

**Submission
No 88**

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

Name: Mr Gordon Smith

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This is a matter requiring urgent attention.

This is recently published press release of an ADB ruling.

A discrimination complaint lodged by a gay rights activist against code-hopping rugby star Israel Folau has been declined by the NSW Anti-Discrimination Board on the grounds it was "vexatious". Campaigner Garry Burns wrote to the board's president in December complaining about Folau's infamous Instagram post in which he warned hell awaits homosexuals.

Mr Burns also complained about the player's comments in a video church sermon linking severe droughts and unprecedented bushfires to the legalisation of same-sex marriage in late 2017.

But ADB president Annabelle Bennett this week wrote to Mr Burns "declining" the complaint because she was satisfied it was vexatious and "a flagrant abuse of process such that no further actions should be taken".

She found Mr Burns had not pursued the complaint under the state's Anti-Discrimination Act "in order to avail himself of the processes afforded under the ADA but for a collateral purpose, as a means to pressure the respondent to settle with him". The president wrote that the inference was that the settlement sought by Mr Burns was "directed to the payment of money".

She noted the activist had disregarded the confidential nature of the process by issuing a media release which stated, in part: "Fellas, I'm just like a vicious Alsatian dog. Once I grab hold of the leg, I don't let go until the bone is bare and bloodied. One way or another, I will get that remedy from Mr Folau."

However this decision has come after almost two decades of Garry Burns lodging similarly vexatious complaints with seemingly obvious intent to harass and punish the same one defendant for similarly holding to his religious convictions different to Mr Burns.

This situation suggests a significant abuse of process, aiding and abetting Burns to lodge hundreds of vexatious complaints with apparent impunity and at huge public cost pursuing his own political agenda, which amounts to grievous persecution of someone for holding an opposite view and who does not reside in NSW.. ..

The ADB has been provided evidence in the case of Bernard Gaynor to show that Burns has acted in exactly the same way with him as he did with Folau. Yet the ADB has not only refused to accept the evidence but removed it from the files it sent to NCAT, describing it as irrelevant. It has also written to Mr Gaynor stating that it does not have the power to investigate if complaints are vexatious.

The problem rests on the shoulders of taxpayer-leeching, bureaucrats at the ADB who've made careers, complete with long-service leave, out of pandering to Burns. and they've done it because they are just as much 'gay activists' as he is, except they exercise the power of the state to destroy the people with conservative views. The ADB has shown itself to be a totalitarian, state-funded activist organisation that is hell-bent on using the coercive power of the state to silence mainstream conservative opinion. These types of 'Thought Police' should have no place in Australia.

The NSW Anti-Discrimination Act needs to be amended because it's being exploited by activists to score political points and financially destroy opponents to score political points they cannot achieve by democratic means. Even worse, they are using the legal system to try to destroy their opponents financially to break them with the cost of using lawyers and going through tribunals to defend themselves. This is not justice.

It seems that the ADB has now changed its tune to avoid scrutiny and the law reforms that Mark Latham has introduced into the NSW parliament.

There is currently an inquiry underway into Mark's important bill forcing the ADB to reject vexatious complaints and complaints against people with brain damage. It also clarifies that the ADB has no power over people who live outside of NSW.

I trust it will be supported by the parliament.