

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application Under the Australian Human Rights Commission Act 1986 - Form 116 - Rule 34.163(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	NSD372/2023
File Title:	MEHREEN FARUQI v PAULINE HANSON
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised

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.

Originating application under the Australian Human Rights Commission Act 1986

No. _____ of 20____

Federal Court of Australia
District Registry: NSW
Division: General

Mehreen Faruqi

Applicant

Pauline Hanson

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place:

Date:

Signed by an officer acting with the authority
of the District Registrar

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; laureng@marquelawyers.com.au
Address for service Level 4, 343 George St Sydney NSW 2000
(include state and postcode) _____

[Form approved 01/08/2011]

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. -PH¹

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*.

¹ <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 for 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@marquellawyers.com.au; laureng@marquellawyers.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 read 'M Bradley', with a long horizontal flourish extending to the right.

Signed by Michael Bradley

Lawyer for the Applicant

AUSTRALIAN HUMAN RIGHTS COMMISSION

FILE NO: 2022-15162

Between

Senator Mehreen Faruqi
Complainant

AND

Senator Pauline Hanson
Respondent

NOTICE OF TERMINATION

Issued under section 46PH(2) of the *Australian Human Rights Commission Act 1986 (Cth) (AHRCA)*.

This complaint alleging unlawful discrimination under the *Racial Discrimination Act 1975 (Cth)*, has been terminated under section 46PH(1B)(b) of the AHRCA on the ground that I am satisfied that there is no reasonable prospect of the matter being settled by conciliation.

Section 46PO(1) of the AHRCA provides that if a complaint has been terminated under section 46PH(1B)(b) of the AHRCA, an affected person may make an application to the Federal Circuit and Family Court of Australia (FCFCOA) or Federal Court of Australia (FCA) alleging unlawful discrimination by one or more of the respondents to the terminated complaint.

The FCFCOA and FCA can award costs against either party in proceedings under section 46PO of the AHRCA.

Any application to the court must be made within 60 days of the date on this Notice of Termination.

Reasons for this decision are provided in Attachment A.

A copy of the complaint is provided at Attachment B.

DATED 8 March 2023

A handwritten signature in black ink that reads "Jodie Ball". The signature is written in a cursive, flowing style.

Jodie Ball

Delegate of the President

Our ref: 2022-15162

8 March 2023

Senator Mehreen Faruqi
Sent by email: senator.faruqi@aph.gov.au

Dear Senator Faruqi

Termination of the complaint

I am writing to advise you of my decision regarding your complaint against Senator Pauline Hanson, alleging unlawful discrimination under the *Racial Discrimination Act 1975* (Cth) (RDA).

A copy of your complaint was provided to Senator Hanson on 4 October 2022.

My decision

Under section 46PH(1B)(b) of the *Australian Human Rights Commission Act 1986* (Cth) (AHRCA) the President must terminate a complaint if satisfied that there is no reasonable prospect of the matter being settled by conciliation.

I note that the Commission offered the parties a conciliation process; however, the respondent did not indicate a willingness to participate in this process.

I have therefore decided to terminate the complaint under section 46PH(1B)(b) of the AHRCA, as I am satisfied that there is no reasonable prospect of the matter being settled by conciliation.

Possible further action

The AHRCA says that after a complaint is terminated, the person affected by the alleged discrimination may be able to apply to the Federal Circuit and Family

Court of Australia (FCFCOA) or the Federal Court of Australia (FCA) to have the allegations decided by the court.

If you apply to the FCFCOA or the FCA, you will need to attach the following documents to the application:

- this letter;
- the enclosed Notice of Termination; and
- the enclosed copy of the complaint.

Any application to the court must be made within 60 days of the date on the Notice of Termination.

If a matter proceeds to court, the FCFCOA and FCA can award costs against either party. Information about the court or the court process is available from a court registry or from its websites at www.fcftoa.gov.au and www.fedcourt.gov.au.

Yours sincerely



Jodie Ball

Delegate of the President



**Australian
Human Rights
Commission**

COMPLAINT FORM *

The Australian Human Rights Commission investigates and conciliates complaints about discrimination and breaches of human rights.

We will need to contact you about your complaint, so please provide your name and contact details, including one contact number if possible. If you do not provide this information we may not be able to deal with your complaint.

We will use the information you provide to assess, investigate and/or conciliate your complaint. We will usually provide a copy of your complaint (excluding your contact details) to the person or organisation you are complaining about and, if necessary, others who have relevant information about your complaint. By completing and submitting this form you consent to the Commission using your information for these purposes. If you have any questions about this or need help to complete this form please contact our National Information Service on 1300 656 419 or 02 9284 9600.

Your personal information will be used and stored in accordance with the *Privacy Act 1988* (Cth). The Commission's privacy policy is available at www.humanrights.gov.au.

Part A – About you, the complainant *

Title: Senator
 First name: Mehreen
 Last name: Faruqi
 Address: Ground Floor, 72 Campbell Street
 Suburb: Surry Hills
 State/Territory: NSW
 Postcode: 2010
 Email: senator.faruqi@aph.gov.au
 Phone (AH): 02 9211 1500
 Phone (BH): 02 9211 1500
 Mobile: 0402 118 350
 Fax:
 TTY:

If you require assistance to participate in the complaint process, please outline the assistance you require:

If you are complaining on behalf of someone else, please provide the following details about this person. *

Title:

First name:

Last name:

Address:

Suburb:

State/Territory:

Postcode:

What is their relationship to you?

Please advise if they need assistance to participate in the complaint process and the kind of assistance they need:

If someone is assisting you with the complaint, for example, a legal representative, advocate or union representative, please provide the following details about this person. *

Title:

First name:

Last name:

Position:

Organisation:

Address:

Suburb:

State/Territory:

Postcode:

Email:

Phone (BH):

Mobile:

Fax:

TTY:

Please advise if they need assistance to participate in the complaint process and the kind of assistance they need:

Part B – Who is the complaint about? *

Respondent 1 *

Name of person or organisation: Senator Pauline Hanson

ABN of organisation (if relevant):

Address: PO Box 6100, Senate, Parliament House

Suburb: Canberra

State/Territory: ACT

Postcode: 2600

Email: senator.hanson@aph.gov.au

Phone (BH): (07) 3221 7644

Mobile:

Fax:

TTY:

What is your relationship to this respondent? Colleague

Respondent 2 *

Name of person or organisation:

ABN of organisation (if relevant):

Address:

Suburb:

State/Territory:

Postcode:

Email:

Phone (BH):

Mobile:

Fax:

TTY:

What is your relationship to this respondent?

Note: If you are complaining about more than two people or organisations, please provide information about each additional person or organisation.

Part C – What are you complaining about? *

For information about the types of complaints the Commission can consider, please go to <https://www.humanrights.gov.au/complaints/complaint-guides/information-people-making-complaints>.

I am complaining because I believe:
(Please select at least one reason below)

- I have been discriminated against because of my**
- Age
What is your age?
 - Disability
What is your disability?
 - Association with a person with a disability
What is the person's disability?
 - Status as a person with a disability who uses an assistance animal or disability aid or has a carer
 - Sex
What is your sex?
 - Pregnancy
 - Breastfeeding
 - Marital or relationship status
What is your marital or relationship status?
 - Family responsibilities
 - Sexual orientation
What is your sexual orientation?
 - Gender identity
What gender do you identify as?
 - Intersex status
 - Race (this includes colour, national origin, descent or ethnic origin)
What is your race/national or ethnic origin/descent? Australian citizen of Pakistani birth and descent.
- I have been sexually harassed**
- I have experienced racial hatred**

What is your race/national or ethnic origin/descent? Australian citizen of Pakistani birth and descent.

- I have been discriminated against in my employment because of my**
- Trade union activity
 - Criminal record
What is your criminal record?
 - Religion
What is your religion?
 - Political opinion
What is your political opinion?
- My human rights have been breached by a Commonwealth government body.**
- I have been victimised because I made, or tried to make, a complaint about discrimination**

When did the alleged event(s) happen? 9 September 2022

Note: The President of the Commission can decide not to investigate into a complaint alleging unlawful discrimination where the complaint is lodged more than six months after the alleged events(s) happened. If the event(s) being complained about happened more than six months ago, please explain the reasons for the delay in making a complaint to the Commission.

For complaints alleging human rights breaches and discrimination in employment under the ILO Convention, the relevant time frame is twelve months.

Reason(s) for delay:

What happened?

Describe the event(s) that you want to complain about. We need to know what you say happened, where it happened and who was involved. Please give us all the dates and other details that you can remember.

If you are complaining about employment, please tell us when you commenced employment, your job title and whether you are still employed.

Senator Hanson posted to her public Twitter page with close to 90,000 followers the following tweet, quoting a tweet I had posted earlier that day:

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

The link is available here:

<https://twitter.com/PaulineHansonOz/status/1568118251640750083>

Senator Hanson's tweet received extensive media coverage. It has been retweeted or liked more than 13,000 times and stays live at the time of making this complaint. Subsequently, I received hundreds of vitriolic and racist messages via social media, emails, phone calls to my office and letters in the post over a number of weeks. Many messages echoed the wording of Senator Hanson's tweet. Even my husband's office received a call expressing that sentiment. I have attached examples of messages in a supporting document.

The effect of Senator Hanson's offensive anti-migrant tweet on me has been harrowing and substantial. After having lived in Australia for more than 30 years it is extremely insulting and humiliating to me to be subjected to such a racial slur by a parliamentary colleague.

The barrage of abuse that followed her tweet has been extremely distressing and traumatising for me, my family and my team.

As well, the purpose and effect of Senator Hanson's tweet has been to impair my enjoyment on an equal footing of my rights to freedom of expression, to hold opinions without interference, and to take part in the conduct of public affairs without unreasonable restriction.

Supporting documents

Please attach copies of any documents that support the claims in your complaint. For example - letters, separation certificate, doctors certificate. If you cannot do this, please tell us about the documents or other information and how this information can be obtained.

I have attached:

- Senator Hanson's tweet of 9 September 2022.
- Examples of messages sent to me following the tweet's publication and widespread media coverage.

How do you think this complaint could be resolved?

For example, a complaint may be resolved with an agreement that a respondent will change its procedures, introduce training or policies on anti-discrimination, take other action to prevent possible discrimination and/or by payment of compensation.

Public apology and retraction by Senator Hanson. On top of this, I am open to considering additional remedies.

Have you made a complaint to another organisation?

For example, a state anti-discrimination or equal opportunity agency, a worker's compensation agency, an ombudsman or the Fair Work Commission.

Yes

If yes, you must provide the name of the agency, the date the complaint was made, the status of the complaint, or outcome of the complaint. Please also attach copies of relevant documents, including a copy of your complaint and any letters you have received from the agency.

No

Were you referred to the Commission by another organisation?

If so, what organisation?

Part D – Lodging the complaint * *

Please send the complaint form to the Commission by:

Post: Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001
Fax: 02 9284 9611
Email: complaints@humanrights.gov.au

Signature: *Mehruw Faruqi*

Date: 27 September 2022



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

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 · Twitter for iPhone

2,030 Retweets 600 Quote Tweets 11.1K Likes

Available at Link: <https://twitter.com/PaulineHansonOz/status/1568118251640750083>


SELECTION OF PHONE CALLS/VOICEMAIL		
Date	Time of Call	Description
09/09/2022	16.47	one word - cunt
09/09/2022	22.46	called to say they were 8th gen Aus - called Mehreen racist and said she had extreme views on the Queen
10/09/2022	10.01	told Mehreen to fuck off
10/09/2022	10.04	see above - was upset that she got cut off - rang back and said she was a heartless bitch too
12/09/2022		From Sydney, echoed Pauline Hanson comments and verbally said, "piss off"
15/09/2022	11.52	Rude and aggressive female caller - Tell your boss to piss off back to Pakistan
16/09/2022		Mehreen's a hypocrite - the Qu'ran calls for killings of non-muslims, etc etc etc
18/09/2022	1.09	Fuck off back to your own country you bitch
SELECTION OF EMAILS		
DATE	SUBJECT LINE	CONTENT
		Good on you Pauline Hanson,
		Faruqi You are rude and Rude so Resign
		I would certainly take Pauline's strong advice and Piss off back to Pakistan where you come from as you are now politically Dead.
17/09/2022	Piss off back to Pakistan	We certainly do not want crude and rude immigrants with your racist views.


		<p>You should definitely fuck off if you don't like it here instead of stealing our children's future and selling us out. You are a useless pest. Your a hipocrite and your likes aren't welcome.</p>
16/09/2022	PISS OFF PARASITE	<p>From Dean Van Den Broek 0406 876 806</p>
15/09/2022	The Queen	<p>So you and lidia would have preferred hitler and the Nazis to have ruled the world the last eighty years you fucking pathetic piece of Shit Fuck off back to Pakistan where they hid bin Laden all you pricks do is whinge and complain about our beautiful country if you don't like it leave</p>
12/09/2022	Your comments about the queen	<p>Congratulations on taking your pathetic party from the gutter to the sewer and just remember that it was the queens Westminster government that allows you to be where you are and she was the biggest decoloniser the world has seen and most of the commonwealth three billion people loved her and people will piss on your grave you fucking pathetic little piece of Shit stealing the taxpayers money if I was you I would get the Fuck out of this wonderful country right now we don't want low life unaustralian trolls like you here just shut the Fuck up and leave</p>
11/09/2022		<p>DONT YOU DARE SAY ILL ABOUT OUR QUEEN YOU STUPID RETARDED BITCH I WILL CHEER WHEN YOU DIE THE QUEEN IS NOT RACIST GO KILL YOURSELF!!!!!!!</p>

		<p>Dear Mehreen Faruqi</p> <p>I believe you took an oath when becoming a member of the Senate to Queen Elizabeth the II.</p> <p>Your Twitter Comment that the Queen is the Leader of a racist Empire is an appalling act by you.</p> <p>I agree with Senator Hanson that you should piss of back to Pakistan.</p> <p>What a dirty, vulgar creature you are whilst collecting an income from your racist masters you proclaim to work for.</p> <p>Queen Elizabeth the II has shown more grace in just one minute of her service then what you will achieve in your entire lifetime.</p> <p>Pack your bags and leave you hypocrite. Australians now Hate you and the GREENS.</p>
10/09/2022	Twitter Comment	<p>God Save the Queen and God save Charles the 111.</p> <p>Mehreen Faruqi – I've part read your book and I say to you - you are the type of migrant we do not need in our Parliament or in this country my country.</p> <p>You are the scrappings of the gutter I guess that is where you came from the gutter by your comments re the Queen our Queen.</p> <p>Seriously you are the Pits as Pauline said go home.</p> <p>Daisy.</p>
10/09/2022	The Queen and your comments	<p>You total prick , if your not happy living in the country under the commenwealth. Fuck off back to Pakistan , your not welcome here.</p>
10/09/2022	Your Queen Comments	<p>Sean Mulroy</p>

	<p>You don't have a higher moral ground as a far left psycho. All you socialists, marxists and communists had invaded countless of countries, colonised them, oppressed them, you killed, you stole etc etc. And all this only a few short decades ago.</p> <p>If you hate white people, the West so much - PISS OFF BACK TO PAKISTAN!</p> <p>You don't have to live here. Nobody is holding you here.</p> <p>Sell your properties you coloniser, stop speaking in a Germanic language, stop wearing western clothes, stop using western inventions.</p> <p>If you hate it here so much - leave.</p>
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SELECTION OF SOCIAL MEDIA POSTS

 **Arrochar Alpinist** @MDCCLXXXVII · 4d ...
 The fact a woman named 'Mehreen Faruqi' is bestowed any degree of power in Australia is a true testament to how sick our nation is


 **Mehreen Faruqi** @Mehreen... · 5d
 Condolences to those who knew the Queen.
 I cannot mourn the leader of a racist empire built on stolen lives, land and w...

2 2 15 1


[Show this thread](#)



boosty_got_back @boosty_got_ba... · 4d ...
 We must make it a priority to get this thing OUT of our country.

 **Mehreen Faruqi** @Mehreen... · 5d
 Condolences to those who knew the Queen.
 I cannot mourn the leader of a racist empire built on stolen lives, land and w...


5 9 38 1



Philo Beddoe

Do yourself a favour and neck up before somebody gets to you first.
You filthy pig


15 h Hide



obi wan @obiwan03125576 · 1h
Replying to @MehreenFaruqi

Piss off back to Pakistan


3



David Russell @DavidRu26648881 · 1h

Alan MacGregor
Rabbia Isa Batla your lot are good for target practice, thats about it..


2



Geoff4273 @Geoff4273 · 3d

What a low life scum you are. Piss off back to Pakistan. You are not wanted here.

3



Mehreen Faruqi @Mehreen... · 5d

Condolences to those who knew the Queen.
I cannot mourn the leader of a racist empire built on stolen lives, land and w...

3 22