

**Submission
No 104**

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

Name: Mr Alexander Stewart

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SUBMISSION TO INQUIRY INTO the Anti-Discrimination Amendment (Complaint Handling) Bill 2020

Dear Committee

Hon Robert Borsak MLC Shooters Fishers and Farmers Party Chair
Mr David Shoebridge MLC The Greens Deputy Chair
Hon Sam Faraway MLC The Nationals
Hon Rose Jackson MLC Australian Labor Party
Hon Natasha Maclaren-Jones MLC Liberal Party
Hon Shaoquett Moselmane MLC
Australian Labor Party Hon Natalie Ward MLC Liberal Party

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1.0 My background to comment

In the interests of the betterment of Australian democracy and governance, I offer comments, including a recommendation, based on my perspectives:

- a parent and grandparent concerned at the direction of our country, whether we can have principled, true democracy, or whether we slide into tyranny and social chaos
- I have worked 27 years in industry and 23 years in several Government Departments, including as Branch Head of seven Branches at salary levels from 1978 to 2000 that were closely equivalent to, or slightly in excess of, the salary levels of backbench MPs. (That is why, since 1980 I have advocated hugely increasing MPs' salaries, so as to create greater incentive for competent people from industry and the Public Service to enter Parliament, granted the risk of possibly being unemployed after 3 or 4 years.)
- I was therefore trained in, and in my work gave effect to, sensible policies in Equal Employment Opportunity and anti-discrimination. Inter alia, I created the first two dedicated Aboriginal Road Safety Officer positions in Australia, and employed them
- Among my mainly Engineering/Management career, I have worked for six MPs (3 Canberra, 3 NSW) from four different Parties, including a Minister and a Senator
- drawing from the experiences and expertise of members (including retired MPs) of the H.S.Chapman Society and Australians for Honest Elections Inc, which recently changed its name to Vote Australia.
- believing that elected Representatives should be accountable to the people, because as the famous saying goes, "*Power corrupts, and absolute power corrupts absolutely*".

2.0 General comments about democratic processes.

I am upset at the lack of democratic consultation and the waste of taxpayers' moneys, that have been characteristic features of this Berejiklian/ Harwin/ Photios government. I now quote just three examples:

2.1 The short timing is ridiculous:- this Bill was referred for Inquiry on 27/2/20 with public comments closing 26 April. I found out about this draft Bill on 24 April, thus limiting the scope of my analysis and comments. Many members of the Public would still be unaware and thus not able to comment. The short deadline means that this Submission was rushed.

2.2 The Berejiklian Premier's Department spent a huge amount of work to write a draft NSW Electoral Bill of 177-pages to replace the Parliamentary Electorates and Elections Act, but it was open for only a short period on the Premiers Department website for public comments, closing on 17 September 2017, and key stakeholders had not been consulted during the development of the draft Bill.

I was then President of **Australians for Honest Elections Inc** a NON-party-political public lobby group containing many experts with decades of experience in elections, vote frauds etc. Among our members was Australia's most famous Psephologist Malcolm MacKerras.

We had just had a National Conference on Electoral Matters to a packed audience in the Jubilee Room of the NSW Parliament on 6 August 2017, and to which all NSW MPs, the Premier included, had been invited. So how could the Premier's Dept not have been aware that we were a key stakeholder and should have been consulted about, or at least have been made aware of, the Bill?

None of us had heard about this proposed new Bill. I found out about it, two days after the deadline for public comments, and telephoned NSW Premiers Department. Immediately I sent in an email pointing out some major problems with the new Bill, and requesting that I be allowed to put in a thorough Submission within a week – it would take us a lot of work to properly evaluate 177 pages.

I also asked how many public comments had been made before the 17 Sept 2017 deadline. My requests were refused! Why?!

It was not as if the matter was urgent – the new legislation could not be used until 18 months later, namely the fixed date election scheduled for March 2019.

Therefore, allowing me a one week extension would not have been a problem – except that it can only be concluded that Premiers Department bureaucrats did not want to hear more problems such as those that I had put in my initial quick email.

Perhaps they were embarrassed to admit that there had been NO public comments?

The Premiers Department were ruthless in pushing through the new legislation rapidly, even though

- it makes VOTE FRAUDS EASIER THAN THE OLD LEGISLATION, and
- it ignored the recommendations (including Voter ID) of the good report dated 17 Nov 2016 by the **NSW Joint Standing Committee on Electoral Matters**, chaired by Jai Rowell MP.

2.3 The sudden introduction shortly after the March 2019 NSW State election of a Bill that drastically changed the law in regards to Abortion. This had not been announced as a policy in the lead-up to the election, and the Berejiklian/ Harwin/ Photios government could not therefore claim to have had any mandate to introduce such changes. There had been no need

identified at any stage of the election campaign that abortion was an issue that needed any changes.

3.0 Concerns at the Abuses and wastages of taxpayers' money by ADB and NCAT

The NSW Anti-Discrimination Board (ADB) and NSW Civil and Administrative Tribunal (NCAT) have processed dozens of complaints by Mr Gary Burns.

3.1 The case of Major Bernard Gaynor pursued vindictively by Mr Gary Burns.

Mr Burns has lodged many complaints with the NSW ADB, including many about a **Queensland resident**, retired Army Major Bernard Gaynor, who once said that he did not want any of his eight children taught by homosexual teachers.

Gary Burns wrote in an email:

“Mr Gaynor has an asset, namely his house. So, if there are enough complaints ... we can look at taking his house through bankruptcy.”

Mr Gaynor has faced 36 complaints from Mr Burns, of which 18 have gone to NCAT.

What a shocking waste of NSW taxpayers' money! It all cost Mr Gary Burns nothing. It cost Mr Bernard Gaynor his house.

It is reprehensible that the ADB was complicit in such stupidity and wastage, and even more reprehensible that NSW Attorney-Generals have been 'asleep at the wheel' and have allowed all of this to go on for years and years, necessitating this long overdue piece of legislation from Mark Latham MLC.

3.2 The ADB is renegade in not complying with Court rulings.

A NSW Court of appeal made a decision in February 2017 that the NCAT had no jurisdiction over Mr Gaynor, because he is a resident of another State.

The High Court of Australia in April 2018 upheld this ruling, finding that the Australian Constitution prevents NSW Tribunals (such as NCAT and ADB, which are not properly set up as Courts) from resolving disputes between interstate residents.

DESPITE THESE COURT RULINGS !!! the NSW ADB in June 2018 wasted its time and NSW taxpayers' money by referring three new unresolved complaints by Mr Burns about Mr Gaynor to NCAT.

And our NSW Attorney Generals (currently the Hon M.S. Speakman, MP for Cronulla) have not taken any actions, as they should have, to close down the reckless abuses of the legal system over which they are responsible, and to stop the wastage of NSW taxpayers' moneys.

3.3 The ADB wrongly accepted Mr Burns complaint against Israel Folau!

In early December 2019 Israel Folau and Rugby Australia announced that they had settled a long-running and highly-publicised dispute. RA apologised to Folau, acknowledged that he meant no harm, and paid him substantial monetary compensation.

That should have been the finish of that matter!

But, strangely, the NSW ADB a few days later stated that it had accepted Mr Burns' complaints about Israel Folau about the SAME social media post that had already been settled between RA and Folau.

Ms Annabelle Bennett, the President of the ADB, had accepted Burns' complaints even though Israel Folau was exempted under Sections 56 and 49ZT of the Anti-Discrimination Act which relate to the Act not affecting "*the act or practices of a body established to propagate religion ... religious instruction...*"

This makes the ADB renegade in not even complying with its own law.

3.4 The ADB is supposed to protect the disabled, but the case of John Sunol proves the opposite.

Mr Sunol was involved in a car crash that left him brain-damaged and disabled. He has made comments on social media against homosexuals in a rambling and incoherent fashion befitting his level of incapacity, but he has few followers, tiny effect and certainly no political influence.

Many complaints were lodged against Sunol by Mr Gary Burns, and came before NSW tribunals and courts, costing NSW taxpayers vast sums of money, but bankrupting Sunol.

The ADB is supposed to protect the disabled, but the case of John Sunol proves that it has abused its authority by persecuting Sunol, and leaving him in effect defenceless against a vindictive, vexatious and serial litigant like Burns.

4 Conclusions and Recommendation

- The ADB and NCAT have committed investigative resources and taxpayers' money in doing things that should never have been launched, things that should have been judged as vexatious
- The ADB is renegade and needs to be pulled into line by Parliament
- The NSW Liberal Party's Attorney Generals have been utterly incompetent in not having done so
- I recommend that this Private Member's Bill by Mark Latham should be passed in its entirety without amendments.

Yours sincerely

Lex Stewart,
(on the Electoral Roll as Alexander Cornell Stewart)