

Form 59
Rule 29.02(1)

Affidavit of Jeremy Joseph Marel

VID 1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

Moira Deeming

Applicant

John Pesutto

Respondent

Affidavit of: **Jeremy Joseph Marel**
Address: Level 7, 135 King Street Sydney NSW 2000
Occupation: Solicitor
Date: 2 September 2024

I, Jeremy Joseph Marel, Level 7, 135 King Street Sydney NSW 2000, say on oath:

Introduction

1. I am a solicitor employed by Giles George Pty Ltd (**Giles George**), the solicitors on the record for the Applicant, Moira Deeming MP. I work under the supervision of Patrick George, a Principal of Giles George and the solicitor on the record for Mrs Deeming.

Exhibit JJM-2

2. Exhibited to this affidavit is a paginated bundle of documents marked '**Exhibit JJM-2**'.

Correspondence regarding discovery

3. On 21 November 2023, Giles George sent a letter to Nick Johnston. According to Mr Johnston's affidavit affirmed on 24 May 2024 (CB:36, pp426-436), Mr Johnston commenced as Director of Communications to Mr Pesutto on or around 13 March 2023 (paragraph [5]) and resigned from that role on 3 March 2024 (paragraph [7]). Giles

Filed on behalf of (name & role of party)	<u>Moira Deeming, Applicant</u>
Prepared by (name of person/lawyer)	<u>Patrick George, Solicitor</u>
Law firm (if applicable)	<u>Giles George</u>
Tel	<u>1300 163 662</u> Fax _____
Email	<u>patrick.george@gilesgeorge.com.au jeremy.marel@gilesgeorge.com.au petar.strkali@gilesgeorge.com.au</u>
Address for service (include state and postcode)	<u>Level 7, 135 King Street Sydney NSW 2000</u>

[Form approved 01/08/2011]



PS

George's letter to Mr Johnston of 21 November 2023 included (at paragraph 18) the following:

We request that you retain all communications – from 18 March 2023 to date and ongoing – which are potentially relevant to the claim for defamation Mrs Deeming has against Mr Pesutto. That will include, without limitation, all records including electronic messages and drafts of media releases or other documents communicated between you (or others on your behalf) and Mr Pesutto or other Members of the Leadership Team regarding Mrs Deeming and all records between you (or others on your behalf or at your direction) and any journalists or members of the media regarding Mrs Deeming. This includes immediately capturing any relevant “disappearing” messages that have been exchanged on messaging systems such as WhatsApp and Signal.

A copy of this letter is not included in Exhibit JJM-2 because it includes information that may be evidence of settlement negotiations.

4. On 4 December 2023, Giles George sent a further letter to Mr Johnston, a copy of which is at page 1 of Exhibit JJM-2. The letter included the following:

As you have been on notice since at least 21 November 2023, we trust that you have retained all documents referred to in paragraph 18 of [Giles George's letter of 21 November 2023] in anticipation of proceedings and will continue to do so.

5. At approximately 2.26pm on 5 March 2024, Petar Strkalj, a solicitor employed by Giles George, sent an email to Rodrigo Pintos-Lopez. According to Mr Pintos-Lopez's affidavit affirmed on 24 May 2024 (CB:37, pp437-447), Mr Pintos-Lopez commenced in the role as Mr Pesutto's Chief of Staff on 13 March 2023 (paragraph [9]) and on 3 March 2024 he resigned from that role (paragraph [11]). Mr Strkalj's email to Mr Pintos-Lopez attached a letter, a copy of which (without its enclosures) is at pages 2-4 of Exhibit JJM-2.
6. At approximately 2.25pm on 5 March 2024, Mr Strkalj sent an email to Mr Johnston. The email attached a further letter to Mr Johnston, a copy of which (without its enclosures) is at pages 5-7 of Exhibit JJM-2.
7. At approximately 2.25pm on 5 March 2024, Mr Strkalj received an 'automatic reply' in response to the email he had sent to Mr Johnston, a copy of which is at page 8 of Exhibit JJM-2.
8. At approximately 2.42pm on 5 March 2024, I sent an email to Alex Woff. According to Mr Woff's affidavit affirmed on 27 May 2024 (CB:42, pp491-498), Mr Woff was appointed as Director of Media to Mr Pesutto on or around 1 March 2023 (paragraph [8]) and on or

around 4 March 2024 was promoted to Director of Communications to Mr Pesutto (paragraph [9]). My email to Mr Woff, a copy of which is at page 9 of Exhibit JJM-2, attached Giles George's letter to Mr Pintos-Lopez referred to at paragraph 5 above and the enclosures to that letter, and stated:

Dear Mr Woff,

*Please see **attached** our letter to Mr Johnston (and its enclosures).*

The letter was (as below) sent to 'nick.johnston@opposition.vic.gov.au', but we received an automatic reply saying:

Thank you for your email. I have now left the office.

For all matters relating to the Leader's Office, please direct your inquiry to alexander.woff@opposition.vic.gov.au

We request that you please:

- 1. Forward this email and its attachments to Mr Johnston;*
- 2. Take immediate steps to ensure that the documents referred to in our letter to Mr Johnston (including any documents or information which may have been stored on Mr Johnston's work laptop or phone) are preserved and retained; and*
- 3. Confirm that 1 and 2 above have occurred.*

We look forward to hearing from you.

9. At approximately 3.04pm on 5 March 2024, I received the following email from Mr Woff:

Dear Jeremy,

Nick has finished up his role and I do not have a forward email for him.

I have not opened this correspondence and will be deleting this email.

A copy of Mr Woff's email is at page 11 of Exhibit JJM-2.

10. At approximately 4.28pm on 5 March 2024, I sent, by email, a letter to Mr Woff. A copy of the letter (without its enclosures) is at pages 14-17 of Exhibit JJM-2. Amongst other things, the letter to Mr Woff of 5 March 2024 stated:

It was clear from our email to you (and from our letter to Mr Johnston which was attached to our email to you) that we were writing to you to request that you take immediate steps to ensure that certain documents relevant to the Proceedings (including documents or information which may have been stored on Mr Johnston's work laptop or phone) be preserved and retained. In those




circumstances, we find it highly troubling that you would: A) not open our letter to Mr Johnston despite our request that you preserve and retain the documents referred to in it; and B) delete our email. Indeed, the deletion of our email raises the very concerns which have prompted us to write to Mr Johnston and now to you (i.e. to ensure that potentially relevant records are not deleted / destroyed or otherwise lost).

To the extent that the documents referred to in our letter to Mr Johnston are, given Mr Johnston's recent resignation, now under your control (as his replacement) or are (notwithstanding his resignation) still under the control of Mr Pesutto's office, we request that you take immediate steps to preserve and retain them. This includes immediately capturing any relevant "disappearing" messages that have been exchanged on messaging systems such as WhatsApp and Signal. It also requires Mr Johnston's work laptop and phone (and all information on them) to be preserved.

11. Also on 5 March 2024, I sent a letter to the solicitors for the Respondent (**Minter Ellison**), a copy of which is at is at page 18 of Exhibit JJM-2, which included the following:

We see it as uncontroversial that Mr Pesutto has 'control' (as defined in Schedule 1 of the Federal Court Rules 2011 (Cth) (FCR)) over Mr Pintos-Lopez's and Mr Johnston's documents (insofar as they arise out of their employment within Mr Pesutto's office). All such documents which fall within the scope of r 20.14 of the FCR are discoverable pursuant to order 3 made by Justice Wheelahan on 2 February 2024 (the discovery order). Accordingly, we expect Mr Pesutto: A) to preserve and retain all such documents and to ensure they are not destroyed or lost when Mr Pintos-Lopez and Mr Johnston depart Mr Pesutto's office; and B) to discover all such documents by 22 April 2024 pursuant to the discovery order.

If you disagree that Mr Pesutto has control over Mr Pintos-Lopez's and Mr Johnston's documents, or that all such documents which fall within the scope of r 20.14 are discoverable pursuant to the discovery order, please let us know within 48 hours so that appropriate subpoenas can be issued.

12. On 8 March 2024, I sent an email to Minter Ellison, a copy of which is at is at page 19 of Exhibit JJM-2, which stated:

Dear Colleagues,

We refer to our attached letter of 5 March 2024.

Given we have not had a response from you, we are proceeding on the assumption that you do not disagree that Mr Pesutto has control over Mr Pintos-Lopez's and Mr Johnston's documents or that all such documents which fall within the scope of r 20.14 are discoverable pursuant to the discovery order.

If that is not correct, please let us know immediately.

13. On 28 June 2024, Minter Ellison filed and served Mr Pesutto's List of Documents. Part 3 of Mr Pesutto's List of Documents was as follows:

Part 3 – Documents that have been but are no longer in the control of the Respondent

No.	Description of document	Date of document	What became of document
484	Emails sent or received by Mr Rodrigo Pintos-Lopez using the email address Rodrigo.Pintos-Lopez@opposition.vic.gov.au in respect of which the Respondent is not copied and / or the Respondent's current employees are not copied.	Various	Mr Pintos-Lopez's employment with the Office of the Leader of the Opposition ceased on about 3 March 2024. The IT division of the Department of Parliamentary Services deactivated his email account upon the cessation of his employment.
485	Emails sent or received by Mr Nick Johnston using the email address Nick.Johnston@opposition.vic.gov.au in respect of which the Respondent is not copied and / or the Respondent's current employees are not copied.	Various	Mr Johnston's employment with the Office of the Leader of the Opposition ceased on about 3 March 2024. The IT division of the Department of Parliamentary Services deactivated his email account upon the cessation of his employment.

14. On 31 July 2024, Giles George sent a letter to Minter Ellison regarding Mr Pesutto's List of Documents. A copy of Giles George's letter of 31 July 2024 (without its enclosures) is at pages 21-26 of Exhibit JJM-2. The letter stated (at paragraphs 10(f) and (g)):

(f) Part 3 of the Respondent's List states in effect that Mr Pesutto no longer has control of emails sent or received by Mr Johnston or Mr Pintos-Lopez (in respect of which Mr Pesutto and/or Mr Pesutto's current employees were not copied) because their employment with Mr Pesutto's office ceased on about 3 March 2024 and the IT division of the Department of Parliamentary Services deactivated their email accounts upon the cessation of their employment. In light of our previous correspondence, this is an unsatisfactory explanation as to why Mr Pesutto says he no longer has control over the documents. We would have thought that Mr Johnston's and Mr Pintos-Lopez's replacements would have access to the emails of their predecessors or are otherwise able to access them (by re-activating their accounts, or by importing their inboxes, or because the emails have been saved to an online system, or otherwise).

(g) In light of the correspondence which we sent to Mr Johnston, Mr Pintos-Lopez and to your firm, as set out above, please let us know:

- i. on what date Mr Johnston's and Mr Pintos-Lopez's employment in Mr Pesutto's office ceased (it is not satisfactory to say that their employment 'ceased on or about 3 March 2024' given the timing of our letters of 5 March 2024);*

- ii. what steps, if any, Mr Johnston, Mr Pintos-Lopez, Mr Woff and/or Pesutto took to preserve and retain relevant records prior to Mr Johnston and Mr Pintos-Lopez ceasing their employment in Mr Pesutto's office; and*
 - iii. what steps, if any, have been taken by Mr Pesutto, following Mr Johnston and Mr Pintos-Lopez ceasing their employment in Mr Pesutto's office, to access their emails in order to comply with his discovery obligations.*
15. On 9 August 2024, the Court made various orders which included (at order 3):

By 4pm on 16 August 2024, each party is to file and serve a supplementary list of documents, having regard to the correspondence between the parties in respect of further and better discovery.
16. On 16 August 2024, Minter Ellison sent an email to Giles George seeking an extension of time for Mr Pesutto to file and serve his Supplementary List of Documents, until 4pm on 20 August 2024.
17. On 19 August 2024, the time for Mr Pesutto to file and serve his Supplementary List of Documents was extended until 4pm on 20 August 2024 (order 1 made on 19 August 2024).
18. Minter Ellison served Mr Pesutto's Supplementary List of Documents at approximately 10.57am on 21 August 2024. A copy of Minter Ellison's letter of 21 August 2024, serving Mr Pesutto's Supplementary List of Documents, is at page 27 of Exhibit JJM-2.
19. On 30 August 2024, Giles George sent a letter to Minter Ellison regarding Mr Pesutto's discovery. A copy of that letter is at pages 28-30 of Exhibit JJM-2.
20. As at the date of this affidavit, Giles George has not received any reply to the queries at paragraphs 10(f) and (g) of Giles George's letter of 31 July 2024 (referred to at paragraph 14 above) or Giles George's letter of 30 August 2024 (referred to at paragraph 19 above).
21. It does not seem to me, based on my review of Mr Pesutto's discovery, that Mr Pesutto has discovered the article to which Mrs Deeming refers at paragraph [174] of her affidavit sworn on 27 May 2024 (CB:1, p35). A copy of that article (which was discovered by Mrs Deeming) is at page 31 of Exhibit JJM-2.



Orders made on 9 and 19 August 2024Witnesses required for cross-examination

22. Order 5 made on 9 August 2024 was:

By 4pm on 22 August 2024, each party is to inform the other party of the identity of each witness which she or he requires for cross-examination.

23. At approximately 5.25pm on 22 August 2024, I sent an email to Minter Ellison informing them of the witnesses which Mrs Deeming requires for cross-examination.

24. At approximately 5.05pm on Friday 23 August 2024, Minter Ellison sent an email to Giles George informing us of the witnesses which Mr Pesutto requires for cross-examination.

Objections to affidavits

25. Order 6 made on 9 August 2024 was:

By 4pm on 22 August 2024, the parties are to serve objections to affidavits.

26. At approximately 6.07pm on 22 August 2024, I sent an email to Minter Ellison serving Mrs Deeming's objections to the affidavit evidence served on behalf of Mr Pesutto.

27. At approximately 5.32pm on 26 August 2024, Minter Ellison sent an email to Giles George serving Mr Pesutto's objections to the affidavit evidence served on behalf of Mrs Deeming.

Documents to be included in Part C of the Court Book

28. Order 7 made on 9 August 2024 was:

By 4pm on 23 August 2024, each party is to provide to the other party a chronological index of all documents that she or he wishes to be included in Part C of the Court Book, as well as a copy of the documents themselves.

29. On 19 August 2024, the time for compliance with order 7 was extended to 4.00pm on 26 August 2024 (order 2 made on 19 August 2024).

30. On 23 August 2024, I sent an email to Minter Ellison stating: '[W]e will need to receive an index of the documents you want included in Part C (and the documents themselves) by no later than 4pm on Monday in order for us to prepare Part C of the Court Book by midday on 2 September'.

31. At approximately 11.20am on 29 August 2024, Minter Ellison sent an email to Giles George attaching an index of the documents which Mr Pesutto wishes to be included in Part C of the Court Book.

32. The Respondent's index includes documents that, based on my review of the discovery, have not previously been discovered by Mr Pesutto – for example:
- (a) Video published by Hearts of Oak on Gettr entitled "STANDING FOR WOMEN: LET WOMEN SPEAK TOUR - LIVE FROM BRIGHTON";
 - (b) Tweet published by Angie Jones (@angijones) on 12 October 2022;
 - (c) Tweet published by Angie Jones (@angijones) on 8 March 2023;
 - (d) Article published by Hope Not Hate entitled "UKIP Euro Candidate's Vile Racial Slur-Ridden Rant";
 - (e) Article published by Vice entitled "Tommy Robinson's New Far-Right Group 'Going Nowhere' as Protest Draws Small Crowd";
 - (f) Article published by The Age entitled "Who is the Real Rukshan";
 - (g) Tweet published by Samantha Ratnam (@SamanthaRatnam) on 21 February 2023;
 - (h) Tweet published by Stephen Bates MP (@stephenbatesmp) on 19 January 2023; and
 - (i) Letter from Stephen Bates MP to the Minister of Immigration, Citizenship and Multicultural Affairs on 19 January 2023.

Sworn by the deponent
 at Sydney
 in New South Wales
 on 2 September 2024
 Before me:

)
)
)
)
)

 Signature of deponent

 Signature of witness

 Petar Strkalj, Solicitor

Exhibit "JJM-2"
To the Affidavit of Jeremy Joseph Marel
Dated 2 September 2024

VID 1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

This is the exhibit marked "**Exhibit JJM-2**" produced and shown to Jeremy Joseph Marel at the time of swearing his affidavit on 2 September 2024.

Before me:



.....
Petar Strkalj, Solicitor



Company Giles Pty Ltd
(ABN) 81637721683

Level 13, 111 Elizabeth St Sydney NSW 2000
Level 11, 456 Lonsdale St Melbourne VIC 3000

(e) admin@companygiles.com.au
(w) companygiles.com.au
(t) 1300 204 602

(Your ref)

(Our ref) PG::23RRG0495
(Date) 4 December 2023
(Sent by) Email

Company (Giles)

By email: nick.johnston@opposition.vic.gov.au

Mr Nick Johnston
Director of Communications and Strategy
Office of the Leader of the Opposition, John Pesutto
Victorian Liberal Parliamentary Party
Parliament House
Melbourne VIC 3000

PRIVATE AND CONFIDENTIAL

Dear Mr Johnston

CLAIM BY MS MOIRA DEEMING

- 1 As you know, we act for Moira Deeming.
- 2 We refer to our letter dated 21 November 2023 (**Our Letter**)
- 3 As at the date of this letter, we have not received a response.
- 4 As you have been on notice since at least 21 November 2023, we trust that you have retained all documents referred to in paragraph 18 of Our Letter in anticipation of proceedings and will continue to do so.
- 5 We reserve Mrs Deeming's rights generally.

Yours faithfully
COMPANY GILES

Patrick George
(Principal)



By Email: rpintoslopez@vicbar.com.au

Mr Rodrigo Pintos-Lopez
Chief of Staff
Office of the Leader of the Opposition, John Pesutto
Victorian Liberal Parliamentary Party
Parliament House
Melbourne VIC 3000

Dear Mr Pintos-Lopez

**MOIRA DEEMING v JOHN PESUTTO
FEDERAL COURT OF AUSTRALIA PROCEEDING: VID 1023/2023**

- 1 We act for Moira Deeming MP.
- 2 As you would know, Mrs Deeming commenced defamation proceedings against Mr Pesutto in December 2023 (**Proceedings**). We **enclose** a copy of Mrs Deeming's Statement of Claim (**SOC**), Mr Pesutto's Defence, and Mrs Deeming's Reply.
- 3 The purpose of this letter is to put you on notice of the need for you to preserve and retain documents that are potentially relevant to the Proceedings as either:
 - (a) documents which (because they arose out of your employment as Mr Pesutto's Chief of Staff) are documents within Mr Pesutto's control (with 'control' meaning 'possession, custody or power') and therefore may be discoverable in the Proceedings; or
 - (b) documents which you might be required to produce in response to a subpoena issued in the Proceedings.
- 4 Accordingly, we request that you preserve and retain all communications and documents – from 18 March 2023 to date and ongoing – which are potentially relevant to the Proceedings (that is, the ongoing dispute between Mrs Deeming and Mr Pesutto about her attendance at the Let Women Speak rally on 18 March 2023, Mr Pesutto's public and private statements about and actions towards Mrs Deeming, and the defamation proceedings Mrs Deeming has commenced against Mr Pesutto in respect of his statements about her).
- 5 This will include (*without limitation*):
 - (a) All communications between yourself and Mr Pesutto, or others within his office, regarding Mrs Deeming;
 - (b) All communications between yourself (or others on your behalf or at your direction) and the Leadership Team regarding Mrs Deeming;
 - (c) All communications between yourself (or others on your behalf or at your direction) and any other Member of the Victorian Parliamentary Liberal Party regarding Mrs Deeming;
 - (d) All communications between yourself (or others on your behalf or at your direction) and any journalists or members of the media regarding Mrs Deeming;



- (e) All draft media releases referring to or regarding Mrs Deeming or the Proceedings (including, for example, Mr Pesutto's media release on 20 November 2023);
 - (f) All documents regarding:
 - i. The preparation and publication of the Media Release (as defined at paragraph 3 of the SOC);
 - ii. The 3AW Interview (as defined at paragraph 8 of the SOC);
 - iii. The ABC Interview (as defined at paragraph 12 of the SOC);
 - iv. The Press Conference (as defined at paragraph 17 of the SOC); and
 - v. The preparation and publication of the Expulsion Motion and Dossier (as defined at paragraph 22 of the SOC, including any drafts of the Expulsion Motion and Dossier);
 - (g) The correspondence by which the Media Release was sent "to a mailing list of approximately 767 journalists and others", as referred to at paragraph 3.5(iii) of the Defence;
 - (h) All documents recording the "inquiries" received by Mr Pesutto's office regarding the Expulsion Motion and Dossier and the provision of the Expulsion Motion and Dossier to *The Australian* and *Herald Sun* and other media outlets, as referred to at paragraph 22.3 of the Defence and at paragraph 7 of Annexure B to the Defence;
 - (i) All correspondence or documents referring to or regarding:
 - i. Mr Pesutto's interviews with and other statements to the press regarding Mrs Deeming since 18 March 2023;
 - ii. The meeting between Mrs Deeming and Mr Pesutto and the Leadership Team on 19 March 2023;
 - iii. The meeting on 27 March 2023 to determine the first expulsion motion;
 - iv. The second expulsion motion of 6 May 2023; and
 - v. The meeting on 12 May 2023 to determine the second expulsion motion.
 - (j) Any other communications or documents which record the reaction of members of the public to the Media Release, the 3AW Interview, the ABC Interview, the Press Conference, or the Expulsion Motion and Dossier.
- 6 As you are on notice of their significance to ongoing legal proceedings, you are obliged to preserve and retain all such records notwithstanding your reported departure from Mr Pesutto's office (as reported over the weekend). This includes immediately capturing any relevant "disappearing" messages that have been exchanged on messaging systems such as WhatsApp and Signal. It also requires your work laptop and phone (and all information on them) to be preserved. If, despite this letter, by your actions or omissions, any such records in your possession are destroyed or lost, this would tend to interfere with the administration of justice in the Proceedings and might constitute a contempt.
- 7 Please confirm within 48 hours of receipt of this letter: A) that you will preserve and retain all potentially relevant documents; and B) that you will continue to do so even after you have left Mr Pesutto's office.



Yours faithfully
GILES GEORGE

A handwritten signature in black ink, appearing to read 'P. George', is written over a light grey rectangular background.

Patrick George
Principal



(Your ref)
(Our ref) PG:PS:23RRG0495
(Date) 5 March 2024
(Sent by)

Giles / George

By Email: nick.johnston@opposition.vic.gov.au

Mr Nick Johnston
Director of Communications and Strategy
Office of the Leader of the Opposition, John Pesutto
Victorian Liberal Parliamentary Party
Parliament House
Melbourne VIC 3000

Dear Mr Johnston

**MOIRA DEEMING v JOHN PESUTTO
FEDERAL COURT OF AUSTRALIA PROCEEDING: VID 1023/2023**

- 1 We refer to our letter to you of 21 November 2023 (**our previous letter**).
- 2 As you know, we act for Moira Deeming MP.
- 3 In our previous letter, we put you on notice of the need for you to retain and preserve relevant documents that might be subpoenaed in any legal proceedings brought by Mrs Deeming against Mr Pesutto. Specifically, we requested that you retain all communications – from 18 March 2023 and ongoing – which might potentially be relevant to Mrs Deeming’s claim for defamation against Mr Pesutto. We said that this would include, without limitation, *“all records including electronic messages and drafts of media releases or other documents communicated between you (or others on your behalf) and Mr Pesutto or other Members of the Leadership Team regarding Mrs Deeming and all records between you (or others on your behalf or at your direction) and any journalists or members of the media regarding Mrs Deeming”*. We said this would require you to immediately capture any relevant ‘disappearing’ messages that may have been exchanged on messaging systems such as WhatsApp and Signal.
- 4 Since our previous letter, as you would know, Mrs Deeming has commenced defamation proceedings against Mr Pesutto (**Proceedings**). We **enclose** a copy of Mrs Deeming’s Statement of Claim (**SOC**), Mr Pesutto’s Defence, and Mrs Deeming’s Reply.
- 5 The purpose of this letter is to put you on notice that, notwithstanding your resignation from your role as Mr Pesutto’s Director of Communications (as has been reported over the weekend), we require you to preserve and retain all documents that are potentially relevant to the Proceedings as either:
 - (a) documents which (because they arose out of your employment as Mr Pesutto’s Director of Communications) are documents within Mr Pesutto’s control (with ‘control’ meaning ‘possession, custody or power’) and therefore may be discoverable in the Proceedings; or
 - (b) documents which you might be required to produce in response to a Subpoena issued in the Proceedings.
- 6 Accordingly, we request that you preserve and retain all communications and documents – from 18 March 2023 to date and ongoing – which are potentially relevant to the Proceedings (that is, the ongoing dispute between Mrs Deeming and Mr Pesutto about her attendance at the Let Women Speak rally on 18 March 2023, Mr Pesutto’s public and private statements about and actions towards Mrs Deeming, and the defamation proceedings Mrs Deeming has commenced against Mr Pesutto in respect of his statements about her).



- 7 This will include (*without limitation*):
- (a) All communications between yourself and Mr Pesutto, or others within his office, regarding Mrs Deeming;
 - (b) All communications between yourself (or others on your behalf or at your direction) and the Leadership Team regarding Mrs Deeming;
 - (c) All communications between yourself (or others on your behalf or at your direction) and any other Member of the Victorian Parliamentary Liberal Party regarding Mrs Deeming;
 - (d) All communications between yourself (or others on your behalf or at your direction) and any journalists or members of the media regarding Mrs Deeming;
 - (e) All draft media releases referring to or regarding Mrs Deeming or the Proceedings (including, for example, Mr Pesutto's media release on 20 November 2023);
 - (f) All documents regarding:
 - i. The preparation and publication of the Media Release (as defined at paragraph 3 of the SOC);
 - ii. The 3AW Interview (as defined at paragraph 8 of the SOC);
 - iii. The ABC Interview (as defined at paragraph 12 of the SOC);
 - iv. The Press Conference (as defined at paragraph 17 of the SOC); and
 - v. The preparation and publication of the Expulsion Motion and Dossier (as defined at paragraph 22 of the SOC, including any drafts of the Expulsion Motion and Dossier);
 - (g) The correspondence by which the Media Release was sent "*to a mailing list of approximately 767 journalists and others*", as referred to at paragraph 3.5(iii) of the Defence;
 - (h) All documents recording the "*inquiries*" received by Mr Pesutto's office regarding the Expulsion Motion and Dossier and the provision of the Expulsion Motion and Dossier to *The Australian* and *Herald Sun* and other media outlets, as referred to at paragraph 22.3 of the Defence and at paragraph 7 of Annexure B to the Defence;
 - (i) All correspondence or documents, including file-notes, referring to or regarding:
 - i. Mr Pesutto's interviews with and other statements to the press regarding Mrs Deeming since 18 March 2023;
 - ii. The meeting between Mrs Deeming and Mr Pesutto and the Leadership Team on 19 March 2023, which you also attended;
 - iii. The meeting on 27 March 2023 to determine the first expulsion motion;
 - iv. The second expulsion motion of 6 May 2023; and
 - v. The meeting on 12 May 2023 to determine the second expulsion motion.



- (j) Any other communications or documents which record the reaction of members of the public to the Media Release, the 3AW Interview, the ABC Interview, the Press Conference, or the Expulsion Motion and Dossier.
- 8 As you are on notice of their significance to ongoing legal proceedings, you are obliged to preserve and retain all such records notwithstanding your departure from Mr Pesutto's office (as reported over the weekend). This includes immediately capturing any relevant "disappearing" messages that have been exchanged on messaging systems such as WhatsApp and Signal. It also requires your work laptop and phone (and all information on them) to be preserved. If, despite this letter, by your actions or omissions, any such records in your possession are destroyed or lost, this would tend to interfere with the administration of justice in the Proceedings and might constitute a contempt.
- 9 Please confirm within 48 hours of receipt of this letter: A) that you will preserve and retain all potentially relevant documents; and B) that you will continue to do so even after you have left Mr Pesutto's office.

Yours faithfully
GILES GEORGE



Patrick George
Principal

From: [Nick Johnston](#)
To: [Petar Strkali](#)
Subject: Automatic reply: Urgent | Private & Confidential | Moira Deeming v John Pesutto
Date: Tuesday, 5 March 2024 2:25:48 PM

Thank you for your email. I have now left the office.
For all matters relating to the Leader's Office, please direct your inquiry to
alexander.woff@opposition.vic.gov.au

From: [Jeremy Marel](#)
To: alexander.woff@opposition.vic.gov.au
Cc: [Patrick George](#); [Petar Strkalj](#)
Subject: FW: Urgent | Private & Confidential | Moira Deeming v John Pesutto
Date: Tuesday, 5 March 2024 2:42:44 PM
Attachments: [Letter to N Johnston - 5 March 2024.pdf](#)
[image001.png](#)
[Statement of Claim - 5 December 2023.pdf](#)
[Defence - 29 January 2024.pdf](#)
[Reply - 12 February 2024.pdf](#)

Dear Mr Woff,

Please see **attached** our letter to Mr Johnston (and its enclosures).

The letter was (as below) sent to 'nick.johnston@opposition.vic.gov.au', but we received an automatic reply saying:

Thank you for your email. I have now left the office.

For all matters relating to the Leader's Office, please direct your inquiry to alexander.woff@opposition.vic.gov.au

We request that you please:

1. Forward this email and its attachments to Mr Johnston;
2. Take immediate steps to ensure that the documents referred to in our letter to Mr Johnston (including any documents or information which may have been stored on Mr Johnston's work laptop or phone) are preserved and retained; and
3. Confirm that 1 and 2 above have occurred.

We look forward to hearing from you.

Kind regards,

Jeremy Marel
Special Counsel



(m) 0404 617 354
(t) 1300 163 662

Sydney + Melbourne

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www.gilesgeorge.com.au

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From: Petar Strkalj <petar.strkalj@gilesgeorge.com.au>

Sent: Tuesday, March 5, 2024 2:23 PM
To: nick.johnston@opposition.vic.gov.au
Cc: Patrick George <patrick.george@gilesgeorge.com.au>; Jeremy Marel <jeremy.marel@gilesgeorge.com.au>
Subject: Urgent | Private & Confidential | Moira Deeming v John Pesutto

Dear Mr Johnston

Please see **attached** our letter of 5 March 2023 and the enclosures to it.

We request your urgent response.

Regards

Petar Strkalj
Associate



(m) 0434 421 993
(t) 1300 163 662

Sydney + Melbourne

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From: [Alex Woff](#)
To: [Jeremy Marel](#)
Cc: [Patrick George](#); [Petar Strkalj](#)
Subject: RE: Urgent | Private & Confidential | Moira Deeming v John Pesutto
Date: Tuesday, 5 March 2024 3:04:25 PM
Attachments: [image002.jpg](#)
[image003.png](#)

Some people who received this message don't often get email from alexander.woff@opposition.vic.gov.au. [Learn why this is important](#)

Dear Jeremy,

Nick has finished up his role and I do not have a forward email for him.

I have not opened this correspondence and will be deleting this email.

Alexander Woff | Deputy Director of Communication and Strategy
Office of John Pesutto MP | Leader of the Opposition
Level 1, 157 Spring Street, Melbourne VIC 3000
Mobile: 0434 972 166 **Email:** alexander.woff@opposition.vic.gov.au



[Facebook](#) | [Instagram](#) | [Twitter](#) | [YouTube](#)

From: Jeremy Marel <jeremy.marel@gilesgeorge.com.au>
Sent: Tuesday, March 5, 2024 2:41 PM
To: Alex Woff <Alexander.Woff@opposition.vic.gov.au>
Cc: Patrick George <patrick.george@gilesgeorge.com.au>; Petar Strkalj <petar.strkalj@gilesgeorge.com.au>
Subject: FW: Urgent | Private & Confidential | Moira Deeming v John Pesutto

Dear Mr Woff,

Please see **attached** our letter to Mr Johnston (and its enclosures).

The letter was (as below) sent to 'nick.johnston@opposition.vic.gov.au', but we received an automatic reply saying:

Thank you for your email. I have now left the office.

For all matters relating to the Leader's Office, please direct your inquiry to alexander.woff@opposition.vic.gov.au

We request that you please:

1. Forward this email and its attachments to Mr Johnston;
2. Take immediate steps to ensure that the documents referred to in our letter to Mr Johnston (including any documents or information which may have been stored on Mr Johnston's work laptop or phone) are preserved and retained; and
3. Confirm that 1 and 2 above have occurred.

We look forward to hearing from you.

Kind regards,

Jeremy Marel
Special Counsel



(m) 0404 617 354
(t) 1300 163 662

Sydney + Melbourne

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Fraud alert: Legal regulators have reported an increasing occurrence of fraudsters intercepting emails and inserting their bank account details in place of the intended account details. To mitigate this risk, you must not deposit or transfer funds using account details provided by us (or anyone else) via email only. If you receive such an email, phone our office and verify the account details first.

From: Petar Strkalj <petar.strkalj@gilesgeorge.com.au>
Sent: Tuesday, March 5, 2024 2:23 PM
To: nick.johnston@opposition.vic.gov.au
Cc: Patrick George <patrick.george@gilesgeorge.com.au>; Jeremy Marel <jeremy.marel@gilesgeorge.com.au>
Subject: Urgent | Private & Confidential | Moira Deeming v John Pesutto

Dear Mr Johnston

Please see **attached** our letter of 5 March 2023 and the enclosures to it.

We request your urgent response.

Regards

Petar Strkalj
Associate



(m) 0434 421 993
(t) 1300 163 662

Sydney + Melbourne

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strictly prohibited.

Fraud alert: Legal regulators have reported an increasing occurrence of fraudsters intercepting emails and inserting their bank account details in place of the intended account details. To mitigate this risk, you must not deposit or transfer funds using account details provided by us (or anyone else) via email only. If you receive such an email, phone our office and verify the account details first.

(Your ref)
(Our ref) PG:PS:23RRG0495
(Date) 5 March 2024
(Sent by) Email

Giles / George

By Email: alexander.woff@opposition.vic.gov.au

Alexander Woff
Deputy Director of Communication and Strategy
Office of the Leader of Opposition, John Pesutto
Level 1, 157 Spring Street
Melbourne VIC 3000

URGENT – PRIVATE AND CONFIDENTIAL

Dear Mr Woff

MOIRA DEEMING v JOHN PESUTTO FEDERAL COURT OF AUSTRALIA PROCEEDING: VID 1023/2023

- 1 We act for Moira Deeming MP who, as you know, has commenced defamation proceedings in the Federal Court of Australia against Mr Pesutto (**Proceedings**).
- 2 The purpose of this letter is to put you on notice that we require you to preserve and retain documents that are potentially relevant to the Proceedings.

Documents which are or were within Mr Johnston's possession

- 3 We are instructed that Nick Johnston commenced as the Director of Communications and Strategy in Mr Pesutto's office on or around 14 March 2023.
- 4 According to media reporting, Mr Johnston has recently resigned from this role and you will replace him in the role.
- 5 At approximately 2.23pm today, our firm sent an email to Mr Johnston (to 'nick.johnston@opposition.vic.gov.au'). The email attached a letter to Mr Johnston and the enclosures to that letter. We **enclose** a copy of that letter to Mr Johnston and its enclosures (namely, Deeming's Statement of Claim (**SOC**), Mr Pesutto's Defence, and Mrs Deeming's Reply).
- 6 In response to our email, we received an automatic reply from Mr Johnston which said:

"Thank you for your email. I have now left the office.

For all matters relating to the Leader's Office, please direct your inquiry to alexander.woff@opposition.vic.gov.au"

- 7 Accordingly, at approximately 2.41pm today, our firm sent you an email (to 'alexander.woff@opposition.vic.gov.au') in which we said:

"Dear Mr Woff,

*Please see **attached** our letter to Mr Johnston (and its enclosures).*

The letter was (as below) sent to 'nick.johnston@opposition.vic.gov.au', but we received an automatic reply saying:



Thank you for your email. I have now left the office.

For all matters relating to the Leader's Office, please direct your inquiry to alexander.woff@opposition.vic.gov.au

We request that you please:

- 1. Forward this email and its attachments to Mr Johnston;*
- 2. Take immediate steps to ensure that the documents referred to in our letter to Mr Johnston (including any documents or information which may have been stored on Mr Johnston's work laptop or phone) are preserved and retained; and*
- 3. Confirm that 1 and 2 above have occurred.*

We look forward to hearing from you."

8 You responded to our email at approximately 3.04pm today saying:

"Nick has finished up his role and I do not have a forward email for him.

I have not opened this correspondence and will be deleting this email."

9 With respect, we find this a regrettable response.

10 It was clear from our email to you (and from our letter to Mr Johnston which was attached to our email to you) that we were writing to you to request that you take immediate steps to ensure that certain documents relevant to the Proceedings (including documents or information which may have been stored on Mr Johnston's work laptop or phone) be preserved and retained. In those circumstances, we find it highly troubling that you would: A) not open our letter to Mr Johnston despite our request that you preserve and retain the documents referred to in it; and B) delete our email. Indeed, the deletion of our email raises the very concerns which have prompted us to write to Mr Johnston and now to you (i.e. to ensure that potentially relevant records are not deleted / destroyed or otherwise lost).

11 To the extent that the documents referred to in our letter to Mr Johnston are, given Mr Johnston's recent resignation, now under your control (as his replacement) or are (notwithstanding his resignation) still under the control of Mr Pesutto's office, we request that you take immediate steps to preserve and retain them. This includes immediately capturing any relevant "disappearing" messages that have been exchanged on messaging systems such as WhatsApp and Signal. It also requires Mr Johnston's work laptop and phone (and all information on them) to be preserved.

Documents in your possession

12 We also request that you preserve and retain the following documents:

- (a) All communications between yourself and Mrs Deeming (including, for example, the correspondence referred to at paragraphs 52 and 53 of Annexure A to Mr Pesutto's Defence);
- (b) All communications between yourself and Mr Pesutto, or others within his office, regarding Mrs Deeming;
- (c) All communications between yourself (or others on your behalf or at your direction) and the Leadership Team regarding Mrs Deeming;



- (d) All communications between yourself (or others on your behalf or at your direction) and any other Member of the Victorian Parliamentary Liberal Party regarding Mrs Deeming;
- (e) All communications between yourself (or others on your behalf or at your direction) and any journalists or members of the media regarding Mrs Deeming;
- (f) All draft media releases referring to or regarding Mrs Deeming or the Proceedings (including, for example, the press release referred to at paragraph 54 of Annexure A to Mr Pesutto's Defence);
- (g) All documents regarding:
 - i. The preparation and publication of the Media Release (as defined at paragraph 3 of the SOC);
 - ii. The 3AW Interview (as defined at paragraph 8 of the SOC);
 - iii. The ABC Interview (as defined at paragraph 12 of the SOC);
 - iv. The Press Conference (as defined at paragraph 17 of the SOC); and
 - v. The preparation and publication of the Expulsion Motion and Dossier (as defined at paragraph 22 of the SOC, including any drafts of the Expulsion Motion and Dossier);
- (h) The correspondence by which the Media Release was sent "*to a mailing list of approximately 767 journalists and others*", as referred to at paragraph 3.5(iii) of the Defence;
- (i) All documents recording the "*inquiries*" received by Mr Pesutto's office regarding the Expulsion Motion and Dossier and the provision of the Expulsion Motion and Dossier to *The Australian* and *Herald Sun* and other media outlets, as referred to at paragraph 22.3 of the Defence and at paragraph 7 of Annexure B to the Defence;
- (j) All correspondence or documents, including file-notes, referring to or regarding:
 - i. Mr Pesutto's interviews with and other statements to the press regarding Mrs Deeming since 18 March 2023;
 - ii. The meeting between Mrs Deeming and Mr Pesutto and the Leadership Team on 19 March 2023;
 - iii. The meeting on 27 March 2023 to determine the first expulsion motion;
 - iv. The second expulsion motion of 6 May 2023; and
 - v. The meeting on 12 May 2023 to determine the second expulsion motion.
- (k) Any other communications or documents which record the reaction of members of the public to the Media Release, the 3AW Interview, the ABC Interview, the Press Conference, or the Expulsion Motion and Dossier.

Your response

- 13 As you are on notice of the potential significance of these documents (i.e. Mr Johnston's documents and your own documents) to ongoing legal proceedings, you are obliged to preserve and retain all such records. If, despite this letter, by your actions or omissions, any such records which are under



your control are destroyed or lost, this would tend to interfere with the administration of justice in the Proceedings and might constitute a contempt.

- 14 Please confirm within 48 hours of receipt of this letter that you will preserve and retain all potentially relevant documents.

Yours faithfully
GILES GEORGE

A handwritten signature in black ink, appearing to read 'P. George', is written over a light grey rectangular background.

Patrick George
Principal



(Your ref)
(Our ref) PG:PS:23RRG0495
(Date) 5 March 2024
(Sent by) Email

Giles / George

By Email: peter.bartlett@minterellison.com

Mr Peter Bartlett
Minter Ellison
Level 20
Collins Arch
447 Collins Street
Melbourne VIC 3001

Dear Mr Bartlett

**MOIRA DEEMING v JOHN PESUTTO
FEDERAL COURT OF AUSTRALIA PROCEEDING: VID 1023/2023**

- 1 We note media reporting over the weekend that Rodrigo Pintos-Lopez and Nick Johnston have resigned from their roles as Mr Pesutto's Chief of Staff and Director of Communications respectively.
- 2 The purpose of this letter is to ensure that Mr Pesutto preserves and retains all of Mr Pintos-Lopez's and Mr Johnston's records insofar as they are potentially relevant to these proceedings.
- 3 As early as our client's first Concerns Notice of 11 May 2023, we requested that Mr Pesutto retain all communications - from 18 March 2023 to date and ongoing - which are potentially relevant to this dispute and the events referred to in the Concerns Notice, including, without limitation, all records of communications between Mr Pesutto, *or others on his behalf or at his direction*, with any journalists or other members of the media. Similar requests were made in our client's Second Concerns Notice of 31 May 2023 and Third Concerns Notice of 14 July 2023.
- 4 We see it as uncontroversial that Mr Pesutto has 'control' (as defined in Schedule 1 of the *Federal Court Rules 2011 (Cth) (FCR)*) over Mr Pintos-Lopez's and Mr Johnston's documents (insofar as they arise out of their employment within Mr Pesutto's office). All such documents which fall within the scope of r 20.14 of the FCR are discoverable pursuant to order 3 made by Justice Wheelahan on 2 February 2024 (**the discovery order**). Accordingly, we expect Mr Pesutto: A) to preserve and retain all such documents and to ensure they are not destroyed or lost when Mr Pintos-Lopez and Mr Johnston depart Mr Pesutto's office; and B) to discover all such documents by 22 April 2024 pursuant to the discovery order.
- 5 If you disagree that Mr Pesutto has control over Mr Pintos-Lopez's and Mr Johnston's documents, or that all such documents which fall within the scope of r 20.14 are discoverable pursuant to the discovery order, please let us know within 48 hours so that appropriate subpoenas can be issued.
- 6 We have also written directly to Mr Pintos-Lopez and Mr Johnston to ensure the relevant documents are retained.

Yours faithfully
GILES GEORGE



Patrick George
Principal



From: [Jeremy Marel](#)
To: [Peter Bartlett](#); [Dean Levitan](#); [Dougal Hurley](#); [Jacqui Fetter](#)
Cc: [Patrick George](#); [Petar Strkalj](#)
Subject: RE: Moira Deeming v John Pesutto
Date: Friday, 8 March 2024 2:21:10 PM
Attachments: [Letter to Minter Ellison - 5 March 2024.pdf](#)
[image001.png](#)

Dear Colleagues,

We refer to our **attached** letter of 5 March 2024.

Given we have not had a response from you, we are proceeding on the assumption that you do not disagree that Mr Pesutto has control over Mr Pintos-Lopez's and Mr Johnston's documents or that all such documents which fall within the scope of r 20.14 are discoverable pursuant to the discovery order.

If that is not correct, please let us know immediately.

Kind regards,

Jeremy Marel
Special Counsel



m/ 0404 617 354
t/ 1300 163 662

Sydney + Melbourne

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From: Jeremy Marel
Sent: Tuesday, March 5, 2024 2:28 PM
To: Peter Bartlett <Peter.Bartlett@minterellison.com>; Dean Levitan <Dean.Levitan@minterellison.com>; Dougal Hurley <Dougal.Hurley@minterellison.com>; Jacqui Fetter <Jacqui.Fetter@minterellison.com>
Cc: Patrick George <patrick.george@gilesgeorge.com.au>; Petar Strkalj <petar.strkalj@gilesgeorge.com.au>
Subject: Moira Deeming v John Pesutto

Dear Colleagues,

Please see **attached** our letter of 5 March 2024.

Kind regards,

Jeremy Marel
Special Counsel



(m) 0404 617 354
(t) 1300 163 662

Sydney + Melbourne

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Your ref /

Our ref / 23RRG0495
Date / 31 July 2024
Sent by / Email

Giles / George

By Email: peter.bartlett@minterellison.com

Peter Bartlett
Minter Ellison
Level 20
Collins Arch
447 Collins Street
Melbourne VIC 3001

Dear Mr Bartlett

**MOIRA DEEMING v JOHN PESUTTO
FEDERAL COURT OF AUSTRALIA PROCEEDING: VID 1023/2023**

1 We refer to Mr Pesutto's List of Documents filed and served on 28 June 2024 (**Respondent's List**) and our letter of 12 July 2024 (**our previous letter**).

2 In our previous letter, we said:

We are still in the process of reviewing the documents referred to in and served with the Respondent's List. We will be writing to you shortly in relation to deficiencies in the Respondent's discovery which we will be requesting that you remedy.

3 The purpose of this letter is to raise with you the following deficiencies we have, so far, identified in the Respondent's discovery.

4 First, there are documents which should have been discovered but seem not to have been discovered. For example:

(a) The emails between Mr Pesutto and Richard Riordan on 9 May 2023 which are referred to at [31] of Mr Riordan's affidavit sworn on 24 May 2024.

(b) On the face of the Respondent's List, it appears that only five emails from Mr Pesutto have been discovered (Documents 213, 231, 232, 285, 314). Please confirm whether it is Mr Pesutto's position that, after a reasonable search, he is aware of only five emails which he sent which fall within the scope of r 20.14 of the *Federal Court Rules 2011* (Cth) (**FCR**).

(c) In our letter to you of 23 February 2024, we said:

The allegation at paragraph 5.1(b) of the Reply is that your client "received emails from members of the public who had attended the LWS Rally or witnessed it and who told [your client] that the neo-Nazis did not 'attend' or participate in the LWS Rally". All such emails are documents within your client's possession or control which will be discoverable pursuant to order 3 made by Wheelahan J on 2 February 2024 (the discovery order).

Please confirm whether Mr Pesutto has discovered all such emails which he (or his office) received following the LWS Rally.

It appears to us that Mr Pesutto has not discovered all such emails. It seems to us that the only such emails he has discovered are Documents 334-339, which are documents which we provided to you (enclosed with our letter of 23 February 2024). Mr Pesutto should



discover all emails which he received from members of the public following the LWS Rally which fall within the scope of r 20.14(1) of the FCR – including documents which adversely affect his case or which support Mrs Deeming’s case. This will include all emails referred to at paragraph 5.1(b) of Mrs Deeming’s Reply as well as any emails which indicate that Mrs Deeming has suffered harm to her reputation as a result of Mr Pesutto’s statements about her.

- 5 Secondly, many of the emails which have been discovered by Mr Pesutto appear to be incomplete, in that only particular emails within a larger email thread have been discovered, or emails have been discovered without their attachments. For example:
- (a) Document 45 is an email from Chantalle Asmar to Nick Johnston at 6.20pm on 21 March 2023. The email attaches a document entitled ‘Moira Deeming Statements & Comments 21.03.23.docx’. It is clear from Ms Asmar’s email (which states ‘see attached latest version’) that its attachment is an amended version of an earlier version of that document. But we have not separately been provided with a copy of the earlier email from Ms Asmar to Mr Johnston at 6.11pm of 21 March 2023, and we have not been provided with a copy of the attachment to that earlier email. Please provide us with a copy of: A) Ms Asmar’s email of 6.11pm on 21 March 2023; and B) the attachment to that email.
 - (b) Document 221 is a PDF of an email from Glenn Corey to Alex Woff at 11.38am on 20 March 2023. Please provide us with:
 - i. a copy of the attachment to that email, entitled ‘Moira Deeming fact sheet 19-3-23 gc edit.docx’; and
 - ii. a copy of the earlier email from Mr Corey to Rodrigo Pintos-Lopez at 11.18am on 20 March 2023 and the attachment to that email.
 - (c) Document 224 is a PDF of an email from Georgie Crozier to Mr Pesutto, David Southwick and Matthew Bach at 2.30pm on 20 March 2023. The email appears on its face to be a reply to earlier emails. Please provide us with a copy of all such earlier emails in the same email thread.
 - (d) Document 227 is an email from Mr Southwick to Mr Pesutto at 2.55pm on 20 March 2023. The email is in reply to an email from Mr Pesutto at 1.42pm on 20 March 2023. Please confirm whether Document 227 includes a complete copy of Mr Pesutto’s email at 1.42pm on 20 March 2023. If not, please provide us with a complete copy of that email. If there was an attachment to Mr Pesutto’s email, please provide us with a copy of it.
 - (e) Document 239 is an email from Mr Corey to Mr Pintos-Lopez at 12.52pm on 21 March 2023, attaching a document entitled ‘Moira Deeming Statements & Comments 21.03.23’. But Document 239 is Mr Corey’s email only, without its attachment. It appears to us that its attachment may have separately been discovered as Document 40 (entitled ‘Moira Deeming Statements & Comments 21.03.23’). Please confirm whether that is correct. If it is not correct, please provide us with a copy of the attachment to Mr Corey’s email.
 - (f) Document 258 is an email from Mr Woff to Mr Pesutto and others at 3.07pm on 24 March 2023. Please provide us with a copy of the attachment to that email.
 - (g) Document 290 is an email thread containing two emails between Gary Anderton, Jordan Davey and Renee Heath sent on 1 May 2023 which were then forwarded by Mr Anderton to Xavier Boffa on 15 May 2023. Please provide us with a copy of the email from Mr Anderton to Mr Davey and Ms Heath at 1.43pm on 1 May 2023 with its attachment/s.
 - (h) Document 296 is a separate email thread containing two emails between Mr Anderton, Mr Davey and Ms Heath sent on 1 May 2023 which were then forwarded by Mr Anderton to Mr Boffa on 15 May 2023. Please provide us with a copy of the email from Mr Anderton to Mr Davey and Ms Heath at 4.46pm on 1 May 2023 with its attachment/s.



6 Thirdly, the query we have raised in relation to Document 239 (at paragraph 5(e) above) raises a broader issue. Where emails and their attachments have been separately discovered, we should not be left to guess, or piece together ourselves, which documents were attached to which emails. Where emails with attachments have been discovered, please provide us with copies of the emails in their native file formats – so that we can understand which attachments go with which emails.

7 Fourthly, Document 48 appears to be corrupted. Please provide us with an uncorrupted copy.

8 Fifthly, in relation to Mr Boffa's involvement:

- (a) There are several examples of emails which have been forwarded by Mr Pesutto to Mr Boffa - for example (without seeking to be exhaustive) Documents 212, 213, 231, 232, 259, 260, 262, 274, 276, 281, 282, 287, 288, 289, 290, 291, 296, 297, 299, 305, 307, 260, 318, 319, 322, 329, 330, 464. Please provide us with a copy of any reply from Mr Boffa to Mr Pesutto in response to any of these emails.
- (b) There are documents which appear to have been authored by Mr Boffa – for example, Documents 30-34. Please provide us with a copy of any emails to or from Mr Boffa in relation to any of these documents.
- (c) Please also confirm whether Mr Boffa was employed within Mr Pesutto's office at the relevant times. If so, Mr Pesutto should also have discovered all documents created in the course of Mr Boffa's employment within Mr Pesutto's office which fall within the scope of r 20.14 of the FCR (on the basis that Mr Pesutto had 'control' over those documents).

9 Sixthly, Document 26 is a Word document described in the Respondent's List as 'Maira Deeming fact sheet - provided to Leadership - 19 March 2023'. However, at the bottom of the first page of Document 26 and at the bottom left of each other page there is what appears to be a Minter Ellison footer ('ME_21959004_1'). The document appears to have been modified by Minter Ellison, or at least is not the original version of the document which is said to have been 'provided to Leadership' on 19 March 2023. Please provide us with a copy of the original document in its native file format.

10 Seventhly, we note the following in relation to Mr Johnston's and Mr Pintos-Lopez's documents:

(a) On 21 November 2023, we sent a letter to Mr Johnston which included the following:

We request that you retain all communications – from 18 March 2023 to date and ongoing – which are potentially relevant to the claim for defamation Mrs Deeming has against Mr Pesutto. That will include, without limitation, all records including electronic messages and drafts of media releases or other documents communicated between you (or others on your behalf) and Mr Pesutto or other Members of the Leadership Team regarding Mrs Deeming and all records between you (or others on your behalf or at your direction) and any journalists or members of the media regarding Mrs Deeming. This includes immediately capturing any relevant "disappearing" messages that have been exchanged on messaging systems such as WhatsApp and Signal.

(b) On 4 December 2023, we sent a further letter to Mr Johnston which included the following:

As you have been on notice since at least 21 November 2023, we trust that you have retained all documents referred to in paragraph 18 of [our letter of 21 November 2023] in anticipation of proceedings and will continue to do so.

(c) On 5 March 2024:

- i. We sent the **enclosed** letter to Mr Johnston. In that letter, we raised that, notwithstanding Mr Johnston's resignation from his role as Mr Pesutto's Director of Communications, we required him to preserve and retain all documents that would be potentially relevant to the proceedings.



- ii. We also sent the **enclosed** letter to Mr Pintos-Lopez. In that letter, we raised that, notwithstanding Mr Pintos-Lopez's resignation from Mr Pesutto's office, we required him to preserve and retain all documents that would be potentially relevant to the proceedings.
- iii. Our letters to Mr Johnston and Mr Pintos-Lopez on 5 March 2024 included the following:

As you are on notice of their significance to ongoing legal proceedings, you are obliged to preserve and retain all such records notwithstanding your departure from Mr Pesutto's office (as reported over the weekend). This includes immediately capturing any relevant "disappearing" messages that have been exchanged on messaging systems such as WhatsApp and Signal. It also requires your work laptop and phone (and all information on them) to be preserved. If, despite this letter, by your actions or omissions, any such records in your possession are destroyed or lost, this would tend to interfere with the administration of justice in the Proceedings and might constitute a contempt.

- iv. We sent the **enclosed** letter to Mr Woff, in which we said:

To the extent that the documents referred to in our letter to Mr Johnston are, given Mr Johnston's recent resignation, now under your control (as his replacement) or are (notwithstanding his resignation) still under the control of Mr Pesutto's office, we request that you take immediate steps to preserve and retain them. This includes immediately capturing any relevant "disappearing" messages that have been exchanged on messaging systems such as WhatsApp and Signal. It also requires Mr Johnston's work laptop and phone (and all information on them) to be preserved.

- v. We sent you the **enclosed** letter, in which we said:

We note media reporting over the weekend that Rodrigo Pintos-Lopez and Nick Johnston have resigned from their roles as Mr Pesutto's Chief of Staff and Director of Communications respectively.

The purpose of this letter is to ensure that Mr Pesutto preserves and retains all of Mr Pintos-Lopez's and Mr Johnston's records insofar as they are potentially relevant to these proceedings.

As early as our client's first Concerns Notice of 11 May 2023, we requested that Mr Pesutto retain all communications - from 18 March 2023 to date and ongoing - which are potentially relevant to this dispute and the events referred to in the Concerns Notice, including, without limitation, all records of communications between Mr Pesutto, or others on his behalf or at his direction, with any journalists or other members of the media. Similar requests were made in our client's Second Concerns Notice of 31 May 2023 and Third Concerns Notice of 14 July 2023.

We see it as uncontroversial that Mr Pesutto has 'control' (as defined in Schedule 1 of the Federal Court Rules 2011 (Cth) (FCR)) over Mr Pintos-Lopez's and Mr Johnston's documents (insofar as they arise out of their employment within Mr Pesutto's office). All such documents which fall within the scope of r 20.14 of the FCR are discoverable pursuant to order 3 made by Justice Wheelahan on 2 February 2024 (the discovery order). Accordingly, we expect Mr Pesutto: A) to preserve and retain all such documents and to ensure they are not destroyed or lost when Mr Pintos-Lopez and Mr Johnston depart Mr Pesutto's office; and B) to discover all such documents by 22 April 2024 pursuant to the discovery order.



If you disagree that Mr Pesutto has control over Mr Pintos-Lopez's and Mr Johnston's documents, or that all such documents which fall within the scope of r 20.14 are discoverable pursuant to the discovery order, please let us know within 48 hours so that appropriate subpoenas can be issued.

We have also written directly to Mr Pintos-Lopez and Mr Johnston to ensure the relevant documents are retained.

- (d) On 8 March 2024, we sent you an email stating:

Dear Colleagues,

We refer to our attached letter of 5 March 2024.

Given we have not had a response from you, we are proceeding on the assumption that you do not disagree that Mr Pesutto has control over Mr Pintos-Lopez's and Mr Johnston's documents or that all such documents which fall within the scope of r 20.14 are discoverable pursuant to the discovery order.

If that is not correct, please let us know immediately.

- (e) We never received any response from you to our letter of 5 March 2024 or our email of 8 March 2024.
- (f) Part 3 of the Respondent's List states in effect that Mr Pesutto no longer has control of emails sent or received by Mr Johnston or Mr Pintos-Lopez (in respect of which Mr Pesutto and/or Mr Pesutto's current employees were not copied) because their employment with Mr Pesutto's office ceased on about 3 March 2024 and the IT division of the Department of Parliamentary Services deactivated their email accounts upon the cessation of their employment. In light of our previous correspondence, this is an unsatisfactory explanation as to why Mr Pesutto says he no longer has control over the documents. We would have thought that Mr Johnston's and Mr Pintos-Lopez's replacements would have access to the emails of their predecessors or are otherwise able to access them (by re-activating their accounts, or by importing their inboxes, or because the emails have been saved to an online system, or otherwise).
- (g) In light of the correspondence which we sent to Mr Johnston, Mr Pintos-Lopez and to your firm, as set out above, please let us know:
- i. on what date Mr Johnston's and Mr Pintos-Lopez's employment in Mr Pesutto's office ceased (it is not satisfactory to say that their employment 'ceased on or about 3 March 2024' given the timing of our letters of 5 March 2024);
 - ii. what steps, if any, Mr Johnston, Mr Pintos-Lopez, Mr Woff and/or Pesutto took to preserve and retain relevant records prior to Mr Johnston and Mr Pintos-Lopez ceasing their employment in Mr Pesutto's office; and
 - iii. what steps, if any, have been taken by Mr Pesutto, following Mr Johnston and Mr Pintos-Lopez ceasing their employment in Mr Pesutto's office, to access their emails in order to comply with his discovery obligations.

11 Finally, in addition to the documents to which we referred in our previous letter, we also give notice pursuant to r 22.05(b) of the FCR that we deny the authenticity of the following documents:

- (a) Documents 23, 24 and 25. It is not clear from the Respondent's List, or on the face of the documents themselves, who prepared each of the documents or when. We also repeat the comments made at paragraph 6 above. If Documents 23-25 were attachments to emails, it should be made clear which emails they were attached to.



- (b) Document 26. For the reason given at paragraph 9 above.
- (c) Document 46. It is not clear from the Respondent's List, or on the face of the document itself, who prepared this document or when. We again repeat the comments made at paragraph 6 above. If Document 46 was an attachment to an email in the Respondent's List, it should be made clear which email it was attached to.
- (d) Documents 58-64, 70, 471-479. It is not clear to us where the tweets have been obtained from. Please let us know who took the screen-shots of the tweets, and when, and provide us with the URL for each tweet. In the meantime, subject to your response, we deny the authenticity of the documents.

12 Please provide your response to this letter, including a copy of the documents we have requested, as soon as possible and by no later than 4.00pm on 7 August 2024.

13 We reserve our rights to make additional complaints about any further deficiencies in Mr Pesutto's discovery we identify subsequently.

Yours faithfully
GILES GEORGE



Patrick George
Principal



MinterEllison.

21 August 2024

Private and confidential
Not for publication

By email: patrick.george@gilesgeorge.com.au

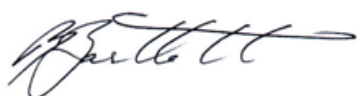
Mr Patrick George
Giles George
Level 7, 135 King St
Sydney NSW 2000

Dear Colleagues

VID1023/2023 Moira Deeming v John Pesutto (the Proceeding)

1. We enclose Mr Pesutto's Supplementary List of Documents dated 20 August 2024 (**Supplementary List**) and [folder of documents](#).
2. We refer to your letters of 12 July 2024 and 31 July 2024 regarding the Respondent's discovery in the List of Documents filed and served on 28 June 2024 (**Original List**).
3. We anticipate that the Supplementary List will resolve many of the issues raised in your correspondence.
4. In addition, we note the following in response to the issues you raise in your letter of 31 July 2024.
5. In response to your first query regarding documents that you allege should have been discovered, Mr Pesutto's office has undertaken further searches and the Supplementary List includes, for example, the emails between Richard Riordan and John Pesutto on 9 May 2023. With respect to your query in relation to emails from members of the public in support of Mrs Deeming, the Supplementary List includes a subfolder of emails of that nature. These emails were provided to MinterEllison by Mr Pesutto's office in the process of collating the documents for the initial discovery but the file pathway to this material was corrupted and was inadvertently not included in the Original List.
6. In response to the issue you raise regarding incomplete emails or emails without attachments, we have sought to obtain and to discover the native versions of those documents. With respect to your query as to whether Document 40 is the attachment of Document 239, we confirm that is correct.
7. With respect to your query regarding the nature of Mr Boffa's involvement, we are instructed that Mr Boffa is engaged on a casual basis with the Office of Mr Pesutto, and assisted Mr Pesutto from time to time with this proceeding, including with the collation of documents for the purpose of giving discovery. The only work undertaken by Mr Boffa for Mr Pesutto during the relevant time was on 5 May 2023. We confirm that Mr Pesutto has discovered all documents that fall within the scope of r 20.14 of the FCR.
8. We do not agree with the approach you have adopted in relation to the authenticity of documents. We will provide a more substantive response to those matters separately.

Yours faithfully
MinterEllison



Contact: Dean Levitan T: +61 3 8608 2152
dean.levitan@minterellison.com
Partner: Peter Bartlett T: +61 3 8608 2677
OUR REF: PLB 1447570

Your ref /

Our ref / 23RRG0495
Date / 30 August 2024
Sent by / Email

Giles / George

By Email: peter.bartlett@minterellison.com

Peter Bartlett
Minter Ellison
Level 20
Collins Arch
447 Collins Street
Melbourne VIC 3001

Dear Mr Bartlett

**MOIRA DEEMING v JOHN PESUTTO
FEDERAL COURT OF AUSTRALIA PROCEEDING: VID 1023/2023**

1 We refer to:

- (a) Mr Pesutto's List of Documents filed and served on 28 June 2024 (**Mr Pesutto's First List of Documents**);
- (b) our letter of 12 July 2024 in relation to Mr Pesutto's First List of Documents (**our 12 July letter**);
- (c) our letter of 31 July 2024 in relation to Mr Pesutto's First List of Documents (**our 31 July letter**); and
- (d) your letter of 21 August 2024 (**your 21 August letter**), which enclosed Mr Pesutto's Supplementary List of Documents filed on 20 August 2024 (**Mr Pesutto's Supplementary List of Documents**).

2 In addition to the documents to which we referred at paragraph 5 of our 12 July letter and at paragraph 11 of our 31 July letter, we give notice pursuant to r 22.05(b) of the *Federal Court Rules 2011* (Cth) (**FCR**) that we deny the authenticity of the following documents in Mr Pesutto's Supplementary List of Documents:

- (a) Document 50 is described in Mr Pesutto's Supplementary List of Documents as 'Transcript of part of 'The Vanguard – Anti-Paedo protest with Tom Sewell – Monday March 20th 7pm'. It is not clear to us who prepared the transcript or when. At any rate, until we have had a proper opportunity to review it, we do not accept that it is an accurate transcript of the interview with Mr Sewell (the video of which has not been discovered by Mr Pesutto). We also note it is not a 'clean' document, in that it includes some extraneous commentary (the words 'Note: Deeming relies on this video in para') and some parts of the transcript have been highlighted and some words bolded or underlined.
- (b) Document 51 is described in Mr Pesutto's Supplementary List of Documents as 'Transcript – Victoria Liberal Party Press Conference - John Pesutto – 27 March 2023'. It appears to be a document prepared by Minter Ellison. Until we have had a proper opportunity to review it, we do not accept that it is an accurate transcript of document 52 in Mr Pesutto's Supplementary List of Documents. We also note it is a clean document in that it includes highlighting and edits indicated in mark-up.
- (c) Document 58 is a PDF described in Mr Pesutto's Supplementary List of Documents as 'Party room minutes – track changes – version 1 to 2- May 2023'. It is not clear from the description of the document, or from the document itself, who created the document or who made the edits to it or when. Subject to your response as to who created the document, and who made the edits to it and when, we do not accept the authenticity of the document.



- (d) Document 59 is a PDF described in Mr Pesutto's Supplementary List of Documents as 'Party room minutes – track changes – version 2-3 - May 2023'. It is not clear from the description of the document, or from the document itself, who created the document or who made the edits to it or when. Subject to your response as to who created the document, and who made the edits to it and when, we do not accept the authenticity of the document.
- (e) Document 72 purports to be a translation of document 71. It is not clear from the description of document 72 in Mr Pesutto's Supplementary List of Documents, or from the document itself, who prepared the translation or when. We do not accept the accuracy of the translation.
- (f) Document 83 purports to be a translation of document 82. It is not clear from the description of document 83 in Mr Pesutto's Supplementary List of Documents, or from the document itself, who prepared the translation or when. We do not accept the accuracy of the translation.
- (g) Document 95 purports to be a translation of document 94. It is not clear from the description of document 95 in Mr Pesutto's Supplementary List of Documents, or from the document itself, who prepared the translation or when. We do not accept the accuracy of the translation.

3 In addition, we raise the following further complaints about Mr Pesutto's discovery which we request be urgently rectified:

- (a) Mr Pesutto's Supplementary List of Documents does not appear to us to include:
 - i. the document we had requested at paragraph 5(a) of our 31 July letter – that is, a copy of Ms Asmar's email of 6.11pm on 21 March 2023 and the attachment to that email;
 - ii. the document we had requested at paragraph 7 of our 31 July letter – that is, an uncorrupted copy of document 48 of Mr Pesutto's First List of Documents (which was corrupted); or
 - iii. the document we had requested at paragraph 9 of our 31 July letter – that is, the original version of document 26 of Mr Pesutto's First List of Documents in its native file format.

Please provide us with a copy of those documents.

- (b) Please provide us with a copy of document 221 of Mr Pesutto's First List of Documents (which was a PDF of an email from Glenn Corey to Alex Woff at 11.38am on 20 March 2023) in its native email format.
- (c) Mr Pesutto has not discovered any communications between himself and Senator Sarah Henderson. Mr Pesutto should discover the communications which are referred to at [12]-[14] and [17]-[19] of Senator Henderson's affidavit dated 27 May 2024 as well as any other communications since 18 March 2023 between him and Senator Henderson which fall within the scope of r 20.14 of the FCR.
- (d) Document 368 of Mr Pesutto's First List of Documents includes a text from Mr Pesutto on 27 March 2023 stating: 'I've had a request from Peter Dutton that we don't do any more media on Moira'. Please provide us with a copy of the 'request from Peter Dutton' (to the extent it was in writing) as well as any other communications between Mr Dutton and Mr Pesutto which fall within the scope of r 20.14 of the FCR.



4 Finally, in relation to Mr Boffa's involvement:

(a) At paragraph 7 of your 21 August letter, you state:

With respect to your query regarding the nature of Mr Boffa's involvement, we are instructed that Mr Boffa is engaged on a casual basis with the Office of Mr Pesutto, and assisted Mr Pesutto from time to time with this proceeding, including with the collation of documents for the purpose of giving discovery. The only work undertaken by Mr Boffa for Mr Pesutto during the relevant time was on 5 May 2023. We confirm that Mr Pesutto has discovered all documents that fall within the scope of r 20.14 of the FCR.

(b) You have stated that the 'only work undertaken by Mr Boffa for Mr Pesutto during the relevant time was on 5 May 2023'. However, there are many examples of emails sent to Mr Boffa after 5 May 2023 (for example, document 30 in Mr Pesutto's Supplementary List of Documents). In addition, as we said at paragraph 8(b) of our 31 July letter, it seems to us that Mr Pesutto has discovered documents which were authored by Mr Boffa. Document 30 in Mr Pesutto's First List of Documents, for example, appears to have been created by Mr Boffa on 28 July 2023. Similarly, document 32 in Mr Pesutto's First List of Documents appears to have been created by Mr Boffa on 4 August 2023. Further, there are examples of Mr Boffa forwarding emails he received to other persons. For example, document 212 in Mr Pesutto's First List of Documents is an email forwarded by Mr Anderton to Mr Boffa on 15 May 2023 which Mr Boffa then forwarded to Sam Smith on 30 May 2023.

(c) Accordingly, in light of this, we request that you explain:

- i. what 'work' was 'undertaken by Mr Boffa for Mr Pesutto' on 5 May 2023;
- ii. what other work was undertaken by Mr Boffa for Mr Pesutto in relation to these proceedings, including an explanation as to why documents provided as part of Mr Pesutto's discovery appear to have been created by Mr Boffa; and
- iii. whether Mr Smith was employed within Mr Pesutto's office at the relevant times and the extent of his involvement in relation to matters regarding Mrs Deeming or these proceedings. If Mr Smith was employed within Mr Pesutto's office at the relevant times, Mr Pesutto should also discover all documents created within the course of Mr Smith's employment within Mr Pesutto's office which fall within the scope of r 20.14 of the FCR (on the basis that Mr Pesutto has 'control' over those documents).

5 Given our proximity to the trial, and the timetabling orders in place prior to the trial, we request a response to this letter as soon as possible. If a response can be provided by 4pm on 2 September 2024, both parties will be prepared to address the Court on this issue, if necessary, at the case management hearing on 3 September 2024.

Yours faithfully

GILES GEORGE



Patrick George
Principal





NION heraldsun.com.au

Herald Sun Debt bomb set to explode

ICTORIA'S debt bomb is ticking loudly and come the May budget a full accounting of its explosive damage will be laid bare. More than \$100bn being in the government's legacy projects – at a rate of almost as on infrastructure – the biggest public sector in the nation and ing debt faster than three's combined, the it's books are awash with it days, Premier Daniel as been softening up the y and business sector on pect from Treasurer Tim n he hands down the ay. not going to be pretty. erment has been hammering the credit ring St. interest rates rise, it's not ut mortgage holders pinch – the beancounters r are also now scrambling astronomical interest bill a day. 12-23 Mid-Year Financial ead this month, showed stimate for the total I would be \$386.3bn for the ar. owed a \$428m increase in rest repayments over the ito December, compared r period 12 months earlier. f this takes an economic o work out. Everyday know if they ratchet up the aling and borrow too en at low interest, once back to historical averages ther, the repayments will t. it's net debt is projected to 2n by June this year and 3 grow another 43 per cent three years, according to cion budget update November. is means that Victoria is

dding chaos continues

ladding shambles that ed fire risks and retrofit nges across residential buildings in Victoria is far led in today's Herald Sun, owners still with suspect e struggling to sell their while many appear f the cost of remedial work responsible for it. the establishment six f the state government's no flammable building following the Lacrosse : fire in 2014, prospective not get finance for s that need cladding n works because buy are unable to specify

hurtling towards a debt of \$165.9bn in 2026 – more than NSW, Queensland and Tasmania combined – and taxpayers are going to be mugged with forecast interest payments of \$7.4bn in that year alone. Premier Andrews has this week repeatedly blamed Covid-19 and the mass stimulus spending and support over the pandemic years as the major reason for the state's dire fiscal position. Yet NSW, which faced the same pandemic but did not lock down businesses and society to the same degree, faces a net debt forecast of \$118bn in 2026. That's almost \$48bn less than Victoria. Covid-19 spending was a factor in Victoria's bleak financial outlook but the more persistent, baked-in costs result from the Andrews government's gigantic public sector wage outlays. Big Build project blowouts and now, of course, rapidly rising interest rates. Since the year before the Andrews government was first elected in 2014, the public sector wages bill has grown a phenomenal 73 per cent. It is now a giant \$38.5bn, the single biggest state outlay on services. From 2016, the public sector has grown from 285,000 employees to almost 346,000, which now represents 10 per cent of the entire Victorian labour force. In other words, one in every 10 workers is now on the taxpayer-funded payroll. Certainly, no one denies the need for nurses, teachers, police and ambulances, but the scale of departmental bureaucracies has grown out of proportion. Last month the Herald Sun revealed job cuts were being targeted across some bureaucracies including, ironically, the Department of Jobs, Skills, Industry and Regions. But sharing a few jobs won't magically balance the books, and huge levels of debt are set to burden Victoria for years as an unwanted legacy of this government's mismanagement.



THE BIG ISSUE SHOULD MOIRA DEEMING BE KICKED OUT OF LIBERAL PARTY?



Decency and diversity must unite us

NEXT Monday's special meeting of the Victorian parliamentary Liberal Party is about the future of the party I am honoured to lead. We must ensure we can represent all Victorians and set ourselves on the path to winning government in 2026. The scenes on the steps of parliament last Saturday were an affront to the values we hold dear as Victorians. Nazis have no place in our community and those who share platforms with or associate with extremist groups, including neo-Nazi activists, have no place in the Liberal Party. This is not about freedom of speech. There is a range of sensible views that must be heard in relation to issues, including women's rights. The Liberal Party is a broad church and we respect everyone's right to express a view. But with all rights come responsibilities. We must draw a line at hate speech, discrimination and violence. Freedom of speech should never include hate speech. That's why I've acted. Regardless of religious faith, race, sexual preference and identity, Victorians everywhere need to know the Liberal Party is inclusive



JOHN PESUTTO

THE CASE FOR

and can be a voice for them. No matter who we are or where we come from, we all share the abiding bond of humanity. Unlike the Premier, who thrives on dividing people, I want to lead a modern Liberal Party that is mainstream and embraces diversity. We need to be an effective opposition to the Andrews Labor government, which is tired, corrupt and incompetent. A strong democracy demands nothing less. I also want to present a vision for a better and bolder Victoria. I want Victoria to be the best state in Australia, a state with the best health and education systems, the best economy and jobs, and the best place to live, learn, work and raise a family. I state that prides itself on its integrity and decency. That is

focused on people rather than politics. A government focused on solutions instead of spin. A government that governs for all Victorians and not just those who voted for them. I want to build a great legacy for Victoria and make a difference to people's lives. A state where a person can pursue their own economic interests without undue interference from the government. With policies that reduce taxes and regulations on businesses and individuals, because this will lead to greater economic growth and prosperity for all. Modern Liberals also believe in equality of opportunity and freedom from hate. We need to reflect the values of our many diverse communities. To be inclusive and welcoming of everyone regardless of who they are, where they come from, what they look like and what they aspire to be. I love Victoria. It has given me, the son of Italian migrants who grew up in the Latrobe Valley, so many opportunities. I also love the Liberal Party and I'm determined for it to win because I want to make Victoria the state we know it can be.

JOHN PESUTTO IS LEADER OF THE VICTORIAN LIBERAL PARTY

How not to solve a 'women' problem

AS SHOWN by the last federal election, it's obvious the Liberal Party has a women's problem. Given the Opposition Leader John Pesutto's action in trying to cancel the upper house MP Moira Deeming, the problem is about to get a lot worse. Deeming, like JK Rowling and Germaine Greer, is a staunch advocate defending the right girls and women have to use changing rooms, toilets and showers without boys and men self-identifying as females invading their space. The sole purpose of the Let Women Speak rally was to argue how transgenderism presents a clear and present danger to girls and women and to highlight the need to act. It's unacceptable to allow people with penises (ie. men) into women's private spaces. That the women's rally was invaded and hijacked by a group of misogynist Nazis had nothing to do with Deeming or those responsible for organising the rally. If anything, it proves the dangers women face who stand up for their rights. The argument put by Pesutto that Deeming must be penalised by the party room because she is associated with a person, who knew somebody who supposedly once knowingly shared a platform with a far-right activist is without



KEVIN DONNELLY

CASE AGAINST

substance, unconvincing and irrelevant. Trying to smear a person's reputation by guilt by association, in addition to proving nothing about a person's convictions and beliefs, opens a Pandora's box where few in public life would evade scrutiny. Given the widespread prevalence of social media and the fact a politician's job entails meeting so many people of different backgrounds in various contexts there is every chance incriminating evidence can be found. In all the debate surrounding what many are calling the Deeming affair, ignored are the hundreds of loyal party workers and the more than 108,000 who voted for her in the last state election. To win in a Labor stronghold deserves praise and support instead

of being treated as an outcast. Also ignored is that many of those criticising Deeming are Liberals in name only (LINOs) and what Alan Jones once described as bedwetters. They are concerned with safeguarding their own political careers and chasing the woke vote instead of standing up for conservative values. Deeming is an easy target for such LINOs as proven by her maiden speech where she advocated women's rights, criticised the Safe Schools program that teaches girls can be boys and boys can be girls and argued it's wrong to use the curriculum to impose woke ideology on vulnerable students. If Deeming's political career is cancelled based on inuendo and hearsay it represents an all-time low for the party founded by Sir Robert Menzies, a true Liberal who believed in freedom of speech and the right each person has to justice. Cancelling such a recently elected talented, intelligent and committed Liberal also proves to the public that rather than renewal, those in control are more concerned about protecting the old guard. DE KEVIN DONNELLY IS A CONSERVATIVE AUTHOR AND COMMENTATOR AND A MEMBER OF THE LIBERAL PARTY