

**Submission to:** Australian Senate Inquiry into the effectiveness of the Commonwealth Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality (referred to Legal and Constitutional Affairs Committee on 26 June 2008)

**From:** Families Without Women

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## Summary List of Recommendations

The fact that CEAFDAW does not preclude men being protected by the Act should be noted specifically in the list of Interpretations [Part I, 4]. Recommendation 1.

[Part I, 3(b)] should be amended to add “family structure” to the grounds for sex discrimination. Recommendation 2a.

Part 4 – Interpretations be amended to define “family structure” as any of the families in 4A - Meaning of family responsibilities. Definitions should also clarify that discrimination on the grounds of family structure is to address discrimination between different types of families. It is not to address different treatments of those with family responsibilities, compared to those without family responsibilities. Recommendation 2b.

Add a new object about gender vilification - Part I, new paragraph 3(ca?) to eliminate, so far as is possible, discrimination involving gender vilification in the workplace, in educational institutions and other areas of public activity. Recommendation 3.

In Part I, new section 5A(?) – Gender Vilification, paragraph (1) should specify that the relationship between the *discriminator* and the *aggrieved person* does not have to be a direct, or service, relationship, if the *discriminator* is in a position of public influence. Recommendation 4.

In Part I, 7B Reasonableness Test, new paragraph (2d?) whether the gender vilification would have the effect of promoting false information about men, women, or the equality of men and women, or if the gender vilification was likely to increase discrimination or hostility in the community. Recommendation 5.

In Part I, 7D Special Measures, new paragraph (3?) gender vilification can never qualify as a special measure for the purpose of achieving substantive equality. Recommendation 6.

The Senate Committee should ensure that HREOC/SDC can demonstrate it has credible procedures to review legislation etc. in order to prevent discriminatory consequences for **males** (as is required by SDA Part III, Div 1, 48). Recommendation 7.

The SDC and HREOC Commissioners should have a Code of Conduct that is available publicly. Breaches of the Code of Conduct should result in termination of appointment. The powers of HREOC and SDC should not be increased, except to administer changes in the SDA from other recommendations in this submission. Recommendation 8.

Complaints by individuals, or requests for exemptions, about specific situations, should not be assessed as if they are required to completely solve other problems (the catch 22). Recommendation 9.

If a decision concerning gender issues is made by any board or review body, and that decision becomes public knowledge, then a person can make a gender vilification complaint about the decision to HREOC. The complaining person does not have to be the original complainant. Recommendation 10.

Add a sunset clause to exemption 31 – Pregnancy and childbirth [Part II, Div 4, 31]. The exemption should lapse 12 months after childbirth. Recommendation 11.

## Background – is there a problem?

The Senate is to be congratulated for undertaking a review of the Sex Discrimination Act 1984 (SDA). This is long overdue. It is almost a quarter of a century since the SDA was drafted. Australia has changed considerably since then.

Some of the significant changes are:

- The SDA was drafted in a time of relatively simplistic gender stereotypes and beliefs. Today, a lot more information is available about the diversity of people and family structures.
- Today, many women hold positions of influence in business, politics, academia, the media, and the public sector. The naïve expectation that women wouldn't be sexist or discriminatory, if they attained positions of influence, hasn't been borne out.
- In 1984, women's voices were limited. Today there is government support and significant funding for many different women's service and lobby groups. In addition to the mainstream public sector, there is a parallel women's public sector that develops policies to give benefits to women, and restrictions to men. The media also employs many female reporters and commentators who usually opine with a female perspective only. Male voices with a male perspective are now rare.
- In 1984, the SDA was a progressive document aspiring to a golden era of gender equality. Today the SDA is a reactionary document. It is often used to defend outdated positions, and even to legitimise gender discrimination.
- In 1984, gender stereotypes were seen as inappropriate and were in decline. Today, gender stereotypes are ubiquitous and increasing. The new stereotypes usually portray men in variations of aggressive, unfeeling, inarticulate, dumb, incompetent, lost, confused and dangerous. Women are usually portrayed in variations of caring, empathetic, articulate, capable, powerful, inclusive, collaborative and in need of protection. Although evidence proves these stereotypes to be myths, they continue to be pushed by publishers, academics, politicians, the media, public servants and many public figures.

- In 1984, the goal was gender equality. Today a new cult of female supremacy appears to have emerged. Building on the new gender stereotypes (noted above), politicians, lobbyists and businesses promote themselves, and their interests, using messages of blame and derision of men. Male bashing is the lingua franca of social policy.

If males are not being blamed and derided, then males are usually ignored altogether as a subject. Males have become invisible in social policy. For example, at the Government's recent 2020 summit –

- None of the men who have spoken out about the importance of improving boys' education outcomes were invited to participate in the productivity stream of the 2020 Summit - *The Productivity Agenda – education, skills, training, science and innovation.*
- None of the men who have spoken out about men's health were invited to participate in the health stream of the 2020 Summit – *Health - a long-term national health strategy – including the challenges of preventative health, workforce planning and the ageing population.*
- None of the men who have spoken out about the importance of fatherhood, and fathers in families, were invited to participate in the families stream of the 2020 Summit - *Communities and Families - strengthening communities, supporting families and social inclusion.*
- None of the men who have spoken out about the adverse treatment of men, compared to women, by the law or the media, were invited to participate in the governance stream of the 2020 Summit - *The future of Australian governance: renewed democracy, a more open government (including the role of the media), the structure of the Federation and the rights and responsibilities of citizens.*
- However, over 120 members of Get Up, the ALP's favourite lobby group, were invited to participate <sup>1</sup>. Over 12% of those invited to the 2020 Summit were Get Up members. Women from the women's public sector and women's lobby groups were also asked to participate.

- In 1984, the prevailing discourse was about protecting individual rights and freedoms – e.g. even though the majority of women were housewives, this was no reason there should be barriers to prevent another women from becoming a doctor, a judge or achieving other goals. Today the discourse has moved to collective punishment and building barriers. For example:
  - The majority of people on the BRW Rich List are men, so it's OK to have boys underperforming girls by 20% in education.
  - The majority of people in politics and positions of influence are men, so it's OK to ignore health services for men.
  - Women bear children, so it's OK to ignore fathers in reproductive choices, and in access to family friendly employment.
  - The majority of people injured by family violence are women, so it's OK to target all males as menaces to society.
  - Men treat women badly, so it's OK for governments to treat all males badly and restrict their access to legal protections.
  
- In 1994, Alexander Downer's lame pun about "the things that batter" was seen as offensive. Many argued that Downer's lapse in seriousness about cross-gender violence meant he was unsuitable for a public position. He later resigned as Opposition Leader.

Much to his annoyance, Alexander Downer will be remembered for two things – his lame pun about domestic violence, and for wearing items of women's clothing to promote a charity. But his biggest mistake was not doing both at the same time. If he had been a woman, he could have said whatever he wanted about cross-gender violence.

Today there is a very different take on cross-gender violence and what is offensive, or funny -

- Today we have the federally funded public broadcaster (ABC radio <sup>2</sup>) giving heavy promotion and gratuitous product placement to a book - *How to Kill Your Husband (and other handy household hints)*.<sup>3</sup>

- Recently the Advertising Standards Board (ASB) responded to a complaint about an advertisement that shows a young woman use a tennis ball firing machine to shoot tennis balls at a young man staked to the ground with his legs apart. The Board decided that the ad did not breach the AANA code on violence, or acceptable community standards, because the ad was ... funny <sup>4</sup>.

However, the ad wasn't shot in a comedic style. The young man was shown being struck in the head and groin by tennis balls and expressing fear and discomfort. The woman was unsympathetic to the man's position. Some viewers may have even interpreted her look as sadistic. Whether the Board, or other viewers, found the ad funny, or alternatively outside acceptable community standards of behaviour, was dependent on the prejudices of those viewing.

The self-regulating advertising industry, and its carefully selected ASB, shouldn't promoting behaviour that is consistent with a criminal charge of assault, as though the behaviour is amusing or harmless.

- In 1984, when the SDA was drafted, Anne Summers was head of the federal Office of the Status of Women. Her book, *Damned Whores and God's Police – The Colonisation of Women in Australia* <sup>5</sup>, gives insight into views of the time. Summers posited that patriarchal social structures forced women into either of two roles – damned whores (bad, and leading men into vice) or God's police (good, and responsible for maintaining Christian social order).

But today, after 25 years of making their own choices, many women seem to want the public roles that Summers claimed women were being forced into:

- Instead of *Damned Whores* - we now have raunch culture, heroin chic, pornstar chic, mother and daughter pole dancing classes, a boom in plastic surgery and chemical enhancements, and an insatiable desire to know the latest antics of dubious celebrity role models. However, now the images are created by women, and pumped out to other women. Some women even suggest that these images are empowering for women. Far from encouraging this, most men are bemused and say, "This is nothing to do with us".

- Instead of *God's Police* - we now have many women keen to be in the *Italian Shoe Brigades*, anti-male police who want to dictate 'we are good' and 'you are bad'. The church has been separated from the state, but 'God' has been replaced with an anti-male dogma that is entwined with, and funded by, the state. Under the new social order, maleness is the new original sin, and public services and protections are withheld from those deemed *unworthy*. Redemption is possible, in theory, but only through prescribed, gender-cringing, reconstruction rituals that *Brigade* women always judge men to have failed.

### ***Instead of becoming invisible, gender has become paramount***

Way back in 1984, we hoped for a society where a person's gender was meaningless. Now we are in a society where many publicly funded programmes, policy debates and even laws are based around gender as the most significant thing. Instead of becoming invisible, gender has become paramount, but always in simplistic stereotypes – i.e. women = good, and men = bad.

Perhaps the best illustration of what is wrong with the SDA, its administration and its environment, is the performance of the previous Sex Discrimination Commissioner, Pru Goward, in lobbying to prevent reform to the Family Law Act.

- Goward, lobbied to prevent reform of the Family Law Act, even though this social reform was based on research and gender equity. The proposed reforms gained cross-party support, and community support, after public inquiries by committees in both Houses of Parliament.
- In lobbying against the reforms, Goward described Australian working fathers as "needing an autocue to remember their children's names"<sup>6</sup>. This statement is obviously false, sexist and offensive.
- In addition to using a false and sexist stereotype to try and obstruct social reform, the Sex Discrimination Commissioner was also being hypocritical. Earlier in her career, Goward left her own young children in Adelaide and moved to Sydney to live and work<sup>7</sup>. So Goward wasn't in a position to make sexist jibes about any father, let alone all Australian working fathers.



- This type of double standard exists underneath much of the public discussion about sex discrimination. If a man does something, it's appalling. But if a woman does the same thing, no-one comments. For example, there was never any public questioning of Goward's comment, and neither she, nor HREOC, has ever acknowledged the comment or apologised. Contrast this with the orchestrated uproar from the *Italian Shoe Brigades*<sup>8</sup> in response to Senator Bill Heffernan's comment about MP Julia Gillard being "deliberately barren".

We can also look at how Goward was successful in using the SDA to stymie attempts to improve outcomes in boys' education:

- A Parliamentary Inquiry into boys' education in 2002 found substantially lower outcomes for boys. The difference is significant, it becomes more pronounced as children age, and the gap is getting worse<sup>9</sup> –
  - By Year 5 (i.e. age 9/10), girls and boys score about the same in numeracy. However, the boys are already clearly behind in literacy – e.g. in 2000, 4.4% fewer boys' achieved national reading benchmarks than girls.
  - At age 14, this literacy gap has increased – boys' performance is 8% less than girls' performance. However, 20 years ago boys were only 3% behind.
  - Boys comprise two thirds of children in reading recovery programs, and 80% of students who are suspended or expelled.
  - By Year 12 in NSW in 1996, the gap between boys and girls was 19.4 marks out of 100 – that is 20%. This gap is the widest in Australia, and probably the world. In 1981 the gap was only 0.6 marks.
  - In 2002, only 43% of higher education students were male. This is 25% less than the number of female students. 20 years previously the numbers would have been the same, or with males slightly ahead.

*Note: More recent data is not available – The States are now so embarrassed about the performance of boys that they refuse to publish results split by gender, even at an overall level, let alone by school. If girls were behind, the data would be available.*

- To produce better outcomes for boys, the Parliamentary Inquiry recommended schools should employ more male teachers, and have more male role models. Currently most of the teachers are women, especially in primary schools. In 2002, only 20.9% of primary teachers were male, and only 18.8% of those undergoing training to be primary teachers were male<sup>10</sup>.

- Goward used the SDA to stymie an attempt to offer scholarships to men who wanted to be teachers, even though scholarships are offered to women in many fields to try to encourage them into professions where there is low female representation (e.g. engineering). The female dominated teacher unions also opposed the scholarships. Various female lobbyists ran a public campaign against the scholarships. Young men took the hint that they weren't wanted, and there weren't enough applications to fill the scholarships.
- As justification for obstructing Parliament's recommendations, Goward again resorted to simplistic blame-based gender stereotypes to explain the lower performance of boys -

*Reading is no longer entertainment for boys. Computer games for example are overwhelmingly played by boys. ... at the expense of reading. A majority of boys report doing most of their reading at school, whereas girls say they do most of their reading as leisure. In other words, girls read a lot and boys are no longer being forced to practise doing something they don't find as easy to do. Not surprisingly there is a skills gap by aged nine.<sup>11</sup>*

The speeches of Pru Goward, as Sex Discrimination Commissioner, map out a model of cradle-to-grave blame and derision for males <sup>12</sup>.

- Boys read only at school, and otherwise play computer games, whereas girls read at home for leisure.
- Young men kill themselves in accidents and suicide, often assisted by drugs, alcohol, irresponsibility and mental illness.
- Working fathers need an autocue to remember their children's names. *(Note that Goward left her own young children in Adelaide and took a job in Sydney).*
- Married men are hopeless at housework, can't fold the washing right, don't care for their parents, can't get the baby to sleep, and don't have close relationships with anyone else.
- Middle aged men die in high numbers from heart disease and cancers due to lifestyle choices such as obesity, smoking, alcohol and poor diet. Male health would improve if men spent more time with their families, and did more housework.

- Old men fade away, without a woman to care for them, and often suicide. Friends don't drop in because there's never anything to eat in the fridge. The house gets a bit neglected, and going out is a problem now because "mum" always organised it. *(Note that Goward was also responsible for addressing discrimination against the aged).*

These negative images of males were also promoted via transcripts on the tax-payer-funded HREOC / Sex Discrimination website. It seems strange behaviour for a Sex Discrimination Commissioner. A cynical person might suggest that Goward was cultivating an anti-male constituency, and building a smear campaign, to assist her move into politics where many of her rivals would be men.

In 2008, Australian society and culture are very different from 1984, when the SDA was drafted. One big change is the openly negative attitude towards males, promoted by the public sector and many social commentators in the media. The SDA should be updated and reframed to take account of these changes.

## **About us – Families Without Women**

Families Without Women is a group of people with a common interest in improving the situation for families that don't have a female parent. Australian family policy is now subsumed by women's policy. While this may have some advantages, there are also some disadvantages. For example families without a female parent are usually ignored in family policy, and the best interests of children don't always accord with women's interests.

Families Without Women can develop in a range of ways:

- A father can be left as sole parent after a mother dies or is institutionalised,
- Men can adopt children, or become their guardians – e.g. an uncle adopts his sibling's child after death of the child's parents.
- Fathers become a sole father family unit after divorce. Although the children in this family may spend some time with a mother's family unit, the father's family unit is still a legal family unit. A sole father family unit may have the children from 50% to 95% of the time, or down to only 5% of the time.

- Men may become parents of children via surrogacy. This is more common in the homosexual community and is usually done overseas. Current Australian law prohibits surrogacy, and isn't helpful in recognising the parents and family of children born overseas via surrogacy.

Changes in Australian family structures are increasing. The nuclear family, with a mother and a father, is declining rapidly as a proportion of all Australian families.

Family policy should not be developed solely in response to demands from the women's lobby. However, because the women's lobby industry is so big, and funded by government, academia and media groups, it's likely family policy will continue to be distorted towards women's demands.

For example, the Sex Discrimination Commissioner recently said - "If there is one thing I could do to promote gender equality in this country, it would be to better share paid and unpaid work between men and women."<sup>13</sup>

However, this aim is irrelevant and offensive to Families Without Women. In Families Without Women, men already do 100% of the paid and unpaid work.

Therefore, it is important Families Without Women have a clear mechanism to use the Sex Discrimination Act to challenge and reverse discriminatory policy that applies to us. We will achieve progress by using the SDA, and forcing change, rather than by waiting for others to get over their prejudice and preoccupations.

Although ignored in policy, the number of Families Without Women is growing, and will continue to grow.

We expect more men to be attracted to this model of family, as a way of separating themselves from the public campaigns to brand men as lazy, hopeless, wife-bashers who neglect and damage their children, and are just taking up a job that should be held by a woman. Therefore, it is important to legalise surrogacy in Australia, and give proper recognition to fathers and children in these families.

Families Without Women also benefit children by preventing them being indoctrinated with anti-male prejudice by schools and other public bodies. Children raised in Families Without Women are able to recognise the anti-male and anti-father prejudice for what it is.

Families Without Women is not anti-woman in any way. It simply recognises 2 facts:

- Families Without Women exist, are legitimate, and the numbers are growing. Families Without Women should be recognised, supported and protected from discrimination by the SDA.
- For a man, choosing a family without a female partner is the easiest way to be recognised as a legitimate citizen of Australia. There is no longer any justification for vilifying you as a sub-prime parent, a member of the defective male gender, and restricting your access to services. It may even be the only way for a man to achieve gender equality.

Currently the financial status of a Father in Families Without Women is as follows:

- I support my children with my after tax income, and I use my time to raise and care for my children to the best of my ability.
- The tax funds I pay to the government are then used to:
  - make payments to women in other families,
  - lobby for favourable employment options and funding for women, and to prevent my access to those options,
  - provide services to give my sons a lower level of education, make them feel shame because of their gender, and fund campaigns to support this,
  - generate public campaigns to tell my children, family, friends, employers and business associates that I am irresponsible, violent, inarticulate, unable to care for myself or my children, and only successful because of the unpaid work of women,
  - provide services to give me and my sons less access to health services, and fund campaigns to support this,
  - provide services to train my daughters that it's OK to be prejudiced against males and treat them in ways that would be illegal if done to a female, and fund campaigns to support this,
  - fund campaigns to lobby that the job I have should be held by a woman,

- construct laws that make it legal to discriminate against me, and my family, and erect barriers to prevent my access to legal protections, and fund campaigns to support this.

Something seems a bit wrong here.

## Terms of Reference Items

This submission considers the Act from the position of Families Without Women. Although we don't discuss discrimination against women, that doesn't mean we believe it doesn't exist or isn't important. However, we expect other submissions will cover that aspect much better than we would.

### **a. The scope of the Act, and the manner in which key terms and concepts are defined.**

There is a perception in the community that men don't have the same legal protections as other cultural groups – that mistreatment of men is *allowed*.

For example, Todd Sampson, CEO of Leo Burnett, was asked why the advertising industry makes fun of stupid, white guys. His response was that – “We are running out of people to make fun of, that we don't end up in Court.”<sup>14</sup> This was supported by Jane Caro, freelance copywriter, who said - we used to make ads about dumb women, but we're not allowed to do that anymore, it's politically incorrect, so now we make ads about dumb men.<sup>15</sup>

However, close reading of anti-discrimination legislation, and codes of conduct, rarely support the perception that men aren't covered and protected. This perception has been cultivated in the community by misinformation, lack of clarity and training, and the fact that only transgressions against women are ever discussed publicly.

There are also failures in process, where complaints by men are not handled adequately. For example:

- Women quote parts of the Act, to men, in order to tell men they aren't covered by the Act, sometimes incorrectly.

- Recently the Advertising Standards Board responded to a complaint about an advertisement that shows a young woman use a tennis ball firing machine to shoot tennis balls at a young man staked to the ground with his legs apart. The Board decided that the ad didn't breach the AANA code on violence, or acceptable community standards, because the ad was ... funny <sup>16</sup>

The SDA is important because many of the country's standards, codes of conduct and statements of community obligation, take their lead from beliefs about the federal SDA.

Therefore, it is important to make the Act much clearer, showing how men are covered and how they can take action to protect themselves and their families from discrimination.

### **Objects**

The Act lists 5 objects. In abbreviated form these are:

- a. Give effect to international conventions to end discrimination against women
- b. Eliminate sex discrimination (with description of scope)
- ba. Eliminate discrimination involving dismissal because of family responsibilities
- c. Eliminate discrimination involving sexual harassment (with scope)
- d. Promote the principle of the equality of men and women

#### **a) International conventions**

Men are sometimes told, incorrectly, that the CEAFDAW object [Part I, 3(a)] means the Act applies to women only. This is not the case.

The fact that CEAFDAW does not preclude men being protected by the Act should be noted specifically in the list of Interpretations [Part I, 4].

Recommendation 1.

## **b) Discrimination - grounds**

The list of grounds for sex discrimination – i.e. sex, marital status and pregnancy – is too limited. Families Without Women suggest that “family structure”, should be added to that list as a specific clarification. This is because some people in the community do not handle Families Without Women appropriately. For example there may be discrimination because the family doesn’t have a female parent, or the children are not in the family 100% of the time.

[Part I, 3(b)] should be amended to add “family structure” to the grounds for sex discrimination.

Recommendation 2a.

Part 4 – Interpretations be amended to define “family structure” as any of the families in 4A - Meaning of family responsibilities. Definitions should also clarify that discrimination on the grounds of family structure is to address discrimination between different types of families. It is not to address different treatments of those with family responsibilities, compared to those without family responsibilities.

Recommendation 2b.

## **ba) Family responsibilities**

Family responsibilities should be given greater protection than just dismissal. This will be considered separately in section (i) below.

## **c) Sexual harassment & d) equality of men and women**

The definition of sexual harassment is a problem for men. The Act focuses on “unwelcome sexual advances” or “conduct of a sexual nature”.<sup>17</sup> Men experience harassment because of their gender, but their harassment is less commonly *sexual*. The harassment men experience is better described as *sexist*, or *gender vilification*.

The NSW Anti-Discrimination Act has wording for sexual harassment that is similar to the SDA. But the NSW Anti-Discrimination Board has worked around this problem by providing a lot more detail about behaviour that is harassment (*underline emphasis is ours*) –

*In NSW, it is against the law for you to be harassed because of your - sex; pregnancy; breastfeeding; race (including colour, nationality, descent, ethnic or ethno-religious background); age; marital status; homosexuality (actual or perceived); disability (actual or perceived, past, present or future); transgender status (actual or perceived); and carers’ responsibilities (actual or presumed) in employment only.*



In terms of anti-discrimination law, harassment is any form of behaviour that - you do not want; offends, humiliates or intimidates you; and targets you because of your sex, pregnancy, breastfeeding, race, age, marital status, homosexuality, disability, transgender (transsexual) status or carers' responsibilities.

Depending on the circumstances, each of the following kinds of behaviour may be harassment –

- material that is racist, sexist, sexually explicit, homophobic (anti-gay) and so on that is displayed in the workplace, circulated on paper or by email, or put on a computer or fax machine or on the internet, or in someone's workspace or belongings;
- verbal abuse or comments that put down or stereotype people because of their sex, pregnancy, breastfeeding, race, age, marital status, homosexuality, disability, transgender status or carers' responsibilities; offensive jokes based on sex, pregnancy, race and so on;
- offensive gestures based on sex, pregnancy, race and so on;
- ignoring, isolating or segregating a person or group because of their sex, pregnancy, race and so on;
- staring or leering in a sexual manner; sexual or physical contact, such as slapping, kissing, touching or hugging; intrusive questions about sexual activity;
- sexual assault (also a crime under the Crimes Act);
- unwelcome wolf whistling;
- repeated sexual invitations when the person invited has refused similar invitations before; and
- initiation ceremonies that involve unwelcome sexual, sexist, racist and so on behaviour.

In some cases, a single act may be enough to amount to harassment.

Anyone can be harassed, including people of any age or race, women or men.

Harassment is often about one person (or a group of people) using power inappropriately over another person or group of people. But harassment can also occur between people when there is no power relationship. It may simply create a hostile environment. <sup>18</sup>

Some people argue that the SDA definition of *conduct of a sexual nature* also covers behaviour that may be more accurately described as *sexist* and *gender vilification*. But there are also cases where women have told men that they aren't covered by the SDA because their unpleasant experiences weren't *sexual*.

Data collected in surveys about *sexual harassment* will not report discrimination of men that is *sexist* or *gender vilification*. *Sexist* behaviour towards women may also be under reported, although for women *sexism* is more likely to occur concurrently with unwanted *sexual* behaviour. Even with a female-centric definition of sexual harassment, 7% of men report experience of sexual harassment in the workplace, compared to 28% of women.<sup>19</sup>

We also believe men are more comfortable coming forward, and making a complaint about sexist behaviour / gender vilification, than they are in making a complaint about unwanted sexual advances from women.

Programmes developed to address sexual harassment will be misdirected if they are based only on female-centric surveys. These programmes either ignore men, or treat men as perpetrators who need to be trained out of inappropriate behaviour or management styles.

Despite the confusion and limitations, HREOC / SDC have stuck with the narrow female-centric view of sexual harassment.

To avoid confusion we believe the SDA should provide more clarity, and prevent any doubt about sexist behaviour. The different treatment of harassment between SDA and NSW are also confusing. As it stands, men are better served by taking their complaints to their State jurisdictions.

The SDA does little to fulfil the last object – *(d) to promote recognition and acceptance within the community of the principle of the equality of men and women*.<sup>20</sup>

In response to these 2 issues – confusion about sexual harassment, and no activity to promote the equality of men and women – Families Without Women believe there should be a new object addressing *Gender Vilification*.

Add a new object about gender vilification - Part I, new paragraph 3(ca?) to eliminate, so far as is possible, discrimination involving gender vilification in the workplace, in educational institutions and other areas of public activity.

Recommendation 3.

In Part I, new section 5A(?) – Gender Vilification, paragraph (1) should specify that the relationship between the *discriminator* and the *aggrieved person* does not have to be a direct, or service, relationship, if the *discriminator* is in a position of public influence.

Recommendation 4.

In Part I, 7B Reasonableness Test, new paragraph (2d?) whether the gender vilification would have the effect of promoting false information about men, women, or the equality of men and women, or if the gender vilification was likely to increase discrimination or hostility in the community.

Recommendation 5.

In Part I, 7D Special Measures, new paragraph (3?) gender vilification can never qualify as a special measure for the purpose of achieving substantive equality.

Recommendation 6.

Families Without Women look forward to seeing gender vilification eliminated if these recommendations are enacted. Below are examples of negative stereotyping of men. The false, negative stereotypes are used to create an argument, or environment, that justifies withholding services to males. These behaviours should be eliminated -

- A staff member at Australian National University produced a men's health information sheet. This sheet said men's health should be ignored until men's behaviour changed, and the only drug men were interested in was Viagra. This document was put on the Internet, and circulated with an ANU contact address.
- Sex Discrimination Commissioner, Pru Goward described Australian working fathers as "needing an autocue to remember their children's names" as part of a lobbying campaign to prevent reform of Family Law <sup>21</sup>.
- Senator Brian Greig, a former Democrat leader and spokesman for sexuality and justice, responded to a plan to encourage contact between young boys and male role models – i.e. their fathers and male teachers. Greig posited that the people pushing this plan were homophobic, and their real agenda was to stop boys becoming homosexual through too much contact with women.<sup>22</sup> Greig's view was published in the Fairfax Press, and also promoted by Anne Summers,<sup>23</sup> a former head of the federal Office of the Status of Women, and regular contributor to Fairfax Press.

- Virginia Trioli is a presenter with ABC TV, and a former programme host with federally funded ABC Radio. She interviewed US author Maureen Dowd about her book – *Are Men Necessary? When sexes collide*.<sup>24</sup> Trioli was interested in the book's theory that men are a genetic defect, and are dying out. Trioli referred to this theory several times on air after the book review.

On a later programme, a male guest wanted to discuss a new book *The Future of Men*.<sup>25</sup> Trioli was indignant at this suggestion and responded saying – You're not going to talk about *that* on this programme. You lot do not have a future, the Y chromosome is dying out. Men's issues are just so pathetic. Of course men are necessary, because we need something to laugh at.<sup>26</sup>

In effect, Trioli provided a federally funded tutorial to her audience, showing how to use the theory that men were dying out, in order to deny men access to a public resource – i.e. ABC air time to discuss men in a non-negative way.

It's interesting to contrast the federally funded ABC's promotion of the theory that men are a genetic defect and dying out (it was also run on ABC news), with the ABC's more objective treatment of *The Great Global Warming Swindle*.<sup>27</sup>

- Also on ABC Radio 702AM Sydney, programme presented by Virginia Trioli. A movie was being reviewed. Fellow ABC presenter James Valentine said he'd seen it, but he was sick of all the portrayals of Australian men as taciturn people who only grunt. Trioli interjected to say that Valentine only felt like that because he was one of the few Australian men who was voluble. Valentine responded - That isn't true either. Trioli snapped back – I think it is! Then she changed the subject.<sup>28</sup>

As a woman in the media, Trioli stands to benefit from using federally funded resources (ABC radio) to promote the idea that Australian men are not voluble. She even interjects to prevent a more correct view being put to air.

- Also on ABC Radio 702AM Sydney, programme presented by Virginia Trioli. Trioli took a cross from a male reporter on location at a property being cleaned up. During his report, the reporter said that the smell wasn't particularly bad. After the male reporter had rung off, Trioli provided editorial comment to her audience. Trioli said - Everyone knows that blokes are grotty, so perhaps the smell is worse than he suggested.<sup>29</sup>

The original reporter had rung off so he had no opportunity to hear or respond to Trioli's comments. As a woman in the media, Trioli stands to benefit from using federally funded resources (ABC radio) to promote the idea that men in the media are not reliable sources. This also works as a federally funded tutorial, with Trioli showing her audience how women can use gender-based sledging to promote themselves, and to discredit male colleagues. Under the current SDA, this behaviour is not prohibited.

Trioli's behaviour is also a warning to young males thinking of joining the ABC. Think again, because the ABC does not have a functioning sex discrimination or gender vilification policy to protect men.

- Annabel Crab is a journalist with Fairfax Press. She described a proposed ALP tax policy as a boon for fathers - "just like a Hi-5 DVD, there is a secret appeal to red-blooded dads; after the kids are in bed, Jack and Briony's educational online superhighway becomes a high-speed porn pipe, subsidised to the tune of 50 per cent by the taxpayer. Hooray!"<sup>30</sup>

Crabb reflects the trained prejudice of many journalists. A father's only interest is downloading porn. Fathers are more interested in perving at the Hi-5 team, than playing with their children. Pity those poor children having to be in contact with the sub-prime parent. Crabb is also promoted regularly on ABC TV and Radio.

- Senator Belinda Neal released a statement about men's health and opined about the reason men's health has been ignored – "Probably a lot to do with the fact that men themselves tend to delegate their health to the women who live and work with them, and are often isolated in a sort of social sense."<sup>31</sup>

The idea that men delegate their health to women is about as offensive as the idea that women don't have to be paid as well as men, because women have delegated their financial future to men. An advantage of being in Families Without Women is that nobody can claim you have delegated your health to someone else.

- Recently the Advertising Standards Board responded to a complaint about an advertisement that shows a young woman use a tennis ball firing machine to shoot tennis balls at a young man staked to the ground with his legs apart. The Board decided that the ad didn't breach the AANA code on violence, or acceptable community standards, because the ad was ... funny<sup>32</sup>

Catherine Lumby was an influential member of the ASB at the time of the decision. She's employed by University of Sydney, and a regular commentator for the ABC and Fairfax Press, on gender and the media.

- The federally funded public broadcaster (ABC radio <sup>33</sup>) gave heavy promotion and gratuitous product placement to a book - *How to Kill Your Husband (and other handy household hints)*.<sup>34</sup>

The ABC dismissed complaints about this promotion by saying the book was fiction. However, some of the ABC radio programmes treated the author as a serious social commentator. The author also announced on ABC radio that her next book would be a non-fiction book, in collaboration with ABC Books and the author of *Spotless*.<sup>35</sup> The author announced this new non-fiction book would be called *How to Kill Your Husband and Then Clean Up the Mess*.

An astute reader may notice some common factors in this list – i.e. funding by the federal government and media groups (particularly the ABC and Fairfax Press).

Every person who is genuine in their claims about wanting equality of men and women in Australia should support the above recommendations to eliminate gender vilification.

## **b. The extent to which the Act implements the non-discrimination obligations of the Convention of the Elimination of All Forms of Discrimination against Women etc.**

The interaction between the international obligations and the rest of the Act is confusing. Men are sometimes told, incorrectly, that the CEAFDAW object [Part I, 3(a)] means the Act applies to women only. This is not the case. See Recommendation 1 above.

Education programs about the Act should also cover this point. The CEAFDAW object does not take preference over any other part of the Act.

### **c. The powers of HREOC and SDC, particularly in initiating inquiries and monitoring progress towards equality**

The SDA does not provide a code of conduct for the Sex Discrimination Commissioner, or detail any roles. The Commissioner holds appointment for up to 7 years. Only the Governor General may terminate the appointment, and on limited grounds. The Commissioner is also protected from civil actions.<sup>36</sup>

The SDA defines functions for HREOC.<sup>37</sup> The Sex Discrimination Commissioner then assumes these functions. The SDA doesn't show how this transfer is done, but it isn't important. The HREOC functions in relation to the SDA are (abbreviated):

- Grant exemptions,
- Promote understanding, acceptance and compliance,
- Research and education to promote the objects,
- Examine proposed law to see if it is consistent with the objects,
- Report to the Minister or Parliament on matters relating to objects,
- Publish guidelines for the avoidance of discrimination on SDA grounds,
- Intervene in proceedings that involve issues of discrimination on SDA grounds,
- Do anything incidental or conducive to the performance of any of the above functions.
- Above functions are not followed for matters that are special measures taken to achieve equality.<sup>38</sup>

We can see how HREOC / SDC has performed these functions in relation to women. However, it is difficult to find any examples where the functions have been performed in relation to discrimination against men – except for processing individual complaints from men.

#### ***Dealing with conflict of interest***

HREOC / SDC hasn't been able to handle situations where there is a conflict of interest between discrimination against men, and women's interests. In these cases, the Commissioner tends to function as a lobbyist for women. For example:

- Men's voices are ignored or denigrated -
  - On men having a voice about their own lives ....“Rather than a men's movement this could be the Get a Life Movement” (Pru Goward)<sup>39</sup>
  - On reform of Family Law .... Fathers “need an autocue to remember their children's names” (Pru Goward)<sup>40</sup>
  - On Men's Health .... “Another example of a male wasting our time with trivia” (Quentin Bryce)<sup>41</sup>
  
- Or, the matters concerning discrimination against men are brushed off and regurgitated as simplistic women's issues -
  - Concern about men's lower health outcomes -> becomes men need to change their behaviour and do more housework.
  - Treatment of fathers in family law -> becomes fathers need an autocue to remember their children's names, we need to protect women against violent men, and we need to change the split between paid and unpaid work.
  - Poor outcomes in boys' education -> becomes teachers (mostly female) need to be paid more.
  - Lack of access to father friendly work options and leave arrangements -> becomes men need to go home on time and help out their partner.

The current Commissioner, Elizabeth Broderick says things like “gender equality is not a battle of the sexes”.<sup>42</sup> However, this is a misleading statement. A *battle* requires recognition of different positions, this is what Broderick wants to avoid. Although her statement is more subtle, it still has the same aim - to make men's issues vanish. Men's concerns are either fobbed off, or repackaged to fit women's agenda. For example, during Broderick's recent Listening Tour:

- Different answers were given to different people, depending on their gender -
  - At a session attended mostly by women, a woman said the recent changes to Family Law, meant that children are spending more time with dangerous men. The response from HREOC / SDC staff was that they would look at it, if the woman felt there were problems.<sup>43</sup> *Her concern will be looked at.*



- However, when a man raised Family Law with Broderick during a recent radio interview<sup>44</sup>, Broderick responded that she hasn't looked at Family Law, as it wasn't raised strongly during the Listening Tour. But she believes cases should be resolved on an individual basis, in the best interests of the child. *His concern is brushed off.*
- *The switcheroo* was on display. Like a shyster with 3 cups and a pea, Broderick makes the male issue vanish, and reappear somewhere else as a women's issue. For example Broderick was asked about boys' education during a radio interview.<sup>45</sup>
  - First, she was surprised the questioner's data showed such a big gap between girls and boys. (*So who educates the discrimination educator?*)
  - Second, her answer quickly moved to the need to value and pay teachers more. (*Teachers are mostly women so the solution is paying women more.*)

### ***Discrimination against men, when there is no conflict with women***

Even if there is no conflict with women's interests, it is hard to find an example where HREOC / SDC functions have been followed to address discrimination against men – except for the functions to process complaints from men.

For example, we are unaware of any cases where HREOC / SDC has raised concerns that a piece of proposed legislation, or a government programme, was discriminatory against **males** – as is required by the SDA<sup>46</sup>.

A situation where HREOC / SDC could have acted was with the introduction of the anti-HPV vaccine (Gardasil), and the programme to vaccinate all girls in Australia.

There are many strains of HPV, a sexually transmitted virus. Two of the strains cause a lot of cervical cancers in women.<sup>47</sup> However, preliminary research shows that the HPV strains are also implicated in a number of cancers affecting men. The cancers in men, in total, occur at about the same rate as cervical cancer in women. More research, and perhaps a vaccination programme for Australian boys, is warranted.<sup>48</sup>

So why wasn't this raised by HREOC / SDC? In this case there was no conflict of interest - girls are not disadvantaged if boys are vaccinated. And the Australian Therapeutic Goods Administration (TGA) has approved Gardasil vaccine for both girls (aged 9-26 years), and boys (aged 9-15 years).<sup>49</sup>

Perhaps any resource spent on males is seen as a disadvantage to females. More likely HREOC / SDC just ignores the SDA requirement to consider if there are any negative consequences *for males* coming out of government programmes.

We can also see the effect of the women's lobby in this decision. At first the Pharmaceutical Benefits Advisory Committee (PBAC) recommended a *risk based approach* – just vaccinate groups at most risk, i.e. more sexually active. But after a campaign by the women's lobby, the decision became political and moved to a *value based approach* – vaccinate all the girls (and don't worry about the boys).

Some people like to talk about the huge leaps achieved in gender equality, but this looks like a regressive decision that mimics the way lifeboats were allocated on the Titanic.

Males are much more vulnerable to this sort of decision than females. Funded women's lobbyists in politics, the public sector and the media, protect women and represent their interests. The same cannot be said for men.

Therefore it is important HREOC / SDC fulfils its requirement to review legislation etc. from a male perspective, independently of any review from a female perspective. Men should also be resourced and encouraged to challenge legislation by making complaints through the SDA process.

The Senate Committee should ensure that HREOC/SDC can demonstrate it has credible procedures to review legislation etc. in order to prevent discriminatory consequences for males (as is required by SDA Part III, Div 1, 48). Recommendation 7.

It is pretty obvious HREOC / SDC considers women independently of men, and then considers men as an adjunct to women. However, men are not considered as a separate entity with a legitimate independent perspective.

For example, is there a man on staff with HREOC / SDC responsible for reviewing all legislation and programmes to see if they discriminate against men?

An area this review could start is in legislation, research and services for contraception and reproduction. Male topics are also ignored in business training programmes as discussed below in (g). This is another example of where a review from a men's perspective would have helped.

## **Comments on The Listening Tour**

“Making women’s business everyone’s business” aspired Elizabeth Broderick, the new Sex Discrimination Commissioner, in October 2007. “I’m here to listen ... I’m not interested in imposing a preset agenda”, she proclaimed launching her nationwide “Listening Tour”.<sup>50</sup>

However, this report from a father who went to a Listening Tour session tells a different story-

*I went to the Commissioner's "Listening Tour" session this week. But it seems to me this Commissioner has firmly closed ears, and probably a closed mind as well. The 2-hour "listening" session was controlled from the outset, with an imposed preset agenda of three topics:*

- *Economic independence for women,*
- *Work and family balance across the life cycle,*
- *Freedom from discrimination, harassment and violence.*

*Those issues were approached from a women's perspective, and there was very little time to raise other issues at the end. The Commissioner and HREOC staff seemed bemused as to why any men were there, and uninterested in what men had to say.*

*After I made a comment, the Commissioner made a rule that once you'd spoken you couldn't speak again until everyone had her say. However, this rule seemed to apply to men only, because women were making multiple comments. So that was my only comment for the evening.*

*But it was interesting listening to the women there. I was surprised they advocated hounding men out of work (with “go home daddy” posters, and short paternity leave) as a response to all 3 topics, and a solution to women’s financial problems.*

*The new Commissioner might want to “make women’s business everyone’s business”, but, unfortunately, not to make the Sex Discrimination Act, everyone’s protector.*

## **Comments on HREOC / SDC at Productivity Commission Inquiry into Parental Leave**

An all woman team from HREOC / SDC appeared at the Productivity Commission Inquiry into paid maternal, paternal, and parental leave on 20 May 2008.<sup>51</sup>

The transcript shows how HREOC / SDC follows its model of women first, independently of men, and then men are added as an adjunct at the end. Men are considered as *mother’s little helper*, not as a separate entity.

HREOC / SDC lobbied for payments and conditions for women that enabled them to stay connected to the workforce. Men were considered only briefly. Improved conditions for fathers were part of the second phase, after 2 years, if at all.

The HREOC / SDC presentation became confused when it came to fathers, and latched onto fathers having only 2 weeks paternity leave, because that is all they took now. HREOC / SRC data on parental leave was from EOWA<sup>52</sup> – a women’s agency that doesn’t measure men adequately.

The HREOC / SDC proposal ignored the fact that very little paternity leave is available now, and unpaid leave for fathers is also rare. Fathers who left jobs because they didn’t have access to leave when their children were born were ignored in the discussion. It isn’t seen as a problem if a man breaks contact with employment, but it’s a tragedy when a woman does. If the father’s job is taken by a 45 year old woman with no children, that is a good outcome for *family policy*, as developed by the women’s lobby industry.

The transcript of a mother appearing at the inquiry shows the differences in leave options available by gender:

*I'm a mother of two kids. The eldest is three years and eight months old, and the youngest is 14 months. I've taken maternity leave for both kids and have been lucky to receive six weeks paid maternity leave; that is, three weeks paid before the leave and three weeks paid after two months of returning to work. I've also been fortunate enough to take the full 12 months off without pay for both kids. For my first-born I took 12 months off without pay and my husband resigned from his job to look after our daughter, Alea, for the next 12 months. He in return did casual work, forgoing all his work entitlements such as superannuation and annual leave to fit in with my work commitments.<sup>53</sup>*

After the mother’s presentation, the Productivity Commissioners’ questions ignored the father leaving employment. This shows the success of women’s campaigns to make men invisible.

In a cynical spin exercise, the HREOC / SDC team claimed their phase 2 proposal would send a signal to encourage fathers and businesses to increase paternity leave. However, the truth is that the women’s lobby have continually colluded with employers to restrict fathers’ family leave options, so more money is available for women’s leave. The phase 2 proposal for fathers is a continuation of that approach.

The HREOC team also under reported fathers leave in Scandinavian countries. There are many different schemes, but in Sweden they often set aside 25% of the leave for fathers (this is a lot more than HREOC / SDC's "daddy month").

In effect, HREOC / SDC recommended withholding employment conditions for fathers. While this might be understandable from a private women's lobby group, it doesn't fit the HREOC / SDC functions as defined in SDA.

From a gender equality perspective, the Diversity Council Australia (DCA) put in a much better performance than HREOC / SDC at the Inquiry. The DCA:

- Named organisations that had already removed any gender connotations in their leave, e.g. LendLease,
- And challenged stereotypes that were implied in questions from the Productivity Commissioners. Commissioners were told -

*They shouldn't be making assumptions about men in male-dominated industries or men. I think often we make assumptions about male-dominated industries and what will transpire based on a bit of an antiquated view of how we view work and male attachment to it.<sup>54</sup>*

The DCA transcript is refreshing reading, and makes HREOC / SDC sound like a tired, outdated, reactionary women's Union.

### ***No Increase in powers is warranted***

There is no case to increase the powers of HREOC / SDC, except in relation to the new gender vilification object. HREOC / SDC should be focussing on doing their current functions better, for both men and women, rather than looking for new functions.

The SDC has no code of conduct, and is not accountable to anyone except the Governor General.

The more HREOC / SDC takes on a lobbying role, the more it has a vested interest in silencing men, and ignoring their issues, or transforming men's issues into the women's agenda. Any monitoring role will try to sweep male issues under the carpet, or only consider men as accessories to the women's agenda.

There are many funded groups and individuals already engaged in monitoring, measuring and commenting on women's issues – e.g. Ministers for Status of Women, Dept. for Women, EOWA, academics, unionists, journalists and many private women's lobby groups.

However, there is only one group responsible for the current functions in the SDA. This is an important role and should be given priority.

The SDC and HREOC Commissioners should have a Code of Conduct that is available publicly. Breaches of the Code of Conduct should result in termination of appointment. The powers of HREOC and SDC should not be increased, except to administer changes in the SDA from other recommendations in this submission.

Recommendation 8.

#### **d. Consistency of the Act with other Commonwealth and state and territory discrimination legislation, including options for harmonisation**

The relevant State Acts seem to work better than the SDA. Perhaps because they cover all forms of discrimination together, not just sex discrimination.

Men advise other men to take their complaints to the States, rather than the federal jurisdiction. State discrimination law and practice is less narrow and female-centric. Men also report that they find staff in the state offices more accepting and helpful than the federal office of sex discrimination.

The only drawback in going to the State office is that they may have a time limitation for lodging complaints – e.g. in NSW you can only lodge complaints about incidents up to 12 months old.

Common national definitions and practice might seem attractive. However, in this case the federal SDA, and practice, is the one that is limited and outdated – for example in sexual harassment, as discussed above.

The worst outcome would be for the Commonwealth to drag the States back to the standard of the SDA and HREOC. The Commonwealth should get its own Act and practice in order first.

## e. Significant judicial rulings on the interpretation of the Act and their consequences

It is difficult to respond to this question, as many cases are not publicised. However some of the problems with the way the SDA is interpreted are:

- A narrow, female-centric, definition of sexual harassment, as already discussed – see earlier recommendations 3,4,5,6.
- A narrow definition of relationships between parties – such as in needing to provide a direct relationship or service. This allows statements or actions by public persons to go unrestrained. See earlier recommendation 4.
- The nature of the SDA requires narrow specific complaints. For example, an early complaint about the lack of a men’s health policy focussed on the fact that a man could not go to women’s health centres. This is because of the requirement for the aggrieved to show clear individual disadvantage. However, a disadvantage of this approach is that the media, and opponents of the case, run a spoiling campaign and portray the complaint as trivial. For example –
  - allowing 1 man go to a women’s health centre will not do anything to help men’s health overall, or
  - 6 scholarships for male teachers won’t do much to improve boys education overall.

This seems to be a Catch 22 situation for men’s complaints. Narrow, specific, individual complaints are required under the SDA, whereas complaints about overall policy direction aren’t really possible. However, then the specific individual complaints are dismissed because they don’t fulfil big policy objectives.

- A more restrictive definition of harm / reasonableness, seems to be applied to male complainants as compared to female complainants. For example a boy can be told every day at his job you are stupid, or inarticulate, because you are male, whereas one mention of a woman having breasts can be seen as highly offensive, even if it is not a negative comment. See earlier recommendation 3.

- There is also a belief that many regulatory boards around the country are more lenient towards women, than men, when considering acceptable behaviour. Women's behaviour seems to find loopholes that are closed to men. And there is always the chorus from the women's lobby pressuring any examination, by calling out – "this is only being investigated because she is a woman".

Investigations into women's actions seem to be similar to the Churches' investigations into inappropriate behaviour by priests. The outcome tends to be influenced by wanting to maintain the status of the person involved (woman or priest) and downplays the adverse impact on a male complainant.

An example is the ad discussed above - the Advertising Standards Board response to a complaint about an advertisement that shows a young woman use a tennis ball firing machine to shoot tennis balls at a young man staked to the ground with his legs apart. The Board decided that the ad didn't breach the AANA code on violence, or acceptable community standards, because the ad was ... funny.<sup>55</sup>

Perhaps the real reason the Board balked at finding this ad in breach of standards was because it would mean they were saying the young woman in the ad behaved in a way that was violent or outside acceptable standards. Boards (or Churches) around the country want to avoid saying that one of their women (or priests) has done the wrong thing, in order to maintain the status of women (or priests).

The ABC complaints section handle complaints about gender issues in a similar way as evidenced by their response to *How to Kill Your Husband* (discussed above).

Complaints by individuals, or requests for exemptions, about specific situations, should not be assessed as if they are required to completely solve other problems (the catch 22).

Recommendation 9.

If a decision concerning gender issues is made by any board or review body, and that decision becomes public knowledge, then a person can make a gender vilification complaint about the decision to HREOC. The complaining person does not have to be the original complainant.

Recommendation 10.

## **f. Impact on state and territory laws**

No comments to make on this topic at this time.



## **g. Preventing discrimination, including by educative means**

The wording and treatment of the SDA is female-centric (e.g. *sexual advances* but not *sexist* behaviour). Therefore any education processes will be based on the men bad / woman victim model.

Men should boycott any federal training programmes until a more gender-neutral version of the SDA and training is developed. Federal programmes will just advise men that they should stop sexual harassment of women, and train men in processes to respond to complaints by women.

An example of the distortion in training programmes is the treatment of paternity leave. Under NSW Industrial Relations legislation, employers are required to be proactive and inform prospective fathers of their entitlements to paternity leave, in advance, whenever an employer becomes aware a man is expecting to become a father. We have been doing an informal survey on how this is working. The results show:

- No man was advised of his entitlement to paternity leave, in advance, by a proactive employer. In all cases the man had found out about paternity leave on his own, or from his mates.
- No manager we asked was aware they had to tell men about paternity leave. However, most managers were aware they have to be proactive and tell women about maternity leave in advance. All managers were aware they had to assist women make arrangements to take maternity leave.
- Every person we spoke to had been to a training programme on sexual harassment of women, and all managers were trained how to handle harassment complaints by women.

This shows the result of female-centric discrimination training initiatives developed by the federal offices of Sex Discrimination and EOWA (Equal Opportunity for Women in Workplace Agency). Most employees in HR departments are women so internal policy training will be female-centric as well.

This is consistent with findings from research by Richard Fletcher of The Family Action Centre at University of Newcastle. He found many fathers were confused about paternity leave and what they should be doing.<sup>56</sup>

Instead of federal programmes, men should encourage their businesses and employers to use the approaches and standards set out under the more progressive, gender-neutral, State Anti-discrimination legislation, and associated documentation, such as that in NSW.<sup>57</sup> Men who are Union members should also encourage their Unions to insist on the State approach so men are protected from negative stereotyping and vilification in their workplace.

Men can expect the level of gender vilification towards them in employment, and in public life, to increase. A generation of women have been trained in gender vilification towards men by schools, universities, advertising, the media, politicians and women's lobbyists.

Government departments are also using male vilification as a promotional device – e.g. NSW RTA little finger campaign.<sup>58</sup> The RTA is encouraging activity that, if done in a workplace, wouldn't be acceptable, even under the current federal SDA.

It is important for men to understand that they may have recourse under State legislation, despite the fact that federal discrimination officers will advise men that they do not have grounds to lodge a complaint federally.

Men should educate other men, and their sons, that they have a right to an environment free of gender vilification, and how to lodge complaints under a favourable jurisdiction. Education programmes originating in HREOC, EOWA, the women's public sector, or female-centric HR departments will not give good advice to men.

#### **h. Providing effective remedies, including the effectiveness, efficiency and fairness of the complaints process**

This has been covered. Males are usually better off making a complaint to their State body until the federal Act, and processes, are updated and made gender neutral.

#### **i. Addressing discrimination on the ground of family responsibilities**

Firstly, there should be more support for family responsibilities under the SDA than just protection from dismissal. But it isn't feasible for every employer to provide full family support for every worker either.

## ***Outside employment***

There is also discrimination because of family responsibilities outside employment. Such as access to childcare services. However, this is usually due to different family structures. This is already covered in recommendation 2a.

## ***In employment***

Unfortunately activity by EOWA and SDC has been counterproductive in terms of developing family friendly employment. The focus has been on women only, or on sexual harassment training, rather than providing family friendly work conditions. This has already noted discussed in part in (g) above.

Recently women journalists wanted to give the SDC credit for raising discrimination against fathers in employment. For example *Sex Discrimination Commissioner wants flexible hours for dads*.<sup>59</sup> While this is welcome, we can also see from SDC Listening Tour reports and the Productivity Commission Inquiry transcripts, that there is a big difference in what is proposed:

- Mothers get extended paid leave, favourable work options, promotional opportunities, and return-to-work provisions,
- Fathers get minimal leave, no return-to-work provisions, go-home-daddy posters and the right to complain if the boss won't let them go home on time.

As one women journalist said –

*That's the genius of Elizabeth Broderick's plan – she reckons if we can get more men working part-time and using flexible work practices to help care for their children we'll even up the slate. When the boss is looking for someone to promote ... (it will be) harder to simply pick a bloke for promotion.*<sup>60</sup>

This sounds like a women's issue dressed up as a men's issue.

The real problem is that work flexibility isn't available. And when flexibility is available it is reserved for women. The SDA and EOWA have been counterproductive in this area.

Female commentators are fond of quoting things like – “If men had babies, Australia would have 12 months' paid (maternity) leave, and we would have had it 50 years ago.”<sup>61</sup>

However, we suggest that if a *Father* was put in charge of an Equal Opportunity in the Workplace Agency, then there would be a lot more family-friendly employment terms and conditions, available to all genders, than there are now.

A *Father* would have concentrated on using legislation and market forces to bring about rapid change, at little cost, rather than lots of reports lobbying for gratuitous Board appointments for the elders in female lobby groups.

The solution is to provide a better market for family friendly jobs. Information disclosure and the forces of supply and demand will bring about faster, and better, solutions, than just legislation, or industry wide awards.

Parents who want to re-enter the work force, or who want to change jobs, face bigger barriers than parents already in a job. This is a job market design problem, not a SDA or industry award problem.

It is possible to transform the job market in about 6 months and make it much more family friendly:

- With little cost to government or business except in moving to a new system,
- Employees would find it easier to choose the type of work conditions that they want, and wouldn't feel resentful of others in their workplace. It would be easier for employees to move to conditions they want, both within their company and with new employers.
- Businesses would find it easier to get the type of workers they want, and wouldn't feel compelled to provide similar conditions to all employees if they didn't want to (beyond a set minimum standard).

However, this requires moving away from vested interest models pushed by EOWA, HREOC, the Unions and the Women's Lobby.

## **j. Impact on the economy, productivity and employment (including recruitment processes)**

If handled properly the SDA should have little impact on the economy. However, under the paradigms developed by the women's lobby every issue is promoted in a way that says the solution is to give a lot of tax-payer funds to women. For example, any discussion about poor outcomes in boy's education is quickly repositioned into the need to pay (women) teachers more.

The women's lobby is more interested in industry creation, than equity. All problems will be solved by employing lots of women to provide services to other women, or re-education campaigns for men.

The women's lobby makes this funding a bit more palatable (i.e. cheaper) to the government, or employers, by developing barriers to exclude men. For example:

- The creation of terms like "primary caregiver", and maternal exemptions.
- Continuing to use a female-centric version of harassment,
- Blaming males for their poor outcomes in health and education,
- The male as secret sociopath model of domestic violence

## **k. Sexual harassment**

This is covered in part (a) above with introduction of a separate Gender Vilification category. See earlier recommendations 3,4,5,6.

As already noted, men are usually better off making a complaint to their State body until the federal Act, and processes, are updated and made gender neutral.

## **l. Effectiveness in addressing intersecting forms of discrimination**

States do it better because sex discrimination is not a separate Act or Office. All forms of discrimination are integrated in one Act in NSW. Hence, they don't take a female-centric approach to sex discrimination.

As already noted, men are usually better off making a complaint to their State body until the federal Act, and processes, are updated and made gender neutral.

### **m. Any procedural or technical issues**

This has been covered. Males are usually better off making a complaint to their State body until the federal Act, and processes, are updated and made gender neutral.

### **n. Scope of existing exemptions**

The only comment relates to no. 31 – Exemption due to Pregnancy or Childbirth.<sup>62</sup>

We suggest this clause have a timeframe attached to the granting of privilege. We suggest that the exemption lapses 12 months after childbirth. We expect breastfeeding is covered elsewhere and is not relying on this exemption.

Some women may require special benefits after 12 months. However, we believe this is an individual health claim, rather than a benefit that should be available to all women and to no men.

Add a sunset clause to exemption 31 – Pregnancy and childbirth [Part II, Div 4, 31]. The exemption should lapse 12 months after childbirth. Recommendation 11.

### **o. Other matters relating to and incidental to the Act**

More detail will be added to this submission under this topic. The subjects to be completed are:

- What is happening to boys in our schools?
- Men in the media
- Men and health
- Referral of discrimination to other Courts – gender based corruption.

## Concluding comments

Historically, the HREOC Sex Discrimination Office has been the **last** place to recognise discrimination against men. So why should that Office be the **first** place you have to take your complaint?

In 2008, Australian society and culture are very different from 1984, when the SDA was drafted. One big change is the openly negative attitude towards males, promoted by the public sector and many social commentators in the media. Male bashing has become institutionalised, and is used to create an environment where public policy either ignores men, or creates disadvantages for men.

No men who have spoken out with a male perspective were invited to participate in the federal Government's 2020 Summit, about Australia's future.

When the SDA was drafted in 1984, the prevailing discourse was about protecting individual rights and freedoms – e.g. even though the majority of women were housewives, this was no reason there should be barriers to prevent another women from becoming a doctor, a judge or achieving other goals.

Today, 25 years later, the discourse has moved to collective punishment and building barriers. For example:

- The majority of people on the BRW Rich List are men, so it's OK to have boys underperforming girls by 20% in education.
- The majority of people in politics and positions of influence are men, so it's OK to ignore health services for men.
- Women bear children, so it's OK to ignore fathers in reproductive choices, and in access to family friendly employment.
- The majority of people injured by family violence are women, so it's OK to target all males as menaces to society.
- Men treat women badly, so it's OK for governments to treat all males badly and restrict their access to legal protections.

Social policy debate is driven by a new dogma. Women are good; maleness is the new original sin. With a self-serving belief in their own infallibility, the Italian Shoe Brigades<sup>63</sup> have banished all males to the naughty corner for reconstruction. Privileges and normal services are to be withheld until re-education is complete. Having no voice in the debate, men need to protect themselves, and their children, by legal means.

The SDA should be updated and reframed to take account of these changes.

Family policy should not be developed solely in response to demands from the women's lobby. However, because the women's industry lobby is so big, and funded by government, academia and media groups, it's likely family policy will continue to be distorted towards women's demands.

Therefore, Families Without Women need a clear mechanism to use the Sex Discrimination Act to challenge and reverse discriminatory policy and gender vilification. We will achieve progress by using the SDA, and forcing change, rather than by waiting for others to move on from their prejudice and preoccupations.

In particular, discrimination involving gender vilification and withholding of public services because of gender, or family structure, should be addressed and included in the SDA.

The following extracts, from NSW Anti-Discrimination Board documents, show some of the concepts missing from the federal SDA. However, NSW documents include this behaviour under *harassment*. We believe sexist behaviour should be called *gender vilification* in the amendments to the SDA, to avoid confusion with sexual harassment. This *harassment* is about gender prejudice, not physical sexuality. The relevant extracts from NSW documents are:

*In terms of anti-discrimination law, harassment is any form of behaviour that - you do not want; offends, humiliates or intimidates you; and targets you because of your sex, Depending on the circumstances, each of the following kinds of behaviour may be harassment:*

- *Material that is sexist, that is displayed in the workplace, circulated on paper or by email, or put on a computer or fax machine or on the internet, or in someone's workspace or belongings;*
- *verbal abuse or comments that put down or stereotype people because of their sex,*
- *offensive jokes and gestures based on sex,*



- *ignoring, isolating or segregating a person or group because of their sex.*

*Anyone can be harassed, including people of any age or race, women or men.*

*Harassment is often about one person (or a group of people) using power inappropriately over another person or group of people. But harassment can also occur between people when there is no power relationship. It may simply create a hostile environment.* <sup>64</sup>

The process of achieving change for men and fathers will have to pass through several stages:

**Stage 1: Denial – "No problem".** Society, media, politicians, judiciary and government agencies refuse to acknowledge that prejudicial treatment of men and fathers is a problem.

**Stage 2: "The problem is Men / Fathers".** Men's differences are seen as the problem and society, media, politicians, judiciary and government agencies are encouraged to believe that the solution lies in men changing.

**Stage 3: Incremental Adjustment.** Society, media, politicians, judiciary and government agencies begin to recognise something is wrong when good men keep opting out. But community leaders and commentators go on expecting more men to keep rolling up and taking the fall. Nothing is changed in the media, community, government agencies or legal system, so the cycle continues.

**Stage 4: Commitment to a New Culture.** Eventually men opting out is recognised as a symptom of deeper cultural problems and true leaders step up and take responsibility for removing prejudice and encouraging change.

All through this process we can expect self-appointed gate-keepers in media, politics, academia and government agencies to continue to oppose change, by pushing discussion back to stages 1 and 2. At the same time these people will pursue a self-interested scramble for whatever spoils they can get before change is enacted.

Mahatma Gandhi described the type of response fathers can expect. "First they ignore you. Then they laugh at you. Then they fight you. Then you win."

Or as Arthur Schopenhauer said - "All truth passes through three stages: First, it is ridiculed. Second, it is violently opposed. Third, it is accepted as being self-evident."

## Notes

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- <sup>1</sup> ABC News website, 18 April 2008, reports that Get Up Executive Director confirms “over 120 members” participating in Summit.
- <sup>2</sup> In 2006, ABC Radio promoted the book several times in Sydney on 702AM, and Radio National devoted a programme to the author and book. The book probably also received extensive promotion in other ABC regions at the same time. ABC radio transcripts are not available, but these transcripts should be made available since the ABC is a public resource. This submission will not provide dates for incidents on ABC Radio. The ABC is supposed to be a self-regulating, federally-funded body. It is not up to community members to tell the ABC Board and Management what is happening on ABC broadcasts. The ABC process for handling complaints from the public about gender issues isn't worth the trouble.
- <sup>3</sup> *How to Kill Your Husband (and other handy household hints)*, by Kathy Lette, published by Simon and Schuster, 2006.
- <sup>4</sup> Advertising Standards Bureau, complaint reference number 278/07, 11 September 2007. If you are interested you can view the advertisement, and read more analysis, on this site - <http://taxfundedprejudice.com/pages/5Media/ASBViolence1.html>
- <sup>5</sup> *Damned Whores and God's Police – The Colonization of Women in Australia*, by Anne Summers, published by Penguin Books, 1975, 1994 and 2002.
- <sup>6</sup> *Enforcing Custody Rule Won't Work, Says Goward*, by Cynthia Banham, Sydney Morning Herald, October 27, 2003.
- <sup>7</sup> ABC TV Talking Heads program, 13 November 2006, Pru Goward interviewed by Peter Thompson.
- <sup>8</sup> The Italian Shoe Brigades are the replacement for God's Police mentioned in Anne Summers' book *Damned Whores and God's Police – The Colonisation of Women in Australia* (see reference above). The Italian Shoe Brigades are keen to oversee a new dogma driven social order based on a simplistic gender model - 'women are good' and 'men are bad'. The federal government, universities and the media fund many members of the Italian Shoe Brigades.
- <sup>9</sup> *Educating Boys Issues and Information*, pamphlet published by Australian Government Department of Education, April 2003.
- <sup>10</sup> *Educating Boys Issues and Information*, pamphlet published by Australian Government Department of Education, April 2003
- <sup>11</sup> Pru Goward, Sex Discrimination Commissioner, speech 15 February 2006, transcript on HREOC / Sex Discrimination website.
- <sup>12</sup> Mostly from Pru Goward, Sex Discrimination Commissioner, speech 15 February 2006, transcript on HREOC / Sex Discrimination website. The other comments are referenced elsewhere in this paper.
- <sup>13</sup> Editorial, The Daily Telegraph, 22 July 2008.
- <sup>14</sup> *The Gruen Transfer*, ABC TV, Episode 4, 18 June 2008.
- <sup>15</sup> *The Gruen Transfer*, ABC TV, Episode 6, 2 July 2008.
- <sup>16</sup> Advertising Standards Bureau, complaint reference number 278/07, 11 September 2007. If you are interested you can view the advertisement, and read more analysis, on this site - <http://taxfundedprejudice.com/pages/5Media/ASBViolence1.html>.

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- <sup>17</sup> Sex Discrimination Act 1984, Part II, Div 3, 24A.
- <sup>18</sup> *Harassment and Sexual Harassment*, ADB Factsheet, NSW Anti-Discrimination Board.
- <sup>19</sup> *Factsheet: Sexual Harassment in Australia*, HREOC website.
- <sup>20</sup> Sex Discrimination Act 1984, Part I, 3(d).
- <sup>21</sup> *Enforcing Custody Rule Won't Work, Says Goward*, by Cynthia Banham, Sydney Morning Herald, October 27, 2003.
- <sup>22</sup> *Here is the real masculinity crisis*, by Brian Greig, The Age, 2 April 2004.
- <sup>23</sup> *The crisis in masculinity meets the end of equality*, Anne Summers, Address to Sydney Writers Festival, 23 May 2004.
- <sup>24</sup> *Are Men Necessary? When sexes collide*, by Maureen Dowd, published by Putnam Publishing Group, 2005.
- <sup>25</sup> *The Future of Men, the rise of the ubersexual and what he means for marketing today*, by Marian Salzman, Ira Matathia, and Ann O'Reilly, published by Palgrave Macmillan, 2005.
- <sup>26</sup> Virginia Trioli, ABC Radio 702AM Sydney. Paraphrased since ABC radio transcripts are not available, but these transcripts should be made available since the ABC is a public resource. This submission will not provide dates for incidents on ABC Radio. The ABC is supposed to be a self-regulating, federally-funded body. It is not up to community members to tell the ABC Board and Management what is happening on ABC broadcasts. The ABC process for handling complaints from the public about gender issues isn't worth the trouble.
- <sup>27</sup> *The Great Global Warming Swindle*, ABC TV, 12 July 2007. This programme was followed immediately by an ABC programme with a panel of experts challenging the points put forward in the first programme.
- <sup>28</sup> Virginia Trioli, ABC Radio, Sydney 702AM Sydney. Paraphrased since ABC radio transcripts are not available, but these transcripts should be made available since the ABC is a public resource. This submission will not provide dates for incidents on ABC Radio. The ABC is supposed to be a self-regulating, federally-funded body. It is not up to community members to tell the ABC Board and Management what is happening on ABC broadcasts. The ABC process for handling complaints from the public about gender issues isn't worth the trouble.
- <sup>29</sup> Virginia Trioli, ABC Radio 702AM Sydney. Paraphrased since ABC radio transcripts are not available, but these transcripts should be made available since the ABC is a public resource. This submission will not provide dates for incidents on ABC Radio. The ABC is supposed to be a self-regulating, federally-funded body. It is not up to community members to tell the ABC Board and Management what is happening on ABC broadcasts. The ABC process for handling complaints from the public about gender issues isn't worth the trouble.
- <sup>30</sup> *All in the family: superhighway for kids, porn pipe for dad*, by Annabel Crabb, Sydney Morning Herald, 20 October 2007.
- <sup>31</sup> Statement by Senator Belinda Neal, Men and Fathers' Health Forum 2008, Canberra, 19 March 2008.
- <sup>32</sup> Advertising Standards Bureau, complaint reference number 278/07, 11 September 2007. If you are interested you can view the advertisement, and read more analysis, on this site - <http://taxfundedprejudice.com/pages/5Media/ASBViolence1.html>.

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<sup>33</sup> In 2006, ABC Radio promoted the book several times in Sydney on 702AM, and Radio National devoted a programme to the author and book. The book probably also received extensive promotion in other ABC regions at the same time. ABC radio transcripts are not available, but these transcripts should be made available since the ABC is a public resource. This submission will not provide dates for incidents on ABC Radio. The ABC is supposed to be a self-regulating, federally-funded body. It is not up to community members to tell the ABC Board and Management what is happening on ABC broadcasts. The ABC process for handling complaints from the public about gender issues isn't worth the trouble.

<sup>34</sup> *How to Kill Your Husband (and other handy household hints)*, by Kathy Lette, published by Simon and Schuster, 2006.

<sup>35</sup> *Spotless, room-by-room solutions to domestic disasters*, by Shannon Lush and Jennifer Fleming, ABC Books 2005.

<sup>36</sup> Sex Discrimination Act 1984, Part V and Part VI.

<sup>37</sup> Sex Discrimination Act 1984, Part III.

<sup>38</sup> Sex Discrimination Act 1984, Part III, Div 1, 48.

<sup>39</sup> Speech by Pru Goward, Federal Sex Discrimination Commissioner, State Library of Victoria, 20 April 2004.

<sup>40</sup> *Enforcing Custody Rule Won't Work, Says Goward*, by Cynthia Banham, Sydney Morning Herald, October 27, 2003.

<sup>41</sup> *A feisty woman unafraid of entering the fray*, by Damien Murphy, Sydney Morning Herald, 14 April 2008.

<sup>42</sup> *Measures aimed at gender equality*, by Lauren Wilson, The Australian, 23 July 2008.

<sup>43</sup> *Making women's business everyone's business*, by Elizabeth Broderick, Sydney Morning Herald, 9 October 2007. Article for launch of her listening tour, actual transcripts are not available.

<sup>44</sup> Interview with Elizabeth Broderick, Dads on the Air, 2GLF 89.3FM, 6 May 2008. Paraphrased.

<sup>45</sup> Interview with Elizabeth Broderick, Dads on the Air, 2GLF 89.3FM, 6 May 2008. Paraphrased.

<sup>46</sup> Sex Discrimination Act 1984, Part III, Div 1, 48.

<sup>47</sup> *Gardasil facts*, sourced from Department of Health, Sydney Morning Herald, 29 November 2006.

<sup>48</sup> *Oral sex can add to HPV cancer risk*, by Coco Masters, Time, 11 May 2007.

<sup>49</sup> *Gardasil facts*, sourced from Department of Health, Sydney Morning Herald, 29 November 2006.

<sup>50</sup> *Making women's business everyone's business*, by Elizabeth Broderick, Sydney Morning Herald, 9 October 2007.

<sup>51</sup> Transcript of appearance HREOC / SDC at Inquiry into Paid Maternity, Paternity and Parental Leave, Productivity Commission. Sydney, 20 May 2008.

<sup>52</sup> EOWA is Equal Opportunity for Women in Workplace Agency, a federally funded department to promote women's interests in the workplace.

<sup>53</sup> Transcript of appearance of Liquor, Hospitality and Miscellaneous Union at Inquiry into Paid Maternity, Paternity and Parental Leave, Productivity Commission. Sydney, 20 May 2008.

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- <sup>54</sup> Transcript from appearance of Diversity Council Australia at Inquiry into Paid Maternity, Paternity and Parental Leave, Productivity Commission. Sydney, 20 May 2008.
- <sup>55</sup> Advertising Standards Bureau, complaint reference number 278/07, 11 September 2007. If you are interested you can view the advertisement, and read more analysis, on this site - <http://taxfundedprejudice.com/pages/5Media/ASBViolence1.html>.
- <sup>56</sup> Submission from Richard Fletcher, Lecturer, Leader, Fathers and Families Research Program, The Family Action Centre, Faculty of Health, The University of Newcastle to the Inquiry into Paid Maternity, Paternity and Parental Leave, Productivity Commission.
- <sup>57</sup> *Harassment and Sexual Harassment*, ADB Factsheet, NSW Anti-Discrimination Board.
- <sup>58</sup> *Why finger pointing won't stop deaths*, by Richard Blackburn, Drive on Fairfax digital, 17 August 2007.
- <sup>59</sup> *Sex Discrimination Commissioner wants flexible hours for dads*, by Sue Dunlevy, Daily Telegraph, 22 July 2008.
- <sup>60</sup> *Men Fundamental to Feminism*, by Sue Dunlevy, Daily Telegraph, 25 July 2008.
- <sup>61</sup> *A cry that can't be ignored*, by Farah Farouque, Fairfax digital website, 15 July 2007.
- <sup>62</sup> Sex Discrimination Act 1984, Part II, Div 4, 31.
- <sup>63</sup> The Italian Shoe Brigades are the replacement for God's Police mentioned in Anne Summers' book *Damned Whores and God's Police – The Colonisation of Women in Australia* (see reference above). The Italian Shoe Brigades are keen to oversee a new dogma driven social order based on a simplistic gender model - 'women are good' and 'men are bad'. The federal government, universities and the media fund many members of the Italian Shoe Brigades.
- <sup>64</sup> Extracts from ... *Harassment and Sexual Harassment*, ADB Factsheet, NSW Anti-Discrimination Board.