

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 3/10/2023 9:09:13 PM AEDT
Date Accepted for Filing: 3/10/2023 9:09:44 PM AEDT
File Number: NSD372/2023
File Title: MEHREEN FARUQI v PAULINE HANSON
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: **Stephen Mandivengerei**

Address:

Occupation: Support worker

Date: 3 October 2023

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Stephen Mandivengerei in support of Originating Application dated 3 May 2023 sworn on 3 October 2023.	[1] – [36]	1 – 8
2	Annexure "SM-1", being a copy of Stephen Mandivengerei's response to the online survey dated 20 June 2023.	[13]	9 – 10


I, Stephen Mandivengerei, Support Worker, of 1 [REDACTED]


[REDACTED] say on oath:

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

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
 Tel (02) 8216 3000 Fax (02) 8216 3001
 Email michaelb@marquelawyers.com.au; laureng@marquelawyers.com.au
 Address for service Level 4, 343 George Street
 (include state and postcode) Sydney NSW 200

[Version 3 form approved 02/05/2019]

DocuSigned by:

DA50CE3520FC41E...

DocuSigned by:

7E8CA6B416E0483...

CB184

Personal background


4. On 19 September 1975, I was born in Chiredzi, Zimbabwe (formerly Rhodesia).
5. I identify as being of African origin because I was born in Zimbabwe. I also identify as being of Mbire ethnicity, and as a person of colour.
6. In 2008, I migrated to Australia with my wife and my two children.
7. I am a permanent resident of Australia, and have lived in Australia continuously since 2008, except for a period of time between 2020 and 2023 when I was in Zimbabwe.
8. In 2011, my wife and I had another child who was born in Australia. Each of my three children are Australian citizens.

Court proceedings

9. Through media reporting in about 2015 to 2017 (I cannot recall exactly when) I became aware of Senator Hanson, and understood her to be a notable figure in Australian politics. During this time, I also became aware that Senator Hanson leads a political party which holds ideologies that I would characterise as being 'right-wing' in nature.
10. On 20 June 2023, I saw that Senator Faruqi had published a post to her public Facebook page which invited people to fill in an online survey in relation to court proceedings that she had commenced against Senator Pauline Hanson. Senator Faruqi's Facebook post also contained a link to the online survey.
11. It was through Senator Faruqi's Facebook post that I became aware of these court proceedings against Senator Hanson. I do not recall seeing Senator Hanson's tweet or hearing about these court proceedings before seeing this post.
12. After seeing Senator Faruqi's Facebook post, I did the following.
 - (a) I conducted searches on Google to find out more information about Senator Hanson's tweet and the court proceedings. My searches on Google returned results for (amongst other things) a number of articles relating to Senator Hanson's tweet and the court proceedings.
 - (b) I read some of the articles that came up after I completed the searches referred to in the preceding subparagraph. I cannot recall the exact media articles that I read.
 - (c) By reading these articles, I became aware that on 9 September 2022, Senator Hanson had published a tweet to her public Twitter profile 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"*.
 - (d) I subsequently clicked on the link contained in Senator Faruqi's Facebook post to access the online survey.
13. On 20 June 2023, I completed the online survey that Senator Faruqi had published to her Facebook page. A copy of my response is annexed to this affidavit at **page 9 and marked Annexure "SM-1"**.

DocuSigned by:

DA50CE3520FC41E...

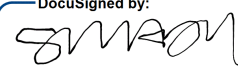
DocuSigned by:

7E8CA6B416E0483...

CB185

14. I felt compelled to complete the online survey because I have previously been told words to the effect of “*go back to where you came from*” from people since moving to Australia. When those words have been said to me, I recall feeling as though I was unwelcome and that I did not belong in Australia. Due to these experiences, on reading Senator Faruqi’s Facebook post, I recall feeling as though I had a responsibility to share my personal experiences.
15. The online survey 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 online survey at paragraph 18 below.

Impact of Senator Hanson’s tweet

16. When I read Senator Hanson’s tweet, I understood it to mean that Senator Hanson was telling Senator Faruqi to go back to Pakistan (being where Senator Faruqi is from). However, in my view, the words “piss off back to Pakistan” are a stronger and more vulgar and unkind way of saying “go back” and they convey a higher degree of anger, exasperation, or disgust with someone. I also interpret the words “*piss off back to Pakistan*” as conveying violent undertones.
17. I also interpreted Senator Hanson’s tweet as meaning that people of colour are less welcome in Australia, than those who are born here or who are white.
18. In my response to the online survey, I indicated that I felt offended, insulted and intimidated when I read Senator Hanson’s tweet. The reasons I selected these options are outlined below.
 - (a) The reason I felt offended and insulted is because of the following.
 - (i) As explained at paragraph 16 above, in my view the words “*pack your bags and piss off back to Pakistan*” have the same meaning as the words “*go back to where you came from*,” except that the words “piss off” are more severe. I was offended and insulted by these more severe form of words because I believe that they convey a stronger level of hatred and intolerance towards Senator Faruqi and other migrants and people of colour.
 - (ii) As explained at paragraph 14 above, I have previously been told words to the effect of “*go back to where you came from*” from people in Australia. I have also been involved in other incidents which I believe were racially motivated. Senator Hanson’s tweet reminded me of those experiences. I have set out further details in relation to these experiences at paragraphs 21 to 35 below.
 - (iii) In my view, the fact that the views expressed in Senator Hanson’s tweet were expressed by an Australian Senator to another Australian Senator added to the overall offence and insult I experienced as a result of Senator Hanson’s tweet. I have based this view on the following.
 - (A) Because Senator Hanson is an elected politician, I believe that the views expressed in her tweet and the direction to Senator Faruqi to “piss off back to Pakistan” are also held by a broader section of Australian society.
 - (B) I am aware that, as an elected politician, Senator Hanson has a large platform and I am concerned that there could be hundreds of thousands of people in

DocuSigned by:

DA50CE3520FC41E...

DocuSigned by:

7E8CA6B416E0483...

Australia that hold these kinds of views, or that feel this way about me, because I was also not born in Australia like Senator Faruqi.

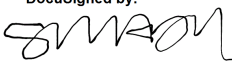
- (C) I believe that as an elected politician, Senator Hanson should know better than to express these types of views and sentiment to the public.
- (D) After becoming aware of Senator Hanson's tweet, I recall thinking that I was concerned about the types of policies and legislation that the parliament would implement when someone like Senator Hanson (who is at least in part responsible for those policies and legislation) can hold these views.
- (b) The reason I felt intimidated is because of the following.
- (i) I initially felt intimidated because I realised that the racism and discrimination that I have previously experienced (and which I outline at paragraphs 21 to 35 below) can happen at all levels within Australia and can happen to people that hold higher positions than me.
- (ii) I also felt intimidated because I believe that there is nothing that I can do to change the views referred to in paragraphs 17 and 18(a)(i) above, or to hold people that hold those views to account. I have based this belief on the fact that, as explained at paragraphs 21(c), 26, 27 and below, when I have previously tried to take action against people that have expressed these kinds of views to me in my workplace, I felt as though my employers did not take my complaint seriously and the perpetrators did not face any recourse that I am aware of. On reading Senator Hanson's tweet to Senator Faruqi, it became clear to me that the reason my attempts to hold these people to account in my own life must have failed because the sentiments they expressed are condoned and encouraged by a wider section of Australian society.
- (iii) By publishing the tweet, I believe that Senator Hanson has normalised these views within Australian society, and has given people that hold these types of views a platform. Because of this, I am scared that these views could escalate into violence and that I could become the subject of a racist attack because I was not born in Australia.
19. For the reasons outlined at paragraph 18 above, I also felt anger and apprehension as a result of Senator Hanson's tweet.


Personal experiences

20. Since migrating to Australia in 2008, I have been involved in a number of incidents that I believe were racially motivated. I have described some of these experiences below.

Incidents in relation to my surname

21. In about January 2014, I recall that the following incident occurred during a meeting I attended with about twenty of my colleagues. I worked for [REDACTED] at the time. The meeting was run by my manager.
- (a) My manager (who I do not wish to name) was having difficulty pronouncing my surname and after making an attempt to say it, said words to the effect of "hey, did I get that right" to me.

DocuSigned by:

DA50CE3520FC41E...

DocuSigned by:

7E8CA6B416E0483...

- (b) Before I had a chance to respond to this question, another colleague (who I do not wish to name) said words to the effect of “*you can just call him Mandingo.*” I then recall that at least some of my other coworkers that were also attending the meeting started laughing.
- (c) My manager did not respond to this comment during the meeting.
22. Prior to this meeting, I had previously heard the term “*Mandingo*” from my coworkers on a few separate occasions (I do not recall exactly when) which I had ignored because I did not understand what the term meant and I had mistakenly thought that my coworkers were referring to the term “*Mandinka*” which is a word used to describe a West African group of people. On this occasion however, the laughter by my coworkers (referred to in paragraph 21(b) above) after this word was said prompted me to conduct Google searches after the meeting ended to find out more information about the meaning of this term.
23. Although I cannot recall what specific sources I looked at, I recall that it was through the searches I conducted on Google after the meeting that I became aware that the term “*Mandingo*” is a reference to a movie released in about 1975 which relates to the US slave trade, and which depicts a man of colour with abnormally large genitals who is referred to as “*Mandingo*”.
24. Based on these searches, and due to the laughter that I heard after the word was said to me, I believe that when my colleague said the word “*Mandingo*” to me, she must have been referring to the particular movie and the particular character referred to in paragraph 23 above.
25. I recall that this incident made me feel very offended, vilified and hopeless. The reason I felt this way is because of the following.
- (a) In my culture names are an important heritage which carry and convey meaning and which connect the past and present generations. I felt that by saying this word to me and fixating on my surname, my colleague had reduced my culture and my heritage to a caricature by connecting it with the explicit sexuality of an overly endowed black slave. I also felt as though she had stripped me of my identity.
- (b) In my view, slavery represents one of the worst forms of savagery and violence perpetrated by one race on another. As an African man and a person of colour, I am very sensitive to any reference to, or reminder of, that period of human history and the way that certain people of colour were treated. I also view any reference to words and sentiments that are reminiscent of that period of time by white people as being not only unkind and vulgar but designed to make people like me feel and relive the debasement and denigration that has previously been suffered by people that share my heritage.
26. After the incident referred to in paragraph 21 above, I made a formal complaint to my manager in which I explained to her what I had understood to be the meaning of the word “*mandingo*”, the impact that this word had on me, and the reason why my surname is so sacred to me and my culture.
27. I believe that my complaint was not taken seriously by manager. I have based this belief on the following.
- (a) I subsequently received a response from my manager in which she said (amongst other things) words to the effect of “*giving a nickname to a person is part of Australian culture and is a sign of mateship.*”

DocuSigned by:

DA50CE3520FC41E...

DocuSigned by:

7E8CA6B416E0483...

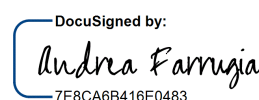
- (b) I am not aware of my manager taking any disciplinary action in relation to my complaint.
28. Despite the complaint, I recall that about six months after the incident described in paragraph 21 above, another one of my coworkers (who I do not wish to name) said “*mandingo*” to me again after another one of my other coworkers had asked to spell my name for the purpose of preparing a work report. There were two other coworkers present at the time that this incident took place, but neither of them responded to this comment.
29. After hearing this comment again, I made a further complaint to my manager (who I do not wish to name) by email. In this complaint, I reiterated the reasons why my surname is so important to me, and explained to my manager that I had felt denigrated by the racial and sexual undertones conveyed in the word “*Mandingo*”. My manager subsequently told me by email that she had spoken to the perpetrator of this incident, however I am not aware of any disciplinary action being taken against this person.

Further incidents at work

30. On at least five further occasions at work (although I do not recall exactly when), I recall that my coworkers have shouted words to the effect of “*go back to where you came from*” and “*go back to Sudan*” or “*go back to South Sudan*” to me. On each of these occasions, I recall that I was simply walking past my coworkers at my workplace when these incidents occurred. I do not believe that I did anything to prompt these words being shouted at me.
31. After one of these incidents (although I do not recall which one), I recall that I made a further complaint to my manager. I do not remember the exact words that I used in this complaint, however I do remember that I explained to my manager that I had been offended by the comment. Despite this complaint, I am not aware of my manager taking any disciplinary action against the people involved in this incident.
32. I subsequently left my job with the immigration service provider in about 2019. The reason I left this job was because, in addition to the incidents described at paragraphs 21 to 31 above, I had observed throughout the time that I worked for this company I was consistently required to work with people with extremely complex needs, whereas my “white” colleagues (who held the same or similar roles as me) were consistently given far simpler and less demanding people to work with. In particular, I observed the following.
- (a) Between 2009 – September 2018 I recall that I was consistently required to work with people who demonstrated tendencies to self-harm including by cutting and burning themselves. On one occasion, I recall that one of the people I was working with burned himself to such an extent that he subsequently died in hospital.
- (b) Based on conversation that I had with my colleagues, I recall that my coworkers and I each considered these more complex cases to be unpleasant because they were very traumatising and in some cases dangerous, and they often resulted in the people that were working these cases not being given adequate breaks throughout the day (because you were required us to constantly attend to the needs of the client which often meant following them wherever they went including to places such as the bathroom).
- (c) I estimate that I had to work on these complex cases during about 80% of my shifts at this job. When I was not required to work on these cases, I noticed that my employers consistently gave them to my other colleagues who came from a migrant background or were people of colour. For example, I frequently observed that my colleagues that came

DocuSigned by:

DA50CE3520FC41E...

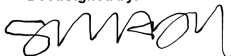
DocuSigned by:

7E8CA6B416E0483...


from Pakistan or Bangladesh were required to work on these more complex cases. This occurred so frequently that I recall thinking that it must have been an unwritten policy of the company that I was working at to only give the complex cases to people from migrant backgrounds or who were people of colour.

- (d) Although I did on occasion observe these types of complex cases being given to my white coworkers, I would characterise these occasions as being very rare.
- (e) In about 2018, I emailed a complaint to my employer which outlined my concern that I, as a person of African origin, was consistently required to handle these cases and that I had observed that my white coworkers were not required to do so. I am not aware of my employer taking any action in respect of this complaint, and I was accordingly required to continue to work with these more complex cases.
33. As a result of working on the cases described at paragraph 32 above, I suffered depression and applied for workers compensation. I subsequently had to leave my job with this company.
34. A more recent example of a racially motivated incident that I experienced occurred in my current role (as a support worker) in about 2023. On this occasion, I recall that my manager asked me to clean the home of one of our clients. During a conversation between my manager and the client (that I was present for), I recall that my manager said to the client words to the effect of “*you can whip him*”, “*you can do whatever you want with him*” and “*he is yours now*” about me. After hearing this conversation, I recall feeling that these words were offensive, insulting and insensitive given my South African heritage. I am not aware of my manager saying these words to any of my other colleagues.
35. As at the date of swearing this affidavit, I have not raised a complaint with my manager (or anyone else that I work with) about the incident referred to in the preceding paragraph. The reason I have not raised a complaint is because I am new to this role and I did not want to be viewed as causing trouble in my workplace.

Impact of my personal experiences

36. I have suffered the following impacts in my life as a result of the incidents described above.
- (a) I have felt scared and intimidated. I have also at times felt physically unsafe and fearful that I could be subjected to racial violence.
- (b) I have suffered with depression.
- (c) I have felt hopeless and powerless because when I have tried to raise complaints, I believe that they were not taken seriously and that nothing was done.
- (d) I have become highly sensitive and hypervigilant about the comments that my coworkers say to me, and the actions they take towards me. I often ask myself whether my coworkers are treating me differently to other coworkers because I am a person of colour. I also find that I am increasingly unable to see the humour in comments that are made to me, even if the person that made the comment was only doing so as a joke.
- (e) I am no longer the same person that I was previously. The reason I believe that I am no longer the same person is because since I was diagnosed with depression, I am constantly concerned that I will fall back into that depressed state. This has resulted in me constantly

DocuSigned by:

DA50CE3520FC41E...

DocuSigned by:

7E8CA6B416E0483...

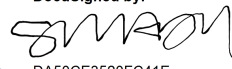
CB190

thinking about the incidents that I have described above. They are like a recurring thought that I am unable to stop thinking about.

- (f) I sometimes find that I have difficulty sleeping because I am constantly thinking about incidents that have happened to me in my workplace.

Sworn by the deponent
 at Hamilton Hill
 in Western Australia
 on 3 October 2023
 Before me:

)
)
)
)
)

DocuSigned by:

 DA50CE3520FC41E...

Signature of deponent

DocuSigned by:

 7E8CA6B416E0483...

Signature of witness

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

This affidavit was sworn and witnessed via audio visual link in accordance with Part 2B of the Electronic Transactions Act 2000 (NSW).

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 SM-1

This is the annexure marked "**SM-1**" referred to in the affidavit of Stephen Mandivengerei 3 October 2023 before me:

DocuSigned by:

7E8CA6B416E0483...

Andrea-Marie Farrugia
Solicitor

Response ID: 155

Please provide your first name: Stephen Mandivengerei

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

If you would like to, please describe how you identify:

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

Please describe the impact of the tweet on you: The tweet suggests that people who are not Anglo-Saxon are not welcome to Australia and since I also identify as someone who has come to Australia and from a people who have suffered the vagaries of the British empire, I feel very intimidated and vilified to be made to feel so unwelcome. That a person of colour some racist people feel that maybe we should just piss off and for that to be said in Aboriginal Australia whose indigenous people have also borne the brunt of empire is just so grossly emotionally damaging. What sin did us people of colour commit that we carry this tag of unwelcome even in lands that belonged to not so white folk like us. It's so nauseating to say the least.

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: I felt so angry and apprehensive. Feared that maybe one day I may be lynched on the streets!

In your reading of the tweet, what is the meaning of the phrase 'pack your bags and piss off back to Pakistan'? It means that one is not welcome and that they should do themselves a favour and disappear from certain space. The language is unsavoury and violent.

Please provide further detail if you would like to:

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: 6163

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"]