

Demetrios Vakras 7 August 2014

Attention Ms Ting Lim and Hyun Joo Lee

Complaint regarding racial discrimination by Robert Cripps.

The response by Cripps' counsel to my complaint of discrimination is disingenuous, misleading and dishonest.

Buddy Low from Efron Solicitors, was present when I came under sustained attack over being Greek, and my use of Greek words in an essay on Greek mythology.

If the author is Low, he is in breach of S. 2.7.11 of the LEGAL PROFESSION ACT 2004.

With regard to the decision Efron Solicitors refer to, it pertains to a Breach of Contract under Victorian Legislation: "FAIR TRADING ACT 1999" (repealed and replaced by "AUSTRALIAN CONSUMER LAW AND FAIR TRADING ACT 2012 (NO. 21 OF 2012)").

This was of "two related proceedings" heard together.

Federal Racial Discrimination was not considered, nor ruled on.

This decision considered only whether disclaimers posted by Cripps constituted a breach of contract for which we were seeking redress; or whether Cripps believed he had "reasonable" grounds to post them.

Even though the judge believed Cripps had "reasonable" grounds to post the disclaimers, that does not mean that Cripps' reasons are not racist. I find that offensive.

Whether the judge should have considered the issue of racial discrimination, is a different issue. The judge simply did not.

In addition to what I wrote in my email dated 5/8/2014 (which I am appending to this letter):

The claim made against me was made by Cripps' counsel on Cripps' instructions, and can be found in the trial transcripts attached to the email I sent yesterday:

p. 262 line 17-19 :

No, I'm not talking about the price list. I'm talking about, as I'm instructed, about 50 by 100 labels with a very brief statement - - -

p. 263 line 17-21 :

Mr Vakras, ... I'm firmly instructed that there were annexed to each picture a label about 100 by 50 with a few

lines of explanation, description, difficult to tell particularly where it was not in the Latin alphabet?---

Cripps himself testified:

p. 389 line 15-30:

And I indicated, I indicated the, what I was concerned about. There are, there are labels missing from all of the, all of the paintings. There were, there were labels other than the essays and I've yet to see an image with any of the labels attached. And I was actually talking to him about the labels because they were written in, in another, in another - in a different script and then it wasn't written in English that I could understand.

The judge did not consider whether this breached Federal law; ONLY Victorian State law governing breach of contract was considered.

The judge did not consider whether the Greek lettering constituted part of the painting or the theme of the painting (and completely disregarded the fact that it was my Moral Right - as per COPYRIGHT ACT 1968 - SECT 189 - to use Greek to achieve that effect).

The judge did not consider whether the essay with Greek words about Greek myths, had any relationship to another essay that accompanied another painting which criticised the Old Testament, New Testament, and Koran which had no Greek words. The judge considered only whether disclaimers constitute a breach of contract in the Victorian jurisdiction it was heard in.

Greek words were used by me. However, this was limited to two words, chaos (χαός) and chasm (χασμός). This was the title of one painting: "Pythia between χαός and χασμός" (see attached photograph of painting in situ). In addition, all of my works are signed in Greek. "Greek lettering" was the only alternate script used, not Cyrillic, not Hindi, or any other script. I am Greek, as Cripps' counsel made absolutely clear in the trial.

(I had in my initial complaint written that Pythia too was written in the Greek, Πυθία, however, that was not the case.)

To repeat, I believed that Cripps discriminated against me in 2009 on account of my background. However, I had no evidence to prove this until this claim was made during the trial. These claims made at that trial were not assessed on the grounds of them being discriminatory of me, but on whether they were grounds of breach of contract.

As this had not been considered during this trial I made separate complaint (prior to that trial's outcome) to the Human Rights Commission.

Any claim that words rendered in Greek can be construed to convey something sinister, or that to be Greek and use Greek is of itself sinister, is offensive and repugnant.

The claims made by Cripps that there were labels can be demonstrated to be deliberately false. Cripps merely embellished his account in his attempt to justify his prejudice against me and make his prejudice appear to be a "reasonable" concern that had nothing to do with my race. There is no way that an essay about the oracle of Delphi could have any association with "Palestine".

There are two complete sets of photographs that show the exhibition before the opening and after the opening (that is, before the disclaimers which shows there were no labels that could justify his need for disclaimers, and after Cripps posted disclaimers). At no time are there any "labels". These photographs were not considered in the trial.

Demetrios Vakras, 7/8/2014

Note: breach of contract case against Cripps was heard with the defamation case by order of Judge Bowman of the Victorian Supreme Court:

"CIVIL CLAIMS LIST

VCAT REFERENCE NO. C5251/2011

CATCHWORDS

Section 77 of VCAT Act – *Fair Trading Act* 1999 – Dispute re breach of contract – Earlier proceedings in Supreme Court involving alleged defamation arising from basically the same facts – Risk of conflicting decisions – Whether appropriate to strike out and transfer VCAT proceeding – Factors to be considered. "

(<http://www.austlii.edu.au/au/cases/vic/VCAT/2012/579.html>)

Email of 5 August 2014 Appended:

The only "foreign words" used were Greek.

There were two words, χάος/ chaos and χασμός/ chasm, relating to an essay about the oracle of Delphi (Pythia) which were accompanied in their Latin equivalents as they are here, and they were in an essay writing about the Oracle of Delphi.

The only other Greek words were my signature in Greek.

I am Greek.

These are Greek words, used in writing about a Greek myth, the myths of my own race which has nothing to do with Palestine, that cannot under any circumstance be construed as "racist".

Attached you will find the court transcript:

This was put to me by Christopher Dibb after Cripps handed him a note.

Refer p. 261 lines 18-31 of the transcript and p. 262 lines 1-10 of the transcript.

The following is from p. 262. The transcript does not record the entire accusation made by Dibb, which is replaced by 3 hyphens, "---"

:

I put it to you that that was the beginning exchange in this conversation and that that suggestion that these labels - that the essays were impenetrable and that the labels were too difficult to understand and might be supplemented with a simple English explanation, enraged you?--

The hyphens replace the following "enraged you due to your nationalism". (It seems that I will have to access the audio)

Dibb criticised me for being Greek:

-You're of Greek background are you?---That's correct.

You speak and write Greek?---That's correct.

But you know of course that a lot of people don't speak or write Greek?---

This is despite the Greek words being rendered as they are above. The accusation was that by using Greek when writing about Greek myth I could be writing something racist. How?Why?