

NOTICE OF FILING

Details of Filing

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File Title:	ALEXANDER GREENWICH v MARK WILLIAM LATHAM
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Sia Lagos". The signature is fluid and cursive, with the first letters of "Sia" and "Lagos" being capitalized and prominent.

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

No. NSD475 of 2023

Federal Court of Australia

District Registry: Sydney, NSW

Division: Other Federal Jurisdiction – Defamation

Alexander Greenwich

Applicant

Mark Latham

Respondent

Affidavit of: **The Hon. Gregory Michael Piper MP**

Address: [REDACTED]

Occupation: Politician

Date: 22 February 2024

I Gregory Piper of [REDACTED], politician, affirm:

1. The matters set out in this affidavit are based on my own knowledge, except where I have stated or qualified otherwise. Where I have set out recollections of conversations, I have included the effect of words spoken as I recall them. All information contained in this affidavit is true to the best of my knowledge.
2. I am the member for Lake Macquarie in the NSW Legislative Assembly and a parliamentary colleague of both the Applicant and Respondent in these proceedings.
3. I am an independent politician and was first elected to the NSW Parliament in 2007.

Filed on behalf of (name & role of party) Alexander Greenwich, Plaintiff
 Prepared by (name of person/lawyer) Nicholas Stewart, Partner
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 (include state and postcode)

My relationship with Alex Greenwich

4. I first met Alex Greenwich, the Applicant in this proceeding, in about 2012, just prior to the Sydney by-election. The by-election was triggered upon the compulsory retirement of Clover Moore, who previously held the seat of Sydney, as an independent. I recall meeting Alex in the NSW Parliament and being introduced by Ms Moore.
5. I remember during that first conversation I had with Alex, I learned that he was a co-chair of Marriage Equality Australia. Alex told me about the work he was doing in that role, including meeting with various federal members of parliament, and campaigning in the community to increase support for same sex marriage. Right away, I got the impression that Alex was a courageous person, someone who was fearless in advocating for a significant but often marginalised minority group, the LGBTIQA + community.
6. I have family members who are members of the LGBTIQA + community and I felt, at the time, and I still feel this way, that Alex is a person of good character who has given up countless hours advocating for his community, and those in my family who identify with that community.
7. Alex told me that he was running as an independent, in place of Ms Moore, and I believed he and I were like-minded. From that time, our relationship became one of professional and supportive parliamentary colleagues, and friends.
8. Alex and I have become close colleagues and find ourselves aligned in most policy areas; perhaps not everything, but more aligned than not. We support each other in areas of common interest. Alex supports a broad array of social issues as do I, including, for example, environmental matters and social justice issues including the decriminalisation of abortion and voluntary assisted dying in NSW. Alex pushes the envelope more than me on certain social justice causes. He does this fearlessly and I admire him for it.
9. I would say that for the most part, we have supported each other in our parliamentary work. I have also got to know Alex on a personal level, having spent time with him and his husband Victor, in a social capacity, on many occasions.



Handwritten signature of Clover Moore in blue ink.

Alex's legislative causes in the NSW Parliament

10. Since his election to Parliament Alex has taken up a broad range of causes. He is a strong advocate for the people of his electorate and demonstrates sound understanding of many topics. He is particularly well-versed in, and a courageous advocate for, the LGBTIQ+ community. He spends a lot of his time in parliament advocating for equality, including through amendments to laws that negatively impact the LGBTIQ+ community. But that is not his only area of expertise. As a member of NSW Parliament Alex has both introduced and supported legislation which has demonstrated that he is passionate about the rights of homeless people to have safe accommodation, cares about women who choose to seek abortions; and that he wants people with terminal illnesses to be able to decide how and when they die, with dignity.
11. In my view, Alex is also one of the most consequential non-government legislators in NSW. Most legislation is introduced through the Government of the day, but as an independent Alex has successfully introduced many of his own bills on major, important issues, which says a lot about his ability to work across the political divide. Alex wouldn't have had success if he didn't have respect across the chamber.

My relationship with Mark Latham

12. I believe I first met the respondent, Mark Latham, in 2019, when he was elected as a member of the NSW Legislative Council. In his first week in parliament, I recall that I went down to Mr Latham's office on the southern end of level 11, and knocked on his office door to congratulate him, and wish him well. He accepted these well-wishes but we have had little to do with each other since. It is not uncommon for members of the respective Houses of Parliament to have little interaction.

Mark Latham's Tweet

13. I recall that on or about 30 March 2023, my chief of staff, Jason Gordon, told me of a Tweet that was published by Mr Latham earlier that day. I remember, around the same time, I also started seeing news articles reporting on the Tweet. When I saw the Tweet sometime later that day, I could immediately tell it was aimed at Alex, because it made reference to assumed homosexual acts and responded to another Twitter user's post about Alex's comment about Mr Latham. Annexed to this affidavit and marked **GP-1** is a copy of the Tweet I saw on about 30 March 2023. Annexed and marked **GP-2** is a copy of one of the articles I saw online on about 30 March 2023.
14. My immediate reaction was shock. I could not believe I was reading such a graphic post on a politician's account. Based on the robust nature of Mr Latham's political career, I was not particularly surprised that Mr Latham would respond to a public criticism by Alex



Greenwich because, in my experience of Mr Latham, has a history of robust political rhetoric; but I was shocked by the graphic nature of the Tweet.

15. I was offended by the Tweet. It made me feel uncomfortable, and I was upset for Alex and all members of the gay community. I felt disappointed for Alex, members of the LGBTIQ+ community generally, but also for friends and family who I know have had struggles in life due to their sexuality. I believe the Tweet speaks for itself – it is ugly, graphic and targeted. The depiction of an assumed sexual act was unnecessary and in my view salacious. I recall feeling extremely disappointed that gay men were being vilified in a way that I had hoped society had moved on from.
16. I have been in parliament for a significant time, and I had never really seen anything like this Tweet before. In my experience, it was on another level in the sense that Mr Latham's Tweet was so out of place for someone who is a public figure. In my experience, it was reminiscent of the kind of vitriol one might hear in a locker room or school yard 30 or 40 years ago. But for a sitting politician to publish it online, was truly shocking. The use of profanities in parliament is not common, but does occur on occasion. In this case, however, the Tweet was not of the political kind; it was personal.


The effect of the Tweet and subsequent Latham publications on Alex

17. In my experience, Alex is ordinarily a person who is on the front lines of public debate and often around divisive issues, and he has had people oppose him on many fronts. He is courageous and no stranger to political conflict.
18. I recall feeling concerned for Alex when I first saw the Tweet, and I called him to check in right away. It seemed to me, by the tone of his voice, that Alex was rattled. He even admitted to being upset, saying words to the effect of "*Greg, I am so upset about this.*" Alex did not come across with the usual confidence and positivity that I see as being his usual demeanour. He was, at the time, away, taking a break, which I understood to be a response to his distress. Alex seemed very distressed.
19. Since the Tweet I recall seeing various posts and news reports about Mr Latham's responses to the criticism that followed. I also recall reports of Mr Latham speaking with Chris Smith on a radio show. Following the Tweet, Alex became more sensitive to external pressure. His general demeanour following the Tweet changed to a more flattened mood. I have spoken to Alex at length about these issues and I am concerned about his emotional health.
20. Mr Latham's publications left a mark on Alex in a way that I have not observed from any other criticisms or attacks on Alex during his time in Parliament.



Affirmed by the deponent
at Toronto
in NSW
on 22 February 2024
Before me:

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Signature of deponent

Signature of witness

Roisin Mary-Anne Moir
Legal Practitioner

Annexure certificate

Federal Court of Australia
District Registry: New South Wales
Division: General

No. NSD 475 of 2023

Alexander Hart Greenwich

Applicant

Mark William Latham

Respondent

This is the exhibit marked "GP-1" now produced and shown to Gregory Piper at the time of swearing his affidavit on 22 February 2024 before me:



Solicitor

Susan Metcalfe • @susana... • 22/3/2023

"Mark Latham is a disgusting human being and people who are considering voting for One Nation need to realise they are voting for an extremely hateful and dangerous individual who risks causing a great deal of damage to our state" - Alex Greenwich



smh.com.au

Video shows LGBTQ protesters pleading for help outside Mark Latham event

23

3

11

4,277



Real Mark Latham
@RealMarkLatham

Disgusting?

How does that compare with sticking your dick up a bloke's arse and covering it with shit?

10:13 am • 30/3/2023 • 6,171 Views

Shirley

7

Annexure certificate

Federal Court of Australia
District Registry: New South Wales
Division: General

No. NSD 475 of 2023

Alexander Hart Greenwich

Applicant

Mark William Latham

Respondent

This is the exhibit marked "GP-2" now produced and shown to Gregory Piper at the time of swearing his affidavit on 22 February 2024 before me:



Solicitor

Politics NSW NSW Votes

This was published 10 months ago

'Disgusting': Pauline Hanson slams Latham's homophobic comments



Alexandra Smith

March 30, 2023 – 5.43pm

One Nation leader Pauline Hanson has condemned homophobic comments made by her NSW party leader Mark Latham, describing them as disgusting and demanding he apologise to voters.

Latham on Thursday morning tweeted a highly graphic and offensive comment aimed at Sydney independent MP Alex Greenwich, who is gay. *The Herald* and *The Age* have chosen not to publish the words contained in the tweet.

In a video message posted to Facebook late on Thursday, a visibly angry Hanson said she had tried to call and text Latham "to no avail".

"I want you to know that I don't condone them [the comments] and neither do my members of parliament or party associates," Hanson told her supporters.

"I think they are disgusting ... and I have clearly sent a text message to him telling him my views and also I've asked for him to give the people an apology."

The former federal Labor leader made the comments in response to a *Herald* and *Age* article in which Greenwich called Latham "a disgusting human being". The article was about LGBTQI protesters who were targeted outside a candidates' forum which Latham addressed during the election campaign.

Latham deleted his tweet several hours later but his comments have drawn widespread condemnation.

The leader of the government in the upper house Penny Sharpe said she was sickened by the homophobic comments.

Sharpe, the most senior Labor MP in the upper house, said LGBTQI people "see and hear these words. They have a terrible impact."

"I was physically sickened by that tweet," Sharpe said.

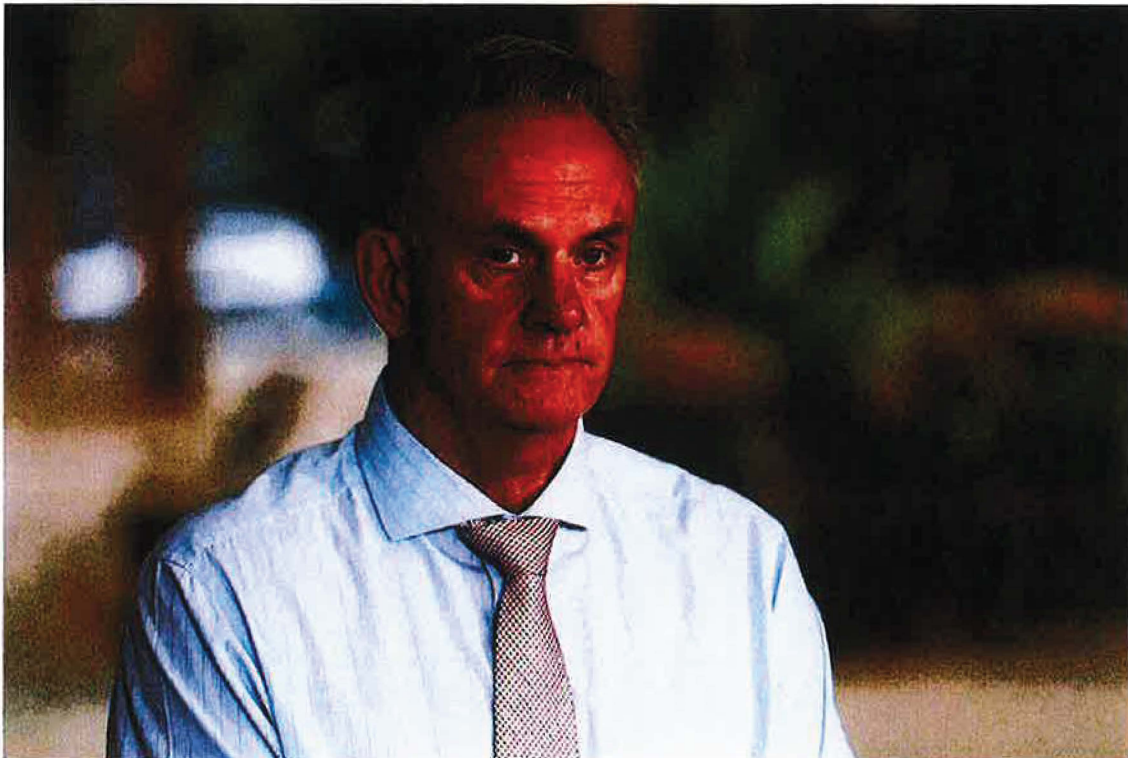
Sharpe *Green*

“Homophobia is always unacceptable and there is never an excuse. Mr Latham should apologise to Alex Greenwich immediately.”

Latham will be re-elected to the upper house after he resigned his spot to lead the One Nation ticket. However, the party will not get a second seat, as it had hoped.

Labor-turned-One Nation candidate Tania Mihailuk will fill the casual vacancy created by Latham’s resignation, which will see the party with three MPs in the upper house.

Latham was contacted for comment.



The tweets from One Nation NSW leader Mark Latham have drawn wide condemnation. DOMINIC LORRIMER

Greens Newtown MP Jenny Leong said “being an elected representative doesn’t give anyone a free pass to incite hatred.”

“The hate-filled homophobic bile spewed out by the former federal Labor leader, turned One Nation MP, demonstrates clearly why no political party, nor independent, in the NSW parliament should work with this man,” Leong said.

“The Greens reject homophobia in all its forms and are committed to working with all elected members of parliament across the political spectrum who show respect for equality and recognise that we all collectively play a role in stamping out discrimination in our communities – One Nation clearly doesn’t meet this baseline.”

Greenwich said he did not “intend to engage with the matter further” but Latham’s comments further motivated him to fight for LGBTQ equality.

“My focus in the next parliament will be working with the majority of members who support

*Rise
Power*

the LGBTQ community to progress important reforms, remove discrimination, and make it clear these views belong in the past," Greenwich said.

President of Anti-Discrimination NSW Helen McKenzie said society looked to its elected officials to show leadership.

"The behaviour of all public officials should be nothing short of exemplary. The public has the right to expect the highest standards from our parliamentarians," she said.

"Homosexual vilification is against the law in NSW and is defined as a public act that could incite hatred, serious contempt or severe ridicule towards people who are homosexual. Public acts include communications that can be seen by the public, such as online."

The Morning Edition newsletter is our guide to the day's most important and interesting stories, analysis and insights. [Sign up here.](#)



Alexandra Smith is the State Political Editor of The Sydney Morning Herald. Connect via [Twitter](#) or [email](#).

A handwritten signature in blue ink, appearing to read 'S. Piper' or similar, with a second line of text below it that is partially obscured.