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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.

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Deeming v Pesutto

Points of difference in evidence of 19 March 2023 meeting

| Point of difference | Deeming's evidence | Respondent's evidence |
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| Tone of meeting | <p>[87]: Deeming felt the Leadership Team ambushed, attacked and bullied her at the meeting.</p> <p>Reply [88(c)]: Deeming recalls the meeting felt like a pile on.</p> <p>Reply [90(c)]: Deeming felt she was 'ambushed and attacked' and it was an 'us versus her scenario'.</p> | <p>Southwick [37(h)]: The Leadership Team gave Deeming a lot of opportunities for a different outcome.</p> <p>Crozier [35]: The discussion was open and supportive, and Deeming was invited to speak and respond throughout. The Leadership Team did not ambush or attack Deeming or set up an us vs. her scenario – Crozier was sitting next to Deeming.</p> <p>Pintos-Lopez [38]: The tone of the meeting was professional and measured. Pesutto was courteous to Deeming.</p> <p>Bach Reply [6], [9]: The Leadership Team did not attack Deeming or her views at any point during the meeting. Bach considered that Pesutto, Southwick and Crozier were particularly soft and gentle with Moira. They dealt with her with 'kid gloves'. They did not interrogate her.</p> |
| Whether the Leadership Team attacked Deeming's advocacy for sex-based rights | <p>[60]–[61], [63], Reply [88(a)]: the Leadership Team attacked Deeming for her advocacy of sex-based rights and child safeguarding, which Pesutto called 'fringe' issues.</p> | <p>Southwick [37(a)–(c)]: Pesutto opened the meeting by saying this has nothing to do with the cause Deeming is advocating, but who turned up at the rally and who Deeming associated with in organising and speaking at the rally.</p> <p>Southwick Reply [8]–[11], [21]: The focus was not on advocacy for sex-based rights. The focus of the meeting was to denounce the actions of the neo-Nazis at the rally and the words and images used by Keen and Jones that contained reference to Nazi symbols or rhetoric.</p> <p>Pesutto [83]: Pesutto said at the meeting words to the effect of we're trying to win the next election, we want to focus on issues as a team and focus on the budget and cost of living, things like the rally are distracting us and taking us off message, and we need you to be part of the team.</p> <p>Pesutto Reply [9(b)], [10(c)]: Deeming's account focuses on alleged child safe-guards and sex-based rights, whereas the focus of Pesutto's concern and how he sought to frame the discussion was the use of Nazi symbols and analogy. Pesutto strongly disagrees that Deeming was attacked at all during the meeting, or that she was attacked for her advocacy of sex-based rights and child safeguarding.</p> <p>Pintos-Lopez [35]: Pesutto spoke first and expressed his concern and disappointment at Deeming's attendance at the Rally.</p> |

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| | | <p>Crozier Reply [8]: No one attacked Deeming for her views about sex-based rights. What the Leadership Team was asking of her had nothing to do with her views on sex-based rights.</p> <p>Bach Reply [3]–[6]: Bach does not recall Pesutto describing sex-based rights as a ‘fringe’ issue. The concern of the meeting was never about Deeming personally or her own views.</p> |
| ‘Independent MP’ comment | <p>[60], Reply [88(a)]: Pesutto said if Deeming wanted to advocate for these issues, he and the Leadership Team were of the view that she would be better suited to be an Independent rather than a Liberal Party MP, given Pesutto was trying to ‘modernise’ the Liberal Party in Victoria.</p> <p>Reply [88(h)]: Pesutto started the meeting by saying he thought Deeming would be better suited to be an Independent rather than a Liberal Party MP.</p> | <p>Southwick Reply [10]: Southwick does not recall Pesutto saying if Deeming wanted to advocate for ‘fringe’ issues, he and the Leadership Team were of the view that she would be better suited to being an Independent rather than a Liberal MP.</p> <p>Crozier Reply [6]: This is not how the meeting started, nor was it a central focus of the meeting. After Deeming had remained defiant and refused to do what the Leadership Team was asking to do to protect the Party, someone from the Leadership Team asked her if she thought she would be better off as an Independent given she wanted to advocate for these issues.</p> <p>Pesutto Reply [10(a)]: Pesutto recalls suggesting to Mrs Deeming at one stage that she may be better suited to being an independent MP, and it is unlikely he used the term ‘fringe’ to describe her views on sex-based rights and transgender issues.</p> |
| ‘Third strike’ comment | <p>[64] One of the Leadership Team said the rally was Deeming’s ‘third strike’ (strike 1 being her maiden speech and strike 2 being her International Women’s Day speech).</p> | <p>Pesutto Reply [10(d)]: Pesutto does not believe he or anyone used the phrase ‘third strike’, and he does not recall any mention of Deeming’s International Women’s Day Speech.</p> <p>Bach Reply [7]: Bach does not recall anyone using the language of ‘third strike’, but there may have been talk during the meeting about Deeming’s previous conduct in the context of the counselling she had received about respectful engagement with issues.</p> |
| ‘Attitude problem’ comment | <p>[65] Pesutto said that Deeming’s response showed that she had an ‘attitude problem’.</p> | <p>Crozier Reply [9]: Crozier does not recall anyone saying Deeming had an attitude problem.</p> |
| Deeming downplaying her involvement in the rally and equivocating about whether the men were Nazis | <p>Reply [89(b)]: Deeming denies trying to downplay her level of involvement in the rally, although may have said she was not an organiser. Deeming does not recall equivocating about whether the men in black who performed the Nazi salute were in fact really Nazis.</p> | <p>Southwick [37(b)]: Deeming attempted to downplay her involvement in the rally. Deeming equivocated about whether the men in black who performed the Nazi salute were in fact really Nazis.</p> |
| Whether Deeming was shown material | <p>[69]–[72]: Pintos-Lopez read out from his laptop that Keen was a ‘known supporter of Nazism’. Deeming asked to see what was on the laptop screen but they refused to show her</p> | <p>Southwick [37(d)]: Pintos-Lopez ran through the Dossier and the Jones Tweet. He showed Deeming the material in the Dossier.</p> <p>Southwick Reply [13]: Pintos-Lopez did not turn his laptop away and Deeming was shown various images.</p> |

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| | <p>the evidence. Crozier said ‘it’s all over the Internet’ and Pesutto said ‘it took Rod ten minutes to find this information’. They pressed Deeming to denounce Keen as a Nazi, which Deeming refused to do without seeing evidence.</p> <p>[76]: Bach or Pintos-Lopez read out the Jones Tweet.</p> <p>Reply [85]: Deeming does not recall being shown anything in the meeting. When she asked to see what was on the screen, Pintos-Lopez tilted the laptop further away from her. Deeming asked to see the evidence and Crozier said ‘it’s all over the Internet’. Deeming points to handwritten notes of this exchange made a day or so after the meeting (pages 2–5 of Exhibit MD-1).</p> <p>Reply [86]: Deeming recalls the Leadership Team discussing the Jones Tweet, but not the Nazi Barbie Doll or Pridestapo images.</p> <p>Reply [89(d)]: Pintos-Lopez read out the content from his laptop but did not show it to Deeming. Deeming denies that she was given a proper opportunity to comment or respond.</p> | <p>Crozier [33]: Deeming was shown the material and information that had been collated that would ultimately appear in the Dossier.</p> <p>Crozier Reply [11]: Crozier said ‘it’s all over the internet’ because it did not seem credible that Deeming was not aware of Keen’s public associations and notoriety. Pintos-Lopez did not turn the laptop away from Deeming and refuse to show her the material. Crozier’s recollection is Pintos-Lopez had print outs of the social media posts.</p> <p>Pesutto [86]: Pesutto showed Deeming the research his office had conducted. Pesutto specifically recalls Deeming being shown the Nazi Barbie Doll image, the Pridestapo image and the Jones Tweet.</p> <p>Pesutto Reply [10(f)–(g)]: Pesutto thinks it is unlikely he would have used the phrase ‘known supporter of Nazism’. Pesutto does not consider that Pintos-Lopez turned a laptop away from Deeming or that anyone refused to show her any of the material. Pesutto recalls saying words to the effect that, it didn’t take long to find this information, and Dan Andrews’ team or the government would have found it in no greater amount of time.</p> <p>Bach [27(d)]: Deeming was shown the barbie doll image, the Pridestapo image and the Jones tweet.</p> <p>Bach Reply [10]: Pesutto did not use the phrase ‘known supporter of Nazism’. He was much more careful and nuanced in his language throughout the meeting.</p> <p>Bach Reply [11]: Bach does not recall Deeming asking to see Pintos-Lopez’s laptop or Pintos-Lopez turning his laptop away from Deeming. Bach was sitting right next to Pintos-Lopez – he believes he would remember if he had done that.</p> <p>Pintos-Lopez [36]: At Pesutto’s request, Pintos-Lopez set out the materials that he had discovered from his research, including describing and showing the social media posts by Keen using the Nazi Barbie doll and the Reichsadler LGBTQI+ flag.</p> <p>Pintos-Lopez Reply [4]–[6]: Pintos-Lopez sat across the table from Deeming with Pesutto to his immediate right. He read to Deeming a list of the relevant material and while doing so showed Deeming social media images by turning his laptop around and holding it up towards her. Deeming did not ask to see Pintos-Lopez’s laptop and Pintos-Lopez did not purposefully turn his laptop away from Deeming at any point during the meeting.</p> |
| <p>Deeming’s response to material (Nazi Barbie Doll, Pridestapo image, Jones Tweet)</p> | <p>[70]–[71]: Having not been shown the material, Deeming expressed doubt that the material was true.</p> <p>Reply [86], [88(e)]: Deeming does not recall the Leadership Team describing the Nazi Barbie Doll image or Pridestapo image to her.</p> | <p>Southwick [37(e)]: Deeming said the Jones Tweet ‘wasn’t meant to be serious’.</p> <p>Southwick [37(f)]: When shown the Nazi Barbie doll and Pridestapo images, Deeming said words to the effect of ‘I guess that’s not a great look’ or ‘that could look bad’.</p> <p>Pesutto [87]: Deeming said in substance that’s a joke, you are misunderstanding, and laughed off the images.</p> |

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| | <p>Instead, the Leadership Team was suggesting Keen was a Nazi and had association with Nazis, and were reading text in support (rather than talking about images). Deeming does not recall saying any of the content was a joke or laughing it off, but rather that she became suspicious as to the accuracy of the claims and expressed doubt as to whether they were true. Deeming said it is possible she said they were a ‘misunderstanding’ because even though none of what they were saying made logical sense to her, they were demanding that she respond.</p> <p>Reply [89(f)]: Deeming does not think she would have said ‘I guess that’s not a great look’ or ‘that could look bad’ because she was not shown the images and does not recall the images being raised at all.</p> <p>Reply [89(e)]: Deeming says it is possible she said she was confident Jones did not mean the Jones Tweet in the way the Leadership Team was interpreting it.</p> <p>Reply [91(c)]: Deeming does not recall describing the tweets as ‘jokes’ and was not refusing to distance herself from them, but rather refusing to denounce them as evidence of Nazism without seeing them or properly understanding them.</p> | <p>Pesutto Reply [10(h)]: Deeming did not say words to the effect that these were not real posts or Keen had not done what had been reported, but responded to the effect that the Leadership Team was misinterpreting it, taking it out of context, and/or not recognising that it was just a joke.</p> <p>Pesutto Reply [10(k)]: Deeming said words to the effect that the Jones Tweet had been taken out of context, and that it was one tweet in a thread.</p> <p>Bach [29]: Deeming tried to justify the tweets by Keen and Jones as jokes.</p> <p>Bach Reply [11]–[12], [18]: Deeming did not dispute the accuracy or veracity of what was being put to her, but rather the meaning or interpretation of what was being put to her.</p> <p>Pintos-Lopez Reply [7]: At no point did Deeming comment on the veracity of the material that was read or shown to her.</p> <p>Crozier Reply [12]: Crozier does not think Deeming said words to the effect that she doubted the material she was shown was true.</p> |
| Deeming’s response to video after the rally | Reply [89(g)]: Deeming does not recall this exchange. | Southwick [37(g)]: Deeming said she had said something in the champagne video that showed she disagreed with the other participants’ views about the Nazis, in response to which Southwick said she made a joke about the Nazis rather than clearly denouncing them. |
| Leadership Team’s request to Deeming to issue statement and | [72]–[73], Reply [88(i)]: the Leadership Team kept pressing Deeming to denounce Keen as a Nazi but she refused to do so without seeing evidence. Deeming said the Nazis had nothing | Southwick [37(h)–(i)]: The Leadership Team told Deeming that MPs make mistakes and all she needed to do was put out a statement distancing herself from the Nazis who turned up at the rally and the organisers. In response, Deeming said she blamed the police and refused to put out a press release. |

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| <p>Deeming's response to request</p> | <p>to do with the rally, and they could see for themselves from Keen's or Fernando's livestream footage.</p> <p>Reply [88(g)]: Deeming offered to call out and condemn the Nazis, and disputes that she said words to the effect that she stood by Jones and Keen, rather than that she would not denounce them as Nazis without proof.</p> <p>Reply [89(h)-(i)], [90(b)-(c)], [91(c)], [92(c)-(d)]: The Leadership Team was focused on getting Deeming to denounce the organisers of the Rally as Nazis but Deeming refused to do so without evidence.</p> | <p>Southwick Reply [11], [21]: The Leadership Team sought to help Deeming to understand that it was incumbent upon her to denounce the neo-Nazis that arrived at the Rally, and the images used by Keen and Jones that contained reference to Nazis symbols or rhetoric. The Leadership Team did not ask her to make a statement denouncing the Rally or LWS more broadly, or Keen or Jones personally or in a broad sense.</p> <p>Crozier [35]: The Leadership Team requested Deeming issue a statement condemning presence of neo-Nazis on the steps of Parliament.</p> <p>Crozier Reply [8], [10]: The Leadership Team asked Deeming to put out a clear statement condemning the Nazi presence at the Rally.</p> <p>Pesutto [89]: The Leadership Team was asking Deeming to call out and distance herself from Keen and Jones and their use of Nazi analogies in the Nazi Barbie Doll image, the Pridestapo image and the Jones Tweet. Deeming said words to the effect that she was prepared to call out the Nazi presence at the Rally, but she stood by Jones and Keen, and was not going to say anything condemning them or expressing any disapproval of what they had done.</p> <p>Bach [29]-[30]: The Leadership Team tried to impress upon Deeming that she would have to back away from these people and put some distance between them and the Party. At one stage Deeming offered to make a statement saying something like "I am not a Nazi", to which someone responded to the effect we know you are not, but you cannot be associated with these people. You need to demonstrate a clear break.</p> <p>Bach Reply [13], [17]: No one ever said that Deeming had to denounce Keen as a Nazi. The Leadership Team wanted Deeming to put some distance between the Party and Keen, and in particular Keen's social media posts that adopted Nazi imagery. Deeming offered to condemn Nazism and transphobia but didn't seem to understand that the Leadership Team's concern was also with the particular posts by Keen and Jones.</p> <p>Pintos-Lopez [37], [39]: Pesutto explained to Deeming that she needed to publicly distance herself from the organisers of the Rally. Deming said she would not distance herself from Keen and Jones.</p> |
| <p>Deeming's claim that she had already denounced the Nazis</p> | <p>[74], [79]: Deeming reminded the Leadership Team she had already denounced the men on social media and had arranged for Keen to put it on the public record that the neo-Nazis had nothing to do with the rally and that the organisers rejected them.</p> | <p>Southwick Reply [15]-[16]: Does not recall Deeming saying this and would have remembered if she did, as he did not believe that had occurred and if it had, it would have resolved most of the Leadership Team's concerns.</p> <p>Crozier Reply [14], [16]: Crozier does not recall Deeming saying those things.</p> |

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| <p>Bach's criticism of Deeming in the meeting</p> | <p>[76]–[77]: Bach criticised Deeming's video after the rally with Deves, Jones and Keen as 'drinking champagne with Nazi bigots'. The Leadership Team continued to argue with Deeming about how Deves, Jones and Keen were Nazis and bigots.</p> | <p>Southwick [37(j)]: Bach said to Deeming words to the effect, you have just lied to us.</p> <p>Pesutto [88]: Bach expressed the view that what Deeming was saying was simply not credible.</p> <p>Bach [28]: Deeming said she was not aware of Keen's or Jones's background or associations before the Rally. In response, Bach said something to the effect of that cannot be right – you have relationships with them, you took them into the precinct, you shared a stage with them, you can't not have known about their backgrounds.</p> <p>Bach Reply [6]: Bach spoke in a more direct and forthright tone with Deeming than the others did, particularly towards the end of the meeting when it was becoming clear that Moira simply didn't understand the problem the Leadership Team had with her conduct.</p> <p>Bach Reply [10]: In response to Deeming saying she had never heard or seen any such allegations against Jones or Keen, Bach said words to the effect of, I just don't believe you – you walked them through Parliament House and you organised an event with them.</p> <p>Bach Reply [14], [16]: Bach categorically denies that he called Keen or Jones 'Nazis' or 'Nazi bigots'. Bach does not believe he called Jones a 'bigot'.</p> <p>Crozier Reply [15]: Crozier does not recall who, but members of the Leadership Team repeatedly said words to the effect of, you're out there sipping champagne with these women who have done these viral posts, how can you support that?</p> |
| <p>Bach's 'can't be rehabilitated' comment</p> | <p>[80]: Bach said to Deeming, 'because you have even challenged us on this issue, it shows that you can't be rehabilitated'.</p> | <p>Bach Reply [19]: Bach said something to the effect that Deeming cannot be rehabilitated but this was in the broader context of a discussion about the numerous times that Crozier had tried to counsel Deeming in relation to issues that the Leadership Team knew were important to her while also expecting her to be a team player.</p> |
| <p>Conclusion of meeting</p> | <p>[82]–[83]: The Leadership Team left the room for a private discussion. 30 minutes later, they returned and Pesutto said because Deeming refused to condemn the women or the rally, they had decided to move a motion to expel her, or she 'can make it easier on us all' by resigning.</p> <p>Reply [88(h)]: Deeming recalls Pesutto ended the meeting by proposing to expel her or she could make it easier for them by resigning, and Deeming refused to resign.</p> | <p>Southwick [37(k)–(m)]: In the private meeting, the Leadership Team unanimously agreed that they would move a motion to expel Deeming. They returned to the meeting with Deeming and Pesutto told Deeming of this decision.</p> <p>Crozier [39]: When they returned to the room with Deeming, someone said to Deeming they were concerned about her behaviour and were considering their options.</p> <p>Crozier Reply [17]: Crozier agrees Deeming was given the option to resign, but that in the absence of the requested condemnation, there would be a motion to expel her from the Parliamentary Liberal Party.</p> <p>Pesutto [90], [92]–[93]: At some point during the meeting Pesutto gave Deeming the three options of leaving the Liberal Party and becoming an Independent MP, apologising for attending the rally and distancing herself from the speakers and other organisers, or they</p> |

would move a motion to expel her. The Leadership Team later went into a separate meeting and when they returned, Pesutto said they would bring a motion to expel her.

Bach [36]: When they returned to the room with Deeming, Pesutto told her the Leadership Team had decided they were going to move a motion to expel her from the Party.

Bach Reply [20]: At some stage Pesutto suggested an alternative option would be for Deeming to resign.

Pintos-Lopez [41]: Pesutto told Deeming that because she would not make a public statement condemning the neo-Nazis and distancing herself from Keen and Jones that the Leadership Team would move that she be expelled from the Party.