

NOTICE OF FILING

Details of Filing

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Sia Lagos

Registrar

Important Information

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

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

Schedule B – Table of alleged republications

Legend

Green = Republication of sense and substance admitted and not refuted for alleged republication that was pleaded

Faded green = Republication of sense and substance admitted and not refuted for alleged republication that was not pleaded

Orange = Republication of sense and substance only arguable and/or arguably refuted

Red = Republication disputed

Notes:

* Even in a republication as to damages case, Mrs Deeming ought to have pleaded the imputations alleged to be carried by the republication: see e.g., *Bracks v Smyth-Kirk* (2009) 263 ALR 522, [127]-[129]; see also *Greinert v Brooker (No 3)* [2018] NSWSC 1771, [19]-[21], including the relevant parts of *Greinert v Brooker (No 2)* [2018] NSWSC 1763 quoted therein. Mr Pesutto has not raised any pleading issue because he understands from the way the republications are pleaded in the relevant paragraphs of the SOC (i.e. [3.4]; [12.8]; [17.4]; and [22.5]) that Mrs Deeming accepts that in order to ‘swell the damages’, the alleged republications must republish the ‘sense and substance’ of the original matter. Necessarily, that must be the defamatory sense and substance of the matter (i.e. those parts of the matter that are alleged to convey the imputations alleged in the SOC).

Recently, in an Imputations Table attached to her Opening Submissions,¹ Mrs Deeming identified the following parts of each of the Publications she relies upon to argue her pleaded imputations are conveyed (that is, the defamatory ‘sense and substance’ of each Publication):

1. for the Media Release, lines 1-11;²
2. for the 3AW Interview, lines 10-25, 30-33, 39-44, 46-60, 73-86, 98-104, 107-154 (with some variation as to which lines are alleged to make out which imputations);
3. for the ABC Interview, lines 1-41, 51-57 (with some variation as to which lines are alleged to make out which imputations);
4. for the Press Conference, lines 3-35, 38-44, 49-67, 72-86, 107-110, 130-135, 144-149, 153-158, 235-258, 289-302, 418-420 (with some variation as to which lines are alleged to make out which imputations); and
5. for the Expulsion Motion and Dossier, paragraphs 1, 2, 5-18 (with some variation as to which paragraphs are alleged to make out which imputations).

Based the Imputations Table, it is now clear that almost none of the alleged republications include references to all of the necessary parts of the Publications that are relied upon to convey Mrs Deeming’s imputations. Nevertheless, Mr Pesutto has taken a pragmatic approach when considering republication of the ‘sense and substance’ below. That is, if the most relevant parts of the original matter are repeated, republication of the sense and substance is admitted. The exception is the Media Release, which in Mr Pesutto’s view requires all of lines 1-11 to be either quoted or paraphrased, in light of the way Mrs Deeming has opened and cross-examined on that Publication.

** Alleged republication comprehensively refutes the repeated defamatory matter, such that it is incapable of bearing a defamatory meaning: *Walker v Brimblecombe* (2015) 2 Qd R 384, 392 [28].

¹ CBD Tab 4, page 117-128.

² Note: references to ‘lines’ in the Media Release are to the line numbers in the version at Schedule A of the SOC (not Schedule B, which has different line numbering).

Alleged republications of Media Release

Alleged republication	Alleged views etc.	Pleaded in SOC	Sense and substance republished?*	Matter complained of refuted?***	Additional comment
The Age, entitled “Liberals move to expel Deeming over neo-Nazi rally links” dated 19 March 2023 ³ Republished under 2 other mastheads	3 comments (no data on views) Meltwater Reach 2.79M Meltwater Echos approx. 2,620	[3.4(a)]	No – Lines 3-9 quoted and lines 10-11 paraphrased, but lines 1-2 (neo-nazi protestors) absent.	Arguable - Pleaded sense and substance altered (e.g. includes AJA quote; reference to former MP saying expulsion motion was “insane”).	Not capable of conveying the pleaded imputations; No data on views but admit a mainstream publication; Adds additional allegations not in Media Release (eg PMO intervention in Fed pre-selection, previous anti-trans controversies).
The Canberra Times, entitled “Vic Liberal MP set for expulsion over anti-trans rally” dated 19 March 2023 ⁴ Republished under 74 other mastheads (Australian Community Media)	No data on views Meltwater Reach approx. 877,000	[3.4(b)]	No – Lines 5-9 paraphrased and lines 10-11 quoted, but lines 1-4 absent.	No – Includes only Deeming Tweet condemning police.	Not capable of conveying the pleaded imputations; No data on views but admit mainstream publication, likely viewed by thousands.
The Herald Sun, entitled “Liberal MP Deeming faces expulsion after neo-Nazi rally” dated 19 March 2023 ⁵ Republished under 9 other mastheads (News Corporation)	13,639 views Meltwater Reach approx. 2.31M Meltwater Echos 682	[3.4(c)]	Yes – Quotes Media Release in full.	Yes – Includes quotes from Deeming in response. Not capable of conveying the pleaded imputations, including because of Deeming’s response.	At highest, imputes level 2 meanings (that there are reasonable grounds to believe that Mrs Deeming...), which are distinct from Level 1 meanings. ⁶
The Daily Mail Australia, entitled “‘Heil Hitler’ salutes to be banned after cops bizarrely allowed a group of neo-Nazis to make one of the world’s most reviled signs on the steps of parliament in broad daylight” dated 20 March 2023 ⁷	1 comment 5,177 views SMEE reach approx. 8m	No	No – Lines 1-2, 5-6 and 8-9 paraphrased and lines 10-11 quoted but lines 3-4 and 6-7 absent.	No – Includes only Deeming Tweet condemning police.	Alters the sense and substance, by including various other matters not part of the Media Release.
The Guardian, entitled “Deeming vows to fight expulsion push over involvement in protest attended by neo-Nazis” dated 20 March 2023 ⁸	62,900 views SMEE reach approx. 6.7m	[3.4(d)]	No – Lines 5-7 quoted and lines 8-9 paraphrased but lines 1-4 and 10-11 absent.	Yes – Makes clear these are simply allegations to be voted on; Includes statement published by Deeming on 20 March	Long article on various issues not capable of conveying or repeating any of the pleaded imputations, including because of the additional

³ CBB (Expert Evidence), Tab 6.14, page 1–5.

⁴ CBB (Expert Evidence), Tab 6.14, page 6–14.

⁵ CBB (Expert Evidence), Tab 6.14, page 15.

⁶ *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

⁷ CBB (Expert Evidence), Tab 6.14, page 16–48.

⁸ CBB (Expert Evidence), Tab 6.14, pages 49–56

				2023; includes threat of conservative Liberal party members to quit the party if Deeming is expelled; includes source saying she was blindsided by the 19 March meeting and that Deeming believed the motion was because of her anti-trans views; says Jacinta Price and Claire Chandler have issued statements offering Deeming their support. Deeming's response is the focus of the article.	matters included and the different focus of the article.
The Star Observer, entitled "Liberal MP Deeming Faces Expulsion For Attending Melbourne Anti-Trans Rally" dated 20 March 2023 ⁹	No data	[3.4(f)]	Yes – Lines 1-2 paraphrased, lines 3-11 quoted.	No	Includes additional anti-trans statements from Deeming, and various comments from other MPs denouncing Deeming that were not in the Media Release, which Pesutto not responsible for.
7News, entitled "Liberal MP Deeming set to be expelled over role in violent Melbourne anti-trans rally" ¹⁰	No data on views Meltwater reach approx. 2.31m	[3.4(g)]	No – Lines 1-2, 5-6 and 8-9 paraphrased and lines 10-11 quoted but lines 3-4, 7 and part of line 6 absent.	No – Includes only Deeming Tweet condemning police.	
The Herald Sun, entitled "Libs vote as John Pesutto releases dossier on Liberal MP Deeming following anti-trans rally" dated 20 March 2023 ¹¹	13,230 views Meltwater reach approx. 3.1m Meltwater Echos 350	[3.4(e)]	Yes – Lines 5-11 quoted.	Yes – Substance of article about pressure mounting on Pesutto and the vote is more about Pesutto's future than Deeming's or the allegations; includes statement published by Deeming on 20 March 2023; quotes Smith that upon evidence of association with Nazis; quotes Warren Mundine	Long article not capable of conveying any of the pleaded imputations, including because of the different focus and the undermining of the Pesutto's comments, which are not reported in a way that suggests they convey the pleaded sense and substance.

⁹ CBB (Expert Evidence), Tab 6.14 pages 57–65.

¹⁰ CBB (Expert Evidence), Tab 6.14 pages 66–70.

¹¹ CBB (Expert Evidence), Tab 6.14 page 71.

				criticism of Pesutto “; shows Deeming had significant support; also includes Dossier which makes it clear that no allegation of Nazism or Nazi sympathies.	
ABC News, entitled “VIDEO: Victorian Liberal MP set for expulsion over anti-trans protest” dated 20 March 2023. ¹²	22,079 views SMEE reach approx.. 8.8m	No	No – Lines 1-2 and 5-9, lines 10-11 quoted, lines 3-4 absent.	No	
The Age, entitled “Victoria to ban Nazi salutes after far-right rally” dated 20 March 2023. ¹³	16 comments, no data on views SMEE reach approx. 2.79	No	No – Lines 5–7 quoted, lines 8-9 paraphrased, but lines 1-4 and 10-11 absent.	Arguable – includes Deeming’s response, including that she didn’t know the group of men performing the salute and was afraid of them.	Focus of the article is on banning the Nazi salute, with only a short reference to small part of the Media Release and Deeming’s response. Not capable of conveying the sense and substance of any of the pleaded imputations.
ABC News, entitled “Liberal MP Moira Deeming says she will fight moves to oust her from party after attending Melbourne rally” dated 20 March 2023. ¹⁴	96,874 views SMEE reach approx. 8.8m	No	No – Part of line 5 paraphrased, part of line 9 quoted but the remainder absent.	Yes – Substance of article is about Deeming’s vow to fight moves to expel her, and says colleagues have questioned the move to expel her.	Not relevant to the Media Release. Quotes from Mr Pesutto therein are not from the Media Release.
Mamamia entitled “Nazi salutes and an anti-trans protest: Exactly what happened outside Victoria’s parliament on Saturday” dated 20 March 2023. ¹⁵	No data on views SMEE reach approx. 2.79m	No	No – Lines 8-9 paraphrased and lines 10-11 quoted, but lines 1-7 absent.	Yes – Includes statement by Deeming prior to the quote, saying she was aligned with the anti-trans activist Kellie-Jay Keen-Minshull but not the National Socialist Movement.	Long article focusing on matters other than the Media Release, and only a small part of the Media Release is quoted. Based on context, not capable of repeating alleged sense and substance of Media Release.
The Age, entitled “Deeming suffers blow in fight against expulsion from Liberals’ party room” 21 March 2023. ¹⁶	No data on views 110 comments SMEE reach 2.79m	No	No – To the extent it is a republication, it relates to the Expulsion Motion and	Yes – includes response by Keen in 3AW interview with Neil Mitchell; quotes criticisms of expulsion	Focuses on the Expulsion Motion and Dossier and the opposition to it. Further, based on context and other matters,

¹² CBB (Expert Evidence), Tab 9.4.

¹³ CBB (Expert Evidence), Tab 9.5.

¹⁴ CBB (Expert Evidence), Tab 9.6.

¹⁵ CBB (Expert Evidence), Tab 9.7.

¹⁶ CBB (Expert Evidence), Tab 9.8.

			Dossier, which is quoted from and linked to in full.	motion from Liberal Party members and Ryan Smith MP, including that the dossier is “tenuous”.	not capable of repeating any imputations of concern.
News.com.au, entitled “‘Unsurprised’: Dark truth behind ugly neo-Nazi protest” dated 21 March 2023 ¹⁷	10,484 views SMEE reach approx. 16.4m	No	No – Quotes only lines 8–9, and says the reason for expulsion was simply Mrs Deeming’s attendance at the Rally. Lines 1-7 and 10-11 absent.	Arguable – Includes statements by Deeming distancing herself from the Nazis, saying she does not endorse their views, quotes from the You Tube video on the night of the Rally.	Focus is on other matters (e.g. historical links between Nazis and anti-trans views; Andrews and others’ comments on the hateful nature of the Rally). If the article conveys any of the lesser pleaded imputations (not admitted), they do not arise from any republication of the sense and substance of the Media Release but rather from other matters referred to therein.
News.com.au, entitled “Victorian Liberal MP could be expelled for attendance at Let Women Speak rally” dated 21 March 2023 ¹⁸	451 comments, 81,186 views SMEE reach approx.. 16.4m	No	Arguable – Quotes lines 8–9 (which relate simply to Pesutto informing Deeming he would bring the motion) and paraphrases line 10, but does not mention the reason for the expulsion motion. Lines 1-7 and 11 absent. Links to Tweet containing screenshots of Media Release.	Arguable – Includes statement by Deeming on 20 March 2023 and quotes from the video on the night of the Rally.	If the article conveys any of the lesser pleaded imputations (not admitted), they do not arise from any republication of the sense and substance of the Media Release but rather from other matters referred to therein.
News.com.au entitled “Controversial MP Moira Deeming expelled by Victorian Liberal Party” dated 12 May 2023. ¹⁹	22,255 views SMEE reach approx. 16.4m	No	Arguable – Quotes parts of lines 6–7 and 9, describing Deeming’s position as “untenable” for “promoting and participating in a rally with speakers and other organisers” who were associated with “far right wing groups”. Lines 1-5, 8 and 10-11 absent.	Yes – Includes that Deeming had denied wrongdoing, that the initial vote to expel in March failed, and that Deeming threatened to sue Pesutto over “false allegations”.	This article, which focussed on Deeming’s later expulsion almost 2 months later, was not the natural and probable consequence of the Media Release and is not capable of conveying the pleaded imputations.

¹⁷ CBB (Expert Evidence), Tab 9.9.

¹⁸ CBB (Expert Evidence), Tab 9.10.

¹⁹ CBB (Expert Evidence), Tab 9.11.

X User @SharnelleVella – contains a copy of the Media Release as attached two images, dated 19 March 2023. ²⁰	Approx. 29,100 views, 260 likes, 24 comments and 26 reposts	No	Yes	No	Likely published to the same or similar audience on X, who had already seen numerous tweets suggesting worse and/or who had already been reading calls for Deeming to be expelled from the Liberal Party for her association with the Rally and/or Nazis.
X User @7NewsMelbourne – Repost of @SharnelleVella post, dated 19 March 2023. ²¹	Approx. 194,000 views	No	Yes	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @annikasmethurst – contains a copy of the Media Release as attached two images, dated 19 March 2023. ²²	Approx. 247,800 views, 1,110 likes, 118 comments and 144 reposts	No	Yes	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @prguy17 – Repost of @annikasmethurst post, dated 19 March 2023. ²³	SMEE reach approx. 120,000 Approx. 18,300 views, 211 comments and 28 reposts	No	Yes	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @sumeyyailanbey – contains a copy of the first half of the Media Release as an attached image, dated 19 March 2023. ²⁴	SMEE reach approx. 13,200 Approx. 18,300 views, 211 likes and 28 reposts	No	No – Quotes lines 1-9. Lines 10 and 11 absent.	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @grogsgamut – Repost of @sumeyyailanbey post, dated 19 March 2023	SMEE reach approx. 109,000 45,300 views, 742 likes, 2 comments and 71 reposts	No	No – Quotes lines 1-9. Lines 10 and 11 absent.	No	As per previous, noting audience likely to overlap with other retweets of the Media Release

²⁰ Link in CBB (Expert Evidence), Tab 4.1, page 7.

²¹ Not in Court Book.

²² Link in CBB (Expert Evidence), Tab 4.1, page 7.

²³ Not in Court Book.

²⁴ Link in CBB (Expert Evidence), Tab 4.1, page 7.

X User @rwillingham – contains a copy of the Media Release as attached two images, dated 19 March 2023. ²⁵	SMEE reach approx. 39,500 Approx. 11,200 views, 62 likes, 2 comments and 5 reposts	No	Yes	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @sarkysage – contains a copy of the first half of the Media Release as an attached image, dated 19 March 2023. ²⁶	SMEE reach approx. 20,100 Approx. 34,200 views, 589 likes, 18 comments and 164 reposts	No	No – Quotes lines 5-9. Lines 1-4 and 10-11 absent.	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @lanamurphy – contains a copy of the first half of the Media Release as an attached image, dated 19 March 2023. ²⁷	Approx. 26,800 views, 127 likes, 17 comments and 23 reposts	No	No – Quotes lines 5-11. Lines 1-4 absent.	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @96mitchclarke - contains a copy of the first half of the Media Release as an attached image, dated 19 March 2023. ²⁸	Approx. 15,300 views, 42 likes and 24 reposts	No	No – Quotes lines 1-9. Lines 10 and 11 absent.	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @SimoLove – contains a copy of both pages of the Media Release as an attached image, dated 19 March 2023. ²⁹	6,355 views, 20 likes and 8 reposts	No	Yes	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
X User @sugitup – contains a copy of the first half of the Media Release as an attached image, dated 20 March 2023. ³⁰	294 views, 10 likes and 2 reposts	No	Yes – Quotes lines 1-11.	No	As per previous, noting audience likely to overlap with other retweets of the Media Release
Total views of pleaded and admitted replications of Media Release			No data on number of views of the single admitted republication that was pleaded		
Maximum total views of arguable and admitted replications, including replications that are not pleaded			Approx. 588,235 views, plus the single admitted republication with no data on views.		

²⁵ Link in CBB (Expert Evidence), Tab 4.1, page 8.

²⁶ Link in CBB (Expert Evidence), Tab 4.1, page 8.

²⁷ Link in CBB (Expert Evidence), Tab 4.1, page 8.

²⁸ CBB (Expert Evidence), Tab 9.1.

²⁹ CBB (Expert Evidence), Tab 9.2.

³⁰ CBB (Expert Evidence), Tab 9.3.

If the article on *news.com.au* is found to republish the sense and substance of the Media Release on the basis that it contains a link to a Tweet containing screenshots of it, most of the approximate 81,186 'views' are not likely to have clicked through to the Tweet.

Alleged republications of 3AW Interview

Alleged republication	Alleged views etc.	Pleaded in SOC	Sense and substance republished?*	Matter complained of refuted?***	Additional comment
The Age, entitled “‘Total Aryan victory’: Nazis the only ones happy after parliament protest”, dated 20 March 2023 Republished under 3 other mastheads Note: Headline of article appears to have changed to ‘In the aftermath of a bitter protest, only one group is happy’. ³¹	No data on views Meltwater Reach approx. 2.79M Meltwater Echos 248	No	Arguable – Includes quotes from Pesutto that Deeming is ‘not a Nazi’, but is ‘associating with people who are’. Reasons for expulsion motion stated in article include accompanying Keen to the Rally, appearing in the video with Keen, Jones and Deves, not leaving the rally when the neo-Nazis turned up and closely associating with Keen who has a ‘long rap sheet’ of associating with Nazi sympathisers, based on interviews Keen has done with Gariepy (whose guests have included David Duke) and Soldiers of Christ Online. Does not suggest that Deeming did interviews with Richard Spencer, Mark Collett or Duke. Does not mention that Deeming organised or promoted the Rally. Does not mention the Jones Tweet.	Arguable – Includes quotes from Keen threatening to sue Pesutto for defamation, comments from Jones about the Rally’s perception of and reaction to the neo-Nazis and parts of Deeming’s Tweet condemning police.	Long article focusing on matters other than the 3AW Interview. Not capable of conveying the pleaded imputations, including because of Deeming’s, Jones’ and Keen’s responses. At highest, imputes level 2 meanings (that there are reasonable grounds to believe that Mrs Deeming...), which are distinct from Level 1 meanings. ³²
Total views of pleaded and admitted republications of 3AW Interview			None		
Maximum total views of arguable and admitted republications, including republications that are not pleaded			No data on number of views of the only arguable republication		

³¹ Not in Court Book.

³² *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

Alleged republications of ABC Interview

Alleged republication	Alleged views etc.	Pleaded in SOC	Sense and substance* republished?	Matter complained of refuted?***	Additional comment
ABC entitled “Liberal MP Moira Deeming says she will fight moves to oust her from party after attending Melbourne rally” dated 20 March 2023 ³³	No data on views SMEE reach approx. 8.8m	No	Yes – Contains the substance of the allegation made in the Press Conference that Deeming was "actively involved in different ways in the organisation and promotion of this protest at which there were speakers with known links to neo-Nazis" and contains the quote, "These values that we saw on the steps of parliament were not consistent with the values I and the Liberal Party stand for."	Yes – Focus of the article is on Deeming’s vow to fight moves to expel her; quotes from Deeming’s statement on 20 March 2023 (e.g. “I have done nothing wrong”). Also includes Deeming’s Tweet condemning police. Says Senior Liberals have questioned Pesutto’s decision and warned it risked alienating some of the party’s base.	
The Epoch Times, entitled “Victorian MP to be Expelled For Attending Women’s Rights Rally Against Transgender in Sports” dated 21 March 2023 ³⁴	No data on views Meltwater reach 8.94m, 29 comments	[12.8(a)]	No – Quotes lines ³⁵ 20 (‘We don’t stand with neo-Nazis. We don’t stand with white supremacists’) and 40–1 of the Press Conference (‘We will never tolerate or accept any association with neo-Nazis and white supremacists or anybody who sympathises with them’), but not lines 4–7, which contains the substance of the allegation (‘Deeming not only attended the protest on the steps of parliament but was actively involved in different ways in the organisation and promotion of this protest at which there were speakers who have known links with neo-Nazis and white supremacists’).	Arguable – Contains Deeming’s Tweet condemning police and quotes from the video with Keen, Deves and Jones.	

³³ CBB (Expert Evidence), Tab 9.6.

³⁴ CBB (Expert Evidence), Tab 6.15, page 1–11.

³⁵ Note: references to “lines” in the ABC Interview are to the line numbers in the version at Schedule E of the SOC.

Politicom, entitled “Lib MP published for LGBTQ pushback” dated 21 March 2023. ³⁶	No data on views 3 comments	[12.8](b)	No – Quotes lines 20 and 40–1 of the Press Conference, but not lines 4–7, which I think contains the substance of the allegation (Deeming not only attended the protest on the steps of parliament but was actively involved in different ways in the organisation and promotion of this protest at which there were speakers who have known links with neo-Nazis and white supremacists).	Arguable – Contains Deeming’s Tweet condemning police and quotes from the video with Keen, Deves and Jones.	
Daily Mail Australia entitled “EXCLUSIVE: Inside the betrayal that drove Deeming to fight for the protection of women’s rights – and why the suspended MP will NEVER be silenced” dated 28 March 2023. ³⁷	No data on views SMEE reach approx. 8m, 8,182 views	[12.8(c)]	No – Only says Pesutto had wanted Deeming to be expelled after she appeared at a Let Women Speak rally that was gatecrashed by neo-Nazis on March 18.	Yes – Calls the expulsion motion a ‘nasty smear campaign’ and a ‘hatchet job’. The article is highly complimentary of Deeming.	
X User @abcnews, dated 19 March 2023	Meltwater reach 2.18m Approx. 43,300 views, 118 likes, 7 comments and 12 reposts	No	Arguable – Posts link to article “Victorian government moves to ban Nazi salute as Liberals move to expel MP Moira Deeming over anti-trans rally”, which contains the ABC Interview.	No	
Total views of pleaded and admitted republications of ABC Interview			None		
Maximum total views of arguable and admitted republications, including republications that are not pleaded			No additional. While there are approx. 43,300 views of the tweet, the tweet does not convey the sense and substance; most people who ‘viewed’ it are not likely to have clicked through; and those who did would already be counted in data relating to the article.		

³⁶ CBB (Expert Evidence), Tab 6.15, page 12–15.

³⁷ CBB (Expert Evidence), Tab 6.15, page 16–50.

Alleged republications of Press Conference

Alleged republication	Alleged views etc.	Pleaded in SOC	Sense and substance republished?*	Matter complained of refuted?***	Additional comment
The Australian Financial Review, entitled “Liberal MP’s position ‘untenable’ after Nazi rally” dated 20 March 2023. ³⁸	No data on views SMEE reach approx. 3.5m	[17.4(a)]	Arguable – Article says Pesutto said Deeming’s association with organisers with links to extremists, including neo-Nazis and white supremacists, necessitated her expulsion. Includes quotes from the Press Conference (lines 17-19, 63-67, 130, 404-406). Pesutto also said in the Press Conference that Deeming actively participated with and worked with the organisers of the Rally, escorted one of the organisers through Parliament, and that the expulsion motion was for Deeming’s failure to leave the Rally when neo-Nazis turned up, and her failure to condemn this when celebrating in the video after the Rally, but this is not captured in the article.	Arguable – Includes Deeming’s Tweet condemning the police, and quotes from Nicole Flint and Deves in support of Deeming, including that the expulsion motion was “insane” and a “mistake”.	
The Age, entitled “Deeming vows to fight move to expel her from party room” dated 20 March 2023. ³⁹ Republished under 3 other mastheads	Meltwater reach 2.79m, 155 echos	[17.4(b)]	Arguable – Article says Pesutto moved against her for promoting the Rally and attending a post-rally karaoke night with the organiser who has shared platforms with white supremacists, and that the Leadership Team was incensed with her failure to leave once the neo-Nazis arrived, later celebrating with rally organisers and associating with Keen, who	Yes – Focus of the article is on Deeming fighting the expulsion motion. Includes quotes from Liberal MPs that it was a “proxy leadership vote” and that they would support the motion because they did not want to “hang the leader out to dry”. Quotes extensively from the statement published by Deeming on 20 March 2023. Mentions that Keen has threatened Pesutto with a	

³⁸ CBB (Expert Evidence), Tab 6.16, page 1–5.

³⁹ CBB (Expert Evidence), Tab 6.16, page 6–10.

			has shared platforms with people who promote Nazi views or sympathies.	defamation claim, that Liberal MPs oppose the move to expel her, and a source close to Deeming saying she believed the expulsion was because of her anti-trans views, not associations with neo-Nazis.	
SBS News, entitled “Victorian MP intends to fight expulsion as party leader ‘satisfied’ MP knew of rally’s Nazi links” dated 20 March 2023 ⁴⁰	SMEE reach approx. 4.5m 4,547 views	[17.4(c)]	Arguable – Article says Pesutto said Deeming’s expulsion was necessary because of her association with organisers with links to extremists, including neo-Nazis and white supremacists. Also says Pesutto took umbrage with Deeming’s decision to stay at the event when Nazi supporters showed up and celebrate afterwards with rally organisers.	Yes – Focus of the article is on Deeming fighting the expulsion motion. Quotes from the statement published by Deeming on 20 March 2023, and from Deeming’s comments in the champagne video.	Article is broad and goes into other topics such as the actions of Victoria Police at the Rally and moves to ban the Nazi salute. Not capable of conveying the pleaded imputations, including because of Deeming’s, Jones’ and Keen’s responses. At highest, imputes level 2 meanings (that there are reasonable grounds to believe that Mrs Deeming...), which are distinct from Level 1 meanings. ⁴¹
X User @SBS, dated 20 March 2023. ⁴²	SMEE reach approx. 253,000 Approx. 18,700 views, 74 likes, 5 comments, 12 reposts	No	Arguable – Contains a link to the SBS article immediately above.	Yes – See immediately above.	See immediately above.
The Canberra Times, entitled “Vic Lib leader ‘satisfied’ MP knew rally’s Nazi links” dated 20 March 2023 ⁴³	No data on views Meltwater reach approx. 877,000	[17.4(c)]	Arguable – Article says Pesutto said Deeming’s expulsion was necessary because of her association with organisers with links to extremists, including neo-Nazis and white supremacists. Also says Pesutto took umbrage with	No – Includes Deeming’s comments in the champagne video that other politicians were at the Rally, but not enough to comprehensively refute.	

⁴⁰ CBB (Expert Evidence), Tab 6.16, page 11–16.

⁴¹ *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

⁴² Link in CBB (Expert Evidence), Tab 4.4, page 2.

⁴³ CBB (Expert Evidence), Tab 6.16, page 17–24.

			Deeming’s decision to stay at the event when Nazi supporters showed up and celebrate afterwards with rally organisers. Quotes parts of the Press Conference (lines 17-19, 130, 289-292). Does not mention other parts the Applicant relies on in Imputations Table, including that Deeming escorted Keen through Parliament, that Deeming was working with organisers (not just that she was associated with them) and that Deeming did not take the opportunity to walk away from the other organisers and disown the odious things they have shared with people.		
The Guardian, entitled “Deeming vows to fight expulsion push over involvement in protest attended by neo-Nazis” dated 20 March 2023. ⁴⁴	SMEE reach approx. 6.7m 62,900 views and approx. 1,330 echos	[17.4(b)]	Arguable – Article quotes from the Media Release before mentioning the Press Conference. As to the Press Conference, the article says Pesutto said Deeming’s expulsion was necessary because of her association with organisers with links to extremists, including neo-Nazis and white supremacists, and that it took about 20 minutes’ to investigate the organisers’ links to extremist groups. Also says Pesutto said Deeming escorted Keen through the parliament premises to the protest, attended the rally, did not leave when neo-Nazis arrived	Arguable – Focus of the article is on Deeming fighting the expulsion motion. Quotes from the statement published by Deeming on 20 March 2023. Calls the vote for Deeming’s expulsion “the first real test for Pesutto”, mentions a group of conservative Liberal party members threatened to quit the party if Deeming is expelled and urged other member to write to their local MP to oppose the motion, and says several federal Liberals, including Jacinta Price and senator Claire Chandler, have issued statements offering Deeming their support.	Not capable of conveying the pleaded imputations, including because of Deeming’s, response and the support of Liberal Party Members and MPs. At highest, imputes level 2 meanings (that there are reasonable grounds to believe that Mrs Deeming...), which are distinct from Level 1 meanings. ⁴⁵

⁴⁴ CBB (Expert Evidence), Tab 6.16, page 25–31.

⁴⁵ *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

			and having had the opportunity to disown and disassociate with those people, chose to celebrate. Quotes from parts of the Press Conference (lines 77-79, 237-243, 289). Does not mention Deeming working with the organisers of the Rally, or the Jones tweet, references to which the Applicant relies on in the Imputations Table.		
The Star Observer, entitled “Liberal MP Deeming Faces Expulsion For Attending Melbourne Anti-Trans Rally” dated 20 March 2023 ⁴⁶	No data	[17.4(f)]	No – Only reports and quotes from Media Release, not Press Conference.	No	
Sky News, entitled “Victorian Liberal leader moves to expel MP Deeming over alleged links to far right groups during heated anti-trans protest” dated 20 March 2023 ⁴⁷	No data on views Meltwater reach approx. 3.09m, 2 echos	[17.4(g)]	No – Article says Pesutto blasted Deeming for allegedly remaining at the rally after the neo-Nazis arrived and posting Saturday night celebrations with people who promote far right views. Article contains very few parts of Press Conference contained in Applicant’s imputations table, and does not include, for example reference to the Jones tweet, Deeming working with organisers and escorting Keen through Parliament, staying at the Rally when the Nazis arrived and choosing to celebrate as evidenced on social media. Most quotes in the article were given directly to Sky News by Pesutto, rather than taken from the Press Conference.	Arguable – Says Deeming publicly condemned the demonstrations, including a group of men performing the Nazi salute, but Pesutto has since tied Deeming to far right groups. Includes quotes from Deeming in response (“nobody endorsed” the gate crashers; “We all condemned them. But nobody listened to what the women actually said”).	
SBS News, hosted on YouTube, entitled “Victorian Liberal leader condemns [SIC]”	SMEE reach 215,000	No	Arguable – Contains clips from the Press Conference,	No	

⁴⁶ CBB (Expert Evidence), Tab 6.16, pages 32–38.

⁴⁷ CBB (Expert Evidence), Tab 6.16, page 39.

anti-trans protest attended by neo-Nazis” dated 20 March 2023	Approx. 14,000 views and 108 likes		including the reasons for the expulsion motion, but not several parts of the Press Conference that are relied on in the Applicant’s Imputations Table.		
9News Melbourne Facebook Livestream dated 20 March 2023. ⁴⁸	No data on views SMEE reach approx. 1.3m, 164 likes and 108 reposts	No	Yes	No	
The Age entitled “Deeming vows to fight ‘unjust’ move to expel her from Liberal Party” dated 20 March 2023. ⁴⁹	SMEE reach 2.79m	No	Yes – Contains the three reasons Pesutto gave in the Press Conference (associated with people who have shared platforms with people who promote Nazi views or sympathies, stayed at the rally when the neo-Nazis arrived, celebrated with organisers after the rally).	Yes – Focus of the article is on Deeming’s response to the expulsion motion. Quotes Deeming’s 20 March 2023 statement. Mentions that sources close to Deeming said she believed the expulsion motion was because of her anti-trans views, not associations with neo-Nazis. Also includes criticism of the expulsion motion from Warren Mundine, calling it “madness” and “absurd”, that the Liberal Party needs “a backbone” and that he was “completely ropeable.	
The Sydney Morning Herald entitled “Rogue MP to fight expulsion after attending rally with Neo-Nazis” dated 20 March 2023. ⁵⁰	No data on views SMEE reach approx. 7.83m	No	Arguable – Contains a clip from the Press Conference, but does not go to the substance of Pesutto’s reasons for moving the expulsion motion, nor many parts relied on in the Applicant’s Imputations Table.	No	
The Age entitled “Editorial: Once again, Victorian Liberals caught in trap of own making” dated 20 March 2023. ⁵¹	SMEE reach 2.79m	No	Arguable – Includes some of the reasons for the expulsion motion, but quotes more from the Media Release than the Press Conference.	Yes – Editorial piece that is largely critical of the expulsion motion.	

⁴⁸ CBB (Expert Evidence), Tab 9.13.

⁴⁹ CBB (Expert Evidence), Tab 9.14; CBC, Tab 405.

⁵⁰ CBB (Expert Evidence), Tab 9.15.

⁵¹ CBB (Expert Evidence), Tab 9.16.

<p>The Age, entitled “Liberal MPs argue Deeming’s expulsion would raise behaviour bar too high” dated 20 March 2023.⁵²</p>	<p>SMEE reach 2.79m</p>	<p>No</p>	<p>Unsure – Says only that Pesutto needed to take decisive action because Deeming refused to distance herself from Keen, who was known to be publicly associated with far right-wing extremists groups including neo-Nazi activists. Also appears to contain a video of the Press Conference.</p>	<p>Yes – Piece is largely critical of the expulsion motion.</p>	
<p>X User @DaisyIsStarDust, dated 20 March 2023</p>	<p>SMEE reach 4,351, approx. 45,000 views, 123 likes, 19 comments and 45 reposts</p>	<p>No</p>	<p>Link in Annexure 7A of Campey’s report does not lead to post (it may have been deleted) and post is not otherwise contained in either of Campey’s reports. Accordingly, it is denied that the sense and substance is republished.</p>		
<p>The Guardian, entitled “The Deeming question: Victorian Liberals are at war, but leader John Pesutto knows the party must change” dated 25 March 2023.⁵³</p>	<p>SMEE reach approx. 6.7m 14,207 views</p>	<p>[17.4(1)]</p>	<p>No – Article says Pesutto said it was necessary to bring the motion because Deeming didn’t leave when the neo-Nazis showed up and she decided to celebrate afterwards with organisers in the post-rally video. Quotes parts of Press Conference (lines 79, 130, 299-300). Does not include many parts of the Press Conference the Applicant relies on in the Imputations Table, including the allegation that those organisers have shared platforms with people who promote Nazi views or sympathies, as well as references to the Jones tweet and Deeming working with</p>	<p>Arguable – Article includes Deeming’s response to the expulsion motion, namely her vow to fight and her assertion that she has done nothing wrong. Article mentions that sources close to Deeming believing the expulsion motion is due to her anti-trans views, not links to rally organisers, and that her links to organisers of the Rally should not have come as a surprise to the Leadership Team. The article also says those within the party room who are not fans of Deeming have questioned whether there is enough evidence to expel her, and that if the expulsion motion fails or</p>	<p>Article is a broader analysis of the issue and considers all sides. Accordingly, not capable of conveying the pleaded imputations. At highest, imputes level 2 meanings (that there are reasonable grounds to believe that Mrs Deeming...), which are distinct from Level 1 meanings.⁵⁴</p>

⁵² CBB (Expert Evidence), Tab 9.17.

⁵³ CBB (Expert Evidence), Tab 6.16, page 40–47; Tab 11.21.

⁵⁴ *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

			organisers of the Rally and escorting Keen through Parliament.	even narrowly passes it will cost Pesutto the leadership.	
S.P.A. by Shorey YouTube Account, entitled "John Pesutto press conference after Moira Deeming expelled midday 12may2023" dated 12 May 2023 ⁵⁵	SMEE reach 680, 124 views, 3 likes and 4 comments	No	No – This is of the press conference after Deeming is expelled on 12 May 2023.	No	
Total views of pleaded and admitted republications of Press Conference			None		
Maximum total views of arguable and admitted republications, including republications that are not pleaded			Approx 76,900, noting there is no data on views of one admitted but not pleaded republication and three arguable republications.		

Alleged republications of Expulsion Motion and Dossier

Alleged republication	Alleged views etc.	Pleaded in SOC	Sense and substance republished?*	Matter complained of refuted?***	Additional comment
The Age, entitled “Moira Deming suffers blow in fight against expulsion from Liberals’ party room” dated 21 March 2023 ⁵⁶ Republished under 2 other mastheads	No data on views Meltwater reach 2.79, 110 comments and 104 echos	[22.5(d)]	Arguable – Explains parts of the Expulsion Motion and Dossier, including Keen being “known to be publicly associated with far-right extremist groups”, the champagne video, the Jones Tweet and the Nazi Barbie doll image. Does not include any examples of Keen’s associations with far-right extremists, “the big lie” at a Rally in Newcastle, UK, or Keen’s ‘Pridestapo’ post.	Yes – Contains criticism of the expulsion motion from Liberal Party members (including calling Pesutto a “little despot” and saying Deeming “did nothing wrong and expelling her would be weak”), MPs (including Ryan Smith MP saying “Some of the evidence that’s been shown to me appears to have been put together to fit the accusation rather than the other way around”, and that Liberal MPs remain uncomfortable with the expulsion), Keen in her 3AW interview (saying Pesutto has “spewed... vile lies”), Deeming’s supporters (calling the Expulsion Motion and Dossier “tenuous”) and Deeming (calling it “unjust”).	
The Herald Sun, entitled “Libs vote as John Pesutto releases dossier on Liberal MP Moira Deeming following anti-trans rally” dated 21 March 2023 ⁵⁷	Meltwater reach 2.31m, 13,230 views and 350 echos	[22.5(a)]	No – Contains a picture of part of the first page of the Expulsion Motion and Dossier and states the fact that it has been compiled but does not go into detail of the allegations therein, with most of the quotes from Pesutto taken from the Press Conference and the Media Release.	Yes – Contains criticism of the expulsion motion from MPs, warning Pesutto needs a resounding victory or he’ll be gone. Includes Ryan Smith MP telling ABC radio that the case against Deeming didn’t stack up. Includes quotes from Warren Mundine calling Pesutto “gutless”, a continuation of “pathetic” Liberal leadership, that the expulsion motion was “a knee-jerk reaction”, lacked “backbone”, that Deeming should sue Pesutto for	Article is long and includes quotes from Albanese, Dreyfus and Dutton on the issue of banning the Nazi salute

⁵⁶

CBB (Expert Evidence), Tab 6.17, pages 1–6.

⁵⁷

CBB (Expert Evidence), Tab 6.17, page 7.

				defamation, and that Pesutto was “blaming the victim” and “is a fool”. Also quotes extensively from Deeming’s 20 March 2023 statement and includes quotes Deeming gave to the Herald Sun directly.	
The Australian, entitled “Victorian Liberal leader John Pesutto’s bid to expel anti-trans MP Moira Deeming splits Libs” dated 22 March 2023. ⁵⁸	Meltwater reach approx. 2.1m, 16,110 views, 677 comments and 450 echos	[22.5(f)]	Arguable – Contains a picture of part of the first page of the Expulsion Motion and Dossier, and says Deeming shared a platform with Keen, who ‘was known to be publicly associated with far-right extremist groups including neo-Nazi activists’, but does not specify the alleged associations with Garipey, Soldiers of Christ Online and Johansen. Also mentions the champagne video and the Jones Tweet. Does not include any examples of Keen’s associations with far-right extremists, ‘the big lie’ at a Rally in Newcastle, UK, the Nazi Barbie Doll image, or Keen’s ‘Pridestapo’ post. The article purports to contain a link to the Expulsion Motion and Dossier.	Arguable – Says Pesutto has gambled his leadership authority in the expulsion motion. Contains criticism of the expulsion motion from MPs, including Ryan Smith MP saying that people were uncomfortable with the move to expel Deeming.	Not capable of conveying the pleaded imputations, including because of criticism of the expulsion motion from MPs. At highest, imputes level 2 meanings (that there are reasonable grounds to believe that Mrs Deeming...), which are distinct from Level 1 meanings. ⁵⁹
The Guardian, entitled “Bid to expel Deeming deepens divide in Victorian Liberal party” dated 21 March 2023. ⁶⁰	SMEE reach approx. 6.7m, 24,038 views and 179 echos	[22.5(b)]	Arguable – Quotes parts of the Expulsion Motion and Dossier, including [2], and explains some of the allegations therein (Nazi Barbie doll image, interviews with far right networks, Jones Tweet, champagne video). Contains no detail of the	Arguable – Contains Deeming’s response in her 20 March 2023 statement (that she has done nothing wrong), criticism of the expulsion motion, including that several MPs were “unconvinced” Deeming’s conduct reached “a threshold worthy of	Not capable of conveying the pleaded imputations, including because of criticism of the expulsion motion from MPs. At highest, imputes level 2 meanings (that there are reasonable grounds to

⁵⁸ CBB (Expert Evidence), Tab 6.17, page 8.

⁵⁹ *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

⁶⁰ CBB (Expert Evidence), Tab 6.18, pages 1–8.

			alleged interviews with far-right networks. Does not mention 'the big lie' at a Rally in Newcastle, UK, the Nazi Barbie Doll image, or Keen's 'Pridestapo' post.	expulsion", quotes Ryan Smith MP saying "I can't see any evidence that she's associated with Nazis ... some of the evidence that's been shown to me appears to have been put together to fit the accusation rather than the other way around" and quotes from Keen in her 3AW interview.	believe that Mrs Deeming...), which are distinct from Level 1 meanings.. ⁶¹
9News, entitled "Victorian Liberals to push forward with a motion to expel MP Deeming" dated 21 March 2023. ⁶²	No data on views SMEE reach approx. 10.5m	[22.5(c)]	Arguable – Quotes some parts of the Expulsion Motion and Dossier, including parts of [2(a)] and [2(b)], which mention that Keen was known to be publicly associated with far-right extremists groups, and the Jones Tweet. Article also mentions the champagne video. Article contains no detail of the alleged associations, 'the big lie' at a Rally in Newcastle, UK, the Nazi Barbie Doll image, or Keen's 'Pridestapo' post. Does not mention the specific wording of the motion, namely that Deeming 'conducted activities in a manner likely to bring discredit on the Parliament or the Parliamentary Party'.	Arguable – Contains quotes from Deeming's 20 March 2023 statement: "Let me clear – I have done nothing wrong. Those who organised the Let Women Speak event on the weekend have done nothing wrong", and "Despite this, a select few members of the Liberal leadership team have condemned me unjustly."	Not capable of conveying the pleaded imputations, including because of Deeming's response. At highest, imputes level 2 meanings (that there are reasonable grounds to believe that Mrs Deeming...), which are distinct from Level 1 meanings.. ⁶³
The Age, entitled "Liberals fight for Deeming reprieve as anti-trans rights saga splits party" dated 22 March 2023. ⁶⁴	No data on views SMEE reach 2.79m, 3 comments and approx.. 2620 echos	[22.5(e)]	Arguable – Summarises parts of the Expulsion Motion and Dossier, including that Keen was known to be publicly associated with far-right extremists groups, the champagne video and the	Yes – The focus of the article is on opposition within the party to the expulsion motion, including a quote that "the general view is that people... want Moira to stay in the party room", and "It's all about	

⁶¹ *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

⁶² CBB (Expert Evidence), Tab 6.18, pages 9–14.

⁶³ *Australian Broadcasting Corporation v Wing* (2019) 271 FCR 632, [55], [81]-[82], [96]-[98].

⁶⁴ CBB (Expert Evidence), Tab 6.18, pages 15–20.

			Jones Tweet. Contains no detail of the alleged associations, 'the big lie' at a Rally in Newcastle, UK, the Nazi Barbie Doll image, or Keen's 'Pridestapo' post.	perceptions of leadership, which is really dumb". Also includes quotes from Keen's 3AW interview.	
The Australian, entitled "Consequences: Victorian Liberal MP Moira Deeming may still be expelled" dated 28 March 2023 ⁶⁵	SMEE reach 2.1m, 27,658 views	No	No – Only raises the Expulsion Motion and Dossier at the end, Quotes part of [2(a)], that Deeming shared a platform with Keen who 'was known to be publicly associated with far-right extremists groups including neo-Nazi activists'. Mentions that the Expulsion Motion and Dossier alleges that Deeming associated with people who expressed far-right views and shared a platform with an activist he claims advocated for a 'white ethno state', but does not name Gariepy, Soldiers of Christ Online or Johansen. Does not mention Deeming's role in organising or promoting the Rally, the Nazi Barbie doll image, the 'pridestapo', Lisa Morgan's 'the big lie' speech or the champagne video. Does not mention the specific wording of the motion, namely that Deeming 'conducted activities in a manner likely to bring discredit on the Parliament or the Parliamentary Party'.	Arguable – Quotes portions of Deeming's speech to the party room, including that the allegations she had neo-Nazi links were "deeply and personally offensive and hurtful" and "100 per cent false". Article also says MPs said the party room turned against Pesutto's hardline position on Deeming, and that "The room was against him".	Focus of the article is on Deeming's social media activity in the 24 hours after she was suspended and Pesutto's response to them.
The Age, entitled "Deeming expulsion vote looks set to pass in key test for Pesutto" dated 27 March 2023 ⁶⁶	SMEE reach 2.79m, 147 comments and 172 echos	[22.5(g)]	No – Does not refer to the Expulsion Motion and Dossier and only briefly	Arguable – Contains criticism of the expulsion motion from MPs including Ryan Smith MP, and from Deeming's	

⁶⁵ CBB (Expert Evidence), Tab 9.18.

⁶⁶ CBB (Expert Evidence), Tab 6.18, pages 21–23.

			mentions some of the allegations.	email to parliamentary colleagues, calling the expulsion motion “poorly researched”.	
The Herald Sun, entitled “Moir Deeming threatens defamation action against Liberal leader John Pesutto” dated 11 May 2023. ⁶⁷	3,182 views	No	No – States the fact that the Expulsion Motion and Dossier was compiled and distributed, and in it Pesutto accused Deeming of having Nazi links and ‘conducting activities in a manner likely to bring discredit on the Parliament or the Parliamentary Party’, but does not include any detail of the allegations in the Expulsion Motion and Dossier.	Yes – The substance of the article is about Deeming threatening to sue Pesutto for defamation, and includes statements from Deeming on the issue.	
Total views of pleaded and admitted republications of Expulsion Motion and Dossier			None		
Maximum total views of arguable and admitted republications, including republications that are not pleaded			40,138 views, noting there is no data on views of one arguable republication If the article in <i>The Australian</i> dated 22 March 2023 is found to republish the sense and substance of the Expulsion Motion and Dossier on the basis it contains a link to it, most of the 16,110 ‘views’ of the article are not likely to have clicked through to the Expulsion Motion and Dossier. As such, the number is likely to be far less.		

⁶⁷

Not in Court Book.