

NOTICE OF FILING

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Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

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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: **Swikriti Kattel**
Address: [REDACTED]
Occupation: Management Consultant
Date: 17 October 2023

Contents

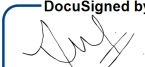
Document number	Details	Paragraph	Page
1	Affidavit of Swikriti Kattel in support of Originating Application dated 3 May 2023 affirmed on 17 October 2023.	[1] – [27]	1 – 5
2	Annexure “SK-1”, being a copy of Swikriti Kattel’s response to the Form dated 20 June 2023.	[13]	6 – 7
3	Annexure “SK-2”, being a copy of Swikriti Kattel’s opinion piece titled, “ <i>Melanin And The Mind</i> ” published on 6 January 2019 by <i>The Daily Star</i> .	20	8 – 12

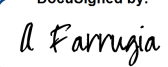
I, Swikriti Kattel, Management Consultant, of [REDACTED] affirm:

- 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
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]

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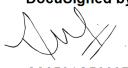
3. Unless otherwise indicated, I make this affidavit on my own knowledge, information and belief. Where I depose to matters on information and belief, I believe those matters to be true.

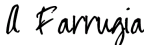
Personal background

4. On 31 July 1997, I was born in Nepal and I identify as a person of colour.
5. In October 2015, I migrated to Australia for the purpose of completing my tertiary education. I travelled to Australia on my own and my family still live in Nepal.
6. I graduated from Bachelor of Accounting and Law in Business at Edith Cowan University in 2019 and have lived in Australia since October 2015.
7. I am currently working as a Management Consultant.

Court proceedings

8. 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*".
9. I saw Senator Hanson's tweet on the date that it was published on Twitter. Although I do not follow Senator Hanson or Senator Faruqi on Twitter, I recall that I saw a tweet on my newsfeed retweeting Senator Hanson's tweet and condemning it. I cannot recall the name of the Twitter account which retweeted Senator Hanson's tweet.
10. At paragraphs 16 to 17 of this affidavit, I have outlined my reaction and experiences after reading Senator Hanson's tweet.
11. On 20 June 2023, I saw that Senator Faruqi had published an image to her Instagram account (@mehreenfaruqi, which I follow) which said, "*You may know that I am bringing a claim against Senator Pauline Hanson under the Racial Discrimination Act. As part of those proceedings, my lawyer is collecting evidence on the effect that Senator Hanson's tweet has had on individuals. I'd be grateful if you could fill out this short form and share with others who may be interested.*" The image also included a link to a Microsoft Office form with the title, "How Does It Make You Feel?"
12. I was not aware that Senator Faruqi had commenced court proceedings against Senator Hanson until I read this Instagram post.
13. On 20 June 2023, I accessed the online form using the link contained in Senator Faruqi's Instagram post and filled out the online form by responding to each of the questions and then clicking 'Submit'. A copy of my response to the online form is annexed to this affidavit at **page 6 and marked "SK-1"**.
14. Because I was so affected when I first saw Senator Hanson's tweet (as explained further at paragraphs 16 to 17 below), I wanted to complete the online survey because I saw it as an opportunity to share how Senator Hanson's tweet had impacted me and triggered memories of multiple instances where people have said words to me that are similar to the words which were used by Senator Hanson in her tweet (being the words "*piss off back to Pakistan*").

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15. The online 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 online form at paragraph 17 below.

Impact of Senator Hanson's tweet

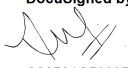
16. When I read Senator Hanson's tweet, I understood that Senator Hanson's use of the words, "*piss off back to Pakistan*" was a variation of the "*go back to where you came from*" rhetoric and I was reminded that this harmful rhetoric is still prevalent in Australia. I interpreted Senator Hanson's choice of words as being more hateful and more disrespectful than saying "*go back to where you came from*" because of the harshness of the language used (being the phrase "*piss off*").
17. In my response to the online form, I indicated that I felt offended by Senator Hanson's tweet. I felt offended because:
- (a) Senator Hanson is an influential person in Australia, who holds a position of power in the Australian Parliament. It is offensive to me that someone in the position of a Senator would express these views publicly and garner support from other Australians without appearing to be worried about consequences.
 - (b) I felt that Senator Hanson's tweet expressed the view that Senator Faruqi was unable to express her opinion about controversial issues because of her ethnicity, despite the contributions she has made to Australia and the fact that she is an elected official. I recall thinking that if Senator ~~Faruqi's~~ ~~Hanson's~~ opinion could be diluted so easily, I have no hope of feeling confident to express my opinions freely as an ordinary immigrant with a corporate job, despite my passion for social impact and justice.
 - (c) I felt that no matter what I do for the Australian community or how much I contribute, my contributions will have a reduced impact (when compared to the potential for impact of contributions made by white people) and I will always be less respected and likely to be treated as a second-class citizen because I am an immigrant to Australia.
 - (d) Reading Senator Hanson's tweet made me feel angry and defeated, because it brought back memories for me of previous experiences I have had since moving to Australia (explained further at paragraph 18 below).

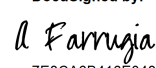
Personal experiences

18. Since migrating to Australia in 2015, I have been the victim of many racist incidents. I have listed some examples of my experiences with racism whilst living in Australia below.
- (a) I was subjected to racist comments said to me by customers when I was working at McDonalds in Perth CBD from 2015 to around 2018. For example:
 - (i) I recall one incident (which occurred in or around 2016, although I am not exactly sure of the date that this happened) where a customer was trying to place a custom order for a McMuffin. I repeated his custom order back to him (which is standard) and I recall that he got angry and aggressive and said words to the following effect to me:

(A) "*hop on a camel and go back to where you come from*";

(B) "*you don't understand English*";

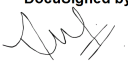
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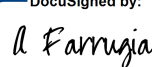
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- (C) *“fuck”; and*
- (D) *“cunt”.*
- (ii) I recall another incident (which also occurred in or around 2016, although I am not exactly sure of the date that this happened) where a customer approached me at the counter and implied that I was a terrorist by saying words to the effect of *“I’m scared to come in because you might be hiding explosives”* to me.
- (iii) In or around 2016 or 2017 (I cannot recall the exact date), I recall a customer said words to the following effect to me whilst waiting for their order:
- (A) *“where are you from?”; and*
- (B) *“you’re stealing jobs from Australians”.*
- (b) In or around 2022, I was consulting the Asset Management Team of a global mining company. During a Microsoft Teams meeting with an Engineer in which we were planning for a team workshop, the Engineer said to me words to the effect of, *“because of COVID, flights are getting delayed and cancelled frequently so we need to be flexible with our workshop dates.”* We then started talking about COVID’s effect on employment and he said words to me to the effect of *“the best option would be to freeze immigration so that “Australians” who are unemployed would get jobs”*. Although this comment did not target me directly, I felt that the Engineer was implying that I was not a “real” Australian.
- (c) I have observed that I am regularly required to undertake security screening at domestic and international airports in Australia. I estimate that my bags are screened approximately 90% of the time that I go through security at an Australian airport.
- (d) I have also noticed that my bags are regularly checked when I try to leave stores such as Target and Kmart, as well as supermarkets in Morley and Perth CBD after using self-checkout options and also paying for items with the assistance of staff. Each time this has happened, I have not witnessed any white people being asked for proof of purchase on leaving the store or supermarket.

Impact of my personal experiences

19. Each time that I have had a racist comment said to me (like the examples I have described at paragraphs 18(a) to 18(b) above) or been the victim of a racist incident (like the examples I have described at paragraphs 18(c) to 18(d) above), I have been significantly affected. For example, after the incident which occurred whilst I was working at McDonalds which I have described above at paragraph 18(a)(i), I recall that I went home and cried for hours. I recall feeling rejected and humiliated and feeling as though I would never feel at home in Australia.
20. On 6 January 2019, the Daily Star published an opinion piece I wrote called, *“Melanin And The Mind”* which discusses my experiences with racism in Australia and the impact of those experiences on me. Annexed at **pages 8 – 12** of this affidavit and marked **Annexure “SK-2”** is a copy of my opinion piece.
21. When I was around 18 years old, I was diagnosed with social anxiety and depression. After coming to Australia in 2015 and experiencing racism being directed towards me, my symptoms worsened during the years 2016 to 2018 to the point that I avoided going out in public where possible and avoided social situations outside of university and work.

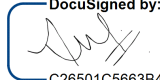
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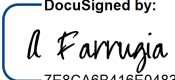
- 22. During the years 2016 and 2018, I felt very conscious about how I appeared, dressed, what I said and how I said it because I wanted to avoid anything racist being said to me and did not want people to think that I did not belong or fit in in Australia.
- 23. During university, I avoided speaking in public because I noticed that when I did my cheeks would flush, my heartrate would increase and my legs would go weak. I emailed any questions I had to my university tutors and lecturers instead of putting my hand up in class. Because I felt that I could not speak openly for fear of being judged by others because I was born in Nepal, have an accent, and could not articulate my questions in good English, I struggled to make friends at university.
- 24. I recall one incident during university which occurred in or around 2017 (although I cannot recall the exact date) where I suffered a panic attack during a networking event after trying to approach a recruiter. I had to leave the event and go home without doing any networking. I believe my experiences with racism caused me to have this panic attack as I recall assuming the recruiter would think that I did not belong in Australia because I am "foreign" or because "my English wasn't good" and that I would not be a good fit for their company. Because of this, I felt as though I would have been wasting time trying to talk to the recruiter.
- 25. During this period, I also went on few dates with men I met on Tinder because I felt very alone. I recall dating one man in or around 2017 and breaking it off when asked to meet his friends because I was afraid that his friends would think that I did not belong here or with him. I was anxious that they would judge my accent, the way I look and the way I dress.
- 26. My experiences with racism in Australia made me very self-conscious, caused me to feel anxious in public and affected my ability to network and obtain employment. My experiences with racism were also affecting my social life – I felt alone and depressed. Because of this, I sought mental health assistance to combat these feelings so I could have a good social life and career.
- 27. From 2019 to 2022, I attended counselling to cope and was prescribed an antidepressant, which I am still taking.

Affirmed by the deponent
 at Wellard
 in Western Australia
 on 17 October 2023
 Before me:

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Signature of deponent

DocuSigned by:

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Signature of witness

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

This affidavit was affirmed and witnessed via audio visual link in accordance with the requirements of 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 SK-1

This is the annexure marked "SK-1" referred to in the affidavit of Swikriti Kattel affirmed 17 October 2023 before me:

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Andrea-Marie Farrugia
Solicitor

Response ID: 78

Please provide your first name: Swikriti Kattel

Which of the following do you identify with? ["Person of colour"]

If you would like to, please describe how you identify: Nepalese immigrant. Been in Australia for 8 years

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

Please describe the impact of the tweet on you: Made me feel like regardless of how much we contribute to the Australian community and economy we are always viewed as second class citizens and are always reminded that we should be grateful to white Australians that they "let" us into the country and we should shut up and not voice our opinion on important issues.

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: Same as above. Felt defeated.

In your reading of the tweet, what is the meaning of the phrase 'pack your bags and piss off back to Pakistan'? There is no deep meaning. Just a cliché racist response to valid concerns that Senator Faruqi raised. She has been such an integral part of Australian politics and has contributed significantly to areas across animal rights, first nation peoples' rights, etc. But just because she is a person of color and immigrant her opinion and valid concerns were dismissed by the pathetic "piss off to where you came from" rhetoric.

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: 6170

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"]

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 SK-2

This is the annexure marked "**SK-2**" referred to in the affidavit of Swikriti Kattel affirmed 17 October 2023 before me:

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Andrea-Marie Farrugia
Solicitor


Melanin And The Mind

Mental health and racism are highly correlated




SOURCE: WWW.SCOOP.IT

The global rise in multiculturalism is perhaps one of the best things that has happened to the world. But it carries a flipside: multicultural societies are certainly prone to racism. Nepal, despite being a multicultural society from the very beginning, never learnt to be racially inclusive when it came to the Madhesi population. Madhesi still face racism in its malignant forms such as maltreatment in the streets and public spaces, as well as casual racism in movies, comedy shows and such. It also goes beyond the cultural level to a nationalistic fervour that consistently accuses Madhesi of being anti-nationals.

 with the presence of such racism in Nepal, I was not fully aware of the pain caused by being at its receiving end and its long-term effect on mental health till I fell


victim to it myself. After attending a few counselling sessions and getting diagnosed with social anxiety disorder and clinical depression, it became clear to me that my mental health issues were triggered by frequent racist experiences that I had during my first two years in Australia.

I worked what they call the "graveyard shifts"—from 11pm to 7am—at a fast-food joint. The shifts would be quite entertaining as they were frequented by nocturnal oddities. From intoxicated folk urinating on the floor to enraged people who would vandalise the store for not getting their food for free, I encountered a wide assortment of humans during these shifts. But beyond these relatively harmless sights, what was saddening to me was the fact that several racist remarks as well as some hate comments were thrown at me because of my skin colour. Some of these experiences that I can vividly remember are: a gentleman who expressed to me that he was scared to enter the store because he thought that I might be hiding some explosives and another gentleman belting at me that I should "hop on a camel and go back to where I came from." In addition to this, other forms of racism that migrants like me commonly experience are overt bias, stereotyping, being refused the same kind of treatment at work, school, shops, restaurants and such. A security personnel at a retail shop commonly asks people of colour to reveal the contents of their bags after letting a few fair-skinned individuals to go through without the same scrutiny. A supervisor attempts to micro-manage your work more than other employees. These experiences  obviously upsetting but I believed that I would get over it soon, oblivious to the fact

that enduring and suppressing all of this would result in several psychological distress.

Social anxiety is primarily based on the fear of being judged, humiliated, and rejected. Direct and indirect racism feeds into this exact fear of being judged and rejected. We are judged and humiliated based on our skin colour or because we belong to a different ethnic group. The hatred thrown at us serves as a constant reminder that we don't belong to a certain community and we don't deserve respect as well as equal rights just because we are blessed with a little more melanin.

Several strong minds have built resilience against racist experiences; however, numerous young and vulnerable people are deeply affected, making us feel rejected on many levels. The sense of rejection becomes so strong that we choose avoidance as our coping mechanism. We avoid speaking up and voicing our ideas and opinions due to the fear of being judged. We avoid public spaces and public interactions—spaces and encounters we believe hold embarrassment and humiliation—simply to escape. This hinders the opportunity to reach our full potential in several aspects such as academics, career and social life, which can consequently result in mental health issues like depression, anxiety and low self-esteem.

As a brown woman living in a white-dominant first-world country, I can confidently say that this is the story of numerous migrants. After sharing these periences with a few people, it was surprising to find out that there were several others who went through the same thing or are going through it. What is worse is that

because there is very little awareness regarding this issue, people are hesitant to share their stories and seek help, leading to further deterioration of their conditions.

Wiping out racism in its entirety will possibly take hundreds of years with the current revival of neo-nationalism and emergent white supremacist groups globally. However, starting a conversation about the emotional toll racism can have on mental health could prove to be cathartic. It could also create more awareness regarding the correlation between racism and mental health. This in turn would motivate people to carry out further research on the matter and contribute to providing aid to people in need of help for their mental health issues.

Swikriti Kattel is a student at Edith Cowan University, Western Australia.

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