# Saint Mary MacKillop College Albury

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I wish to express serious concern for the Human Rights and Anti-Discrimination Bill, 2012, by Labor Attorney-General Nicola Roxon. As a Director of a school: Saint Mary Mackillop College Albury, I am concerned that we as a school will have a loss of freedom not an increase.

Despite the proposed bill being aimed at reducing discrimination and upholding human rights, it is at best short-sighted and will certainly have a ripple affect across society of the worst kind. In its attempts towards a stricter 'narrowing in' on "*conduct that offends, insults or intimidates" (*clause 19) it is inevitable that anyone who exercises their free will to criticise, for any reason, be it "*religious*" or "*political*" (clause 17) will be subject to both accusations and potentially a loss of their own voice.

As Australians we have never been a culture that has sought to silence people in an effort to eliminate the wrong. Instead we have enshrined our human rights, including freedom of religion, freedom of political affiliation, and freedom of speech, so that unfair discrimination is prevented. Entirely taking away the right to discriminate creates a minefield of problems, particularly for religious groups, school boards, political leaders and medical professionals, just to name a few. It undermines the very fundamental bedrock of our society: the ability to discriminate towards the good of any person, community or institution. If our attempts to prevent unfair discrimination have logically led us to eliminate it completely, and subsequently the freedom to be critical of others, then we have over-looked something, including our democratic principles.

Clause *124* further seeks to reverse the burden of proof, which only makes these changes more complex and damaging. If we walk a path where we assume the accused are 'guilty until proven otherwise', then our judicial system will not be up holding the very human rights so fervently fought for by this bill. Thus, based on the very own premise of this bill, it cannot achieve its "*human rights"* aims. One has only to undertake little historical research to see that this model would see a far greater margin of error, with the innocent being found guilty, than is currently the case. This is simply because no matter how hard we try we will never formulate an accurate law that separates healthy discrimination from unfair discrimination. Any effort to do so will only open the floodgates for vilification cases, whereby both the guilty and the innocent will suffer. It will lead to a real disunity within our society and willing the good of a person and trusting one's neighbour will become a thing of the past.

What has always made our culture strong is its vibrancy and healthy criticism in search of the good. We must protect this right; the right to enjoy healthy discussion, to exercise necessary discrimination when social, political or religious values are at stake and not expect select groups to compromise on their values, particularly that of religious freedom, so as to spare the feelings of some. We must continue to allow religious groups to exercise this freedom, in order to prosper and continue to contribute so richly to our society.

We must be very careful on whose terms we decided to make assumptions, and whose rights we think it necessary to infringe upon, when we take steps to dictate what should or should not be permitted in a society: particularly a pluralist one such as our own.

Please consider the very wide-reaching and irreversible consequences of this bill before voting. We are lucky to still be a country that upholds free speech and respects the dignity of a person despite their failings often under scrutiny in our courts. This is one area that demands our protection.

It means that we as a society would shift the legal focus form one where you are innocent until proven guilty to one where you are guilty until proven innocent. Anyone can make an accusation of some perceived disrimination and then the alleged offender has to defend their innocence.

For us as a school based on Catholic teaching we would be forced to employ people who go against the religious basis of the school. This is a loss of freedom to practise our Catholic faith within our own school community.  This would be deliberate discrimination against Christian people.

yours Sincerely,

Kathleen Horsfall

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