

## **NOTICE OF FILING**

### **Details of Filing**

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Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA

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 Christopher Duke

VID 1023 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

### MOIRA DEEMING

Applicant

### JOHN PESUTTO

Respondent

Affidavit of: **Christopher Duke**

Address: [REDACTED]

Occupation: Presbyterian Minister

Date: 24<sup>th</sup> May 2024

I, Christopher Duke of [REDACTED], say on oath:

1. I am a Senior Minister of the Presbyterian Church, in the linked pastoral charges of Clifton Hill and Essendon. I have held this role for 9 years. I am a member and the convener of the Presbyterian Church of Victoria, Church and Nation Committee (**Committee**), an organisation that seeks to communicate the interests of the Presbyterian Church to government bodies and the Church where faith and culture may intersect. I have been in this role for about 6 and half years.

### Meeting Moira

2. I first met Moira in mid-2018. She reached out to me on Facebook, to inquire whether she could assist the Committee in its work. At this time, I was looking for a researcher to join the Committee to research existing and proposed Victorian legislation that impacts the church and faith communities. Shortly after Moira got into contact with me, I made some inquiries with other ministers in the church and the Committee to find out more about her.

Filed on behalf of (name & role of party)	Moira Deeming, Applicant	
Prepared by (name of person/lawyer)	Patrick George, Solicitor	
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[Version 3 form approved 02/05/2019]

*C. Duke*

*[Signature]*

I subsequently had a telephone call with her in which I asked her to tell me a bit about herself and asked about her faith. I also asked her if she was aware of our need for a researcher to work for the Committee. She informed me that she wasn't aware but would be interested in such a position.

3. The Committee formally advertised a position for a researcher about 2 months later and Moira was the successful applicant. She commenced the role (part-time) in January 2019, and left in November 2022, after she was elected to the Victorian Legislative Council.
4. During Moira's time with the Committee, we interacted regularly in a professional capacity, and developed a close friendship over time. When she left the Committee, we stayed in contact via text message and telephone, and regularly saw each other in person.

#### **Moira's Reputation (Prior to 19 March 2023)**

5. Prior to 19 March 2023, within the wider Presbyterian community within which I mixed, Moira had a reputation for being honest, courageous, friendly and caring. She was known within this community as someone who had a good heart and a deep desire to help others and protect them from harm, especially children. She was pleasant and very likable. Those within the church who knew of my working and personal relationship with Moira would regularly ask me about her and express a deep interest in her wellbeing and her work, both before and after her election to Parliament. As a community of faith that believes in prayer, we would regularly pray for her physical, emotional and spiritual wellbeing, and the wellbeing of her family. Throughout her election campaign (and immediately after she was elected) there was broad support within the members of the Presbyterian church community I knew and mixed for her. She was seen as a cornerstone of the Presbyterian community and was seen as a person who embodied its values.
6. When Moira first reached out to me on Facebook in 2018, I spoke to the former convener of the Committee who knew her personally. He said to me that Moira was known for being loyal, dedicated, a person of great integrity, and that her values aligned with those of the church.
7. Within the Committee, Moira was highly thought of while she worked there. She had a reputation for being a diligent, hardworking, compassionate, knowledgeable and capable member of the team who performed to a high standard and was pleasant to work with. She was known for being a good writer, and as being very articulate and well-spoken. She wrote well and was a regular contributor to the Committee's monthly newsletter. She was known for being a great listener and someone who was always looking to improve the quality of her work. Her research was always very extensive and thorough. She was always willing to assist the team in any way she could and was able to encourage and motivate others within the Committee.

8. To my observation and experience, before 19 March 2023, Moira was respected across other faith communities, particularly within the Islamic and Hindu communities in Western Melbourne. Through my observations and discussions with Moira, I understand that she was received well at gatherings in Western Melbourne among these faith communities. I recall seeing on social media that during her campaign for election to the Legislative Council, Moira was invited to speak at a mosque in Western Melbourne. In my experience, it is an honour for a woman (who is not Muslim herself) to be received and to speak at a mosque. Throughout her campaign for election, I observed that she was regularly invited to and attended religious gatherings across Western Melbourne.


### The Publications and the Let Women Speak Rally

9. I have been provided with a copy of Mr Pesutto's statements about Moira which I am informed are being referred to in these proceedings as:

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

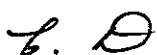
(collectively, the **Publications**)

10. I understand that these Publications were made on 19 and 20 March 2023, following the Let Women Speak rally held on 18 March 2023 outside the Victorian Parliament (**Rally**).

11. On 23 March 2023, I and Peter Phillips (Moderator of the Presbyterian General Assembly) sent an email attaching a letter on behalf of the Presbyterian Church of Victoria, to Mr Pesutto and the Parliamentary Liberal Party (**Letter**). A copy of that email and Letter is annexed to this affidavit and marked "CD-1" 

12. We sent the Letter because we thought Mr Pesutto's proposed expulsion of Moira was excessive and inappropriate. The purpose of the Letter was to show Mr Pesutto and the Leadership Team that Moira had never associated with Nazis, and that during our interactions with Moira we never thought for a second that she had Nazi sympathies. I thought that the accusation that Moira was associating with Nazis through the Rally was ill-conceived and based on misinformation. For example, in the Letter we made note of:

- (a) Mr Pesutto's "*reliance upon questionable sources of information as evidence of Ms Keen's supposed association with right wing extremists, including discredited allegations derived from Wikipedia*"; and





(b) The *“ill-conceived reasoning about Mrs Deeming’s response to the unexpected appearance of neo-Nazis at the Let Women Speak event.”*

13. I never received a reply to the Letter from Mr Pesutto.

#### **Impact of the Publications on Moira**

14. I regularly read the news online, including The Australian, the Herald Sun, and The Age. Since the Publications, I have noticed that articles about Moira have been receiving a large number of negative comments. Many of these comments directly or indirectly accuse her of being a Nazi. I do not recall having ever seen any negative comments directed at Moira in the media before the Publications.
15. Although Moira publicly puts on a brave face and tries to appear like she has not been affected by Mr Pesutto’s accusations about her, when I talk to her I can tell from her demeanour and tone that deep down she is very hurt. As I had observed Moira to be hurt by the Publications, afterwards I would regularly check in with her to see how she was. I would say to her words to the effect of *“are you ok?”* or *“how are you holding up”*. Her responses have been very flat. They were not the bubbly responses I had grown accustomed to hearing from her prior to the Publications.
16. I recall that, in about February 2024, I had a conversation with her in which I asked her how she was, and she said to me words to the effect of *“it’s been terrible, I almost didn’t make it through the day, please pray for me”*. This was disturbing and I was worried about her mental state and wellbeing.
17. I also recall seeing Moira in about February or March 2024 at a book launch for author Shimon Cowen. Moira was an invited guest speaker at the event. During the course of the event, I asked her how she was. She said to me that the accusations against her, which started with the Publications, were taking a heavy toll on her and that she had never experienced this level of stress before. She said that the accusations made about her by Mr Pesutto had deeply offended and hurt her. She also expressed to me that she felt that Mr Pesutto had treated her unfairly by making the unfounded accusations against her.
18. I am extremely concerned about Moira’s mental health. Although she is brave and courageous, we all have our vulnerabilities; attacks on her family and her character have deeply wounded her. The Publications have taken an incredible toll on her. She is not as joyous and happy as she used to be. She appears more anxious and that has given me concerns for her mental health.
19. Very few (if any) people within the Presbyterian community would align themselves with Nazi ideals. They are fundamentally contrary to the tenets of our faith; they are entirely inconsistent and incompatible. A core belief within the church is to love one’s neighbour.

*L.D.*

*[Signature]*

We believe we should receive and accept all people, even those with whom we do not agree. The church also believes that we should treat others as we would like to be treated ourselves. Nazism, which sought to annihilate an entire group of people, is wholly inconsistent with these core values. As a person of faith and conviction, it should be obvious to anyone that Moira does not have sympathies for views that are aligned with Nazism.

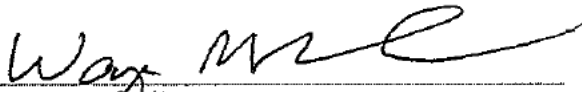
- 20. Over the years, I have got to know a number of state MPs and it is generally accepted that elected Members of Parliament will be scrutinised and criticised. However, the commentary that has been targeted at Moira has been more than mere criticism but extraordinary accusations of aligning with Nazism. I have observed these false accusations to have affected her greatly physically and emotionally and I fear it will be difficult, and perhaps impossible, for her to move on and put this behind her.

Sworn by the deponent  
at Gisborne  
in Victoria  
on 24th May 2024  
Before me:

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Signature of deponent

  
Signature of witness

Name and qualification of witness

WAYNE FRANCIS MCARDLE

An Australian legal practitioner within  
the meaning of the *Legal Profession*  
Uniform Law Act (Victoria) 2014