



Defence

No. NSD1503 of 2024

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

Peter Wertheim AM and another
Applicants

William Haddad and another
Respondents

In this defence, unless otherwise stated or the context otherwise requires:

- (a) references to paragraphs and subparagraphs are references to paragraphs and subparagraphs in the statement of claim filed by the Applicants on 25 October 2024 (**statement of claim**);
- (b) a pleading to a paragraph or subparagraph is a pleading to each allegation in the paragraph or subparagraph;
- (c) the Respondents:
 - (i) adopt the definitions in the statement of claim without admission;
 - (ii) advance reasons for denials also as allegations of material fact;
 - (iii) do not plead to particulars or allegations of law in the statement of claim; and
 - (iv) join issue on the statement of claim.

Preliminary matters

1. The Respondents admit paragraph 1.
2. The Respondents admit paragraph 2.
3. The Respondents do not know and therefore cannot admit paragraph 3.
4. The Respondents do not know and therefore cannot admit paragraph 4.

Filed on behalf of (name & role of party) William Haddad and Al Madina Dawah Centre Inc, First and Second Respondents
Prepared by (name of person/lawyer) Elias Tabchouri
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5. The Respondents do not know and therefore cannot admit paragraph 5.
6. The Respondents do not know and therefore cannot admit paragraph 6.
7. The Respondents admit paragraph 7.

Islam

7A. Islam is:

- (a) a religion; and
- (b) a religious denomination recognised by the Australian Government.

Particulars

- (i) *Schedule 1 of the Marriage (Recognised Denominations) Proclamation 2018 (Cth).*
- (ii) *Australian Bureau of Statistics, Australian Standard Classification of Religious Groups 2024.*

7B. Anyone who believes in the religion of Islam is a Muslim.

7C. Muslims constitute a group of people with a shared race or ethnic origin for the purpose of the *Racial Discrimination Act 1975 (Cth)* (the **RD Act**).

7D. The Qur'an:

- (a) means 'the recitation';
- (b) is the Islamic sacred scripture; and
- (c) is believed by Muslims to be the Word of Allah (God) revealed to the Prophet Muhammad.

7E. The Hadith:

- (a) means 'narrative' or 'report'; and
- (b) is believed by Muslims to be actual words of Muhammad, his family and companions.

7F. The Sunnah:

- (a) means 'established custom or habitual practice';
- (b) is the body of traditional social and legal custom and practice of the Islamic Community; and
- (c) the secondary source of legislation in Islam.

7G. In Islamic scholarship:

- (a) the body of commentary and explication aimed at explaining the Qur'an is known as Tafsir;
- (b) only individuals with scholarly training can appropriately author the Tafsir; and
- (c) only individuals with scholarly training can appropriately engage in teaching Tafsir.

7H. In Islamic scholarship:

- (a) the Hadith is a major source of Islamic guidance and is secondary to the Qur'an;
- (b) the Hadith consists of two parts:
 - (i) Isnad ('chain of narrators'); and
 - (ii) Matn ('text of the Hadith'); and
- (c) commentary of the Hadith is contained in various Islamic books known as Kutub Al-Sittah ('6 books') authored by Islamic scholars.

Mr Haddad

8. As to paragraph 8, the Respondents:

- (a) say that the First Respondent's name is William Haddad; and
- (b) otherwise admit the paragraph.

8A. Mr Haddad:

- (a) is a devout practising Muslim and a respected member of the Sydney Islamic community;
- (b) has undertaken Islamic studies including at the Sydney Islamic College;
- (c) engages in teaching Tafsir;
- (d) is one of the founders and sole director of the Second Respondent, AMDC Inc;
- (e) is a member of the governing committee of AMDC Inc (**Committee**);
- (f) is a part-time Islamic preacher and teacher at the AMDC;
- (g) prepares and delivers Islamic sermons twice per month on Fridays at the AMDC to and for the congregants and attendees of the AMDC; and
- (h) prepares and delivers religious, historical and educational lectures at the AMDC to and for the congregants and attendees of the AMDC.

AMDC and AMDC Inc

9. As to paragraph 9, the Respondents:

- (a) repeat and rely on paragraph 8A above;

- (b) admit that the AMDC is located at 54 Kitchener Parade, Bankstown, NSW 2200;
- (c) say that the AMDC is operated by AMDC Inc;
- (d) say that what occurs at the AMDC is principally:
 - (i) the provision of Islamic worship services;
 - (ii) the provision of Islamic academic and historical lectures;
 - (iii) teaching of Islam; and
 - (iv) the provision of community outreach services;
- (e) say that the activities set out in subparagraph (d) above are small-scale, non-profit and non-commercial activities;
- (f) otherwise deny the paragraph because the true position is set out in paragraph 8A and subparagraphs (c) to (e) above.

10. The Respondents admit paragraph 10.

Muslim-Jewish polemics, October 7 and the Gaza War

10A. The Islamic narratives contained within the Qur'an and the Hadith include descriptions of Muhammad's religious and military encounters with the Jews of Medina.

Particulars

For example;

Qur'an

- (a) *Surah Al – Baqarah (2:120) - “And never will the Jews or the Christians be pleased with you until you follow their religion. Say, ‘Indeed, the guidance of Allah is the only guidance’”;*
- (b) *Surah Al – Ma'idah (5:82) - “You will surely find the most intense in enmity toward the believers to be the Jews and those who associate others with Allah..” This verse reflects some of the conflicts between the Muslims and certain Jewish groups in Medina.*
- (c) *Surah Al – Hashr (59:2- 3) - “It is he who expelled the ones who disbelieved among the People of the Scripture from their homes at the first gathering...” . The Jewish tribe plotted to assassinate the Prophet Muhammed when he visited them. This is known as the conspiracy by Banu Nadir.*
- (d) *Surah Al – Ahzab (33:26) – The incident of betrayal by Banu Qurayza during the battle of the Trench. The Banu Qurayza broke their treaty and plotted with the Quraysh against the Muslims.*

Hadith

- (e) *Sunan Abu Dawood (3005) Banu Qurayza Conflict (Expulsion of the Tribe);*
- (f) *Sahih al – Bukhari (3043): The incident of Banu Qurayza;*
- (g) *The story of the treaty with the Jews of Medina – the story of Ibn Ishaq and violations of the treaty by the Jews;*
- (h) *Sahih al – Bukhari (2617) – a Jewish woman brought a poisoned sheep for the Prophet Muhammad to eat. A companion of the Prophet Muhammad died from the poisoning.*

- 10B. On 7 October 2023, a predominantly Muslim, Hamas-lead Palestinian militant group launched a terrorist attack on Israeli occupied land, killing approximately 1200 Israeli civilians and taking 240 hostages (**October 7**).
- 10C. Israelis are predominantly Jewish.
- 10D. After October 7, the Israel Government undertook military action towards Palestinians in Gaza and the West Bank (the **Gaza War**).
- 10F. Palestinians are predominantly Muslim.
- 10G. Many Palestinian people, not limited to Muslim Palestinians, have been killed in the Gaza War.

Particulars

Reuters website reported on 15 January 2024 that Palestinian health authorities estimate that Israeli ground and air military actions have resulted in 46,600 Palestinians have been killed in the Gaza War with just over half of identified victims being women, children or older people.

- 10H. Since October 7, the actions of the Israeli Government and Israeli Defence Force in the Gaza War:
 - (a) have attracted criticism and condemnation around the world, including in Australia; and
 - (b) have otherwise been the subject of intense public debate, including by politicians.

Particulars

For example, on 21 November 2024, the International Criminal Court issued warrants of arrest for two individuals, Mr Benjamin Netanyahu (Prime Minister of Israel) and Mr Yoav Gallant (former Defence Minister of Israel), for crimes against humanity and war crimes committed from at least 8 October 2023.

AMDC social media

11. As to paragraph 11, the Respondents:

- (a) deny the paragraph because the Facebook page referred to in paragraph 11 (**AMDC Facebook Page**):
 - (i) is maintained by volunteer community members of the AMDC, who are not employees or agents of AMDC Inc;
 - (ii) is not maintained or overseen, and posts on it are not approved or authorised, by the Committee of AMDC Inc or Mr Haddad, except that they have occasionally asked for content to be removed from the AMDC Facebook Page if a community member has raised a concern with them about it;
- (b) say that the AMDC Facebook Page:
 - (i) is directed at congregants and attendees of the AMDC and fellow members of the Islamic community; and

Particulars

For example, the AMDC Facebook Page:

- (A) *contains links to recordings of sermons delivered at the AMDC; and*
- (B) *contains advertisements for activities conducted at the AMDC, which are directed to the Islamic community as set out in subparagraph 9(d) above; and*
- (C) *contains advertisements for social activities for congregants and attendees of the AMDC and fellow members of the Islamic community.*

- (ii) was not promoted or advertised by the First or Second Respondent.

12. The Respondents do not know and therefore cannot admit paragraph 12.

13. As to paragraph 13, the Respondents:

- (a) say that the AMDC Facebook Page is a 'public' page for the purposes of Facebook;
- (b) admit that the AMDC Facebook Page is and at all material times was accessible by members of the public holding a Facebook account, whether or not they were followers of the page; and
- (c) otherwise do not know and therefore cannot admit the paragraph.

14. As to paragraph 14, the Respondents:

- (a) say that:
 - (i) AMDC volunteer members make posts on the AMDC Facebook Page;

- (ii) those posts include, from time to time, links to audio-visual recordings of:
 - (A) Islamic worship services;
 - (B) the provision of Tafsir,
 - (C) Islamic academic and historical lectures; and
 - (D) the teaching of Islam;
 - (iii) all video links posted to the AMDC Facebook Page are links to content hosted by either YouTube or Rumble; and
 - (iv) the posts made on the AMDC Facebook Page by volunteers also include, from time to time, advertisements for events to be held at the AMDC and social activities for congregants and attendees of the AMDC and fellow members of the Islamic community;
- (b) otherwise deny the paragraph because the true position is as set out in subparagraph (a) above.
15. As to paragraph 15, the Respondents:
- (a) deny the paragraph because the Rumble page referred to in paragraph 15 (**AMDC Rumble Page**):
 - (i) is maintained by volunteer community members of the AMDC, who are not employees or agents of AMDC Inc
 - (ii) is not maintained or overseen, and posts on it are not approved or authorised, by the Committee of AMDC Inc or Mr Haddad, except that they have occasionally asked for content to be removed from the AMDC Rumble Page if a community member has raised a concern with them about it;
 - (b) say that the AMDC Rumble Page:
 - (i) is directed at congregants and attendees of the AMDC and fellow members of the Islamic community; and

Particulars

For example, the AMDC Rumble Page:

- (A) *contains recordings of sermons delivered at the AMDC; and*
- (B) *is promoted principally by links on the AMDC Facebook Page.*

- (ii) was not promoted or advertised by the First or Second Respondent.

16. The Respondents admit paragraph 16.

17. The Respondents do not know and therefore cannot admit paragraph 17.

18. The Respondents admit paragraph 18.

The sermons

19. As to paragraph 19, the Respondents:

(a) as to subparagraph 19(a):

- (i) deny the subparagraph because Speech A was delivered on Friday 3 November 2023 at or about 7.30pm;
- (ii) say that Speech A:
 - (A) was the first of a three-part lecture series titled 'The Jews of Al Madina';
 - (B) was delivered in person at the AMDC;
 - (C) was delivered to approximately 40 people, all of whom were congregants of the AMDC and practising Muslims
 - (D) was delivered after an Islamic worship service;
 - (E) opened with the recitation of prayers from the Qur'an and Hadith in Arabic;
 - (F) included Arabic language;
 - (G) derived, in substance, from the text of the Qur'an and Hadith; and
 - (H) was directed at practising Muslims only;

Particulars

To be inferred from subparagraphs (B) to (G) above.

(b) as to paragraph 19(b):

- (i) admit the subparagraph and say that Speech B was delivered on Friday 10 November 2023 at or about 1pm or 1.15pm;
- (ii) say that Speech B:
 - (A) was an Islamic religious sermon;
 - (B) was delivered in person at the AMDC;
 - (C) was delivered to approximately 70 to 100 people, all of whom were congregants of the AMDC and practising Muslims
 - (D) opened with the recitation of prayers from the Qur'an and the Hadith in Arabic;
 - (E) included Arabic language;

- (F) contained direct and allegorical references to and from the Qur'an and Hadith together with political commentary on the Gaza War; and
- (G) was directed at practising Muslims only;

Particulars

To be inferred from subparagraphs (A) to (E) above.

- (c) as to subparagraph 19(c):
 - (i) deny the subparagraph because Speech C was delivered on Friday 10 November 2023 at or about 7.30pm;
 - (ii) say that Speech C:
 - (A) was the second of a three-part lecture series titled 'The Jews of Al Madina';
 - (B) was delivered in person at the AMDC;
 - (C) was delivered to approximately 40 people, all of whom were congregants of the AMDC and practising Muslims
 - (D) was delivered two hours after an Islamic worship service;
 - (E) opened with the recitation of prayers from the Hadith and Qur'an in Arabic;
 - (F) included Arabic language;
 - (G) derived, in substance, from the text of the Qur'an and Hadith; and
 - (H) was directed at practising Muslims only;

Particulars

To be inferred from subparagraphs (B) to (G) above.

- (d) as to subparagraph 19(d):
 - (i) admit the subparagraph;
 - (ii) say that Speech D:
 - (A) was an interview with Brother Ismail, a fellow Committee Member of the AMDC, titled 'Media Response to Reality of World Palestine';
 - (B) was delivered in person at the AMDC;
 - (C) was delivered to three people, all of whom were congregants of the AMDC and practising Muslims;
 - (D) included Arabic language;

- (E) contained direct and allegorical references to and from the Qur'an and Hadith together with political commentary on the Gaza War; and
- (F) was directed at practising Muslims only;

Particulars

To be inferred from subparagraphs (A) to (D) above.

- (e) as to subparagraph 19(e):
 - (i) admit the subparagraph and say that Speech E was delivered on Friday 29 November 2023 at or about 7.30pm;
 - (ii) say that Speech E:
 - (A) was the third of a three-part lecture series titled 'The Jews of Al Madina';
 - (B) was delivered in person at the AMDC;
 - (C) was delivered to approximately 40 people, all of whom were congregants of the AMDC and practising Muslims;
 - (D) was delivered after an Islamic worship service;
 - (E) opened with the recitation of two prayers from the Hadith in Arabic;
 - (F) included Arabic language;
 - (G) derived, in substance, from the text of the Qur'an and Hadith; and
 - (H) was directed at practising Muslims only;

Particulars

To be inferred from subparagraphs (B) to (G) above.

- (f) say that each of the Speeches was prepared by Mr Haddad in response to requests from the Islamic community to provide sermons which address the Gaza War.
- 19A. Prior to delivering Speech A, Mr Haddad had not delivered any sermons, speeches or made any public commentary on the Gaza War or Jewish people.
20. The Respondents admit paragraph 20.
21. As to paragraph 21, the Respondents:
- (a) admit the paragraph;
 - (b) say that neither Mr Haddad nor any Committee member of the AMDC arranged for the audio-visual recordings or any recordings whatsoever.
22. As to paragraph 22, the Respondents:

- (a) admit the paragraph;
 - (b) repeat and rely upon paragraph 15 above.
23. The Respondents admit paragraph 23.
24. As to paragraph 24, the Respondents:
- (a) admit the paragraph; and
 - (b) repeat and rely upon paragraphs 11 and 14 above.
25. As to paragraph 25, the Respondents:
- (a) admit the paragraph; and
 - (b) repeat and rely upon paragraphs 11 and 14 above.
26. The Respondents deny paragraph 26.
27. As to paragraph 27, the Respondents:
- (a) do not know and therefore cannot admit paragraph 27; and
 - (b) say that Mr Haddad and AMDC Inc were not responsible for communicating to the media in relation to any of the Speeches.
28. As to paragraph 28:
- (a) admit that Mr Haddad said words to the effect of the words set out in the transcripts annexed to the statement of claim; and
 - (b) say that, in determining whether the making of any of Speeches A to E contravened section 18C of the RD Act, they must be read as a whole and in the context of:
 - (i) the matters set out in paragraph 19 above; and
 - (ii) the historical and current religious and political context of the Muslim-Jewish polemic of the region including the Gaza War.
29. As to paragraph 29, the Respondents:
- (a) repeat and rely upon subparagraph 19(a) above;
 - (b) say that Speech A:
 - (i) was not directed to and does not refer to the Applicants; and
 - (ii) was not directed to and does not refer to Australian Jewish people;
 - (c) deny the imputations alleged in the paragraph are conveyed on a full and fair reading of Speech A in its context, including the matters in subparagraph 19(a) above.
30. As to paragraph 30, the Respondents:

- (a) repeat and rely upon subparagraph 19(b) above;
 - (b) say that Speech B:
 - (i) was not directed to and does not refer to the Applicants; and
 - (ii) was not directed to and does not refer to Australian Jewish people;
 - (c) deny the imputations alleged in the paragraph are conveyed on a full and fair reading of Speech B in its context, including the matters in subparagraph 19(b) above.
31. As to paragraph 31, the Respondents:
- (a) repeat and rely upon subparagraph 19(c) above;
 - (b) say that Speech C:
 - (i) was not directed to and does not refer to the Applicants; and
 - (ii) was not directed to and does not refer to Australian Jewish people;
 - (c) deny the imputations alleged in the paragraph are conveyed on a full and fair reading of Speech C in its context, including the matters in subparagraph 19(c) above.
32. As to paragraph 32, the Respondents:
- (a) repeat and rely upon subparagraph 19(d) above;
 - (b) say that Speech D:
 - (i) was not directed to and does not refer to the Applicants; and
 - (ii) was not directed to and does not refer to Australian Jewish people;
 - (c) deny the imputations alleged in the paragraph are conveyed on a full and fair reading of Speech D in its context, including the matters in subparagraph 19(d) above.
33. As to paragraph 33, the Respondents:
- (a) repeat and rely upon subparagraph 19(e) above;
 - (b) say that Speech E:
 - (i) was not directed to and does not refer to the Applicants; and
 - (ii) was not directed to and does not refer to Australian Jewish people;
 - (c) deny the imputations alleged in the paragraph are conveyed on a full and fair reading of Speech E in its context, including the matters in subparagraph 19(e) above.

Mr Haddad denies contravention of the RD Act

34. As to paragraph 34, the First Respondent:

- (a) admits that, by making each of Speeches A to E (and the statements contained in them), he did an act for the purposes of section 18C(1) of the RD Act;
- (b) otherwise denies the paragraph because:
 - (i) the audience of each of the Speeches when it was delivered was a group of congregants of the AMDC, all of whom were practising Muslims, on the premises of the AMDC, as set out in paragraph 19 above;
 - (ii) the AMDC was not a public place because:
 - (A) members of the public do not have access to it as of right; and
 - (B) there is no standing invitation, whether express or implied, for members of the public to access the AMDC; and

Particulars

To attend the AMDC, a person must be either Muslim or permitted by a member of the Committee, who will first consider the person's purpose for wanting to attend and whether the person has appropriately prepared themselves spiritually.

- (iii) each of Speeches A to E was otherwise delivered in private within the meaning of section 18C(1) of the RD Act.

35. The First Respondent denies paragraph 35:

- (a) for the reasons in paragraphs 29 to 33 above; and
- (b) because the Speeches were not reasonably likely to offend, insult, humiliate or intimidate Jewish people in Australia in all the circumstances including:
 - (i) the nature of the audience to which the Speeches were directed and the circumstances in which that audience was assembled to witness the Speeches, as set out in paragraphs 19, 29(b), 30(b), 31(b), 32(b), 33(b) and 34 above;
 - (ii) that each of the Speeches had a religious foundation and/or context as set out in paragraph 19 above; and
 - (iii) the historical and current religious and political context as set out in subparagraph 28(b)(ii) above.

36. The First Respondent denies paragraph 36.

37. The First Respondent denies paragraph 37 because:

- (a) Mr Haddad made each of the Speeches reasonably, including in the context of the matters in paragraphs 19, 29(b), 30(b), 31(b), 32(b), 33(b) and 34 above;
 - (b) Mr Haddad made each of the Speeches in good faith;
 - (c) Mr Haddad made each of the Speeches in the course of a statement, publication, discussion or debate for the genuine purpose of:
 - (i) teaching Tafsir, or otherwise delivering religious, historical and educational lectures or sermons, to congregants of the AMDC and other practising Muslims; and
 - (ii) further or alternatively, responding to requests from the Islamic community to provide sermons which address the Gaza War, and engaging in political commentary on the Gaza War from a religious perspective;
 - (d) each of the purposes set out in subparagraph (c) above was in the public interest; and
 - (e) by reason of subparagraphs (a) to (d) above, the exception in section 18D(b) of the RD Act applied to Mr Haddad's acts in making each of the Speeches.
38. The First Respondent denies paragraph 38 for the reasons in paragraphs 34 to 37 above or, alternatively, paragraph 38A and/or paragraph 38B below.
- 38A. To the extent the Court finds that the First Respondent's acts in making the Speeches are ones that would contravene section 18C of the RD Act, notwithstanding that they were prepared by the First Respondent in response to requests from the Islamic community to provide sermons which address the Gaza War, section 18C:
- (a) imposes an unjustified burden on the implied freedom of political communication; and
 - (b) is unconstitutional.
- 38B. To the extent the Court finds that the First Respondent's acts in making the Speeches are ones that would contravene section 18C of the RD Act by reason of subject matter that:
- (a) derived, in substance, from the text of the Qur'an and Hadith;
 - (b) further or alternatively, contained direct and allegorical references to and from the Qur'an and Hadith; and
 - (c) further or alternatively, constituted or was made for the purpose of teaching Tafsir, or otherwise delivering religious, historical and educational lectures or sermons, to practising Muslims,
- then section 18C:

- (d) is a law for prohibiting conduct which includes the free exercise of any religion, being the religion of Islam; and
- (e) is unconstitutional by reason of section 116 of the *Constitution*.

AMDC Inc denies contravention of the RD Act

39. As to paragraph 39, the Second Respondent:

- (a) denies it published the Speeches on the AMDC Facebook Page or the AMDC Rumble Page for the reasons in subparagraphs 11(a) and 15(a) above; and
- (b) otherwise admits the paragraph.

40. The Second Respondent denies paragraph 40:

- (a) for the reasons in paragraphs 35 and 39 above; and
- (b) because the publication of the Speeches on the AMDC Facebook page and the AMDC Rumble page was not otherwise reasonably likely to offend, insult, humiliate or intimidate Jewish people in Australia in circumstances where those pages:
 - (i) were directed at congregants and attendees of the AMDC and fellow members of the Islamic community;
 - (ii) were not promoted or advertised by the First and Second Respondents; and
 - (iii) in those circumstances, would have needed to be sought out deliberately by a Jewish person in Australia in order to be exposed to their contents.

41. The Second Respondent denies paragraph 41.

42. The Second Respondent denies paragraph 42 for the reasons in paragraph 42A and, further or alternatively, paragraph 42B below.

42A. If and to the extent the Court finds that the Second Respondent published any of the Speeches (which is denied), the exception in section 18D(b) of the RD Act applied to each of those acts because:

- (a) it was reasonable for AMDC Inc to publish each of the Speeches, including in the context of the matters in paragraphs 11(b), 15(b), 19, 29(b), 30(b), 31(b), 32(b), and 33(b) above;
- (b) each of the Speeches was published in good faith;
- (c) each of the Speeches was published in the course of a publication for the genuine purpose of:
 - (i) communicating Tafsir, or otherwise communicating religious, historical and educational lectures or sermons, to congregants of the AMDC and other practising Muslims; and

- (ii) further or alternatively, responding to requests from the Islamic community to provide sermons which address the Gaza War, and engaging in political commentary on the Gaza War from a religious perspective; and
 - (d) each of the purposes set out in subparagraph (c) above was in the public interest.
- 42B. If and to the extent the Court finds that the Second Respondent published any of the Speeches (which is denied), the exception in section 18D(c)(i) of the RD Act applied to each of those acts because:
- (a) it was reasonable for AMDC Inc to publish each of the Speeches, including in the context of the matters in paragraphs 11(b), 15(b), 19, 29(b), 30(b), 31(b), 32(b), and 33(b) above;
 - (b) each of the Speeches was published in good faith;
 - (c) each of the relevant publications:
 - (i) was a true and accurate audio-visual recording of each Speech as delivered; and
 - (ii) by reason of subparagraph (i), constituted a fair and accurate report of the event of delivering the Speech; and
 - (d) the delivery of the Speech was an event of public interest because it is in the public interest that:
 - (i) Tafsir is able to be taught to practising Muslims;
 - (ii) Islamic religious sermons are able to be delivered to practising Muslims; and
 - (iii) persons with the characteristics of Mr Haddad as set out in paragraph 8A above are able to respond to requests from the Islamic community to provide sermons which address the Gaza War, and engage in political commentary in that context.
43. The Second Respondent denies paragraph 43 for the reasons in paragraphs 39 to 42B above or, alternatively, paragraph 38A and/or paragraph 38B above.

Complaint to the Australian Human Rights Commission

44. The Respondents admit paragraph 44.
45. As to paragraph 45, the Respondents:
- (a) admit that the subject matter of the allegations of unlawful discrimination in the SOC is the same or the same in substance as the AHRC Complaint;
 - (b) deny that the conduct alleged is discriminatory or unlawful as alleged or at all.
46. The Respondents admit paragraph 46.

47. The Respondents deny paragraph 47.

ORDERS SOUGHT

1. The Application is dismissed.
2. The Applicants pay the Respondents' costs of the proceeding.

Date: 10 February 2025



Signed by Elias Tabchouri
Lawyer for the First and Second Respondent

This pleading was prepared by Dan Fuller and settled by Andrew Boe, counsel for the First and Second Respondents.

Certificate of lawyer

I Elias Tabchouri, certify to the Court that, in relation to the defence filed on behalf of the Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 10 February 2025



Signed by Elias Tabchouri
Lawyer for the Respondent

NOTICE OF FILING

Details of Filing

Document Lodged: Defence - Form 33 - Rule 16.32
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Date of Lodgment: 10/02/2025 10:08:31 AM AEDT
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File Number: NSD1503/2024
File Title: PETER WERTHEIM AM & ANOR v WISSAM HADDAD & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

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.