

# Efron & Associates

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Suite 10, Level 1, 600 Lonsdale Street MELBOURNE VIC 3000

Our Ref: GDE:BL:13-00240  
Your Ref:

5 August 2014

Attn: Ting Lim  
Australian Human Rights Commission  
Level 3 Pitt Street  
Sydney NSW 2000

Dear Ms Lim,

**Re: Allegation of racial discrimination by Demetrios Vakras against Robert Cripps**

We act for Mr Robert Cripps in the above matter.

We refer to your email dated 15 July 2014 and thank you for the opportunity for our client to respond to the allegations by Mr Vakras.

We refer to the complaint filed by Mr Vakras to the AHRC ("The Complaint") and respond as follows:

1. Our client and Mr Vakras are parties to a Supreme Court proceeding no. S CI 2011 1484 ("**the Proceeding**") in which our client sued Mr Vakras for defamation.
2. We note that the allegations of racial discrimination by Mr Vakras refer to an art exhibition which was the central event of the dispute in that Proceeding. The trial of the Proceeding was held from 17-21 and 24-26 March 2014.
3. In the Complaint, Mr Vakras alleged that on or about the last week of March 2014 (which was when the trial of the Proceeding was held), he was made aware that the alleged discriminatory actions by our client against him (which our client vehemently denies) were due to his racial or cultural origins. We could only infer that Mr Vakras' "awareness" have come about from the trial of the Proceeding, ie the evidence that was given in Court by both parties.
4. Mr Vakras went on to explain in the Complaint that he was discriminated because of his "Greek nationalism" which was manifested through his use of the Greek language in his artwork; and that this led to our client placing disclaimers in the exhibition.
5. For the avoidance of any doubt, we state in unequivocal terms that nowhere during the trial of the Proceeding have this issue of "Greek nationalism" nor did any issue about the use of the Greek language in Mr Vakras' artwork arise. Our client is dumbfounded as to how such an allegation could now arise.

6. Based on the evidence given by parties, the judge in his judgment handed down on 20 June 2014 made, inter alia, the following finding of facts:
  - (a) Our client said words to the effect that he did not understand the essays that accompanied some of the paintings because they read like legalese – paragraph 146(g).
  - (b) Our client said that Mr Vakras' essays are difficult to understand because they are very long and complex and use foreign words – paragraph 146(h).
  - (c) Our client said that he was concerned that Mr Vakras' essays could be interpreted as being anti-Palestinian and racist – paragraph 146(i).

We refer you to the full judgment of his Honour Justice Kyrou at <http://www.austlii.edu.au/au/cases/vic/VSC/2014/279.html> for your attention.

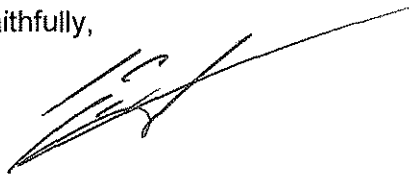
7. It was for the above reasons that our client placed disclaimer on Mr Vakras' artwork, and not for any reason of "Greek nationalism".
8. The Proceeding was found in our client's favour and Mr Vakras was ordered to pay damages to our client for his defamatory materials on our client.
9. Based on the foregoing, we cannot see how this spurious claim of discrimination by Mr Vakras against our client has any grounds, except to say that this is yet another attack on our client by Mr Vakras apart from the defamatory materials published about our client by him.

Should this Complaint be pursued any further by the AHRC, it would clearly an abuse of the process and resources of the AHRC which we believe could be put to far better use in investigating legitimate claims of discrimination, and not on this baseless and spurious Complaint.

Accordingly, we urge that the AHRC to dismiss the Complaint by Mr Vakras.

Please do not hesitate to contact us with any queries.

Yours faithfully,



**EFRON & ASSOCIATES**