

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 17/10/2017 8:50:42 AM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Statement of Claim - Form 17 - Rule 8.06(1)(a)
File Number: NSD1828/2017
File Title: OSMAN FARUQI v MARK LATHAM
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 18/10/2017 12:30:49 PM AEDT

Registrar

Important Information

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Statement of claim

No. of 2017

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

Osman Faruqi

Applicant

Mark Latham

Respondent

PART A. The Parties

1. The respondent is a public commentator and the author of the Matter Complained Of.
2. The respondent operates a website at URL <https://www.marklathamsoutsiders.com/> ('the Website').
3. The applicant is a journalist and public commentator employed by Junkee Media.

PART B. The Matter Complained of

4. On 2 August 2017 the respondent uploaded a video entitled '*Mark Latham's Outsiders: The Rise of Anti-White Racism and Terrorist Plots in Australia*' being the material set out at Schedule A (the "**Matter Complained Of**").

Particulars

- a. The Matter Complained Of was available for download throughout each State and Territory of Australia on the Website, on the webpage with the URL www.marklathamsoutsiders.com/mark_latham_s_outsiders_the_rise_of_anti_white_racism ('the Webpage').
- b. The Matter Complained Of was also available for download throughout each State and Territory in Australia on the webpage with the URL

Filed on behalf of Osman Faruqi, Applicant
Prepared by Josh Bornstein,
Law firm Maurice Blackburn Lawyers Pty Ltd
Tel (02) 8277 2615 Fax (02) 9261 3318
Email Nabbey@mauriceblackburn.com.au
Address for service Level 32, 201 Elizabeth Street, Sydney, NSW, 2000
(include state and postcode)

<https://www.youtube.com/watch?v=Cw1Fki4EA2U> (**‘the YouTube video’**). The YouTube video been viewed more than 30,000 times.

- c. The Matter Complained Of was also available throughout each State and Territory in Australia on the webpage with the URL https://www.therebel.media/mark_latham_s_outsiders_the_rise_of_anti_white_racism (**‘the Rebel Media Webpage’**).
 - d. A link to The Matter Complained Of was also placed on the Facebook page of the respondent with the URL <https://www.facebook.com/MarkLathamsOutsiders/> (**‘the Facebook Post’**). The Facebook Post was ‘liked’ by more than 500 people and ‘shared’ by more than 100 people.
 - e. The Matter Complained Of was subsequently downloaded, viewed and comprehended by persons in each of those States and Territories.
5. The applicant is named in the Matter Complained Of.
 6. The Matter Complained Of in its ordinary and natural meaning was defamatory of the applicant, in that it carried the following defamatory meanings:
 - a. The applicant knowingly assists terrorist fanatics who want to kill innocent people in Australia.
 - b. The applicant condones the murder of innocent people by Islamic terrorists.
 - c. The applicant encourages and facilitates terrorism.

PART C: Loss and Damage

7. By reason of the publication of the Matter Complained Of and the imputations set out above, the applicant has been gravely injured in his reputation and character, has suffered hurt and embarrassment, has been brought into hatred, ridicule and contempt and will continue to suffer loss and damage.

PART D: Aggravated Damages

8. The circumstances of the publication of the Matter Complained Of warrant an award of aggravated damages by reason of:
 - a. The respondent’s knowledge of the falsity of the imputations stated at paragraph 6 above;
 - b. the respondent’s failure to cease publication of the imputations despite being requested to do so by the Letter from Maurice Blackburn dated 17 August 2017; and
 - c. the intemperate nature of the respondent’s attack upon the applicant.

PART E: Relief Claimed

9. The applicant claims the following relief:
- a. Damages including aggravated damages; and
 - b. An order that the respondent be permanently restrained from publishing or causing or permitting to be published each of the imputations pleaded and particularised at paragraph 6 above or any imputations which do not differ in substance therefrom.
10. The applicant also claims interest and costs.

Date: 17 October 2017



Signed by Josh Bornstein
Lawyer for the Applicant

This pleading was prepared by Josh Bornstein, lawyer

Certificate of lawyer

I Josh Bornstein certify to the Court that, in relation to the statement of claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 17 October 2017

A handwritten signature in black ink, appearing to be 'JB' with a long horizontal stroke extending to the right.

Signed by Josh Bornstein
Lawyer for the Applicant

SCHEDULE A

Transcript of The Matter Complained Of
Video published 2 August 2017

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2:04 – 5:17

“...But what I want to say at the top of the show is something that is of great concern to all
Australians. We’ve had the report over the weekend of a foiled terrorist plot where four people
10 have been arrested, others have been interviewed. They had a plan with an improvised device
to get it on an Etihad flight and potentially slaughter 500 innocent people.

Now unfortunately in Australia we have had 13 or 14 serious terrorist plots that have been foiled
by the Federal Police and ASIO. It’s unfortunate that these plots exist. We are very fortunate
15 indeed that we’ve got security agencies like the Federal Police and ASIO doing such a good job
to foil the plots of the Islamic terrorists in Australia. But it is also true to say that that good
fortune won’t be lasting forever. There have been terrorist attacks such as the Lindt Café and
the tragedy in Brighton, Melbourne, where Islamic terrorists have done their worst, people have
died in Australia. These bigger plots, the agencies have been doing a good job to stop them but
20 we need to be mindful of addressing the problem of Islamic terrorism at its root cause. At its root
cause and we need to address the political environment in Australia. Because there is one
fundamental truth: Anyone out there, on the left of politics in particular, that’s fermenting hatred
of white people, the rise of anti-white racism in Australia, and also those fermenting the idea of
an Islamic master race in Australia, they are aiding and abetting Islamic terrorism. They are
25 giving encouragement and succour to the terrorist fanatics who want to kill innocent people in
this country. So we need to change, for the better, the Australian political environment and
stamp out any suggestion of racism and generating hatred towards white people.

Now there’s an instance of this earlier in the week, a guy called Osman Faruqi. Here’s the tweet
30 that he put out. He was referring to the circumstances where in the Greens the two senators
Ludlam and Waters have been rubbed out under the Constitution. And his mate, Yassmin
Abdel-Magied, we know her well was asking “what’s going on?” and Osman replies “The white
people are getting f****d Yas, it’s happening”. He’s talking about white people in the Green
party.

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Now this guy was a Green Party staffer. He writes and leads up the Junkee website, the left
wing website. And that’s his attitude: “The white people are getting f****d Yas, it’s happening”.
He is celebrating anti-white racism in Australia. And Abdel-Magied, now in London thankfully,
replies with a smart alec comment about going back to where they came from.

Now this type of anti-white racism is totally unacceptable. We've seen it elsewhere from Green's Senator Sarah Hanson-Young, she uses white as a derogatory term and insult against people in politics. So too Labor's Sam Dastyari, ranting and raving about the unfortunate prevalence of white people in the Senate and elsewhere in Australian politics.

These people are fermenting hatred of white people. And as such, they are effectively encouraging the terrorists in this political environment, to do their worst. If you are generating hatred of white people, have a good look at yourself because it is not the Australian way, we shouldn't have racial hatred of any kind in this country. And the rise of anti-white racism is just phenomenally unacceptable..."

9:50 – 10:04

"...but one thing to make the country safe is to change the tenor of our debate where these imbeciles – absolute imbeciles - perpetrating racial hatred and the idea of a master race have got to pull their heads in and they've got to be pulled into line by our national leaders."