# ANNUAL REPORT











RULE OF LAW INSTITUTE OF AUSTRALIA

**EDUCATION CENTRE** 



### **About Us**

**The Rule of Law Institute of Australia** was founded in 2009 as an independent, politically non-partisan, not-for-profit body to protect and promote the Rule of Law in Australia.

Its work is supported by over 1,500 members.

The Rule of Law Education Centre is a sister organisation to the Rule of Law Institute of Australia focusing on education. The Centre is a gift deductible charity registered with the Register of Cultural Organisations and ACNC.

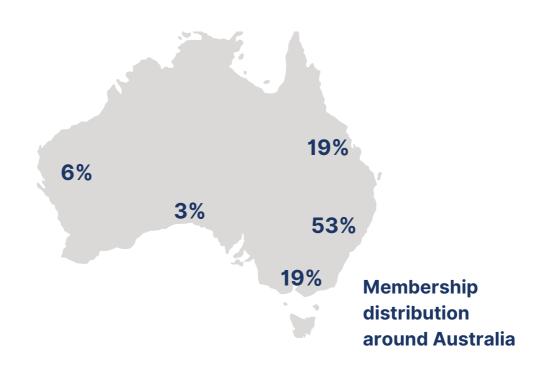
"The Rule of Law Education Centre has become the education centre for school students on the Rule of Law. This is primarily carried out by conducting the Law Day Outs and providing teaching material to teachers.

It is non – political, neither left nor right and unique in today's environment

Comments are made on political matters which adversely affect the rule of law such as the new Federal ICAC Act, proposed defamation changes, consent in rape cases, bail laws, important High and other court cases."

Robin Speed OAM, Founder

## 76% of our members are teachers who are located throughout Australia



## 1,589 Members

The Rule of Law Institute of Australia represents ordinary, law abiding Australians who wish to uphold the democratic freedoms and protections that the Rule of Law provides.

In February 2022, a new category of Membership for the Rule of Law Institute of Australia was created to enable Australians to show their support for the work of the Institute.

In just under a year over 1,589 Australians, many of whom are teachers, signed up as members in support of our work.



## The Rule of Law

At its most basic level, the Rule of Law is the concept that both the government and citizens know the law and obey it.

The team at the Rule of Law Education Centre use the Rule of Law Wheel to explain how, under the Rule of Law, all people should be ruled by just laws subject to the following principles:



In addition to these principles, the Rule of Law must be supported by informed and active citizens.

## We focus on protecting our freedom

### through education

The Rule of Law Education Centre facilitates Court Excursions and creates classroom resources such as case studies, videos and explainers to educate school students and the Australian community about the Magna Carta and underlying Rule of Law principles that contribute to history, culture and legal processes.

### and public commentary

The Rule of Law Institute of Australia focuses on Rule of Law issues in the public arena and engages with the community and government by commenting on Bills before Parliament, writing media articles and reports and providing expert commentary promoting good governance in Australia by the Rule of Law and encouraging transparency and accountability in State and Federal Government.



## **Rule of Law Conference**

Wednesday June 15 2022, the 807th anniversary of the Magna Carta, saw the Rule of Law Institute hold its inaugural Annual Member's Meeting. The night focused on government overreach and the need for checks and balances for those in power with talks from Margaret Cunneen SC (President) with Charif Kazal and Chris Merritt (Vice President).

Members enjoyed wine and nibbles within the Justice and Police Museum, Circular Quay and a chance to meet other like minded people who are passionate about the protection of the Rule of Law in Australia.



**Event Flyer** 



**Charif Kazal** Margaret Cunneen SC



**Chris Merritt** 



Sally Layson



**Robin Speed OAM** 



**Members** 



"for the protection of everyone in the community we should fight for citizen's rights.. a lot of people think that this can't happen to me, but let me tell you, I never thought in my life this would have happened to me ..."

Charif Kazal

### **Education**

In response to our social media campaigns, teachers from all over Australia signed up as Members of the Rule of Law Institute to receive our free poster packs.

Over 6,200 posters were sent to 1,700 classrooms around Australia.

The poster packs included:

- What is the Rule of Law?
- What Can Happen without Checks and Balances?
- The Layout of a Criminal Court and how it reflects the rule of law
- Separation of Powers
- The Legacy of the Magna Carta

#### **Poster Packs**





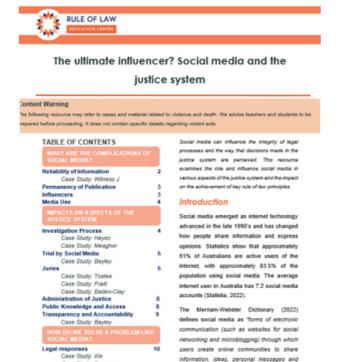




Case Studies are a key tool used by teachers to develop students' knowledge, understanding and critical thinking skills in relation to justice and Australia's legal system.

During 2022, the Rule of Law Education Centre created Case Studies on recent Media and Social Media Cases, an updated Baden Clay Case Note and the Chris Dawson trial. Together with the Case Studies on the Skaf and Keli Lane, these pages were viewed over 30,000 times and the PDF Case notes downloaded over 10,000 times.

In a 2 month period, the Chris Dawson Case Note was viewed over 5,000 times and resources and activities downloaded 2,300 times.





Additional Information: Social Media and platforms, such as Facebook, Twitter, Law Reform

n-Legal Responses

other content (such as videos)". Social media offers two-way communication via online

Instagram, Pinterest, YouTube and LinkedIn

## Supporting teachers

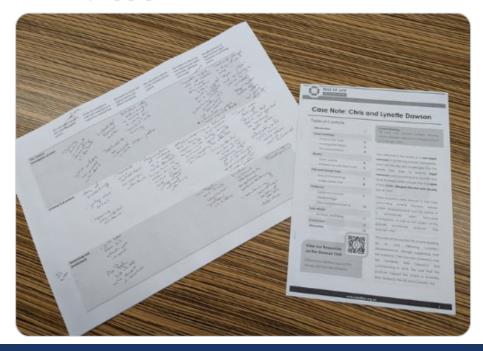
To better support teachers in developing a deep understanding of Rule of Law principles and to assist them in teaching, members of our education team have worked closely with the Legal Studies Association of NSW in 2022. This work has included law presenting case workshops the Annual at Conference, delivery of information night for their member teachers that examined the impact of the media on outcomes in the justice system and the submission of an article to their quarterly journal, Legal Briefs, exploring Australian

defamation legislation and cases of defamation arising from social media use. Each of these activities were focussed on examining the achievement of Rule Law principles using the lens of the NSW Legal Studies syllabus content. They also attended the Victorian Commerce Teachers Association conference Comview 22 to meet with teachers and discuss key issues that impact upon achievement of the Rule of Law in Australia.



s @a . Nov 16, 2022

Dipping my toes back into Legal Studies, after several years in junior world as a part-time teacher. We explored an excellent @RoLAustralia Chris Dawson resource, and worked to identify themes & challenges evident within. Really engaging!





Legal Studies Association Conference with a presentation on the Rule of Law and Skaf Cases



Legal Studies Association Information Night with a presentation on Media and the Justice System



Attendence at the Victorian
Commerce Teachers
Association Commview
Conference



## **Bringing the Rule of Law** to life

In response to Covid-19 and social distancing requirements, schools have not been able to visit the NSW Courts since March 2020

In 2022, some Covid restrictions have remained such as jury bubbles and RAT requirements. In conjunction with high security cases in the Supreme Court, it has been difficult to safely allow School excursions back to the NSW Courts.

The Rule of Law Education Centre has been working with the NSW Courts to resume School Excursions to the Sydney Courts in 2023.

Six trial Law Day Out Excursions were successfully run in November and December 2022. The trial excursions received considerable support from the Local Court Magistrates who spoke to students in the morning before the Courts opened and during any breaks in the proceedings.

The team worked closely with the NSW Sheriffs to ensure the ongoing Covid restrictions were complied with and Court operations were not disrupted.



Sheriffs briefing students before they enter the Downing Centre Courts

Following the success of the trial Law Day Outs, the Rule of Law Education Centre will be running Law Day Out Court excursions for schools groups of 45 students or fewer on Tuesdays and Wednesdays in School Terms 1, with the program expected to expand in Terms 2-4 of 2023.

10. Do you have any comments or suggestions about the Law Day Out excursion?

It was actually really interesting! I didn't expect to enjoy a legal studies excersion, but now I have a much charer understanding of the legal studies eystem:)

Student Feedback from trial Law Day Out

## Commentary in defence of the Rule of Law

Chris Merritt's weekly commentary in The Australian newspaper and appearances on Sky News have brought considerable attention to breaches of the Rule of Law in Australia.

Chris has worked with Founder Robin Speed OAM and Senior Vice President Malcolm Stewart to prepare Submissions to government when legislation overrides protections provided by the Rule of Law.

Published comments in the Australian newspaper highlight the support that such commentary receives. A few comments from 2022 include:

"thank goodness for Chris Merritt, whose cogent and incisive analysis..."

"Chris Merritt's perceptive article articulates many of the concerns his fellow Australians have"



## Submissions and Hearings

The Rule of Law Institute of Australia is frequently asked to provide submissions on legislative and law reform proposals. The Institute provides a unique, bi partisan, non political voice that promotes good governance, checks and balances, transparency and accountability by State and Federal Government.

In 2022, the following Submissions were made:

September 2022: Submission to the Meeting of Attorney Generals: Review of Model Litigant Defamation Provisions Stage 2 Review.

October 2022: Submission to the Committee on the National Anti-Corruption Commission Bill 2022 and the National Anti-Corruption Commission (Consequential and Transitional Provisions) Bill 2022.

October 2022: Chris Merritt gave evidence at the Joint Select Committee on National Anti Corruption Commission Public Hearing.

August 2022: Submission to the Committee on the Independent Commission Against Corruption (ICAC) inquiry into Review Aspects of the Independent Commission Against Corruption Act 1988.

November 2022: Chris Merritt and Malcolm Stewart appeared before the NSW Committee on ICAC Review.





### In the media

In 2022, the following Commentary was published:

- 05 January 2022: The Australian, Inspector's report strengthens calls for meaningful reform
- 13 January 2022: The Australian, Government can restore original goal of class actions with bill
- 18 February 2022: The Australian, DPP Sally Dowling faces a tough call on Jarryd Hayne prosecution
- 24 February 2022: The Australian, Ukraine the front line in battle for rule of law
- 03 March 2022: The Australian, ICAC Inquiries damage reputations
- 10 March 2022: The Australian, Perrottet must address unlawful ICAC conduct
- 15 March 2022: The Australian, Yuendumu trial claims of race based bias in jury acquittal decision don't hold water
- 08 April 2022: The Australian, NSW ICAC Commissioner should take a big pay cut
- 14 April 2022: The Australian, Coalition and Labor should refrain from making changes to Australia's justice system with parts of discredited ICAC model
- 21 April 2022: The Australian, ICAC a poor model to follow if transparency matters
- 06 May 2022: The Australian, Scott Morrison is right: ICAC is just a kangaroo court
- 12 May 2022: The Australian, Intellectual freedom at universities must be protected
- 13 May 2022: Institute of Public Affairs,Peter Ridd's case a pyrrhic victory for James Cook University
- 19 May 2022: The Australian, Federal ICAC: Who's behind this and why?
- 19 May 2022: The Australian, New National Curriculum leaves Australian school children feeling ignorant

- 21 May 2022: Book review in The Australian, Keeping them Honest?
- 25 May 2022: The Australian, Ministers' move to change NSW ICAC law rejected
- 26 May 2022: The Australian, The Perrottet government must protect rule of law
- 02 June 2022: The Australian, Sir Gerard Brennan, High Court Chief Justice dies at 94
- 02 June 2022: The Australian 'High Court to control the Indigenous voice'
- 06 June 2022: The Australian, Racist ratbag Jordan Shanks exposes tech titan Google's true colours
- 09 June 2022: The Australian, Where do we draw the line on pork barrelling?
- 16 June 2022: The Australian, Government Overreach and the Rule of Law
- 23 June 2022: The Australian, After Lisa Wilkinson's remarks about Brittany Higgins, can Bruce Lehrmann ever receive a fair trial?
- 30 June 2022: The Australian, Protecting democracy is not just about elections
- 07 July 2022: The Australian, NSW government must admit mistake on ICAC ruling
- 14 July 2022: The Australian, Government must resist Green's Integrity push
- 20 July 2022: ABC Radio, Dormer ICAC made a complete hash of Turf Club Probe
- 22 July 2022: The Australian, Legal fight in Fiji has potential to derail Penny Wong's efforts to bolster cause of democracy
- 28 July 2022: The Australian, Just terms: States must respect property rights to secure foreign investment
- 04 August 2022: The Australian, Justice delayed: ICAC inquiries take too long

- 08 August 2022: The Australian, Scott Morrison scandal a chance to improve our system
- 11 August 2022: The Australian, Democracy damaged by Covid Overreach
- 25 August 2022: The Australian, Broader inquiry needed into States Pandemic Response
- 26 August 2022: The Australian, Procrastinator Perrottet prolongs wait for iustice
- 30 August 2022: The Australian, Chris Dawson guilty result a victory for media and justice: the system worked
- 01 September 2022: The Australian, Teacher's Pet podcast criticism from judges misplaced in Chris Dawson case
- 16 September 2022: Growing Divide between states over proposed reforms of what we can say online
- 23 September 2022: The Australian, The Case for judging bias through track records
- 28 September 2022: The Australian, Serious and Systemic flaws by design for federal ICAC
- 29 September 2022: The Australian, On balance, there are no checks in federal NACC
- 6 October 2022: The Australian, Anticorruption bill in need of clarification
- 13 October 2022: Alan Jones on ADH TV, ICAC will grant politicians unchecked and unlimited powers,
- 3 October 2022: The Australian, Don't let our politicians manipulate the National Anti-Corruption Commission
- 20 October 2022: The Australian, Courts should handle crime, not the National Anti-Corruption Commission
- 28 October 2022: The Australian, Charif Kazal's ICAC injustice heads to the United Nations

- 03 November 2022: The Australian, 'Proposed Voice change to Constitution too vague'
- 17 November 2022: The Australian, National Anti-Corruption Commission report obscures important disagreements
- 01 December 2022: The Australian, Proposed Indigenous Voice to parliament is more than symbolism
- 02 December 2022: Sky News 'The Justice System 'failed' after lead prosecutor abandoned Lehrmann retrial claiming issues with Higgins' health'
- 02 December 2022: Sky News 'Lehrmann rape trial being dropped means the case will be 'unresolved forever'
- 06 December 2022: Sky News 'Lehrmann case will now be 'slugged out in the civil courts' as retrial abandoned
- 08 December 2022: The Australian, Indigenous voice to parliament is an affront to democracy
- 15 December 2022: The Australian 'NACC should look into the hasty Higgins payout'
- 18 December 2022: Sky News 'Higgins case has shown 'no finding of wrongdoings' against the Commonwealth
- 03 December 2022: Sky News, Voice to Undermine Equal Rights of Citizens and Fair Go
- 30 December 2022: Sky News, Democracy requires equal treatment by the Government
- 30 December 2022: Sky News, No Need for the Voice to be in the Constitution
- 30 December 2022: The Australian, Indigenous voice: A race based Constitutional body would undermine democracy
- 31 December 2022: Sky News, Indigenous Voice to Parliament violates principles of democracy

## **Education Material**

The team at Rule of Law Education Centre includes teachers and paralegals who create resources on topical issues such as a fair trial, presumption of innocence and the role of media in achieving justice.

In 2022 the following resources were developed:

#### **Videos**

The Rule of Law in Poland: Interview with Professor Martin Krygier

Nucoal's fight for Compensation: Interview with Gordon Galt

The Rule of Law in Australia: Discussion with Hon Andrew Bell

What would happen without Checks and Balances: Explainer Video

What are Checks and Balances: Explainer Video

Rule of Law Conference: Government Overreach with Margaret Cunneen SC, Charif Kazal, Chris Merritt and Sally Layson

Designs for a National Integrity Commission

National Anti Corruption Commission: Let's do this right

#### **Posters**

Courtroom Layout and the Rule of Law

Australian Court Hierarchy

New South Wales Court Hierarchy

Timeline on the Disappearance of Lynnette Dawson

Social Media and the Justice System

Media and the Justice System

Non Legal Responses: Media

Magna Carta and Human Rights

How do you stop a Dictator: Celebrating Magna Carta Day

#### **Research Papers**

Checks and Balances Scorecard: Pandemic Legislation

Delayed Justice and NSW ICAC time standards

Civics and Citizenship Education in NSW

#### **Conferences**

Rule of Law Conference: Government Overreach

Legal Studies Association

Victorian Commerce Teachers Association

Generation Liberty

#### **Online Resources Created**

Australia Day: a Time to Celebrate

Access to Justice

People in Court

**Court Jurisdictions** 

Pleas and Charges

Adversary System

Use of Evidence

Burden and Standard of Proof

**Criminal Trial Processes** 

The Role of Juries

Rule of Law Principle: Equality before the

law

Rule of Law Principle: Independent Judiciary

Rule of Law Principle: Fair and Prompt trials

Rule of Law Principle: Retrospective laws

Rule of Law Principle: Open and transparent

laws

Rule of Law Principle: Punishment only in

accords with the law

Rule of Law Principle: Law and

Administration open and free criticism

Rule of Law Principle: Law is known and

accessible

Rule of Law Principle: Separation of Powers

Rule of Law Principle: The Law is Supreme

Case Study Comparison on Independent

Judiciary

Rule of Law in Poland

When Government Ignores Rule of Law:

Nucoal

Case Study on Skaf

Approaches to the Rule of Law

The Federal Election and Registration of

**Political Parties** 

The Role of a Chief Justice

Complacent Democracy: Chipping away at

the Rule of Law

Wisdom from Hon Sir Brennan

Tribute to Judge Zahra

Constitution Day: The Birth of Australia

International Day of Women Judges

Magna Carta Activities

Magna Carta and Human Rights

Is ICAC a Kangaroo Court?

The Rule of Law in Roe v Wade and Dobbs

Flaws in NSW ICAC

Designs for a Federal Integrity Commission

Updated Case note on the Baden Clay

Case Note on the Chris Dawson trial

Role of Media in Justice

Digital Justice in a Pandemic

Lord Sydney and his contribution to the Rule

of Law in Australia

Checks and Balances Scorecard: Pandemic

Legislation

**Higgins Settlement** 

### Research

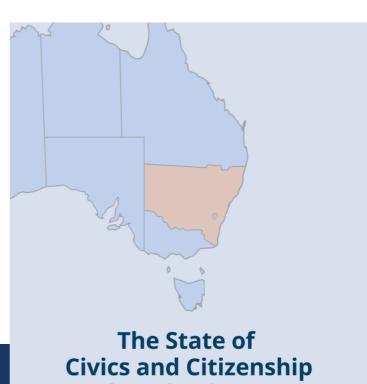
#### The State of Civics and Citizenship **Education in NSW**

Experienced educators at the Rule of Law Education Centre prepared a report comparing the explicit civics and citizenship education within the NSW Curriculum with version 8.4 of the Australian Curriculum (currently taught in schools) to highlight the significant gap Civics in and Citizenship Education in NSW.

The Report found that in the Australian Curriculum, the Civics and Citizenship strand specifically considered government and democracy, law and citizens, and citizenship, diversity and identity. In contrast, the New South Wales curriculum did not contain mandatory, comprehensive, discrete or explicit aspects of Civics and Citizenship Education in the NSW curriculum.

The Report concluded:

"In New South Wales, it is possible for students to experience no, or very limited, exposure to civics and citizenship ideas in a historical or contemporary Australian context throughout their entire New South Wales schooling"



**Education in NSW** 

**Comparison between the NSW** and Australian Curriculum



**Report into Civics Education in New South Wales** 

#### **Delayed Justice by NSW ICAC**

In preparation for the Submission to the NSW Parliamentary Committee inquiry into the Independent Commission Against Corruption (ICAC) Act, the Rule of Law Education Centre prepared a report regarding ICAC investigations from 2012 to 2017.

The report found delays of up to seven years in securing convictions against wrongdoers who have been found corrupt by ICAC after public inquiries.

When measured from the first day of a public hearing by ICAC to the day on which wrongdoers are sentenced by a court, the average delay has almost doubled – up from two years and six months in 2012 to four years and nine months in 2017.

The average delay over that period was three years and 10 months but the research has also identified one person who is still waiting to be sentenced seven years after the start of a public hearing that resulted in a finding of corruption.

#### **Checks and Balances Scorecard**

The Checks and Balances Scorecard measures the adequacy of oversight mechanisms in emergency laws that manage pandemics such as Covid-19.

The Scorecard is a compilation of 15 factors that consider the internal mechanisms, parliamentary oversight and external mechanisms within Pandemic Legislation to give a percentage score based upon the 15 factors considered. The higher the percentage, the greater the number of checks and balances contained within the Pandemic Legislation.

The Checks and Balances Scorecard for Pandemic Legislation, as seen in the infographic below, revealed a stark comparison between New South Wales and Victorian legislation that is currently in place to deal with Covid-19.

New South Wales Public Health Act 2010 (NSW)



Victoria (Current)
Public Health and Wellbeing
Act 2008 (Vic)



Victoria (2021)
Public Health and Wellbeing
Act 2008 (Vic) pre 2021



## Key Financials







Grant funding of \$3,000 from the Royal Historical Society on behalf of the NSW Government

Expenses Breakdown

\$418,787 Employees and Consultants \$13,670 Education Programs \$11,753 General and Administration \$9,170 Other Expenses

#### **Staff Team**

Sally Layson
Chris Merritt
Justine Hanks
Heidi Windybank
Aaron Martano
Katherine Layson
Gayelene Townsend

## **Supporters**

The work of the Rule of Law Institute of Australia, together with the Rule of Law Education Centre, is supported by 1,589 members.

The Rule of Law Education Centre is a gift deductible entity, solely funded by passionate individuals who give their time and money to promote and protect the Rule of Law in Australia.

#### **Board**

Margaret Cunneen SC (President)
Malcolm Stewart (Senior Vice President)
Chris Merritt (Vice President)
Sally Layson (Treasurer)
Robin Speed OAM (Founder)

#### **Governing Committee**

David Lowy AM Hugh Morgan AC John Roskam Emeritus Professor Geoffrey Walker

#### How can you support our work?

The Rule of Law Education Centre and Rule of Law Institute of Australia do not receive any funding for their work in promoting the Rule of Law in Australia.

Please contact Sally at info@ruleoflaw.org.au to discuss how your donation will help educate Australian students to promote and protect the Rule of Law in Australia.

Gift deductible donations can also be made via our website at www.ruleoflaw.org.au/donations



## 2022







WWW.RULEOFLAW.ORG.AU 4/131 MACQUARIE STREET, SYDNEY