



**Private and confidential**

6 August 2015.

Mr Bernard Gaynor  
Via Email: [personal@bernardgaynor.com.au](mailto:personal@bernardgaynor.com.au)

Dear Mr Gaynor

**Re: Mr Garry Burns – Complaint under the NSW Anti-Discrimination Act 1977 –  
Reference number: C2015/0340**

---

I write to advise that on 29 May 2015, the NSW Anti-Discrimination Board (the 'Board') received a written complaint of alleged **Homosexual Vilification** under the provisions of the *Anti-Discrimination Act 1977 (NSW)* (the 'Act') from Mr Garry Burns (the 'Complainant') against you personally (Bernard Gaynor) (the 'Respondent').

Please accept this letter as formal notice of the Board's investigation of the complaint.

**Acceptance of the complaint:**

**Section 89B** of the Act provides that the President, or his delegate, must make a decision about whether to accept or decline a complaint either wholly or in part.

The complainant lodged the present complaint on 29 May 2015.

He states that the alleged discrimination occurred on or about 28 May 2015.

On 23 July 2015, the President's Delegate decided to accept the complaint pursuant to section 89B

Accordingly, the Board's investigation is limited to events alleged to have occurred on or about 28 May 2015.

**Complainant's allegations:**

In summary, the complainant alleges that on or about 28 May 2015, you published an article by Andre Bolt titled "*The battle for same-sex marriage is over – Now join us to defend the institution*" on your Facebook page. The article gave rise to a number of comments being posted which vilify homosexual people.

For further particulars, please refer to the attached copy of the complaint statement and supporting documents.

**Relevant Statutory Provisions:**

Based on the information provided by the complainant, it appears that the complaint involves sections 49ZS and 49ZT of the *Anti-Discrimination Act 1977 (NSW)*. A copy of these sections is attached for your reference.

## **Role of the Anti-Discrimination Board:**

Under the *Anti-Discrimination Act 1977 (NSW)*, the Anti-Discrimination Board is required to investigate any written complaint that alleges unlawful discrimination or other unlawful conduct covered by the Act.

### **Investigation:**

The Board can investigate complaints by:

- Discussing the complaint with the parties
- Seeking written statements/responses from the parties
- Obtaining copies of any relevant documents from the parties
- Obtaining information and documents from witnesses or other third parties.

In addition, the Board may, if it considers it necessary, exercise the statutory powers contained in section 90B in order to obtain relevant information and documents.

### **Conciliation:**

In addition to investigation, the Board's role is to assist the parties to a complaint to reach a conciliated resolution of the matters in dispute if the Board considers it is appropriate to do so.

It must be emphasised that, in conducting investigation and conciliation proceedings, the Board ***does not represent*** the complainant, and acts impartially as between the parties.

### **Confidentiality:**

The Board will deal with this complaint confidentially. We ask that you also treat the complaint as confidential.

### **What happens next?**

We now need your response. Please reply in writing to the following:

1. Please provide your response to the complainant's allegations of homosexual vilification
2. Please provide us with any information that you think might assist the Board's investigation of this complaint

You should send your reply by ***Friday 4 September 2015***, to me as the officer handling these complaints at the Board. Please quote our complaint reference number on your letter.

Please send a duplicate copy of your response so that we may send it to the complainant.

The Board will read and consider your reply, and will send it to the complainant for comment.

**What happens if you do not reply?**

We need your reply in order to consider your response before the complaints proceed any further. If we do not receive your written reply by the deadline, and if you do not ask for an extension of time, we will have to go to the next stage of the Board's complaint handling process. This may involve a compulsory conciliation conference or referral to the NSW Civil and Administrative Tribunal for hearing.

**What if you have any questions or wish to discuss the complaint?**

If you have any questions regarding this matter, please contact me on 92685558. If when you call I am not available, please leave me your contact details and I will return your call at the earliest opportunity. In any event, within 2 business days.

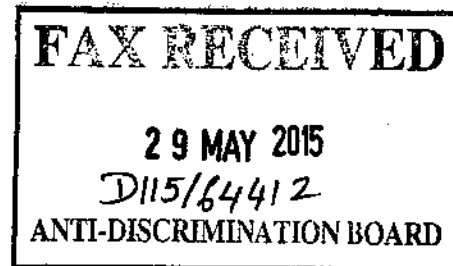
Yours sincerely,

  
**Connie Santiago**  
Conciliation Officer  
NSW Anti-Discrimination Board.

Enc.

Cc: Mr Garry Burns.

The President  
 Anti-Discrimination Board of NSW  
 Po Box A2122  
 Sydney South  
 NSW 1235



29 May 2015

Complaint under the Anti-Discrimination Act 1977 by Garry Burns against Bernard Gaynor

Dear Sir,

On or about the 28 May 2015 Mr. Gaynor published an article written by Andrew Bolt from the Herald Sun to his Facebook titled : ( pages 1-3 )

" The battle for same-sex marriage is over. Now join us to defend the institution , writes Andrew Bolt".

Mr. Gaynor's Facebook can be seen at <https://www.facebook.com/BernardGaynorBlog>

There are a number of statements published by Mr. Gaynor's followers / supporters that are harmful to homosexuals.

- 1, " I'm not a religious man but nature will tell you such actions are of no evolutionally benefit. If I had a bull on the farm that wouldn't mate with a cow, it would be on the BBQ in a few days. Ancient man did not survive by ignoring the laws of nature".
- 2, " Oh for Gods sake, nothing but a bunch of pretentious poonces. They can stop kissing , cuddling and fondling each other in front of me too. I find it offensive. Keep your sexual perversions in the bedroom please. The rest of the world doesn't need to see it".
- 3, With a parallel case pushing for animals to be defined as persons , this will naturally follow that the bestiality mob will call upon a redefinition of marriage such that " any two or more consenting persons ( which can also include a human and a animal) " can be married, etc.
- 4, An animal cannot consent although you are correct , they will put it down to "sexual orientation" and their love of animals. They will attempt to legalise Paedophilia and Zoophilia by the same method they legalised homosexuality. " Sexual Orientation" is their draw card for legalising anything they like. Beasts and Demons are like that, they receive sexual gratification from anything that is perverted. Necrophilia is another one that they will attempt to have "normalised".
- 5, " If same-sex marriage goes ahead -what about the rights of children ?? Islam practices paedophilia , sodomising babies and bestiality. If ss marriage goes ahead what about child protection against sodomy , rape , paedophilia ???  
 This is madness and opening up a pandoras box of unimaginable horror , terror , unthinkable trauma and abhorrent , vile and cruel practice. 100% against it. Children and babies , women have to be protected against this madness. Sodomy is against the law , rape is against the law, God help us all and society".
6. " Is a repeat or similar statement to 3 above.

7. In part: " Therapy and it needs to be placed back in the Mental Health Disorders list ( referring to homosexuality ) , with some solid scientific research done to find out why. Like depression , there is no reason that homosexuality can't be cured".


These statement's published by the Respondent to his Facebook page portray homosexual men and women and perverted . sick and dirty criminals.

I take you to the decision of Burns v Corbett ( 2013 ) NSW ADT 227.

What action . if any will you initiate in relation to my complaint against Mr.Gaynor ?

Can you inform me of what action you will take ?

Yours sincerely,

  
Gary Burns  
Po Box 77 , Paddington , NSW , 2021.

①



### Stillborn babies under 20 weeks to be recognised in Western Australia

WA attorney general changes rule that a baby had to reach 20 weeks' gestation or weigh 400g to be recognised by registry of births, deaths and marriages

THEGUARDIAN.COM

Like · Comment · Share

28 people like this.

Top Comments

1 share.

Write a comment...

**David Bernard** Abortion is just "legalised" Murder.  
Like · Reply · 2 · 11 hrs

**Christine Fisher** ridiculous. All babies should be recognised no matter how far along the pregnancy is!!!  
Like · Reply · 6 · 14 hrs

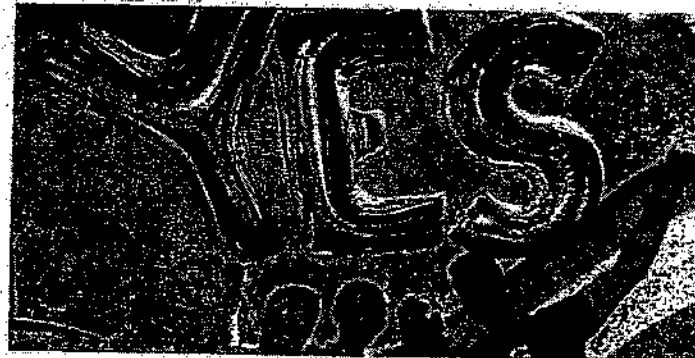
View 3 more comments

**Bernard Gaynor**  
15 hrs ·

I disagree with Andrew Bolt. The battle for homosexual marriage is not over.

But I do agree with these points that he raises today:

"But what will they now say to three adults wanting that right? To four?...  
See More.



### The battle for same-sex marriage is over. Now join us to defend the institution, writes Andrew Bolt

The battle for same-sex marriage has been won. Now the winners must defend marriage as fiercely as we conservatives tried.

HERALDSUN.COM.AU

Like · Comment · Share

48 people like this.

Top Comments

2 shares

Write a comment...

①

**Gerry Carroll** I'm not a religious man but nature will tell you such actions are of no evolutionary benefit.

If I had a bull on the farm that wouldn't mate with a cow, it would be on the BBQ in a few days.

Ancient man did not survive by ignoring the laws of nature.

Like · Reply · 20 · 15 hrs

**Ben Amory** Point well made !!  
Like · 4 · 14 hrs

2

Christine Fisher great post Anna Hunja Kalenuk.  
Like · 3 · 14 hrs

Anna Hunja Kalenuk God is not Religious ether, nor is God a Sectarian Gerry. James 1:26-27 if any think they are religious, and do not bridle their tongues but deceive their hearts. THEIR RELIGION IS WORTHLESS. Religion that is pure and undefiled before God, the Father, is this: TO CARE FOR ORPHANS AND WIDOWS IN THEIR DISTRESS, and TO KEEP ONESELF UNSTAINED BY THE WORLD.  
Like · 1 · 11 hrs

Write a reply...

David Bernard Exacly any move towards homosexual "Marriages" opens the flood gates for other deviant behaviour. And Yes I did put "DEVARIANT".  
Like · Reply · 17 · 15 hrs

Anthony Fess Parker 100% NO from me  
Like · Reply · 5 · 14 hrs

Terry Farrell Granting same sex marriage will open a pandora's box!  
Like · Reply · 2 · 12 hrs

Peter Surgeoner Polygamy will be legal soon.  
Like · Reply · 2 · 13 hrs

Janina Rout  
That's exactly right. How then, can we say no to Muslims who want the four wives their religion says they can have? What of Mormons wanting likewise? How about an adult man who wants to marry his aunt, or indeed, his uncle?  
If we change the definition of marriage to accommodate homosexuality, then where does it end?  
I'll tell you... with the definition of marriage being so broad as to be meaningless. There will be no marriage.  
Like · Reply · 13 · 15 hrs

Linda Touwen I agreed. How do I encourage my children to get married when by that stage it will be meaningless?  
Like · 3 · 14 hrs

Courage Coward Well said Janina Rout  
Like · 10 hrs

Write a reply...

Anti Corruption Oh for Gods sake, nothing but a bunch of pretentious poncees. They can stop kissing, cuddling and fondling each other in front of me too. I find it offensive. Keep your sexual perversions in the bedroom please. The rest of the world doesnt need to see it!  
Like · Reply · 3 · 12 hrs

Australia - 'Love it, or leave' VERY GOOD points!!!  
Like · 2 · 15 hrs

Anna Hunja Kalenuk  
The Holy Bible, classifies any union other than a Monogamous Union between a Male and Female as Sexual Immorality/Abomination. The Australian Constitution is based on New Testament Codes of Conduct/Scripture for Humanity. You cannot change the Australian Constitution which is based on Biblical Conduct Rules, nor can you change the Bible to suit an Immorality/Abomination. "1 Corinthians 7:2 But because of cases of Sexual Immorality, EACH MAN SHOULD HAVE HIS OWN WIFE and EACH WOMAN HER OWN HUSBAND. The husband should give to his wife her conjugal rights, and likewise the wife to her husband. For the wife does not have authority over her own body, but the husband does; likewise the husband does not have authority over his own body, but his wife does. DO NOT DEPRIVE ONE ANOTHER except perhaps by agreement for a set time, to devote yourselves to prayer, and then come together again, so that Satan may not tempt you because of your lack of self control." Copulate to your hearts content when you are in a Monogamous, Opposite Sex Relationship.  
Like · Reply · 9 · 15 hrs

Grant Vandervalk With the parallel case pushing for animals to be defined as persons, this will naturally follow that the bestiality mob will call upon a redefinition of marriage such that "any two or more consenting persons, (which can also include a human and animal)" can be married, etc.  
Like · Reply · 7 · 14 hrs

Anti Corruption  
An animal cannot consent although you are correct, they will put it down to "sexual orientation" and their love of Animals. They will

3

4  
6

attempt to legalise Paedophilia and Zoophilia by the same method they legalised Homosexuality, "Sexual Orientation" is their draw card for legalising anything they like. Beasts and Demons are like that, they receive sexual gratification from anything that is perverted. Necrophilia is another one that they will attempt to have "normalised".

Like · 3 · 12 hrs

Write a reply...

Christine Fisher

If same sex marriage goes ahead - what about the rights of children?? Islam practices paedophilia, sodomising babies and bestiality. If ss "marriage" goes ahead, - what about child protection against sodomy, rape, paedophilia???

Gary Roma T Find Friends

Bernard Gaynor

momms, where's the protection for women and children ~~and babies??~~ This is madness and opening a pandora's box of unimaginable horror, terror, unthinkable trauma and abhorrent, vile and cruel practice. 100% against it. Children and babies, women have to be protected against this madness. Sodomy is against the law, rape is against the law, God help us all and society.

Like · Reply · 5 · 14 hrs

5

And Corruption They will attempt to legalise Paedophilia and Zoophilia by the same method they legalised Homosexuality, "Sexual Orientation" is their draw card for legalising anything they like. Beasts and Demons are like that, they receive sexual gratification from anything that is perverted. Necrophilia is another one that they will attempt to have "normalised".

Like · 3 · 12 hrs

Write a reply...

6

Sally Mitchell

When I was a kid (a long time ago), we would hear of "Miss Brown, who never married, and shares her house with her friend Miss Smith" the same went for gentlemen in the community. Nothing for us to concern ourselves with - they were good citizens, went... See More

Like · Reply · 13 mins



Fainie McDonald Has Andrew heard of "As it was in the days of Lot"?

Like · Reply · 9 hrs



Colin Boucher I'm against it as well!

Like · Reply · 3 · 13 hrs



Chris Savage I love everyone but I do not love sin. If only these poor souls would balance their endocrine system with Magnesium Oil and they would then return to their correct gender.

Like · Reply · 3 · 14 hrs · Edited

Anna Hunja Kalenuik

Nice try... I have to say, that I behave very bitchish and I did have Hypertthyroidism, now Hypothyroidism. Having an imbalanced endocrine system has never turned me into a Lesbian. Im not attracted to Women romantically or sexually, although I can appreciate the beauty of another Women and will often compliment other women. In my experience those that choose the same sex, have a Phobia of opposite sex relationships, many having been abused psychologically, psychically or both by either a parent, carer, institution. They need Mental Health Therapy and it needs to be placed back on the Mental Health Disorders list, with some solid Scientific research done to find out why. Like Depression, there is no reason that Homosexuality cant be cured.

Like · 4 · 14 hrs

Write a reply...

Write a comment...



Bernard Gaynor

16 hrs ·

The West must understand this: ISIS represents just one part of an ongoing Islamic civil war.

There are good reasons to defeat ISIS. However, doing properly will require the defeat of Islam in general as well. Otherwise, we are simply building the road for the group that will replace ISIS.

7



## Anti-Discrimination Act 1977 No 48

### 49ZS Definition

In this Division:

*public act* includes:

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material, and
- (b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, and
- (c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.

## Anti-Discrimination Act 1977 No 48

### 49ZT Homosexual vilification unlawful

- (1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.
- (2) Nothing in this section renders unlawful:
  - (a) a fair report of a public act referred to in subsection (1), or
  - (b) a communication or the distribution or dissemination of any matter on an occasion that would be subject to a defence of absolute privilege (whether under the Defamation Act 2005 or otherwise) in proceedings for defamation, or
  - (c) a public act, done reasonably and in good faith, for academic, artistic, religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

## **Anti-Discrimination Act 1977 No 48**

### **89B Acceptance or declining of complaints by the President**

- (1) The President is to determine whether or not a complaint made to the President is to be accepted or declined, in whole or in part.
- (2) The President may decline a complaint if:
  - (a) no part of the conduct complained of could amount to a contravention of a provision of this Act or the regulations, or
  - (b) the whole or part of the conduct complained of occurred more than 12 months before the making of the complaint, or
  - (c) the conduct complained of could amount to a contravention of a provision of this Act (not including section 20D, 38T, 49ZTA or 49ZXC) for which a specific penalty is imposed, or
  - (d) in the case of a vilification complaint, it fails to satisfy the requirements of section 88, or
  - (e) the President is not satisfied that the complaint was made by or on behalf of the complainant named in the complaint.
- (3) The President is to give notice of a decision to accept or decline a complaint to:
  - (a) the person who made the complaint, and
  - (b) if the respondent has been given notice of the complaint, the respondent, so far as is reasonably practicable, within 28 days after the decision is made.
- (4) A decision under this section to decline a complaint in whole or in part is not reviewable by the Tribunal.

## **Anti-Discrimination Act 1977 No 48**

### **90 President to investigate complaints**

- (1) The President is to investigate each complaint that the President has accepted under section 89B.
- (2) The President may conduct a joint investigation into more than one complaint.
- (3) The President must give notice to the parties if a joint investigation is undertaken.

## **Anti-Discrimination Act 1977 No 48**

### **90A Investigation of vilification complaints**

- (1) If a complaint to be investigated is a vilification complaint, or alleges an offence under section 20D, 38T, 49ZTA or 49ZXC, the President may, by notice in writing, require any person to produce a copy or transcript of any broadcast the subject of the complaint at a specified place.
- (2) A person must not fail to comply with the terms of a notice under this section.

Maximum penalty: 50 penalty units, in the case of a body corporate, or 10 penalty units in any other case.

## Anti-Discrimination Act 1977 No 48

### 90B Supplying information and documents

(1) The President may, by notice in writing, require a complainant or a person against whom a complaint is made to provide:

- (a) information (orally or in writing), or
- (b) documents,

(such information or documents, or both, being referred to in this section as *the relevant material*) within 28 days after the date of the notice or such other period as the President determines and specifies when making the requirement.

(2) A person of whom a requirement is made under subsection (1):

- (a) must provide to the President any of the relevant material that is in the person's possession, custody or control within the period specified in the notice, unless the person has a reasonable excuse for not doing so, and
- (b) must, if the person has a reasonable excuse for not providing the relevant material, or any part of it, give notice to the President of the excuse and of the relevant material to which the excuse relates within the period specified in the notice under subsection (1).

Maximum penalty: 50 penalty units, in the case of a body corporate, or 10 penalty units in any other case.

(3) The President may, by notice in writing, require a person other than a person referred to in subsection (1) to supply the relevant material within 28 days after the date of the notice or such other period as the President determines and specifies in the notice.

(4) A person who receives a notice under subsection (3):

- (a) must provide to the President any of the relevant material specified in the notice that is in the person's possession, custody or control within the period specified in the notice, unless the person has a reasonable excuse for not doing so, and
- (b) must, if the person has a reasonable excuse for not providing the relevant material, or any part of it, give notice to the President of the excuse and of the relevant material to which the excuse relates within the period specified in the notice under subsection (3).

Maximum penalty: 50 penalty units, in the case of a body corporate, or 10 penalty units in any other case.

- (5) If the relevant material is not provided or supplied under subsection (2) or (4), the President may refer the complaint to the Tribunal.

## Anti-Discrimination Act 1977 No 48

### 91A Resolution of complaint by conciliation

- (1) If the President is of the opinion that a complaint, other than a complaint that the President has declined under section 92, may be resolved by conciliation, the President may, at his or her discretion, at any stage after acceptance of the complaint endeavour to resolve the complaint by conciliation.
- (2) The President may, by notice in writing, require the complainant and the respondent, or either of them, to appear before the President, either separately or together, for the purpose of endeavouring to resolve the complaint by conciliation.
- (3) A person must not fail to comply with the terms of a notice under subsection (2).

Maximum penalty: 50 penalty units, in the case of a body corporate, or 10 penalty units in any other case.

- (4) Evidence of anything said or done in the course of conciliation proceedings under this section is not admissible in any subsequent proceedings relating to the complaint.
- (5) A written record is to be prepared by the parties, and signed by or on behalf of each of them, of any agreement reached, following conciliation, with respect to the subject-matter of the complaint if any party requests the making of such a record within 28 days after the agreement is reached.
- (6) If a party to a recorded agreement is of the opinion that any other party has not complied with the terms of the agreement, the party may, not later than 6 months after the date of the agreement, apply to the Tribunal to have the agreement registered.
- (7) The party making the application must serve a copy of the application and the agreement on each other party.
- (8) If the member of the Tribunal who hears the application is satisfied that a party to the agreement has not complied with the terms of the agreement, the member is to register those provisions of the agreement (if any) that, in the exercise of the Tribunal's jurisdiction, could have been the subject of an order in proceedings relating to a complaint.
- (9) The provisions of an agreement that are registered in accordance with this section are taken to be an order of the Tribunal and may be enforced accordingly.



## **Anti-Discrimination Act 1977 No 48**

### **91B No right to representation**

A complainant or respondent in conciliation proceedings before the President cannot be represented by any other person, except by leave of the President.