
UNCLASSIFIED

Dear Sir / Madam,

Reference: The Sex Discrimination Act.

I am aware that the submissions were to be in by 1 August 2008, however, I wasn't aware that the Australian Senate Legal and Constitutional Affairs Committee is conducting an inquiry into the effectiveness of the Commonwealth Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality until after the closing date for submissions.

And as such I would like to add a late submission.

Whilst most areas of sex discrimination have been covered by some other submissions. I as a man who recently was divorced from a partner of 28 years, I have found that the areas that I found most discriminating were and still are:

- The Family Court makes decisions based on gender. Even after the report "Every Picture Tells a Story" and new legislation, the eighty twenty rule still remains. Eighty percent custody to women and twenty percent to men. There is no better example than this that shows active discrimination based on sex.
- When property is distributed after separation/divorce, and with reference to the above listed child custody, up to 85% of the assets accumulated in a partnership / marriage is awarded to women.
- Current legal services cater to the female gender. Predominately females are being represented by the Community Legal Service. The Community Legal Service states the cost to defend men (against domestic violence allegations) is prohibitive, it is easier to convict a man on domestic violence charges and it is also cheaper. Males when contesting domestic violence accusations are often refused their services, because the burden of evidence requires mainly the male to prove his innocence. And the law under normal situations is required to prove your guilt; "Innocent until **PROVEN** guilty", with domestic violence accusations the law accepts a woman's word without evidence required. A woman's "feelings" are considered, however as a man you do not have "feelings" you are considered not to have "feelings".
- A man has no hope of attaining justice with regard to domestic violence allegations in the Family Court of Australia (FCoA), even if the woman afterwards who made the accusations freely admits that there was no domestic violence.
- Police and the courts rarely allow men to lay domestic violence charges against female spouses.
- The Child Support Agency (CSA) fails to prosecute recipients of child support under their current CSA legislation even when they breach the child support act. When accusations are made using third parties without their consent, which breaches the declaration that is concisely written and printed above the signature block on the application form. False accusations or misleading accusations under the child support act are to be prosecuted, however, women have rarely been made accountable for their accusations, where as men are hounded and called "dead beat Dads".
- When are CSA investigations going to be just as pragmatic into working women who understate their true income to obtain more or retain their current child support contributions?

I have applied through the judicial system and local and commonwealth government to obtain justice and basic human rights, and nobody has supplied me with a justifiable reason for this failure.

The only plausible explanation would be that sex discrimination against men is excepted and is practiced in the highest levels of government, its departments and the judiciary.

Family Court statistics indicate that 66% of women initiate divorce, and the other 34% is a mixture of men and concensual separation. With the practices of the FCoA and the CSA they display sex discrimination against men.

The current Sex Discrimination Act does not address changes in the society we live in today. It requires to be

changed to prevent discrimination to both sexes. It currently provides limited protection of sex discrimination to men and a better protection of sex discrimination for women.

Helmut Roth (also known as *George Roth*)