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Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

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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: **Coco-Jacinta Cherian**
Address: [REDACTED]
Occupation: Program Support Officer
Date: 3 October 2023

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I, Coco-Jacinta Cherian, Program Support Officer, 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 2000

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Coco-Jacinta Cherian
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[Version 3 form approved 02/05/2019]

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Andrea Farrugia
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CB133

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. I was born in Western Australia in Australia on 24 July 1997. As at the date of making this affidavit, I am 26 years old.
5. I have always lived in Australia.
6. I am a person of colour and a person of migrant heritage. My father was born in India. His parents were also born in India. My father moved to Australia while at University. My father's family also later migrated to Australia.

Court proceedings

7. I am aware that on 9 September 2022, Senator Pauline Hanson published a tweet to her public Twitter profile '@paulinehansonoz' replying to a tweet published by Senator Mehreen Faruqi earlier that day 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*".
8. I do not recall exactly how or the exact date that first saw that this tweet had been published. I believe it is likely that I saw it on Instagram and that this occurred in the week following the Queen's death. I have based this belief on the fact that I am follow news media accounts on Instagram and recall the fact that Senator Hanson had posted this tweet was the subject of media attention.
9. At paragraphs 14 and 15 of this affidavit, I have outlined my reaction and experiences after learning that Senator Hanson had posted this tweet.
10. I became aware of the fact that Senator Faruqi had commenced these court proceedings against Senator Hanson by seeing a post on my personal Twitter feed, although I cannot recall the exact source. I cannot recall the exact date that I saw this tweet. I recall that the Twitter post mentioned that Senator Faruqi had brought court proceedings against Senator Hanson in relation to Senator Hanson's tweet described above and included a link to an online survey asking people to provide their comments on how Senator Hanson's tweet made them feel.
11. When I first saw the tweet which provided a link to the online survey, I recall scrolling past the tweet and thinking that I would not be filling out the survey. A few minutes later, I scrolled back to find the tweet, clicked on the link and filled out the online survey. I did this because I felt that filling out the online survey would be a way for me to take action in response to Senator Hanson's tweet and explain how the tweet made me feel. Although I have seen many racist comments published online, I cannot recall being asked about how I felt about a certain comment having been made or being involved in an instance where the legality of a racist comment is being questioned.
12. I completed the online survey on 20 June 2023 by responding to each of the questions and then clicking 'Submit'. A copy of my response to the online survey is annexed to this affidavit at **page 6 and marked "CJC-1"**.
13. 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 these questions at paragraph 15 below.

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Impact of Senator Hanson's tweet

14. When I read Senator Hanson's tweet, I felt that Senator Hanson was telling Senator Faruqi to "go back to where she comes from", which is a hurtful phrase which has been directed towards me many times in my life (as explained at paragraph 19 below). I interpreted the language used in Senator Hanson's tweet (for example, the reference to "taking advantage" and that if she is "not happy" she should "pack [her] bags and "piss off") as sending a message to Senator Faruqi that she is not deserving of the same rights and entitlements of people that are born in Australia and that if Senator Faruqi wants to live in Australia, she needs to act in a certain way (i.e. by not criticising Australia's history and ties to the monarchy and colonialism). I felt that Senator Hanson's tweet sent a clear message that Senator Faruqi is not welcome in Australia because she was not born in Australia, that she does not belong to Australia in the same way as people who are born in Australia do and that Australia does not owe Senator Faruqi anything.
15. In my response to the online survey, I indicated that I felt offended, humiliated and insulted by Senator Hanson's tweet. I selected these options because:
- (a) I felt offended by Senator Hanson's tweet because I understand the words used by Senator Hanson in her tweet to be racist and to express the sentiment that there is a hierarchy of races and that Senator Hanson's "whiteness" is to be preferred over Senator Faruqi's "colouredness". I was offended by this because I am also a person of colour. I was also offended by the words "piss off" in Senator Hanson's tweet. This term is rude, but it is also often used in a casual way and I would not expect this type of language to be used by a Senator.
 - (b) I felt humiliated by Senator Hanson's tweet because on reading the tweet, I felt embarrassed about the fact that I am a person of colour. Because of this, I felt that Senator Hanson (or one of her supporters who shares her views) might say something like "piss off back to Pakistan" to me. Knowing that Senator Hanson holds such a view while being an elected official with the support of a section of the Australian public makes me feel embarrassed to be a person of colour.
 - (c) I felt insulted by Senator Hanson's tweet because Senator Hanson is a publicly elected official and she felt confident enough to express her view openly and direct it towards another Australian Senator. I was insulted because I felt that Senator Hanson's tweet conveyed a view that it does not matter how hard Senator Faruqi may have worked to occupy her position as an Australian Senator, she will never belong in Australia unless she is grateful to be living here. As a person of colour who has also worked hard, I felt insulted by the thought that I also will not be accepted fully as part of Australian society unless I behave in a certain way. As an Australian citizen who votes, I found it insulting that Senator Hanson would use her public platform to send a racist message.

Personal experiences in Australia

16. In or around December 2011, I was cast in the role of "Rani Kapoor" on the television show "Neighbours". I was 14 years old when I successfully auditioned for the part.
17. My character on Neighbours, Rani, was the teenage daughter of the characters Ajay and Priya Kapoor. The Kapoor family were the first non-white family to live on Ramsay Street. The Kapoor family were classified as regular characters on Neighbours, meaning that I was part of the regular Neighbours cast.

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18. Before even appearing on a televised episode of Neighbours, in December 2011, I recall that people were commenting negatively on the fact that me and the actors who played my parents on Neighbours would form part of the regular cast of Neighbours. For example, I recall that there was a Melbourne edition of the mX newspaper (a free newspaper which was given out at train stations) which was printed in or around early December 2011 which featured a picture of my co-stars, Menik Gooneratne and Sachin Joab (who played my parents on Neighbours) and me holding a "Ramsay St" street sign. I cannot recall the exact content of the mX article, except that the article commented on the fact that the Kapoor family had been cast as regulars on Neighbours as a family that lived on Ramsay Street. I also recall seeing it reported that Sachin Joab, who played my father on Neighbours, was commenting publicly about the fact that people were making racist and negative comments about the fact that we had been cast as regulars on Ramsay Street. A copy of a Daily Mail article titled 'Neighbours racist row erupts as Indian family moves into all white Ramsay Street – and viewers complain', written by Frank Thorne published on 10 December 2011 recording Sachin Joab's comments is annexed to this affidavit at **page 8 and marked Annexure "CJC-2"**.
19. I appeared on Neighbours from February 2012 to October 2013. During this time, I had a Twitter account ("@cococherian") and used this Twitter account regularly. Once episodes I had acted in went to air, I recall seeing tweets which used words to the effect of "I should go back to where I came from", that I "didn't belong [on Neighbours]" and that Neighbours should only be using actors who were "real Australians". I have not been able to find examples of these tweets and believe they have likely been deleted because I can recall reading them at the time.
20. I cannot recall the exact content of these tweets now, but I remember the sentiment very clearly because seeing these tweets (which continued in 2013) had a very powerful impact on me. I recall feeling very hurt that strangers would post comments like those described above and recall becoming very aware of the fact that not all Australians hold the same views as those of my family and friends. Because of these comments, I started to question whether I did in fact belong in Australia or had a right to be cast in Neighbours. I also started to hate my race and hate the part of me that is Indian. I recall not liking my skin and not feeling comfortable in it. I also recall comparing myself to my peers on Neighbours and recall feeling very different from my co-stars who were white. I felt as though I was not as important or deserving of time on screen when compared to my co-stars, who were the typical, backyard cricket playing white Australians.
21. Whilst playing the character of Rani, I noticed that the Neighbours writers were using Indian stereotypes in their portrayal of the Kapoor family. As an Australian, I did not relate to the character and because of the hate I was seeing online, I wanted to move away from the character that I was playing (for example, celebrating Hindu traditions or wearing Saris). This fact, in addition to the experiences described above, impacted my decision to quit acting in 2013.
22. I have experienced racism outside of my acting role on Neighbours. I started working in hospitality as a waitress in 2016. I worked as a waitress until 2022.
23. At least once a week whilst working as a waitress, I recall being asked words to the effect of "where are you from" by customers. When I responded with words to the effect of "I'm Australian", I would be asked words to the effect of, "No, but where are you really from?"
24. When I read Senator Hanson's tweet, I recognised this same mentality that I was faced with whilst working in the hospitality industry – that if I do not look a certain way, I cannot truly belong in Australia or call myself an Australian. Senator Hanson's tweet reminded me of these experiences.

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25. In my late teens, when I would go out to bars or nightclubs, I recall having the same sorts of questions about “where I am really from” being asked of me by people I met on a night out. I can recall being asked words to the effect of, “do you smell like curry?”

Impact of my personal experiences

26. As explained at paragraph 21 above, because of the racist comments I saw whilst acting on Neighbours, I made the decision to quit acting in 2013.

27. These negative experiences affected me significantly (as described at paragraph 20 above). I also recall feel shame and having my self-esteem be negatively affected.

28. I now suffer from anxiety and depression, which I believe is linked to these experiences.

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

DocuSigned by:
Coco-Jacinta Cherian
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Signature of deponent

DocuSigned by:
Andrea Farrugia
7E8CA6B416E0483...

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 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

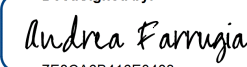
Applicant

PAULINE HANSON

Respondent

ANNEXURE CJC-1

This is the annexure marked "**CJC-1**" referred to in the affidavit of Coco-Jacinta Cherian affirmed 3 October 2023 before me:

DocuSigned by:

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Andrea-Marie Farrugia
Solicitor

Response ID: 135

Please provide your first name: Coco

Which of the following do you identify with? ["Person of colour", "Person with migrant heritage, born in Australia"]

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

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

Please describe the impact of the tweet on you: It reinforces the fear I feel as a person of colour. Despite living and contributing to this country, it reminds me that to some people that is never enough to be seen as 'Australian'. It reinforces the harmful rhetoric of migrants as greedy, as if living as any other would could be described as taking advantage of a place. Its tone is aggressive, its hurtful and scary to see someone with a public profile speak like this. If she can then who else around me will too?

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: Self-deprecation, questioning my identity, trauma

In your reading of the tweet, what is the meaning of the phrase 'pack your bags and piss off back to Pakistan'? You're not welcome here

Please provide further detail if you would like to: You are 'other', you are temporary, your contributions to this country are worthless. Something to the effect of 'I gave you this and I can take it away', as if she is speaking with authority. I guess she is - speaking on behalf of 'White Australia'.

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: [REDACTED]

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? maybe

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? maybe

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 CJC-2

This is the annexure marked "**CJC-2**" referred to in the affidavit of Coco-Jacinta Cherian affirmed 3 October 2023 before me:

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Andrea-Marie Farrugia
Solicitor



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Neighbours racist row erupts as Indian family moves into all white Ramsay Street – and viewers complain

- Staff from popular TV show forced to remove racist posts left on its website from fans
- Actor who plays Indian father hits out saying they probably supported the 'White Australia' policy

By [FRANK THORNE FOR MAILONLINE](#)
UPDATED: 06:21 AEST, 10 December 2011

197
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A nasty race row has broken out over an Indian family becoming residents into Australia's long-running TV soap Neighbours.

The actor who plays an Indian father in Ramsay Street has hit out at fans who say it is 'un-Australian' to cast him, saying they probably supported the 'White Australia' policy.

Melbourne-born of Indian descent, Sachin Joab is part of the long-running TV soap's attempt to tackle perceptions the show is too white and doesn't represent modern Australia.

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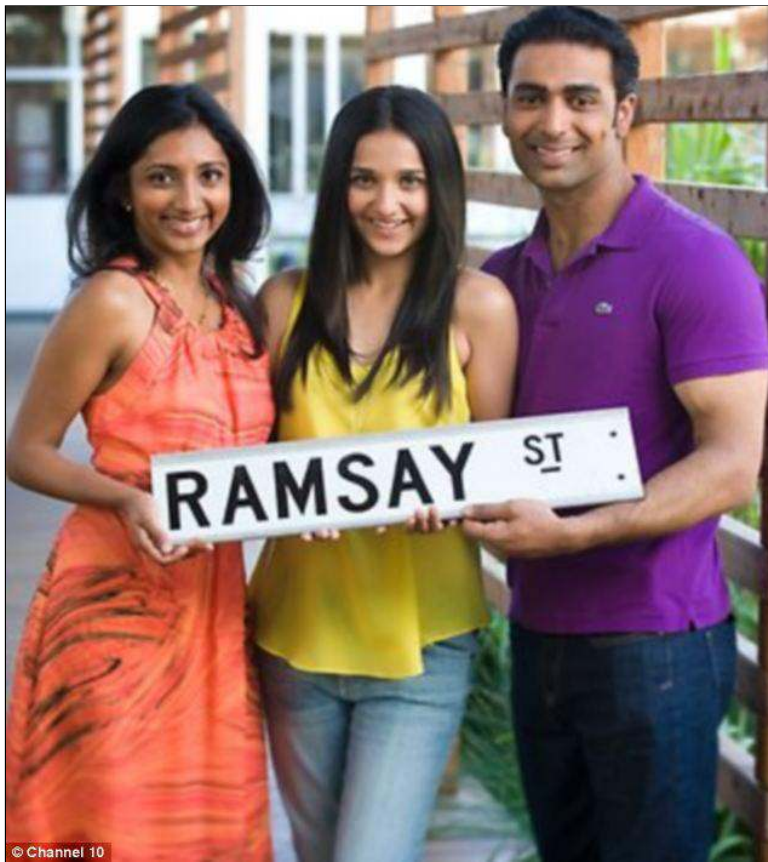
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Row: Menik Gooneratne, left, Coco-Jacinta Chen and Sachin Joab are the Kapoor family on Neighbours. A race row has now broken out in Australia over their inclusion in the popular show

Yesterday, Neighbours staff Down Under were forced to remove several racist posts from fans angry a non-Anglo-Saxon family would become show regulars, writing 'that racism and small-mindedness won't be tolerated.

Joab blamed racism on a 'lack of education.

'There is various pockets that will say it is un-Australian to have an Indian or an Indian family on Ramsay St,' he said.



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Bindi Irwin, 24, says she's been given a 'second chance at life as she recovers from major surgery in America





Disgraceful: Neighbours staff have been forced to remove several racist posts from fans who are angry a non-Anglo-Saxon family would become show regulars in Ramsay Street, pictured

'Those Aussies who are saying it is un Australian will be the same ones who pretty much supported the White Australia policy back in the day, you are never going to get away from that kind of stuff.

Joab said while most Australians were tolerant and respectful, he still faced bouts of racism.

'I faced racism myself, from the early years in primary school all the way up to recent times. Sometimes it's just blatant, he said.

'I think having a show that shows different families coming together can only be good for the community.

Neighbours executive producer Susan Bowers explained that the show wanted to represent a 'more modern society.

Joab will be joined by Menik Gooneratne and Coco-Jacinta Cherian - together they will make up the Kapoor family.

'The ABC and SBS TV have always cast multi-cultural Australians, and it was only 20 years ago you put Greeks and Italians on TV and people would question it,' Ms Bowers said.

'We have been criticised heavily for being too white and you are damned if you do and if you don't, and we would much rather be criticised for moving in this direction.

Ms Bowers said most of the inappropriate comments came from a 'small minority.

But one British fan commented: 'I would also like to point out, this same post was put up on Neighbours UK and so far there has been no racist comments. Think a lot could be learnt from us Brits!



Favourites: Madge Bishop (Anne Charleston) and Harold Bishop (Ian Smith) were popular among viewers



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Stars: Kylie Minogue and Jason Donovan at the age of 19 in Neighbours

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