

NOTICE OF FILING

Details of Filing

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File Title: MOIRA DEEMING v JOHN PESUTTO
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit of David Hodgett

VID 1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **David Hodgett**
Address: [REDACTED]
Occupation: Member of Parliament
Date: 30 July 2024

I, David Hodgett, of [REDACTED], say on oath:

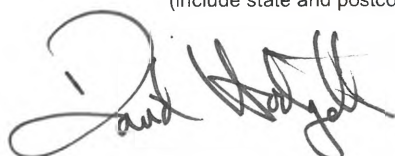
1. I swore my first affidavit on 24 May 2024 (**First Affidavit**).
2. In this affidavit, I adopt the defined terms used in my First Affidavit.

Introduction

3. I have been a member of the Liberal Party since 2001. Since then, I have interacted frequently with members of the Liberal Party.
4. As set out at paragraph [1] of my First Affidavit, I have been the Liberal Member of the Victorian Legislative Assembly since 2006, representing the electorates of Kilsyth (2006 to 2014) and Croydon (2014 to date). Kilsyth was an electoral district in the outer eastern suburbs of Melbourne, encompassing the suburbs of Bayswater North and Croydon South and parts of the suburbs of Kilsyth, Lilydale and Montrose. Croydon is an electoral district

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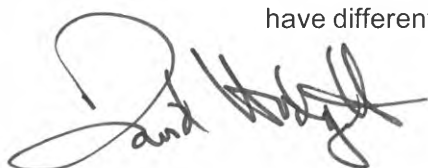



in the east of Melbourne. It contains the suburbs of Croydon, Croydon Hills, Croydon North, Croydon South, Mooroolbark, Kilsyth, Kilsyth South and Bayswater North in the Local Government Areas of Maroondah City and Yarra Ranges Shire. As a result of having represented Kilsyth from 2006 to 2014 and then Croydon from 2014, I frequently interact and mix with members of the general community throughout these regions.

5. As a Member of Parliament since 2006 (including Deputy Leader of the Victorian Liberal Party from December 2014 until December 2018), I have also interacted and mixed with many people within Parliament – not only members of the Liberal Party but also members of other parties.

Mrs Deeming’s reputation (prior to the Media Release on 19 March 2023)

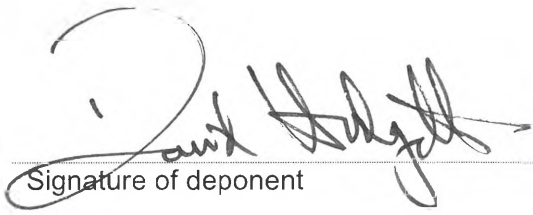
6. I was aware that Mrs Deeming was not endorsed as a candidate at the federal level, however I am not aware of why Mrs Deeming was not endorsed at the federal level. I had heard that Mrs Deeming’s candidacy had been rejected. I do not know whether or not there was an intervention from the Liberal Party Secretariat or the Prime Minister’s Office resulting in the rejection of her candidacy. On two occasions, I was not preselected at the federal level before being preselected as the Liberal candidate for Kilsyth for the 2006 State Election.
7. I was not aware of any controversy when Mrs Deeming was endorsed as the Liberal Party candidate for the Western Metropolitan Region for the November 2022 State Election.
8. Prior to 19 March 2023, I was aware of some media reports written about Mrs Deeming – for example, in relation to her maiden speech. As an MP, I keep my eyes on the media and on emerging news stories of relevance to Victorians (especially those within my electorate) and the Victorian Parliamentary Liberal Party. I would have seen or heard, at the time, any publicity about Mrs Deeming prior to 19 March 2023, but I do not now recall all the details of these media reports, as I tend to prioritise and focus on the issues in my electorate. However, my recollection is that the reporting about Moira prior to 19 March 2023 was limited and was not widespread. I also do not recall any reporting which was politically significant for the Liberal Party. If the reporting had been widespread, or politically significant for the Liberal Party, I would expect to recall this. I do not recall any discussions within the Party Room about Moira or her views.
9. Prior to 19 March 2023, in the circles in which I mixed (as set out at [3]-[5] above), Mrs Deeming did not have a bad reputation. People had not raised any issues about Mrs Deeming with me. In the circles in which I mixed, it was known that she was passionate and was a person who had principles and strong views – for example, in relation to family values, gender issues, and sex-based rights. In my experience in politics, different people have different views. There are those within the Victorian Parliamentary Liberal Party who




have staunch views on particular topics. Not all of us agree with them. But I had never heard it suggested that Mrs Deeming held hateful views. My observation and perception at the time was that her views on sex-based rights had a lot of popular support within the circles in which I mixed.

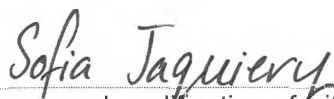
- 10. Based on my experience in politics, I think that Mrs Deeming’s attendance at the ‘Let Women Speak’ Rally would not have been a focus for the media if the Media Release had not been published, and the focus would have been on the Nazis on the steps of Parliament, not on Mrs Deeming or the Rally. There was the risk that the Premier and or government would conflate the issues and use it to attack the Party for political advantage.
- 11. I have given my recollection of the 21 March Meeting at [16]-[18] of my First Affidavit. I do not recall Mrs Deeming describing an image as ‘hilarious’, but I do recall her flicking through the Expulsion Motion and Dossier to seek to refute the allegations in it. My recollection is that, in effect, she was ridiculing that the contents of the Expulsion Motion and Dossier justified her being expelled.
- 12. I have given my recollection of the events of 27 March 2023 at [19]-[30] of my First Affidavit. Based on my experience in politics, the words ‘joint statement’ are ordinarily understood to mean a statement with comments from both people with the letterheads of both people. During the meetings to prepare the statement, Mrs Deeming had asked where Mr Pesutto’s words were, and it was clear to me at the time, and I thought it was clear to the others in the room, that she thought her statement was going to be merged with a statement from Mr Pesutto, to be a joint statement, which is what the Party Room had voted on. That was also my understanding at the time.

Sworn by the deponent
 at Melbourne
 in Victoria
 on 30 July 2024
 Before me:

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)
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)
) 
) Signature of deponent



Signature of witness


 Name and qualification of witness
 Australian Legal Practitioner

