

Supplementary
Submission
No 2a

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

Name: Mr Garry Burns

Date Received: 26 April 2020

Dear Committee,

Mr Latham's Bill is misconceived because Mr Gaynor continually runs vexatious proceedings.

Regards Garry Burns.

Dear Mr Latham,

This is not the submission in the Portal of the Committee of the Parliament calling for it to reject your ADA Complaint Handling Bill 2020 for being misconceived.

This is a separate submission.

If I understand your Bill Schedule 1 (11) omits a provision that requires the President to refer certain declined complaints to the NCAT at the request of the complainant.

This is currently s.93A of the Anti-Discrimination Act 1977.

That approach is wrong in law for these reasons but not exclusively.

The Bernard Gaynor in the proceeding *Gaynor v Local Court of NSW & Ors (2019) NSWSC 516* ran a vexatious proceeding claiming because the Judge's Tipstaff was a homosexual activist he (the Judge) should be recused from hearing the proceeding. (Apprehended Bias with no notice.) (Application Dismissed).

That case was so laughable it made it all the way to the Lawyers Weekly.

The Bernard Gaynor v Local Court of NSW & Ors (2019) NSW SC 805 Dismissed for being misconceived.

The Bernard Gaynor sought leave to appeal that decision in *The Bernard Gaynor v Attorney General of NSW (2020) NSWCA 48* Dismissed.

If you support a Bill denying a person his or her right to seek leave to appeal or leave as in NCAT under s 96 for a complainant to request leave because the President as in my case deemed the complaint vexatious that approach is simply wrong in law.

This is the first time the President has ever deemed a complaint of mine vexatious.

A complainant should have his or her right to seek leave to appeal a decision or in NCAT seek leave to have the matter heard after being declined by the President.

The President's decision under s 92 to decline a complaint is an administrative decision , not made by a court or tribunal upon whom the approach of the High Court in *General Steel* , is imposed. The test is that a claim will only be dismissed without hearing in circumstances where there is no personable cause of action disclosed on the pleadings and where it is clear that the plaintiff's case is so untenable, that it cannot succeed.

In relation to the 3 Falou applications I am seeking leave of the Tribunal under s.96 (1) to have those 3 applications determined because my proceedings are in the " public interest " and it is " fair & just " in those circumstances that those 3 applications should go to hearing. Leave of the Tribunal is discretionary. It's up to the complainant to make a case for leave.

Strict rules of evidence do not apply in the NCAT.

If you want the Parliament to support your Bill you would be supporting a Bill that the Bernard Gaynor should not of had a right to run his 3 vexatious proceedings in relation to his Local Court matters in the NSW Supreme Court. Leave to appeal should of been denied to the Bernard Gaynor.

All of Mr Gaynor's cases before the NSW Supreme Court lacked merit and were run at a great cost to the NSW tax payer. They were vexatious proceedings.

Mr Gaynor continually attacks me for wasting NSW tax payers money in what he claims are vexatious proceedings. If that is true isn't Mr Gaynor guilty of the same offence ?

In Mr Gaynor's blog post he states that I'm a vexatious litigant. I have not been declared a vexatious litigant by the NSW Supreme Court or any other court. In fact I continue to create interesting law.

Andrew Bolt should look a little closer at the Bernard Gaynor in relation to the vexatious proceedings he regularly runs in the NSW Supreme Court to dodge a merits hearing.

When my 3 applications go to hearing in relation to the Bernard Gaynor the media including Andrew Bolt will be so shocked he (Bolt) will reach for his Mardi Gras pearls in shock.

The Bernard Gaynor is not this nice alleged Christian man he wants us all to think he is.

And when I'm finished with Mr Gaynor everyone will know who he really is. The court will tell us through the evidence at the hearing of the matter.

My 3 complaints against Mr Gaynor are shocking. I hope the media will cover the proceeding when it eventually proceeds to court.

Mr Gaynor will try a few more stunts on to prevent my 3 applications from proceeding to a hearing but he will fail.

Time eventually catches up with everyone.

Warm regards,
Garry Burns.