

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 27/05/2024 12:56:36 PM AEST
Date Accepted for Filing: 27/05/2024 12:56:42 PM AEST
File Number: VID1023/2023
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

No. VID 1023 of 2023

Federal Court of Australia
District Registry: Melbourne
Division: General Division

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Louise Staley**

Address: [REDACTED]

Occupation: Chief of Staff, Office of John Pesutto MP, Leader of the Opposition

Date: 24 May 2024

I, Louise Staley, Chief of Staff, Office of John Pesutto MP, Leader of the Opposition, of [REDACTED]
[REDACTED], in the State of Victoria, solemnly and sincerely affirm:

1. I am currently the Chief of Staff to Mr John Pesutto MP (**John**), Leader of the Opposition and Victorian Liberal Party (the **Party**).

My professional background

2. I have been a member of the Party since 1985. I have held various positions in the Party in that time, including as State Vice President between 1996 and 2000.
3. I was elected as the Liberal Member for the electorate of Ripon in November 2014. I held that position until the election in November 2022.

Filed on behalf of (name & role of party) John Pesutto, Respondent
Prepared by (name of person/lawyer) Peter Bartlett
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Address for service MinterEllison, 447 Collins Street, Melbourne VIC 3000
(include state and postcode)

Louise Staley

Dean Levitan

4. During my time as the Member for Ripon, I held a number of shadow Ministerial positions, including:
- (a) Shadow Treasurer (19 December 2018 – 12 September 2021);
 - (b) Shadow Minister for Economic Development (19 December 2018 – 12 September 2021);
 - (c) Shadow Minister for Transport Infrastructure (12 September 2021 – 25 February 2022);
 - (d) Shadow Minister for Roads (12 September 2021 – 25 February 2022);
 - (e) Shadow Minister for Government Scrutiny (25 February 2022 – 25 November 2022); and
 - (f) Manager of Opposition Business (12 September 2021 – 25 November 2022).
5. On about 3 March 2024, I became John's Chief of Staff.

Endorsement of Mrs Deeming

6. On 28 July 2022, I attended a meeting of the Liberal Party of Australia's Administrative Committee (Victorian Division) on behalf of the then Leader of the Opposition, Mr Matthew Guy, as his representative.
7. Although I was not acting upon any direct instruction from Mr Guy, I understood that in appointing me as his representative for the meeting, Mr Guy trusted me to act and to exercise his vote in accordance with my assessment of his best interests as Opposition Leader, and the best interests of the Victorian Parliamentary Liberal Party.
8. One of the items of business at this meeting was the endorsement of Mrs Deeming as the Party's lead candidate for the Western Metropolitan Region of the Legislative Council at the 2022 State election.
9. Although Mrs Deeming had been selected by delegates at a preselection convention on 23 July 2022, it was open to the Administrative Committee (the **Committee**) under the Party's Constitution not to endorse her candidacy.
10. Specifically, since the preselection convention on 23 July 2022 there had been daily negative media reports featuring Mrs Deeming. This included reporting of her anti-abortion and anti-transgender views; former MPs such as Andrew Elsbury resigning from the Party

Louise Staley




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because of her selection, that she was “deemed too risky” to be a Federal candidate for the Liberal Party for the seat of Gorton for example as reported in *The Age*: [Moira Deeming deemed ‘too extreme’ for Scott Morrison’s campaign \(theage.com.au\)](#); and that expelled former MP Bernie Finn was “absolutely delighted” Mrs Deeming had been selected for the seat he at that stage held, for example as reported in *The Guardian*: [‘My number one issue’: Victoria Liberal candidate has history of attacking transgender rights | Victorian politics | The Guardian](#). And prior to the preselection, her mischaracterisation of a Federally-approved school curriculum as teaching “erotic sexual education” which, for example, was reported on *Sky News Australia* [‘High school teacher slams ‘disturbing, inappropriate’ curriculum | Sky News Australia’](#). Annexed and marked **LS-1** is a bundle of the media articles referred to in this paragraph.

- 11. Accordingly, I argued that the Committee should delay making a decision about her endorsement until it could gather further information regarding her suitability. I was concerned that, should Mrs Deeming be endorsed and then be revealed not to be suitable to be a candidate, the Party may be forced to disendorse her. I believed that this would be damaging to the Party’s electoral prospects.
- 12. The matter was put to a vote. I voted not to endorse Mrs Deeming, as did other members of the Administrative Committee, including the Immediate Past President of the Division, Mr Michael Kroger. It is my belief that the members who voted against her endorsement did so because they could see the damage to the Liberal brand, and hence its electability, from potential continued poor publicity.
- 13. In my experience, it is highly unusual for a candidate selected by delegates to not be unanimously endorsed by the Committee. The fact that a number of people on the Committee voted not to endorse Mrs Deeming is in my view reflective of the reputation she had at the time as someone with fringe and extreme views.
- 14. My reason for voting not to endorse Mrs Deeming was my belief that her endorsement might ultimately damage the Party and our prospects of winning government at the 2022 state election. I, therefore, considered that her endorsement would not be in the best interests of the Opposition Leader, whose vote I was entrusted to exercise at the meeting, nor the Victorian Parliamentary Liberal Party, of which I was a member.
- 15. In my opinion, as at 23 March 2023, Mrs Deeming had a settled reputation in the circles in which I moved as someone with fringe and extreme views.

Louise Staley 

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The Rally - 18 March 2023

16. During the evening of 18 March 2023, I became aware of media reports that a group of men had performed a series of Nazi salutes on the steps of the Victorian Parliament while a rally was being held by UK activist Kellie-Jay Keen (**Keen**). These reports also indicated that Mrs Deeming had been in attendance at this rally.
17. Nazism and its symbols, including the Nazi salute, are abhorrent and completely unacceptable in Victoria. I was concerned that the attendance of a Liberal MP at a rally at which Nazi salutes had been performed could be highly damaging to the Liberal Party's standing within the Victorian community and its future electoral prospects. Specifically, I was concerned that any perceived link between the Liberal Party and Nazis would be so damaging to the Party's standing that it would make it impossible for the Party to be elected to government.
18. I was so concerned that, at 7:16pm, I sent a series of text messages John, alerting him to the Nazis' actions on the steps of Parliament House and expressing my concern about Mrs Deeming's attendance at the rally. I was so alarmed that I encouraged John to consider expelling Mrs Deeming from the the Party. I routinely delete my text messages and no longer have a copy of these messages.
19. At around this time, I did not hold any formal leadership position within the Party, but I was writing to John as a concerned Liberal Party member, and based on my decades of experience in politics.

Louise Staley



.....Dean Levitan



Affirmed by the deponent
at Ararat
in Victoria
on 24 May 2024
Before me:

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Signature of deponent



Signature of witness

Dean Levitan

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

This affidavit was affirmed and witnessed
remotely using an electronic copy of the
affidavit in accordance with the *Oaths and
Affirmations Act 2018* (Vic)