

## **Faruqi, Mehreen (Senator)**

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**From:** Nour Haydar <[REDACTED]>  
**Sent:** Wednesday, 3 May 2023 12:21 AM  
**To:** Thomas, Hannah (Sen M. Faruqi)  
**Subject:** Re: Strictly Confidential- Federal Court Action

Hi Hannah,  
Thanks for resending, I am happy to adhere to these conditions.  
N

Nour Haydar  
ABC News - Political Reporter  
[REDACTED]

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**From:** Thomas, Hannah (Sen M. Faruqi) <[REDACTED]>  
**Sent:** Tuesday, May 2, 2023 9:55:41 PM  
**To:** Nour Haydar <[REDACTED]>  
**Subject:** Fw: Strictly Confidential- Federal Court Action

Hi Nour

Just resending the below email as I've just seen your text- let me know if you're happy with the conditions and I will send the info to you.

Cheers  
Hannah

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**From:** Thomas, Hannah (Sen M. Faruqi)  
**Sent:** 02 May 2023 15:43  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** Strictly Confidential- Federal Court Action

Dear Nour

Further to your call with Senator Faruqi, I wanted to give you a heads-up on Federal court action that Senator Faruqi will be commencing against Senator Pauline Hanson under the Racial Discrimination Act 1975 tomorrow. We are giving a very small number of journalists a copy of the filed originating application and exclusive comments ahead of tomorrow.

Please note this is strictly embargoed until we indicate that the application has been filed and served. We anticipate this happening Wednesday afternoon. Further conditions are that the legal filing is confidential and cannot be shared, and Senator Hanson cannot be contacted for comment before she is served with the application and after your story has been filed.

Let us know by return email if you are ok with these conditions. I will then send you a copy of the embargoed the legal filing and exclusive comments.

Kind regards  
Hannah

**Hannah Thomas** | Senior Policy & Media Adviser

**E** [REDACTED] **T** [REDACTED] **Pronouns** she/her

**Office of Dr Mehreen Faruqi | Deputy Leader of the Australian Greens | Greens Senator for NSW**

72 Campbell St Surry Hills NSW 2010

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

Senator Faruqi's electorate office is on the land of the Gadigal people of the Eora nation. We acknowledge the traditional custodians of the lands on which we meet and work, and recognise that sovereignty was never ceded.

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## **Faruqi, Mehreen (Senator)**

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**From:** Thomas, Hannah (Sen M. Faruqi)  
**Sent:** Wednesday, 3 May 2023 6:46 AM  
**To:** [REDACTED]  
**Subject:** Documents- Strictly Confidential- Federal Court Action  
**Attachments:** Genuine Steps Statement(4116138.1).pdf; (Signed) Faruqi Originating Application under AHRC Act 1986.pdf; 18C - Exclusive Comments from MF.pdf

Hi Nour

Thanks for confirming. Just reiterating that we will give you the go-ahead to publish tomorrow upon service.

Attached are the court application, genuine steps statement and quotes from Mehreen.

This is a progression of the story on the [“piss off back to Pakistan” tweet](#). As you may recall, Senator Faruqi asked the Senate to [censure Senator Hanson](#) (which they didn't) and then lodged a complaint with the Australian Human Rights Commission (AHRC). Senator Hanson refused to participate in the AHRC conciliation process, and the complaint was terminated by the AHRC on March 8 on the basis that a delegate of the President was satisfied that there was no reasonable prospect of the matter being settled by conciliation.

Senator Faruqi is now exercising her rights under the AHRC Act and seeking a declaration that Senator Hanson's tweet constituted unlawful conduct under section 18C of the Act. She is further seeking remedy, including that Senator Hanson:

- be restricted from publicly using the phrases “piss off back to Pakistan,” “go back to where you came from” (or any variations of those phrases);
- remove the unlawful tweet and pin a new tweet to her Twitter account which states that she has been found to have committed unlawful offensive behaviour against Senator Faruqi because of race;
- make a financial contribution of \$150,000 to a non for profit or community organisation chosen by Senator Faruqi; and
- undertake anti-racism training.

Cheers  
Hannah

**Hannah Thomas** | Senior Policy & Media Adviser  
E [REDACTED] T [REDACTED] **Pronouns** she/her

**Office of Dr Mehreen Faruqi | Deputy Leader of the Australian Greens | Greens Senator for NSW**  
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## Applicant's genuine steps statement

No. \_\_\_\_\_ of 20\_\_\_\_

Federal Court of Australia

District Registry: NSW

Division: General

### **Mehreen Faruqi**

Applicant

### **Pauline Hanson**

Respondent

This genuine steps statement is required by section 6 of the *Civil Dispute Resolution Act 2011*.

### **Steps taken to try to resolve the issues in dispute**

The following steps have been taken to try to resolve the issues in dispute between the applicant and the respondent in the proceeding:

- 1 On 27 September 2022 the Applicant made a complaint to the Australian Human Rights Commission (**AHRC**) in an attempt to engage the Respondent on the issues in dispute in these proceedings.
- 2 The Respondent declined to participate in the AHRC process.
- 3 As a result of the Respondent's lack of engagement, on 8 March 2023, the AHRC complaint was terminated pursuant to section 46PH(1B)(b) of the *Australian Human Rights Commission Act 1986* on the basis that a delegate of the President was satisfied that there was no reasonable prospect of the matter being settled by conciliation.

Date: 3 May 2023

.....  
Signed by Michael Bradley  
Lawyer for the Applicant

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Filed on behalf of (name & role of party) Mehreen Faruqi, the Applicant  
Prepared by (name of person/lawyer) Michael Bradley  
Law firm (if applicable) Marque Lawyers  
Tel (02) 8216 3000 Fax (02) 8216 3001  
Email [michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au); [laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)  
**Address for service** Level 4, 343 George Street  
(include state and postcode) Sydney NSW 2000



## Details of claim under the Australian Human Rights Commission Act 1986

The Applicant claims that:

1. On 9 September 2022 at 4.05pm (AEST), in response to a tweet published by the Applicant on 9 September 2022 at 11:51am (AEST), the Respondent published the following tweet:
 

*Your attitude appalls [sic] and disgusts me. When you immigrated to Australia you took every advantage of this country. You took citizenship, bought multiple homes, and a job in a parliament. It's clear you're not happy, so pack your bags and piss off back to Pakistan. -PH<sup>1</sup>*
2. As at the date of this originating motion, the tweet remains available at <https://twitter.com/PAULINEHANSONOZ/STATUS/1568118251640750083>.
3. The publication of the words 'pack your bags and piss off back to Pakistan' constitutes unlawful conduct under section 18C of the *Racial Discrimination Act 1975*, in that:
  - a. the publication of the tweet is the impugned act;
  - b. the act was done in public;
  - c. the act was reasonably likely in all the circumstances to offend, insult, humiliate or intimidate a person or a group of people;
  - d. the act did offend, insult, humiliate and intimidate the Applicant and other people who share attributes with the applicant (the group of people); and
  - e. the act was done because of the race, colour or national or ethnic origin of the Applicant and some of the people in the group.
4. On 27 September 2022, the Applicant made a complaint to the Australian Human Rights Commission (**AHRC**) in an attempt to engage the Respondent on the matter.
5. The Respondent declined to participate in the AHRC process.
6. As a result of the Respondent's lack of engagement, on 8 March 2023, the AHRC complaint was terminated pursuant to section 46PH(1B)(b) of the *Australian Human Rights Commission Act 1986* on the basis that a delegate of the President was satisfied that there was no reasonable prospect of the matter being settled by conciliation.

## Legislation

The Applicant claims that the conduct complained of is unlawful under section 18C of the *Racial Discrimination Act 1975*.

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<sup>1</sup> <https://twitter.com/PAULINEHANSONOZ/STATUS/1568118251640750083>

## Remedy sought

The Applicant asks the Court for orders:

- a. declaring that the Respondent has committed unlawful offensive behaviour and directing the Respondent not to repeat or continue such unlawful offensive behaviour;
- b. that the Respondent be restrained from using in public fora the phrases 'piss off back to Pakistan', 'go back where you came from' or any variation thereof;
- c. requiring the Respondent to take down her tweet of 4.05pm on 9 September 2022 posted under the Twitter handle @PaulineHansonOz;
- d. requiring the Respondent to 'pin' a tweet to her Twitter account with the Twitter handle @PaulineHansonOz for a period of 3 months, stating that she has been found by the Court to have committed unlawful offensive behaviour because of race, colour, or national or ethnic origin against the Applicant;
- e. requiring the Respondent to pay a financial contribution in the amount of \$150,000 to an appropriate, not for profit or community organisation of the Applicant's choosing;
- f. requiring the Respondent to undertake anti-racism training at her own expense;
- g. costs.

## Accompanying documents

This application is accompanied by:

1. A copy of the Applicant's original complaint to the Australian Human Rights Commission, dated 27 September 2022; and
2. The notice of termination of complaint given by a delegate of the President of the Australian Human Rights Commission, dated 8 March 2023.

## Applicant's details

The Applicant's relationship to the Respondent is colleague, in that they are both Senators in the Parliament of Australia.

The Applicant is over 18 years of age.

## Applicant's address

The Applicant's address for service is:

Place: Level 4, 343 George Street, Sydney NSW 2000

Email: [michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au); [laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)

The Applicant's address is 72 Campbell Street, Surry Hills NSW 2010.

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: 3 May 2023

A handwritten signature in black ink, appearing to be 'MB', with a long horizontal flourish extending to the right.

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Signed by Michael Bradley

Lawyer for the Applicant

### **Exclusive comments from Senator Faruqi:**

“Senator Hanson has hurt migrant communities of colour for too long with her damaging and hurtful brand of hate that is intended to vilify, silence and humiliate. This court action is about holding her accountable and using the Racial Discrimination Act to prevent her from engaging in bigoted conduct that hurts people in the future.

“I have taken on bullies my whole life and I am of the firm belief that if you have the power to make positive change, you should use it for the benefit of the community.

“I am determined to take action. Doing nothing or staying silent is not an option because people who have faced the sear of racism want to see discrimination called out, held to account and eradicated.

“Like many migrants and people of colour in this country, I've been told to ‘go back to where I come from’ hundreds of times and it never gets easier. Being told to go back to where we come from is the ultimate racist dog whistle because it tries to rob you of your belonging to the place you call home and paints you as ‘un-Australian.’

“I’m drawing a line in the sand and saying enough is enough. Doing nothing will just keep hate afloat. Senator Hanson cannot keep insulting and humiliating us without any serious consequences.

“Senator Hanson telling me to ... ‘piss off back to Pakistan’ was insulting and humiliating enough, but it also unleashed a frenzy of hate and abuse targeted at me for days. The pain, in fact, is like putting salt on the open wounds of racism I already carry from past attacks.

“This isn’t just about me. Many migrants felt triggered after seeing Senator Hanson’s tweet.

“‘Go back to where you came from’ is a racial slur most of us have endured. It never gets easier to deal with racist attacks. It hurts every time. It questions my belonging to a place which has been home to me for 31 years and shakes my sense of worth. It is insulting and it is humiliating but then that is exactly what it is intended to be.

“Racism takes an immense toll on our mental and physical health and that of our loved ones around us.”

## General Media Release

### Senator Faruqi to Take Senator Pauline Hanson to Court over Racist Tweet

Greens Deputy Leader Senator Mehreen Faruqi has commenced proceedings in the Federal Court against Pauline Hanson under the Racial Discrimination Act 1975 (Cth). Senator Hanson has been served filed court documents by Senator Faruqi's lawyers indicating that Senator Faruqi is exercising her rights under the AHRC Act and seeks a declaration that Senator Hanson's tweet constituted unlawful conduct under section 18C of the Racial Discrimination Act . She is seeking additional remedies, including that Senator Hanson:

- be restricted from publicly using the phrases "piss off back to Pakistan," "go back to where you came from" (or any variations of those phrases);
- remove the unlawful tweet and pin a new tweet to her Twitter account which states that she has been found to have committed unlawful offensive behaviour against Senator Faruqi because of race;
- make a financial contribution of \$150,000 to a non for profit or community organisation chosen by Senator Faruqi; and
- undertake anti-racism training.

On 9 September 2022, Senator Hanson tweeted that Senator Faruqi should "piss off back to Pakistan". Subsequently, Senator Faruqi lodged a complaint with the Australian Human Rights Commission (AHRC). Senator Hanson refused to participate in the AHRC conciliation process, with the complaint terminated by the AHRC on March 8 2023 on the basis that there was no reasonable prospect of the matter being settled by conciliation. Senator Faruqi is now exercising her right to take the dispute to the Federal Court.

Senator Faruqi will hold a press conference...

[ADD HERE]

Senator Faruqi said:

"I have taken on bullies my whole life and I am of the firm belief that if you have the power to make positive change, you should use it for the benefit of the community. When I entered the Senate, I reaffirmed my commitment to stamping out racism and so I have no choice but to set an example by taking on Senator Hanson. I refuse to let Senator Hanson get away with racist bullying and harassment.

People who have faced the sear of racism want to see discrimination called out, held to account and eradicated. Doing nothing or staying silent is not an option. It will just keep hate afloat.

Senator Hanson crossed a line when she tweeted those hateful comments and I am hoping the Federal Court puts an end to this pattern of bigotry. Not just for me, but for the almost 30% of Australians born overseas, and their next generations.

I shouldn't have to take the personal risk and trauma of taking Senator Hanson to court. Senator Hanson had the opportunity to apologise but she double downed and then ignored conciliation attempts from the Australian Human Rights Commission. The Parliament has refused to censure her for her conduct, something that would be unthinkable in any other workplace. I have no choice but to exercise my legal rights. But I am conscious that not everyone who experiences racism has the same privilege, so I have no choice.

Senator Hanson has used her decades in the spotlight and immense public platform to spew vicious hate towards people of colour. She has caused incalculable harm and gotten away with it for far too long. It's time that she was held accountable.