



REVIEW OF THE ANTI-DISCRIMINATION ACT:

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2. Are you making this submission as an individual or on behalf of an organisation?

- ☐ Individual ☒ Organisation
- Organisation name: One in Three Campaign
- Position: Senior Researcher

3. What is your name (optional for submissions made by individuals):

Greg Andresen

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Submission to the
*Review of Queensland's
Anti-Discrimination Act*



Table of Contents

Executive Summary	3
About the One in Three Campaign	3
How many males are affected by domestic and family violence?	6
Many males never report their victimisation nor seek help	7
Coercive control affects males too	8
Sex-discrimination against male victims of family violence	9
Case Study – Michael’s personal story	11
What is the solution to this sex discrimination?	12
Discussion question 20: Should welfare measures and equal opportunity measures be retained or changed?	12
Discussion question 37: Should an additional attribute of subjection to domestic violence be introduced? Should it be defined, and if so, how?	17
Recommendations	17
APPENDIX A - Male victims of family violence: key national statistics	19



EXECUTIVE SUMMARY

1. The latest ABS Personal Safety Survey, along with homicide, suicide and DVO statistics demonstrate that while males make up a minority of persons who experience family and domestic violence, they make up a significant proportion indeed - between one in five and more than half, depending on the type of measurement used. We have argued for the past 13 years that one in three is a reasonable assessment when all statistics are combined.
2. Many males never report their victimisation nor seek help, due to a combination of external societal pressures and internal gendered coping strategies. It is not because the violence they experience is minor or trivial.
3. Coercive control – a pattern of abuse that degrades, humiliates and isolates victims, and takes away their freedom and autonomy – affects males as well as females.
4. The One in Three Campaign has identified five different ways in which male victims of family violence are discriminated against in Queensland:
 - i. Discrimination in service provision - not available to male victims or female perpetrators
 - ii. Discrimination in service provision - access allowed, but service provided is harmful or poor
 - iii. Discrimination in funding
 - iv. Discrimination within research
 - v. Discrimination in public health campaigns.
5. Our proposed solution to the sex discrimination affecting male victims of domestic and family violence would be to establish a competent triage system based upon severity of violence, risk and need (not sex/gender), that would ensure the limited services available would go to those who need them the most. In order to do this, Section 104 of the Queensland Anti-Discrimination Act 1991 ("The Act") would require amendments to remove the Example, "It is not unlawful to restrict special accommodation to women who have been victims of domestic violence."
6. The reason Section 104 of The Act requires amendments is because it contains examples that are ambiguous and have not been drafted in a sufficiently clear and precise way to apply to one or more of the listed attributes for whose welfare The Act was designed. Such amendments would help ameliorate the current situation where male victims of domestic and family violence are unjustly excluded from most services on the basis of their sex.
7. Should the Commission decide to introduce an additional attribute of 'subjection to domestic violence' to The Act, ALL victims of domestic and family violence should be protected, regardless of their sex, background, location, income, age, profession, culture, race, ability, religion or sexuality or any other characteristic; and any definition or 'test' for victimhood should apply in an unbiased manner to ALL individuals.

ABOUT THE ONE IN THREE CAMPAIGN

One in Three is a diverse group of male and female professionals – academics, researchers, social workers, psychologists, counsellors, lawyers, health promotion workers, trainers and survivor/advocates. The Campaign aims to raise public awareness of the existence and needs of male victims of family violence and abuse; to work with government and non-government services alike to provide assistance to everyone affected by family violence; and to reduce the incidence and impacts of family violence on Australian men, women and children. We believe our society has the capacity to support all victims of family violence, whether male or female, young or old, gay or straight, rich or poor, wherever they live.



One in Three is primarily a lobbying and advocacy organisation. While we would love to do more, and there is a desperate need for additional services, we lack the resources to provide our own services or work extensively with other NGOs in providing services.

The main resource we provide is our website oneinthree.com.au. It provides:

- information about the experiences of male victims of family violence and the barriers they often face to disclosing;
- research and statistics about male victims;
- opportunities for men to tell their own personal story and read over 200 stories from other men;
- news from around the globe; and
- a comprehensive list of national and international resources to assist males in crisis.

We have produced some powerful videos¹ of men telling their personal stories of family violence and abuse. We regularly give conference presentations, provide research assistance to students, and give talks at high schools. We have produced a series of seven free digital poster designs² aimed at educating boys and young men about respectful and healthy relationships. Unless we give men and boys the courage and support to disclose their experience as victims of family violence, they will continue to suffer in silence.

We have collaborated with various NGOs to establish better services for male victims, most notably working with *Victims & Witnesses of Crime Court Support (VWCCS)*, *NSW Police* and *Women's Domestic Violence Court Advocacy Service* to develop the *Insight* trial court support scheme for male victims of violence at the Downing Centre and Parramatta Courthouses in inner and western Sydney. The scheme operated between 2013 and 2015. Unfortunately, because of issues such as resistance to the scheme from other agencies including the Police, who failed to help advertise or promote the service, the work of the program was eventually folded into the day-to-day work of VWCCS.

Some other examples of collaborative work with NGOs include:

- assisting the *Men's Advocacy Network* in WA in developing the groundbreaking 2010 *Intimate Partner Abuse of Men*³ report conducted by researchers from the School of Psychology and Social Science at Edith Cowan University
- collaborating with the *Western Sydney Men's and Relationship Services Network* to produce a poster⁴ listing domestic violence services available to male victims, which was distributed widely amongst service providers in Western Sydney.

One in Three regularly lodges submissions, attends consultations and appears before government inquiries and royal commissions into family violence. As a result, many recent state and federal inquiries have acknowledged the existence and needs of male victims of family violence and have recommended that better support services be provided for them.

¹ https://www.youtube.com/watch?v=h_VhEXei2s8

² <http://www.oneinthree.com.au/posters>

³ Tilbrook, E., Allan, A. & Dear, G. (2010), *Intimate Partner Abuse of Men*. East Perth: Men's Advisory Network, May 26, 2010.

⁴ http://www.oneinthree.com.au/s/Domestic_Violence_Services_for_Male_Victims_2015.pdf

For example:

- The 2012 NSW Legislative Council's Inquiry into *Domestic violence trends and issues in NSW*⁵ found that:
 - “There was a broad recognition among inquiry participants that women offenders and male victims do exist”. “Of [reported] victims of domestic assault in 2010, 69.2% were female, while 30.8% were male.”
 - “Male victims have been much less visible and able to access supports than should be the case”
 - “The experience of [males]... is equally as bad as that of other victims”
 - “We recognise the gap in services for male victims and encourage the government to examine how services can most appropriately be provided to male victims of domestic violence”
 - “Male victims... were identified during the inquiry as in need of special consideration with regard to domestic violence” along with “older people; young people; Aboriginal people; GLBTI people; people from culturally and linguistically diverse (CALD) backgrounds; and people with a disability.”
- The 2015 Victorian *Royal Commission Into Family Violence*⁶ recommended that:
 - The Victorian Government publicise and promote the Victims Support Agency in any information campaign relating to family violence as the primary source of assistance for male victims. The agency should also provide appropriate online resources for male victims [within 12 months].
 - The Victims Support Agency continue to receive all police referrals (L17 forms) relating to male victims, including after the establishment of the Support and Safety Hubs. The agency and all other relevant support services should develop joint arrangements to ensure that male victims of family violence are supported in obtaining the help they need [within two years].
- The 2015 Federal Parliamentary Inquiry into *Domestic Violence in Australia*⁷ recommended that:
 - The committee recommends that the Commonwealth Government recognise the need to provide appropriate services to male victims of domestic and family violence.
- The 2021 Federal *Inquiry into Family, Domestic and Sexual Violence*⁸ recommended that:
 - “...the next National Plan be inclusive of the diversity of victim-survivors. In particular, the next plan should recognise the rights and needs of women; children in their own right; men; older Australians; LGBTQI people; and people living with a disability.”
 - “...the next National Plan be named the National Plan to reduce family, domestic and sexual violence”
 - “...the Australian Government commission research into the prevalence of family, domestic and sexual violence against men, and its impact on male victim-survivors....”

⁵ New South Wales Parliament (2012), Legislative Council, Standing Committee on Social Issues, [Domestic violence trends and issues in NSW](#) (Report ; no. 46), p.xxxii.

⁶ State of Victoria (2016), [Royal Commission into Family Violence: Summary and recommendations](#), Parl Paper No 132 (2014–16), p93.

⁷ The Senate Finance and Public Administration References Committee (2015), [Domestic violence in Australia](#), August 2015, p109.

⁸ House of Representatives Standing Committee on Social Policy and Legal Affairs (2021). [Inquiry into family, domestic and sexual violence](#). Canberra: Parliament of the Commonwealth of Australia.

- "...the Department of Social Services review the adequacy of advice and referral services for men as victim-survivors of family, domestic and sexual violence."

One in Three receives no funding and operates on an entirely voluntary basis.

HOW MANY MALES ARE AFFECTED BY DOMESTIC AND FAMILY VIOLENCE?

ABS Personal Safety Survey

The following data taken from the most recent Australian Bureau of Statistics *Personal Safety Survey* (2016)⁹ provides an overview of the experience of violence by adult males and females in Queensland over the 12 months prior to the survey.

Table 1 – Experiences in the last 12 months, type of experience by sex of respondent, estimate – Queensland

	Males	Females
Violence by an intimate partner	18,400* (26.9%)	50,100 (73.1%)
Violence by a cohabiting partner	13,700* (24.9%)	41,300 (75.1%)
Violence by a current partner	6,200** (36.0%)	11,000* (64.0%)
Violence by a previous partner	12,400* (32.6%)	25,600 (67.4%)
Violence by a boyfriend/girlfriend or date	2,800** (21.5%)	10,200* (78.5%)
Emotional abuse by a partner	64,700 (39.6%)	98,700 (60.4%)
Emotional abuse by a current partner	38,300* (37.1%)	65,000 (62.9%)
Emotional abuse by a previous partner	25,800 (44.7%)	31,900 (55.3%)

* estimate has a relative standard error of 25% to 50% and should be used with caution

** estimate has a relative standard error greater than 50% and is considered too unreliable for general use.

Homicide and Suicide Statistics

The most recent publicly available domestic and family violence homicide and domestic and family violence-related suicide statistics for Queensland adults from 1 July 2006 to 30 June 2021 are as follows¹⁰:

Table 2 – Domestic & family violence homicide; domestic & family violence-related suicide statistics for Queensland adults

	Men	Women
Intimate partner homicide deaths	45 (24.2%)	141 (75.8%)
Family relationship homicide deaths	41 (57.7%)	30 (42.3%)
Collateral homicide deaths	27 (93.1%)	2 (6.9%)
Apparent suicides	215 (83.0%)	44 (17.0%)

DVO Statistics

The most recent publicly available DVO statistics for Queensland¹¹ 2021-22 YTD (to 31 Jan 2022) are as follows:

⁹ Australian Bureau of Statistics (2017). [Personal Safety Survey, Australia, 2016](#) (Cat. No. 4906.0). Table 1.1 EXPERIENCES IN THE LAST 12 MONTHS, Type of experience by sex of respondent, Estimate - Queensland. Canberra: Australian Bureau of Statistics.

¹⁰ Domestic and Family Violence Death Review and Advisory Board (2021). [2020-21 Annual Report](#). Brisbane: Queensland Government.

¹¹ Queensland Courts (2022). [Queensland Courts' domestic and family violence \(DFV\) statistics](#). Brisbane: The State of Queensland (Queensland Courts).

Table 3 – Queensland courts domestic violence order statistics for Queensland

	Males	Females
Applications lodged: Gender of aggrieved	4,310 (26.2%)	12,083 (73.5%)
Orders made: Gender of aggrieved	3,198 (23.6%)	10,364 (76.4%)

We have attached a more in-depth, externally verified analysis of national Australian data from the latest ABS *Personal Safety Survey* and the Australian Institute of Criminology's *National Homicide Monitoring Program* as **Appendix A** to this submission.

The above figures and Appendix demonstrate that while males make up a minority of persons who experience family and domestic violence, they make up a significant proportion indeed - between one in five and more than half, depending on the type of measurement used. We have argued for the past 13 years that one in three is a reasonable assessment when all statistics are combined.

MANY MALES NEVER REPORT THEIR VICTIMISATION NOR SEEK HELP

Male victims of domestic and family violence and abuse – like women – often face many barriers to disclosing their abuse. However, male victims face a set of unique barriers which make them much less likely to report their victimisation.

Men are 2 to 3 times more likely than women to have *never* told anybody about experiencing partner violence¹². 54.1% of males who have experienced current partner violence have *never* told *anybody* about it, along with 20.9% of males who have experienced previous partner violence.

Men are also around 50% more likely than women to have *never sought advice or support* about experiencing partner violence¹³. 68.1% of males who have experienced current partner violence have *never* sought advice or support, along with 59.2% of males who have experienced previous partner violence.

Many barriers to male victims disclosing their abuse are created or amplified by the lack of public acknowledgement that males can also be victims of family violence, the lack of appropriate services for male victims and their children, and the lack of appropriate help available for male victims from existing services. Such barriers include:

- not knowing where to seek help
- not knowing how to seek help
- feeling there is nowhere to escape to
- feeling they won't be believed or understood as victims
- feeling that their experiences would be minimised or they would be falsely blamed for the violence and/or abuse
- feeling that services would be unable or unwilling to offer them appropriate help

¹²Australian Bureau of Statistics (2013). [Personal Safety Survey, Australia](#), 2012, cat no 4906.0, ABS, Canberra. Table 23 EXPERIENCE OF PARTNER VIOLENCE SINCE THE AGE OF 15, Whether ever told anyone about partner violence. 54.1% of males and 25.6% of females have never told anyone about violence by their current partner since the age of 15. 20.9% of males and 6.7% of females have never told anyone about violence by their previous partner since the age of 15.

¹³ Australian Bureau of Statistics (2017). [Personal Safety Survey, Australia](#), 2016 (Cat. No. 4906.0). Canberra: Australian Bureau of Statistics. Table 17.1 EXPERIENCE OF CURRENT PARTNER VIOLENCE SINCE AGE 15, By sex of respondent, Estimate. 102,400 males in 2016 did not seek advice or support after incident of violence by a current partner, while 150,300 males had experienced violence by a current partner since the age of 15. 126,900 females in 2016 did not seek advice or support after incident of violence by a current partner, while 275,000 females had experienced violence by a current partner since the age of 15. Table 18.1 EXPERIENCE OF PREVIOUS PARTNER VIOLENCE SINCE AGE 15, By sex of respondent, Estimate. 235,300 males in 2016 did not seek advice or support after incident of violence by a previous partner, while 397,300 males had experienced violence by a previous partner since the age of 15. 506,800 females in 2016 did not seek advice or support after incident of violence by a previous partner, while 1,372,900 females had experienced violence by a previous partner since the age of 15.

- fear that they would be falsely arrested because of their gender and that their children would be left unprotected from the perpetrator.

Many male victims face barriers to disclosing their abuse because of the challenges such disclosure brings to their sense of manhood. Such barriers include:

- shame, embarrassment and/or social stigma
- shame at feeling unable to protect themselves and/or feeling less independent
- fear of being laughed at or ridiculed
- fear of being called 'weak' or 'wimpy'
- disbelief, denial, and making excuses for their partner's violence and abuse.

Some people may raise the question, "have male victims who don't seek advice or support done so because the violence they experienced was so minor or trivial?" There doesn't appear to be evidence to support this theory. The only Australian study we are aware of to have explored this question is the large-scale South Australian *Interpersonal Violence and Abuse Survey*¹⁴ which found that "females (22.0%) were more likely to report the [domestic violence] incident(s) to the police than males (7.5%)" Respondents who did not leave their partner as the result of the violence were asked their reasons for staying in the abusive relationship. 28 per cent of males and 20.8 per cent of females answered "violence not serious enough" – slightly higher for males but not significantly so. Respondents who had left or stayed apart because of the violence and abuse were asked their reasons for leaving. 50 per cent of males and 64.1 per cent of females answered "continuation of violence/abuse" – once again slightly higher for females but not significantly so.

Internationally, Watson & Parsons' *Domestic Abuse of Women and Men in Ireland: Report on the National Study of Domestic Abuse*¹⁵ (a large-scale community survey) found that "women are more likely than men to report [severe abuse] to the Gardaí [Irish Police]. Over a quarter of women reported their experience to the Gardaí compared to about one man in 20" (a statistically significant difference).

COERCIVE CONTROL AFFECTS MALES TOO

Some claim that coercive control – a pattern of abuse that degrades, humiliates and isolates victims, and takes away their freedom and autonomy – is predominantly or almost exclusively perpetrated by men towards women and children.

Recent research from the UK challenges this assertion. In 2014 Elizabeth Bates from the University of Cumbria, along with Nicola Graham-Kevan and John Archer from the University of Central Lancashire published their study titled *Testing predictions from the male control theory of men's partner violence*¹⁶:

The aim of this study was to test predictions from the male control theory of Intimate Partner Violence (IPV) and Johnson's (1995) typology. A student sample (N = 1104) reported on their use of physical aggression and controlling behaviour, to partners and to same-sex non-intimates. Contrary to the male control theory, women were found to be more physically aggressive to their partners than men were, and the reverse pattern was found for aggression to same-sex non-intimates. Furthermore, there were no substantial sex differences in controlling behaviour, which significantly predicted physical aggression in both sexes. IPV was found to be associated with physical aggression to same-sex non-intimates, thereby demonstrating a link with aggression outside the family. Using Johnson's (1995) typology, women were more likely than men to be classed as "intimate terrorists", which

¹⁴ Dal Grande et al. (1999). [Interpersonal Violence and Abuse Survey](#). Adelaide: South Australian Department of Human Services.

¹⁵ Watson, D., & Parsons, S. (2005). [Domestic Abuse of Women and Men in Ireland: Report on the National Study of Domestic Abuse](#). Dublin: National Crime Council.

¹⁶ Bates, E. A., Graham-Kevan, N. and Archer, J. (2014), [Testing predictions from the male control theory of men's partner violence](#). *Aggr. Behav.*, 40: 42–55. doi:10.1002/ab.21499.

was counter to earlier findings. Overall, these results do not support the male control theory of IPV. Instead, they fit the view that IPV does not have a special aetiology, and is better studied within the context of other forms of aggression.

The Australian Institute of Family Studies' *Experiences of Separated Parents Study (Evaluation of the 2012 Family Violence Amendments)*¹⁷ is based upon interviews with a nationally representative sample of 6,079 parents who had separated between 1 July 2012 and 31 December 2013.

Fathers were statistically significantly more likely than mothers to report having often felt controlled or coerced after experiencing physical violence or emotional abuse since separation. When it came to severity, fathers were also more likely than mothers to report experiencing the highest level of fear, control and coercion (10 on a 10-point scale) that they felt arising from the focus parent's behaviour since separation. Experiences of control and coercion were statistically significantly higher for fathers than mothers.

Researchers at Deakin University investigating Alcohol/Drug-Involved Family Violence in Australia¹⁸ surveyed a representative sample of 5,118 Australians and found that males accounted for between 11% and 37% of victims in incidents attended by police, and 24% of intimate partner violence victims and 34% of family violence victims in a panel survey. It also found that "there were no significant differences in the proportion of male and female respondents classified as engaging in no, low, and high Coercive Controlling Behaviours (ps > 0.05)."

SEX-DISCRIMINATION AGAINST MALE VICTIMS OF FAMILY VIOLENCE

The One in Three Campaign has identified five different ways in which male victims of family violence are discriminated against in Queensland. It is important to note that such forms of discrimination affect *all* males *because of their sex*, including LBGTQI+ males, Aboriginal and Torres Strait Islander males, disabled males, elderly males, etc. Some specialist services have been established to support the small proportion of males who are members of these communities, however if a male is in an area where such specialist support is unavailable, he is still unable to access support services that are available to females.

1. Discrimination in service provision - not available to male victims or female perpetrators

A male victim of domestic and family violence in Queensland would likely start looking for help by going to the Queensland Government's main domestic and family violence web page at <https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/domestic-family-violence>.

There are a wide range of support services listed here. The language used on the web page makes it look as if services are available to all victims by using gender-neutral language such as, "DFV counselling" and "victim support". However when the male victim goes to the website for each service, he soon discovers that males are unable to access most if not all of the following types of service (and more) because they are male:

- women's shelters (sometimes called "refuges")
- information and advice
- safety planning and assessment
- advocacy and support
- coordinated case response
- safety assessments of your home

¹⁷ Kaspiw, R., Carson, R., Dunstan, J., De Maio, J., Moore, S., Moloney, L. et al. (2015). [Experiences of Separated Parents Study \(Evaluation of the 2012 Family Violence Amendments\)](#). Melbourne: Australian Institute of Family Studies.

¹⁸ Miller, P. et al (2016), [Alcohol/Drug-Involved Family Violence in Australia \(ADIVA\) Final Report](#), Deakin University.

- practical safety upgrades to your home
- technology and digital safety advice including scans of your devices for spyware or tracking apps
- support groups
- court support
- safe rooms at courthouses
- financial counselling and advocacy
- emotional support
- domestic and family violence counselling
- psycho-education around domestic and family violence.
- legal advice and services
- emergency accommodation
- emergency transport
- emergency financial relief
- ongoing therapeutic support (counselling)
- longer case management support
- family and parenting support
- a multi-disciplinary team to assist you with your safety.

Almost all perpetrator programs are closed to women, leaving women who use violence and abuse in their relationships with few options to address their behaviour. Even programs dealing with adolescent to parent abuse will only help young males who use violence.

This is the most clear-cut, egregious and common form of discrimination: no help is available to you because of your sex. We believe this situation has been allowed to develop over the past 30 years because of the inclusion of the following Example in Section 104 of The Act:

Example 2—

It is not unlawful to restrict special accommodation to women who have been victims of domestic violence or to frail, older people.

It is our belief that this example has been broadly applied to a wide range of welfare services (not just special accommodation) provided to victims of domestic and family violence in order to exclude access to males.

2. Discrimination in service provision - access allowed, but service provided is harmful or poor

Some domestic violence services (very few, but some) will ostensibly help both women and men, however heterosexual natal male victims who attend are often presumed to be perpetrators. No such assumption is made of female victims who attend. Male victims often aren't believed, their experiences of victimisation are minimised or they are blamed for the violence or abuse. Service providers often aren't trained around the unique needs of male victims because the default model is one of a female victim, and therefore are often unable to offer men effective and appropriate help.

An example of this form of discrimination can be found in the MARAM Framework, which provides guidance to organisations prescribed under regulations that have responsibilities in assessing and managing domestic and family violence risk, such as the 1800RESPECT and MensLine Australia national telephone helplines:

“A smaller number of heterosexual, cisgender men do experience violence from cisgender female intimate partners. Professionals should exercise caution when responding to family violence where this relationship dynamic is reported. There may be potential for perpetrators and victim survivors to be misidentified where male perpetrators report or present as a victim survivor, adopting a victim stance. Male perpetrators may adopt a

victim stance generally, or in relation to their experience of violent resistance from a victim survivor. Men who experience violent resistance from victim survivors (violence that responds to their own ongoing use of family violence risk behaviours, such as coercive and controlling behaviours) are not victim survivors.”¹⁹

This is a more subtle but arguably just as damaging form of discrimination: we say we’re able to help you, but because of your sex we’re going to treat you worse and sometimes even cause you harm.

3. Discrimination in funding

A tiny proportion of domestic and family violence funding from government is used for services to help male victims (and female perpetrators). The vast majority of government funding goes towards services that exclude males because of their sex.

4. Discrimination within research

Most domestic violence research specifically excludes men from their subject data, such as most research conducted by Australia’s National Research Organisation for Women’s Safety (ANROWS). Other research includes men but in a smaller proportion than women, such as the ABS Personal Safety Survey which provides national level data for men and women, but state level data for women only.

5. Discrimination in public health campaigns

Almost all community education campaigns aimed at raising awareness of domestic and family violence portray perpetrators exclusively as male and victims exclusively as female. This gender stereotyping compounds the issues faced by many male victims who feel they must be the only man in their situation, or that there must be something wrong with them for being assaulted and/or abused.

CASE STUDY – MICHAEL’S PERSONAL STORY

This story is one of almost 300 stories that male victims of domestic and family violence have left on our website oneinthree.com.au/stories since our foundation in November 2009. It is a typical example of the experiences of male victims. Even though this case occurred a decade ago, the sex discrimination encountered by Michael is a systemic issue that we encounter time and again. We hope the inclusion of this case study fleshes out some of the issues we have outlined so-far in our submission.

[Posted December 2012].

I’m currently working in Mental Health and have a degree in Psychology. I too have been the victim of domestic violence. In short I have had contact with DV Connect (QLD) who asked me, “what did you do to deserve that” and “are you scary to look at”. I’ve also been in court defending an AVO unfounded, though when my ex-partner admitted to punching me, breaking a plate over my head and throwing full cans of drink at my head the magistrate suggested, “ohh she wont do that again – you have separated”. We have a 10 month old son that I need to pick up 3 times a week... total cost in court \$5,000. I’ve also had the QLD Police Service tell me to “grow some balls” when asking for help to collect my son. Family Relationship Centres also have not one brochure that is available for men suffering Domestic Violence.

Just as a side note I issued a DVO on my ex-partner for various physical assaults, etc, and the constant emotional and psychological abuse. She is now suggesting that I can only access my son if I come to the door alone, even after her initial DVO stating that I was controlling, jealous, abusive and she felt threatened by me.

¹⁹ Victoria State Government (2021). [MARAM Practice Guides – Foundation Knowledge Guide](#). Melbourne: State of Victoria.

The outcome is that the temporary order I sought was rejected as the magistrate believes it was not necessary that we meet in a public place so as to facilitate handover. Hoping that someone will see some sense and the truth will come out. So at this stage I'm now left with the option of going to the front door alone and risking another barrage of abuse or as she has done previously issue another DVO on me, or not seeing my little boy.

WHAT IS THE SOLUTION TO THIS SEX DISCRIMINATION?

Ever since the women's movement brought domestic and family violence out of the shadows and made it a public crime rather than a private matter, gender has been used as a proxy for victimhood when it comes to domestic and family violence in Australia: "victims" and "women" have been used interchangeably, as have "perpetrators" and "men". The research clearly shows that gender is an inaccurate proxy, as it unjustly excludes a significant proportion of people affected by domestic and family violence: male victims, female perpetrators, people in same-sex relationships.

The time is long overdue for all victims of domestic and family violence to receive equitable services and support. A competent triage system based upon severity of violence, risk and need (not sex/gender), would ensure the limited services available would go to those who need them the most.

The current system allows women who have experienced one-off minor incidents of domestic and family violence to access the full range of domestic violence services on offer, while men who have experienced severe and ongoing domestic and family violence and coercive control are completely denied access because of their sex.

This proposed triage system based on severity of violence, risk and need would allow those women and men experiencing the most severe forms of violence, abuse and control to access services, while those women and men experiencing less severe violence may need to wait longer or miss out on assistance, depending on service capacity. Naturally, because women, on average, are more likely to experience greater domestic and family violence, both in frequency and severity, they would make up the bulk of service users. However whatever proportion happens to be male would also receive the help they need.

In order for such a system to be established, Section 104 of the Queensland Anti-Discrimination Act 1991 would need to be amended so that *Example 2* is removed, allowing male victims of domestic and family violence to access a wider range of services than is currently the case.

DISCUSSION QUESTION 20: SHOULD WELFARE MEASURES AND EQUAL OPPORTUNITY MEASURES BE RETAINED OR CHANGED?

Section 104 of the The Act requires amendments because it contains examples that are ambiguous and have not been drafted in a sufficiently clear and precise way to apply to one or more of the listed attributes for whose welfare The Act was designed. The inclusion of these examples in The Act has contributed to the current situation where male victims of domestic and family violence are unjustly excluded from most services on the basis of their sex.

As the Office of the Queensland Parliamentary Counsel states in its *Principles of good legislation: OQPC guide to FLPs: Clear meaning*²⁰,

- [1] Section 4(3)(k) of the *Legislative Standards Act 1992* provides that legislation should be unambiguous and drafted in a sufficiently clear and precise way. The provision embodies a fundamental component of the rule of law, namely the principle that people should be able to understand the laws regulating their behaviour.

²⁰ Office of the Queensland Parliamentary Counsel (2013). [Principles of good legislation: OQPC guide to FLPs: Clear meaning](#). Brisbane: The State of Queensland.

...

Using effective examples

- [57] The use of examples in legislation is often a helpful way to illustrate how Parliament intends a provision to operate. However, as the Legal Affairs, Police, Corrective Services and Emergency Services Committee (the LAPCSESC) has recognised, examples may need to be monitored to ensure their continued relevance. The issue arose during the LAPCSESC's consideration of the Civil Proceedings Bill 2011, which proposed to insert a new provision in the Retirement Villages Act 1999... The LAPCSESC acknowledged:

both the utility and limitations of using examples in legislation and the difficulty in devising a broadly-applicable example that nonetheless illustrates the detail of an issue effectively. The committee encourages the Department to monitor whether confusion arises over the meaning of the examples in practice.

Section 104 of The Act states in full:

104 Welfare measures

A person may do an act to benefit the members of a group of people with an attribute for whose welfare The Act was designed if the purpose of the act is not inconsistent with this Act.

Example 1—

It is not unlawful for a bus operator to give travel concessions to pensioners or to give priority in seating to people who are pregnant or frail.

Example 2—

It is not unlawful to restrict special accommodation to women who have been victims of domestic violence or to frail, older people.

Example 3—

It is not unlawful to establish a high security patrolled car park exclusively for women that would reduce the likelihood of physical attacks.

The purpose of The Act is to

promote equality of opportunity for everyone by protecting them from unfair discrimination in certain areas of activity and from sexual harassment and certain associated objectionable conduct.

The Act prohibits discrimination on the basis of the following attributes (Section 7)—

- (a) sex;
- (b) relationship status;
- (c) pregnancy;
- (d) parental status;
- (e) breastfeeding;
- (f) age;
- (g) race;
- (h) impairment;
- (i) religious belief or religious activity;
- (j) political belief or activity;



- (k) trade union activity;
- (l) lawful sexual activity;
- (m) gender identity;
- (n) sexuality;
- (o) family responsibilities;
- (p) association with, or relation to, a person identified on the basis of any of the above attributes.

The first sentence of Section 104 is unambiguous and drafted in a sufficiently clear and precise way:

A person may do an act to benefit the members of a group of people with an attribute for whose welfare The Act was designed if the purpose of the act is not inconsistent with this Act.

Not all of the three examples listed next, however, apply clearly, precisely and unambiguously to one or more of the attributes listed in Section 7 of The Act. Some examples are worded in such a way that not only are the specified attribute(s) unclear, but it appears there may also have been unspecified reasons why parliament decided to include those particular examples. Those reasons should be made explicit in the legislation. Otherwise we can only speculate as to what they are. It is also possible that this is a good case demonstrating the need for examples in legislation to be monitored to ensure their continued relevance: perhaps 30 years ago these examples were considered to apply clearly, precisely and unambiguously to one or more of the attributes listed in Section 7. Today they clearly do not.

Clear, precise and unambiguous examples

Some of the examples in Section 104 do appear to apply clearly, precisely and unambiguously to one or more of the attributes listed in Section 7.

1. It is not unlawful for a bus operator to give travel concessions to pensioners.

Because the elderly are less likely to be earning income from paid employment, when persons reach a certain age they become eligible for a range of pensioner benefits such as travel and other concessions. The attribute for whose welfare The Act was designed in this example appears to be “age”. Acknowledging that when persons reach a certain age they are likely to lack equality of opportunity because of lack of income from paid employment, pensioner travel concessions appear to be a reasonable equity measure to promote equality of opportunity for everyone.

2. It is not unlawful for a bus operator to give priority in seating to people who are pregnant or frail.

The attribute for whose welfare The Act was designed in this example appears to be “impairment” (an unfortunate piece of archaic language from The Act - these days we are more likely to use the language of “(dis)ability”). Acknowledging that persons who are pregnant or frail are more likely to require seating on buses than those who are not, allowing bus operators to provide priority in seating appears to be a reasonable equity measure to promote equality of opportunity for everyone.

3. It is not unlawful to restrict special accommodation to frail, older people.

This is similar to Example 2 above, except there appear to be two intersecting attributes for whose welfare The Act was designed: “impairment” and “age”. Because of the need for special aged care accommodation for persons who are both frail and older, restricting such accommodation to these persons is a reasonable equity measure to promote equality of opportunity for everyone. Persons who are frail, but not older, would have different needs, as would persons who are older, but not frail.

Unclear, imprecise and/or ambiguous examples

4. *It is not unlawful to restrict special accommodation to women who have been victims of domestic violence.*

The Queensland Human Rights Commission's website provides a little more information about this example at <https://www.qhrc.qld.gov.au/your-rights/discrimination-law/discrimination-in-accommodation>:

When is different treatment okay?

Not all treatment that seems unfair is unlawful. The Act lists some exemptions allow [sic] conduct that would otherwise be discriminatory. Whether or not an exemption applies will depend on individual circumstances.

Below is an overview of some of the exemptions that may apply in relation to accommodation.

Welfare and equal opportunity measures

'Special measures' provisions are designed to benefit or promote equal opportunity for a member of a disadvantaged group or a person with particular needs. This can include the provision of special accommodation for women experiencing domestic violence, or to frail, older people or vulnerable people.

It is unclear which attribute(s) for whose welfare The Act was designed may apply in this example. There are three possibilities: "sex", "impairment" and "family responsibilities".

"Sex"

The first possible attribute at play here is "sex". The example could have used the word "people" but it used the word "women", so sex is clearly intended to play a part but it is unclear how or why. Both males and females can be victims of domestic violence and may require special accommodation as a result.

One reason the word "women" may have been used is because it could be argued that the needs of women who have been victims of domestic violence are qualitatively different from the needs of men who have been victims. If this were the case, it's possible the use of the word "women" is arbitrary and the example could have just as easily used the word "men". However the meaning would have been just as ambiguous as with the current wording.

If The Act is worded the way it is because female and male victims of domestic violence have different needs, this should be made explicit to remove ambiguity. One improvement in wording might be to say, "it is not unlawful to restrict special accommodation to people of a single sex who have been victims of domestic violence because female and male victims of domestic violence have different needs." However this would still allow for the possibility of all domestic violence accommodation in Queensland being provided to women (or to men) and none to the other sex, which would be inconsistent with the purpose of The Act to promote equality of opportunity for everyone.

To avoid this situation, another improved version might be, "it is not unlawful to provide sex-segregated special accommodation to people who have been victims of domestic violence because female and male victims of domestic violence have different needs."

A second reason the word "women" might have been used is because the example deals specifically with the context of *accommodation*, and not to other services for victims of domestic violence. It could be argued that special accommodation provided to victims of domestic violence should be segregated by sex for reasons of safety.

If The Act is worded the way it is because of safety concerns, this should be made explicit. In this case an improved wording might be, "because of safety concerns about providing some domestic violence services in mixed-sex environments, it is not unlawful to provide special accommodation or other services with safety concerns in a sex-segregated manner to people who have been victims of domestic violence."

“Impairment”

The second possible attribute for whose welfare The Act was designed in this example is “impairment”. It could be argued that being a victim of domestic violence in a sense impairs a person because of the likely damage done to their physical and mental health. However, both female and male victims are impaired by being victims of domestic violence, so the intersection of “impairment” with “sex” lacks a reasonable basis.

It could be argued that because female victims of domestic violence, on average, suffer greater severity of impairment than male victims, on average, such an intersectional approach is warranted. However, this would be inconsistent with the purpose of The Act to promote equality of opportunity for everyone because it would make “sex” a proxy for “impairment”. In doing so, it would allow female victims with minor impairment to access services while denying services to male victims with severe impairment. If “impairment” is the attribute at play in this example, severity of impairment should be the only criteria for access to services, not any proxies such as “sex”. In this case, an improvement in wording might be to say, “it is not unlawful to restrict special accommodation to people whose physical and/or mental health has been severely impaired by domestic violence.”

“Family responsibilities”

The third possible attribute for whose welfare The Act was designed in this example could be “family responsibilities”. It could be argued that because women who have been victims of domestic violence may be more likely than men to be responsible for children who are also in need of special accommodation, the intersection of “impairment” with “family responsibilities” may be warranted.

However, like the example of “impairment” above, this would be inconsistent with the purpose of The Act to promote equality of opportunity for everyone because the children of fathers who have been victims of domestic violence need special accommodation just as much as do the children of mothers who have been victims, even if they may be fewer in number. In this case, an improvement in wording might be to say, “it is not unlawful to restrict special accommodation to people who have been victims of domestic violence who live with their child(ren).”

5. It is not unlawful to establish a high security patrolled car park exclusively for women that would reduce the likelihood of physical attacks.

This is the second example in which it is unclear which attribute(s) for whose welfare The Act was designed may apply. The only possible attribute is “sex”, however, men are much more likely than women to be physically attacked by strangers in locations such as car parks.

The ABS Personal Safety Survey 2016²¹ found that men were 3.7 times as likely as women to be physically assaulted by a stranger in the 12 months prior to the survey. It also found that males were 3.9 times more likely than females to experience physical assaults outside (e.g. street, laneway, park, car park) in the most recent incident of violence experienced in the last 10 years.

It could be argued that, because of women’s lesser average strength and size compared to men, they are more vulnerable when physically attacked. However, this would make “sex” a proxy for “strength/size” which would be inconsistent with the

²¹ Australian Bureau of Statistics (2017). [Personal Safety Survey, Australia](#), 2016 (Cat. No. 4906.0). Canberra: Australian Bureau of Statistics. Table 5.1 VIOLENCE IN THE LAST 12 MONTHS, Type of violence by relationship to and sex of perpetrator, Estimate. 41,500 females and 153,300 males in 2016 were physically assaulted by a stranger in the last 12 months. Also Table 8.1 CHARACTERISTICS OF THE MOST RECENT INCIDENT OF VIOLENCE EXPERIENCED BY WOMEN IN THE LAST 10 YEARS, By type of violence, Estimates and Table 9.1 CHARACTERISTICS OF THE MOST RECENT INCIDENT OF VIOLENCE EXPERIENCED BY MEN IN THE LAST 10 YEARS, By type of violence, Estimate. In the most recent incident of violence experienced in the last 10 years, 47,900 women experienced physical assault in these locations by a male perpetrator, and 53,800 by a female perpetrator. However 370,500 men experienced physical assault in these locations by a male perpetrator, and 24,600 by a female perpetrator.

purpose of The Act to promote equality of opportunity for everyone. Larger/stronger women would be able to access the high security patrolled car park, while smaller/weaker men would be denied access.

DISCUSSION QUESTION 37: SHOULD AN ADDITIONAL ATTRIBUTE OF SUBJECTION TO DOMESTIC VIOLENCE BE INTRODUCED? SHOULD IT BE DEFINED, AND IF SO, HOW?

We are unaware of examples of male victims of domestic and family violence being discriminated against in work, accommodation, or other areas, *because they are victims of domestic violence*. All the discrimination against male victims of domestic and family violence that we are aware of happens *because of their sex*. That is not to say that such discrimination does not happen or could not happen.

Our main concerns are that, should the Commission decide to introduce an additional attribute of 'subjection to domestic violence' to The Act,

- i. ALL victims of domestic and family violence should be covered, regardless of their sex, background, location, income, age, profession, culture, race, ability, religion or sexuality
- ii. Any definition or 'test' for victimhood should apply in an unbiased manner to ALL individuals, regardless of their sex, background, location, income, age, profession, culture, race, ability, religion or sexuality. Our fear is that the same bias against male victims of domestic and family violence that currently exists (detailed above – where males, but not females who present as victims are presumed to be perpetrators) may be replicated so that some male victims are excluded from protection against discrimination under The Act, where a female victim in identical circumstances would be protected.

RECOMMENDATIONS

We urge the Commission to undertake serious consideration of the following recommendations. By doing so, we hope that any legislative basis for the sex discrimination currently faced by male victims of domestic and family violence would be removed.

RECOMMENDATION 1

That the wording of Section 104 of The Act be amended to remove the following two Examples that are ambiguous and have not been drafted in a sufficiently clear and precise way:

1. It is not unlawful to restrict special accommodation to women who have been victims of domestic violence
2. It is not unlawful to establish a high security patrolled car park exclusively for women that would reduce the likelihood of physical attacks.

RECOMMENDATION 2

Should the Commission decide to introduce an additional attribute of 'subjection to domestic violence' to The Act, that

1. ALL victims of domestic and family violence should be protected, regardless of their sex, background, location, income, age, profession, culture, race, ability, religion or sexuality or any other characteristic
2. Any definition or 'test' for victimhood should apply in an unbiased manner to ALL individuals.



On behalf of all male victims of domestic and family violence, we thank you for the opportunity to provide input into this inquiry.

Greg Andresen
Senior Researcher
1st March 2022

APPENDIX A - MALE VICTIMS OF FAMILY VIOLENCE: KEY NATIONAL STATISTICS

Male victims of family violence: key statistics

Research from the 2016 ABS Personal Safety Survey and Australian Institute of Criminology shows that both men and women in Australia experience substantial levels of violence.

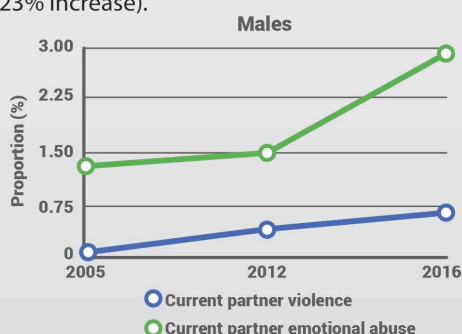
Males make up a significant proportion of victims of family and sexual violence, yet are excluded from government anti-violence programs.

32 males were killed in domestic homicide incidents between 2018-2019.

This equates to one death every 11 days.

EXPERIENCE OF FAMILY VIOLENCE BY GENDER

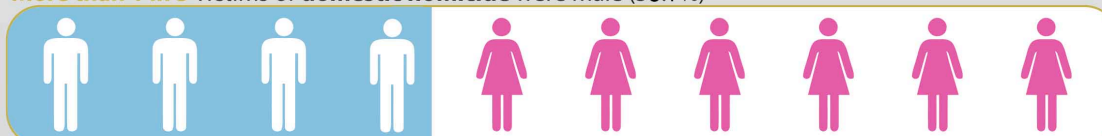
The proportion of men experiencing **current partner violence** in the last 12 months between the 2005 and 2016 ABS Personal Safety Surveys rose **more than five-fold** (a 552% increase), while the proportion of men experiencing **emotional abuse** from a current partner in the last 12 months **more than doubled** (a 223% increase).



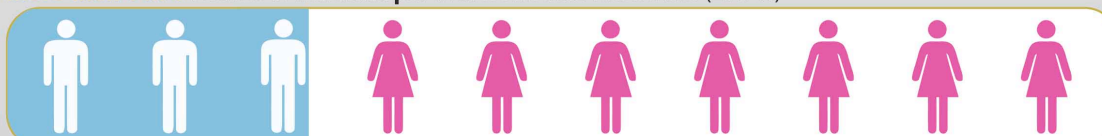
The majority of men that experienced intimate partner violence experienced it by a female perpetrator (93.6%). The remainder were in same-sex relationships with male perpetrators*.

DURING THE PERIOD 2018-2019:

More than 1 in 3 victims of **domestic homicide** were male (38.1%)



More than 1 in 4 victims of **intimate partner homicide** were male (27.1%)



* Some men may have experienced violence by both a male and female intimate partner.



For more information and research about male victims of family violence, or for media comment visit www.oneinthree.com.au

If you are experiencing family violence, seek support, call MensLine Australia on 1300 78 99 78

Information has been sourced from the ABS and the AIC. Produced by the One in Three Campaign (oneinthree.com.au/infographicrefs)

MALE VICTIMS OF FAMILY VIOLENCE: KEY STATISTICS

EXPERIENCE OF FAMILY VIOLENCE BY GENDER

DURING THE LAST 12 MONTHS*:

Over 1 in 3 persons who experienced violence from an **intimate partner** were male (35.3%)



Almost 1 in 3 persons who experienced violence from a **cohabiting partner** were male (32.7%)



Almost 2 in 5 persons who experienced violence from a **current partner** were male (39.9%)**



Over 1 in 3 persons who experienced violence from a **boyfriend/girlfriend or date** were male (34.3%)***



Almost 1 in 5 persons who experienced violence from a **previous partner** were male (18.8%)****



Almost half the persons who experienced violence from a **known person** were male (45.5%)



* Last 12 month data are better measures of current rates of violence than are lifetime data ("since the age of 15"), as lifetime data include incidents that happened many years ago.

** Estimate has a Relative Standard Error (RSE) of 25.5% and should be used with caution due to the relatively small number of males surveyed by the ABS (34.8% of persons since the age of 15 were male with no RSE warning)

*** Estimate has a Relative Standard Error (RSE) of 40.1% and should be used with caution due to the relatively small number of males surveyed by the ABS (20.0% of persons since the age of 15 were male with no RSE warning)

**** Estimate has a Relative Standard Error (RSE) of 26.7% and should be used with caution due to the relatively small number of males surveyed by the ABS (22.5% of persons since the age of 15 were male with no RSE warning)



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MALE VICTIMS OF FAMILY VIOLENCE: KEY STATISTICS

EXPERIENCE OF FAMILY VIOLENCE BY GENDER

DURING THE LAST 12 MONTHS*:

Almost half the persons who experienced emotional abuse by a **partner** were male (45.8%) (47.7% of persons who experienced it by a **current partner** and 43.4% by a **previous partner**)



Almost half of these males experienced **anxiety or fear** due to the emotional abuse (41.4% of males who experienced current partner abuse and 43.1% of males who experienced previous partner abuse)



13.8% of men that experienced emotional abuse by a current partner had their partner **deprive them of basic needs** such as food, shelter, sleep, or assistive aids, compared to 6.4% of women.



8.9% of men that experienced emotional abuse by a current partner had their partner **threaten to take their child/ren away from them**, compared to 4.6% of women.



38.5% of men that experienced emotional abuse by a previous partner had their partner **lie to their child/ren** with the intent of turning them against them, compared to 25.1% of women.



7.3% of men that experienced emotional abuse by a current partner had their partner **lie to other family members or friends** with the intent of turning them against them, compared to 6.6% of women.



10.1% of men that experienced current partner emotional abuse had their current partner **keep track of where they were and who they were with**, compared to 9.9% of women.



* Last 12 month data are better measures of current rates of violence than are lifetime data (*since the age of 15), as lifetime data include incidents that happened many years ago.



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MALE VICTIMS OF FAMILY VIOLENCE: KEY STATISTICS

EXPERIENCE OF FAMILY VIOLENCE BY GENDER

DURING THE LAST 12 MONTHS*:

Over 1 in 3 persons who experienced **sexual harassment** were male (34.0%). Most males who experienced sexual harassment were harassed by a female perpetrator (72.2% were harassed by a female while 48.2% were harassed by a male**).



The largest category of increase in sexual harassment between 2012 and 2016 was in **males harassed by a female perpetrator**, which rose by a massive 67.5%. Females harassed by a male perpetrator rose by 15% during the same period.



Over 1 in 3 persons who experienced **stalking** were male (35.0%). Most males who experienced stalking were stalked by a male perpetrator (68.9% were stalked by a male while 36.3% were stalked by a female***).



Almost 1 in 3 persons who experienced **sexual assault** were male (28.4%). Most males who experienced sexual violence were assaulted or threatened by a female perpetrator (82.9%****).



6 per cent of all males experienced **violence** compared to 4.7% of all females.



* Last 12 month data are better measures of current rates of violence than are lifetime data ("since the age of 15", as lifetime data include incidents that happened many years ago).

** Proportions don't add up to 100% because some respondents may have been sexually harassed by both a male and a female perpetrator.

*** Proportions don't add up to 100% because some respondents may have been stalked by both a male and a female perpetrator.

**** Estimate has a Relative Standard Error (RSE) of 25.0% and should be used with caution due to the relatively small number of males surveyed by the ABS (55.2% of males experienced sexual violence from a female since the age of 15 with no RSE warning).



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MALE VICTIMS OF FAMILY VIOLENCE: KEY STATISTICS

EXPERIENCE OF FAMILY VIOLENCE BY GENDER

MEN WHO HAVE EXPERIENCED PARTNER VIOLENCE ARE:

2 to 3 times more likely than women to have **never told anybody*** about experiencing

- Current partner violence



- Previous partner violence



Around 50% more likely than women to have **never sought advice or support** about experiencing

- Current partner violence



- Previous partner violence



Almost 20% more likely than women to have **not contacted police** about experiencing

- Current partner violence



- Previous partner violence



Less than half as likely as women to have had a **restraining order** issued against the perpetrator of

- Previous partner violence



* This data is taken from the 2012 ABS PSS, as it was not published in the 2016 ABS PSS.

** Estimate has a Relative Standard Error (RSE) of 25.2% and should be used with caution due to the relatively small number of males surveyed by the ABS



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MALE VICTIMS OF FAMILY VIOLENCE: KEY STATISTICS

EXPERIENCE OF FAMILY VIOLENCE BY GENDER

BEFORE THE AGE OF 15:

2 in 5 persons who experienced **physical and/or sexual** abuse were male (40.1%)



Around 1 in 20 persons (4.5%) witnessed **violence towards their father** by a partner and more than 1 in 10 persons (11.3%) witnessed **violence towards their mother** by a partner.

 **4.5%**

 **11.3%**

SINCE THE AGE OF 15*:

While a greater percentage of males experienced violence from an intimate partner or family member of the same sex than did females, the majority of males experienced family violence **perpetrated by a female**. The **perpetrators of family violence** against males by gender, ranked in order of prevalence, were as follows:

Violence since the age of 15. Violence by relationship to and sex of perpetrator, estimate, males (n)

Violence perpetrated by female previous partner

 372,800

Violence perpetrated by father

 258,000

Violence perpetrated by female current partner

 164,900

Violence perpetrated by girlfriend or female date

 151,700

Violence perpetrated by other relative or in-law (male)

 145,600

Violence perpetrated by brother

 94,400

Violence perpetrated by mother

 76,800

Violence perpetrated by male intimate partner

 60,500

Violence perpetrated by other relative or in-law (female)

 37,200

* Lifetime data (since the age of 15) is used here because the ABS didn't publish data from the last 12 months.



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