

Submission to Senate Committee Inquiry Exposure Draft of Human Rights and Anti-Discrimination Bill 2012.

I am writing in support of the exemption contained in section 35(4) of the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012 for single-sex clubs. This section explicitly retains the exemption contained in section 25(3) of the Sex Discrimination Act 1984.

The exemption contained in section 35(4) of the proposed Bill is similar to the exemption contained in Schedule 16 to the United Kingdom Equality Act 2010. I submit that the Committee should have regard to the United Kingdom experience and the successful operation of this exemption.

The UK experience has been that there are very few clubs whose rules restrict membership to people who share protected characteristics. In Australia there is only a very small number of clubs of this kind. In the UK before the legislation was introduced, there were many clubs which had full members of one sex and associate members of the other sex with lesser benefits. Clubs of this latter kind do not fall within the protected characteristic exemption.

Reading some of the submissions that were made to the Attorney-General and the Minister for Finance in response to the Discussion Paper on consolidating Commonwealth anti-discrimination law, I felt part of a threatened and disadvantaged group. Why can't men be allowed to be men? Many of the submissions suggested that groups of men should not be able to meet together (associate) without first getting the approval of a court or tribunal. Such submissions are contrary to the fundamental human right to freedom of association contained in Article 20 (1) of the Universal Declaration of Human Rights.

It is well-established by research that men only groups and the social interaction provided in these groups contribute greatly to men's health and wellbeing. They also permit free discussion of issues of men's health (eg prostate and urology problems) that is not possible in mixed groups. Why should people be bothered by a few gents having lunch?

Many of the submissions about men's clubs would appear to revolve around the incorrect perception that they are bastions of power, influence and decision making. In the United Kingdom power has *"shifted from the hushed rooms of the older clubs to a new, more raucous breed of drinking clubs. The ruling class is now more likely to be found not sipping a claret or scotch at the ultra-private White's club or the Garrick but downing a chic cocktail at Zanzibar Club, Groucho Club, Soho House or any number of new, trendy coed drinking clubs."* (Time World Magazine 18 November 2010). The same thing has occurred in Australia with Gen X and Gen Y preferring to drink in the fashionable bars and pubs, rather than in private clubs. The

attached evidence given by Melbourne clubs (both men's and women's) to the 2009 review by the Victorian Parliamentary Scrutiny of Acts and Regulations Committee of the Exceptions and Exemptions in the Equal Opportunity Act 1995 gives a more accurate picture of what occurs inside these private clubs.

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