



VicBears Inc. P O Box 1408 Collingwood Vic 3066  
Association NO: A0037220G

Ref: 20181029 Laird Hotel VCAT Application

29 October 2018

RE Renewal to Laird Hotel Male Only Exemption To the Victorian Administrative Appeals Tribunal (VCAT)

Dear Commissioner

VicBears Incorporated wishes to support the application of The Laird Hotel in seeking an exemption from the provisions of the Equal Opportunity Act to preserve its male only admission status. This paper is in two parts, a description of our association, and the rationale for our support.

We respectfully submit the following for consideration by the Tribunal.

What is VicBears?

VicBears Incorporated is an association registered in accordance with the *Associations Incorporation Reform Act 2012 (Vic)*, having been originally established in the late 1990s. The purpose of the association is to be a social club for adult same-sex attracted, male or male identifying persons of all shapes, size and ages in Victoria who identify with bear culture. We define bear culture to mean the developing norms and values associated with the expression and exhibition of positive forms of masculinity. Commonly referred to as “the Bears”, we are part of an internationally recognised subculture within the LBGTIQ community.

Section 68 of the *Equal Opportunity Act 2010 (Vic)* provides that a single sex club “may exclude from membership a person on the basis of that person's sex if membership of the club is available only to persons of the opposite sex”, and whilst in general the Bear movement supports the elimination of discriminatory provisions throughout the organs of society, we also recognise the need for safe places where minorities may gather and socialise without let or interference.

Nevertheless, we remain a doubly marginalised group within society: first, as R. W. Connell (1995) identified in *Masculinities*, gay men are systematically subordinated by a dominant heteronormative society, and second, as predominantly older gay men we find ourselves somewhat marginalised within the LGBTQI society itself.

Many of our members recall the unfortunate times in our lives when any expression of our existence was a potential criminal offence, and even after decriminalisation, social stigmatisation remains. Immediately after decriminalisation, our community was ravaged by the HIV pandemic, which served to fuel stigmatisation.

As recent as 2017 was the need for the Commonwealth government to seek a popular mandate to extend civil marriage to same sex couples: although it had the power to do so, it feared making such a move. The ugly arguments and calumnies extended by those opposing marriage equality exposed the latent hostility to male homosexuality from a sizable proportion of the community. Whilst many of us are grateful to those Australians who gladly responded to the proposition of equality before the law, a sizeable and vocal minority continue to reject the outcome and argue their case from the comfort of parliament and the pulpit.

Whilst these powerful and oppressive forces remain unfettered in society, the importance of safe social spaces where targeted marginalised minority groups may gather and socialise in peace, safety and security outweighs the principal of equal access. Indeed, we note that many female-only spaces have been approved by VCAT for the same reasons.

VicBears Inc. recognises it must evolve: our *Rules of Association* were recently amended to ensure the inclusion of male identifying persons as conferring eligibility for membership to facilitate the admission of transgender males to our fold. We also recognise that our club cannot exist in a silo: the majority of our club activities are planned that non-members (such as friends and family of either sex or identified gender) may also participate. Examples of this include our monthly cyclic activities such as a club lunch, walking tours, water aerobics, healthy eating, as well as occasional community social events such as the Melbourne Midsumma carnival, Beartopia and Chillout in Daylesford.

We are also engaged in examining the wider health needs of our local bear community through our Bear Health and Resource Team (BearHART) for the benefit of our community. Our developmental work has identified the pillars of need we are exploring to benefit our community (Figure 1): at the centre of this is social inclusion, and for us, this means our base at The Laird Hotel.



Figure 1 Pillars of Health for the Bear Community

The common element, if there is one, is that older gay men (like older women) become invisible and fall off the social radar in a society that is obsessed with “youthfulness” or being a young adult. Whilst the desire for a male only space may seem a further perpetuation of patriarchal privilege, this is not about men subordinating women, it is about a society where subordinated men may find social refuge and personal acceptance.

Social clubs such as VicBears are critically important for the health of invisible neglected and socially undervalued and perhaps even sexually undesirable portions of the community. By providing a safe and welcoming social space, marginalised and devalued men acquire visibility and a form of acceptance, and in doing so, develop and repair their senses of validation and self-worth.

#### Position on Male Only Status of The Laird Hotel.

VicBears Inc. supports the maintenance of the ability of the Laird Hotel management to maintain a men-only space, with the discretion to widen admittance on an occasional basis.

VicBears Inc. is convinced there needs to be at least one commercial space for men to socialise and perhaps more importantly, learn to socialise together to form relationships beyond stereotypical impersonal and often anonymous sex encounters that those who disparage the gay community are keen to emphasise.

The relationship between the Laird Hotel and VicBears has been close and intimate for most of the last 20 years: indeed, the club’s founder noted that the prime relationship for any VicBears committee of management is the maintenance of good relations with The Laird Hotel.

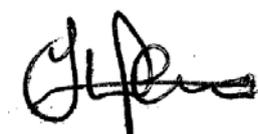
The value of The Laird Hotel to VicBears cannot be underestimated. During the year we use the venue to meet socially, plan social events and to raise funds for deserving causes within the LGBTIQ community. Working in partnership with The Laird over the past 20 years, VicBears has raised and dispersed over \$200K to various charity and benevolent groups.

We ask VCAT to grant a male only exemption to The Laird Hotel so that at least *one* of our monthly activities can remain member only space.

We would be happy to provide further evidence should the tribunal require. If so, please contact the Vice President and Chair of BearHART Adamm Ferrier on 0419 337 871 or via [adamm@vicbears.org.au](mailto:adamm@vicbears.org.au)

With our very best wishes

(Prepared by)



**J. Adamm Ferrier** RN MHA

Vice President VicBears & Chair BearHART

Mr Ferrier is a current doctoral candidate who is investigating the health of the Bear Community in Australia

(Authorised by)



**Robert J Camm**

President VicBears