

NOTICE OF FILING

Details of Filing

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Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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.

Form 59
Rule 29.02(1)

Affidavit of Nyunggai Warren Stephen Mundine AO

VID 1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Nyunggai Warren Stephen Mundine AO**
Address: [REDACTED]
Occupation: Executive Chairman at Nyungga Black Group Pty Ltd
Date: 29 May 2024

I, Nyunggai Warren Stephen Mundine AO, say on oath:

Background

1. I am the Executive Chairman at Nyungga Black Group Pty Ltd.
2. I have been involved in Australian politics since the 1990s.
3. In 1995 I was the first Aboriginal councillor to serve on the City of Dubbo Council.
4. I joined the Australian Labor Party (**ALP**) in 1995 and in 1999 stood as the NSW Labor candidate for the seat of Dubbo.
5. In 2005, I was awarded the Bennelong Medal for service to the Aboriginal community.

Filed on behalf of (name & role of party)	Moira Deeming, Applicant
Prepared by (name of person/lawyer)	Patrick George, Solicitor
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6. Between 2006 and 2007 I served as President of the ALP. I was the first Indigenous Australian to serve as president of an Australian political party.
7. In 2013, then Prime Minister Tony Abbott appointed me as Chairman of the Australian Government's Indigenous Advisory Council.
8. In 2016 I was awarded an Officer of the Order of Australia for distinguished service as a leader in Indigenous affairs and advocate for enhancing economic and social public policy outcomes for Aboriginal and Torres Straits Islander people.
9. Between 2017 and 2019, I was the Chairman of the Australian Government's Indigenous Advisory Council for the Liberal Party.
10. In January 2019, I joined the Liberal Party of Australia and am still a member.

Exhibit NM-1

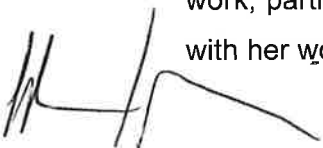
11. Exhibited to this affidavit is a paginated bundle of documents marked "**Exhibit NM-1**".

Meeting Moira

12. Moira and her husband Andrew have been my close personal friends since I met them in 2019 during a Spectator Magazine lunch. We became friends and I was drawn to Moira and her family because they were lovely and heavily involved in their local community, particularly their local church and the wider Western Melbourne community.
13. As I am based in Sydney and Moira is based in Melbourne, we regularly keep in touch via telephone. If Moira and/or her family visit Sydney, they will often stay with us, and likewise my family and I will often stay with Moira and her family when we visit Melbourne. When I only visit Melbourne for a short time, the two of us will frequently arrange to have coffee or lunch. We socialise regularly and attend social events together. For example, we often go to the football together. We would often attend political functions together, such as Liberal Party events.

Moira's Reputation (Prior to 19 March 2023)

14. Before 19 March 2023, amongst the social and political circles in which I mix, Moira was regarded as a lovely, outgoing person who is easy to talk to.
15. I have connections with various political figures particularly within the Liberal Party. Within these circles, prior to 19 March 2023, Moira was highly regarded. She was known within these circles for being very driven, intelligent and well-spoken. People within these circles would tell me they found her approachable and that she was kind and lovely to talk to. She was known within these circles for having a very common-sense approach to her work, particularly as a councillor for Melton. Those who had a professional relationship with her would say she was good to work with and that she was a model leader. For this



reason, I was not surprised to learn that, upon her election to the Victorian Legislative Council in November 2022, she was given a leadership role as the upper house whip. In my experience, working across various sectors in government, the upper house whip is a very powerful position which carries authority within the party. In my experience, one is not appointed whip unless the party (and the party leader) think highly of the candidate in relation to their integrity and trustworthiness.

16. Within my social and political circles, Moira was also known to be an exceptional event organiser and would regularly be entrusted to organise rallies and events for the Liberal Party, particularly in Western Melbourne.
17. Amongst the members of the broader Liberal Party who I knew and who knew Moira, she was well respected and was perceived to be a potential leader within the Party and someone who could be a major contributor to the Liberal/National Coalition's campaign to win government at the next state election. Liberal Party members would frequently tell me that they regarded Moira as an incredible person who was able to unite and rally people from across religious and ethnic groups, particularly in her seat in Western Melbourne.
18. I observed that Moira was well respected and loved by the wider community in Western Melbourne. She was perceived as a very capable electoral member who had great potential to positively impact the communities in Western Melbourne as an elected MP. As part of Moira's election campaign to the Legislative Council in 2022, she was invited to speak at a Mosque in Western Melbourne. I attended this event with her. I recall observing that she was received very positively, and about 20 volunteers offered to assist in her election campaign as a result.
19. During her campaign for election, I met with many of her campaigners and constituents, all of whom spoke highly of her to me. They told me they believed she was a woman who cared for and was going to fight for the people in Western Melbourne and wanted to represent the local communities. I observed that Moira had a very good rapport with the constituents in her electorate and was well known because of her work in the community as a local government councillor in Melton. I saw that Moira had a strong relationship with the multicultural communities in Western Melbourne, who perceived her as a hard worker for the community. They believed that she wanted to speak for them in Parliament. They would say that she was always giving herself out to help the local community.
20. I recall meeting Mr Pesutto at a post-election celebration in Western Melbourne following the 2022 state election. There had been a huge swing in favour of the Liberal/National Coalition in this region, and one of the only swings the Liberal Party had at this election. He approached me to discuss the campaign and sought my support for the next election.



During this conversation, he spoke very highly of Moira and said that it was great to have her in Parliament. He said that he was impressed with the number of volunteers and support Moira had received throughout her campaign.

The Publications

21. I have been provided with a copy of Mr Pesutto's publications about Moira on 19 and 20 March 2023 which I understand are referred to in Moira's Statement of Claim as:

- (a) the Media Release;
- (b) the 3AW Interview;
- (c) the ABC Interview;
- (d) the Press Conference; and
- (e) the Expulsion Motion and Dossier.

(collectively, the **Publications**)

Media Release

22. On or around 19 March 2023, Moira's husband Andrew informed me that Moira was going to be expelled from the Parliamentary Party of the Liberal Party and that John Pesutto had made a public statement about this, which I understand is the 'Media Release' in these proceedings. I recall searching online, with my wife, to find the Media Release. I believe we found it on social media. I read the Media Release in its entirety and was shocked by the allegations. I understood the Media Release was suggesting that Moira was fraternising with Nazis. I recall having a conversation with my wife that night in which we seriously considered that I may have no choice but to publicly disassociate with Moira going forward. I thought that being called a Nazi was one of the worst labels possible that could be attached to a person. But after speaking with Moira that night, I formed the opinion that this was not necessary and that the allegations against her were baseless. When we were speaking, I could hear from her voice that she was very upset by the Media Release and the allegations Mr Pesutto was making. She told me that anyone who saw what actually occurred at the 'Let Women Speak' event on 18 March 2023 would know that she was not involved with the Nazis who had been in the vicinity of Parliament House. I told her to try and stay calm and that we would work through it.

Impact of the Publications

Moira's Reputation

23. On the evening of 19 March 2023 and throughout 20 March 2023, I received numerous telephone calls from members of the Liberal Party, both in Victoria and in the wider Liberal Party, who would ask me about the allegations against Moira. During these conversations,



many of the people said they understood that "*Moira was associated with Nazis*". I recall having a telephone conversation with a senior member of the Parliamentary Party of the Victorian Liberal Party who said to me that if the leader of the party is willing to make such a public accusation that Moira is a Nazi, then it must be true. Others within the Liberal Party would call me and say they would need to distance themselves from Moira since she had associated with Nazis. They suggested that I too should distance myself from her, otherwise I would seriously run the risk of damaging my own reputation.

24. Since 20 March 2023, I have published numerous tweets about Moira, often expressing my support for her. Whenever I would post any such tweet, there were multiple comments in reply to my tweets that would be disparaging of Moira. For example:

(a) On 20 March 2023, I posted a tweet in which I said "*100% with Moira Deeming. 🇺🇸 @victorialiberal*". Comments were made in reply to this tweet, including the following:

- i. "*You're 100% with neo-Nazis*";
- ii. "*Warren- can you explain why you are "100% with Moira Deeming" She has had previous form with the neo-nazi right and your support for her suggests you are comfortable with this*"; and
- iii. "*Who stood beside an avowed neo-nazi and white supremacist and spoke at the rally. You supporting the white supremacists now Warren?*"

Copies of the above tweets are at pages 1 to 3 of **Exhibit NM-1**.

(b) On 21 March 2023, I posted a tweet in which I said "[Mr Pesutto] *is pathetic. One of the worst leaders I have heard. 🇺🇸 I stand with Moira Deeming.*" Comments were posted in reply to this tweet, including the following:

- i. "*You stand with nazis? Honestly doesn't surprise me..*";
- ii. "*You stand with Nazi racists ?
Wow !*";
- iii. "*You mean you stand with Nazis*";
- iv. "*so you support nazis. It is great how this has made us aware what many peoples ideologies are.*";
- v. "*You stand with Nazis? Nice...*"; and
- vi. "*Of course, you would – you are happy to stand with people who hat minorities and are supported by neo-Nazis*".

Copies of the above tweets are at pages 4 to 9 of **Exhibit NM-1**.

(c) On 2 April 2023, I posted a tweet in which I said "*I support Moira. She is a personal friend.*". Comments were posted in reply to this tweet, including the following:

- i. "*She was hanging out with the Nazis. Keep it classy.*";
- ii. "*All you nazis stick together*";
- iii. "*Says a helluva lot about ya values.*";

"@MoiradeemingMP embraced the support of NeoNazis on the steps of Parliament House 16 days ago.

She then lied to the Party Room & the neutered Leader was rolled. Just [sic] like the Federal Party, Liberals are out of touch bigots."; and

- iv. "*So you hang out with neo-nazis... good to know*".

Copies of the above tweets are at pages 10 to 13 of **Exhibit NM-1**.

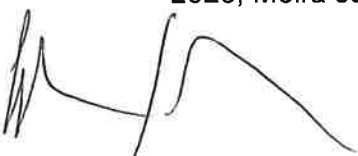
25. Prior to Mr Pesutto's statements about Moira on 19 and 20 March 2023, I do not recall ever hearing any suggestion that she was associated with Nazis, or anything similar. I had never observed any of the negative sentiments towards her which I have described in the preceding paragraphs.

Moira's Reaction

26. I have had numerous conversations with Moira about the way in which the Publications have impacted her personally. Moira has said she has been devastated by the Publications and particularly by the allegation that she is a Nazi. It was as if the carpet was pulled out from under her overnight. She told me people were saying dreadful things about her and the personal attacks on her had started to wear her down. She would be teary when she would discuss the Publications with me. I could see that she was in a lot of pain and under a whole lot of mental pressure. She would tell me she was "devastated" by the attacks on her and her family. She told me she could not believe she was being accused of being a Nazi. She told me she felt as if she, and her family, were under constant siege.

27. I recall that Moira told me that her young children were saying "*my mum's a Nazi*". She told me that, even though they did not understand what this meant, she was distraught that her children were saying this.

28. I have tried to give Moira my support, privately and publicly. I was a shoulder to cry on. I would regularly send Moira text messages to see how she was. On several occasions, Moira sent me text messages expressing her hurt and upset. For example, on 31 March 2023, Moira sent me a text message in which she said she said:




"it's been horrendous for me & my family. Particularly raw for my parents. In years to come when my children see these headlines, they too will feel raw and sad.

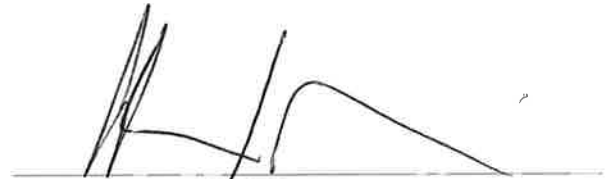
...

We were locked up at home surrounded by reporters"

A copy of that text is at page 14 of **Exhibit NM-1**.

Sworn by the deponent
at Sydney
in NSW
on 29 May 2024
Before me:

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Signature of deponent



Signature of witness

Adam Kadmon, Solicitor
Name and qualification of witness