

NOTICE OF FILING

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

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Affidavit

No. VID 1023 of 2023

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

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Alex Woff**

Address: [REDACTED]

Occupation: Director of Communications, Office of John Pesutto MP, Leader of the Opposition

Date: 27 May 2024
AW DF

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Filed on behalf of (name & role of party) John Pesutto, Respondent

Prepared by (name of person/lawyer) Peter Bartlett

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I, **Alex Woff**, Director of Communications, Office of John Pesutto MP, Leader of the Opposition, of [REDACTED], in the State of Victoria, solemnly and sincerely affirm:

1. I am currently the Director of Communications to Mr John Pesutto MP (**Mr Pesutto**), Leader of the Opposition and Victorian Liberal Party (the **Party**). At the time of the events the subject of this affidavit, I was the Director of Media to Mr Pesutto

My professional background

2. In 2017 I graduated from Monash University with a Bachelor of Economics.
3. On or around 2016, I commenced my role as an electorate officer for the Honourable David Southwick MP, Member for Caulfield (**Mr Southwick**).


 Alex Woff


Witness

4. On or around 19 July 2021, I commenced my role as media adviser to the Honourable Michael O'Brien MP, Leader of the Opposition and the Party.
5. On or around September 2021, I commenced my role as media adviser to the Honourable Matthew Guy MP, then Leader of the Opposition and the Party.
6. On around August 2022, I was promoted to Director of Communications to the Honourable Matthew Guy MP, then Leader of the Opposition and the Party.
7. On or around December 2022, I continued in this role in an acting capacity.
8. On or around 1 March 2023, I was appointed as Director of Media to Mr Pesutto, following the appointment of Nick Johnston as Director of Communications (**Mr Johnston**). At the time, my immediate supervisor was Nick Johnston.
9. On or around 4 March 2024, I was promoted to Director of Communications to Mr Pesutto.


Saturday, 18 March 2023 – Let Women Speak Rally

10. On 18 March 2023, the day of the 'Let Women Speak' rally (the **Rally**), I saw a number of Twitter posts relating to the Rally.
11. Around two hours after the Rally, I read various news articles including those published by *The Age* and the *Herald Sun* which reported the arrival of Neo Nazis at the Rally and depicted their actions on the front steps of the Victorian Parliament.
12. At some point that afternoon, I recall seeing posts stating that Mrs Deeming had been at the Rally.

Sunday, 19 March 2023 – Media Release

13. At 4:55pm on 19 March 2023, I received a text-message from Mr Johnston which included a screenshot of a Twitter post showing Mrs Deeming celebrating with champagne after the Rally. Mr Johnston also included a draft form words that would inform the statement to be made by Mr Pesutto. Annexed and marked **AW-1** is a copy of the text messages from Mr Johnston dated 19 March 2023.
14. At 5:47pm that evening I sent Mr Johnston an email which included the draft form of words on letterhead with some amendments. Annexed and marked **AW-2** is a copy of my email to Mr Johnston at 5:47pm.

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15. At 6:03pm I sent Mr Johnston a further email with a revised form of words on letterhead. Annexed and marked **AW-3** is a copy of my email to Mr Johnston at 6:03pm.
16. At 6:59pm Mr Johnson sent me an updated version of the draft statement. Annexed and marked **AW-4** is a copy the email from Mr Johnston at 6:59pm.
17. At 7:41pm I received an email from Mr Johnston with a further draft form of words with the subject line 'prepare this but don't send yet'. Annexed and marked **AW-5** is a copy the email from Mr Johnston at 7:41pm.
18. At 7:53pm, I sent an updated version of the draft statement to Mr Johnston via email. Annexed and marked **AW-6** is a copy the email from Mr Johnston at 7:53pm.
19. Later in the evening on 19 March 2023, I received a phone call from Mr Johnston who requested that I format the media release and send it out to the media distribution contact list.
20. The media distribution contact list is email mailing list of (then) approximately 767 journalists and others with an interest in receiving media releases from the office of the Leader of the Opposition, which the Office of the Leader of the Opposition has built up over time. It is comprised of nine different sub-lists (for example, suburban Victorian media, regional Victorian media, members of the Victorian Parliament). However, unless a media release concerns only a specific subsection of the Victorian community, we generally send media releases from the Leader of the Opposition to the entire general media list.
21. As directed, at about 8.42pm on 19 March 2023, I sent the Media Release to the general media distribution contact list. Annexed and marked **AW-7** is a copy of the Media Release provided by the Office of John Pesutto MP, Leader of the Victorian Liberal Party dated 19 March 2023.

Monday, 20 March 2023 – Expulsion Motion and Dossier

22. Over the course of the morning on 20 March 2023 between 10:57am and 12:06pm I exchanged emails regarding a fact sheet about Mrs Deeming, Kellie-Jay Keen, Angie Jones, and the Rally. Annexed and marked **AW-8** are copies of those emails and attachments.
23. In one of those emails, from Mr Johnston at 11:28am, Mr Johnston states 'Need to get this to TVs. Let's discuss first'. While I believe I may have discussed the fact sheet and

Alex Woff



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email with Mr Johnston, I have no record or recollection of providing the fact sheet to any journalists.

24. On or around 8:45pm on 20 March 2023, I read an article published by *The Age* titled, 'Deeming vows to fight move to expel her from party room' (the **Article**). The Article referred to the Expulsion Motion and Dossier, which (given I was aware the Expulsion Motion and Dossier had been sent to Mrs Deeming and the other Liberal MPs) suggested to me it (or the information in it) had been leaked by someone within the Party.
25. I do not know who, if anyone, leaked the Expulsion Motion and Dossier, or the information in it, to *The Age*.

Tuesday, 21 March 2023

26. On the morning of 21 March 2023, I spoke with Mr Johnston about the fact the Expulsion Motion and Dossier appeared to have been leaked to *The Age* the night before, and the fact this had resulted in enquiries from other media.
27. Given the information was already in the public domain, a decision was made to circulate a copy of the Expulsion Motion and Dossier to the journalists who had requested a copy and more broadly.
28. As directed, at around 8:30am that morning, I provided a copy of the Expulsion Motion and Dossier via WhatsApp messenger to a number of media contacts at most of the major media covering the story, including to Shannon Deery at the Herald Sun. When I sent Mr Deery the document Mr Deery replied "Yes o [sic] have this. Cheers! I wish I'd knew you were putting this out, I'd have had something ready to go!". I responded "Yes I suspected but just to be sure"
29. I then provided a copy of the Expulsion Motion and Dossier to members of the media who cover State politics more broadly. Annexed and marked **AW-9** is a copy of the dossier provided to the media on 21 March 2023.

Monday, 27 March 2023 – WhatsApp message exchange with Mrs Deeming re her statement

30. On 27 March 2023, the Party Room held a meeting to discuss and vote on the expulsion motion. I did not attend that meeting but did learn about the outcome of it (being a 9 month suspension and publication of a statement) through discussions after the meeting.

Alex Woff 

 Witness

31. During the course of the day, I also became aware that there were various meetings involving Mrs Deeming regarding the drafting of a statement she was going to issue to the media. I was not present at those meetings.
32. However, because my then role involved sending out media releases from the Office of the Leader of the Opposition, that evening Mr David Southwick provided me with a copy of a draft statement expressed to be from Mrs Deeming with the title 'Monday 27 March Statement from Mrs Deeming'. I was instructed by Mr Southwick to provide this to Mrs Deeming for final approval.
- At 7:01pm on 27 March 2023, I sent Mrs Deeming a WhatsApp message containing the draft statement, which was expressed in her own name under that same heading. She replied at 7:02pm, correcting that the word 'repeated' in the statement should be 'repeatedly'.
33. At 7:06pm on 27 March 2023, after correcting the typographical error, I sent Mrs Deeming a WhatsApp message containing the final copy, again under her own name, and asked, "are you ok for us to send this out to media on your behalf?". Members of the Opposition do not maintain their own media distribution lists and therefore Mrs Deeming did not have the capacity to release the statement to the media herself.
34. At 7:07pm, Mrs Deeming replied "Yep great". In response, I stated, "thank you, sending now". Annexed and marked **AW-10** is a copy of the WhatsApp message exchange between Alex Woff and Moira Deeming from 7:01pm – 7:07pm on 27 March 2023.
35. At 7:08pm on 27 March 2023 I released the statement, in the agreed form, from Mr Pesutto's office on behalf of Mrs Deeming to the same general media distribution contact list described in paragraph 20 above. Annexed and marked **AW-11** is a copy of Moira Deeming MP's statement released by the Office of John Pesutto MP, Leader of the Opposition and Victorian Liberal Party dated 27 March 2023.

Alex Woff 

 Witness

Affirmed by the deponent

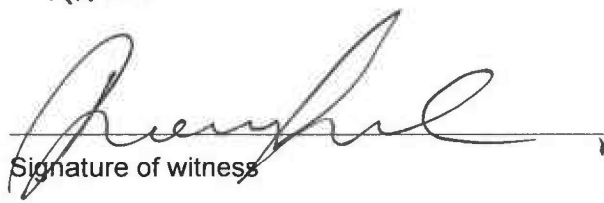
at 157 Spring St Melbourne
in Victoria

on 27 May 2024

Before me: Deane Francis.
AN 24



Signature of deponent



Signature of witness

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

Alex Woff 

 Witness