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Sia Lagos

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MOIRA DEEMING v JOHN PESUTTO

ANNEXURE C to Applicant's Submissions

Respondent's allegations regarding 'controversy' about Mrs Deeming, media reporting about her, and her prior reputation

Allegations in Mr Pesutto's affidavit (CB:30)

Paragraphs [16] and [22]

1. At paragraphs [16] and [22] of Mr Pesutto's affidavit (CB:30, pp330 and 331), he gave the following evidence:

16. *In or around March 2022, I was aware that Mrs Deeming unsuccessfully sought endorsement as the Liberal candidate for the federal electoral division of Gorton. My understanding was (and is) that intervention from either the Prime Minister's Office (PMO) or the Liberal Party Federal Secretariat resulted in the rejection of her candidacy.*

22. *At the time, I was surprised Mrs Deeming had been selected as a Liberal Party candidate at a State level when she had not been considered suitable federally. I was worried she would hurt my candidacy in the electoral district of Hawthorn (and in other similar seats) because of what I perceived to be her notoriety. I was also conscious that the effect of her pre-selection as the Liberal candidate in the first spot on the group ticket in the Western Metropolitan Region was effectively a seat for life. In my experience, it was very rare for the PMO or the Liberal Party Federal Secretariat to have intervened and prevented Mrs Deeming's pre-selection at the federal level. I became aware later that Louise Staley, when representing the then state leader Matthew Guy, had voted against Mrs Deeming's endorsement as a candidate, as did the immediate past president Michael Kroger.*

2. In response to the allegations in those paragraphs:

a. Mrs Deeming gave the following evidence (CB:2, p60 at [6]-[7]):

In relation to [16] of Mr Pesutto's affidavit and [8]-[9] of Ms Crozier's affidavit, I had been asked to run as the Liberal candidate for Gorton. There was also another candidate, John Fletcher. The Liberal Party's Administrative Committee ultimately endorsed Mr Fletcher. I do not know whether this was the result of intervention by the Liberal Party Federal Secretariat or the Prime Minister's Office, as suggested at [16] of Mr Pesutto's affidavit and [8] of Ms Crozier's affidavit. After Mr Fletcher was endorsed, I personally campaigned for him and have supported him since then.

In response to [22] of Mr Pesutto's affidavit, based on my experience and knowledge, it would not have been rare or remarkable if the Liberal Party Federal Secretariat or the Prime Minister's Office had intervened to prevent my pre-selection at the federal level. My understanding is that it is quite common for different factions within the Liberal Party to intervene in the pre-selection process for a variety of political reasons.

b. Christopher Duke in cross-examination could not recall reading any comments in 2021 on online articles about Mrs Deeming's failed bid for pre-selection for the federal seat of Gorton: T365.6-8.

c. Kim Wells gave the following evidence (CB:28, pp306-307 at [4] and [6]):

In relation to paragraphs [16] and [22] of Mr Pesutto's affidavit, I am not aware whether the Prime Minister's Office (PMO) or the Liberal Party Federal Secretariat had previously intervened and prevented Mrs Deeming's pre-selection at the federal level, as alleged by Mr Pesutto.

In relation to Mr Pesutto's comment at paragraph [22] of his affidavit to the effect that it 'was very rare' for the PMO or the Liberal Party Federal Secretariat to intervene to prevent a person's pre-selection, I agree it is rare but it does happen and can happen for all sorts of reasons including factional issues playing a part or because of technical or procedural reasons. In my experience, it does not follow from the fact that the PMO or the Liberal Party Federal Secretariat intervened to prevent a person's pre-selection that the person had been regarded as unsuitable for the position.

d. David Hodgett gave the following evidence (CB:13 p202 at [6]-[7]):

I was aware that Mrs Deeming was not endorsed as a candidate at the federal level, however I am not aware of why Mrs Deeming was not endorsed at the federal level. I had heard that Mrs Deeming's candidacy had been rejected. I do not know whether or not there was an intervention from the Liberal Party Secretariat or the Prime Minister's Office resulting in the rejection of her candidacy. On two occasions, I was not preselected at the federal level before being preselected as the Liberal candidate for Kilsyth for the 2006 State Election.

I was not aware of any controversy when Mrs Deeming was endorsed as the Liberal Party candidate for the Western Metropolitan Region for the November 2022 State Election.

e. Ryan Smith gave the following evidence (CB:24 p277 at [7]):

In relation to paragraphs [16] and [22] of Mr Pesutto's affidavit, I do not know whether the Prime Minister's Office or the Liberal Party Federal Secretariat intervened to result in the rejection of Mrs Deeming's candidacy at the federal level as suggested by Mr Pesutto. It would be rare for such intervention to occur, but in my experience where there is intervention this does not necessarily reflect upon the person's suitability for the role. Rather, there may be a reason based on political factors which may not even be specifically related to that person.

f. Mr Riordan gave the following evidence (CB:21 pp255-256 at [7] and [9]):

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.

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.

Paragraph [21]

3. At paragraph [21] of Mr Pesutto's affidavit (CB:30, p331), he gave the following evidence:

21. *Shortly afterwards, Mrs Deeming was endorsed as the Liberal Party candidate for the first spot on the group ticket for the Western Metropolitan Region at the November 2022 State Election. I generally recall there was some controversy surrounding her endorsement by the Liberal Party of Australia (Victorian Division) because of some of the views she had expressed on abortion and transgender issues, and comments she had reportedly published that the people behind Safe Schools were "paedophile apologists".*

4. In response to the allegations in that paragraph:

a. Mrs Deeming gave evidence that she does not know what Mr Pesutto means by his suggestion there was 'some controversy' surrounding her endorsement: CB:2, p60 at [9].

b. Renee Heath gave the following evidence (CB:10 p184 at [7]):

In relation to paragraph [21] of Mr Pesutto's affidavit, I do not recall being aware of any 'controversy' surrounding Moira's endorsement as the Liberal Party candidate for the Western Metropolitan Region. I cannot recall any media reporting about her endorsement or any of her views. I recall Moira winning her seat overwhelmingly, and I saw this as an indication she had significant popular support within the Western Metropolitan Region. I had a personal interest in Moira's preselection and election in the Western Metropolitan Region because my friend had run against her in preselection. Accordingly, I consider I would have heard if there was any significant 'controversy' surrounding Moira or her views at that time or if there was any negative media reporting about her.

c. David Hodgett gave the following evidence (CB:13 p202 at [7]):

I was not aware of any controversy when Mrs Deeming was endorsed as the Liberal Party candidate for the Western Metropolitan Region for the November 2022 State Election.

d. Joseph McCracken gave the following evidence (CB:16 p218 at [6]):

I have read that Mr Pesutto states at paragraph [21] of his affidavit that he recalls that when Moira was endorsed as the Liberal Party candidate for the Western Metropolitan Region 'there was some controversy surrounding her endorsement'. I recall Moira being endorsed as a candidate for Western Metropolitan Region. I don't recall it being controversial, and I expect I would have known at the time and

would now remember if it was controversial. I recall her endorsement being reported on by the media, but in my experience when a candidate is endorsed for election it is usually reported in the media. I do not recall whether the reporting was positive or negative. I do not recall the reporting being widespread. I would expect to recall if there had been reporting about Moira's endorsement which was negative or widespread or which I regarded as politically significant.

- e. Richard Riordan gave the following evidence (CB:21 pp255-256 at [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.

- f. Ryan Smith gave the following evidence (CB:24 pp277-278 at [8]):

In relation to paragraph [21] of Mr Pesutto's affidavit, I recall there being some publicity around the time that Mrs Deeming was endorsed as the Liberal Party candidate for the first spot on the group ticket for the Western Metropolitan Region at the November 2022 State Election. But I recall that publicity being limited to one media outlet (The Age) which in my experience is generally viewed in political circles as a publication that would often write negatively about internal Liberal matters. If the publicity had been widespread, or if it had been politically significant, I would expect I would recall that. In my experience in politics, it is not unusual for there to be some publicity around the endorsement of new MPs. I do not recall the publicity around Mrs Deeming being outside the scope of what in my experience was to be expected or was usual in relation to the endorsement of new MPs. As set out in my First Affidavit at paragraph [10], I had coffee with Mrs Deeming after she was pre-selected. I walked away from the coffee with a positive view of her.

- g. Kim Wells gave the following evidence (CB:28 p307 at [5]):

In relation to paragraph [21] of Mr Pesutto 's affidavit, I recall Mrs Deeming being endorsed as the Liberal Party candidate for the Western Metropolitan Region at the November 2022 State Election but I do not recall any controversy surrounding her endorsement. I would expect to recall if there had been any significant controversy surrounding her endorsement.

Paragraphs [24] and [25]

5. At paragraphs [24] and [25] of Mr Pesutto's affidavit (CB:30, pp331 and 332), he gave the following evidence:

24. *In early December 2022, when I was campaigning to become Leader of the Party, I had a casual meeting with Mrs Deeming over coffee at the Watergardens Hotel in Taylors Lakes in her electorate. During that meeting we had an open discussion about emerging media controversy surrounding her views in relation to transgender and sex-based rights.*

25. *My meeting with her was to seek her support but also allowed me to broach*

growing concerns, both my own and those of some of my parliamentary colleagues which had been expressed to me by them, 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.

6. In response to the allegations in those paragraphs:

a. Joseph McCracken gave the following evidence (CB:16 p218 at [7]):

In relation to paragraphs [24] and [25] of Mr Pesutto's affidavit, I do not recall any 'media controversy surrounding [Moira's] views in relation to transgender and sex-based rights' in December 2022, nor do I recall any 'concerns' being raised with me about her views. I was aware that Moira had strong views on certain political matters, but I didn't view this as particularly 'controversial', given there is a wide breadth of views in the Liberal Party, let alone the broader community. I would expect to recall if there had been a 'media controversy' surrounding Moira's views or if 'concerns' had been raised with me about her views.

b. Richard Riordan gave the following evidence (CB:21 p256 at [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'.

c. Ryan Smith gave the following evidence (CB:24 p278 at [9]-[10]):

In relation to paragraph [24] of Mr Pesutto's affidavit, I do not recall there being an 'emerging media controversy' surrounding Mrs Deeming's 'views in relation to transgender and sex-based rights' in early December 2022 that should have caused overt concern with the Liberal Party, as alleged by Mr Pesutto. I expect I would recall any 'emerging media controversy' beyond that expected from what are generally considered unfavourable media publications or platforms for the right of politics, if I or anyone else I spoke to was aware of or considered there to be such a 'controversy'.

In relation to paragraph [25] of Mr Pesutto's affidavit:

a. *I do not recall anyone raising with me any 'concerns' including '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'. I would expect to recall such conversations if they had occurred.*

b. *I do not agree with Mr Pesutto's suggestion that Moira's views in relation to transgender and sex-based rights were perceived poorly in the community. My view, based on my experience as set out at paragraphs [4]-*

[6] above, is that across the broad spectrum of the views of Victorians, some people may have perceived some of Moira's views poorly but others would have supported them and that more people would have supported them than opposed them. Prior to 19 March 2023 I had circulated in community groups where Mrs Deeming's views were well supported.

- d. Kim Wells gave the following evidence (CB:28 p307 at [7]):

In relation to Mr Pesutto's allegation at paragraph [25] of his affidavit that there were 'growing concerns' by some of his colleagues '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', I was not aware of any such concerns and nobody I knew, within Parliament or outside it, had expressed any such concerns to me.

Paragraph [30]

7. At paragraph [30] of Mr Pesutto's affidavit (CB:30, p332), he gave the following evidence:

30. *At the time, I was aware (through the reporting and commentary I and my office saw and discussed at the time), that Mrs Deeming's inaugural speech was the subject of widespread negative media coverage, including in The Age newspaper and other mainstream publications. Copies of the articles I saw at the time are in **Annexure JP-3** to this affidavit. That reporting included:*

- a. *in The Age with an article on 21 February 2023 titled, 'Moira Deeming uses first speech to slam equality 'taken to extremes''; and*
- b. *on news.com.au with an article on 22 February 2023 titled, 'Premier hits back at new MP's transgender comment'.*

8. In response to the allegations in that paragraph:

- a. Mrs Deeming gave the following evidence (CB:2, p66 at [24]):

In response to Mr Pesutto's allegation at [30] of his affidavit that my maiden speech 'was the subject of widespread negative media coverage, including in The Age newspaper and other mainstream publications', I recall there was some negative publicity about my maiden speech, most of which contained factual errors and I thought misreported the speech. But my general recollection is that the reaction was positive and as set out at [33]-[36] of my First Affidavit. My recollection is that I was the only MP to get two rounds of applause from the gallery. Mr Bach texted me saying 'Amazing and powerful speech'. I recall Ms Crozier shaking my hand and congratulating me.

- b. Renee Heath gave the following evidence (CB:10 p184 at [8]):

In relation to paragraphs [29] and [30] of Mr Pesutto's affidavit, I heard Moira's maiden speech in person. I do not recall any negative press about it. If there had been any negative press which was widespread or politically significant, I would

expect I would have seen or heard about it at the time. I have no such recollection. Nobody within the Victorian Parliamentary Liberal Party said anything negative to me about it. I do not recall any discussions about it in the Party Room. If it had been of particular concern to the Leadership Team or others within the Victorian Parliamentary Liberal Party, I would have expected there to have been discussions about it in the Party Room. I have no such recollection.

- c. David Hodgett gave the following evidence (CB:13 p202 at [8]):

Prior to 19 March 2023, I was aware of some media reports written about Mrs Deeming - for example, in relation to her maiden speech. As an MP, I keep my eyes on the media and on emerging news stories of relevance to Victorians (especially those within my electorate) and the Victorian Parliamentary Liberal Party. I would have seen or heard, at the time, any publicity about Mrs Deeming prior to 19 March 2023, but I do not now recall all the details of these media reports, as I tend to prioritise and focus on the issues in my electorate. However, my recollection is that the reporting about Moira prior to 19 March 2023 was limited and was not widespread. I also do not recall any reporting which was politically significant for the Liberal Party. If the reporting had been widespread, or politically significant for the Liberal Party, I would expect to recall this. I do not recall any discussions within the Party Room about Moira or her views.

- d. Joseph McCracken gave the following evidence (CB:16 pp218-219 at [8]-[10]):

I have read paragraphs [29] and [30] of Mr Pesutto's affidavit about Moira's maiden speech. I don't recall the specific content of Moira's maiden speech, but I was in the Chamber at the time to hear it. An MP's maiden speech is an extremely significant occasion. Quite often the MP's friends, family and loved ones are invited along. In my experience, there is often media reporting about the maiden speeches of new MPs. There was widespread reporting on my own maiden speech, for example, along with others such as Trung Luu MP and Renee Heath MP. I recall there being some media reporting about Moira's maiden speech but I don't recall it being negative and I don't recall it being more widespread than the reporting about the maiden speeches of other MPs which in my experience is usual. If there had been negative reporting which was more widespread than usual, or was politically significant for the Liberal Party, I expect I would have heard about it at the time and that I would now recall it.

I don't recall anybody raising Moira's maiden speech with me in a negative way. Within the circles in which I mixed, I do not recall any concerns being discussed about her maiden speech. If this had occurred, I would expect to recall it.

I have read Mr Pesutto's view expressed at paragraph [30] of his affidavit that Moira 'made various controversial statements in relation to transgender people and sex-based rights' or that she 'should have been more sensitive in her language'. I personally do not agree with this but I can accept that there are mixed views and most things in politics are relative and subjective. I don't always agree with Moira, however I respect her right to hold and express particular views in a free and democratic society.

- e. Richard Riordan gave the following evidence (CB:21 p256 at [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. 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.

- f. Ryan Smith gave the following evidence (CB:24 p278 at [11]):

In relation to paragraphs [29] and [30] of Mr Pesutto's affidavit, I was not aware of any concerns or discussions about Mrs Deeming or her maiden speech within the Victorian Parliamentary Liberal Party at the time. If there had been any such concerns or discussions being raised within the Victorian Parliamentary Liberal Party, I would have expected to have heard about them at the time and to recall them. I do not recall her maiden speech being the subject of 'widespread negative media coverage', as alleged by Mr Pesutto. If this had occurred, I would have expected to have seen the publicity at the time and to recall it.

- g. Kim Wells gave the following evidence (CB:28 p307 at [8]):

In relation to paragraphs [29] and [30] of Mr Pesutto's affidavit, I do not recall the content of Mrs Deeming's maiden speech. I recall hearing that Mr Pesutto or Ms Crozier had wanted to speak to Mrs Deeming after it. Nobody - within the Parliament, the Liberal Party, the public, or elsewhere - raised any concerns with me about Mrs Deeming's maiden speech, including any concerns that she had 'made various controversial statements in relation to transgender people and sex-based rights' or that she 'should have been more sensitive in her language', as alleged by Mr Pesutto at paragraph [29] of his affidavit. I do not recall being a party to, or being told about, any discussions within the Victorian Parliamentary Liberal Party in which anybody raised any such concerns. I would expect to recall if there had been any such discussions. I do not recall Mrs Deeming's maiden speech being 'the subject of widespread negative media coverage', as alleged by Mr Pesutto at paragraph [30] of his affidavit. If this had occurred, and been politically significant for the Liberal Party, I would expect to recall discussions about this subject within the Victorian Parliamentary Liberal Party.

Paragraph [33]

9. At paragraph [33] of Mr Pesutto's affidavit (CB:30, p333), he gave the following evidence:

33. *By Thursday, 23 February 2023, there had been more negative publicity concerning Mrs Deeming's inaugural speech. Further, the fact that hundreds of documents from Mrs Deeming's Melton City Council email account were obtained and publicly released pursuant to a Freedom of Information request made by Sex Work Law Reform Victoria (**FOI documents**) was also the subject of negative publicity.*

10. In response to the allegations in that paragraph:

a. Renee Heath gave the following evidence (CB:10 p184 at [9]):

In relation to paragraph [33] of Mr Pesutto's affidavit, I recall seeing some articles about the 'FOI documents' but I do not recall whether they were positive or negative towards Moira. I do not recall anyone within Parliament talking about the FOI documents or the media reporting about it. I do not recall it being a big issue at all.

b. Joseph McCracken gave the following evidence (CB:16 p219 at [11]):

In relation to paragraph [33] of Mr Pesutto's affidavit, I don't have any recollection of any publicity around Moira's Melton City Council emails or any 'FOI documents', nor any discussions pertaining to this matter. I would expect to recall if there had been publicity about this that was politically significant to the Victorian Liberal Party.

c. Richard Riordan gave the following evidence (CB:21 p256 at [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.

d. Ryan Smith gave the following evidence (CB:24 p278 at [12]):

In relation to paragraph [33] of Mr Pesutto's affidavit, I do not recall any publicity about the 'FOI documents' (as he describes them). Reading Mr Pesutto's affidavit is the first time I can recall ever hearing about this.

Paragraphs [44] to [46]

11. At paragraphs [44] to [46] of Mr Pesutto's affidavit (CB:30, pp335 and 336), he gave the following evidence:

44. *However, after several months as Leader of the Party, it was apparent to me that Mrs Deeming's views on social and political issues (most notably, abortion and transgender related issues) were notorious, controversial and regarded as hateful by some, and she had a mixed reputation in the Parliament.*

45. *In my opinion, based on my experience as Leader of the Party (which caused me to mix with and meet a variety of people, including politicians and members of the broader community), while it was clear some people loved Mrs Deeming and shared her views on those issues (in my view, a minority), on the whole, in the circles in which I moved including the more mainstream parts of the community I was trying to attract to support the Party (in my view, the vast majority), Mrs Deeming had a bad reputation, particularly for giving succour to hateful and/or extreme social or political views. I know of no other person with such a bad reputation who has been allowed into the Party.*

46. *I considered Mrs Deeming's presence in the Party was challenging and an*

overall negative in terms of winning votes. I was predominantly concerned that she was starting to occupy a lot of our media, was a focus point for Premier Andrews and Ministers in the Parliament and the media, and that there was likely to be further controversy we would need to answer and deal with. Despite this, I had never thought of asking the Party Room to discipline or expel Mrs Deeming until the events of 18-19 March 2023.

12. In response to the allegations in those paragraphs:

a. Renee Heath gave the following evidence (CB:10 pp184-185 at [10]-[11]):

In relation to paragraph [44] of Mr Pesutto's affidavit, I do not recall people within the circles in which I mixed talking about Moira's 'views on social and political issues' until after the Media Release was published. After the Media Release, there was discussion about Moira's views and it was unclear to me whether Mr Pesutto was seeking to expel Moira from the Victorian Parliamentary Liberal Party because of her views on sex-based rights or because of her alleged associations with Nazis. Prior to 19 March 2023, within the circles in which I mixed, I don't recall Moira's views being a significant topic of discussion. Within the circles in which I mixed, her views were not regarded as 'notorious', 'controversial' or 'hateful'. Politics by its nature is polarising and different people have different views; but I do not recall anything outside of the ordinary scope of political discourse in terms of Moira or her views. I do not understand Mr Pesutto's suggestion that Moira had 'a mixed reputation in the Parliament' - she may not have been universally supported within the Parliament, but no MP is. Politics is the contest of ideas.

In relation to paragraph [45] of Mr Pesutto's affidavit, within the circles in which I mixed prior to 19 March 2023, Moira did not have 'a bad reputation' nor did she have a reputation 'for giving succour to hateful and/or extreme social or political views' as suggested by Mr Pesutto. Within the circles in which I mixed, I had never heard this spoken about or suggested.

b. David Hodgett gave the following evidence (CB:13 pp202-203 at [9]):

Prior to 19 March 2023, in the circles in which I mixed ... Mrs Deeming did not have a bad reputation. People had not raised any issues about Mrs Deeming with me. In the circles in which I mixed, it was known that she was passionate and was a person who had principles and strong views - for example, in relation to family values, gender issues, and sex-based rights. In my experience in politics, different people have different views. There are those within the Victorian Parliamentary Liberal Party who have staunch views on particular topics. Not all of us agree with them. But I had never heard it suggested that Mrs Deeming held hateful views. My observation and perception at the time was that her views on sex-based rights had a lot of popular support within the circles in which I mixed.

c. Joseph McCracken gave the following evidence (CB:16 pp219-220 at [12]-[14]):

In relation to paragraph [44] of Mr Pesutto's affidavit, there is a view held by many, within the circles in which I mixed prior to 19 March 2023, that Moira was brave and courageous for standing up for her beliefs to protect women. Some of her views

may have been 'controversial' to Mr Pesutto but they were not controversial to me and I do not recall anyone I knew, within the circles in which I mixed prior to 19 March 2023, saying that her views were controversial or hateful or notorious. If this had occurred, I would expect to recall it. Within the circles in which I mixed, prior to 19 March 2023, Moira did not have a reputation as someone with hateful or fringe or extreme views.

I do not recall anyone in Parliament raising any such concerns about Moira or her views which would have indicated to me that she had a negative reputation within Parliament. If this had occurred, I would expect to recall it. Prior to the 'Let Women Speak' rally, I was under the impression that Moira was broadly supported by the Leadership Team and Party Room, given that she was elected unanimously to the role of Opposition Whip in the Legislative Council and that I had not heard any concerns expressed about her.

In relation to paragraph [45] of Mr Pesutto's affidavit, prior to 19 March 2023 I did not consider Moira to have a bad reputation and within the circles in which I mixed she did not have 'a bad reputation' or a reputation for having or 'giving succour to hateful and/or extreme social or political views'. My observation and perception, having interacted and mixed with members of the public in Western Victoria Region, is that Moira did not have a negative reputation prior to 19 March 2023 within Western Victoria Region and that they were largely supportive of her.

- d. Richard Riordan gave the following evidence (CB:21 p257 at [13]-[14]):

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.

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.

- e. Ryan Smith gave the following evidence: (CB:24 pp278-280 at [13]-[15]):

In response to paragraph [44] of Mr Pesutto's affidavit, within the circles in which I moved prior to 19 March 2023, as set out at paragraphs [4]-[6] above, Mrs Deeming was known for having the courage to speak openly about some issues that other people were too fearful to speak about. For example, she was well known for standing up for women's rights. Not everyone within the Victorian Parliamentary Liberal Party, or the Parliament, shared or supported those views. But in the circles in which I moved, her views were widely supported and she had a good reputation. I do not agree they were 'notorious'. It is possible, based on my experience, that some may have regarded some of her views 'as hateful', but anything can be hateful to some people. I can think of left wing views which would be regarded as 'hateful' by many on the right wing. For example, the left wing characterising COVID lockdown protestors as right-wing fascists when in reality (in my view) the vast majority simply felt they could not endure what they considered to be draconian lockdowns. The left-wing's 'identity politics' is also in my experience often viewed as 'hateful' by many on the right of politics. Likewise, in response to Mr Pesutto's suggestion that Mrs Deeming 'had a mixed reputation in the Parliament', in my experience all participants, at least to some extent, had a mixed reputation in Parliament, depending on who you spoke to. Mrs Deeming may not have been universally liked and respected by each and every member of Parliament, but neither was I, and neither was Mr Pesutto. The current Labor Premier, and former Labor and Liberal Premiers, also had 'mixed' reputations in the Parliament.

In response to paragraph [45] of Mr Pesutto's affidavit, I repeat paragraph [13] above. I reject Mr Pesutto's suggestion that Mrs Deeming had a negative reputation, 'particularly for giving succour to hateful and/or extreme social or political views'. That was not true in the circles in which I moved. Within the circles in which I moved, my perception is that Moira's views on sex-based rights would have been supported by the majority of people who also had views on those topic.

In response to paragraph [46] of Mr Pesutto's affidavit, I did not have concerns that Mrs Deeming's presence within the Victorian Parliamentary Liberal Party was 'an overall negative in terms of winning votes'. To the contrary, as I set out at paragraph [11] of my First Affidavit, we were using Mrs Deeming to gain votes in the Western Metropolitan Region, including within Islamic communities. My observation and perception at the time was that she had generated strong support within those regions. When Mrs Deeming was elected in November 2022, there was a swing to the Liberal Party in her Western Metropolitan Region. My belief, based on my experience in politics, is that she contributed to that swing. As I said at paragraph [12] of my First Affidavit, Mrs Deeming had a reputation as being popular amongst and having the support of her constituents within the Western Metropolitan Region. I thought she could be valuable in helping the Liberal Party gain votes, and there was no evidence or indication that I had seen that she was or would be a negative in terms of winning votes. Neither Mr Pesutto, nor anyone else within the Liberal Party, raised any concerns with me about Mrs Deeming potentially being a negative in terms of winning votes.

- f. Kim Wells gave the following evidence (CB:28 pp307-308 [9]):

In relation to paragraphs [44] and [45] of Mr Pesutto's affidavit, I knew little about Mrs Deeming prior to 19 March 2023. If Mrs Deeming, as a member of the Liberal Party and later the Victorian Parliamentary Liberal Party, had a bad reputation and views which were 'notorious', as alleged by Mr Pesutto, I would expect to have known a lot about her and her views. Prior to 19 March 2023, I did not know of her views and as far as I was concerned her views were not 'notorious', as alleged by Mr Pesutto. In fact, I was aware that Mrs Deeming had very strong support in the eastern suburbs of Victoria as well as in the Western Metropolitan Region that she represented. Prior to 19 March 2023, amongst the circles in which I moved, as set out at paragraph [3] above, she did not have a negative reputation including a reputation for giving succour to hateful and/or extreme social or political views as alleged by Mr Pesutto. I interact in Parliament not only with my colleagues within the Victorian Parliamentary Liberal Party but also with many crossbenchers (mainly crossbenchers who are more right leaning). I had never heard anyone raise any such concerns about Mrs Deeming prior to 19 March 2023. Mrs Deeming was elected to be the Liberal Party Whip in the Legislative Council in December 2022. This was a prestigious position. That she was elected to be Whip indicated to me that she had strong support from the Leadership Team and from the majority of MPs.

Allegations in Ms Staley's affidavit

13. In response to paragraph [10] of Ms Staley's affidavit (CB:41, p487), which alleged that, since Mrs Deeming had been selected by delegates at a preselection convention on 23 July 2022, 'there had been daily negative media reports featuring Mrs Deeming', Mrs Deeming gave evidence (at CB:2, p60 at [8]):

It is not my recollection that between me being preselected as the Liberal Party's candidate for the Western Metropolitan Region and me being endorsed by the Liberal Party's Administrative Committee there were 'daily negative media reports' about me, as alleged by Ms Staley at [10] of her affidavit. I recall there were some articles about me, some positive and some negative, but I do not recall how many there were or how frequently they were published. I recall there being some negative reporting about other MPs, and I did not think that the reporting about me was more widespread than the reporting about other MPs or that it was otherwise unusual.

14. In response to paragraphs [13] to [15] of Ms Staley's affidavit (CB:41, p448) which were as follows:

13. *In my experience, it is highly unusual for a candidate selected by delegates to not be unanimously endorsed by the Committee. The fact that a number of people on the Committee voted not to endorse Mrs Deeming is in my view reflective of the reputation she had at the time as someone with fringe and extreme views.*
14. *My reason for voting not to endorse Mrs Deeming was my belief that her endorsement might ultimately damage the Party and our prospects of winning government at the 2022 state election. I, therefore, considered that her endorsement would not be in the best interests of the Opposition Leader,*

whose vote I was entrusted to exercise at the meeting, nor the Victorian Parliamentary Liberal Party, of which I was a member.

15. *In my opinion, as at 23 March 2023, Mrs Deeming had a settled reputation in the circles in which I moved as someone with fringe and extreme views.*

a. Renee Heath gave the following evidence (CB:10 p186 at [19]):

I do not agree with paragraphs [13] and [15] of Ms Staley's affidavit. Within the circles in which I mixed prior to 19 March 2023, Moira did not have a reputation as someone with fringe or extreme views. I also do not agree her views are 'fringe' or 'extreme'. I think, based on my interactions with those I mix with, that sex-based rights have become a mainstream issue and that Moira's views on sex-based rights are largely supported within the circles within I mix. There are those who support Moira's views publicly; but I have also had people tell me they privately support her views (but do not say so publicly).

b. Richard Riordan repeated his statements at [13] (CB:21 p256).

c. Ryan Smith gave the following evidence (CB:24 p282 at [31]):

In response to paragraphs [13] and [15] of Ms Staley's affidavit, I repeat paragraphs [13] and [14] above. Within the circles in which I was moving, as set out at paragraphs [4]-[6] above, Mrs Deeming did not have a reputation as someone with fringe or extreme views. In fact, as I have said, her views were widely supported within the circles in which I mixed.

d. Kim Wells have the following evidence (CB:28 p315 at [35]):

In response to paragraphs [13]-[15] of Ms Staley's affidavit, I repeat paragraph [9] above, to the effect that, in the circles in which I moved, Mrs Deeming did not have a settled reputation as someone with fringe or extreme views.