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'Grab the popcorn': Vic Liberal civil war goes prime time

In one sense, ousted Liberal MP Moira Deeming's defamation action against leader John Pesutto is about free speech. But is also a battle over the future of the party in Victoria and threatens to engulf Peter Dutton's federal opposition.



John Pesutto will be the focus of a 3-week defamation trial which starts Monday. **Simon Schluter**

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Victorian Liberal leader John Pesutto is not on trial next week per se, but he may as well be.

A three-week defamation trial against the state Opposition Leaders kicks off on Monday which will hear from both Pesutto supporters and critics, and Pesutto himself.

It's a messy public airing of internal grievances which has split the Liberal Party. It will test whether he can survive to the next election and threatens to engulf Peter Dutton at the national level.

The "trial of the century", as Premier Jacinta Allan opportunistically calls it, comes just as her position as the state's preferred premier sinks.

The ugly protests in Melbourne this week against the government-backed Land Forces expo [<https://www.afr.com/politics/pm-scolds-anti-war-protesters-attacking-police-20240911-p5k9ls>], further damages her standing and keeps alive the question of whether she can survive following the CFMEU scandal [<https://www.afr.com/politics/federal/why-jacinta-allan-is-so-exposed-by-the-cfmeu-scandal-20240716-p5ju2w>].



Victorian Premier Jacinta Allan is sliding in the polls. **AAP**

Much like the defamation trials involving Amber Heard and Johnny Depp, or brought by war veteran Ben Roberts-Smith, media lawyers say the case will be as much a trial of character as about the finer legal arguments.

Failing an 11th-hour deal between the parties – which appeared unlikely late on Friday – the hearing will go ahead from 10.15am on Monday. It will be live-streamed.

Plaintiff and expelled Liberal MP Moira Deeming is set to be the first witness, with Pesutto to follow.

Public views of the Federal Court's YouTube channel watching Bruce Lehrmann sue Network Ten and journalist Lisa Wilkinson for defamation over her interview with Brittany Higgins, peaked at more than 124,000 viewers in December last year.

High-profile barristers Matt Collins, KC, who acted for Ten and actor Rebel Wilson in her defamation case, and Sue Chrysanthou, SC, who acted for

Wilkinson and former MP Christian Porter in his defamation case, will again be facing off.

"Its a proxy for the battle between moderates and conservatives over the future of the Liberals," one Liberal insider tells *AFR Weekend*.

"Grab the popcorn, it will be like the latest Netflix series. The federal Liberals are freaking out and desperately trying to see if it can still settle. Tony Abbott has intervened. There's already bad blood because Peter [Dutton] blames John [Pesutto] for his resistance to nuclear and the loss of Aston."

Bad blood

The federal Coalition lost the seat of Aston in Melbourne's outer east last year in a byelection following the Deeming saga.

The case is fundamentally a legal action brought by Deeming, alleging she was defamed by Pesutto following her appearance at an anti-trans rights rally, [<https://www.afr.com/politics/liberal-mp-s-position-untenable-after-nazi-rally-20230320-p5cthw>] which led to her being ousted from the party.

Deeming claims that Neo-Nazis gate-crashed the rally held on Saturday, March 18 last year, and that she was summoned to a meeting with the leadership team the next day, where she was allegedly ambushed, attacked and bullied.



Moira Deeming was expelled from the Victorian Liberal Party in June. **Joe Armao**

Pesutto, who won back the inner Melbourne seat of Hawthorn in 2022 and secured the Liberal leadership by one vote [<https://www.afr.com/politics/john-pesutto-wins-liberal-leadership-in-victoria-by-one-vote-20221208-p5c4ot>], issued a press release later that day – and the next day held a press conference and conducted a number of interviews – flagging a motion to expel Deeming from the party. Her lawyers say that imputed she supported white supremacists and Neo-Nazis.

But a party room revolt on the following Monday forced Pesutto to back down and agree to a nine-month suspension instead. The fragile peace broke down when Deeming threatened the lawsuit, and in May, Pesutto won the vote to have her expelled.

At a deeper level, the case is a battle over the right to free speech, which has split the state Liberal Party along conservative and moderate lines.

Pesutto has been working hard to bring the Liberals out of the wilderness by making the party more progressive in a state where Labor has ruled for

21 of the past 25 years. In March, the party passed Labor in the polls for the first time, and maintains a 10-point lead; Pesutto is just one point shy of Allan as preferred premier, Resolve Strategic polling shows.

Former state Liberal premiers Jeff Kennett, Ted Baillieu and Denis Napthine have donated to fund Pesutto's battle against a claim which could be worth more than \$2 million.

Treachery

"I learnt in my military training you salute the uniform, you don't always necessarily relate to the person wearing the uniform, but leadership is terribly important, and unity and discipline in any team delivers positive outcomes," Kennett says.

Liberal MPs Richard Riordan and Kim Wells are among those who have supported Deeming's cause and may be called to provide evidence. Pesutto's team, including David Southwick, Georgie Crozier and Matt Bach are also expected to be cross-examined.



Victorian Opposition Leader John Pesutto. **Simon Schluter**

“I am aware that there are a number of people in the party who have issued affidavits fundamentally in support of Moira Deeming,” Kennett says.

“I’m very pleased this case is going ahead so the public and the party can identify who those people are; who have been disloyal, and perhaps even

treacherous.

“In my opinion, they will be dealt with in due course when pre-selections are called for the next election. Where they are shadow ministers, they should immediately resign their portfolio.”

Kennett is scathing of the Liberal MPs who are or have supported Deeming, and singled out federal Victorian senator Sarah Henderson.

“I was the one who signed Sarah [Henderson’s] nomination because her mother was my housing minister, and I have known Sarah all her life.

“She never told me she [was helping the case] against John, and I think that is treacherous and treacherous that she hasn’t supported the leader and got involved in what is clearly a state matter.”

Henderson did not respond for comment.

Pesutto settled defamation actions brought by two other women who joined the rally on the steps of state parliament last year.

Insiders say that despite repeated attempts to try to settle the Deeming case, the now independent state MP is determined to have her day in court.

“I’ve done everything I can and exhausted all reasonable efforts to try and settle the matter, it will go to trial, and it will start on Monday,” Pesutto said this week.

Deeming declined to comment.

Kennett says when he tried to contact Deeming, her message back was: “Why should I meet with that old man?”

“The stupidity of this and all of those involved ... right now, the opinion polls have John and his team slightly ahead of the government – not necessarily because of anything we have done, but because the government is quickly losing favour,” he says.

"Imagine how good we would be if all the Liberal Party were focused on what they were elected to do."

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