

NOTICE OF FILING

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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.

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Defence

No. VID1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

The Respondent (**Pesutto**) relies upon the following facts, matters and assertions in answer to the Statement of Claim filed by the Applicant (**Deeming**) on 5 December 2023 (**SOC**).

Unless stated otherwise, Pesutto adopts the same headings and terms defined used in the SOC.

Parties

1. In answer to paragraph 1 of the SOC, Pesutto:
 - 1.1 admits sub-paragraph 1.1;
 - 1.2 admits sub-paragraph 1.2; and
 - 1.3 save to say that the expulsion was not 'purported', admits subparagraph 1.3.
2. Pesutto admits the allegations in paragraph 2 of the SOC.

Filed on behalf of	John Pesutto, Respondent
Prepared by	Peter Bartlett
Law firm	MinterEllison
Tel (03) 8608 2677	Fax (03) 8608 1088
Email	peter.bartlett@minterellison.com
Address for service	Collins Arch, 447 Collins Street, MELBOURNE VIC 3000
	Our reference: DAL PLB 1447570

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Publications

Media Release

3. In answer to paragraph 3 of the SOC, Pesutto:
 - 3.1 admits that he published the Media Release by causing it to be uploaded to each of the John Pesutto – Member for Hawthorn Website and the Victorian Liberal Party Website, from where it was downloaded and read by persons in Victoria, and by causing it to be provided to journalists with the intent and knowledge that its contents would likely be reported upon;
 - 3.2 does not know whether, and therefore does not admit that, the Media Release was downloaded from the John Pesutto – Member for Hawthorn Website and the Victorian Liberal Party Website and read and thereby published in the Australian Capital Territory or the other States and Territories of Australia;
 - 3.3 admits that reports referring to parts of the contents of the Media Release were published in the articles referred to in subparagraphs 3.4(a) to (g), and that such reports were the natural and probable consequence of the publication of the Media Release as referred to in subparagraph 3.1 above;
 - 3.4 does not plead to subparagraphs 3.2(d), 3.3(d), 3.5 or 3.6 as they make no allegations against him; and
 - 3.5 otherwise denies the allegations in paragraph 3.

Particulars of Publication

- (i) The Media Release had approximately 28 unique views from the John Pesutto – Member for Hawthorn website between 19 March 2023 and the date when it was removed from that website.
- (ii) The Media Release had approximately 26 unique views from the Victorian Liberal Party website between 19 March 2023 and the date when it was removed from that website.
- (iii) The Media Release was sent to a mailing list of approximately 767 journalists and others with an interest in receiving media releases from the office of the Leader of the Opposition.

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4. Pesutto admits paragraph 4 of the SOC.
5. In answer to paragraph 5 of the SOC, Pesutto:
 - 5.1 admits the Media Release was defamatory of Deeming;
 - 5.2 denies that the Media Release carries or is capable of carrying any of the imputations pleaded in paragraph 5 of the SOC, but admits that if, contrary to that denial, those imputations or any of them are carried, then they are defamatory of Deeming; and
 - 5.3 says further that in its natural and ordinary meaning, the Media Release carries and was understood to carry the following defamatory imputation (**Media Release Imputation**):
 - (a) Deeming, by reason of having been involved in organising, promoting and participating in, and attending, a rally with speakers and other organisers who themselves have been publicly associated with far right-wing extremist groups including neo-Nazi activists, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
6. In answer to paragraph 6 of the SOC, Pesutto:
 - 6.1 admits that he participated in the 3AW Interview and that, subject to the correction of errors, Schedule C to the SOC contains a transcript of the 3AW Interview;
 - 6.2 admits subparagraph 6.2;
 - 6.3 admits that the 3AW Interview was live streamed through the 3AW website, but does not know whether, and therefore cannot admit that, it had an audience in Victoria, the ACT or any other State or Territory of Australia;
 - 6.4 admits that the 3AW Interview was uploaded to the 3AW website as alleged in subparagraph 6.4, but does not know whether, and therefore cannot admit that, it had an audience in Victoria, the ACT or any other State or Territory of Australia or that it is still available for download;
 - 6.5 does not plead to subparagraph 6.5 because it makes no allegations against him;

- 6.6 otherwise denies the allegations in paragraph 6; and
- 6.7 says further that the allegations in paragraph 6 do not disclose any cause of action, are repeated in substance in paragraph 8 of the SOC, and are not otherwise relevant to any cause of action pleaded by Deeming, and accordingly paragraph 6 of the SOC is likely to cause prejudice, embarrassment or delay in the proceeding and should be struck out pursuant to rule 16.21(1) of the FCR.
7. Pesutto denies the allegations in paragraph 7 of the SOC. He does not plead to the matters in subparagraphs 7.1 to 7.19 of the SOC having regard to Note 3 to rule 16.41 of the FCR, because they are in the nature of particulars and not allegations of material fact.

3AW Interview

8. In answer to paragraph 8 of the SOC, Pesutto admits that he knowingly participated in, and thereby published the words he uttered in the course of, the 3AW Interview, and:
- 8.1 admits that, subject to the correction of errors, a transcript of the 3AW interview is set out at Schedule C to the SOC;
- 8.2 admits subparagraph 8.2;
- 8.3 admits that the 3AW Interview was live streamed through the 3AW website, but does not know whether, and therefore cannot admit that, it had an audience in Victoria, the ACT or any other State or Territory of Australia;
- 8.4 admits that the 3AW Interview was uploaded to the 3AW website as alleged in subparagraph 8.4, but does not know whether, and therefore cannot admit that, it had an audience in Victoria, the ACT or any other State or Territory of Australia or that it is still available for download;
- 8.5 admits that it was the natural and probable consequence of his participation that the 3AW Interview would be uploaded to the 3AW website;
- 8.6 does not plead to subparagraph 8.5 because it makes no allegations against him; and
- 8.7 otherwise denies the allegations in paragraph 8.
9. Pesutto admits paragraph 9 of the SOC.

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10. In answer to paragraph 10 of the SOC, Pesutto:
- 10.1 admits that the 3AW Interview was defamatory of Deeming;
 - 10.2 denies that the 3AW Interview carries or is capable of carrying any of the imputations pleaded in paragraph 10 of the SOC, but admits that if, contrary to that denial, those imputations or any of them are carried, then they are defamatory of Deeming; and
 - 10.3 says further that in its natural and ordinary meaning, the 3AW Interview carries and was understood to carry the following defamatory imputations (**3AW Imputations**):
 - (a) Deeming, by reason of having helped to organise and promote a protest rally and associating with persons with known links to Nazis, Nazi sympathisers, far right extremists and/or white supremacists, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership; and
 - (b) Deeming, by reason of not having left a protest rally that she had helped to organise and promote when neo-Nazis turned up, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
11. Pesutto denies the allegations in paragraph 11 of the SOC. He does not plead to the matters in subparagraphs 11.1 to 11.8 of the SOC having regard to Note 3 to rule 16.41 of the FCR, because they are in the nature of particulars and not allegations of material fact.

ABC Interview

12. In answer to paragraph 12 of the SOC, Pesutto admits that he knowingly participated in, and thereby published the words he uttered in the course of, the ABC Interview, and:
- 12.1 admits that Schedule E to the SOC contains a transcript of the ABC Interview;
 - 12.2 admits subparagraph 12.2;
 - 12.3 admits the ABC Interview was uploaded to and available by streaming on ABC iView on 20 March 2023, but does not know whether, and therefore cannot admit that, it was published to viewers in Victoria, the ACT or any other State or Territory of Australia;

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- 12.4 admits the allegations in subparagraph 12.4;
- 12.5 does not admit the allegations in subparagraph 12.5 because he does not know whether or not they are true;
- 12.6 admits the allegations in subparagraphs 12.6(a), (b), (i) and (iii), but does not admit the allegations in subparagraph 12.6(ii) because he does not know whether or not they are true;
- 12.7 does not plead to paragraph 12.7 because it makes no allegations against him;
- 12.8 admits that reports referring to parts of the contents of the ABC Interview were published in the articles referred to in subparagraphs 12.8(a) to (c), and that such reports were the natural and probable consequence of the publication of the ABC Interview;
- 12.9 does not plead to paragraph 12.9 because it contains no allegations against him;
and
- 12.10 otherwise denies the allegations in paragraph 12.
13. Pesutto admits paragraph 13 of the SOC.
14. In answer to paragraph 14 of the SOC, Pesutto:
- 14.1 admits that the ABC Interview was defamatory of Deeming;
- 14.2 denies that the ABC Interview carries or is capable of carrying any of the imputations pleaded in paragraph 14 of the SOC, but admits that if, contrary to that denial, those imputations or any of them are carried, then they are defamatory of Deeming; and
- 14.3 says further that in its natural and ordinary meaning, the ABC Interview carries and was understood to carry the following defamatory imputation (**ABC Imputation**):
- (a) Deeming, by reason of having attended and been actively involved in the organisation and promotion of a protest on the steps of the Victorian Parliament at which there were speakers with known links with neo-Nazis and white supremacists, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.

15. In answer to paragraph 15 of the SOC, Pesutto:
 - 15.1 says that the paragraph makes no allegation that is relevant to the causes of action pleaded by Deeming, and is therefore likely to cause prejudice, embarrassment or delay in the proceeding, and should be struck out pursuant to rule 16.21(1) of the FCR; and
 - 15.2 under cover of that objection, denies the allegations in paragraph 15.
16. Pesutto denies the allegations in paragraph 16 of the SOC. He does not plead to the matters in subparagraphs 16.1 to 16.8 of the SOC having regard to Note 3 to rule 16.41 of the FCR, because they are in the nature of particulars and not allegations of material fact.

Press Conference

17. In answer to paragraph 17 of the SOC, Pesutto admits that he published the words uttered by him in the course of the Press Conference, and:
 - 17.1 admits that, subject to the correction of errors, a transcript of the Press Conference is set out at Schedule F to the SOC;
 - 17.2 does not plead to subparagraphs 17.2, 17.5 and 17.6 as they make no allegations against him;
 - 17.3 admits that he published the words uttered by him in the course of the Press Conference with the intention and knowledge that they would be republished by the media to people in Victoria and the other States and Territories of Australia, and that such republications were the natural and probable consequence of the convening of the Press Conference;
 - 17.4 admits that reports referring to words uttered by Pesutto in the course of the Press Conference were published in the articles referred to in subparagraphs 17.4(a) to (l); and
 - 17.5 otherwise denies the allegations in paragraph 17.
18. Pesutto admits paragraph 18 of the SOC.
19. In answer to paragraph 19 of the SOC, Pesutto:

- 19.1 admits that the Press Conference was defamatory of Deeming;
- 19.2 denies that the Press Conference carries or is capable of carrying any of the imputations pleaded in paragraph 19 of the SOC, but admits that if, contrary to that denial, those imputations or any of them are carried, then they are defamatory of Deeming; and
- 19.3 says further that in its natural and ordinary meaning, the Press Conference carries and was understood to carry the following defamatory imputations (**Press Conference Imputations**):
- (a) Deeming, by reason of having worked with organisers of a rally with known and established links with people who have Nazi sympathies and who promote white supremacist and ethno-fascist views, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership;
 - (b) Deeming, by reason of not having left a protest rally that she had helped to organise when neo-Nazis arrived, and not immediately disowning or disassociating from them, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership; and
 - (c) Deeming, by celebrating her involvement in a protest rally, which she helped to organise with people who have shared platforms and viewpoints with people who promote Nazi views or sympathies, and which was attended by neo-Nazis, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
20. In answer to paragraph 20 of the SOC, Pesutto:
- 20.1 says that the paragraph makes no allegation that is relevant to the causes of action pleaded by Deeming, and is therefore likely to cause prejudice, embarrassment or delay in the proceeding, and should be struck out pursuant to rule 16.21(1) of the FCR; and
- 20.2 under cover of that objection, denies the allegations in paragraph 20.

21. Pesutto denies the allegations in paragraph 21 of the SOC. He does not plead to the matters in subparagraphs 21.1 to 21.8 of the SOC having regard to Note 3 to rule 16.41 of the FCR, because they are in the nature of particulars and not allegations of material fact.

Expulsion Motion and Dossier

22. In answer to paragraph 22 of the SOC, Pesutto:
- 22.1 admits that on or around 20 March 2023 he published the Expulsion Motion and Dossier which is set out at Schedule G to the SOC to Members of the Victorian Parliamentary Liberal Party;
- 22.2 says that, on 20 March 2023, a copy of the Expulsion Motion and Dossier was leaked to (at least) *The Age* newspaper by persons unknown to him and without his knowledge or authorisation, and was republished in part on *The Age* website;
- 22.3 admits that on 21 March 2023, after the Expulsion Motion and Dossier had been leaked and republished in part as alleged in subparagraph 22.2, and after his office had received inquiries regarding the Expulsion Motion and Dossier, his office provided a copy of the Expulsion Motion and Dossier to *The Australian* and the *Herald Sun*, the latter of which advised that it already had a copy;

Particulars

- (i) The Expulsion Motion and Dossier was served electronically on Moira Deeming at 5:42 PM on Monday 20 March 2023. A copy was provided to all Victorian Parliamentary Liberal Party members by email at 6:01 PM the same day.
- (ii) At about 8:44pm on 20 March 2023, *The Age* published an article on its website entitled 'Deeming vows to fight move to expel her from party room' which contained material from the Expulsion Motion and Dossier.
- (iii) Following the publication of that article, Pesutto's office received media inquiries regarding the document referred to by *The Age* and provided a copy of the Expulsion Motion and Dossier in response to those inquiries.

- 22.4 admits the Expulsion Motion and Dossier was published on or via the websites of the *Herald Sun* and *The Australian* and that the Expulsion Motion and Dossier is still available for download through those newspapers' websites;
- 22.5 admits that reports referring to parts of the contents of the Expulsion Motion and Dossier were published in the articles referred to in subparagraphs 22.5(a) to (g), and that he knew that such reports were likely to be the natural and probable consequence of the conduct of his office referred to in subparagraph 22.3 above;
- 22.6 does not plead to subparagraphs 22.6 to 22.8 as they contain no allegations against him; and
- 22.7 otherwise denies the allegations in paragraph 22.
23. Pesutto admits paragraph 23 of the SOC.
24. In answer to paragraph 24 of the SOC, Pesutto:
- 24.1 admits that the Expulsion Motion and Dossier was defamatory of Deeming;
- 24.2 admits that the Expulsion Motion and Dossier conveyed the imputations set out in subparagraphs 24.1 and 24.3, or imputations that do not differ in substance from those imputations, and that they are defamatory of Deeming; and
- 24.3 denies that the Expulsion Motion and Dossier carries or is capable of carrying any of the imputations pleaded in subparagraphs 24.2, 24.4, 24.5 of 24.6 of the SOC, but admits that if, contrary to that denial, those imputations or any of them are carried, then they are defamatory of Deeming; and
- 24.4 says further that in its natural and ordinary meaning, the Expulsion Motion and Dossier carries and was understood to carry the following defamatory imputations (**Expulsion Motion Imputations**):
- (a) Deeming conducted herself in a manner likely to bring discredit on the Victorian Parliament or Victorian Parliamentary Liberal Party, by organising, promoting and attending a rally where Kellie-Jay Keen (also known as Posie Parker) was the principal speaker, in circumstances where Ms Keen was known to be publicly associated with far right-wing extremist groups including neo-Nazi activists; and

- (b) Deeming conducted herself in a manner likely to bring discredit on the Victorian Parliament or Victorian Parliamentary Liberal Party, by meeting with and publishing a video with Kellie-Jay Keen, Katherine Deves and Angie Jones.

25. In answer to paragraph 25 of the SOC, Pesutto:

25.1 says that the paragraph makes no allegation that is relevant to the causes of action pleaded by Deeming, and is therefore likely to cause prejudice, embarrassment or delay in the proceeding, and should be struck out pursuant to rule 16.21(1) of the FCR; and

25.2 under cover of that objection, denies the allegations in paragraph 25.

26. Pesutto denies the allegations in paragraph 26 of the SOC. He does not plead to the matters in subparagraphs 26.1 to 26.9 of the SOC having regard to Note 3 to rule 16.41 of the FCR, because they are in the nature of particulars and not allegations of material fact.

Concerns Notices

27. Pesutto admits paragraph 27 of the SOC.

28. Pesutto admits paragraph 28 of the SOC.

29. Pesutto admits paragraph 29 of the SOC.

30. Pesutto admits paragraph 30 of the SOC.

31. Pesutto admits paragraph 31 of the SOC.

32. Pesutto admits paragraph 32 of the SOC.

33. Pesutto admits paragraph 33 of the SOC.

34. Pesutto admits paragraph 34 of the SOC.

35. Pesutto admits paragraph 35 of the SOC.

36. Pesutto admits paragraph 36 of the SOC.

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Damages

37. Pesutto denies the allegations in paragraph 37 of the SOC.
38. In answer to paragraph 38 of the SOC, Pesutto:
- 38.1 denies that if (which is denied) Pesutto is liable to Deeming, Deeming is entitled to any aggravated damages, for the reasons set out or at all; and
- 38.2 otherwise does not plead to the matters in subparagraphs 38.1 to 38.8 of the SOC having regard to Note 3 to rule 16.41 of the FCR, because they are in the nature of particulars and not allegations of material fact.

Injunctive relief

39. Pesutto admits that he has published each of the matters complained of to the extent admitted above, but otherwise denies paragraph 39 of the SOC.
40. Pesutto admits paragraph 40 of the SOC.
41. In answer to paragraph 41 of the SOC, and having regard to the matters said to constitute Subsequent Conduct in paragraph 38.7 of the SOC, Pesutto:
- 41.1 denies the allegations in subparagraphs 38.7(a), (c), (e);
- 41.2 denies that he promoted the matters complained of as alleged in subparagraph 38.7(b), and says that he published the matters complained of only to the extent he genuinely considered necessary and appropriate in his capacity as the Leader of Victorian Parliamentary Liberal Party;
- 41.3 save for the admissions as to publication set out above, denies the allegations in subparagraph 38.7(d); and
- 41.4 says that the allegations in subparagraphs 38(e) to (p) are irrelevant to Deeming's assertion that she is entitled, if successful at trial, to permanent injunctive relief.
42. Pesutto denies paragraph 42 of the SOC.
43. In further answer to the allegations in the SOC, Pesutto denies Deeming is entitled to the relief sought in the Originating Application or any other relief at all.

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Honest Opinion: s 31(1) of the *Defamation Act 2005 (Vic) (Act)*

Media Release

44. Further or in the alternative, Pesutto says that:

44.1 the Media Release was an expression of Pesutto's opinion rather than a statement of fact;

44.2 the opinion related to a matter of public interest; and

44.3 the opinion was based on proper material.

Particulars

- (i) The Media Release was an expression of Pesutto's opinion that Deeming is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under his leadership.
- (ii) The Media Release related to the following matters of public interest **(Subjects)**:
 - (A) The values of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
 - (B) Pesutto's abhorrence of Nazis, neo-Nazis, Nazi sympathisers, far-right extremists and white supremacists.
 - (C) Pesutto's determination that the Victorian Parliamentary Liberal Party reflect the values of the Victorian community and eschew any direct or indirect association with Nazis, neo-Nazis, Nazi sympathisers, far-right extremists and white supremacists.
 - (D) The Let Women Speak Melbourne rally held on the steps of Victorian Parliament House on 18 March 2023 (**Rally**).
 - (E) Deeming's involvement in organising, promoting and attending the Rally while a member of the Victorian Parliament and (at the time) a member of the Victorian Parliamentary Liberal Party.

- (F) The involvement of Kellie-Jay Keen (also known as Posie Parker) (**Keen**) in organising and speaking at the Rally.
 - (G) The attendance of a group of neo-Nazis at the Rally, performing the Nazi salute on the steps of the Victorian Parliament while displaying a banner reading 'DESTROY PAEDO FREAKS'.
 - (H) Deeming's failure to leave the Rally or take immediate steps to dissociate herself from the Rally and unequivocally condemn the attendance of neo-Nazis.
 - (I) The uploading to YouTube of a video in which Deeming, and other organisers of the Rally, namely Keen, Katherine Deves and Angie Jones (**Jones**), are seen celebrating what they considered to be the success of the Rally while drinking champagne.
 - (J) The posting of a Tweet by Jones after the Rally bearing the words, 'Nazis and women want to get rid of paedo filth. Why don't you?'
 - (K) Deeming's association with, and failure to dissociate herself from, Keen and Jones, in circumstances where they have abhorrent associations and/or hold abhorrent views.
- (iii) The opinion was based on the following material that was set out in the Media Release in specific or general terms, namely:
- (A) The Rally held on the steps of the Victorian Parliament on 18 March 2023 that was attended by neo-Nazi protesters.
 - (B) Deeming's position as a member of the Victorian Parliament and (at the time) a member of the Victorian Parliamentary Liberal Party.
 - (C) Deeming's involvement in organising and promoting, and attending, the Rally.
 - (D) Other organisers of the Rally were publicly associated with far-right extremist groups including neo-Nazi activists.
 - (E) By her involvement in organising and attending the Rally, Deeming associated herself with people whose views are abhorrent to

Pesutto's values, the values of the Victorian Liberal Party and the wider community.

- (iv) The material referred to in the preceding subparagraph is substantially true. Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

3AW Interview

45. Further or in the alternative, Pesutto says that:

- 45.1 the 3AW Interview was an expression of Pesutto's opinion rather than a statement of fact;
- 45.2 the opinion related to a matter of public interest; and
- 45.3 the opinion was based on proper material.

Particulars

- (i) The 3AW Interview was an expression of Pesutto's opinion that Deeming is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under his leadership.
- (ii) The 3AW Interview related to the Subjects, each of which is a matter of public interest.
- (iii) The opinion was based on the following material that was set out in the 3AW Interview in specific or general terms, namely:
- (A) The Rally held on the steps of the Victorian Parliament on 18 March 2023 that was attended by neo-Nazi protesters.
- (B) Deeming's position as a member of the Victorian Parliament and (at the time) a member of the Victorian Parliamentary Liberal Party.
- (C) Deeming's involvement in organising and promoting, and attending, the Rally.
- (D) Other organisers of the Rally, including Keen, were known to have links with Nazis, Nazi sympathisers, far-right extremists and white supremacists.

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- (E) By her involvement in organising and attending the Rally, Deeming associated herself with people with those links.
 - (F) Deeming did not leave the Rally when the neo-Nazis arrived.
 - (G) After the Rally, Deeming participated in a video with Keen and two other organisers of the Rally, including Jones, who posted a Tweet with the words, 'Nazis and women want to get rid of paedo filth. Why don't you?'
- (iv) The material referred to in the preceding subparagraph is substantially true. Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

ABC Interview

46. Further or in the alternative, Pesutto says that:

- 46.1 the ABC Interview was an expression of Pesutto's opinion rather than a statement of fact;
- 46.2 the opinion related to a matter of public interest; and
- 46.3 the opinion was based on proper material.

Particulars

- (i) The ABC Interview was an expression of Pesutto's opinion that Deeming is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under his leadership.
- (ii) The ABC Interview related to the Subjects, each of which is a matter of public interest.
- (iii) The opinion was based on the following material that was set out in the ABC Interview in specific or general terms, namely:
 - (A) The Rally held on the steps of the Victorian Parliament on 18 March 2023 that was attended by neo-Nazi protesters.
 - (B) Deeming's position as a member of the Victorian Parliament and (at the time) a member of the Victorian Parliamentary Liberal Party.

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- (C) Deeming's involvement in organising and promoting, and attending, the Rally.
 - (D) The presence of speakers at the Rally with known links to neo-Nazis and white supremacists.
 - (E) By her involvement in organising and attending the Rally, Deeming associated herself with those speakers.
- (iv) The material referred to in the preceding subparagraph is substantially true. Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

Press Conference

47. Further or in the alternative, Pesutto says that:

- 47.1 the Press Conference was an expression of Pesutto's opinion rather than a statement of fact;
- 47.2 the opinion related to a matter of public interest; and
- 47.3 the opinion was based on proper material.

Particulars

- (i) The Press Conference was an expression of Pesutto's opinion that Deeming is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under his leadership.
- (ii) The Press Conference related to the Subjects, each of which is a matter of public interest.
- (iii) The opinion was based on the following material that was set out in the Press Conference in specific or general terms, namely:
 - (A) The Rally held on the steps of the Victorian Parliament on 18 March 2023 that was attended by neo-Nazi protesters.
 - (B) Deeming's position as a member of the Victorian Parliament and (at the time) a member of the Victorian Parliamentary Liberal Party.

- (C) Deeming's involvement in organising and promoting, and attending, the Rally.
 - (D) Other organisers of the Rally, including Keen, had known and established links and have shared platforms with people who have Nazi sympathies, and who promote white supremacist and ethno-fascist views.
 - (E) By her involvement in organising and attending the Rally, Deeming associated herself with people with those links.
 - (F) Deeming escorted one of the organisers, Keen, through the Parliament to facilitate her presence at the Rally.
 - (G) Deeming did not leave the Rally when the neo-Nazis arrived or immediately disown and disassociate from them.
 - (H) After the Rally, Deeming celebrated with organisers of the Rally, including Jones who posted a Tweet with the words, 'Nazis and women want to get rid of paedo filth. Why don't you?'
- (iv) The material referred to in the preceding subparagraph is substantially true. Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

Expulsion Motion and Dossier

48. Further or in the alternative, Pesutto says that:

- 48.1 the Expulsion Motion and Dossier was an expression of Pesutto's opinion rather than a statement of fact;
- 48.2 the opinion related to a matter of public interest; and
- 48.3 the opinion was based on proper material.

Particulars

- (i) The Expulsion Motion and Dossier was an expression of Pesutto's opinion that Deeming had brought discredit on the Victorian Parliament and the

Victorian Parliamentary Liberal Party and should be expelled from the Victorian Parliamentary Liberal Party.

- (ii) The Expulsion Motion and Dossier related to the Subjects, each of which is a matter of public interest.
- (iii) The opinion was based on the following material that was set out in the Expulsion Motion and Dossier in specific or general terms, namely:
 - (A) The Rally held on the steps of the Victorian Parliament on 18 March 2023.
 - (B) Deeming's position as a member of the Victorian Parliament and (at the time) a member of the Victorian Parliamentary Liberal Party.
 - (C) Deeming's involvement in organising and promoting, and attending, the Rally.
 - (D) The principal speaker at the Rally was Keen (also known as Posie Parker), who runs an organisation known as Standing for Women.
 - (E) Keen is known to be publicly associated with far right-wing extremist groups and neo-Nazi activists, including Jean-François Gariépy (a far-right activist who advocates for a white ethno-state and has made videos with neo-Nazis and former Ku Klux Klan grand wizard David Duke), Soldiers of Christ Online (a far-right network), Hans Jørgen Lysglimt Johansen (a Norwegian neo-Nazi, anti-semitic and Holocaust denier).
 - (F) Keen has used a Barbie doll wearing a Nazi military uniform as her profile picture on an online profile, and has posted an image online that equates expressions of LGBTIQ+ pride with the conduct of Nazi Germany and the Gestapo.
 - (G) Standing for Women organised an event on 16 January 2023 at which one of the speakers, Lisa Morgan, quoted Adolf Hitler.
 - (H) Deeming facilitated Keen's presence at the Rally by escorting her through the secured carpark of Parliament House.

- (I) At the Rally, a group of neo-Nazis, organised by the National Socialist Network, occupied the steps of the Victorian Parliament and performed the Nazi salute while displaying a banner bearing the words, 'DESTROY PAEDO FREAKS'.
 - (J) Deeming did not leave the Rally when the neo-Nazis attended.
 - (K) After the Rally, at around 4.41pm on 18 March 2023, Jones posted a Tweet with the words, 'Nazis and women want to get rid of paedo filth. Why don't you?'
 - (L) After the Rally, on 18 March 2023, Deeming met and published a video with Keen, Jones and Katherine Deves, in which they drank champagne and Deeming did not roundly condemn the neo-Nazis who had attended.
- (iv) The material referred to in the preceding subparagraph is substantially true. Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

Contextual Truth: s 26 of the Act

Media Release

- 49. The Media Release carried the Media Release Imputation.
- 50. The Media Release Imputation is substantially true.

Particulars

Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

- 51. If (which is denied) the Media Release carried any of the imputations pleaded in paragraph 5 of the SOC, then those imputations do not further harm the reputation of Deeming because of the substantial truth of the Media Release Imputation.

3AW Interview

- 52. The 3AW Interview carried the 3AW Imputations.
- 53. The 3AW Imputations are substantially true.

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Particulars

Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

54. If (which is denied) the 3AW Interview carried any of the imputations pleaded in paragraph 10 of the SOC, then those imputations do not further harm the reputation of Deeming because of the substantial truth of the 3AW Imputations.

ABC Interview

55. The ABC Interview carried the ABC Imputation.
56. The ABC Imputation is substantially true.

Particulars

Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

57. If (which is denied) the ABC Interview carried any of the imputations pleaded in paragraph 14 of the SOC, then those imputations do not further harm the reputation of Deeming because of the substantial truth of the ABC Imputation.

Press Conference

58. The Press Conference carried the Press Conference Imputations.
59. The Press Conference Imputations are substantially true.

Particulars

Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

60. If (which is denied) the Press Conference carried any or all of the imputations pleaded in subparagraphs 19.6, 19.7 and 19.8 of the SOC, then those imputations are substantially true.

Particulars

Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

61. If (which is denied) the Press Conference carried any of the imputations pleaded in subparagraphs 19.1 to 19.5 and 19.9 of the SOC, then those imputations do not further harm the reputation of Deeming because of:
- 61.1 the substantial truth of the Press Conference Imputations; and
- 61.2 if (which is denied) they are carried by the Press Conference, the substantial truth of the imputations pleaded in subparagraphs 19.6, 19.7 and 19.8 of the SOC.

Expulsion Motion and Dossier

62. The Expulsion Motion and Dossier carried:
- 62.1 the Expulsion Motion Imputations; and
- 62.2 the imputations pleaded in subparagraphs 24.1 and 24.3 of the SOC.
63. The Expulsion Motion Imputations and the imputations pleaded in subparagraphs 24.1 and 24.3 of the SOC are substantially true.

Particulars

Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

64. If (which is denied) the Expulsion Motion and Dossier carried either or both of the imputations pleaded in subparagraphs 24.2 and 24.4 of the SOC, then those imputations are substantially true.

Particulars

Pesutto relies on the particulars set out in [Annexure A](#) to this Defence.

65. If (which is denied) the Expulsion Motion and Dossier carried either or both of the imputations pleaded in subparagraphs 24.5 and 24.6 of the SOC, then those imputations do not further harm the reputation of Deeming because of:
- 65.1 the substantial truth of the Expulsion Motion Imputations;
- 65.2 the substantial truth of the imputations pleaded in subparagraphs 24.1 and 24.3 of the SOC; and

65.3 if (which is denied) they are carried by the Expulsion Motion and Dossier, the substantial truth of the imputations pleaded in subparagraphs 24.2 and 24.4 of the SOC.

Public Interest Defence: section 29A of the Act

66. Further or in the alternative, Pesutto says that:

66.1 each of the matters complained of concerned an issue of public interest; and

66.2 Pesutto reasonably believed that the publication of each of the matters complained of was in the public interest.

Particulars

Pesutto relies on the particulars set out in [Annexure B](#) to this Defence.

Qualified Privilege: common law *Lange* privilege

67. Further or in the alternative, Pesutto says that:

67.1 each of the matters complained of constituted information, opinions and arguments concerning government and political matters that affected the recipients of the matters complained of;

67.2 the recipients of the matters complained of had an interest in receiving such information, opinions and arguments;

67.3 by reason of sub-paragraphs 67.1 and 67.2 above, Pesutto had a duty to publish the matters complained of; and

67.4 Pesutto's conduct in publishing the matters complained of was reasonable.

Particulars

Pesutto relies on the particulars set out in [Annexure B](#) to this Defence.

Mitigation of damages

68. Further or in the alternative, if (which is denied), Pesutto is liable to Deeming as alleged in the SOC or at all, then Pesutto will rely upon the following facts and matters in mitigation of damages both at common law and pursuant to s 38 of the Act:

68.1 the substantial truth of such of the following imputations as are proved true: the Media Release Imputation, the 3AW Imputations, the ABC Imputation, the Press Conference Imputations, the Expulsion Motion Imputations, and the imputations in subparagraphs 19.6, 19.7, 19.8 and 24.1, 24.2, 24.3 and 24.4 of the SOC.

68.2 the substantial truth of such of the particulars in [Annexure A](#) to this defence as are proved true;

68.3 the fact that, at all relevant times, Pesutto has repeatedly and unequivocally acknowledged publicly that he does not believe Deeming to be a neo-Nazi, a white supremacist, or anything of similar substance or effect, and/or distinguished between the conduct, associations and views of Deeming and the other organisers of the Rally;

Particulars

Pesutto relies on the matters set out in [Annexure C](#) to this Defence.

68.4 the fact that Deeming has repeatedly made or acceded to public statements falsely asserting that Pesutto has said that she is a Nazi or has Nazi associations or is a Nazi sympathiser, when he has never done anything of the sort, and has thereby acted in a manner that is likely to have caused damage to her own reputation by putting into the public domain false assertions that she has been branded a Nazi, a person with Nazi associations, or a Nazi sympathiser by the Victorian Leader of the Opposition;

Particulars

Pesutto relies on the matters set out in [Annexure D](#) to this Defence.

68.5 Deeming's general bad reputation in the relevant sector;

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68.6 such other evidence as is properly admitted at trial;

68.7 any damages for defamation recovered or compensation received or agreed to be received by Deeming in relation to the matters complained of or any of them, or any other publications having the same meaning or effect as the matters complained of or any of them.

Date: 29 January 2024

This pleading was prepared by M Collins AM KC, T Mullen and H Jager of Counsel.

Certificate of lawyer

I Peter Bartlett, Solicitor, certify to the Court that, in relation to the defence filed on behalf of the Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 29 January 2024

A handwritten signature in black ink, appearing to read 'Peter Bartlett', with a long horizontal flourish extending to the right.

Signed by Peter Bartlett
Partner, MinterEllison
Lawyer for the Respondent

Annexure A

PART A – KEY DRAMATIS PERSONAE

Pesutto

1. Pesutto is and has been since 8 December 2022 the Leader of the Victorian Parliamentary Liberal Party (**Party**). He is the member for Hawthorn in the Victorian Legislative Assembly and a member of the Victorian Liberal Party.
2. Pesutto has throughout his political life believed in and espoused values of individual liberty, personal responsibility, the responsible exercise of freedom of speech, equality of opportunity, an enterprising culture, the rule of law and a just and humane society.
3. Pesutto believes that public service is a sacred duty and honour that must be approached with humility, dignity, and responsibility.
4. Pesutto strives to represent and be a voice for all Victorians, regardless of background, because he believes that all people share an abiding bond of essential humanity. He believes that this inclusivity is an essential element of building a successful mainstream political movement in a strong and effective democracy. He believes that any party seeking to form government must earn and keep the respect of voters across the breadth of the community.
5. The Party, under Pesutto's leadership, aims to, among other matters:
 - (a) be a principled, professional, credible, and modern alternative government for all Victorians;
 - (b) uphold the inherent dignity, responsibility and potential of all people;
 - (c) assist and protect those who are vulnerable or disadvantaged; and
 - (d) foster and celebrate an accepting, tolerant and diverse society.
6. Pesutto believes that each of the following matters, namely:
 - (a) publicly associating or sharing platforms with white supremacists and neo-Nazis;
 - (b) the adoption of neo-Nazi and white supremacist imagery and language;
 - (c) ambivalence towards neo-Nazism, fascism and white supremacy;
 - (d) calls for the sterilisation of trans men;

- (e) mocking the death of and suicide rates of transgender people;
- (f) racist public comments; and
- (g) the peddling of conspiracy theories about Jewish people and anti-semitic tropes, are matters which:
 - (h) must be taken extremely seriously and that it is completely unacceptable for any public figure to be blithe, cavalier, or casual in response;
 - (i) conflict with his fundamental values; and
 - (j) conflict with the objectives of the Party under his leadership as set out in paragraph 5.

Deeming

7. Deeming is and has been since 26 November 2022 a member of the Victorian Parliament for the electoral district of Western Metropolitan Region in the Legislative Council.
8. Deeming is a member of the Victorian Liberal Party and was, until 12 May 2023, a member of the Victorian Parliamentary Liberal Party.

Kellie-Jay Keen (aka Posie Parker) (Keen)

9. Keen is the public face and principal spokesperson for the organisations, Let Women Speak and Speaking for Women.
10. Keen is a notorious anti-transgender activist and transphobe who has, as set out in [Part D](#) below:
 - (a) been publicly associated with white supremacists and neo-Nazis, and those who support such hateful and divisive views;
 - (b) appropriated with endorsement neo-Nazi and white supremacist symbols in her public social media presence;
 - (c) displayed disgraceful ambivalence towards neo-Nazism and white supremacy;
 - (d) called for the sterilisation of trans-men;
 - (e) mocked the death of and suicide rates of transgender people; and
 - (f) publicly made abhorrent racist comments.

Angie Jones (Jones)

11. Jones is, as set out in [Part D](#) below, a notorious anti-trans activist and, among other

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things, a co-host of TERF Talk Down Under, a YouTube channel described as ‘Angie and Stassja, two Melbourne based gender critical women, talking TERF with an Australian focus’.

12. TERF is an acronym for trans-exclusionary radical feminist, and a term used and embraced by anti-trans activists.

PART B – THE RALLY

13. On 18 March 2023, a protest rally under the banner ‘Let Women Speak Melbourne’ was held in the precinct of the Victorian Parliament House on Spring Street, Melbourne (**Rally**).
14. The Rally was organised and presented by Let Women Speak, Keen and Jones. Keen was the principal speaker at the Rally.
15. By the time of the Rally:
 - (a) Keen’s extensive associations with white nationalists and far-right extremists, and her extensive and abhorrent racist and transphobic rhetoric, as described further in [Part D](#) below, was notorious; and
 - (b) Jones’ extensive vile anti-trans activism and rhetoric, as described further in [Part D](#) below, was notorious.

Deeming’s conduct before the Rally

Promotion of the Rally

16. On 11 March 2023 Deeming promoted the Rally on her official Twitter account @MoiradeemingMP stating ‘This week in Parliament, I invited @NatalieHutchinsMP, Victoria’s Minister For Women, to attend the ‘Let Women Speak’ listening post on the steps of Parliament in March. #LetWomenSpeakAustralia @ThePosieParker’, accompanied by a video of a speech she had made in the Victorian Legislative Council on 8 March 2023.
17. On 14 March 2023, Deeming promoted the Rally, including on her official Twitter account @MoiradeemingMP by tweeting a poster for the Rally which stated ‘Self ID is a danger to women and children, it allows males in all women’s spaces. If you want women and girls to have female only spaces come and have your say. We must protect female only crisis centres, changing rooms, sports, prisons and groups. Come and have your say’, and which listed the time, date and location of the Rally. In the tweet Deeming stated ‘I’ll

be there. Who will join me to listen to women? @NatHutchins’.

Escorting Keen to the Rally

18. Prior to the Rally, Deeming sought and obtained permission from Parliamentary Security to escort Rally organisers and participants, including Keen, through the Parliament House carpark.
19. Without authorisation, Deeming escorted Keen and others through the Parliament House precinct to the Rally, at about which time Keen commenced a livestream of the Rally.

Deeming was an organiser of the Rally

20. By the conduct referred to in paragraphs 16 to 19, Deeming participated in the organisation of the Rally and associated herself with Keen.

Deeming’s conduct during the Rally

21. Deeming was present and an active participant throughout the Rally, and participated in the Rally by:
 - (a) walking Keen to the Rally through the Parliament House precinct notwithstanding that she did not have security authorisation to do so;
 - (b) offering assistance to Keen;
 - (c) speaking with marshals and Rally security;
 - (d) speaking at the Rally in support of its objectives;
 - (e) holding signs in support of the Rally and its objectives behind speakers; and
 - (f) cheering and clapping.
22. Soon after her arrival at the Rally, and prior to Deeming speaking at the Rally, Deeming and Keen were informed by a police officer that ‘a fairly big group from the right wing’ were at the Rally and were ‘agitating the left wing quite significantly’.
23. During the Rally, a group of at least a dozen men dressed in black clothing, some of whom were masked, spread across the steps of Parliament House in a straight line, and performed the Nazi salute flanked by a banner that read, ‘DESTROY PAEDO FREAKS’ (**Nazi element**). The Nazi element, and the views they expressed, were prominent and visible to most of those who attended the Rally, including Deeming.
24. The Nazi element included members of the National Socialist Network (**NSN**), an Australian neo-Nazi group. Thomas Sewell, leader of the NSN, the European Australian

Movement and founder of the Lads Society, was present as part of the Nazi element at the Rally.

25. Participants in the Rally were observed to take photos of and with the Nazi element, including Stassja Frei, co-host with Jones of her YouTube Channel TERF Talk Down Under.
26. Deeming remained present at the Rally while the Nazi element:
 - (a) was also present and in close and visible proximity;
 - (b) unfurled a banner that read 'DESTROY PAEDO FREAKS'; and
 - (c) performed the Nazi salute.
27. Deeming did not leave the Rally, or seek to leave the Rally, until it concluded.

PART C – CONDUCT AFTER THE RALLY

Failure immediately to condemn the Nazi element

28. At about 3pm on 18 March 2023, David Southwick MP, Deputy Leader of the Opposition (**Southwick**), called Deeming after receiving a message from a constituent raising concerns about the Nazi element at the Rally. A conversation to the following effect took place:

Deeming: As women, we were scared.

Southwick: If that's the case, you need to call it out, put out a statement.

Deeming: Ok, fine.

29. Despite having seen the Nazi element present at the Rally, and having received counsel from Mr Southwick about what she should do, Deeming did not denounce the Nazi element at the Rally unequivocally and promptly.
30. Instead, as described further at paragraphs 31 to 41 below, she failed to condemn a disgraceful tweet by Jones that equated the views of all attendees at the Rally with those of Nazis, participated in a post-Rally video where the Nazi element was laughed off or minimised, and published a tweet which primarily criticised the police rather than the Nazi element.

Jones tweet

31. At 4:41pm on 18 March 2023, following the Rally, Jones published a post on Twitter which read, 'Nazis and women want to get rid of paedo filth. Why don't you?' (**Jones**

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tweet).

32. The Jones tweet served to:
 - (a) associate Jones with the Nazi element and the banner that had been unfurled on the steps of the Victorian Parliament;
 - (b) associate Jones with the NSN and neo-Nazis generally;
 - (c) equate the views of the men comprising the Nazi element, the NSN and neo-Nazis generally with the views of women who attended the Rally; and
 - (d) infer that attendees at the Rally shared the views held by the Nazi element, the NSN and neo-Nazis generally.
33. Deeming publicly associated herself with Jones by:
 - (a) co-hosting the Rally with Jones;
 - (b) speaking at the Rally with Jones; and
 - (c) featuring in the video with Jones referred to in paragraphs 36 to 39 below.
34. Deeming has never publicly denounced the Jones tweet or the sentiment it expressed, in circumstances where, having regard to the matters in paragraph 32, and her association with Jones as set out in paragraph 33, public denunciation is self-evidently called-for.
35. To the contrary, at 5:25pm on 27 March 2023, Deeming publicly tweeted, in response to a tweet by Jones, 'Don't worry, I never condemned you, or KD or KJ'. KD was a reference to Katherine Deves (**Deves**). KJ was a reference to Keen.

Participation in post-Rally video

36. On the evening of the Rally, at approximately 7:50pm, Deeming, together with Keen, Jones and Deves recorded a video which was subsequently uploaded to YouTube from where it was and remains generally available for download and viewing (**Video**).
37. During the Video:
 - (a) Deeming, Keen, Jones and Deves drank champagne from flutes in a display of celebration in reference to what they considered to be the success of the Rally;
 - (b) Keen described the chat as 'TERF talk down under' and described the day as 'exceptionally interesting', following which Deeming, Jones and Deves laughed and smiled;

- (c) Deeming described the Rally as a 'fun day';
 - (d) Jones referred to alleged violent trans rights activists in attendance, to which Keen responded, 'if someone comes and poses a risk to women, I'm kinda alright with a little bit of violence...proportionate violence';
 - (e) Keen stated they were told that the people in black occupying the Parliament House steps were Antifa members (even though they self-evidently were not and were obviously neo-Nazis) (Antifa is a left-wing anti-fascist and anti-racist political movement that uses direct action, incivility and violence to achieve its aims);
 - (f) Keen referred to the need to 'talk about the elephant in the room', referring to the Nazi element; and
 - (g) Deeming said:
 - (i) 'they did a Nazi salute...that was horrifying';
 - (ii) 'why didn't you tell the Nazis to leave? ... well there were no Nazi symbols on them'; and
 - (iii) that until they did the Nazi salute, Deeming thought the Nazi element were Antifa or trans rights activists.
38. Deeming, Keen, Jones and Deves speculated in the video that the Nazi element were either trans rights activists dressed up, or police, and otherwise failed to acknowledge the gravity or seriousness of the Nazi element's presence at the Rally, including by:
- (a) Deeming laughing and suggesting the Nazi salute was as 'if they were saying hello';
 - (b) Jones referring to the Nazi element as 'the "Nazis" in inverted commas';
 - (c) Keen stating 'it is a tool of the left' in reference to the presence or actions of the Nazi element; and
 - (d) Deves stating of trans rights activists, 'people need to start waking up to the fact as to how powerful and how dangerous this movement really is...they have infiltrated our institutions', 'even the police are afraid of their violence...we need to ask who are the baddies here'.
39. The Video concluded with Keen stating 'cheers to us being amazing'.
40. Deeming's participation in the Video, and her comments within the Video:

- (a) show a wilful and disgraceful dismissal of the advice she had received from Victoria Police referred to in paragraph 22 above, and the obvious inferences to be drawn from the banner the Nazi element unfurled and the Nazi salute they performed on the steps of the Victorian Parliament;
- (b) demonstrate a failure to take seriously and properly condemn the attendance of the Nazi element at the Rally; and
- (c) demonstrate a preoccupation with the alleged activities of counter protestors at the expense of properly condemning the activities of the Nazi element.

Tweet criticising Victoria Police

41. At 6:03pm on 18 March 2023, Deeming posted a tweet condemning the conduct of Victoria Police at the Rally, stating 'Disappointed with @VictoriaPolice, who let a bunch of masked men into the LWS buffer zone, terrifying women who were just trying to speak about their rights. Police managed to stop hordes of TRAs, but somehow could only walk masked men past us they did a horrible Nazi salute. 🤔'.

19 March 2023 Meeting with Party Leadership

42. By the morning of 19 March 2023, Pesutto and the other members of the Party Leadership were concerned that Deeming's:
- (a) participation in the Rally;
 - (b) participation in the Video; and
 - (c) association with Keen and Jones,
- were so inconsistent with the values of the Party that they brought discredit upon the Party and were likely to cause grave damage to the standing of the Party in the Victorian community.
43. At approximately 11am on 19 March 2023, Georgie Crozier MP (**Crozier**) requested Deeming attend a meeting with Party leadership that afternoon.
44. Between approximately 5 and approximately 7pm, Deeming met with Party Leadership, being Pesutto, Crozier, Southwick and Matt Bach MLC.
45. During the meeting, Deeming was:
- (a) asked to explain what transpired at the Rally, her connection with the organisers of the Rally, and why she had not left the Rally when the Nazi salute was

performed;

- (b) shown Keen's use of a swastika or Hakenkreuz flag in posts on social media; and
 - (c) asked to explain her conduct in participating in the Video, and the suggestion that the Nazi element was part of a false flag operation.
46. Deeming failed to give any adequate explanation of any of those matters, or demonstrate an appreciation of the seriousness of her attendance and participation in the Rally and the Video, and her failure to have unequivocally condemned the conduct of the Nazi element at the Rally. Deeming dismissed Keen's use of a swastika or Hakenkreuz flag on social media as 'a joke'.

20 March Press Release

47. On 20 March 2023, Deeming posted a press release on Twitter (**20 March Press Release**). In the 20 March Press Release, Deeming stated, among other matters:
- (a) 'Let me be clear – I have done nothing wrong'.
 - (b) 'Those who organised the Let Women Speak event on the weekend have done nothing wrong'.
 - (c) 'Due to threats of violence from extreme left activists including the notorious Antifa, I was approached and asked if I could drive international speaker Kelly Jay [sic] and her security guards to park in Parliament House car park, for safer passage to and from the Parliament House steps. I sought and gained permission from Parliament services to do so.'
 - (d) 'I also condemn of 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. If Daniel Andrews had not repealed the "move on" laws, they could have been removed. The "move on" laws need to be strengthened and I also welcome moves to ban the Nazi salute.'
48. The 20 March Press Release demonstrated:

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- (a) an abject refusal on Deeming's part to accept any responsibility at all for her discreditable conduct during and after the Rally as set out in paragraphs 18–19 and 21–41 above;
 - (b) an abject refusal on Deeming's part to recognise that that conduct was inconsistent with the values of the Party, conduct that brought discredit upon the Party, and conduct that was likely to cause grave damage to the standing of the Party in the Victorian community;
 - (c) a failure on Deeming's part to appreciate the seriousness of the presence of the Nazi element at the Rally or the willingness of the organisers of the Rally to associate with or make reference to such an element;
 - (d) a failure on Deeming's part to appreciate the implications of her association with Keen and Jones, having regard to their associations and views;
 - (e) a persistent desire to defend the conduct of the organisers of the Rally before, at and after the Rally, and to shift blame to counter-protestors; and
 - (f) a willingness to engage in conduct that had a tendency to normalise the presence of neo-Nazis in a public forum, or in public debate, thereby legitimising their views and/or actions in respect of the Rally or otherwise.
49. At a regularly scheduled Party meeting, on 21 March 2023, during which Deeming's conduct and its consequences were discussed and debated, Deeming demonstrated a continued failure to appreciate the implications of her association with Keen and Jones, having regard to their associations, views and conduct.

27 March Press Release

50. On 27 March 2023 at 6:29am, Deeming sent an email to parliamentary colleagues attaching a response to the Expulsion Motion and Dossier, in which Deeming stated, among other things:
- (a) of Keen's use of a barbie doll in Nazi uniform described further at paragraph 77(a) below, 'Ms Keen made a poor distasteful joke, which I unreservedly condemn, in an attempt to mock a far-left activist who had called her a Nazi Barbie doll';
 - (b) 'I, however, unreservedly condemn any use of Hitler as an analogy or device to criticise modern behaviour whether by the left, right or anyone'; and
 - (c) of Jones and the Jones tweet: 'I unreservedly condemn her use of a Nazi

analogy’.

51. During the course of the day on 27 March 2023, Southwick and Nick Johnston met with Deeming and Andrew Deeming, for the purpose of preparing a statement to be released to the press by Deeming acknowledging her serious errors of judgment in connection with the Rally, and unequivocally condemning the Nazi element and its presence at the Rally.
52. At 7:07pm the final version of the statement prepared at and following the meeting was sent to Deeming for her approval by Alex Woff.
53. Deeming responded ‘Yep great’.
54. At 7:08pm the statement was issued in Deeming’s name (**27 March Press Release**).
55. In the 27 March Press Release, Deeming stated, among other things:
 - (a) ‘I have accepted that my attendance at the Let Women Speak event on the steps of the Victorian Parliament on Saturday 18 March may have been an error of judgement.’
 - (b) ‘As I have stated, I unreservedly condemn the poor taste Nazi jokes and Nazi analogies listed in the annex of evidence against me.’
 - (c) ‘I have repeatedly and consistently condemned these heinous views, and I reiterate my condemnation of these views in the strongest possible terms.’
56. Despite the terms of the email referred to in paragraph 50 and the 27 March Press Release, Deeming has subsequently:
 - (a) acted inconsistently with their terms and spirit;
 - (b) continued to justify her behaviour and attendance at the Rally; and
 - (c) resiled from the unequivocal condemnation contained in the 27 March Press Release,
 including on the following occasions:
 - (d) on 27 March 2023 at 5:25pm, by tweeting in response to a tweet by Jones, ‘Don’t worry, I never condemned you, or KD or KJ’;
 - (e) on 16 June 2023 referring in a tweet to the Rally as ‘legal & peaceful’; and
 - (f) on 10 July 2023 tweeting, ‘I believe that everyone single woman who has been harmed by the defamatory narratives around the Let Women Speak rally in

Melbourne deserves to have their name & reputation restored' accompanied by a photo of Deeming and Keen at the Rally.

PART D – ASSOCIATION WITH KEEN AND JONES

57. By the conduct described in Parts B and C, Deeming has associated herself with, and failed to distance herself from, Keen and Jones, and thereby with their associations and views as outlined below.

Keen

Association with white supremacists and neo-Nazis, and their supporters

58. Keen has been publicly associated with and platformed by white supremacist and neo-Nazis both before and after the Rally, including the following instances.

Mot Dag and Hans Jorgen Lysglimt Johansen

59. On or about 19 February 2019, Keen spoke at the Mot Dag Conference in Norway where she was pictured with Hans Jørgen Lysglimt Johansen. Johansen is a far-right political activist of the Alliance-Alternative for Norway Party, with a history of public anti-semitic and racist statements.

Sheronna Bishop – America's Mom

60. On 23 September 2019, Keen participated in a Facebook Livestream with Sheronna Bishop or 'America's Mom'.
61. That participation took place three days after Bishop posted a video with Proud Boys members on 20 September 2019. Proud Boys are a far-right, neo-fascist militant organisation that promotes and engages in political violence.

Jean-François Gariépy

62. Jean-François Gariépy is a French-Canadian white supremacist, and founder of YouTube channels including 'The Public Space' which contains and promotes anti-semitic and white supremacist content.
63. In October 2019, Keen appeared in a video interview with Gariépy.
64. Other guests featuring in videos with Gariépy include Nick Fuentes (an American far-right political commentator known for his white supremacist, misogynistic, homophobic, anti-semitic and Islamophobic views) and David Duke (a former grand wizard of the Ku Klux Klan known for his white supremacist and anti-semitic views).

Richie Allen Show

65. In July 2020, Keen was interviewed on the Richie Allen Show in an episode which also included guest Mark Collett. Collett is the founder of the UK white nationalist group Patriotic Alternative and a neo-Nazi political activist.

Kay Soco of SOCO Films

66. Keen participated in an interview with Kay Soco of SOCO Films and Kay SOCO Films on at least two occasions:
- (a) on or about 22 July 2020; and
 - (b) on or about 1 September 2020.
67. SOCO Films and Kay SOCO Films are far-right YouTube channels, which include disgraceful anti-semitic content including videos entitled:
- (a) 'ATT@CK OF THE J3EWS | Bob vs Jews' posted on or about 16 April 2019'; and
 - (b) 'ANOTHER GOTCHA | Jews vs Paperboy | Speakers corner' posted on 23 August 2019.
68. SOCO Films and Kay SOCO Films have also published numerous videos containing extreme racist and anti-Muslim sentiments.

Proud Boys

69. The Proud Boys is a notorious far-right neo-fascist militant organisation that promotes and engages in political violence, and which has been designated a terrorist group in Canada.
70. On or about 5 November 2022, Keen provided a platform to known Proud Boys member, Chris Barceneas, at a Let Women Speak rally in Miami.

Neo-Nazi rhetoric at Standing for Women event

71. On or about 15 January 2023 at a Standing for Women event in Newcastle, United Kingdom, a speaker, Lisa Morgan, referred to Adolf Hitler in the following terms:
- 'Do you know the big lie? The big lie was first described by Adolf Hitler in Mein Kampf ... The big lie is that trans women are women'.
72. The speaker's pauses were met with cheers and clapping, including at the end of the speech. After the speaker left the microphone, instead of condemning the speaker for the outrageous association made with Hitler and *Mein Kampf*, Keen energetically

approached the microphone and asked, 'whose next, whose next'.

Let Women Speak Rally Auckland

73. On 25 March 2023, Keen organised a Let Women Speak rally in Auckland, New Zealand. The rally was attended by far-right extremists including:
- (a) people wearing Azov Battalion and Boogaloo Boys insignia;
 - (b) members of white nationalist group Action Zealandia; and
 - (c) members of extremist groups Voices for Freedom.

Association with and support for Jennifer Bilek

74. Keen and Deeming have publicly supported Jennifer Bilek on social media.
75. Bilek is a notorious anti-trans activist who engages in anti-semitic rhetoric and promotes the work of Keith Woods.
76. Keith Woods is a notorious white nationalist and anti-semite.

Adoption of neo-Nazi and white supremacy symbols

77. Prior to the Rally, Keen had adopted Nazi and white supremacist imagery and language in her public social media presence, including by:
- (a) changing her profile picture to a picture of a Barbie doll wearing a Nazi uniform, the obvious meaning of which was to equate Keen's thirst for activism with that of Nazis during World War II; and
 - (b) on or about 7 June 2020, tweeting 'Pridestapo' with an image of a Nazi eagle insignia and a swastika superimposed over a rainbow, the obvious meaning of which was the abhorrent equation of expressions of LGBTIQ+ pride with the conduct of the Nazis and the Gestapo during World War II.

Ambivalence towards neo-Nazism, fascism and white supremacy

78. Keen has displayed disgraceful ambivalence towards the language and symbols of Nazism and white supremacy including by:
- (a) describing her adoption of a profile picture of a Barbie doll wearing a Nazi uniform as 'tongue in cheek';
 - (b) during a now removed video posted by Keen titled 'Happy Anniversary to me #letwomenspeak #freespeech', Keen said, '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';

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- (c) during a YouTube livestream of a Let Women Speak event on 26 February 2023 in London, Keen said that 'Fascist is a new word for legend'; and
- (d) in a video posted by Keen titled 'If not me, then who', Keen stated: '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'.

Calls for sterilisation of trans men

79. Keen has publicly called for the sterilisation of trans men, including on the following occasions:
- (a) on 29 May 2018, tweeting 'women who call themselves men should be sterilised'; and
 - (b) on the same day, tweeting 'Apparently it's controversial to think women who've taken testosterone and don't want to be women shouldn't carry babies with no intention of that baby having a mother IN EXISTENCE. Shame on humanity' and 'You don't get to take synthetic testosterone and have a baby with no intention of it having a mother. That's the shame'.

Mocking the death of and suicide rates of transgender people

80. Keen has also engaged in disgusting and disgraceful 'jokes' about the death of trans men and the suicide of trans people, including on the following occasions:
- (a) in response to a post sent to her on Twitter containing a link, 'Estrogen patch for menopause linked to higher heart disease risks' with the question 'I wonder what the effect on men is...', Keen responded 'Hopefully death'.
 - (b) mocking the suicide of transgender people, including on the following occasions:
 - (i) on 29 October 2016 tweeting 'considering? Seriously, how fucking hard is suicide?';
 - (ii) on 22 November 2017 tweeting: 'Look I'm just going to say it. If trans suicide is a real thing...Are trans people just shit at doing it? Because the actual suicide rate seem to not exist. So does attempt mean, I watched a youtuber talk about it or summit?';
 - (iii) on 12 November 2017, tweeting 'The suicide rate isn't so high.' (accompanied by a gif of *Friends* character Joey Tribbiani shrugging in an exaggerated manner); and

- (iv) on 6 January 2018, tweeting 'Now I realise lots of men commit suicide, it's what you do...a sort of cross between inability to deal with stuff and a tantrum, but I don't believe men in their mid forties who suddenly want to wear a bad wig and call themselves Jenny are suicidal'.

Racist public comments

81. Keen made notorious and disgraceful racist comments throughout 2017 and 2018, including:
- (a) on 3 July 2017 stating 'A class of 7 year olds just walked past only 2/15 girls weren't wearing hijab. #ffs #disgusting #islam #sexist #eastonprimarysortitout';
 - (b) on 11 August 2017 stating 'we say the way men socialised results in certain behaviour but not Muslim men and how they feel about white girls?' in response to a post stating 'Hey? What ethnicity and religion are these offenders? HmMMM. Why isn't this mentioned I wonder?' accompanied by a link to a post by Lincolnshire Police regarding an investigation into modern slavery;
 - (c) on 16 April 2018 stating 'Are we allowed to notice where these men are from and question the culture in which they've grown? I mean we seem to be able to blame rape culture but not Pakistani/Muslim rape culture';
 - (d) on 16 April 2018 'No idea. But there are pockets of Bradford where the culture is not British. Like many ex pat communities they hold on to their past culture rather tightly. There was an all boys school that was 99.9% Pakistani Muslim. Awful place for women'; and
 - (e) on 25 May 2018 'Dear UK, it seems we are at a time where you can offend everyone except Muslims and trans women....all the rest of you are expected to take it on the chin. CBA to issue a disclaimer'.

Jones

82. Jones has before and after the Rally engaged in disgraceful public commentary regarding the transgender community on her social media accounts and on her YouTube channel.
83. Jones posted the Jones tweet following the Rally.
84. Jones has promoted *Trans* by Helen Joyce, a book which suggests, among other things, that Jewish billionaires have contributed to a global trans-activist movement.

85. Joyce has also promoted the work of Jennifer Bilek about the so-called 'billionaire funders of transactivism'.
86. The conspiracy theory that a network of wealthy Jewish people are funding policies, or otherwise promoting an agenda, is a common and well-worn trope in anti-semitic rhetoric.
87. Jones has publicly stated that the 'trans agenda' is being promoted by 'financially corrupted governments'.
88. Jones has publicly engaged in other vile anti-transgender rhetoric, including:
 - (a) describing trans women as 'pervy men';
 - (b) reposting transphobic memes;
 - (c) associating gay and trans people with paedophilia and rape;
 - (d) alleging the Greens Party has links with paedophilia; and
 - (e) asserting 'trans identifying girls' are being used for egg harvesting.

PART E – CONCLUSION

89. Deeming's conduct before, during, and after the Rally as set out in [Parts B](#) and [C](#), and her associations with Keen and Jones, having regard to their associations and views as set out in [Part D](#), taken as a whole, is:
 - (a) conduct that conflicts with Pesutto's values;
 - (b) conduct that conflicts with the values of the Party under Pesutto's leadership;
 - (c) not the conduct of a person who is a fit and proper person to be a member of the Party under Pesutto's leadership;
 - (d) conduct likely to bring discredit on the Victorian Parliament and the Party;
 - (e) conduct which warranted Deeming's expulsion from the Party; and
 - (f) conduct which properly resulted in Deeming's exclusion from the Party.

Annexure B

PART A – SUBJECTS

1. Each of the matters complained of concerned the following subjects, which are matters of public interest and constitute information, opinions and arguments concerning government and political matters which recipients of the matters complained of had an interest in receiving (**Subjects**):
 - (a) The values of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
 - (b) Pesutto's abhorrence of Nazis, neo-Nazis, Nazi sympathisers, far right extremists and white supremacists.
 - (c) Pesutto's determination that the Victorian Parliamentary Liberal Party reflect the values of the Victorian community and eschew any direct or indirect association with Nazis, neo-Nazis, Nazi sympathisers, far right extremists and white supremacists.
 - (d) The Rally.
 - (e) Deeming's involvement in organising, promoting and attending the Rally while a member of the Victorian Parliament and (at the time) a member of the Victorian Parliamentary Liberal Party.
 - (f) The involvement of Keen in organising and speaking at the Rally.
 - (g) The attendance of a group of neo-Nazis at the Rally, performing the Nazi salute on the steps of the Victorian Parliament while displaying a banner reading 'DESTROY PAEDO FREAKS'.
 - (h) Deeming's failure to leave the Rally or take immediate steps to dissociate herself from the Rally and unequivocally condemn the attendance of neo-Nazis.
 - (i) The uploading to YouTube of a video in which Deeming, and other organisers of the Rally, namely Keen, Deves and Jones, are seen celebrating what they considered to be the success of the Rally while drinking champagne.

- (j) The posting of a Tweet by Jones after the Rally bearing the words, 'Nazis and women want to get rid of paedo filth. Why don't you?'
- (k) Deeming's association with, and failure to dissociate herself from, Keen and Jones, in circumstances where they have abhorrent associations and/or hold abhorrent views.

PART B – REASONABLENESS AND REASONABLE BELIEF THAT PUBLICATION WAS IN THE PUBLIC INTEREST

- 2. The matters complained of related to the Subjects, and in particular the conduct of Deeming, an elected member of Parliament, in the Party of which Pesutto was leader. Pesutto bore ultimate responsibility for the conduct and culture of the Party, and its electability as an alternative government.
- 3. At the time of each of the matters complained of, the Party was in Opposition after being unsuccessful at the November 2022 State election.
- 4. At the time of publication of the matters complained of, Pesutto was aware of the following matters:
 - (a) Deeming had promoted attendance at the Rally;
 - (b) the Rally had been organised by Keen;
 - (c) Deeming had escorted Keen to the Rally, including by taking her through the Parliament House precinct;
 - (d) the Rally had taken place outside the Victorian Parliament on 18 March 2023;
 - (e) Keen had spoken at the Rally;
 - (f) Keen was a notorious anti-transgender activist who had shared platforms with and had associations with a raft of neo-Nazis and white supremacists;
 - (g) Keen had expressed a variety of vile racist opinions and vile views about transgender people;
 - (h) Jones was an anti-trans rights activist;

- (i) Deeming had actively attended and spoken at the Rally;
 - (j) the Rally had been attended by a group of at least a dozen neo-Nazis who unfurled a banner on the steps of the Victorian Parliament bearing the words 'DESTROY PAEDO FREAKS' and performed a Nazi salute;
 - (k) Deeming had not left the Rally upon the attendance of the neo-Nazis but had instead stayed and continued to participate in the Rally;
 - (l) during or shortly after the Rally, the Deputy Leader of the Party, Southwick, had advised Deeming to put out a statement condemning the neo-Nazi attendance at the Rally, but she had refused or failed to do so;
 - (m) after the Rally, Jones had sent the Jones tweet, which read, 'Nazis and women want to get rid of paedo filth. Why don't you?';
 - (n) after the Rally, Deeming participated in the Video, in which she was seen to be celebrating what she considered to be a successful Rally, without unequivocally condemning the neo-Nazi presence or taking any steps to dissociate herself from Keen (despite her abhorrent associations and views) or Jones (despite her abhorrent views and the Jones tweet);
 - (o) after the Rally, Deeming posted a tweet criticising Victoria Police; and
 - (p) Deeming had attended a meeting with Pesutto and other members of the Party Leadership on 19 March 2023 at which she was unable to give any adequate explanation for her failure to leave the Rally when neo-Nazis attended, or for her participation in the Video.
5. At the time of publication of the Expulsion Motion and Dossier, Pesutto was aware of the following further matters:
- (a) the 20 March Press Release; and
 - (b) the contents of the materials comprising the Dossier.
6. The Expulsion Motion and Dossier was provided to Members of the Victorian Parliamentary Liberal Party in accordance with clauses 57-59 of the Victorian

Parliamentary Liberal Party Constitution, which require, among other things, that a notice of motion to expel a member specify the reasons for such proposed expulsion.

7. On 20 March 2023, after the publication of the Expulsion Motion and Dossier to Members of the Victorian Parliamentary Liberal Party:
 - (a) Pesutto became aware that the Expulsion Motion and Dossier had been leaked and republished in part in an article posted on the website of *The Age* newspaper;
 - (b) Pesutto's office received media inquiries from other outlets regarding the Expulsion Motion and Dossier; and
 - (c) having regard to the matters referred to in subparagraph (a) and in the interests of ensuring fair and accurate reports concerning the Expulsion Motion and Dossier, which Pesutto considered to be a matter of legitimate public interest, Pesutto's office provided a copy of the Expulsion Motion and Dossier in response to those inquiries.

8. At the time of publication of each of the matters complained of, Pesutto was, consistently with contemporary standards of behaviour, genuinely and appropriately concerned that Deeming's conduct before, at and after the Rally, could:
 - (a) bring the Party into disrepute;
 - (b) bring the Parliament into disrepute;
 - (c) create false and gravely damaging impressions of associations between the Party and far-right extremism or doctrines which supported vilification and hatred of sections of the community;
 - (d) detrimentally affect the presentation of the Party as a viable and acceptable alternative to the Victorian Labor Party, which he considered unfit to govern; and
 - (e) alienate and distress the electorate or sub-sets of the electorate.

9. Pesutto knew, and it was the fact, that the Rally, and Deeming's conduct at and after the rally, gave rise to immediate media publicity that Pesutto considered to be potentially gravely damaging to the standing of the Party.

10. Having regard to the above matters, Pesutto reasonably believe that publication of each of the matters complained of was in the public interest.
11. At the time of publication of the matters complained of, Pesutto honestly held the following views and believed the following imputations to be true:
 - (a) **[Media Release Imputation]:** Deeming, by reason of having been involved in organising, promoting and participating in, and attending, a rally with speakers and other organisers who themselves have been publicly associated with far right-wing extremist groups including neo-Nazi activists, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
 - (b) **[3AW Imputation (a)]:** Deeming, by reason of having helped to organise and promote a protest rally and associating with persons with known links to Nazis, Nazi sympathisers, far right extremists and/or white supremacists, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
 - (c) **[3AW Imputation (b)]:** Deeming, by reason of not having left a protest rally that she had helped to organise and promote when neo-Nazis turned up, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
 - (d) **[ABC Imputation]:** Deeming, by reason of having attended and been actively involved in the organisation and promotion of a protest on the steps of the Victorian Parliament at which there were speakers with known links with neo-Nazis and white supremacists, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
 - (e) **[Press Conference Imputation (a)]:** Deeming, by reason of having worked with organisers of a rally with known and established links with people who have Nazi sympathies and who promote white supremacist and ethno-fascist views, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.

- (f) **[Press Conference Imputation (b)]:** Deeming, by reason of not having left a protest rally that she had helped to organise when neo-Nazis arrived, and not immediately disowning or disassociating from them, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
- (g) **[Press Conference Imputation (c)]:** Deeming, by celebrating her involvement in a protest rally, which she helped to organise with people who have shared platforms and viewpoints with people who promote Nazi views or sympathies, and which was attended by neo-Nazis, is not a fit and proper person to be a member of the Victorian Parliamentary Liberal Party under Pesutto's leadership.
- (h) **[Expulsion Motion Imputation (a)]:** Deeming conducted herself in a manner likely to bring discredit on the Victorian Parliament or Victorian Parliamentary Liberal Party, by organising, promoting and attending a rally where Kellie-Jay Keen (also known as Posie Parker) was the principal speaker, in circumstances where Ms Keen was known to be publicly associated with far right-wing extremist groups including neo-Nazi activists.
- (i) **[Expulsion Motion Imputation (b)]:** Deeming conducted herself in a manner likely to bring discredit on the Victorian Parliament or Victorian Parliamentary Liberal Party, by meeting with and publishing a video with Kellie-Jay Keen, Katherine Deves and Angie Jones.
- (j) **[SOC Imputation 19.6]:** Deeming knowingly associated with people who share a platform with neo-Nazis who peddle hate and division and attack people for who they are.
- (k) **[SOC Imputation 19.7]:** Deeming had so conducted herself in staying at a rally attended by neo-Nazis and then celebrating with the key speakers of the rally who had neo-Nazi sympathies after ugly scenes had occurred on the steps of Parliament so as to warrant her immediate expulsion from the Parliamentary Liberal Party.
- (l) **[SOC Imputation 19.8]:** Deeming had so conducted herself before, during and after a rally at Parliament in associating herself with the key speakers who have

shared platforms and endorsed viewpoints of neo-Nazis so as to warrant her immediate expulsion from the Parliamentary Liberal Party.

- (m) **[SOC Imputation 24.1]:** Deeming had so conducted herself on 18 March 2023 in relation to a public rally that it warranted her expulsion from the Victorian Parliamentary Liberal Party.
 - (n) **[SOC Imputation 24.2]:** Deeming had so conducted herself in associating with neo-Nazi activists on 18 March 2023 that it warranted her expulsion from the Victorian Parliamentary Liberal Party.
 - (o) **[SOC Imputation 24.3]:** Deeming conducted activities in a manner likely to bring discredit on the Victorian Parliament or Parliamentary Liberal Party by organising, promoting and attending a rally on 18 March 2023.
 - (p) **[SOC Imputation 24.4]:** Deeming conducted activities in a manner likely to bring discredit on the Victorian Parliament or Parliamentary Liberal Party by publicly associating with neo-Nazi activists on 18 March 2023.
12. At the time of publication of the matters complained of, Pesutto did not believe any of the following imputations in the SOC to be true: 5.1–5.23; 10.1–10.4; 14.1–14.24; 19.1–19.5; 19.9–19.10; 24.5–24.6.
 13. At the time of publication of the matters complained of, Pesutto intended to convey, respectively, the Media Release Imputation, the 3AW Imputations, the ABC Imputation, the Press Conference Imputations and the Expulsion Motion Imputations.
 14. At the time of publication of the matters complained of, Pesutto did not intend to convey any of the following imputations in the SOC, and did not believe any of those imputations to be conveyed by the matters complained of: 5.1–5.23; 10.1–10.4; 14.1–14.24; 19.1–19.10; 24.2; 24.4–24.6.
 15. At all relevant times, Pesutto has repeatedly and unequivocally acknowledged publicly that he does not believe Deeming to be a neo-Nazi, a white supremacist, or anything of similar substance or effect, and/or distinguished between the conduct, associations and views of Deeming and the other organisers of the Rally. Pesutto relies on the matters in [Annexure C](#).

Annexure C

Pesutto's public statements acknowledging he does not believe Deeming to be a neo-Nazi, a white-supremacist, or anything of similar substance or effect, and/or distinguishing between the conduct, associations and views of Deeming and the other organisers of the Rally include:

Date	Source	Relevant Extract
19 March 2023	Media Release	Lines 5-7: I discussed her involvement in organising, promoting and participating in a rally with speakers and other organisers who themselves have been publicly associated with far right-wing extremist groups including neo-Nazi activists.
20 March 2023	3AW Interview	Lines 11-13: She's had associations, Neil, with organisations – organisers of Saturday's protest who have known links with Nazis, Nazi sympathisers, far right extremists, white supremacists and can I just make a couple of things very clear...
		Lines 97-98: Well, but – but, nevertheless Neil, we're left with a situation actually where you have a member of the Liberal team associating with people with these associations.
		Lines 101-104: I know Moira's not a Nazi. But my point is that she's associating with people who are and that brings them into a place where it's unacceptable for me as leader, and I believe, unacceptable for the party.
		Lines 116-117: So, it's not as if any of this is in doubt it's on the public record. They're not Moira's posts...
		Lines 135-138: these people [the other organisers of the Rally] have known associations with Nazi sympathisers and white supremacists, given their history. And Thomas Sewell, posted on social media that they were there to support that rally. So, my point is, I'm not saying Moira necessarily knew that.
20 March 2023	Press Conference	Lines 12-16: Moira Deeming, a member of the Parliamentary Liberal Party, had actively participated with and worked with the organisers of the rally. That rally was organised by people who have known and

Date	Source	Relevant Extract
		<p>established links with people who have Nazi sympathies, promote white supremacist views and ethno-fascist views.</p> <p>Lines 73-79: Moira Deeming has had an association with people who organised the rally, along with her assistance, who have shared platforms with and viewpoints with people who promote Nazi views or sympathies. That's the first thing. Secondly, Ms Deeming stayed at the rally when the Nazis arrived. Thirdly, having seen the ugly scenes and having had an opportunity to disown and disassociate from those very people, Ms Deeming chose to celebrate as evidenced on social media.</p> <p>Lines 147-149: not talking about Moira, but these organisers have shared platforms, done videos with, worked with people who have Nazis views, white supremacist views, totally unacceptable in our state.</p> <p>Lines 237-240: It became clear to me that there wasn't really any alternative but to do this. The reason being, any question of an association, even indirectly, with Nazis, white supremacist, ethno-fascists or whatever else is so odious in 2023...</p> <p>Lines 418-420: It was incumbent upon Moira as a member of Parliament to understand the dangerous consequences that can come when you are associated with people who share platforms with Nazis and white supremacists.</p>
20 March 2023	Sky News Interview	<p>The reason I'm taking action, Peta, is because Moira helped organise a protest that was organised with people who have shared platforms with people who have expressed Nazi sympathies or white supremacist views. [...] So, it's about the association, indirectly albeit, but the association with any elements of Nazism, which is just odious to the values of the party, the values of Victoria and Australia.</p>
27 March 2023	3AW Interview	<p>Well, it relates to ... well, all it is really is a condemnation of, for example, the use on social media of Nazi symbolism in some of the social media platforms that one of the organisers with whom Moira</p>

Date	Source	Relevant Extract
		had worked in terms of the rally had used. Not Moira herself, but that one of the organisers.
27 March 2023	Press conference	Moira condemned, uh, the references to the Nazi material in [inaudible] in Kellie-Jay Keen's references in the dossier and also the Angie Jones tweet.
4 May 2023	Press conference	Nothing in the dossier ever accused Moira Deeming of being a Nazi or herself having Nazi sympathies.
20 November 2023	Statement	I have never called Mrs Deeming a neo-Nazi or sympathiser.

Annexure D

1. Deeming has repeatedly made or acceded to public statements falsely asserting that Pesutto has said that she is a Nazi or has Nazi associations or is a Nazi sympathiser, when he has never done anything of the sort, and has thereby acted in a manner that is likely to have caused damage to her own reputation by putting into the public domain false assertions that she has been branded a Nazi, a person with Nazi associations, or a Nazi sympathiser by the Victorian Leader of the Opposition, including on the following occasions:

Date	Source	Relevant Extract
11 May 2023	Leaking of First Concerns Notice to the media	<p>The First Concerns Notice concerned the Expulsion Motion and Dossier. It included 47 hyperbolic imputations (none of which have been repeated in the Statement of Claim in respect of the Expulsion Motion and Dossier, and none of which are capable of being conveyed), including to the effect that the Expulsion Notice and Dossier imputed that Deeming is a Nazi or has Nazi associations or is a Nazi sympathiser.</p> <p>Deeming leaked the First Concerns Notice, or caused it to be leaked, to the media, including to Rachel Baxendale of <i>The Australian</i>, who on 11 May 2023 published an ‘exclusive’ article quoting from the First Concerns Notice. The article noted (among other things) that: ‘In the 11-page legal letter, [Deeming’s lawyer] alleges that Mr Pesutto accused the MP “of being a Nazi sympathiser”’.</p> <p>That allegation and/or the substance and effect of the Concerns Notice was thereafter widely republished by the media. Copies will be produced on discovery.</p>
31 May 2023	Leaking of Second Concerns Notice to the media	<p>Deeming leaked the Second Concerns Notice, or caused it to be leaked, to the media, including to Rachel Baxendale of <i>The Australian</i>, who on 31 May 2023 published an ‘exclusive’ article quoting from the Second Concerns Notice. The article noted (among other things) that Deeming alleged Pesutto ‘accused her of being a “Nazi sympathiser and Nazi associate”’.</p>

Date	Source	Relevant Extract
		That allegation and/or the substance and effect of the Concerns Notice was thereafter widely republished by the media.
27 September 2023	'X' post (previously Twitter)	Deeming posted: 'No I haven't, not from the ppl who authored & signed the "expulsion for Nazi associations" document. Nor a retraction. I (along with many other innocent women) were defamed as knowing associates of Nazis/Nazism, then I when I sought to defend myself I was labelled a troublemaker & a terrorist, and expelled from my MP team. So I've lost my job, been blackmailed, threatened, harassed, stalked, vilified and subjected to extreme hate because ppl really believe what the Leadership team claimed. My PTSD is as severe now as it was after my childhood traumas. And all the things said about me & the other women were provably false. So now in order to get the apology & retraction I've been callously denied, I have to go all the way to Federal court. I will never, ever, ever let the degrading & humiliating & terrifying treatment that I've been put through, roll over unopposed onto my children. Not going to happen. My children will have their family name xonerated one way or another.'
28 September 2023	'X' post (previously Twitter)	Deeming posted: 'Thanks @angijones, no matter what comes of all this, I'll never regret holding firm & refusing to smear innocent women as Nazi sympathisers.'
29 October 2023	'X' post (previously Twitter)	Deeming posted: 'In week 1 of my nightmare (I was smeared as a Nazi associate & expelled from my MP team because I refused denounce 3 other innocent women who campaigned with me for sex based rights & child safeguards-as Nazi's) - two of the most unlikely ppl reached out to express their sympathy & I've been forever grateful! And this week I got to meet them!!! @MrAndyNgo & Austrian Greens MP @el_nagashi Thank you so much for treating me like a human being x'
30 October 2023	'X' post (previously Twitter) – Interview with UK	Deeming was interviewed by UK commentator Andrew Doyle on 'Free Speech Nation'. She stated: 'I thought they were actually aligning me with the actual Nazis, because there were some actual Nazis that turned up on the steps pretty far away from us.'

Date	Source	Relevant Extract
	commentator Andrew Doyle	<p>And um, but I eventually realised though the course of the conversation that they were accusing Kellie-Jay Keen and a Jewish woman, and another Liberal Party member of being Nazis. And the moment that I realised that that was what they were talking about, was when they said, you know, “You went out drinking champagne with Nazis!”</p> <p>...</p> <p>So this wasn't just some random person on the street calling me a Nazi, it wasn't some YouTuber, it wasn't even a journalist, you know 'cause our media companies have endless pockets and it's hard to sue them, this was four leaders of one half of the political power in Australia.'</p>
3 November 2023	YouTube: 'The Mess We're In'	Deeming stated: 'I literally got defamed as a Nazi associate everywhere, all around the world' (at 32.51 min).
16 November 2023		Deeming reposted a post: 'Bronwyn Bishop “sorry” after ABC Nazi slur. #MediaBites #MediaWatch' with the comment: 'I'll do *whatever* it takes to remove the same disgusting smear from my name'.
16 November 2023	'X' post (previously Twitter)	In response to a post by @femmehonnete which stated: 'Women are in a bind. They are supposed to ignore the man with the paraphilia ... which means they can't be honest say “hey this makes me uncomfortable” Or they can speak up and be called hypocrites or prudes or deranged radfems who are insincere about gender non conformity 1/', Deeming replied: 'Or Nazis'.
20 November 2023	'X' post (previously Twitter) – Deeming Media Statement	Deeming posted a statement which read: 'All I have ever wanted from Mr Pesutto was a full and official exoneration so that my children don't have to live under this 'Nazi bigot' slur'.
23 November 2023	'X' post (previously Twitter)	Deeming posted: 'No. My children will not be forced to live under this outrageous Nazi smear.'

Date	Source	Relevant Extract
5 December 2023	'X' post (previously Twitter)	In response to a post by @RachaelWongAus which stated '...I know the horrendous toll Pesutto's Nazi slurs have taken on Moira and her family', Deeming replied: 'Thank you x'.

2. The statements in the preceding table are inconsistent with Deeming's acknowledgment on other occasions that Pesutto did not accuse her of being a Nazi or of having Nazi associations or of being a Nazi sympathiser:
- (a) On 6 May 2023, Deeming posted a statement which read: 'As is now clear from the minutes that have finally been published, the Victorian parliamentary Liberal Party agreed on March 27 that "no one was accusing (me) of being a Nazi or a Nazi sympathiser" ... And even though Liberal leader, John Pesutto MP never made the joint statement that the meeting agreed he should, he did say publicly on Thursday that "nothing in the dossier ever accused (me) of being a Nazi or herself having Nazi sympathies".'
 - (b) On 29 October 2023, during an interview, Deeming described the accusations made against her as 'I was guilty by association by association by association it was like three or four times removed'.