings I had with Mr Johnston and Mr Southwick at [195]-[203] of my First Affidavit.
  - (b) In response to [45] of Mr Johnston's affidavit, I do not deny that Mr Hodgett and Mr Pintos-Lopez were at 'the first meeting' but I cannot specifically recall Mr Hodgett being at that first meeting (as I have said at [195] of my First Affidavit) and I also do not recall Mr Pintos-Lopez being there. I agree that I was 'very agitated and upset' at the first meeting and that I was 'very unhappy' with the first draft of the statement. Otherwise, my recollection of this first meeting is set out at [195]-[196] of my First Affidavit.
  - (c) In response to [47]-[49] of Mr Johnston's affidavit, I agree that Mr Johnston and I worked off the same laptop to make changes to the draft statement. Otherwise, my recollection of this second meeting is set out at [198]-[203] of my First Affidavit.
  - (d) I do not agree with Mr Johnston's statement at [49] that 'At no point was it ever indicated to me by anyone that the statement was to be a joint statement from Mr. Pesutto and Mrs Deeming'. As set out in my First Affidavit, the Party Room had agreed to a 'joint statement' being published. I had understood we were preparing my half of the joint statement. I thought at the time that everyone else understood that too. I had repeatedly asked where Mr Pesutto was, and where his half of the statement was, and I had been repeatedly told that Mr Southwick was representing him for now and that I had to prepare 'my half' first. As I said in my First Affidavit, I thought my half of the statement was going to be merged with Mr Pesutto's half (which I thought we would prepare together), into one joint statement. Nobody ever suggested to me that the statement would be by me alone and without any words of exoneration at all from Mr Pesutto. If this had been suggested, or if I had suspected this would occur, I never would have participated at all in the writing of the statement.

  
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*SNP*

- (e) In response to [51] of Mr Johnston's affidavit, I repeat [203] of my First Affidavit and [119] above.
122. At [32]-[35] of Mr Woff's affidavit, he refers to WhatsApp communications which he exchanged with me on 27 March 2023. I have referred to these communications at [203] of my First Affidavit.
123. In relation to Mr Pintos-Lopez's about this:
- (a) In response to [63] of Mr Pintos-Lopez's affidavit, I repeat [121(b)] above.
- (b) In response to [66] and [70] of Mr Pintos-Lopez's affidavit, I repeat [122] above.
124. I have referred to my reaction to hearing about Mr Pesutto's press conference soon after the 27 March Meeting at [204]-[205] of my First Affidavit.

*My tweet on 27 March 2023*

125. The Respondent's Affidavits refer to my 27 March Tweet. In this regard:
- (a) I referred to this tweet at [194] of my First Affidavit.
- (b) I do not accept Mr Southwick's characterisation of my 27 March Tweet as 'bizarre' or that it showed I was 'not sincere'.
- (c) I do not accept that my 27 March Tweet 'showed...ongoing defiance' or that I had 'taken nothing on board about the concerns of the Party Room about the material that was in the public domain regarding Ms Keen...and Ms Jones', as suggested at [64] of Ms Crozier's affidavit.

Events of 3-6 May 2023

126. I dispute [79] of Mr Southwick's affidavit, about the meeting between me and him with Mr Wells on 3 May 2023. My recollection is as set out at [226] of my First Affidavit. I said words to the effect that I wanted to be exonerated (as had been promised at the 27 March Meeting) by the next day (not 'by the end of the week' as suggested by Mr Southwick) or I would demand a re-do of the 27 March Meeting. Mr Southwick agreed and assured me that I would be delivered my promised exoneration tomorrow. I cannot say whether Mr Wells 'thought that an agreement was reached and no public comments would be made before the Friday', as suggested in the final sentence of [79] of Mr Southwick's affidavit, but this was not my understanding and I do not see how this could have been Mr Southwick's understanding given what I have said above.
127. At 6.45am on 4 May 2023, I sent an email to Mr Pesutto. I have referred to this email, and the circumstances in which I sent it, at [227] and [228] of my First Affidavit.

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*Wells*



(a) In relation to [171] of Mr Pesutto's affidavit:

- i. I do not agree that my email threatened to sue Mr Pesutto (as he alleges).
- ii. What I said in my email was:

*...[A]s per our discussions via Kim Wells and David Southwick, if by 2pm today, we do not have an agreed upon statement that exonerates me from the charges laid against me, (as per the party room agreement) I will consider that the Leadership have failed to honour the suspension agreement and I will be forced to challenge it officially, demand reentry to the party room and instruct my lawyers to commence legal proceedings.*

- iii. I repeat the comments at [228] of my First Affidavit – that:

*In my email, I referred to the potential for 'legal proceedings'. I had intended this to mean, and I thought in the context it was obvious that I meant, legal proceedings to seek to challenge my suspension and/or enforce the 27 March Compromise. This is what I had discussed with Mr Southwick and Mr Wells the previous day.*

(b) In relation to [80] of Mr Southwick's affidavit, I repeat [127(a)] above.

(c) In relation to [59] of Mr Bach's affidavit, I repeat paragraph [127(a)] above.

128. In response to [82] of Mr Southwick's affidavit (about the meeting between me, Mr Southwick and Mr Wells on 4 May 2023), my recollection of the meeting is as set out at [230] of my First Affidavit.
129. In relation to [83] of Mr Southwick's affidavit, I deny that I broke any agreement with Mr Southwick or that I showed bad faith.
130. In relation to [172] of Mr Pesutto's affidavit, I repeat [231]-[233] of my First Affidavit.
131. In relation to [173] of Mr Pesutto's affidavit, I have referred to my email of 3.28pm on 4 May 2023 at [235] of my First Affidavit.

#### Events of 6 May 2023

132. In relation to [174] of Mr Pesutto's affidavit, I have referred to my Twitter statement of 6 May 2023 at [236] of my First Affidavit. I do not agree with Mr Pesutto's suggestion at [174] that my statement 'was contrary' to what I had said on 4 May 2023 in my email to members of the Victorian Parliamentary Liberal Party.
133. In relation to [175]-[177] of Mr Pesutto's affidavit, in relation to the Second Expulsion Motion, I repeat [237]-[240] of my First Affidavit. It infuriated me to read [177] of Mr Pesutto's affidavit, in which he recalls suggestions at the time that the Second Expulsion

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Motion was not compliant with the Constitution but does not attempt to refute those suggestions.

Subsequent events, including my expulsion on 12 May 2023

134. In relation to [178] of Mr Pesutto's affidavit, I have referred to my email of 9 May 2023 at [243] of my First Affidavit.
135. In relation to [179] of Mr Pesutto's affidavit:
- (a) I have referred to my First Concerns Notice at [247] of my First Affidavit; and
- (b) A copy of my email of 2.50pm on 11 May 2023 is at page 26 of Exhibit MD-2.
136. In response to [66] of Ms Crozier's affidavit, I recall having a conversation with Ms Crozier at around this time. Ms Crozier's account at [66] does not resemble my recollection of the conversation. My recollection is that the conversation was hostile. I felt that Ms Crozier was trying to intimidate and threaten me. I recall telling her I would sue her if I could as well as Mr Pesutto. I do not specifically recall telling her words to the effect that I had to do this for my children, but I think it is likely I said words to that effect because I have always been driven to clear my name for the sake of my children. In relation to Ms Crozier's view that I was unwilling to 'give', this is consistent with the impression I got from the outset – that the Leadership Team wanted me to bend and 'give' in to the horrendous injustice they were inflicting on me 'for the Party' irrespective of the catastrophic damage they were doing to me and my family.

**Responses to allegations in Mr Pesutto's Defence**

137. The 'Media Release Imputation' pleaded at [5.3] of Mr Pesutto's Defence is false.
138. Each of the two '3AW Imputations' pleaded at [10.3] of Mr Pesutto's Defence is false.
139. The 'ABC Imputation' pleaded at [14.3] of Mr Pesutto's Defence is false.
140. Each of the three 'Press Conference Imputations' pleaded at [19.3] of Mr Pesutto's Defence is false.
141. Each of the two 'Expulsion Motion Imputations' pleaded at [24.4] of Mr Pesutto's Defence is false.

Annexure A

142. In relation to the allegations in 'Annexure A' to Mr Pesutto's Defence, to the extent I have personal knowledge of the allegations, I have responded to those allegations in this affidavit, above. If I have not responded to a particular allegation, I do not intend to make any admission by my non response.

  
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143. In relation to the allegations against Ms Keen at [58]-[81] of Annexure A, to the best of my knowledge and recollection, prior to the LWS Rally:
- (a) I had never heard any suggestion, as alleged at [58], that Ms Keen 'has been publicly associated with and platformed by white supremacist and neo-Nazis';
- (b) In relation to the allegations at [59]:
- i. I had never heard an allegation to the effect that on or about 19 February 2019 Ms Keen spoke at a Mot Dag Conference in Norway where she was pictured with Hans Jørgen Lysglimt Johansen (who Mr Pesutto alleges is a far-right political activist of the Alliance-Alternative for Norway Party, with a history of public antisemitic and racist statements); and
  - ii. I had never heard of the Mot Dag Conference or Hans Jørgen Lysglimt Johansen;
- (c) In relation to the allegations at [60]-[61]:
- i. I had never heard an allegation to the effect that on 23 September 2019 Ms Keen participated in a Facebook Livestream with Sheronna Bishop or 'America's Mom' (which Mr Pesutto alleges took place three days after Ms Bishop posted a video on 20 September 2019 with Proud Boys members); and
  - ii. I had never heard of Sheronna Bishop or 'America's Mom';
- (d) In relation to the allegations at [62]-[64]:
- i. I had never heard an allegation to the effect that in October 2019 Ms Keen appeared in a video with Jean-François Gariépy (who Mr Pesutto alleges is a French-Canadian white supremacist, and founder of YouTube channels including 'The Public Space' which contains and promotes antisemitic and white supremacist content); and
  - ii. I had never heard of Jean-François Gariépy;
- (e) In relation to the allegations at [65]:
- i. I had never heard an allegation to the effect that in July 2020 Ms Keen was interviewed on the Richie Allen Show in an episode which also included guest Mark Collett (who Mr Pesutto alleges is the founder of the UK white nationalist group Patriotic Alternative and a neo-Nazi political activist); and
  - ii. I had never heard of the Ritchie Allen Show or Mark Collett;

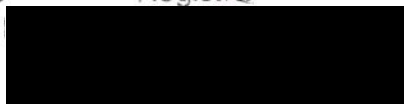
  
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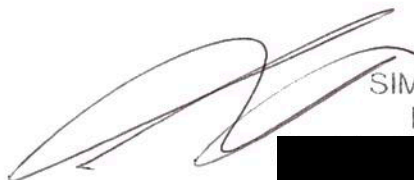
- (f) In relation to the allegations at [66] to [68]:
- i. I had never heard an allegation to the effect that Ms Keen had participated in an interview with Kay Soco of SOCO Films and Kay SOCO Films on at least two occasions on or about 22 July 2020 and on or about 1 September 2020; and
  - ii. I had never heard of Kay Soco or SOCO Films or Kay SOCO Films;
- (g) In relation to the allegations at [69] to [70]:
- i. I had never heard an allegation to the effect that on or about 5 November 2022 Ms Keen provided a platform to known Proud Boy member, Chris Barceneas, at a Let Women Speak rally in Miami; and
  - ii. I had never heard of Chris Barceneas;
- (h) I had never heard allegations to the effect of those pleaded at [71] and [72];
- (i) In relation to the allegations at [74] to [76]:
- a. I do not recall whether I had heard of Jennifer Bilek;
  - b. I do not recall having publicly supported Ms Bilek on social media;
  - c. I did not have any knowledge of whether Ms Keen had publicly supported Ms Bilek on social media;
  - d. I have no recollection of having heard a suggestion that Ms Bilek is 'a notorious anti-trans activist who engages in antisemitic rhetoric'; and
  - e. I do not recall having heard of Keith Woods;
- (j) In relation to the allegations at [77]:
- i. I had never heard an allegation to the effect that Ms Keen had adopted Nazi and white supremacist imagery and language in her social media presence;
  - ii. I had never heard an allegation to the effect that Ms Keen had changed her profile picture to a picture of a Barbie doll wearing a Nazi uniform; and
  - iii. I had never heard an allegation to the effect that Ms Keen tweeted 'Pridestapo' with an image of a Nazi eagle insignia and a swastika superimposed over a rainbow;
- (k) In relation to the allegations at [78]:
- i. I had never heard an allegation to the effect that Ms Keen had displayed disgraceful ambivalence towards the language and symbols of Nazism and white supremacy;

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*Handwritten signature in blue ink.*

- ii. I had never heard an allegation to the effect that Ms Keen had described her adoption of a profile picture of a Barbie doll wearing a Nazi uniform as 'tongue in cheek';
  - iii. I had never heard an allegation to the effect that Ms Keen said in a video 'I don't care if you call me a Nazi ... I don't care if you call me a white supremacist. I don't care if you call me racist';
  - iv. I had never heard an allegation to the effect that Ms Keen said at a LWS event on 26 February 2023 in London that 'Fascist is a new word for legend'; and
  - v. I had never heard an allegation to the effect that Ms Keen stated in a video 'Phrase it as transphobic. Phrase it as Nazism. Phrase it as fascism. I don't give a crap. I'll wear, I'll wear every label you wanna give me';
- (l) In relation to the allegations at [79]:
- i. I had never heard or seen Ms Keen publicly call for the sterilisation of trans men; and
  - ii. I had never heard of or seen the tweets referred to at [79(a)] or [79(b)];
- (m) In relation to the allegations at [80]:
- i. I do not recall having heard or seen Ms Keen engage in disgusting and disgraceful jokes about the death of trans men and the suicide of trans people;
  - ii. I had never heard of or seen Ms Keen's alleged 'response' ('Hopefully death') referred to at [80(a)]; and
  - iii. I had never heard of or seen the alleged tweets referred to at [80(b)]; and
- (n) In relation to the allegations at [81]:
- i. I do not recall having heard or seen Ms Keen make 'notorious and disgraceful racist comments throughout 2017 and 2018'; and
  - ii. I had never heard the allegations referred to at [81(a)] to [81(e)].
144. In relation to the allegations against Ms Jones at [82]-[88] of Annexure A:
- (a) I had not seen Ms Jones engage in any public commentary regarding the transgender community which I would describe as 'disgraceful' or which I had heard others describe as 'disgraceful';
  - (b) I do not recall hearing an allegation that Ms Jones had promoted *Trans* by Helen Joyce;

  
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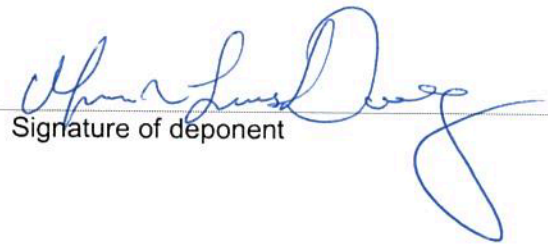


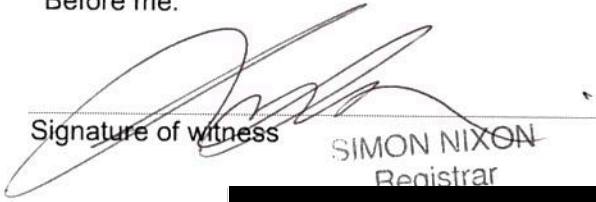


- (c) I do not recall having heard an allegation that Ms Joyce had promoted the work of Ms Bilek;
- (d) I do not recall ever hearing or seeing Ms Jones publicly state that the 'trans agenda' is being promoted by 'financially corrupted governments'; and
- (e) I had not seen Ms Jones publicly engage in any rhetoric which I would regard as 'vile anti-transgender rhetoric' or which I had heard others describe like that.

Sworn by the deponent  
at Melbourne  
in Victoria  
on 23 July 2024  
Before me:

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)  
)  
)

  
Signature of deponent

  
Signature of witness  
SIMON NIXON  
Registrar

Name and qualification  