

## 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: 27/05/2024 3:44:45 PM AEST  
Date Accepted for Filing: 27/05/2024 3:44:51 PM AEST  
File Number: VID1023/2023  
File Title: MOIRA DEEMING v JOHN PESUTTO  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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

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### Important Information

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**Affidavit**

VID1023 of 2023

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

**MOIRA DEEMING**

Applicant

**JOHN PESUTTO**

Respondent

Affidavit of: **David Southwick MP**  
Address: [REDACTED]  
Occupation: Deputy Leader of the Liberal Party in Victoria  
Date: 27 May 2024

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[Signature] ..... Witness

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I, **David Southwick**, State Member for Caulfield and Leader of the Victorian Liberal Party, of [REDACTED], in the State of Victoria, solemnly and sincerely affirm:

1. I am a member of the Victorian Parliament for the electoral district of Caulfield in the Legislative Assembly.
2. I was first elected as the member for Caulfield in 2010. Between April 2013 – December 2014; I was Parliamentary Secretary for Police and Emergency Services.
3. Since that time, I have held various roles in the Shadow Ministry, including the following:
  - (a) Shadow Minister for Innovation: December 2014 – December 2018;

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- (b) Shadow Minister for Police: December 2018 – March 2021;
  - (c) Shadow Minister for Small Business: September 2021 – December 2022;
  - (d) Shadow Minister for Jobs and Employment: September 2021 – December 2022;
  - (e) Shadow Minister for Trade and Investment: Since December 2022;
  - (f) Shadow Minister for Transport Infrastructure: Since December 2022; and
  - (g) Shadow Minister for Major Projects: Since December 2022.
4. I have been Deputy Leader of the Victorian Liberal Party since September 2021, and Deputy Leader of the Opposition since December 2022.
5. While my broader political values are discussed on my parliamentary profile, for present purposes, I note that I am passionate about and campaign for inclusion and reforms around hate and anti-Semitism. In this regard, I note that I am Jewish and my electorate has a large Jewish population.

**Saturday, 18 March 2023**

6. Prior to the Let Women Speak Rally (the **Rally**), I was vaguely aware of the fact a rally would take place at Parliament that weekend and that Moira Deeming MP (**Moira**) was somehow involved. However, prior to the events of 18 March 2023, it was not really on my radar as something that I ought to take notice of or had much information about. I had no real knowledge of the speakers, attendees or the event generally.
7. I first became actively aware of it when I was contacted via text message at about 2:20pm on Saturday, 18 March 2023 – being the day of the Rally.
8. The text message contained two links with screenshots. The first was a screenshot of a video of Nazis performing the Nazi salute on the steps of Parliament house. The second was vision of Police walking Nazis through the area around the steps of Parliament House. A copy of these text messages is **Annexure DS-1** to this affidavit.
9. Immediately after seeing the text messages, I called the person who sent me the text message to find out the context. I said in substance, what's going on?, in response to which he said, in substance, Nazis turned up on the steps of Parliament and performed the Nazi salute. Moira is at the rally.

David Southwick ..... D.S

..... J.F. Witness

10. This prompted me to call Moira Deeming (**Moira**). During my call with Moira, we had the following exchange in substance:

Me: *Are you okay? What happened?*

Moira then explained that she had been at the Let Women Speak rally and said: *"Men in black turned up at the rally"*.

At the time, I thought "men in black" was a strange way to describe the Nazis and that this was all very vague and that perhaps Moira was trying to downplay their attendance at the Rally, so I said words to the effect of: *I've just seen footage of the Nazis who turned up, they did a Nazi salute.*

Moira's tone then changed, and she said: *"We felt very unsafe"*

I then said words to the following effect: Well, then you and the organisers of the rally need to denounce this and distance yourself from the Nazis as you don't want to be associated with this in any way shape or form.

After that Moira, in effect, asked me to do that for her.

I remember I found that odd, and said words to the effect: I'm not there. I don't know the context, I am more than happy to help and I'll have plenty to say, but you need to do this. I cannot talk about your event. I don't know anything about your event. I can help you but this has to be your statement, not mine.

Moira said something like: Okay. I will discuss with the other organisers. I cannot recall exactly how the telephone call ended but I was left with the clear impression that Moira would prepare a statement to publish in which she would denounce the Nazis on the steps of Parliament House and clearly distance herself and the Rally from them as a matter of urgency.

11. At about 2:55pm, I forwarded one of the screenshots referred to at paragraph 8 above to Brad Battin MP (**Brad**) via text message. Brad is one of my colleagues and was then and still is the Shadow Minister for Police.
12. Brad and I then exchanged a series of text messages.
13. In our exchange, I suggested to Brad that we put out a statement together, to which he agreed. A copy of the exchange of text messages with Brad is **Annexure DS-2** to this affidavit.

David Southwick ..... *D-S*

..... *[Signature]* ..... Witness

14. Despite what I said to Moira about the need for her to issue a statement regarding her event, I thought it was also appropriate for Brad and I to issue a statement because of Brad's role as Shadow Minister for Police, and the fact I was Deputy Leader and Jewish, and these events involving Nazis would have been particularly shocking and abhorrent to Jewish Victorians.
15. I had an event at 3:00pm in my local electorate but at some point around that time, I had a phone call with Brad, during which I mentioned that Moira was at the rally where Nazis turned up. I cannot recall any more of the details of this phone conversation, save that we discussed the actions of Victoria Police and whether they had acted appropriately and/or had the appropriate powers to deal with this. In this regard, I recall that one of the things Brad and I discussed that afternoon (whether then or later, after he spoke to the police association), was the Police Association wanting the Nazi salute to be banned.
16. At about 4:42pm, I published a tweet in relation to the incident of Nazis being on the steps of Parliament House, which stated:


*Today's incident on the steps Parliament House is an affront to every Victorian who values our inclusive, tolerant and multicultural community. The behaviours today by neo-Nazis are a deliberate attempt to incite hatred and violence and are nothing short of sickening.*

A copy of my tweet is **Annexure DS-3** to this affidavit.

17. At about 5:59pm, Brad and I released a joint statement in relation to the incident, which started in identical terms to my tweet but went on to note that the Victorian Liberals and Nationals continued to support the frontline officers of Victoria Police and called on the Andrews Government to ensure Victoria Police had the powers resources and training to stamp out these shocking acts of hate. A copy of our joint statement is **Annexure DS-4** to this affidavit. This statement was signed off and published through the Leader's office, as per our standard protocol.
18. At some point during the late afternoon or early evening, I saw a video on social media of Moira drinking champagne with the other organisers of the Rally (**champagne video**). I do not now recall how that video came to my attention. However, I was horrified when I saw the champagne video because, in my view, Moira and the other participants in the video were trivialising the presence of Nazis at the Rally, and they were not treating the Nazis as genuine Nazis. I recall that I was particularly upset that some of them speculated that the Nazis were trans activists or police. One of the individuals in the video used quotation

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marks when referring to Nazis, as if to suggest that the Nazis at Parliament House were not real Nazis. In the champagne video, Moira described the Rally as a "fun day".

19. I considered the champagne video to be very offensive, especially because I had conveyed to Moira during our phone call earlier that day that these people were obviously Nazis as they had done the Nazi salute.
20. I was shocked that rather than denouncing the Nazis and distancing herself and the Rally from them as I had discussed with her, she appeared in a video to be trivialising the situation. I found her behaviour in the video appalling; particularly after I, as a prominent Jewish member of the community and Deputy Leader of the Party had been clear in the need for her and the other organisers to denounce this behaviour and distance themselves and the event from it.
21. That night I attended the Premier's Multicultural Gala Dinner (**Multicultural Dinner**) with my colleague, Georgie Crozier (**Georgie**) and our leader, John Pesutto (**John**). Georgie was and is a member of the Victorian Liberal Party Parliamentary Leadership Team. At the time, the other members of the Leadership Team were John, Dr Matt Bach (**Matt**) and me (the **Leadership Team**).
22. The Multicultural Dinner is usually a bipartisan and non-political event. There is normally a room set up for the Premier, the Opposition Leader and other speakers, and those people usually walk in together. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
23. My recollection is that the Multicultural Dinner was a very "frosty" night compared to usual. [REDACTED]
24. I recall that during the Multicultural Dinner, both the Premier and John made speeches during which they strongly condemned the Nazis attendance at the Rally.
25. I also recall that during course of the evening it became clearer and clearer to me that Moira's involvement in the Rally, which Nazis had attended, was going to be a big political issue for us.
26. I think that at some point during that evening, John and I decided that we would have a call in the morning with the Leadership Team, together with a couple of John's senior staff

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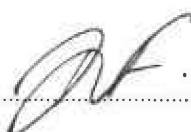
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members, namely Rodrigo Pintos-Lopez (**Rod**) and Nick Johnston (**Nick**) to discuss our approach moving forward. Rod was John's Chief of Staff and Nick was his Director of Communications. However, I cannot be sure if that decision was made that night or the next morning.

**Sunday, 19 March 2023**

27. By the next morning I knew the names of some of the other organisers of the Rally. During the morning, I became aware via social media of more information about the other organisers and speakers of the Rally and some of what they had done, some of which suggested that they had some unsavoury associations. I recall that I or my family found some of this material online at home – it was very easy to find with Google searches – but cannot now recall what we found ourselves at home and what I was later shown or told about by John's staff or the Leadership team.
28. At some point that morning, I had a call with some of the Leadership Team and/or Rod and Nick.
29. During that call, we decided that we needed to organise a meeting with Moira for later that day to provide her the opportunity to give her account, and for us to convey how serious of a matter this was. I was hoping that Moira would recognise what she had done wrong and acknowledge that it was simply an error by a new member of parliament.
30. I cannot speak for others. However, from my point of view, the overwhelming problem at that point in time was that Moira had featured in the champagne video trivialising the presence of Nazis at Parliament House rather than condemning them or distancing herself from them.
31. During the middle of that day, I attended the "In One Voice" festival, which is a Jewish culture street festival held in Caulfield. I recall I did a press conference during which I was asked about Moira's attendance at the Rally. I do not recall precisely what I was asked but think that, at that point in time, I was condemning the Nazis but saying people like Moira were entitled to their views on trans related issues.
32. Prior to the meeting with Moira, around 4:00pm or 4:30pm, I met with the Leadership Team, Rod and Nick in John's office for about 30 minutes. I recall that, prior to that meeting I had already seen:
  - (a) An image posted by Kellie-Jay Keen (**Keen**) of a barbie doll dressed up as a Nazi (**barbie doll image**);

David Southwick ..... 

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- (b) An image posted by Keen of an LGBTI pride flag with a swastika on it (**pridestapo image**); and
- (c) A tweet by Angie Jones (**Jones**) which she posted the day before, in which she said "Nazis want to get rid of paedo filth why don't you?" (**Jones tweet**).

33. During that meeting, Rod showed the Leadership Team a dossier of material that he or others in John's office had collated about the organisers and speakers of the Rally, including Keen and Jones (the **Dossier**). The Dossier included the barbie doll image, [REDACTED] and the Jones Tweet referred to in the previous paragraph, which I had already seen.

34. I was already very disturbed by the material concerning the organisers. I knew myself that some of this was easy to find online and that others would find it soon if they had not already. Members of the Leadership Team may have all have had slightly different concerns. For example, I recall someone (though I cannot now recall who it was) asking: why didn't Moira leave when the Nazis turned up? I was personally very disturbed and upset by the fact that Moira had seemed so happy in the video with how things had gone at the Rally, despite me telling her they were real Nazis. I was also concerned by her failure to clearly denounce and distance herself from the Nazis, despite me being categorical in my conversation with her that she had to do so.

35. I recall that we discussed some potential options for dealing with Moira. I do not now recall what they were or whether they included a motion to expel her, but I recall that we all hoped she would see the wrong in what had happened, she would accept that she had made a "rookie error" and she would put out a statement clearly distancing herself from the Nazis, the Rally organisers and the conduct set out in the Dossier.

36. At about 5:00pm, I met with Moira in the Leader's office boardroom, together with the Leadership Team and Rod.

37. I do not recall the details of the meeting, but the following is my present recollection of the substance of what occurred:

- (a) John opened the meeting by saying words to the following effect: This meeting has nothing to do with the cause that you [Moira] are advocating, but it is about who turned up at the rally. We want to provide you with the opportunity to give your version of events and to explain yourself. We are also concerned about the people who you associated with in organising and speaking at this rally, including Angie Jones and Kellie-Jay Keen.

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[Signature] Witness

- (b) While I do not recall the exact words spoken by Moira in response, the effect of what she said was to downplay her level of involvement in the Rally. I recall that she said words to the effect of I was just a speaker, I didn't organise it and plenty of other MPs were there. [REDACTED]  
[REDACTED]  
[REDACTED] In my mind, by then, there could be no credible doubt that they were Nazis.
- (c) John then said words to the effect of, but you signed them [Keen and Jones] in to Parliament and walked them through Parliament, so it does not appear as though you were just a speaker. I also added words to the effect of, I don't walk people through Parliament, or speak at events where I don't know the organisers, who they are and their backgrounds.
- (d) Then Rod began to run through the Dossier, which detailed the material we had found on Keen, and the Jones tweet. I do not recall the exact words he used, but he [REDACTED] gave her an opportunity to comment or respond to the material.
- (e) I do not recall Moira's reaction to everything but when Moira was shown the Jones tweet, Moira dismissed it saying words to the effect *that tweet wasn't meant to be serious. I know Angie Jones and her background, and she didn't mean it in the way you are interpreting it.*
- (f) When Moira was shown barbie doll image [REDACTED] she said words to the effect of, I guess that's not a great look or that could look bad. I understood this to be Moira acknowledging that there was a pattern of conduct by Keen, which looked bad.
- (g) When Moira was asked about the champagne video, she said something to the effect of, I said something in the video which showed that I disagreed with their [the other participant's] views about the Nazis, in response to which I said words to the effect of, that was effectively your press statement about the Nazis, but rather than clearly denouncing the them, you made a joke about them.
- (h) This discussion went on for some time. Other members of the Leadership Team spoke too. I cannot remember everything that was said however, I felt like we gave her a lot of opportunities for a different outcome. For example, throughout the meeting, I kept trying to work with Moira, by pointing out that our political opponents would use this to paint us as a an extreme right party sympathetic to Nazis (which

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had been done by the Andrews government previously after three colleagues had a conversation with some protestors during the lockdowns) and by saying words to the effect of you are a new MP, it is understandable to make a mistake. Even experienced MPs make mistakes. All you need to do is put out a statement in which you clearly distance yourself from the Nazis who turned up at the rally and the organisers.

- (i) I do not recall the exact words spoken by Moira in response to suggestions like that but the effect of what she said included:
  - (i) that she blamed the police (like she had done in her tweet the day prior);
  - (ii) she refused to put out a press release of the kind that I suggested. By that stage, contrary to what I had understood her to be suggesting at the start of the meeting, I was getting the clear impression from Moira that she felt the organisers were her friends and role models, and she was not going to condemn them.
- (j) At one point during the meeting, Matt said to Moira words to the effect of. you have just lied to us. I do not recall what this statement was in response to. However, Matt is a very composed and measured person, who is not prone to overreaction. When he said that, the tone of the meeting changed, and it served to confirm in my own mind that Moira did just not get this. She was not showing any contrition or preparedness to work with us or be part of the team.
- (k) Eventually, towards the end of the meeting, John said something like we need to think about what we do from here and I left the room with John, Georgie, Matt and Rod to discuss what we were going to do (**private meeting**).
- (l) By that stage, it was clear that Moira was not going to distance herself from the conduct of the other organisers or to listen to us. Accordingly, at the private meeting, we unanimously agreed that we would move a motion to expel Moira from the party.
- (m) When we went back into the meeting with Moira, John informed Moira of the decision we had reached. He said words to the effect of, unfortunately we've decided that we have no option but to expel you from the party.
- (n) I do not recall how Moira responded but the meeting concluded very shortly thereafter.

38. The meeting with Moira finished at about 7:00pm.

David Southwick ..... *DS* .....

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39. We knew this was a big decision and that we would have to communicate it to people.
40. Between about 7:00pm and 8:30pm, each member of the Leadership Team was involved in calling Liberal Party MPs to notify them of our intention to move a motion to expel Moira. I do not now recall who I contacted.
41. At about 8:36pm, John sent an email to our Liberal Party parliamentary colleagues giving formal notice of our intention to expel Moira (**notice of motion**). While I do not have a specific recollection of reviewing the notice of motion, I believe that I would have seen it before it was sent out by John.

**Monday, 20 March 2023**

42. By Sunday night, this was already a big story. I knew that John planned to do a lot of media on the Monday, but I did not know the details of which interviews or what he was going to say.
43. I personally considered that it was important that John engage with the media given the significance of what we were doing by moving to expel Moira. It is a serious thing to expel an MP from the party room she has been elected to, so it was important that it was explained not only to the other MPs but also to the public.
44. Further, Moira and the other organisers of the Rally had already started their own PR campaign. For example, even before we met with Moira on the Sunday, Katherine Deves (**Deves**) had organised for the Australian Jewish Association (a right wing Jewish organisation Deves is closely associated with) to issue a statement criticising the Police and supporting the Rally organisers, which Deves reposted on Twitter. A copy of Deves' tweet is attached as **Annexure DS-5** to this affidavit.
45. I note that the statement in support by the Australian Jewish Association was in contrast to most of the comments I heard (both privately and publicly) from other Jewish leaders and organisations that week.
46. At some point on Monday afternoon, I recall reading a press release that Moira had published on Twitter at 4:42pm, which repeated the view she had expressed the day before that she and the other organisers of the Rally had done nothing wrong. A copy of Moira's tweet is attached as **Annexure DS-6** to this affidavit.
47. At about 5:42pm, John sent an email to Moira, copying me, Georgie and Matt, in which he attached a letter containing a notice of motion (**Letter of Motion**), which I understand is being called the Expulsion Motion and Dossier in this case. John, Georgie, Matt and I

David Southwick ..... *DS*

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signed the Letter of Motion. A copy of the Letter of Motion is attached as **Annexure DS-7** to this affidavit. I do not recall the specifics of any conversation with John, Georgie or Matt regarding the form of the Letter of Motion.

48. At about 6:01pm, John sent an email to all of our Liberal Party parliamentary colleagues notifying them that there would be a Special Victorian Liberal Party Meeting on Monday, 27 March 2023 at 10:00am in the Liberal Party room. The email enclosed a copy of the Letter of Motion. I do not recall the specifics of any conversation with John, Georgie or Matt before the email was sent.

**Sunday, 26 March 2023**

49. I organised for John to visit the Melbourne Holocaust Centre, along with a number of Jewish community leaders, including:
- (a) Sue Hampel OAM – Co-President of the Holocaust Centre;
  - (b) Paulene Rockman OAM – Co-President of the Holocaust Centre;
  - (c) Daniel Aghion KC – (then) President of the Jewish Community Council of Victoria; and
  - (d) Dr Dvir Abramovich – Chair of the Anti-Defamation League.
50. This was a private gathering with no media present.
51. The purpose of this was to meet with Jewish leadership and to discuss banning the Nazi salute and other laws to protect against the abhorrent display of Nazism in Victoria, following huge concerns relating to the Nazis turning up at Parliament at the Let Women speak rally.
52. I recall that during the event at the Holocaust Centre, a Holocaust survivor shook John's hand and said to him, "please don't allow the Holocaust to happen again", to which John replied "we won't and we are with you."
53. I spend a lot of time educating my colleagues about Jewish history and the struggles of the Jewish community. The issue of Nazis turning up at Parliament House is very personal to me. My wife lost many family members in the Holocaust and many of her family members are Holocaust survivors. This why it was so important for me that the Liberal Party was clearly distanced and disassociated from the Nazi attendance at the Rally, and any associations or perceived associations (even indirect ones) with Nazis.

David Southwick DS .....

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**Monday, 27 March 2023**

54. At 6:29am, Moira sent an email to the Liberal MPs attaching a detailed response to the Letter of Motion. I don't recall exactly what it said, however, I recall that she had come a long way from what she had said to us in our meeting on the Sunday after the Rally, and she condemned a number of the things that we had previously asked her to condemn, including the Jones tweet. However, I remember thinking at the time that I did not think it was sincere and it was too little too late. A copy of the email from Moira is attached as **Annexure DS-8** to this affidavit.

*Party room meeting*

55. At 10:00am, we held a party room meeting of the Parliamentary Liberal Party.
56. The purpose of the meeting was to consider and to vote on the motion contained in the Notice of Motion.
57. At the beginning of the meeting, John presented the information in the motion. He then invited anyone to speak who wished to say something about the motion.
58. I do not recall how many people spoke during this meeting. When I spoke, the thrust of what I said was that our party, and our MPs, should have nothing to do with Nazis. I also said that when I tried to provide advice to Moira about distancing herself from the Nazis attending the rally and putting out a statement after the rally, she ignored my advice.
59. Moira was the last person to speak during the meeting. I do not recall the entirety of what she said during her speech, but I recall that it was emotional and she said something to the effect that she had been sexually abused when she was a child. Shortly after Moira said this, John and I looked at each other, and had a very brief quiet conversation, and we agreed that we could not proceed based on what we had just heard.
60. John then stood up at the front of the meeting, and said words to the following effect, we are going to adjourn the meeting for 15 minutes before proceeding.
61. During the adjournment, I was standing up the front of the meeting room with John. Kim Wells MP (**Kim**) was speaking to Moira at the back of the room. Kim was moving back and forth between Moira and us for about 10 minutes.
62. I do not recall the exact words used during the exchange, but my understanding of the effect of those words was that we agreed with Moira through Kim that instead of expulsion, we would move a motion that Moira be suspended for 9 months, and that there would be

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a "joint statement" published (**suspension motion**). From my discussions with Kim, and as a matter of common political sense, I understood that a "joint statement" meant there would be a statement agreed by both parties, which Moira would release through the Leader's office, and the statement would effectively be Moira unequivocally condemning the Nazis and acknowledging that it was ill-informed error to attend the Rally.

- 63. John then stood in front of the party room and moved the suspension motion, which passed without dissent.
- 64. Shortly after the party room meeting concluded, John did a press conference, which I attended with Georgie and Matt.

*Statement*

- 65. Later that day, I had a meeting with Moira and Nick in the party room. Nick had prepared a draft statement for Moira to release. I do not recall precisely what the draft statement said. However, as soon as Moira read it, she got up and stormed out of the room.
- 66. I called Kim and said, in substance, *there was an agreement for Moira to put out a statement and Moira isn't following through with it. This whole thing will fall off the rails if we don't get it back on track. You need to talk to her.*
- 67. Eventually, Moira came back into the party room with her husband. Nick was there, and so was David Hodgett MP (**David H**). Kim was unavailable as he had left for the day but it was my understanding that he had spoken to Moira and told her she had to be more reasonable otherwise she would be breaking the agreement with the party room.
- 68. This meeting went for a number of hours, during which time Nick and Moira carefully crafted the statement sentence by sentence, taking turns typing parts of the statement on the same laptop until the final form was agreed.
- 69. I understand that at about 7:07pm, Alex Woff (**Alex**), a member of John's media team, sent Moira a WhatsApp message with the final version of the statement. Moira responded via WhatsApp to indicate that she was happy for it to be published.
- 70. Immediately thereafter, at 7:08pm, the statement was released by the Leader's office on behalf of Moira.
- 71. At some point later that evening, I saw a tweet posted by Moira that day in which she said in response to a tweet from Jones, in effect, that she did never condemned Jones or Keen.

David Southwick DS .....

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Witness

It was bizarre given her earlier email and the compromise reached. It was also clear that Moira was not sincere in showing any contrition.

### Communications in April - May 2023

72. In late April and early May I was involved in communications with Kim Wells regarding Moira's suspension conditions, her dissatisfaction with what she thought was the lack of a "joint statement", and her threats to sue John.
73. On 24 April 2024, I contacted Kim and thanked him for agreeing to play a mentor role to Moira and I suggested that he, John and I meet to try and sort out things with Moira. Kim responded to the effect that he thought it would be a waste of time as Moira has started legal proceedings to sue John. A copy my text message exchange with Kim on 24 April is **Annexure DS-9** to this affidavit.
74. At about 2:00pm on Wednesday, 26 April 2023, I met with John and Kim to discuss Moira's suspension conditions. I do not recall exactly what we discussed, but I do recall Kim saying that Moira was not going to agree to the suspension conditions unless there was a letter from John declaring that she wasn't a Nazi sympathiser.
75. Between 26 - 30 April 2023, I engaged with Kim in relation to the proposed suspension conditions.
76. At about 5:05pm on Sunday, 30 April 2023, I sent an email to Kim with the agreed suspension conditions. A copy of this email is attached as **Annexure DS-10** to this affidavit.
77. At about 9:08pm on Sunday, 30 April 2023, I received a text from Kim, which said "MD has decided not to accept the conditions of the suspension until the letter to minutes has been agreed". 'MD' was a reference to Moira. A copy of this text message is attached as **Annexure DS-11** to this affidavit.
78. On or around 2 or 3 May, I had discussions with Kim about Moira's desire for John to issue a public statement saying in effect that she is not a Nazi sympathiser as was interpreted by her from media reports. I was negotiating with her through Kim to come to an agreement to deal with everything and as part of that, I was also working with John's office to come to an agreement on a form of words we could offer.
79. At about 4:00pm on Wednesday, 3 May 2023, Kim and I met with Moira in her office in relation to Moira's desire for John to issue a public statement saying that she is not a Nazi sympathiser. She insisted that John issue the statement by the end of the week or else

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she would consider legal action. I said we needed to get through the busy Parliament week but was confident that John would work within the timeframe to have something done by Friday. Kim and I thought that an agreement was reached and no public comments would be made before the Friday.

80. At some point during the morning on Thursday, 4 May 2023, I became aware that Moira had sent John an email earlier that morning in which she threatened to sue him. I also recall reading an article in *The Australian* titled "Moira Deeming sets John Pesutto a legal deadline to withdraw 'Nazi smear'", which included a copy of Moira's email to John. It was clear to me that Moira had leaked this email to *The Australian*. A copy the article published in *The Australian* on 4 May 2023 is **Annexure DS-12** to this affidavit.

81. I do not now recall whether I became aware of Moira's threatening email to John by reading the article in *The Australian* or via some other way.

82. At some point that day after finding out about the email, I met with Moira and Kim in Kim's office. During the meeting, the following exchange occurred in substance:

Kim: *Why didn't you tell me before you sent that email?*

Moira: *If I told you about it beforehand, you would have talked me out of doing it*

Kim: *You would have sent it out to the media*

Moira: *My lawyers suggested that I do it*

Me: *You are asking us to negotiate with a gun to our head. If you are going to sue the Leader of the party, then I guess we have nothing to talk about*

83. I was very disappointed that Moira had shown bad faith by breaking the agreement. My perception at the time was that Kim was disappointed with Moira too.

84. On 6 May 2023, I sent a text message to Kim in which I noted Moira had been speaking to the media, and had leaked information. Kim agreed that he thought she had done this. A copy of my text message exchange with Kim is **Annexure DS-13** to this affidavit.

### Expulsion

85. Many MPs in the Party room were outraged by the idea that Moira would threaten to sue the Leader of the party.

David Southwick *DS* .....

*JS* ..... Witness

86. At 3:53pm on 6 May 2023, I received an email sent by James Newbury MP, on behalf of Matthew Guy MP, Cindy McLeish MP, Roma Britnell MP and Wayne Farnham MP to Renee Heath MP, John and Moira. The email requested that a Special Meeting be arranged to consider a motion to expel Moira (**Second Expulsion Motion**). A copy of the email from James Newbury MP is attached as **Annexure DS-14** to this affidavit.
87. At about 9:30am on Friday, 12 May 2023, there was a meeting of the Party Room to vote on the Second Expulsion Motion to expel Moira from the Party Room. The Expulsion Motion passed with 19 votes to 11.
88. Ironically, if Moira had acted in accordance with the suspension agreement and not threatened to sue John, she would have already been readmitted to the Party room last year.

David Southwick DS .....

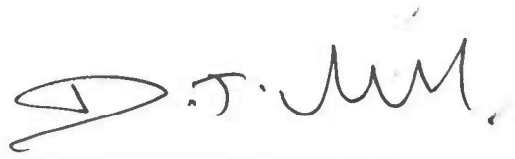
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JK ..... Witness

Affirmed by the deponent  
at Melbourne  
in Victoria  
on 27 May 2024

Before me: *Deanna Fricatas*

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Signature of deponent

  
Signature of witness

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

This affidavit was affirmed and witnessed in  
accordance with the Oaths and Affirmations Act  
2018 (Vic)

DS

