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A handwritten signature in blue ink that reads 'Sia Lagos'.

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Important Information

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Form 59
Rule 29.02(1)

Affidavit

No. VID 1023 of 2023

Federal Court of Australia
District Registry: Melbourne
Division: General Division

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Matt Bach**
Address:
Occupation: Teacher
Date: 26 May 2024

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I, **Matt Bach**, teacher, of [REDACTED]
[REDACTED] solemnly and sincerely affirm:

Filed on behalf of (name & role of party) John Pesutto, Respondent
Prepared by (name of person/lawyer) Peter Bartlett
Law firm (if applicable) MinterEllison
Tel (03) 8608 2677
Email [REDACTED]
Address for service MinterEllison, 447 Collins Street, Melbourne VIC 3000
(include state and postcode)
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1. I was a Liberal member of the Victorian Parliament between 2020 to 2023. I represented the North-Eastern Metropolitan Region in the Legislative Council.
2. During my time as a member of the Victorian Parliament, I held a number of roles in the Shadow Ministry, often focussed on child protection and education, including the following:
 - (a) Shadow Minister for Education, Early Childhood, Higher Education, Training and Skills: 6 December 2020 – 21 March 2021;
 - (b) Shadow Minister for Child Protection: 21 March 2021 – 12 September 2021;
 - (c) Shadow Minister for Children and Students: 12 September 2021 – 25 February 2022;
 - (d) Shadow Minister for Child Protection and Youth Justice: 12 September 2021 – 19 December 2022;
 - (e) Shadow Minister for Child Protection: 18 December 2022 – 31 August 2023;
 - (f) Shadow Minister for Transport Infrastructure: 25 February 2022 - 19 December 2022; and
 - (g) Shadow Minister for Education: 18 December 2022 – 31 August 2023.
3. In December 2022, I was elected Deputy Leader of the Liberal Party in the Legislative Council.
4. In August 2023, I resigned from my leadership positions and subsequently retired from politics to resume a career in teaching.
5. I currently work and reside in the United Kingdom.

Background to my dealings with the Mrs Deeming

6. Prior to the events surrounding the Let Women Speak Rally on 18 March 2023 (the **Rally**), I had an entirely cordial relationship with Moira Deeming (**Moira**).
7. The dealings I had had with her directly were limited. They included the following examples I can now recall.
8. During the campaign for the 2022 election, I was in touch with her at various times via text message. I also attended a campaign rally in her electorate, and a series of

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meetings with Moira and various stakeholders in her electorate, in my capacity as Shadow Minister for Infrastructure.

- 9. On International Women's Day in 2023 (which I now understand was on 8 March 2023), I was in Chamber when Moira gave a speech. I cannot recall the content of her speech, but as we were both leaving the Chamber, she approached me and said "Sorry. That was the last time". I understood her comments to be an apology for stepping out of line with her speech in a way that was contrary to the interests and stated position of the Party.
- 10. Also in early March 2023, I was planning to do an interview with Joy FM, a LGBTIQA+ media organisation. I suspected that they would ask me about some of Moira's views on issues affecting the LGBTIQA+ community, which were well known. As such, I reached out to her. In essence, I wanted to speak to her and find out what she was comfortable with me saying during the interview. Moira said to me, in effect, that things often get attributed to her that she never actually said.
- 11. That interview took place on 11 March 2023. As expected, I was asked by the interviewer about some comments Moira had apparently made calling the people who created the Safe Schools program (a program that intended to help schools foster a safe environment that is supportive and inclusive of LGBTIQA+ students) "paedophile apologists". At the date of this affidavit, a recording of the interview is available at <https://joy.org.au/saturdaymagazine/2023/03/saturday-magazine-11th-march-2023-matt-bach-shadow-min-education-and-child-protection/>

Saturday 18 March 2023

- 12. Prior to Saturday 18 March 2023, I had heard the name 'Let Women Speak' and knew generally that there was going to be a rally, but I did not know anything about the movement or the organisation, and I had never previously heard of Kellie Jay Keen.
- 13. On 18 March 2023, at some point during the afternoon, I saw on Twitter that a neo-Nazi group attended the Rally. I recall that there were also some media and some journalists that mentioned that Moira was present and that she had not left the Rally when the neo-Nazi group arrived.
- 14. I recall seeing in that media that the neo-Nazi group were on the steps of Parliament House holding a large banner that said "destroy paedo freaks". My initial view was that it was very bad that Moira did not leave when the neo-Nazis arrived and that they had

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used similar words to those Moira had reportedly used (that is, "paedophile") to describe trans/LGBTQI+ supporters.

15. At the time, I immediately considered that it was a big problem for the Party that Moira, an elected member of the Party, was there with the Let Women Speak group, which was advocating on the day for the same thing as the neo-Nazis, namely an anti-trans agenda.
16. I do not recall having any contact with any of my colleagues on the day of the Rally.

Sunday 19 March 2023

17. The next morning, I received a call from my colleague, Georgie Crozier MP (**Georgie**). Georgie said words to the effect of, it might be necessary to have a leadership meeting later today. At that time, I did not know the meeting was to be about Moira.
18. Later that day, I spoke with Rodrigo Pintos-Lopez (**Rod**), who was Chief of Staff to John Pesutto (**John**) at the time, by phone. I do not recall exactly what Rod said to me during our call, but he told me that we were meeting with Moira, and provided me with the broad nature of the purpose of the meeting, namely to discuss Moira's participation in the Rally.

Leadership Meeting prior to the meeting with Moira

19. For about 30 minutes before Moira arrived, I met with John, Georgie, David Southwick (**David**), Rod and Nick Johnston (**Nick**) in John's office at 157 Spring St. Nick was John's Director of Communications.
20. During this meeting, we were shown material that Rod and Nick had compiled about the organisers and speakers of the Rally, including:
 - (a) An image posted by Kellie-Jay Keen (**Keen**) of a barbie doll dressed up as a Nazi (**barbie doll image**);
 - (b) An image posted by Keen of an LGBTQI+ pride flag with a swastika on it (**pridestapo image**); and
 - (c) A tweet by Angie Jones (**Jones**) which she posted the day before, in which she said "Nazis and women want to get rid of paedo filth. Why don't you?" (**Jones tweet**).

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21. In response to being shown this material, I said words to the following effect: is this absolutely solid? Are we sure this is 100% correct? Rod and John assured me that it was correct and reliable. Given their legal backgrounds, I trusted Rod and John's assurance that the information was true and reliable.
22. I was also informed of the following facts during the pre-meeting:
- (a) that Moira had enabled Keen and others access to the parliamentary precinct before the Rally;
 - (b) David Southwick had called Moira after the Rally and told her she needed to distance herself from what had happened at the Rally;
 - (c) Instead of doing so, Moira had featured in a video with Keen, Jones and Katherine Deves (**Deves**) following the Rally, during which:
 - (i) Moira, Deves, Keen and Jones drank champagne from flutes and appeared to celebrate the success of the Rally;
 - (ii) Moira described the Rally as a 'fun day' and suggested that the performance of the Nazi salute was "as if they were saying hello"; and
 - (iii) Keen suggested that the neo-Nazis were left-wing activists dressed up as neo-Nazis.
23. I recall that I watched that video or part of it at some point during that meeting.
24. I formed the initial view that any association between the Party and Keen and/or Jones was a massive political and reputational risk for the Party. I recall the word "toxic" being used. Personally, I was also troubled by the apparent synergy between what the Neo-Nazis at the Rally were saying and what was being said by Moira's associates at the Rally.
25. I do not recall the specifics of what we agreed we were going to do or say in the meeting with Moira. However:
- (a) I understood from my discussions with the others that the purpose of the meeting with Moira was to impress upon her the seriousness of this matter, and to give her the opportunity to disavow the apparent views of Jones and Keen;

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- (b) My recollection is that we had formed the view that if Moira was not willing to distance herself from Keen and Jones’s apparent views, then we may have no alternative but to move to expel her from the Party; and
- (c) I also wanted to clarify with Moira whether she had sought to leave when the Neo-Nazi’s arrived at the Rally.

Leadership Meeting with Moira

- 26. Moira arrived at about 5:00pm. When she arrived, Georgie went down to bring her in. We then moved into the main room, which we typically use for Shadow Cabinet meetings.
- 27. I do not recall the exact words spoken by the people in the meeting, but I do recall the following in substance:
 - (a) John opened the meeting by explaining that we wanted to provide Moira with an opportunity to give her account, and to distance herself from Keen and Jones;
 - (b) Georgie emphasized that she was disappointed in Moira but that she wanted to help her;
 - (c) David spoke at length about the impact on the Jewish community about the perceived affiliation between the Party and the neo-Nazis; and
 - (d) Moira was shown the barbie doll image, [REDACTED] and the Jones tweet.
- 28. I cannot recall Moira's exact response to being shown this material, but Moira said, in effect, that she was not aware of Keen's or Jones's background or associations before the Rally. In response, I said something to the effect of, that cannot be right – you have relationships with them, you took them into the precinct, you shared a stage with them, you can't not have known about their backgrounds.
- 29. I do not recall the exact words used but we tried to impress upon Moira that she would have to back away from these people and put some distance between them and the Party. I do not recall exactly what Moira said, but the substance of what she said was to justify the tweets of Keen and Jones as jokes, and to refuse to distance herself from them.

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30. It was an elongated and frustrating conversation during which it felt like we went around in circles. At one stage Moira offered to make a statement saying something like "I am not a Nazi", to which someone, I cannot recall who, responded to the effect we know you are not, but you cannot be associated with these people. You need to demonstrate a clear break.
31. After a while, the sense in the room was very sombre. It seemed clear to me (and presumably everyone else) that what Moira was offering – a statement saying something to the effect of "I'm not a Nazi" – was not good enough.
32. John said something like, let's take a break. I understood that John suggested a break in order to consult with the Leadership Team privately in light of what Moira had said. However, it was clear to me by then that it would be necessary for the Party Room to consider Moira's position.
33. During the break, we went and had a private meeting without Moira.
34. I do not recall the words spoken during this private meeting but the substance of the discussion was to the effect that, given Moira was not willing to disavow Jones or Keen, or their views, we had to move ahead in an effort to expel her from the Party.
35. We unanimously agreed that we would go back into the room to notify Moira that we planned to move a motion of expulsion.
36. When we went back into the room with Moira, John said words to the effect of, we have discussed this, and we have decided that we are going to move a motion to expel you from the Party.
37. I do not recall anything that Moira said in response, but I recall she appeared very calm. She packed up her things and left.

Following the Leadership meeting with Moira

38. After Moira left, I sat with John, Georgie, David, Rod and Nick in John's office. John was at his computer drafting an email to our colleagues about our decision to move to expel Moira. We helped him draft the email by offering our views about what to say in the email.
39. We then decided that we would call of our colleagues about this decision. John said words to the effect of, I am going to try and call as many of our colleagues as possible.

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- 40. John sent the email to our colleagues at about 8:36pm. I called Ryan Smith MP (**Ryan**) and Beverly McCarthur MP shortly thereafter.
- 41. I was not part of any media strategy discussions.

Monday 20 March 2023

- 42. On 20 March 2023 we had our weekly Shadow Cabinet meeting. I do not now specifically recall but I presume that I stayed back afterwards to work with the Leadership Team on the Notice of Motion. I presume this because I know that the Notice of Motion was sent to our colleagues later that day, and I believe I had input into it before it was sent.
- 43. My recollection of the input I had into the Notice of Motion is that we formed the view, based on Rod who we trusted given his legal background, that the Constitution required us to give a reason for the motion and that Rod had carefully checked and verified everything that was to go into that document.
- 44. At 5:42pm, John emailed Moira a copy of the Notice of Motion, together with the dossier of material about the associations of Keen and Jones (the **Dossier**). I was copied into that email.
- 45. Shortly thereafter, the Notice of Motion and the Dossier was emailed to the rest of our colleagues.
- 46. I had little else to do with what followed in relation to the Motion that week. [REDACTED]
[REDACTED]
[REDACTED]

The lead up to the 27 March Party Room Meeting

- 47. At about 2:51pm on Sunday, 26 March 2023, Moira sent an email to parliamentary colleagues urging them to vote against the motion to expel her from the Party. A copy of Mrs Deeming's email is **Annexure MB-1** to this affidavit.
- 48. At 6:29am on Monday, 27 March 2023, Moira sent an email to parliamentary colleagues with an attached word document, which purported to be a "response to the dossier". In her response, Moira acknowledged that her participation in the Rally "may have been an error of judgment". However, the response also appeared to be a defence of Keen and Jones. A copy of Moira's email to parliamentary colleagues, and the attached word document response, is **Annexure MB-2** to this affidavit.

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49. While Moira’s response did condemn some of Keen and Jones's conduct, I considered Moira's email was 'too little too late', and a clear tactic to persuade undecided voters to vote against the Motion because she had been intransigent that she had done nothing wrong until that time.

27 March Party Room Meeting

50. At 10:00am on 27 March 2023 a party room meeting was held (**Party Room Meeting**).

51. John, Georgie, David and I spoke in favour of the Motion.

52. A number of very well-respected colleagues spoke against it.

53. Moira was the last person to speak and spoke about several highly personal and distressing matters, as was then reported in the media.

54. After Moira's speech, John got up at the front of the room and said, "let's take a pause", which we did.

55. John then gathered me, Georgie and David. John said words to the effect of, we can't go ahead with the expulsion in light of what she has just disclosed. I understood that John said this from the perspective of pastoral care for Moira. I said to John words to the effect of, John, you need to do whatever you feel is right.

56. After about 10 minutes of discussions, John got up at the front of the room and said words to the effect of, we've decided to amend the motion, whereby Moira will accept a 9 month suspension and there will be a statement published. I do not recall if John used the words "joint statement" and am confident that I did not hear anything about a "joint press conference" – I would recall that, as that would have been absurd.

57. The suspension motion passed without dissent.

58. [Redacted text block]

May 2023

59. I recall generally that in or around early May 2023, Moira gave the leadership team an ultimatum to either “exonerate” or she would sue John. Moira's threat appeared to me to galvanise disparate elements of the Party to take further action against her.


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- 60. Shortly afterwards, I became aware of an email sent by James Newbury MP, on behalf of Matthew Guy MP, Cindy McLeish MP, Roma Britnell MP and Wayne Farnham MP to Renee Heath MP, John and Moira.
- 61. On 12 May 2023, a Special Meeting of the Party was held. The resolution to expel Moira from the Party was successful.

Affirmed by the deponent
 at London in England
 on 26 May 2024.
 Before me:

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Signature of deponent

Deanna.C.Ficatas

Signature of witness
 of 447 Collins Street, Melbourne 3000

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria)

This affidavit was affirmed and witnessed remotely using an electronic copy of the affidavit in accordance with the *Oaths and Affirmations Act 2018* (Vic)



Matt Bach

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