

NOTICE OF FILING

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Registry:	NEW SOUTH WALES 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

No. NSD372 of 2023

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

MEHREEN FARUQI

Applicant

PAULINE HANSON

Respondent

Affidavit of: **Muhammad Yunus Moolla**

Address:

Occupation: Manager

Date: 3 October 2023

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I, Muhammad Yunus Moolla, Manager, of [REDACTED] affirm:

- I am not a party to this proceeding.
- I am a witness on behalf of the Applicant, Senator Mehreen Faruqi, in these proceedings.

Filed on behalf of (name & role of party) Mehreen Faruqi, Applicant

Prepared by (name of person/lawyer) Michael Bradley

Law firm (if applicable) Marque Lawyers

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[Version 3 form approved 02/05/2019]

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Muhammad Moolla

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Andrea Farnugia

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3. Unless otherwise indicated, I make this affidavit on my own knowledge, information and belief. Where I depose to matters on information and belief, I believe those matters to be true.

Personal background


4. On 21 August 1984, I was born in Cape Town in South Africa.
5. I identify as being of African origin because I was born in South Africa. I also identify as being Indian because I am fourth generation South African, and I am aware that my relatives migrated to South Africa from India.
6. I am Muslim, although I consider myself to be non-religious and I am not a practising Muslim.
7. I lived in South Africa between 1984 and 2017. Whilst living in South Africa, I experienced and lived under Apartheid.
8. In 2017, I migrated to Australia with my wife. I have lived in Australia since 2017 and I am an Australian citizen.
9. In July 2023, I completed a teaching and assessment course at Gordon TAFE in Geelong.
10. My wife and I have a son who was born in Australia in August 2023.

Court proceedings

11. I am aware that on 9 September 2022, Senator Pauline Hanson published a tweet to her public Twitter profile '@paulinehansonoz' which said "*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*". A screenshot of this tweet is annexed to this affidavit at **page 8 and marked "MYM-1"**.
12. I do not recall exactly how I became aware of Senator Hanson's tweet. I believe it is likely that I saw it on Twitter on or about 9 September 2022. I have based this belief on the fact that I have a personal Twitter account that I regularly use and I was following Senator Hanson's Twitter account when the tweet was published.
13. At paragraphs 19 and 20 of this affidavit, I have outlined my reaction and experiences after reading Senator Hanson's tweet.
14. At some point this year (although I cannot recall the exact date), I became aware that Senator Faruqi had commenced these court proceedings against Senator Hanson. I do not recall specifically how I became aware of this, although I believe it is likely that I saw a post on either Senator Faruqi's public Twitter account or Senator Faruqi's public Facebook page. I have based this belief on the fact that I follow Senator Faruqi on Facebook and Twitter and I regularly see posts that she publishes on these accounts on my newsfeeds.
15. On 20 June 2023, I became aware that Senator Faruqi had published a post to her social media accounts inviting people to complete an online survey (**Form**). The link to the Form was contained in the post. I cannot recall exactly how I saw this post, but I believe it is likely that I saw it on either Senator Faruqi's Twitter account or Senator Faruqi's Facebook account. I have based this belief on the fact that, as explained at paragraph 12 above, I follow Senator Faruqi on both platforms.

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16. On 20 June 2023, I completed the Form by responding to each of the questions and then clicking 'Submit'. A copy of my response to the Form is annexed to this affidavit at **page 10 and marked "MYM-2"**.
17. I do not usually fill in surveys but I felt compelled to complete the Form because I have experienced racism while living in Australia, and I have specifically been told to *"go back to where [I] came from"* more than once. As explained at paragraph 20(a) below, reading Senator Hanson's tweet brought up the feelings of trauma that I experienced when these incidents occurred. I wanted to share those feelings with Senator Faruqi and assist her in taking action against Senator Hanson, in circumstances where I was concerned that Senator Hanson's tweet was publicly promoting racism in Australia.
18. The Form asked me to, amongst other things, describe the impact that Senator Hanson's tweet had on me and asked me to describe my experiences with racism in Australia. I have elaborated on my responses to the questions contained in the Form at paragraph 20 below.

Impact of Senator Hanson's tweet

19. When I read Senator Hanson's tweet, I understood it to mean the following.
- (a) That non-white migrants to Australia, including Senator Faruqi are, inferior to, and should be fearful of, 'white' Australians and that they are less deserving of occupying space within Australia because they were not born here.
 - (b) As a non-white migrant to Australia, that my identity as an Australian will always be under threat even though I have become an Australian citizen. When I say that my identity as an Australian is under threat, I mean that, after reading Senator Hanson's tweet, I felt that my "Australian-ness" and my place within Australia will never be whole and could be taken away by Senator Hanson (or any white Australian) at any time if I do not behave in a way that other white Australians expect me to behave. For example, I felt as though I was expected to live up to the expectations set by white Australians of non-white migrants of working hard in Australia and paying taxes without misbehaving, achieving more than white Australians, being seen and heard in public or occupying public spaces.
 - (c) That non-white migrants to Australia will never be entirely welcome in Australia because Senator Hanson was telling Senator Faruqi (and other non-white migrants to Australia) to go back to where they came from.
 - (d) That Senator Hanson intended to cause fear and hatred towards non-white migrants in the broader Australian society.
20. In my response to the Form, I indicated that I felt intimidated and humiliated by Senator Hanson's tweet. The reason I selected these options is because of the following.
- (a) Since living in Australia, I have been told words to the effect of *"go back to where you came from"*, and have been the subject of overt racism on many occasions. Senator Hanson's tweet reminded me of these experiences and brought up trauma and the feelings of fear, humiliation and anger that I associate with being the subject of racist abuse in Australia. I have outlined further examples of my experiences at paragraphs 21 to 26 and 28 below.
 - (b) I felt intimidated by Senator Hanson's tweet because it scares me that Senator Hanson, an Australian Senator, with a significant public profile, would say these words publicly to another

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Australian, let alone another Senator. I believe that if someone like Senator Hanson can hold these views and engage in this kind of conduct, this amplifies and legitimises similar views held by other individuals living in Australia. Not only does this make me scared for me and my own safety, but it also makes me feel scared for:

- (i) the safety of other migrant people living in Australia, particularly women and children who I have seen be the victim of racially motivated incidents; and
 - (ii) the safety of my son, because I am concerned that the normalisation of these views within Australia will mean that his identity as an Australian will be challenged because of what he looks like (even though he was born in Australia).
- (c) I also felt intimidated because I feel like I am unable to fight back against this kind of conduct out of fear that the situation could escalate and that I am at risk of being subjected to physical violence. I also feel as though I cannot fight back because I do not have the resources to take legal action against individuals that use racist language towards me.
- (d) I felt humiliated by Senator Hanson's tweet because I felt a sense of hopelessness arising from the realisation that if Senator Hanson can say these kinds of things without experiencing recourse, I believe there is nothing stopping other individuals from doing so.

Personal experiences

21. Since migrating to Australia in 2017, I estimate that I have on average been the victim of a racially motivated incident at least once every two months. I have observed the following in relation to these incidents.
- (a) These incidents mostly occurred when I was travelling on the bus to or from work or when I attended classes at TAFE.
 - (b) I estimate that in approximately 60% of these incidents, I am told words to the effect of "*go back to where you came from.*"

Incidents I have experienced in public

22. In about April 2023 (I cannot recall the exact date), when I was travelling on the bus to work, the following incident occurred.
- (a) A man who had boarded the bus approached me and repeatedly said words to the effect of "*you are not Aussie, you are not Aussie, you are not Aussie*" to me. The man used an aggressive tone. I cannot recall how many times the man repeated these words, but I recall that he did so enough times to make me feel uncomfortable and scared.
 - (b) After this happened, I recall that a woman who appeared to be of Middle Eastern descent boarded the bus. The man then said to me words to the effect of "*oh she's like you, just go marry her.*"
 - (c) I ignored this man because I was concerned about escalating the situation. I was also concerned that the man might redirect his abuse towards the woman who had boarded the bus, and I wanted to make sure that she was not targeted by him.
23. I am aware that the man referred to in the previous paragraph boards the bus at the bus stop on Thompson Road Geelong near Separation Street. After this incident occurred, when I have

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travelled on that same bus route, I have felt scared when the bus approached this bus stop because I have been worried that this man will board the bus and target me with further racist comments.

24. On other occasions when I have commuted to work on the bus, I recall that words to the following effect have been said to me by people on the bus that I do not know.
- (a) *"You are scamming people. You are a call scammer. Why don't you go do this in your own country? You are scamming the Aussies."* This was said to me on an occasion where I was on a telephone call with a client from my work. I cannot recall when this incident occurred, but it happened at some point after 2021.
 - (b) Variations of *"why can't you speak English?"* or *"why do you speak English so well? What are you doing?"*, which have been said to me on numerous occasions (I cannot recall exactly when).

I have noticed that the frequency of these incidents on the bus has been increasing.

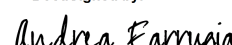
25. There have been instances when I have had to ask the bus driver to contact the police because I feel so intimidated and fearful by other individuals' conduct on the bus. The most recent example I can recall of this occurring was when an individual (that I did not know), who I remember smelt strongly of alcohol, approached me and began screaming words to the effect of *"go back to where you came from"* at me. I cannot recall exactly when this incident took place.
26. On a different occasion (I cannot recall exactly when, but I believe it was only a few months after I arrived in Australia), I recall that my wife and I were waiting at the bus stop near Bondi Beach during a holiday in Sydney. On this occasion, I recall that I was responding to the things my wife was saying with "Ja" which is Afrikaans for "yes" and is also used in English as a slang term for "yes". An elderly woman (that I did not know) approached me and said words to the effect of *"you are not speaking English properly. You need to go back where you came from."* The woman continued to berate me for some time after this, but I cannot recall the exact words that she was using.
27. When the incidents referred to in paragraphs 21 to 26 and 28 above happened, I recall that I felt:
- (a) angry and fearful;
 - (b) like I was doing something wrong;
 - (c) that my identity as an Australian, and my right to exist in Australia as a human being had been taken from me; and
 - (d) the resurfacing of feelings of trauma that I had experienced when I had been the victim of other racially motivated incidents.

Incidents I have experienced at TAFE

28. I recall that words to the following effect have been said in my presence when attending TAFE.
- (a) *"The Indians and the Chinese are starting to own everything,"* which was said to me by a British student in the second class that I ever attended at TAFE in July 2022.

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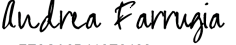
- (b) One example I can recall was during a TAE 40116 Training and Assessment class that I attended when me and other members of my class were looking at a case study which mentioned a Middle Eastern man in a negative situation due to his differing cultural beliefs (I cannot recall the exact case study). I recall that a class member announced to the class without being asked for his input that he (being the man in the case study) "*should just go back to where he came from.*" I recall that the lecturer did not say or do anything in response to this comment, other than smiling at the student who had said it. I recall that this incident made me feel:
- (i) that I did not want to return the class, which was running once per week;
 - (ii) uncomfortable, anxious and humiliated because I was the only non-white person in the class; and
 - (iii) concerned that this comment would bring up past trauma from other racially motivated incidents that I had experienced.

Impact of my personal experiences

29. Each time I experience a racially motivated incident, it feels like I have been punched. It is a shock and the feelings that I have described in paragraph 27 above, most notably the feelings of fear, stay with me for at least 4-5 hours after each incident.
30. As explained at paragraph 7 above, I grew up during Apartheid in South Africa. When I was born in 1984, I did not have basic human rights. Despite this, I have not felt as fearful or as unwelcome as I have felt in Australia when I have been the subject of racist incidents which involve being told to "*go back to where [I] come from.*"
31. As a result of the experiences described in the preceding paragraphs and the frequency with which they have occurred, I have suffered the following impacts in my day-to-day life.
- (a) I have felt scared and intimidated. For example, I often find that I feel scared to use public transport or to occupy public spaces because I am concerned that I will be the subject of racial abuse. I am also scared that the instances of racism that I have experienced could escalate into violence at any time particularly if I attempt to call it out or fight back.
 - (b) I have experienced depression and anxiety. I am constantly reminded of previous trauma that I have experienced which has a compounding and detrimental effect on my mental health
 - (c) I feel distrustful and scared of Australian public services and educational institutions. The reason I feel this way is because as outlined at paragraphs 21 to 26 and 28 above I have experienced racism while using these services.
 - (d) I have felt hopeless and felt that no matter what I do, or how hard I try, I cannot have a long-term future in Australia because I am repeatedly told that I do not fit in and do not belong.
 - (e) I have felt that my performance at work and at TAFE has been adversely affected because I am often triggered or concerned that I will become involved in a new incident.

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- (f) I have a son and I fear for his safety and wonder if he will ever be Australian or welcome in his birth country.

Affirmed by the deponent)
at Newtown)
in Victoria)
on 3 October 2023)
Before me:)

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Andrea Farrugia
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Signature of witness

Andrea-Marie Farrugia
Solicitor
Marque Lawyers
Level 4, 343 George Street
Sydney NSW 2000

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Muhammad Molla
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Signature of deponent

Form 59
Rule 29.02(1)

No. NSD372 of 2023

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

MEHREEN FARUQI

Applicant

PAULINE HANSON

Respondent

ANNEXURE MYM-1

This is the annexure marked "**MYM-1**" referred to in the affidavit of Muhammad Yunus Moolla affirmed 3 October 2023 before me:

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Andrea-Marie Farrugia
Solicitor



Pauline Hanson 🇦🇺
@PaulineHansonOz



Your attitude appalls 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



Mehreen Faruqi 🇵🇰 @MehreenFaruqi · Sep 9, 2022

Condolences to those who knew the Queen.

I cannot mourn the leader of a racist empire built on stolen lives, land and wealth of colonised peoples.

We are reminded of the urgency of Treaty with First Nations, justice & reparations for British colonies & becoming a republic.

4:05 PM · Sep 9, 2022



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Form 59
Rule 29.02(1)

No. NSD372 of 2023

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

MEHREEN FARUQI

Applicant

PAULINE HANSON

Respondent

ANNEXURE MYM-2

This is the annexure marked "**MYM-2**" referred to in the affidavit of Muhammad Yunus Moola affirmed 3 October 2023 before me:

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Andrea-Marie Farrugia
Solicitor

Response ID: 329

Please provide your first name: Muhammad Moolla

Which of the following do you identify with? ["Person of colour", "Migrant to Australia"]

If you would like to, please describe how you identify: I'm of indian origin but I'm an African, Muslim Immigrant

What is the impact of the tweet on you (tick as many as apply)? ["I was intimidated", "I was humiliated"]

Please describe the impact of the tweet on you: Intimidation and I felt fear. It made me scared and brought up past racist trauma.

Have you ever been told to 'go back to where you came from' or words to that effect? Yes

If yes, please describe the impact this has had on you: Anger and fear. Also scared to go out in public transport

In your reading of the tweet, what is the meaning of the phrase 'pack your bags and piss off back to Pakistan'? It means people like me should fear white Australians.

Please provide further detail if you would like to: I'm scared to use public transport which I need to use to get to work everyday.

Are you happy to be contacted about your responses to this form? Yes

If yes, please provide your contact number, email, and postcode if you are willing:

Number: [REDACTED]

Email: [REDACTED]

Postcode: 3220

Would you be willing to provide a statement about your responses to this form which may be used in the Court proceedings between Senator Mehreen Faruqi and Senator Pauline Hanson? Yes

Would you be willing give evidence in court about your responses to this form which may be used in the Court proceedings between Senator Mehreen Faruqi and Senator Pauline Hanson? Yes

You understand that by submitting this form, the information that you provide may be used in proceedings related to Senator Mehreen Faruqi's racial discrimination claim against Senator Pauline Hanson.

By submitting this form, I consent to Marque Lawyers collecting my personal and sensitive information in accordance with its privacy policy ["Yes"]