

**INQUIRY INTO ANTI-DISCRIMINATION AMENDMENT
(COMPLAINT HANDLING) BILL 2020**

Name: Name suppressed

Date Received: 24 April 2020

Partially
Confidential

Anti Discrimination legislation and behaviour is a positive and necessary component of any modern society and its legal system. However, it is not beyond possibility that what is intended as a move forwards to an inclusive society, can be used by self-motivated or unreasonable individuals and organisations as a tool to maliciously harass, intimidate and punish those who they have issue with, but who have acted in a reasonable way, or who have reasonably exercised their rights to free speech.

These types of actions are vexatious and are very often are destructive to the the person or organisation who is the target of a vexatious action, and who may be innocent of the claims. Improperly drawn laws, whilst intended to do good, have often been used in a vexatious fashion which can be likened to the discriminatory behaviour to which they were intended to protect against.

In a similar fashion, those persons representing the office and legal bodies, both government and private, have a duty of care to ensure that whilst they assist in the presenting of a claim for discrimination, that they are acting within reason and impartiality and that at any time a claim could be reasonably seen as vexatious, ie: after it has been rejected by several courts or multiple claims against an individual or organisation, that they not continue to assist in the pursuit of that claim(s) and recognise it as vexatious and that future actions related to that claim would also be vexatious and without grounds.

Potentially, any person holding a position of office that continues to assist and pursue what could be reasonably be a vexatious claim, would potentially be vicariously liable for censure or punishment where a vexatious claim is continued beyond what is considered a reasonable course of action.

For a victim of vexatious claims or litigation, there is little recourse that does not involve deep personal cost, financially and mentally, in addition to those costs already born in defence against a vexatious claim. It should be a duty of care of government legal systems to ensure protection against vexatious claims and litigation in all areas of law, not just Discrimination Law.

I would summarise my submission into a few lines in that, I do not want to see positive laws used to harass, intimidate or bully citizens because they have a differing opinion, belief or lifestyle, whether I agree with that or not. I do not want to see minorities use the law to attack individuals or organisations in the manner that they once sought protection against.

I would like public officials to understand that they are effecting discrimination when they pursue vexatious claims beyond what is reasonable. It is my hope that we will see a balanced system that

protects effectively against discrimination for all, but cannot be used as a weapon against reasonable fellow citizens or to silence freedom of speech.

For your Consideration,