

3 January 2024

Bernard Gaynor

Committee Secretary

Legal and Constitutional Affairs Committee

via email: legcon.sen@aph.gov.au

Dear Committee Secretary,

Australian Human Rights Commission Amendment (Costs Protection) Bill 2023

I refer to the Senate Legal and Constitutional Affairs Committee inquiry into the above bill to amend costs provisions relating to claims made under the *Australian Human Rights Commission Act 1986* and thank the Committee for the opportunity to provide a submission to this inquiry.

I oppose this bill and urge the Committee to recommend that it be abandoned.

As a matter of principle it is unjust to enact provisions that will protect litigants from adverse costs consequences simply because they have made an anti-discrimination claim. Such an approach will result in legal activism, especially given the contentious and political nature of the anti-discrimination industry and its close links to radical and woke ideas which attack the very nature of the traditional family unit.

Based on my experience defending myself from 41 complaints lodged by a homosexual activist and 'professional' litigant in the costs neutral system provided for by the *Anti-Discrimination Act 1977* (NSW) and *Civil and Administrative Tribunal Act 2013* (NSW), provisions in this bill which purport to protect respondents from vexatious complaints will fail.

My experience should not be lightly dismissed. No other Australian has successfully defended himself against so many anti-discrimination complaints.

Under S.60 of the *Civil and Administrative Tribunal Act 2013* (NSW) respondents are meant to be protected from vexatious complaints. I can assure you that these protections failed miserably.

None of the activist's 41 complaints against me succeeded. Not once was I awarded costs even though the activist:

- was found to have engaged in conduct constituting contempt of court in relation to my solicitor;
- was recently made subject to an apprehended violence order in relation to his threats against my solicitor; and
- was found to have lodged vexatious complaints against a third party in relation to debts that he owed to me.

Additionally, even though the New South Wales Local Court accepted evidence that the activist has also threatened me, had boasted that he was seeking to use his complaints to bankrupt me and had engaged in vile abuse of me and my family, it was decided that this evidence was irrelevant in relation to determining whether the activist's complaints against me were vexatious.

Defending myself against these claims has cost me over half a million dollars in legal fees. I was forced to sell my house to fund my defence. Now my wife and I have combined assets of less than \$50,000 and we have given up hope of ever owning a home again.

Further, the stress caused by the baseless litigation against me resulted in diagnosed medical conditions and destroyed my ability to grow my small business which revolved around creating online content promoting traditional values in relation to marriage, family and morality in Australian society.

It seems that many within the anti-discrimination industry take joy in this outcome. They view that it is acceptable to punish the innocent by process. That is exactly why this industry is pushing to expand unjust costs provisions into federal anti-discrimination legislation.

I warn that the passage of this bill will unleash a wave a lawfare by radical anti-Christian activists against Christian schools and other organisations.

I am willing to appear before this Committee and/or to provide any documentary evidence it requires to support this submission.

Bernard Gaynor