



Senate Legal and Constitutional Affairs Committee
Parliament House
Canberra ACT 2600.

Dear Chairperson

The Dads4Kids Fatherhood Foundation is concerned about the proposed Draft **'Human Rights and Anti-Discrimination Bill 2012'** being conducted by the Senate **Legal and Constitutional Affairs Committee**.

Dads4Kids would like to address only two of the many points that it believes to be flawed in the Bill.

Firstly Dads4Kids believes that the new proposed legislation will further erode the natural rights and freedoms of fathers, mothers and families in Australia. The proposed bill is a case of political ideology triumphing over common sense and jurisprudence.

As an organization that is committed to encouraging fathers to be the best fathers they can possibly be for their children, Dads4Kids encourages the readers of its weekly newsletter to act in love at all times, not only to their children but also towards their wives, partners and even ex-partners.

(Section 19(2), page 36) says:

"To avoid doubt, **unfavourable** treatment of the other person includes (but is not limited to) the following:

- (a) harassing the other person;
- (b) other conduct that offends, insults or intimidates the other person.

All family life involves relationships. Relationships are about real people dealing with real issues on a day to day basis, often resulting in someone being offended. It is therefore impossible to outlaw offence, even if it sounds great in principal.

The ability to be offended is part of our freedom of speech. Dads4Kids believes that exercising love and forgiveness is an important and necessary part of family life and relationships, not only in the home, but in all aspects of public life. To legislate against offence is not only unnecessary but ridiculous. The preservation of the right to freedom of speech necessitates both the freedom to be offended and the freedom to forgive.

Justice Spigelman, **ABC chairman and former top jurist** in his human right's day speech said,

"I am not aware of any international human rights instrument or national anti-discrimination statute in another liberal democracy that extends to conduct which is merely offensive," Mr Spigelman said.

"We would be pretty much on our own in declaring conduct which does no more than offend to be unlawful. The freedom to offend is an integral component of freedom of speech. There is no right not to be offended."

Another area of concern to Dads4Kids is found in Section 124 (page 120) which deals with reversing the onus of proof.

The reversal of 'innocent until proven guilty' is an amputation of our human rights. The further Australia goes down the road of negating rights, the more laws we will need - ad infinitum. Dads4Kids believes that the rights of men and fathers are already on shaky ground with the injustices of the Family Law Court. Introduction of such a concept would be even more detrimental to their lives, resulting in more children

being deprived of their fathers and more suffering for many families. The proponents of this bill will use it in their war against men and fathers, which will further increase fatherlessness in our communities and harm the future of our children.

The Dads4Kids Fatherhood Foundation urges the Senate Legal and Constitutional Affairs Committee to reject the proposed Draft 'Human Rights and Ant-Discrimination Bill 2012 until such time as the impediments to free speech and discrimination are removed from the said bill or the bill is simply removed entirely from the parliamentary schedule and disallowed because of its inherent inconsistencies and flaws.

Dads4Kids Fatherhood Foundation
PO Box 542
Unanderra NSW 2526
02 4272 6677