

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 26/07/2024 2:19:43 PM AEST
Date Accepted for Filing: 26/07/2024 2:19:49 PM AEST
File Number: VID1023/2023
File Title: MOIRA DEEMING v JOHN PESUTTO
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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Form 59
Rule 29.02(1)

Affidavit of Richard Riordan

VID 1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Richard Riordan**

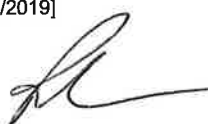
Address: [REDACTED]

Occupation: Member of Parliament

Date: 26 July 2024

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[Version 3 form approved 02/05/2019]



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

1. I swore my first affidavit on 24 May 2024 (**First Affidavit**).
2. In this affidavit, I adopt the defined terms used in my First Affidavit.
3. Since swearing my First Affidavit, I have read the following affidavits served on behalf of Mr Pesutto:
 - (a) The affidavit of John Pesutto affirmed on 27 May 2024;
 - (b) The affidavit of David Southwick affirmed on 27 May 2024;
 - (c) The affidavit of Georgie Crozier sworn on 27 May 2024; and
 - (d) The affidavit of Louise Staley affirmed on 24 May 2024.

Introduction

4. I have been a member of the Liberal Party since 1992 and since then I have mixed with many people within the Liberal Party. After being elected to the Victorian Legislative Assembly as the Liberal Party member for Polwarth (which is an electoral district in south-west rural Victoria) in October 2015, I have held the positions referred to at paragraph [2] of my First Affidavit. During that time, I have mixed with many people in the Victorian Liberal Party and within the Victorian Parliamentary Liberal Party. I have also mixed with people from other political parties other than the Liberal Party within the Victorian Parliament.
5. More generally, having served and represented Polwarth since October 2015, I have mixed with a very diverse range of people throughout south-west rural Victoria.
6. In November 2022, I announced that I would run for the leadership position within the Victorian Parliamentary Liberal Party (before withdrawing and instead supporting Brad Battin for the leadership position). Accordingly, in November 2022, I was speaking to most members of the Victorian Parliamentary Liberal Party in the lead up to the election for leader.

Response to Mr Pesutto's affidavit

7. In response to paragraph [16] of Mr Pesutto's affidavit, I do not know whether there was any intervention from the Liberal Party Federal Secretariat or the Prime Minister's Office to prevent Mrs Deeming's pre-selection at the federal level, or, if there was, the reasons for such intervention.
8. In response to paragraph [21] of Mr Pesutto's affidavit, I only recall very limited and mild controversy around the time Mrs Deeming was endorsed as the Liberal Party candidate




for the Western Metropolitan Region. My recollection is that she had been elected with cross-factional support.

- 9. In relation to paragraph [22] of Mr Pesutto's affidavit, I do not agree that it is 'very rare' for the Liberal Party Federal Secretariat or Prime Minister's Office to intervene in relation to a person's pre-selection at the federal level. There is no shortage of examples where this has occurred. Based on my experience, the intervention may be for many reasons – for example, it may be on factional grounds, or for nepotistic reasons, or because a particular candidate is considered too left leaning or too right leaning or for some other political reason.
- 10. In relation to paragraphs [24] and [25] of Mr Pesutto's affidavit, I do not recall any 'media controversy' in early December 2022 surrounding Mrs Deeming's views in relation to transgender and sex-based rights. Nor do I recall there being any discussions within the Victorian Parliamentary Liberal Party to the effect 'that Mrs Deeming's public commentary in relation to transgender and sex-based rights would continue to attract controversy, not align with the Party's views of liberalism, and were perceived poorly in the community'.

- 11. In relation to paragraphs [29] and [30] of Mr Pesutto's affidavit, I have given my recollection of Mrs Deeming's maiden speech at paragraph [5] of my First Affidavit. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I do not recall her speech causing any controversy within the Victorian Parliamentary Liberal Party. In relation to Mr Pesutto's suggestion at paragraph [30] that Mrs Deeming's speech 'was the subject of widespread negative media coverage', I cannot recall any negative media coverage, but if there was any such coverage I do not recall it being a significant issue at the time. If it had been a significant issue for the Victorian Parliamentary Liberal Party, I would expect to recall this.

- 12. In relation to paragraph [33] of Mr Pesutto's affidavit, I cannot recall any 'negative publicity' about Mrs Deeming's maiden speech or the 'FOI documents' referred to by Mr Pesutto. I would expect to recall if there was any significant negative publicity about Mrs Deeming that was sparking concerns or discussions within the Victorian Parliamentary Liberal Party.

13. In response to paragraphs [44] and [45] of Mr Pesutto's affidavit, I do not agree that Mrs Deeming's views were 'hateful' or 'notorious'. Her stance on some issues were well known, such as on family values and women's rights. There were some people who supported them and some who did not. But my observation and view at the time was that Mrs Deeming had navigated her first few months as an MP without causing any controversy or expressing any views that would be regarded as 'extreme' or 'fringe' within the circles in which I mixed. All of us to an extent have a 'mixed reputation in the Parliament'; I do not agree that Mrs Deeming had a negative reputation. Within the circles in which I mixed, as set out at paragraphs [4] and [5] above, Mrs Deeming did not have a negative reputation 'for giving succour to hateful and/or extreme social or political views'. I had never heard any indication that Mrs Deeming had such a reputation.
14. In response to paragraph [46] of Mr Pesutto's affidavit, I do not recall having any discussions at all about Mrs Deeming's presence in the Party being 'challenging' or 'an overall negative in terms of winning votes', or about any concerns that 'she was starting to occupy a lot of our media' or 'was a focus point for Premier Andrews and Ministers in the Parliament and the media' or 'that there was likely to be a further controversy we would need to answer and deal with'. If such discussions had occurred, I would expect to recall them. I cannot recall being aware of any issues about Mrs Deeming prior to Mr Pesutto's Media Release being published. In response to Mr Pesutto's comment about concerns that Mrs Deeming may have been 'an overall negative in terms of winning votes', it was my observation and view that Mrs Deeming had popular support within the Western Metropolitan Region, as well as in Victoria's western and northern suburbs where we had done campaign work together, and that she could play a part in increasing the popularity of and votes for the Liberal Party.
15. I have read what Mr Pesutto says, at paragraph [104] of his affidavit, he intended to convey by the Media Release. My understanding of what he was trying to convey is set out at paragraph [11] of my First Affidavit.
16. I have read Mr Pesutto's explanations at paragraphs [106]-[113] as to why he issued the Media Release. None of this changes my comments at paragraph [12] of my First Affidavit to the effect that, based on my experience as a Member of the Victorian Legislative Assembly since 2015, I considered it highly unusual, and highly inappropriate, that an MP would publicise this sort of statement. In the past, disciplinary issues had been resolved internally within the Party. This is what should have occurred. I considered that Mr Pesutto took steps in the wrong order – he should have consulted his colleagues first, gathered his facts, taken the time to understand what had really happened at the Rally, then the Party Room should have made a decision whether to discipline Mrs Deeming, and only then should that decision have been relayed to the Victorian public. There is a



strong tradition in the Party Room that the Leader should not make a position known without running it past the Party Room. This is especially important in relation to such a serious step as seeking to expel an MP. It was improper for Mr Pesutto to have publicly announced his decision to seek to expel Mrs Deeming without explaining it to the Party Room and seeking the input of the Party Room.

17. I do not agree with Mr Pesutto's comments at paragraph [110] of his affidavit. As I said at paragraph [9] of my First Affidavit, I had not heard anyone express any concerns about Mrs Deeming, or talk about the Rally, during the lunch at my house on 19 March 2023. I do not recall any media about it on 19 March 2023. But regardless of what the media may or may not have been reporting, it was the responsibility of Mr Pesutto as Leader to take a considered decision, after having examined the facts and sought the views of the Party Room.
18. In relation to paragraphs [138] to [142] of Mr Pesutto's affidavit, based on my experience within the Liberal Party, it was inappropriate that the Expulsion Motion and Dossier was provided by Mr Pesutto's office to the press.
19. In relation to paragraphs [143] and [144] of Mr Pesutto's affidavit, my recollection of the 21 March Meeting is at paragraphs [15] to [20] of my First Affidavit. I do not agree with paragraph [144] of Mr Pesutto's affidavit. I recall Mrs Deeming attempting to explain why the contents of the Expulsion Motion and Dossier did not justify her expulsion. In relation to what Mr Pesutto describes as 'the Nazi Barbie doll image', I recall Mrs Deeming saying words to the effect that her understanding was that Ms Keen had been accused of being a Nazi and had posted the image as a retort to the allegation against her. Mrs Deeming's comment to the effect that the image was 'hilarious' was her saying it was 'hilarious' that this was the best the Leadership Team had got and that this was the 'evidence' being used against her. I consider paragraph [144] of Mr Pesutto's affidavit to misrepresent what Mrs Deeming said.
20. In relation to paragraphs [158] and [159] of Mr Pesutto's affidavit, my reading of the mood of the Party Room, as I said at paragraph [27] of my First Affidavit, was that Mrs Deeming's speech had swung the room against voting for the Expulsion Motion and that the Expulsion Motion was not going to pass. I thought this would have been clear to those in the room. Mr Pesutto may have 'felt it was not appropriate for us to seek immediately to expel a young women who had told us she had been raped', [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] based on my experience, his leadership would have been in jeopardy if the Party Room had voted against the Expulsion Motion.




21. I was not a part of the discussions referred to at paragraphs [160] and [161] of Mr Pesutto's affidavit. In relation to paragraph [162] of Mr Pesutto's affidavit, I have given my recollection at paragraph [28] of my First Affidavit – that is, that the compromise was that Mrs Deeming would be suspended for 9 months and that there would be a joint statement from Mr Pesutto and Mrs Deeming saying that Mrs Deeming was not a Nazi or Nazi sympathiser. It was my understand that both Mr Pesutto and Mrs Deeming would be putting their names to the statement. Based on my experience in politics, that is what is meant by 'joint statement'.
22. In relation to paragraph [177] of Mr Pesutto's affidavit, I repeat paragraph [31] of my First Affidavit. My view was that the Second Expulsion Motion was not compliant with the Victorian Parliamentary Liberal Party Constitution (**Constitution**).

Response to Mr Southwick's affidavit

23. In response to paragraph [43] of Mr Southwick's affidavit, I repeat paragraph [16] above. There should have been no public statements until after the Party Room considered and discussed the Expulsion Motion and voted on it.
24. In relation to paragraph [62] of Mr Southwick's affidavit, I do not agree with Mr Southwick's suggestion that it was 'a matter of common political sense' that the 'joint statement' meant 'there would be a statement agreed by both parties' rather than a statement signed by or released by both parties. In my experience, when 'joint' press statements are released, they always have both names on it. I have never heard of a 'joint' press statement going out with only one name on it. If that was the intention at the time, the Party Room should have been told that the resolution being sought was that Mrs Deeming would issue a statement in her name which would be approved by the Leadership Team (that would not have been a 'joint statement').

Response to Ms Crozier's affidavit

25. In relation to paragraph [16] of Ms Crozier's affidavit, I recall Mrs Deeming being voted Liberal Party Whip in the Legislative Council in December 2022. In accordance with the Constitution, the role of Whip was filled by election, by a vote of members of the Parliamentary Party who are members of the Legislative Council. The role of Whip is a prestigious role. That Mrs Deeming was voted Whip indicated to me that she had the backing of the Leadership Team and the support of the majority of members of the Parliamentary Party who were members of the Legislative Council.
26. In relation to paragraph [18] of Ms Crozier's affidavit, I agree that it is convention that members should attend Party Room meetings unless there is a funeral, medical appointment, or emergency. But in my experience, the enforcement of Party Room attendance has over the last few years become more relaxed. It would not have been a





mortal sin for Mrs Deeming to have missed the Party Room meeting on 21 February 2023 because of a hair appointment (I do not know whether that occurred), given it was a significant day for her – the day of her maiden speech.

- 27. In response to paragraph [20] of Ms Crozier’s affidavit, I repeat paragraph [11] above.
- 28. In response to paragraph [49] of Ms Crozier’s affidavit, I repeat paragraph [19] above. At the 21 March Meeting, I observed that Mrs Deeming looked like a nervous wreck. She was sitting there in a room of 30 of her peers, shaking, and trying to defend herself. My perception at the time was that Mrs Deeming was not ‘scoffing at and rubbishing’ the actual content of the Expulsion Motion and Dossier in itself but rather she was ‘scoffing at and rubbishing’ the suggestion that the Expulsion Motion and Dossier justified her expulsion.
- 29. In relation to paragraph [52] of Ms Crozier’s affidavit, there were some MPs campaigning in favour of the Expulsion Motion and others campaigning against it.
- 30. In relation to the first sentence of paragraph [59] of Ms Crozier’s affidavit, I repeat paragraph [20] above. In relation to the remainder of paragraph [59], I repeat paragraphs [21] and [24] above. Ms Crozier states that she understood ‘that the statement needed to come from Moira’ but that ‘John’s media team was going to assist with the process of dissemination’. That was not my understanding. I do not recall that being discussed at the 27 March Meeting prior to us voting on the compromise which included a joint statement from Mrs Deeming and Mr Pesutto.

Response to Ms Staley’s affidavit

- 31. In response to paragraph [15] of Ms Staley’s affidavit, I repeat paragraph [13] above.

Sworn by the deponent)
 At Melbourne)
 in Victoria)
 on 26 July 2024)
 Before me:)




 Signature of deponent



 Signature of witness

Name and qualification of witness

Alex Porz

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

