

NOTICE OF FILING

Details of Filing

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Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

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Form 59
Rule 29.02(1)

Affidavit of Richard Riordan

VID 1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Richard Riordan**
Address: [REDACTED]
Occupation: Member of Parliament
Date: 24 May 2024

Filed on behalf of (name & role of party)	Moira Deeming, Applicant
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[Version 3 form approved 02/05/2019]

I, Richard Riordan, of [REDACTED], say on oath:

Background

1. I have been the Member of the Victorian Legislative Assembly for Polwarth since 31 October 2015.
2. I have held various Shadow Ministries during my time as Member for Polwarth – I am currently Shadow Minister for Emergency Services (since October 2023) and Shadow Minister for Housing (since February 2022); I have previously served as Shadow Minister for Public Transport (December 2022 to October 2023), Shadow Minister for Local Government (September 2021 to December 2022), Shadow Minister for Resources (September 2021 to December 2022), Assistant Shadow Minister for Scrutiny of Government (December 2020 to March 2021), Shadow Assistant Minister for Agriculture (December 2018 to March 2021) and Shadow Assistant Minister for Regional Victoria (December 2018 to March 2021).

Exhibit RR-1

3. Exhibited to this affidavit is a paginated bundle of documents marked 'Exhibit RR-1'.

Moira Deeming

4. Ahead of the November 2022 election, Moira Deeming and I did campaign work together in Victoria's western and northern suburbs. I formed the view that she was highly articulate, charismatic and intelligent. I observed that she had very good recall on facts and figures. She was a brand new Member of Parliament but I recall she sat in meetings with Ryan Smith and I and could hold her own. She was very competent and impressive. I observed that she could navigate very politically sensitive issues.
5. I recall hearing Moira's maiden speech. [REDACTED]
[REDACTED]
6. Prior to 19 March 2023, I saw Moira as a valuable contributor to the Liberal Party. The party was seen as having a weakness of being short on younger female Members with families. Moira was articulate and competent and had the popular support of her electorate.

Chronology

7. I now understand, although I did not know at the time, that on Saturday 18 March 2023 Moira attended a 'Let Women Speak' rally (**Rally**).

19 March 2023

8. On Sunday 19 March 2023, my wife and I hosted a lunch at our house. We hosted about 200 people. John Pesutto and Georgie Crozier were there, as well as several other

- Members of the Victorian Parliamentary Liberal Party including Brad Rowswell and Bev McArthur. Federal politicians such as Dan Tehan and Sarah Henderson were also there.
9. During the lunch, I did not hear anyone say anything about the Rally or any concerns about Moira. When John left, I walked him through our garden to his car. He never said anything about any concerns about Moira or that he was proposing to expel her from the Victorian Parliamentary Liberal Party.
 10. I first heard there was an issue when David Southwick called me that evening. He said words to the following effect: *"We have a problem. Moira has organised a Nazi event. She's been hanging out with Nazis and partying with them. We've documented it all. We have all the evidence. We're going to move to get rid of her."* I said words to the effect *"If she's done all that, we'll need to really consider it"*. He said words to the effect: *"We have all the evidence. There's footage of her drinking with Nazis. It's shocking"*. I was left with the impression that it was indisputable. I thought that David would not have made these allegations lightly, since they were so serious. Because of that, and because the claims were so specific and he had said they had evidence, I thought the claims might be true. But I still wanted to see the evidence to support them.
 11. Shortly after that, I received an email from John Pesutto with a statement about Moira. A copy of that email is at pages 1 to 2 of Exhibit RR-1. I have read Moira's Statement of Claim [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 12. [REDACTED] I understand the Media Release was also provided to journalists and published to Mr Pesutto's website. Based on my experience as a Member of the Victorian Legislative Assembly since 2015, I consider it highly unusual that a Member of Parliament would publicise this sort of statement. Ordinarily, disciplinary issues should be resolved internally within the party. I thought it was highly inappropriate that the Media Release was provided to journalists and published online.

20 March 2023

13. I was aware that John did interviews with the media on 20 March 2023. I cannot now recall which interviews I heard or saw at the time, but I recall the repeated theme of what he was saying was that Moira had links with Nazis and white supremacists. I thought it was pretty obvious what he was implying. I thought he was suggesting that Moira had stood with and supported Nazis and white supremacists, and that this implied she was

herself a Nazi or white supremacist. He was saying Moira should be expelled for those reasons.

14. On 20 March 2023, John sent a further email to Members of the Victorian Parliamentary Liberal Party which attached an expulsion motion. I understand the attachment to John's email is being called '**the Expulsion Motion and Dossier**' in these proceedings. A copy of John's email, and its attachment, is at pages 3 to 20 of Exhibit RR-1. I thought the whole purpose of the Dossier was meant to prove that Moira either was a Nazi or had hung around with Nazis. But when I read it, I thought Mr Pesutto had made a huge mistake. I thought there was no proof in there that Moira had done or said anything which could bring the Liberal Party into disrepute.

21 March 2023

15. There was a party room meeting on 21 March 2023 (**21 March Meeting**). Renee Heath, who at that time was the Secretary, took minutes of the 21 March Meeting. A copy of those minutes of are at pages 21 to 24 of Exhibit RR-1. Those minutes are consistent with my recollection as a summary of the 21 March Meeting.
16. Prior to the 21 March Meeting, Brad Battin and I had asked to speak privately with John. I cannot now recall who said what, but we made it absolutely clear to him that this was not an attack on him; we were not trying to belittle him; it was not a shot at his leadership; we were not trying to undermine him. We said it was already a mess and we were trying to resolve it. We said we would work with him and stand with him and say whatever he wanted us to say to give him cover so he could abandon the Expulsion Motion. I said he had made a mistake and that he couldn't proceed with the Expulsion Motion because the evidence was so flimsy and Moira was not a Nazi. I told him that at my house on Sunday there were 200 people there and not one person had mentioned Moira or the Rally. I told him it was a non-event. I said that sacking a female Member from the party on a false pretence is wrong. I pointed out that he was proposing to sack her because she was collaborating with Nazis but that's not what had happened. I said that we shouldn't sack someone except in the most extreme of circumstances. John refused to back down. He was adamant that the claims of Nazi collaboration could be substantiated. He said he could not lead a party with someone like Moira in it. Brad Battin and I shook our heads in disbelief. [REDACTED]
17. During the 21 March Meeting, I moved a motion to delay the Expulsion Motion, in the following terms:

I move that the motion put forward by the Leadership by put in abeyance and replaced with a motion that at our next Party Room conference these important social issues raised over the weekend be considered so that we all may move



forward cohesively and direct our attention to our real opponents, including Daniel Andrews.

18. My recollection is that I spoke in support of my motion and said words to the effect that we all needed to take a deep breath, that the process was being rushed, that the Expulsion Motion and Dossier didn't justify Moira's expulsion, and that we needed to fully understand what had happened at the Rally and the implications rather than smearing Moira with claims of Nazism and expelling her. To the best of my recollection, the sentiment I was trying to express was that delaying the Expulsion Motion would avoid embarrassment for John and allow the party to save face.
19. The vote was against delaying the Expulsion Motion.
20. I recall that Kim Wells and I were aghast that the leadership were taking this path. It was so incompatible with the long history of the party and how it should operate. My view was that being in the party room is a privilege and an honour. We are voted in with the help and support of a whole raft of people – not just the electorate but also members of the party. Someone should only be removed from the party room in very serious circumstances where it can be explained and justified to the public. In Moira's case, I didn't think we were anywhere close to meeting that threshold.

27 March 2023

21. There was a further party room meeting on 27 March 2023 (**27 March Meeting**), to vote on the expulsion motion.
22. Renee Heath took notes of the 27 March Meeting. I have seen three versions of those notes, which are at pages 25 to 41 of Exhibit RR-1. Each of those three versions is consistent with my recollection of the 27 March Meeting.
23. Renee Heath's notes of the 27 March Meeting indicate that I said words to the following effect:

On Tuesday, I, along with others, believed that there was a third option in dealing with this. We have all been put in this room with the same position, as equals – we are all entitled to be here. Expulsion is a very last resort.

24. Renee Heath's notes of the 27 March Meeting indicate that I then "[s]poke to the constitution and notice of motion". I cannot recall precisely what I said at this point.
25. Renee Heath's notes of the 27 March Meeting indicate that I then said words to the following effect:

Even the ABC cannot prove the allegations of neo-Nazi sympathies. We are not here to disagree with our leader, this isn't about leadership. The motion raises two

issues – neo-Nazi sympathies and hate against the trans community. Neither have been able to be proven. We cannot kick her out of the Party Room on two unjustifiable lies. Moira's legal case against us is massively strong. If we are going to get rid of a strong, young woman that has joined our ranks, I am devastated at the consequences of this motion.

26. Renee Heath's notes of what I said, set out in the previous three paragraphs, are consistent with my recollection.
27. Moira spoke at the 27 March Meeting. She was very emotional. I thought her speech swung the mood of the room against voting for the Expulsion Motion.
28. After Moira spoke, there was an adjournment. David Hodgett and Kim Wells were helping Moira to try to broker a deal. A deal was reached and it was read out to the party room. The promised compromise recorded in Renee Heath's notes (at page 41 of Exhibit RR-1) is consistent with my recollection – that the compromise was that Moira would be suspended for 9 months and that there would be a joint statement from John and Moira saying she was not a Nazi or Nazi sympathiser. My understanding at the time was that both John and Moira would be putting their names to the statement. As I saw it, the purpose of the compromise was to allow John to save face whilst also censuring but not expelling Moira. I personally did not understand why Moira was being punished at all. I no longer understood what she was being accused of.

Second Expulsion Motion

29. [REDACTED]
30. On 6 May 2023, five Members moved a second expulsion motion against Moira (**Second Expulsion Motion**).
31. On 9 May 2023, at approximately 10.51am, I sent an email to Mr Pesutto and the Leadership Team, in which I expressed my view that the Second Expulsion Motion was not compliant with the Parliamentary Constitution because it did not give a specified reason for the proposed expulsion and had no signatures. Mr Pesutto responded to my email at approximately 12.04pm on 9 May 2023. I sent a further email in reply at approximately 12.24pm.

- 32. Moira was expelled from the Victorian Parliamentary Liberal Party on 12 May 2023. I still to this day do not understand why she was expelled.
- 33. I consider that the party room's treatment of Moira, led by John, set an untenable precedent.

Harm to Moira

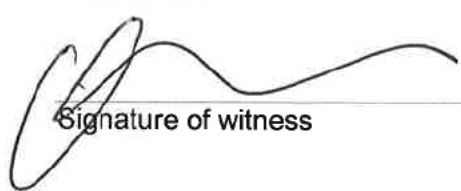
- 34. In my view, an allegation of being a Nazi or Nazi sympathiser is one of the most serious allegations that can be made about a person, and is like an allegation of being a murderer or paedophile or rapist. I think everyone I know, in my personal and political circles, would share that opinion. Those sorts of allegations never leave a person. Nobody wants anything to do with such a person. This was a cruel thing to be inflicted on Moira.
- 35. I recall that, since 19/20 March 2023, I have regularly seen posts online that refer to Moira being a Nazi and a right-wing nutjob.
- 36. I have observed that John's statements about Moira have had a huge emotional impact on her. I have had many private conversations with Moira since March 2023 in which she has relayed to me the accumulation of anger, frustration and helplessness that she has felt since March 2023. She has told me her husband and kids have suffered terribly. She has said she has felt physically unsafe. She has said she has felt unable to publicly defend herself. She has said she feels the world has turned against her. On a few occasions I have visited her in her office and she has broken down and started crying.

Sworn by the deponent
 At Melbourne
 in Victoria
 on 24 May 2024
 Before me:

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Signature of deponent



Signature of witness

Rebekah Giles, Solicitor

Name and qualification of witness