

## NOTICE OF FILING

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### Important Information

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## Affidavit

No. VID 1023 of 2023

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

### MOIRA DEEMING

Applicant

### JOHN PESUTTO

Respondent

Affidavit of: **Rodrigo Pintos-Lopez**

Address: [REDACTED]

Occupation: Barrister

Date: 24 May 2024

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Filed on behalf of (name & role of party) John Pesutto, Respondent  
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Rodrigo Pintos-Lopez   
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 Tess McGuire

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I, **Rodrigo Pintos-Lopez**, barrister, in the State of Victoria, solemnly and sincerely affirm:

1. I am currently a barrister at the Victorian Bar.
2. At the time of the events the subject of this affidavit, I was the chief of staff to Mr John Pesutto MP, leader of the Victorian Opposition (**Mr Pesutto**).

### Professional Background

3. In 2003, I obtained a Bachelor of Arts and a Bachelor of Laws from the University of Melbourne.
4. In 2006, I obtained a Master of Laws from Harvard Law School.
5. From 2007 to 2009, I worked as an attorney at the law firm, Cravath, Swaine and Moore in New York.
6. In 2009, I returned to Australia and commenced practice at the Victorian Bar.
7. In 2011 to 2012, I acted as senior adviser and in-house counsel to the then Premier of Victoria, Edward Norman Baillieu. I returned to the Bar following that role.
8. In 2017, I was appointed as a part-time senior member of the Commonwealth Administrative Appeals Tribunal. I continued to practise at the Bar while I sat on the Tribunal.

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9. On 13 March 2023, I commenced as Mr Pesutto's chief of staff. The role of chief of staff involved managing the leader's office and, through that office, the Victorian Parliamentary Liberal Party (the **Party**). Key aspects of the role included setting the strategy for the communications and policy teams.
10. As part of my role, I worked closely with members of parliament, including Georgie Crozier MP, Member for Southern Metropolitan (**Ms Crozier**), David Southwick MP, Member for Caulfield (**Mr Southwick**) and Dr Matt Bach, the then member for the North-Eastern Metropolitan (collectively, the **Leadership Team**).
11. On 3 March 2024, I resigned as chief of staff and returned to practice at the Victorian Bar.

**Saturday, 18 March 2023**


12. On 18 March 2023, I read media reports of the "Let Women Speak" rally (the **Rally**) that was held on the steps of the Victorian Parliament. I recall that those reports referred to Mrs Deeming's participation as a speaker and the appearance of neo-Nazis at the Rally.

**Sunday, 19 March 2023**

13. On 19 March 2023, at 8:25am, I received a text message from Mr Pesutto that stated:

"given yesterday's protest on the steps and Moira Deeming's involvement, I spoke to Southwick about meeting with Moira this afternoon at 157 at 5pm. I'd like to bring Georgie along if she's available. I'll speak to her today but are you in any position to liaise with Moira to ask her to come to 157 at five? If not, no dramas. Just let me know when convenient."
14. I responded by text message which stated: "Yes. I can do that. I can also be there if you want." In a further message, I suggested that we have a call to discuss the issue. Annexed and marked **RPL-1** is a copy of a text message exchange with Mr Pesutto, dated 19 March 2023.
15. At 9:51am, I sent a text message to Mr Southwick asking him to give me a call. Annexed and marked **RPL-2** is a copy of a text message exchange with Mr Southwick dated 19 March 2023.
16. I spoke with Mr Southwick shortly thereafter. Mr Southwick said words to the effect that he had spoken to Mrs Deeming and had raised his concerns about her attendance at the Rally. He said that he had spoken to Mr Pesutto and that they were of the view that they had to take action in relation to Mrs Deeming's attendance at the Rally and her subsequent conduct in posting a video online with the organisers after the Rally. He told me that Mrs Deeming had derailed the political strategy for the week on more than one prior occasion by drawing attention to herself on political issues without consulting the Leadership Team.

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17. I then connected Mr Pesutto to a conference call between him, Mr Southwick and I. I said words to the effect to Mr Pesutto and Mr Southwick that we needed to manage any political and reputational implications for the Party of Mrs Deeming's attendance at the Rally and the potential connection between the Rally organisers and the neo-Nazis carefully and methodically. I said that we needed to slow down and not take any action precipitously and that we first needed to gather and understand all the relevant facts. I said words to the effect that any action that the Leadership Team might take needed to be measured and justified. I said that I did not believe that we should do anything other than gather information on the Sunday and that if any action was required, the reason to act needed to be explained to the party room and to the electorate, if necessary, during the week and prior to taking that action if any. I understood from what Mr Pesutto and Mr Southwick said following my giving them that advice that they wished to act that day rather than slowing down as I had advised.
  
18. Mr Pesutto said that he wanted to meet with the Leadership Team in the office prior to having Mrs Deeming attend a meeting at the Opposition leader's office at 157 Spring St, Melbourne (**157 Spring St**). I said that I would go to the office and start to gather any materials concerning the Rally to better understand the facts.
  
19. I was concerned that it could be politically damaging to Mr Pesutto's leadership and the Party if it was shown that the Rally, its organisers, and/or Mrs Deeming had any association with the neo-Nazis who had attended the Rally. I believed that one of the most pernicious problems for the Liberal Party brand was the idea that within the ranks of the Parliamentary Party were people who held offensive fringe or extremist views. Such an association would be anathema to Mr Pesutto's vision to make the party more mainstream and inclusive.
  
20. At or around 10.48am, I sent a text message to Nick Johnston, Mr Pesutto's communications director, (**Mr Johnston**) which stated:
 


"Nick, can you please give me a call when you have a minute? We are going to have a meeting with Moira at 5 and I need you to prepare a press release coming from her about the Parliament house demonstrations yesterday."
  
21. Annexed and marked **RPL-3** is a copy of text message to Mr Johnston dated 19 March 2023 at 10.48am.
  
22. I travelled to 157 Spring St and commenced research by conducting internet searches on the Rally, the press coverage of the Rally, the individuals who attended the Rally, and the "Let Women Speak" organisation. My research lasted approximately three hours.
  
23. One of the first articles I found was entitled, "Who is Posie Parker? The anti-trans founder of Standing for Women", published by the Scottish newspaper *The National* on 5 February 2023. Annexed and marked **RPL-4** is a copy of *The National* article dated 5 February 2023.

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24. That article contained allegations regarding Ms Keen and her associations with neo-Nazis including her associations on social media platforms and videos with white supremacists, and her use of a Barbie doll wearing a Nazi uniform as an internet profile picture.
25. I researched the publication, *The National*, its circulation, its owners, and commentary concerning that newspaper and its history as a news source. I wanted to ascertain whether it was a credible publication that could be relied upon as a basis for the allegations made against Ms Keen. On the basis of the materials I reviewed, I formed the opinion that *The National* was a credible mainstream publication.
26. I also researched and reviewed the underlying source material for each of the allegations made in the article. Based on my research, I formed the opinion that it was reasonable to consider credible what was reported in the article and the facts stated therein.
27. I conducted further research into Ms Keen. I formed the opinion that she was the central figure in the Let Women Speak movement. Based on what I saw and read online, including various matters posted by her, I formed the opinion that Ms Keen was a polemicist who sought attention and notoriety by making provocative statements and through associating with people who held offensive and extremist political views.
28. From my searches, I found material that showed Ms Keen adopting far right extremist imagery. One example was an image of Ms Keen using a Barbie doll dressed in a Nazi Schutzstaffel uniform displaying the Nazi swastika insignia as a social media profile picture. This was referenced in the article in *The National*. I also recall finding a tweet by Ms Keen entitled "Pridestapo" with the Reichsadler, the Nazi eagle, superimposed onto the LGBTQ+ pride flag.
29. I researched the Rally more generally and found material identifying other organisers of the Rally. During my research, I discovered a tweet by Angie Jones (**Ms Jones**), who I understood was an organiser of the Rally, which stated: "Nazis and women want to get rid of paedo filth. Why don't you?".
30. Ms Jones tweet appeared to have a wide readership. I do not now know precisely how many times it had been viewed when I first looked at it on Sunday, but by the time I took a screenshot for the purposes of showing the Leadership Team, Twitter showed that it had been viewed 209,400 times. That document was later included in the annexure to the expulsion motion, which has since been referred to as the "dossier".
31. Ms Jones' tweet made an offensive correlation between transgender people and paedophiles, which was similar to that made in a banner that the neo-Nazi's had shown at the Rally. From my research, I discovered material showing that a common far-right extremist conspiracy theory is that all transgender (or LGBTQI+) people are paedophiles. Such views are and were, in my opinion, utterly repugnant and entirely antithetical to my, and Mr Pesutto's, values and beliefs,

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which includes that Australia ought to be an open and inclusive society. In my opinion, any association with such beliefs would be utterly corrosive of the reputation and values of a modern Liberal Party.

32. During my research, I located and watched a video of Mrs Deeming, Ms Jones, Ms Keen and Ms Katherine Deves (a former Liberal Party candidate who helped organise the Rally) drinking champagne together following the Rally. The group appeared to be smiling, laughing and celebrating what they perceived to be the success of the Rally. I noted that none of them, including Mrs Deeming, condemned the appearance of the neo-Nazis.
33. At or around 4:30pm on 19 March 2023, the Leadership Team arrived at 157 Spring St. I briefed them on the results of my research. I read them the tweet from Ms Jones which stated: "Nazis and women want to get rid of paedo filth. Why don't you?". That prompted a strong reaction and vocal condemnation from the group.
34. I recall that the Leadership Team agreed that their plan for the meeting with Mrs Deeming was to ask her to issue a statement publicly distancing herself from the organisers of the Rally and the neo-Nazis.
35. At or around 5pm on 19 March 2023, I attended a meeting with Mrs Deeming and the Leadership Team. Mr Pesutto spoke first and expressed his concern and disappointment at Mrs Deeming's attendance at the Rally.
36. At Mr Pesutto's request, I set out the materials that I had discovered from my research, and which were the subject of my briefing to the Leadership Team earlier, including describing and showing the social media posts by Ms Keen using the Nazi Barbie doll [REDACTED]  
[REDACTED]
37. Mr Pesutto explained to Mrs Deeming that she needed to publicly distance herself from the organisers of the Rally. He explained that, as a member of the Party, her actions were a reflection to the community of the entire team.
38. I considered that the tone of the meeting and what Mr Pesutto said was professional and measured. Mr Pesutto was courteous to Mrs Deeming and he appeared to me to take into account that Mrs Deeming was a relatively new member of Parliament and was alone at a meeting with some of the most senior members of the Parliamentary Party.
39. Mrs Deeming said words to the effect that she would not distance herself from Ms Keen or Ms Jones.
40. Mr Pesutto told Mrs Deeming that the Leadership Team needed to have a brief discussion without her being present. The Leadership Team and I briefly convened outside the meeting room while Mrs Deeming remained in the room. There was a short discussion concerning the

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meeting with Mrs Deeming and her opposition to making a statement distancing herself from the organisers of the Rally.


41. The Leadership Team and I then returned to the meeting room at which point Mr Pesutto told Mrs Deeming that because she would not make a public statement condemning the neo-Nazis and distancing herself from the Ms Keen and Ms Jones that the Leadership Team would move that she be expelled from the Party.
42. Mrs Deeming said words to the effect of “you do what you have to do”. Mrs Deeming then left the meeting room and 157 Spring St.
43. The Leadership Team and I then briefly discussed next steps. Mr Pesutto said that he would send an email to his Parliamentary colleagues about the events that had transpired over the weekend, which he would draft.
44. The Leadership Team made phone calls to Parliamentary colleagues to explain what had occurred.
45. Mr Pesutto asked me to commence drafting an expulsion motion in accordance with the Party Constitution. He requested that the materials that I had shown the Leadership Team and Mrs Deeming form an annexure to the expulsion motion so that his colleagues could inform themselves regarding the motion with that evidence.
46. I left the meeting room and returned to my office to commence drafting an expulsion motion.
47. At 7.39pm, I created a one-page word document summarising the materials that I had gathered concerning Ms Keen. Annexed and marked **RPL-5** is a copy of the one-page document summarising material concerning Ms Keen, dated 19 March 2023.
48. At 8:30pm, I sent an email to Mr Johnston, copying in Mr Pesutto, and Chantalle Asmar, which attached the one-page document summarising material concerning Ms Keen. Annexed and marked **RPL-6** is an email to Mr Johnston attaching the one-page document summarising material concerning Ms Keen, dated 19 March 2023.
49. Shortly afterwards, Mr Pesutto sent an email to his Parliamentary colleagues giving notice of a proposed motion to expel Mrs Deeming from the Party.

### **Monday, 20 March 2023**

#### Finalisation of the expulsion motion and dossier

50. On 20 March 2023, I continued to draft the expulsion motion. I was not involved in the interviews on 3AW or the ABC that are the subject of these proceedings.

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- 51. The motion and its annexure (later referred to as the “dossier”) were intended to provide the Liberal Parliamentary colleagues with the materials in support of the motion along with their source, in order for them to examine and query, so that they were be able to form their own opinions on the materials and how they should vote on the expulsion motion.
- 52. In my opinion, the word "associated", which was used in the expulsion motion, was of a sufficiently wide import to properly describe the apparent connection between Ms Keen and far right-wing extremist persons and groups that were described in the materials.
- 53. I provided the draft motion and its annexure to Mr Pesutto for his review. I recall Mr Pesutto reading and considering the document very carefully.
- 54. I recall that Mr Pesutto then drafted two covering emails – one to Mrs Deeming and one to his Parliamentary colleagues, which attached the expulsion motion and annexure. Annexed and marked **RPL-7** is a copy of the motion to expel Mrs Deeming and annexure as provided to the Parliamentary colleagues.


Mr Pesutto’s media appearances

- 55. On 20 March 2023, Mr Pesutto made several media appearances, including interviews with Neil Mitchell on 3AW and the ABC as well giving a press conference.
- 56. Prior to the press conference, Mr Pesutto, Mr Johnston and I discussed how he would address the media in relation to the motion to expel Mrs Deeming. We agreed that Mr Pesutto would comment on the events of the Rally and explain that what had transpired at the Rally was not consistent with his nor the Party's values. I recall Mr Pesutto said words to the effect that he needed to tell the public that he had provided Mrs Deeming with an opportunity to distance herself from the Rally’s apparent association with the neo-Nazis, and that upon her refusal to do so, he had no option but to move to expel her from the Party.

**The week leading up to the vote**

- 57. [REDACTED]
- 58. [REDACTED]


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**Monday, 27 March 2023**

59. In the early morning of 27 March 2023, I was shown an email from Mrs Deeming to her Parliamentary colleagues regarding the motion and the allegations in the expulsion motion and annexure.
60. At or around 10:00am on 27 March 2023, the Liberal Parliamentary Party met to discuss and vote upon the expulsion motion.
61. At or around 12:00pm, I was told that the party room meeting had finished, whereupon Mr Johnston and I went to the party room where we met Mr Pesutto, Ms Crozier and Mr Southwick. Mr Pesutto told me that Mrs Deeming had been suspended from the Party for a period of 9 months with requirements that she be of good character and not misbehave during that time. He said that Mrs Deeming had agreed to make a public statement disavowing and distancing herself from any association with those who organised the Rally. He requested that Mr Johnston and I assist Mrs Deeming to draft her statement.
62. I was told by the members of the Leadership Team that the meeting had been “very emotional” and that several MPs had cried. They told me that Mrs Deeming had stated that she had been a victim of sexual assault. Mr Pesutto told me, on the basis of Mrs Deeming’s distress at recounting her abuse, that he decided that he should not move to expel her.
63. I recall that there were two meetings that afternoon with Mrs Deeming, which were for the purpose of drafting her statement. At the first meeting, which I attended, I recall that Mrs Deeming angrily walked out of the meeting when we showed her a proposed form of wording for her statement.
64. I do not recall attending any later meetings with Mrs Deeming, but believe I was told by Mr Johnston later that afternoon that a second meeting with Mrs Deeming took place which was productive and resulted in an agreed statement.
65. At or around 5:30pm that day, Mrs Deeming posted a statement on Twitter which stated that she had never condemned Ms Keen or Ms Jones. I became aware of that tweet within about an hour. Annexed and marked **RPL-8** is a copy of Mrs Deeming’s tweet.
66. Later that evening, I asked Alex Woff, a media adviser, to finalise the statement and confirm with Mrs Deeming that she was satisfied with the wording of the statement in its final form.
67. At 7:00pm that evening, the statement was released by Mr Pesutto’s office on Mrs Deeming’s behalf. Annexed and marked **RPL-9** is a copy of the 27 March 2023 statement.
68. Between 18 April 2023 and 6 May 2023, I took leave overseas, as had been agreed with Mr Pesutto prior to my commencing the role as his chief of staff.

Rodrigo Pintos-Lopez ..... 

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Affirmed by the deponent  
at Melbourne  
in Victoria  
on 24 May 2024  
Before me: Tess McGuire

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Signature of deponent



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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)