

Re: Urgent- Fridays Special Meeting

From: Nick Johnston <nick.johnston@opposition.vic.gov.au>
To: Rodrigo Pintos-Lopez <rodrigo.pintos-lopez@opposition.vic.gov.au>, John Pesutto <john.pesutto@parliament.vic.gov.au>
Date: Tue, 09 May 2023 11:28:56 +1000

Thank you for your email. We note your comments but we confirm the notice complies with the requirements under the Constitution.

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From: Rodrigo Pintos-Lopez <Rodrigo.Pintos-Lopez@opposition.vic.gov.au>
Sent: Tuesday, May 9, 2023 11:22:41 AM
To: John Pesutto <John.Pesutto@parliament.vic.gov.au>
Cc: Nick Johnston <Nick.Johnston@opposition.vic.gov.au>
Subject: Re: Urgent- Fridays Special Meeting

Reply:

"Following media reports this morning, which are attributed to unnamed sources, we have conferred with senior counsel who confirm that the notice complies with the requirements under the Constitution."

Regards
Rodrigo Pintos-Lopez

On 9 May 2023, at 11:14 am, John Pesutto <John.Pesutto@parliament.vic.gov.au> wrote:

From: Richard Riordan <Richard.Riordan@parliament.vic.gov.au>
Sent: Tuesday, May 9, 2023 10:51 am
To: John Pesutto <John.Pesutto@parliament.vic.gov.au>; David Southwick <David.Southwick@parliament.vic.gov.au>; Georgie Crozier <Georgie.Crozier@parliament.vic.gov.au>; Matthew Bach <Matthew.Bach@parliament.vic.gov.au>
Cc: Matthew Guy <Matthew.Guy@parliament.vic.gov.au>; James Newbury <James.Newbury@parliament.vic.gov.au>; Wayne Farnham <Wayne.Farnham@parliament.vic.gov.au>; Roma Britnell <Roma.Britnell@parliament.vic.gov.au>; Cindy McLeish <Cindy.McLeish@parliament.vic.gov.au>
Subject: Urgent- Fridays Special Meeting

Dear State Leadership

As the member responsible for the reissuing of the Parliamentary Constitution to all elected members, I write to raise two issues that I think will force the cancellation of this Fridays meeting, or risk a very messy legal dispute.

I draw your attention to **Section 59**.

S59 Notice of motion to expel a member shall specify the reasons for such proposed expulsion and shall be signed by the Leader or Deputy Leader or any five members of the Parliamentary Party.

I note the email notice of a Special Meeting issued to members and Ms Deeming on Saturday May 6th is not constitutional. Unlike the Special Meeting notice issued by the leadership team on March 20th, 2023 This current Special Meeting lacks the two essential components:

- a. A specified reason for the proposed expulsion
- And
- b. The notice of Special Meeting has no signatures.

I have sought some independent legal advice, and as our constitution has only recently been approved by the party room, and in always accounts for electronic transmission, our Party room has stood fast with the requirement that a motion of this gravity must still be signed by its proposers. I also note that the previous motion to expel, covered off both these elements and was compliant with the Constitution. It would seem that the leadership has already agreed with the elements necessary to issue a valid expulsion motion.

The current notice of expulsion is therefore invalid. The constitution is quite clear and the five proponents must reissue a compliant notice of expulsion with the requisite 5 clear days' notice. Therefore this Fridays meeting should be cancelled as there is no valid motion to debate.

Regards
Richard



Richard Riordan
MEMBER FOR POLWARTH
Shadow Minister for Housing
Shadow Minister for Public Transport

115A Bromfield Street, Colac VIC 3250
 (03) 5231 5046
 richard.riordan@parliament.vic.gov.au



Richard Riordan MP

State Member for Polwarth

