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Form 59
Rule 29.02(1)

Affidavit of Renee Heath

No. VID1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Renee Heath**
Address: [REDACTED]
Occupation: Member of Parliament
Date: 27 May 2024

Filed on behalf of (name & role of party)	<u>Moira Deeming, Applicant</u>
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[Version 3 form approved 02/05/2019]

I, Renee Heath, of [REDACTED], say on oath:

Background

1. I am the Member for Eastern Victoria Region in the Victorian Legislative Council.
2. Between December 2022 and May 2023, I was Secretary of the Victorian Parliamentary Liberal Party.

Exhibit RH-1

3. Exhibited to this affidavit is a paginated bundle of documents marked '**Exhibit RH-1**'.

Moira Deeming

4. Prior to 19 March 2023, I did not know Moira Deeming particularly well. We had been elected at the same time in November 2022, when she was elected as the Member for Western Metropolitan Region and I was elected as the Member for Eastern Victoria Region. I knew that Moira had tremendous popular support because she had received the second highest amount of under the line votes of any new Member of Parliament in the State. Amongst the people I knew within the Liberal Party, Moira had a reputation at this time as being a person who stood for something. She had a reputation as a person who was courageous and dedicated in speaking out on issues which mattered to her and those within her electorate. As far as I was aware, people trusted and respected her.
5. After John Pesutto became Leader of the Liberal Party in Victoria on 8 December 2022, he met with individual Members to discuss positions within the Victorian Parliamentary Liberal Party team. As a result, Moira was voted to become the Liberal Party Whip in the Legislative Council and I was voted to become the Secretary of the Victorian Parliamentary Liberal Party Room. John had nominated me as the Secretary.

Events of 19-20 March 2023

6. In the evening of 19 March 2023, I received a call from Georgie Crozier. It was a short conversation. She said words to the effect of: "*Moira has stepped out of line. You'll receive an email from John soon and will learn more about it in due course.*" I asked what Moira had done but Georgie didn't elaborate. She only said that I would learn more about it soon.
7. That evening, I received the email which Georgie had foreshadowed. It was an email from John to Members of the Victorian Parliamentary Liberal Party sent at 8.36pm. A copy of that email is at pages 1 to 2 of Exhibit RH-1. I understand that the substance of this email was also uploaded to John's website and to the website of the Victorian Liberal Party and is being referred to as the '**Media Release**' in this proceeding.

[Handwritten signature]

[Handwritten signature]

8. Prior to receiving the Media Release, I had not seen any media reporting about Moira having attended the 'Let Women Speak' rally (**the Rally**). Prior to the Rally, I knew that Moira was planning on attending it because she had said so publicly, including in Parliament. She had invited Members of our Chamber to attend in a Member's statement.
9. I thought from the Media Release that John was saying he was making a stand and that in his Liberal team there was no room for anyone with associations with Nazis or Nazi sympathisers. I thought he was saying that Moira had associations with the Nazis who had turned up in the vicinity of the Rally, and that she was a Nazi sympathiser, and that was why he was proposing to expel her.
10. At the time, I thought it was ill-advised and inappropriate that John had publicised the Media Release. I thought at the time, and this is still my view, that this could have been sorted out 'in house' quickly and privately.
11. At some stage after this, I called Moira. I cannot now recall whether it was that same evening, after the call from Georgie, or the next day. I recall Moira being angry, confused and upset. She thought she had done nothing wrong. She could not understand why John and the Leadership Team were attacking her and bundling her up with and linking her to Nazis. I gave her some encouragement.
12. I recall that, the following day, 20 March 2023, John did what seemed to me to be a lot of media in which he was trying to justify why he was proposing to expel Moira from the Victorian Parliamentary Liberal Party. I recall he seemed to be very busy doing media. He just kept talking about Moira and the proposed expulsion. I was appalled. I thought he should stop and let this be resolved within the Party Room.
13. It seemed to me that the common theme in what he was saying that day was that he was a strong leader and wouldn't tolerate anyone with any associations to Nazis within the Liberal Party and that Moira had such associations which is why she had to be expelled.
14. That evening, I received a further email from John, which he sent to Members of the Victorian Parliamentary Liberal Party at 6.01pm, which attached the document which is being referred to as the '**Expulsion Motion and Dossier**' in this proceeding. A copy of that email (and its attachment) is at pages 3 to 20 of Exhibit RH-1. I read the Expulsion Motion and Dossier, and my understanding was that John was suggesting Moira should be expelled because she had associations with Kellie-Jay Keen and others who had organised the Rally who he was suggesting were Nazis or Nazi sympathisers.
15. I began to worry for Moira and for the Liberal Party in general because the issue was snowballing. It seemed to me that John and the Leadership Team were relying upon a bunch of flimsy content they had found on the internet. It didn't seem like a solid case with high quality evidence. I had hoped that this would not be played out in the media and that

it would be dealt with privately. Seeing the Expulsion Motion and Dossier reinforced my view that the issue should have been resolved privately and that John should not have so hastily publicised the Media Release and now the Expulsion Motion and Dossier. I thought he had created a storm in a teacup, and the question now was whether it was too late to resolve the situation.

16. At some stage after this, Joe McCracken and I had an impromptu meeting with John in Joe's office. Joe's office is next to mine and John's is directly opposite. One of us asked John to come in. We tried to persuade him not to proceed with the Expulsion Motion. By this time, I was aware from my interactions with other Members that some of them thought that John's conduct - in deciding to seek to expel Moira from the Victorian Parliamentary Liberal Party and then publicising that decision – had created a 'lose-lose' situation for the Liberal Party in that either the Expulsion Motion would pass and Moira would be expelled, which was a scandal and would ruin Moira's reputation (as well as being embarrassing for the Liberal Party), or the Expulsion Motion would not pass in which case this would be a serious embarrassment for John and may result in him losing his own position as Leader (as well as being embarrassing for the Liberal Party). I thought Joe and I had found a simple solution to save both Moira and John. One of us – either Joe or I – said words to the effect of "*This doesn't have to be about 'you versus her'*". I made a suggestion to John, to the effect of: "*You could say that further information has emerged which shows that Moira doesn't deserve to be expelled*". I suggested to John that this 'further information' would be that it had become clear that the Nazis had not 'attended' the Rally but had crashed it, and that Moira was not a Nazi or someone who associated with Nazis or Nazi sympathisers. I thought it had been clear from the outset that the Nazis were not associated with the women at the Rally. But, since that was the line John had taken, I thought he could now say that further information had emerged which showed that the Nazis were not associated with Moira or the women at the Rally. I thought this would give him a way out. I also made a further suggestion to John, to the effect of: "*You might be able to communicate it in such a way that the situation turns around to benefit the Liberal Party*". I was aware that the Andrews Labor Government had previously repealed Victoria's 'Move-on Laws'. I said to John words to the effect of: "*The Victorian Police should have been able to move the Nazis on at the Rally. That might have de-escalated the situation sooner if we had move-on laws. You can shift the focus onto the Labor Government's position on the 'Move-on Laws' rather than having to pursue your position on Moira, and both you and Moira and John can be saved*". John refused. He appeared to me to be completely closed to the idea. He seemed to me to be committed to pursuing the Expulsion Motion.

17. Over the next week or so, prior to the meeting which occurred on 27 March 2023, I spoke to other Members to try to persuade them to support Moira. Many of them thought the claims against her in the Expulsion Motion and Dossier were untrue, but they would say words to the effect of "*It's not about Moira; it's about John's leadership*". I did not see it that way. It was, as I perceived it, about an innocent woman being unfairly labelled as a Nazi sympathiser and as someone who associated with Nazi sympathisers.

18. [REDACTED]

Meeting on 21 March 2023

19. On 21 March 2023, there was a meeting of the Victorian Parliamentary Liberal Party (**21 March Meeting**).
20. As part of my role as then Secretary, I took contemporaneous notes of the 21 March Meeting. It was my usual process that:
- (a) during the meeting, I would type notes on my laptop; and
 - (b) after the meeting, I would proof read the notes and make any necessary corrections or other edits to them, and then I would re-format them and convert them into formal 'minutes'. I would then send them to Gary Anderton, from John Pesutto's office, and he would put them onto the official Parliamentary Liberal Party letterhead/paper, and they would then be approved at a subsequent meeting.
21. Consistently with my usual process, I took typed notes on my laptop during the 21 March Meeting. At some stage after the 21 March Meeting, I would have then edited the notes. A copy of those edited notes are at pages 21 to 24 of Exhibit RH-1. The notes are a summary of the 21 March Meeting. I did not type everything that was said. But the notes are consistent with my recollection of the 21 March Meeting as a summary.
22. I took notes of the substance of what Moira said. At the bottom of page 23 of Exhibit RH-1, I wrote "**Moira then went through article by article on the dossier and spoke about how each wasn't true**". This is consistent with my recollection – I recall Moira talking about the claims made in the Dossier and refuting them one by one. I found what she said persuasive.

Meeting on 27 March 2023

23. On 27 March 2023, there was a further meeting of the Victorian Parliamentary Liberal Party (**27 March Meeting**).

Moira

H. Phil

24. Prior to the 27 March Meeting, Moira had sent an email at approximately 6.29am to me and the Members of the Victorian Parliamentary Liberal Party which attached her response to the Expulsion Motion and Dossier. A copy of Moira's email and its attachment is at pages 25 to 33 of Exhibit RH-1.
25. I arrived at the 27 March Meeting before John. I was sitting with my laptop. He arrived and sat down. Before the meeting started, I said to him words to the effect of "*John – this is an important meeting. How do you want me to take the minutes? I assume they need to be detailed?*". He said words to the effect of "*It's very important and I want you to be detailed*". I told him I would. I took notes on my laptop. During the course of the meeting, I typed as fast as I could. I was trying to capture what each person said, and to be as accurate and detailed as possible. Two Members – Chris Crewther, and Moira – read off pre-prepared notes. I didn't type precisely what they said because I knew I would obtain a copy of their notes afterwards (see paragraphs 37-38 below).
26. I recall Moira making her speech. Moira seemed broken and vulnerable as she shared her own personal experience with sexual abuse. She outlined why women's rights are so important to her and that it was because she wanted to protect other girls from experiencing the trauma that she had gone through. It was obvious to me from observing her that she did not feel comfortable sharing her trauma with people who were trying to expel her from the Party Room, but she was doing so out of desperation, as her only option if she wanted to stay in the Party Room.
27. After Moira spoke, there was a short break. I recall seeing there were discussions between John and Moira, through intermediaries. Kim Wells was there as Moira's support person. I was not involved in these discussions. After a while, John announced that there was a proposed compromise. He announced the terms of the compromise and I wrote it down. The compromise was divided into three parts – first, Moira would be suspended from the Party Room for 9 months; secondly, there would be a joint statement from the Leader's Office in conjunction with Moira; and thirdly, the Leader's Office would release a statement saying that Moira was not a Nazi or a Nazi sympathiser. When it came to typing this compromise, I wrote it down twice because they said it once and then returned to it a second time - so I wrote it twice. I read it back to the Party Room and it was voted on and agreed.
28. I understood at the time that the resolution which had been voted on and agreed included that John and Moira were going to get together to prepare a single joint statement which would then be released as a mutual statement.

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After the 27 March Meeting

29. At some stage after the 27 March Meeting, Moira came to my office. She was trying to find John so they could prepare their joint statement. She asked me if I could find out where he was. Accordingly, at around 2.06pm, I texted John and said: "*Moira has asked me as secretary to find out when you're meeting her for the joint statement. She is waiting here for you and has to make plans*". He sent me a text in reply saying: "*Hi Renee, I'll get the office to get in touch with Moira to start working on it if they haven't already. I've just finished the presser a little while ago and have a meeting now.*" I sent a text in reply saying "*Ok. She doesn't have her laptop so you'll need to text her*". I read out to Moira my texts to and from John as I sent and received them. Moira left my office at some stage after that.
30. Later, at approximately 3.52pm, John sent me a further text saying:
- Hi Renee, can you forward the minutes of this morning's meeting? Cheers, JP*
31. My instinct was not to send John my initial notes of the 27 March Meeting because I had not edited or finalised them. But I told myself that John was the Leader and I should obey him. Accordingly, at approximately 3.59pm, I sent John an email with my raw, unedited notes from the 27 March Meeting (**my initial notes**). A copy of that email is at pages 34 to 38 of Exhibit RH-1. I then responded to John's text saying: "*Emailed unedited minutes text*".
32. These initial notes were not, and were not intended to be, the formal 'minutes' of the 27 March Meeting; rather, they were my initial notes – I told John in my email that I had not 'proofed' them yet and I told him in my text that they were 'unedited'. Despite that, my initial notes are consistent with my recollection of the 27 March Meeting. I think they were accurate, even if they were not in final form.
33. At some stage after I sent my initial notes to John, I proof read and edited them, resulting in an edited version of my initial notes (**my edited notes**). Subsequently, as set out at paragraph 39 below, on 30 March 2023 I sent my edited notes to Gary Anderton who was the person I would liaise with when it came to any Party Room correspondence or documents/minutes. I explain the differences between my initial notes and my edited notes at paragraph 40 below.
34. At every stage I was cooperative and acting in good faith to ensure John had everything he needed.
35. I did not have an audio recording of the 27 March Meeting, nor am I aware of anyone else having a recording or of there being one in existence.

Dispute about the minutes of the 27 March Meeting

36. On 28 March 2023, Moira sent an email to John and me in which she said:

Good afternoon Renee & John,

Could I please have a copy of the minutes and a copy of the terms of the suspension motion from the meeting on Monday?

A copy of that email is at page 39 Exhibit RH-1.

37. At approximately 3.22pm on 30 March 2023, Chris Crewther emailed me sending me a copy of his notes from which he had read at the 27 March Meeting (**Chris Crewther's speech**). His email to me and its attachment (a copy of his speech) is at pages 40 to 42 of Exhibit RH-1.

38. At approximately 4.00pm on 30 March 2023, Moira emailed me the text of the speech she had read at the 27 March Meeting (**Moira's speech**). Her email to me is at pages 43 to 49 of Exhibit RH-1.

39. On 30 March 2023, at approximately 5.02pm, I sent an email to Gary Anderton in which I said:

Dear Gary,

Please find attached the minutes from Mondays Party Room Meeting. I notice Moira asked both John and I for a copy.

As Moira will not be able to attend the Party Room next time, she will need an opportunity to raise any issues she has with the current minutes before they are accepted by the party room. Would you like me to seek comments from her so I can share those, if any at the next Party Room meeting?

Renee

A copy of my email is at page 50 of Exhibit RH-1.

There were four attachments to that email. The attachments to the email were as follows:

- (a) First, my edited notes of the 27 March Meeting (pages 51 to 56 of Exhibit RH-1).
- (b) Secondly, Moira's speech she had read at the 27 March Meeting (pages 57 to 60 of Exhibit RH-1). This is the same text that she had emailed to me at 4.00pm.
- (c) Thirdly, Chris Crewther's speech he had read at the 27 March Meeting (pages 61 to 62 of Exhibit RH-1). These are the same notes he had emailed to me at 3.22pm.
- (d) Fourthly, the Expulsion Motion and Dossier (pages 63 to 79 of Exhibit RH-1).

40. The differences between my initial notes and my edited notes are as follows:
- (a) I added the heading 'Special Victorian Parliamentary Liberal Party Meeting: 10am, 27 March 2023 in Opposition Party Room'.
 - (b) I was more formal in my edited notes. For example, I changed references (in my initial notes) to 'JP' to instead say 'John Pesutto' (in my edited notes); I changed 'Richard' to 'Richard Riordan', etc.
 - (c) I made other small amendments and corrections to my initial notes to tidy them up. Some of them were extremely small. For example, in relation to John's opening remarks (after the attendee list), I changed 'House keeping' to 'Housekeeping' and I added a comma after the word 'Monday'. Other amendments were intended to more accurately reflect what had been said.
 - (d) I also added in what I had said during the 27 March Meeting; I had not typed this down at the time, so it was not included in my initial notes.
 - (e) In my initial notes, I had written down the promised compromise twice – as follows:

11:56am. Meeting called to order. We have reached a compromise. People have been moved

The promised compromise –

- moira to be suspended from the party room for 9 months
- a joint statement
- a media statement this statement will make clear that no one was accusing Moira of being a Nazi, or Nazi sympathiser.

Effective: 9 months from this meeting.

Motion:

- nine months suspension immediately
- joint statement from the leaders office in conjunction with Moira
- we will release a statement that she is not a Nazi

Agreed but not with a show of hands.

- (f) In my edited notes, I condensed this so it was only written once – as follows:

11:56am. Meeting called to order. We have reached a compromise. People have been moved

The promised compromise –

- Moira to be suspended from the party room for 9 months effective from this meeting
- Joint statement from the leader's office in conjunction with Moira
- A media statement - this statement will make it clear that no one was accusing Moira of being a Nazi, or Nazi sympathiser.

Agreed but not with a unanimous show of hands. Support was sort for the agreement as negotiated between Moira, the leadership, and others. It was put to the room for support of the agreement, quite a number in the room raised their hands, but it was not unanimous.

41. In my email to Gary Anderton at approximately 5.02pm referred to at paragraph 39 above, I had asked whether I should seek comments from Moira on 'the current minutes' of the 27 March Meeting. Shortly afterwards, at approximately 5.34pm on 30 March 2023, Gary emailed me in reply, saying:

Not at the moment, I'll seek some advice.

Will go through the process, and I will come back to you.

A copy of that email is at page 80 of Exhibit RH-1.

42. On 9 April 2023, Moira sent a further email to John and me in which she said:

Good afternoon,

I refer to my last correspondence dated 28th March, requesting a copy of the minutes and the details of my suspension.

I once again request that this information be forwarded to me as soon as possible.

A copy of that email is at page 81 of Exhibit RH-1.

43. I thought Moira was entitled to have the information she was requesting. [REDACTED]

[REDACTED] I cannot now recall the specific conversations I had about this, but I believe I would have been directed by John or someone on his behalf not to provide my notes of the 27 March Meeting to Moira.

44. Subsequently, in April 2023, there was an article by Peta Credlin reporting on my notes of the 27 March Meeting. I had not provided them to Peta Credlin or any other journalist or anyone outside the Victorian Parliamentary Liberal Party.

45. I sent the following text to John at approximately 10.11am on 23 April 2023:

Hey John,

I tried to call you. There is a Credlin article and she says someone read her the party room meeting minutes.

I don't see how that could be the case. I didn't read them to her. In fact, I've never spoken to her.

They were sent to your office but I'd imagine that is secure?

Renee

46. At about 11.46am on 23 April 2023, I had a missed call from John. I sent him a text saying "Sorry I missed your call. I'm Meeting with community groups for the next three hours. Can text though". He responded "I have ANZAC events on this afternoon but we'll need

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Renee

to discuss this tomorrow. In the meantime, can you forward a copy of your email to Moira attaching notes of the 27/3 meeting? Gary told me at the time that you had indicated to him that you sent them to Moira and I presume that was by email. If sent otherwise just LMK tomorrow. Cheers, JP".

47. In response to John's last text, above, I sent him an email at approximately 4.56pm forwarding him the email exchange I had had with Gary Anderton on 30 March 2023. A copy of my email to John is at page 83 of Exhibit RH-1. I had not sent Moira a copy of my notes of the 27 March Meeting.
48. I then sent John a further text at 5.11pm saying: *"I've forwarded the email between myself and Gary regarding the minutes"*.
49. On approximately 24 April 2023, I received a call from John. There was also a female staffer on the phone. We discussed the minutes of the 27 March Meeting. John said words to the effect of: *"The leaking of the minutes is a big deal"*. I agreed but said I had not leaked them. He said words to the effect of: *"You need to change the compromise which is recorded in the minutes"*. He said words to the effect of: *"I didn't agree to issue a joint statement on a joint letterhead with Moira"*. He was really pushing hard for me to change this. I thought his issue was that he was saying he had not agreed to the joint statement being on a 'joint letterhead'. I also didn't take anything from the 27 March Meeting that would indicate the joint statement needed to be on a joint letterhead. I said words to the effect of: *"I don't recall the word 'letterhead' being mentioned in the Party Room"*. I thought he was worried about something that wasn't an issue. But I also said words to the effect of *"I'm not comfortable changing the words of the compromise"*. I also said words to the effect of: *"At best it's in contempt of the Party Room; at worst, it's fraud"*. I said words to the effect of: *"John – hear this in the spirit that it's intended. I am worried that if you change the process of how things are done this week, that might not go down well. People are already heightened."* I said words to the effect of *"Whatever your issue is with the minutes, you should take it to the Party Room."* As soon as I refused to change the motion, his whole tone changed. He seemed angry and became cold.
50. On 26 April 2023, at approximately 1.06pm, Moira sent me an email in which she said:

Good afternoon Renee,

I have sought legal advice, and am informed that I have an absolute right to have a copy of the Suspension conditions and the minutes (even if they are drafts) for my confidential records.

I am extremely unhappy that I have not been provided with these.

Please forward them to me at your earliest convenience.

Moira

JP 176

A copy of Moira's email is at page 84 of Exhibit RH-1.

51. I then exchanged the following texts with John:
- (a) At approximately 1.22pm, I sent a text saying: "*Moira has emailed me again requesting the minutes. She said she has gotten legal advice and she is entitled to the suspension conditions and the minutes even if they are in draft form. This is at least the third email requesting them – have you replied to any?*".
 - (b) John responded: "*Renee, I am not releasing any proposed minutes until they are approved by the party room. Until that time, any documentary record of the meeting does not constitute the minutes. No draft notes should be provided. JP*".
 - (c) I responded: "*Thanks. Should I reply and let her know she will get a copy once they are approved by the party room?*".
 - (d) At approximately 5.03pm, he responded: "*Hi Renee, that would be great. JP*".
 - (e) I responded: "*I'll cc you in when I send it*".
52. I responded to Moira's email at approximately 8.48pm on 26 April 2023 in the following terms:

Dear Moira,

I corresponded with John Pesutto today regarding your query. Considering this is your third time requesting the minutes and the details of your suspension via email, I wanted to provide you with a response today.

I asked John if I could fulfil your request. He said he is not releasing any proposed minutes until they are approved by the party room. After which, he will allow me to provide you with a copy.

He said that any documented record of the meeting does not constitute the minutes and no draft can be provided.

The next party room meeting will take place on Tuesday morning.

A copy of my email is at page 85 of Exhibit RH-1.

53. I thought John's position in refusing to provide Moira with the minutes of the 27 March Meeting was unfair, but nonetheless I felt obliged to communicate that position to Moira.
54. Moira responded to my email at approximately 9.19pm on 26 April 2023. A copy of her email is at page 87 of Exhibit RH-1.
55. At approximately 2.00pm on 1 May 2023, ahead of a further meeting of the Victorian Parliamentary Liberal Party scheduled on 2 May 2023, I sent an email to Gary Anderton, saying:

Dear Gary,

Please find attached 5 files.

There are the Party Room and Coalition Party Room minutes that refer to the 21 March 2023.

The other three files are relate the expulsion meeting. The minutes and then the speeches that were read from Chris and Moira.

Jordan and I will finalise the agenda etc when we have everything from Evan.

Renee

A copy of that email is page 90 of Exhibit RH-1.

There were five attachments to that email. The attachments to the email were as follows:

- (a) First, a copy of the minutes of a meeting of the Victorian Parliamentary Liberal Party on 21 February 2023 (pages 92 to 94 of Exhibit RH-1). I am unsure why I sent this; I may have accidentally sent the minutes from 21 February 2023 instead of 21 March 2023.
- (b) Secondly, a copy of my notes of the 27 March Meeting (pages 95 to 100 of Exhibit RH-1). To the best of my recollection, these notes were the same as my edited notes except that I also added in, on page 99 of Exhibit RH-1, what Anne Marie Hermans had said. I do not know why Anne Marie's comments were not included originally, but when I realised they had been left out I thought they should be included. I actually thought she might be insulted if they were not.
- (c) Thirdly, Chris Crewther's speech from the 27 March Meeting (pages 101 to 102 of Exhibit RH-1).
- (d) Fourthly, Moira's speech at the 27 March Meeting (pages 103 to 106 of Exhibit RH-1).
- (e) Fifthly, my notes of the 21 March Meeting (pages 107 to 110 of Exhibit RH-1).

Meeting on 2 May 2023

- 56. On 2 May 2023, there was a further meeting of the Victorian Parliamentary Liberal Party (**2 May Meeting**). A copy of the minutes of the 2 May Meeting is at pages 111 to 112 of Exhibit RH-1.
- 57. At the 2 May Meeting, John approached me and said words to the effect of: "*Renee – I'm just giving you a heads up that I'm going to be moving to reject your minutes of 27 March because they're far too detailed. They're a transcript.*" I said words to the effect of: "*No they're not a transcript.*" He said "*Yes they are*". He then said to the Party Room words to the effect of: "*I'm in a strange situation. I'm in the awkward position where I have to*

moira

Renee 178

reject the minutes because the Secretary has provided three sets of minutes which are all completely different." He then held up my initial notes with track changes and said words to the effect of *"Look, she has even deleted the motion"*. I was shocked [REDACTED]
[REDACTED] I said words to the effect of *"No I haven't. Tell the truth!"*. I explained to the Party Room the differences between the three versions of the minutes. [REDACTED]
[REDACTED]

58. Subsequently, the Party Room did not accept my minutes of the 21 March Meeting or the 27 March Meeting. Instead, it was agreed that John and his office would work with me, David Southwick and Kim Wells to prepare a set of minutes for the 21 March Meeting and the 27 March Meeting which would then be presented to the Party Room to be approved at the next meeting.
59. After leaving the 2 May Meeting, I sent an email at approximately 10.05am to Members of the Victorian Parliamentary Liberal Party. A copy of this email is at pages 113 to 114 of Exhibit RH-1.
60. After the 2 May Meeting, I thought that John would approach me immediately, with David Southwick and Kim Wells, so we could prepare an agreed set of minutes of the 21 March Meeting and 27 March Meeting (as had been agreed in the 2 May Meeting). I cancelled plans I had at home so I could stay in Melbourne to meet with John and David and Kim. But this never happened. John never approached me about this. Eventually, Kim told me I should just go home and proceed with my plans. Over the period from 2 May 2023 to 12 May 2023, I kept asking Kim when the meeting would happen with John and David but neither of them ever approached me about trying to prepare an agreed set of minutes of the 21 March Meeting or 27 March Meeting. Instead, as set out at paragraph 65 below, John prepared his own version of the minutes of the 21 March Meeting and 27 March Meeting.

Moira's expulsion

61. On 6 May 2023, I received an email from James Newbury, in which he requested that a Special Meeting of the Victorian Parliamentary Liberal Party be held on 12 May 2023 in order to move a motion that Moira be expelled from the Victorian Parliamentary Liberal Party. A copy of that email is at page 115 of Exhibit RH-1. The motion did not give a detailed reason for the proposed expulsion. [REDACTED]
62. On 7 May 2023, I (and others) received an email from Moira, a copy of which is at page 116 of Exhibit RH-1, in which she said:

Good afternoon,




Could I please have a copy of the alleged conduct that has apparently brought the Party into disrepute?

63. By this stage, I had lost faith in John and did not trust him and didn't feel safe communicating with him after what he had done to me. Accordingly, to the best of my recollection, I did not contact him about Moira's email.
64. On 9 May 2023, I received an email from Moira, a copy of which is at page 119 of Exhibit RH-1. Moira also copied in John Pesutto, James Newbury, Roma Britnell, Cindy McLeish, Matthew Guy and Wayne Farnham. In her email, she requested "*a copy of the exact conduct to which [James Newbury's] expulsion motion refers*".
65. On 12 May 2023, there was a further meeting of the Victorian Parliamentary Liberal Party (**12 May Meeting**). A copy of the minutes of the 12 May Meeting are at pages 121 to 123 of Exhibit RH-1. During the 12 May Meeting:
- (a) John presented his own versions of minutes of the 21 March Meeting and the 27 March Meeting. I had not been included in the preparation of these documents. When I saw that John had prepared his own versions of the minutes, I asked Kim Wells whether he had been involved in preparing them. He said no. He looked shocked and unimpressed. In John's version of the minutes of the 27 March Meeting, he had changed the description of the resolution from the 27 March Meeting to words that suited him, that were different to what was passed by the Party Room at the 27 March Meeting. This seemed completely inappropriate as it meant it was not a compromise moved and passed by the Party Room, but by him alone.
- (b) There was debate over John's versions of the minutes of the 21 March Meeting and the 27 March Meeting, but ultimately, over objection by several Members, the Party Room voted to adopt his minutes. A copy of John's version of the minutes is at pages 124 to 125 of Exhibit RH-1.
- (c) The Party Room voted on James Newbury's motion to expel Moira. There was debate on the motion.
- (d) Then, Michael O'Brien moved that my position as Secretary be made vacant. This passed and Trung Luu was elected to replace me as Secretary [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Impact on Moira of John’s publications

- 66. I have observed that John’s public statements about Moira – the Media Release, the Expulsion Motion and Dossier, and the other three publications on which Moira sues in this proceeding (which I understand are being referred to as ‘the 3AW Interview’, ‘the ABC Interview’, and ‘the Press Conference’) (**Publications**) – have had a terrible impact on Moira.
- 67. I often ask Moira how she is, and she will often answer that she is highly strung or stressed. I recall there have been times when Moira has expressed to me that she has thought she and her family were in physical danger, and she feels unsafe.
- 68. She has told me that the Publications, and reporting on them, have taken a toll on her family and her marriage.
- 69. I have observed that people have treated Moira poorly since the Publications. Some people within the Victorian Parliamentary Liberal Party shun her and roll their eyes when her name is mentioned. They say things like “typical Moira”.
- 70. I think it will be difficult for Moira to repair her reputation because of the serious nature of the claims made against her and the measure of the publicity it received. Claiming that a person is a Nazi or Nazi sympathiser are amongst the worst claims that can be made about a person. I think everybody in politics, and in society, would agree with that. I think Moira may not be able to remove the taint of these claims.

Sworn by the deponent
 at Melbourne
 in Victoria
 on 27 May 2024
 Before me:

)
)
) 
)
) Signature of deponent



 Signature of witness

 Name and qualification of witness

Kieran Lucas Sheehan 

 An Australian legal practitioner within the meaning
 of the Legal Profession Uniform Law (Victoria)