

**DISABILITY DISCRIMINATION ACT
INQUIRY
SUBMISSION BY DR FRANK HANSFORD-MILLER, WA**

My disability is that I am an infertile male

I am covered for this disability under Section 2.1 of the DDA as it is due to the presence in my body of a cancer in my prostate gland.

The prescribed medication for this cancer is regular 12-weekly implants of the hormonal medication "Zoladex".

This treatment inhibits the production of testosterone in my testicles, causing me to be 100% sexually castrated with no erections and no live sperm.

The occurrence of discrimination

The DDA makes it unlawful to discriminate in the specific area of activity of the provision of goods, services and facilities.

I claim that I am suffering direct discrimination against me because I am a person who is being treated less favourably because of my disability than a person without my disability is treated in similar circumstances.

Specifically a person who is female with my same disability of being infertile is provided with medical services and facilities to assist her to have children.

No similar medical services and facilities are provided to assist me to have children.

The technology now exists equally for men and women to provide an infertile person of either sex, male or female, with requested medical services to have children.

This is provided to women but is denied to men. I personally suffer from this because I have no children and wish to have them.

As an infertile male who desires children I therefore applaud the statement on page 12 of the DDA issues paper which I quote below.

“The third object of the DDA is to promote the recognition and acceptance within the community of the principle that people with disabilities have the same fundamental rights as others”.

It is a fundamental right of all persons to have children. Persons with no disabilities have this right. It should not be denied to infertile males.

Females with the disability of infertility have this right through the facilities provided by the medical services.

The only group of persons denied this right are the growing number of males, of which I am one, who have cancer of the prostate and whose medication has rendered them infertile.

The medical technology to help both sexes is now with us but that for female infertility is permitted whilst that for male infertility is forbidden.

I have had to give up a loving relationship and live alone because the lady concerned wished to have children which was denied me to give her although the medical technology to do so is here.

The DDA and other legislation

The issue paper on page 21 points out that the DDA is part of a system of interrelated legislation affecting people with disabilities and informs us that the DDA was introduced to ensure uniformity.

I have campaigned for nearly ten years now with countless letters to the Government, to the Human Rights and Equal Opportunities Commission (HREOC) and to the press, and given interviews on TV and Radio to redress this grave injustice but all to no avail.

If the statement in the DDA issues paper on page 23 that "the DDA makes it unlawful to discriminate in the field of ... access to goods and services" is true that it should act at once as stated below against the Federal Government and the HREOC.

- (1) The Federal Government needs to be approached with a demand to repeal its recent legislation opposed to helping infertile males, and
- (2) The HREOC needs to be informed that it is not an organisation set up to be concerned only with female Australians but should treat all Australian citizens equally whatever their sex.
- (3) Infertile men and women have equal rights to have children if they so desire. In practice I have found that HREOC officers go around and get massive publicity on television supporting women's causes but do not similarly support men's causes as I have learnt from the inevitable brush off I repeatedly have received.
- (4) The HREOC in my view are practising the very discrimination which they have been set up by Government to remove from our Australian Society. They are not, as I

see it, obeying their duty without bias or favour to all Australians, as laid down by Statute.

(5) As an infertile male I do not count and all I get from them are cold bureaucratic letters of rejection of my pleas for help.

I am able to make this complaint under Section 2.7 because I am a person aggrieved by the situation as described above.

Section 3.5 specifically includes in the provision of goods and services that can provide discrimination against people with disabilities "goods or services from government departments, doctors and hospitals". I can provide documentary evidence of this discrimination if required.

Age Discrimination in "The Australian Vogel Literary Award 2003"

"The Australian Vogel Literary Award 2003", with a prize of \$20,000, is Australia's major literary award, and as I write books I would like to enter.

To enter, however, is forbidden me because I am over 35 years of age.

I claim that this is Age Discrimination by "The Australian" as the organisers and providers of this service. A copy of the Entry Form for the Award is attached herewith.

DR. FRANK HANSFORD-MILLER