

NOTICE OF FILING

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Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. NSD372 of 2023

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

MEHREEN FARUQI

Applicant

PAULINE HANSON

Respondent

Affidavit of: **Fatima Hasan**

Address: [Redacted]

Occupation: Nurse

Date: 3 October 2023

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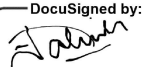
Document number	Details	Paragraph	Page
1	Affidavit of Fatima Hasan in support of Originating Application dated 3 May 2023 affirmed on 3 October 2023.	[1] – [25]	1 - 6
2	Annexure "FH-1", being a copy of Fatima Hasan's response to the online survey dated 20 June 2023.	[12]	7 – 8

I, Fatima Hasan, nurse, 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.
- 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
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[Version 3 form approved 02/05/2019]

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Personal background

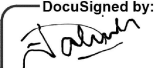
4. On 28 September 1991, I was born in Lahore, Pakistan.
5. I identify as being of Pakistani origin because I was born in Pakistan.
6. I am Muslim.
7. In 2016, I migrated to Australia. I have lived in Australia continuously since 2016. I am not an Australian citizen.


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 do not recall exactly how I became aware of Senator Hanson's tweet. I believe it is likely that I saw it on Twitter on or about 9 September 2022. I have based this belief on the fact that I have a personal Twitter account, I follow Senator Faruqi on Twitter and I regularly see posts which mention or respond to the posts Senator Faruqi publishes to Twitter.
10. I became aware of the fact that Senator Faruqi had commenced these court proceedings against Senator Hanson through media reporting, although I cannot recall when I became aware of this, or the exact source that I learned it from.
11. On 20 June 2023, I saw that Senator Faruqi had published a tweet to her public Twitter profile in which she invited people to complete an online survey about their experiences in relation to Senator Hanson's tweet. The link to the online survey was contained in this Tweet.
12. Subsequently on 20 June 2023, I completed the online survey. A copy of my response to the online survey is annexed to this affidavit at **page 7 and marked Annexure "FH-1"**.
13. The reason I felt compelled to complete the online survey was because I have previously experienced racism while living in Australia and I was personally impacted by Senator Hanson's Tweet after I saw it. Because of this, I felt strongly about my responsibility to share my experiences with Senator Faruqi and speak out against the impact that I have experienced.
14. 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 paragraphs 16 to 17 below.

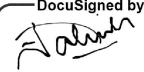
Impact of Senator Hanson's tweet


15. When I read Senator Hanson's tweet, I understood it as an attack on my personal identity as a migrant to Australia because I was also born in Pakistan like Senator Faruqi. I interpreted Senator Hanson's tweet as racist and xenophobic because of the language used in the tweet.

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16. In my response to the online survey, I indicated that I felt offended, insulted, humiliated and intimidated after reading Senator Hanson's tweet. The reason I selected these options is because of the following.
- (a) The reason I felt offended is because I understood that the words "*piss off back to Pakistan*" and the sentiment these words conveyed were directed towards everyone originally from Pakistan (including me). I took those words personally. Those words made me feel like all of the hard work that I have done in my life and particularly during the time that I have lived in Australia meant nothing because people, including Senator Hanson (who is an elected politician), feel as though I do not belong in Australia.
 - (b) The reason I felt insulted, in addition to the matters outlined at paragraph (a) above, is because of the following.
 - (i) Senator Hanson's tweet reminded me of my previous experiences with racism and brought back all of the trauma and insult that I have felt because of those experiences. Examples of my previous experiences with racism are outlined at paragraphs 19 to 24 below.
 - (ii) Prior to seeing the tweet, I had believed that racist and discriminatory attitudes in Australia had largely subsided because I had not been the subject of a racist incident for at least a year prior reading Senator Hanson's tweet. However after seeing Senator Hanson's tweet, I recall thinking that these attitudes must not have changed and that if a politician with a large platform can say and think these things, then other people in Australia must continue to think these things as well.
 - (c) The reason I felt humiliated is because, as I mentioned in paragraph (a) above, I took the words said by Senator Hanson personally. I understood the tweet to be a direct threat that challenged my right to continue to live in Australia if I did not conform to the thoughts, attitudes and expectations that people such as Senator Hanson have in relation to migrants. It also made me feel like I do not belong in Australia, and that no matter what I do, I will never belong or fit in to Australia.
 - (d) The reason I felt intimidated is because of the following.
 - (i) As an elected politician with a large public profile, I believed that Senator Hanson's thoughts and views about me and people from Pakistan must represent the thoughts and views of people that voted for Senator Hanson and who follow her on Twitter. Because of this, I am scared that there are people in Australia that share Senator Hanson's views or that think that I do not belong here because of where I am from, the colour of my skin and/or the way I look. I also live in fear that on any given day, I will be subjected to these extreme racist comments or an attack (physical or verbal), which will have negative impacts on my mental health and wellbeing.
 - (ii) After seeing Senator Hanson's tweet, I also saw numerous racist comments directed at Senator Faruqi from other people on Twitter which reiterated the thoughts and views of Senator Hanson conveyed in her reply to Senator Faruqi's tweet. I do not recall the specific comments that I saw, but I remember thinking that by publishing the tweet, Senator Hanson had given a voice to many other people in Australia that share her views. It was as if Senator Hanson had magnified those racist views.

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17. Because of what I have described at paragraphs 15 to 16 above, I recall that I cried after Senator Hanson's tweet. My sadness subsequently turned into desperation and anger. I recall thinking that if someone like Senator Faruqi, a politician, is unable to escape racism and discrimination in Australia, then there is nothing that I will ever be able to do to reduce or stop racist incidents against me.

Personal experiences

18. Since migrating to Australia, I have experienced numerous incidents of racism directed at me. I have described some examples of these experiences at paragraphs 19 to 24 below.

Rural nursing placement

19. In or around May 2023, I travelled to Horsham to complete a 4-week rural nursing placement at Grampians Community Health. Because of the racism that was directed towards me during this placement, I could not complete it because of the detrimental impact that attempting to complete my rural placement had on my mental health. Because of the incidents described at paragraphs 20 to 22 below, I was only about to complete two out of the required four weeks of my placement and was forced to return to Melbourne and seek medical treatment from a general practitioner.
20. On one occasion during this rural nursing placement (I do not recall the exact date), I recall that I approached an Australian patient to take her blood pressure. The patient then turned to another nurse in the room who was from Australia and said words to the effect of "*can I please have an Australian nurse?*". I left the patient's room and had to explain to my supervisor that the patient had refused care from me because I was not born in Australia. I was unable to treat this patient for the remainder of her stay. I recall being shocked when this happened and cried for a long time after it happened.
21. On other occasions during my placement at Grampians Community Health (I cannot recall the exact dates of these incidents), I recall that the following words were said to me.
- (a) "*You Indians really are taking over aren't you?*", which was said to me by a superior that I was working with.
 - (b) "*Why don't you go back to where you came from? You're like a dog with a bone,*" which was said to me by one of my colleagues.
 - (c) "*Are you qualified to do this, because you are not from Australia,*" which was said to me by a patient.
22. During this rural placement, I also believed that I was being treated differently when compared to other student nurses. I experienced racism, bullying and harassment by senior nurses, who often highlighted my mistakes. I believe this treatment was directed towards me because I am originally from Pakistan, have a darker skin tone and a different accent. For example, I recall one incident where the senior nurse took the time to print my notes on different patients and highlighted grammar errors in red (such as forgetting a full stop or a comma) and saying words to the effect of "*language must be a problem for you*" to me.

Hospitality employment

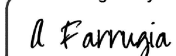
23. On another occasion (I do not recall when exactly) when I was working in a pub in Chapel Street in South Yarra, I recall that a customer came in and got very angry and aggressive after I told him I was from Pakistan. The customer then said words to the effect of “*you don't look like you are from Pakistan. Show me your passport*” to me. I had to stop serving this customer and call security to come and assist me.
24. Whilst working at the pub, I have also frequently been told words to the effect of:
- (a) “*go back to where you came from*” which I estimate has been said to me at least once a month since I migrated to Australia;
 - (b) variations of the phrase “*where are you really from?*”; and
 - (c) “*did you come here by boat?*”.

Impact of my personal experiences

25. As a result of the experiences described in the preceding paragraphs and the number of times that they have occurred, I have experienced a profound impact in my day-to-day life. I have described this impact below.
- (a) I have suffered depression because:
 - (i) I feel as though I do not belong in Australia; and
 - (ii) I feel as though I cannot continue to be a nurse in Australia because people do not accept me, and/or refuse care from me because I was not born here.
 - (b) I felt suicidal after the racist experiences described in paragraphs 20 to 22 above because I felt like I could not be a nurse in rural Australia, which is something that I had always wanted to do. I also felt like a failure because I was unable to complete my placement due to the racist experiences that I encountered.
 - (c) I have suffered hypervigilance at work because I am constantly concerned about what patients think of me, and whether they are treating me differently to other nurses.
 - (d) I have felt that my professional career has been adversely affected, and that I have been limited in the types of work that I am able to do, due to the matters outlined in paragraphs (b) above.
 - (e) I have suffered anxiety because I feel like I am constantly living in fear that I will be subjected to another racist experience.

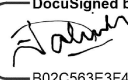
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(f) I have considered leaving Australia because I do not feel like I will ever properly fit in here.

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

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Signature of deponent

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Signature of witness

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

This affidavit was signed 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 FH-1

This is the annexure marked "FH-1" referred to in the affidavit of Fatima Hassan affirmed 3 October 2023 before me:

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Andrea-Marie Farrugia
Solicitor

Response ID: 470

Please provide your first name: Fatima

Which of the following do you identify with? ["Person of colour", "Migrant to Australia", "Person with visible characteristics of religion (ie hijab, turban, hair style, etc)"]

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

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

Please describe the impact of the tweet on you: It was unethical left me in tears.

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 suicidal

In your reading of the tweet, what is the meaning of the phrase 'pack your bags and piss off back to Pakistan'? It's racist it means migrants are not welcome here

Please provide further detail if you would like to: I stand by the greens leader by taking this action.

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: 3179

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"]