

## NOTICE 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

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Form 59  
Rule 29.02(1)

## Affidavit of Rukshan Fernando

VID 1023 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

### MOIRA DEEMING

Applicant

### JOHN PESUTTO

Respondent

Affidavit of: **Rukshan Fernando**  
Address: [REDACTED]  
Occupation: Independent Journalist  
Date: 27 May 2024

I Rukshan Fernando of [REDACTED] say on oath:

1. I am a videographer and independent journalist.
2. I have reported on and closely followed protests across Victoria for about 4 years. I first started doing so in 2021, when I attended (for the purposes of recording and reporting on) anti-lockdown protests that occurred in Melbourne in 2021. I estimate that I reported on about 80% of the anti-lockdown protests that took place that year. I have since continued to cover protests, particularly in light of the strong protest culture in Melbourne, and have developed a keen interest in reporting on protests at a ground level, by recording and publishing both live and montaged footage of these events.
3. I live stream my recorded footage on my Facebook page (<https://www.facebook.com/therealrukshan/>) (**Facebook Page**) and publish shorter edited versions of the footage on social media, including X (<https://x.com/therealrukshan>) and Instagram

Filed on behalf of (name & role of party)	<u>Moira Deeming, the Applicant</u>
Prepared by (name of person/lawyer)	<u>Patrick George, Solicitor</u>
Law firm (if applicable)	<u>Giles George</u>
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[Version 3 form approved 02/05/2019]



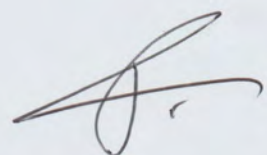
(<https://www.instagram.com/therealrukshan/>), and on my website (<https://realrukshan.com/>).

### Let Women Speak Rally

4. On or around 16 or 17 March 2023, I became aware that a number of protests were scheduled to take place in front of Parliament House in Victoria on 18 March 2023. I understood at the time that there would be:
  - (a) a women's rights rally, organised by Let Women Speak (**LWS**), which I refer to as the Let Women Speak Rally (**LWS Rally**);
  - (b) a pro-trans protest organised by the Socialist Alternative (**Socialist Alternative Protesters**);
  - (c) a protest organised by the "Freedom Protesters"; and
5. Prior to 18 March 2023, I did not know much about LWS or the LWS Rally. I was only aware that the LWS Rally was intended to be a women's rights rally. I had some limited knowledge that Kellie Jay-Keen had organised a rally in Canberra a week or so earlier, which drew large counter protest groups.
6. I understand, from my reading and research as a journalist, that the Socialist Alternative is a very well organised far-left political organisation. They have political and university campus wings, and regularly attend protests in Melbourne. From my experience in covering protests in Victoria, I have observed that Socialist Alternative protests tend to be highly organised and well-coordinated.
7. From my experience in reporting on protests in Melbourne, I understand the Freedom Protesters are a group who regularly gather outside Parliament House most Saturday mornings. The nature of their protests varies from week to week. I understand the Freedom Protesters began rallying in 2021 during the COVID-19 pandemic as an anti-lockdown and anti-vaccination protest group. After the lockdowns in Victoria ended, I understand that the Freedom Protesters dwindled in numbers and now only a small group of less than 30 people attend the Freedom Protests regularly.
8. I decided to attend and record the protest groups that were outside Parliament House on 18 March 2023 because I was intrigued by the fact that such distinct and potentially large groups of protesters were likely to occupy the same space at the same time.

### Let Women Speak Rally

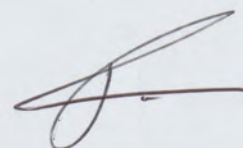
9. At approximately 11.40am on 18 March 2023, I arrived outside Parliament House.
10. As part of my reporting on the various protests that day, I made two concurrent audio-visual recordings using two separate cameras. First, I recorded audiovisual footage



using a high-definition handheld single-lens reflex camera which was mounted to a handheld camera mount (**HD Footage**). A copy of the HD Footage is accessible at page 1 of **Exhibit RF-1**. Second, I recorded additional audio-visual footage on an iPhone which was mounted on the same handheld camera mount. This footage was directly streamed via Facebook Live on my Facebook Page (**Stream**). The Stream is still available for download at the following URL: <https://www.facebook.com/therealrukshan/videos/229529329488872/>. A copy of the Stream is accessible at page 2 of **Exhibit RF-1**. I commenced recording the HD Footage at approximately 11.41am; the Stream at approximately 11.42am.

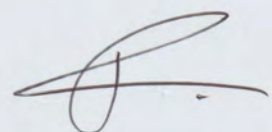
11. At approximately 11.42am, I approached the north end of Spring Street where a police line had formed (**North Police Line**). I observed that a group of a dozen men dressed in black, who I now understand to be members of the National Socialist Network (**NSN**), approached the North Police Line. They were carrying an Australian flag and a rolled-up banner.
12. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 3 of **Exhibit RF-1**.
13. Around this time, I observed two of the NSN men unrolled the banner, which read "Destroy Paedo Freaks" (**NSN Banner**) and held it up to be displayed towards the south end of Spring Street.
14. My observation referred to in the preceding paragraph is recorded in the screenshot from the Stream which is at page 4 of **Exhibit RF-1**.
15. I walked back to the south end of Spring Street, past the Freedom Protesters, and recorded the attendees of the LWS Rally. At this time, I observed that a large group of counter protesters had formed on Bourke Street (**Bourke Street Protesters**).
16. My observation referred to in the preceding paragraph is recorded in the screenshot from the Stream which is at page 5 to 6 of **Exhibit RF-1**.
17. For the next few minutes, I continued to record the LWS Rally attendees, the Bourke Street Protesters and the Freedom Protesters. At this stage, all three groups were separate and relatively calm.
18. The events traversed in paragraphs 10 to 17 above are recorded in the following timestamps of the Stream: 00.00.00 – 00.12.00 (as exhibited on page 2 of **Exhibit RF-1**).

NSN/Socialist Alternative stand off



19. At approximately 11.55am, I heard police sirens and loud drumming coming from the north end of Spring Street. I also observed police turn to look in the direction of the Northern Police Line.
20. My observation referred to in the preceding paragraph is recorded in the screenshot from the Stream which is at page 7 of **Exhibit RF-1**.
21. As I approached the north end of Spring Street, I observed that a large group of protesters waving red flags emerged from the north end of Spring Street. I understand that these were the Socialist Alternative Protesters.
22. My observation referred to in the preceding paragraph is recorded in the screenshot from the HD Footage which is at page 8 of **Exhibit RF-1**.
23. At this time, I observed the NSN stand to face the Socialist Alternative Protesters and began to chant and perform the Nazi salute in the direction of the Socialist Alternative Protesters.
24. My observation referred to in the preceding paragraph is recorded in the screenshot from the Stream which is at pages 9 to 10 of **Exhibit RF-1**.
25. Immediately after, I observed that police began to reinforce the North Police Line. The reinforced North Police Line comprised of a mix of police officers on foot and on horseback, which kept the NSN and the Socialist Alternative Protesters separated.
26. My observation referred to in the preceding paragraph is recorded in the screenshot from the Stream which is at pages 11 to 13 of **Exhibit RF-1**.
27. The events traversed in paragraphs 19 to 25 above are recorded in the following timestamps of the Stream: 00.12.55 – 00.14.30 (as exhibited on page 2 of **Exhibit RF-1**).
28. For the next few minutes, I stood alongside the Northern Police Line and recorded footage of both the NSN and Socialist Alternative Protesters. Whilst doing so, I inadvertently moved to the front of the Northern Police Line. I therefore crossed Spring Street to the footpath opposite Parliament House and proceeded towards Bourke Street where the Bourke Street Protesters had gathered. I crossed the Bourke Street Police Line and entered Spring Street in front of Parliament House where the LWS Rally was being held. I recorded further footage of the LWS Rally, the Freedom Protesters and the Bourke Street Protesters.

Arrival of Keen




29. At approximately 12.10pm, Kellie Jay-Keen, who I understood to be the host of the LWS Rally, appeared on the steps of Parliament House on the south side of Spring Street. She was met with cheers and applause from participants of the LWS Rally.
30. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 14 to 15 of **Exhibit RF-1** and are recorded in the following timestamps of the Stream: 00.28.40-00.30.00 (as exhibited on page 2 of **Exhibit RF-1**).

#### NSN approach Parliament House

31. At approximately 12.17pm, I observed that the NSN, with the NSN Banner displayed, began to walk (in unison) up Spring Street towards Parliament House where the Freedom Protesters had gathered.
32. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 16 to 18 of **Exhibit RF-1**.
33. I observed that some members of the NSN started interacting with members of the Freedom Protesters; they were conversing with each other and shaking hands.
34. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 19 to 21 of **Exhibit RF-1**. These observations are also recorded in the screenshot from the HD Stream at pages 22 to 23 of **Exhibit RF-1**.
35. The NSN then turned to face the Socialist Alternative Protesters towards the north of Spring Street and displayed the NSN Banner towards them.
36. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 24 of **Exhibit RF-1**.
37. The events traversed in paragraphs 30 to 35 above are recorded in the following timestamps of the Stream: 00.35.27-00.36.27 (as exhibited on page 2 of **Exhibit RF-1**).

#### LWS Rally commences

38. By approximately 12.17pm, Keen was already speaking to the LWS Rally attendees and was introducing the event.
39. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 25 of **Exhibit RF-1**.
40. At approximately 12.20pm, someone from the LWS Rally, who is not known to me, performed an acknowledgement of country via a speaker.
41. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 26 of **Exhibit RF-1**.



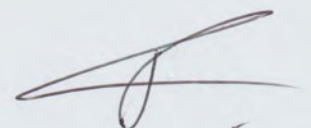
42. Following the acknowledgement of country, Keen continued to speak.
43. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 27 of **Exhibit RF-1**.
44. At approximately 12.28pm, the first guest speaker at the LWS Rally began her speech.
45. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 28 of **Exhibit RF-1**.
46. The events traversed in paragraphs 38 to 44 above are recorded in the following timestamps of the Stream: 00.36.38-00.45.25 (as exhibited on page 2 of **Exhibit RF-1**).

NSN mount the steps of Parliament

47. At approximately 12.27pm, I exited the crowd making up the LWS Rally to observe and record the activities of the other parties present outside Parliament House at the time. I recorded the Bourke Street Protesters and the NSN.
48. At approximately 12.29pm, the NSN were still facing the Socialist Alternative Protesters whilst displaying the NSN Banner.
49. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 29 to 20 of **Exhibit RF-1**.
50. At approximately 12.32pm, I observed the NSN approach and mount the northern end of the steps of Parliament House and observed them standing behind the Freedom Protesters, who now had displayed a banner that read "*PROTECT OUR CHILDREN*".
51. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 31 to 34 of **Exhibit RF-1**.
52. The events traversed in paragraphs 47 to 50 above are recorded in the following timestamps of the Stream: 00.45.25-00.51.08 (as exhibited on page 2 of **Exhibit RF-1**).

Freedom Protesters leave and Sewell speaks

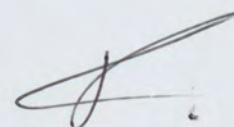
53. At approximately 12.35pm, I observed that the Freedom Protesters (or part thereof) had started to depart the area outside Parliament House. I observed that they were walking southward down Spring Street along the tram tracks.
54. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 35 of **Exhibit RF-1**.
55. Around this time, I remarked that the Freedom Protesters were "a separate group" to the LWS Rally and were leaving. This is consistent with my prior knowledge and experience in reporting on the Freedom Protesters in the past.



56. At approximately 12.36pm, I returned to the northern end of the steps of Parliament House, where the NSN had gathered and displayed the NSN Banner. One member of the NSN, who I now understand to be Thomas Sewell, the leader of the NSN, stood at ground level and spoke through a megaphone.
57. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 36 to 37 of **Exhibit RF-1**.
58. Whilst Sewell was speaking through the megaphone, I returned to the LWS Rally, and observed that Keen was speaking to the LWS Rally crowd. She was addressing an interruption from a counter-protester, who approached the LWS Rally stage and microphone before being dragged away by Police. The LWS Rally speaker, who I assumed had been interrupted by this counter protester, was invited by Keen to return and continue speaking, which she did.
59. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 38 to 39 of **Exhibit RF-1**.
60. Shortly thereafter, at approximately 12.38pm, I returned to the steps that the NSN had mounted. I observed that Sewell was no longer speaking through the megaphone. Around this time, the NSN who were on the steps of Parliament House commenced performing the Nazi salute and performed the gesture at least twice.
61. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 40 to 41 of **Exhibit RF-1**.
62. I proceeded to record footage of the Socialist Alternative Protesters and the Bourke Street Protesters. I returned to record footage of the NSN, who were still standing on the steps of Parliament with the NSN Banner displayed, at approximately 12.40pm.
63. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 42 to 43 of **Exhibit RF-1**.
64. The events traversed in paragraphs 53 to 62 above are recorded in the following timestamps of the Stream: 00.53.10-00.58.45 (as exhibited on page 2 of **Exhibit RF-1**).

Deves speaks and the NSN leave

65. Between approximately 12.43pm and 12.46pm, I observed (and recorded) Katherine Deves speaking as part of the LWS Rally.
66. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 45 of **Exhibit RF-1**.
67. At approximately 12.47pm, I observed the NSN dismount the steps of Parliament House. It appeared to me they were directed by police to depart via the south end of Spring





Street. I observed the NSN, as they crossed Spring Street to the footpath opposite Parliament House, perform the Nazi salute in the direction of the Socialist Alternative Protesters.

68. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 46 to 48 of **Exhibit RF-1**.
69. I observed that the NSN continued to walk southward down Spring Street, whilst performing the Nazi salute towards the Bourke Street Protesters. I could hear the Bourke Street Protesters become increasingly agitated and yell at the NSN as they walked past.
70. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 49 to 51 of **Exhibit RF-1**.
71. I observed the NSN briefly stop at the traffic light at the intersection on Spring Street and Bourke Street, with a few of them continuing to perform the Nazi salute toward the Bourke Street Protesters, before being directed by Police to continue walking down Spring Street. I observed the NSN continuing to perform the Nazi salute towards the Bourke Street Protesters as they left the area. By approximately 12.49pm, the NSN had left.
72. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 52 to 54 of **Exhibit RF-1**.
73. The events traversed in paragraphs 64 to 71 above are recorded in the following timestamps of the Stream: 01.01.48-01.07.25 (as exhibited on page 2 of **Exhibit RF-1**).

#### LWS Rally continues

74. At approximately 12.50pm, I returned to the LWS Rally and recorded the Bourke Street Counter Protesters. I observed that at this stage the Bourke Street Counter Protesters had become louder and were making more noise.
75. I observed that the LWS Rally was still underway as there were further speakers.
76. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 55 of **Exhibit RF-1**.
77. The events traversed in paragraphs 73 to 74 above are recorded in the following timestamps of the Stream: 01.08.34-01.14.10 (as exhibited on page 2 of **Exhibit RF-1**).

#### Counter protesters unite

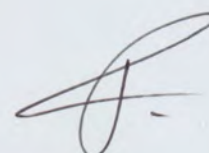
78. At approximately 1.00pm, observed that the Socialist Alternative Protesters were no longer gathered on the north end of Spring Street.



79. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 56 of **Exhibit RF-1**.
80. At approximately 1.01pm, I observed that the Bourke Street Protesters were turning their heads away from Parliament House and the LWS Rally and started cheering and clapping. I observed that behind them, the Socialist Alternative Protesters (or a portion of them) had emerged and approached the Bourke Street Protesters, to form one large counter-protest group (**Merged Bourke Street Protesters**).
81. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 57 to 58 of **Exhibit RF-1**. A clearer screen of the Socialist Alternative Protesters approaching the Bourke Street Protesters from the HD Footage is at page 59 of **Exhibit RF-1**.
82. Around this time, I observed police officers who had previously formed the North Police Line, both on foot and on horseback, approach the Bourke Street Police Line to reinforce it. At approximately 1.03pm, I remarked that the Socialist Alternative Protesters or the Bourke Street Protesters were "throwing stuff at police".
83. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at page 60 to 61 of **Exhibit RF-1**.
84. At approximately 1.06pm, I observed additional police arrive to the Bourke Street Police Line to further reinforce it.
85. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 62 to 63 of **Exhibit RF-1**.
86. The events traversed in paragraphs 77 to 84 above are recorded in the following timestamps of the Stream: 01.18.26-01.23.20 (as exhibited on page 2 of **Exhibit RF-1**).
87. For the next few minutes, I continued to record the LWS Rally and the United Bourke Street Protesters.

Deeming speaks and end of recording

88. Between approximately 1.15pm and 1.17pm, Deeming spoke at the LWS Rally.
89. My observations referred to in the preceding paragraph are recorded in the screenshot from the Stream which is at pages 64 to 65 of **Exhibit RF-1** and are recorded in the following timestamps of the Stream: 01.33.40-01.35.41 (as exhibited on page 2 of **Exhibit RF-1**).
90. At approximately 1.22pm, I ended the Stream and stopped recording the HD Footage. I stopped recording because I had been booked to attend and record another event (as part of my videography business).



### Social media posts after the LWS Rally

91. Following my observations of the events at the LWS Rally, and after reviewing the footage from the Stream and HD Footage, I published the following tweets:

(a) At 9.45am on 19 March 2023, I published a tweet which embedded a montage of the HD Footage and stated:

*"Victoria Police stand between two groups that have come to hijack the #letwomenspeak women's rights rally in front of Parliament House in Melbourne. The agitators from extreme opposing ideological sides were locked in a stand-off for about 1 hour while guarded by police. At one point the police facilitated the group of men clad in black throwing sieg hall salutes to drift towards the women's right rally to hold a banner and make gestures to everyone from the steps of Parliament. They were then given a protective police guard when moving out of the Parliament precinct in front of another pro trans rights counter-protest that was trying to drown out the women's rights protest."*

A copy of this tweet is at page 66 of **Exhibit RF-1**.

(b) At 10.03am on 19 March 2023, I replied to the tweet referred to in the preceding paragraph with the following:

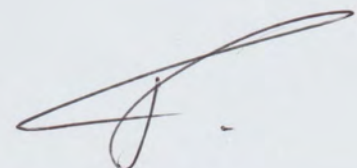
*"In the chaos of multiple protests and counter protests many media and political pundits have taken the opportunity to infer a direct link between the women's rights group and the men clad in black due to the proximity of the groups as well as a shared opposition to other counter protesters. However having been able to observe what happened first hand it was obvious that both groups agitating had no respect for the women's rights rally, and were mostly there for their own ideological battle and promotion."*

A copy of this tweet is at page 67 of **Exhibit RF-1**.

(c) At 11.54am on 19 March 2023, I published a tweet which stated:

*"A women's rights rally #LetWomenSpeak in Melbourne was disrupted by multiple groups on Saturday afternoon."*

*The women's rights rally had a mix of individuals speaking, and the crowd listening was made up of a cross section of the community, including members of the LGBTQIA+ community."*



*Trans activists claiming the rally was hateful broke police lines multiple times to try and stop the women from speaking in their designated space, leading to multiple altercations with security and police.*

*On the outer edges of the rally, another group of agitators were in a stand-off, adding to the chaos on the streets of Melbourne.”*

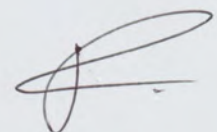
A copy of that tweet is at page 68 of **Exhibit RF-1**.

92. I published the tweets set out in the preceding paragraph after seeing online commentary, particularly on social media, which suggested that the LWS Rally and the NSN were somehow connected. Based on my observations, this was not true. I recall seeing a tweet to this effect published by the then Premier of Victoria Daniel Andrews. As I had attended the LWS Rally, recorded footage of it, and observed the events on that day, I felt it necessary, as an independent journalist who regularly reports on protests across Victoria, to accurately comment and report on my observations and audio-visual recordings of the LWS Rally. To me it was clear (on account of my observations in paragraphs 11 to 88 above) that the various groups that gathered outside Parliament House on 18 March 2023 were not connected. This became particularly clear to me after seeing Sewell speak through his megaphone whilst the LWS Rally was ongoing and its attendees were speaking themselves (as traversed in paragraphs 56 to 58 above). [REDACTED]

93. On the evening of 19 March 2023, I recall seeing what I understand is being referred to as the 'Media Release' in these proceedings. I do not recall precisely how I first came across it, but I think I first saw it on X. I read the Media Release and understood that Mr Pesutto was suggesting that the LWS Rally was associated with the NSN. I was shocked by this allegation and published the following tweet at 9.11pm on 19 March 2023:

*"It's being reported that the Liberal Party is considering expelling one of its woman MP's Moira Deeming because they attended a rally to advocate on behalf of women's rights.*

*The rally was then hijacked by a group of men that decided to use the rally to espouse their own extreme view against another group, which was then further misrepresented by the media and politicians that were not even there as being associated with the women.*



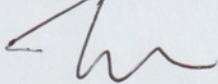
*The women's rights rally was further targeted by trans rights activists, that attempted to disrupt the event multiple times.*

*If this is true, its [sic] no wonder the Liberal Party keep loosing elections."*

A copy of this tweet is at page 68 of **Exhibit RF-1**.

94. I published this tweet, for the same reasons traversed in paragraph 92 above.

Sworn by the deponent  
at Melbourne  
in Victoria  
on 27 May 2024  
Before me:



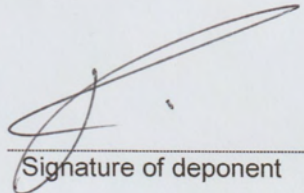
Signature of witness

**JAMES ANDREW MacLEOD J.P**  
**JUSTICE OF THE PEACE**

Name and qualificatio



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Signature of deponent