

RULE OF LAW

INSTITUTE OF AUSTRALIA



RULE OF LAW

EDUCATION CENTRE

Annual Report

2023



PROMOTING THE RULE OF LAW

In 2009, the Rule of Law Institute of Australia was founded to foster and promote good governance of the Rule of Law in Australia. It aims:

To encourage **truth and transparency** in Australian Federal and State governments, and government departments and agencies.

To reduce the **complexity, arbitrariness and uncertainty** of Australian **laws** and the **administration application** of Australian laws.

To have **officers of Australian Federal and State governments**, and government departments and agencies **accountable** at law, in the same way as other members of the community.

To have **laws applied** by Australian Federal and State governments, and government departments and agencies **fairly, rationally, predictably, consistently and impartially**.

To have **investigations and prosecutions** carried out in respect of any Australian objectively, with **justice, fairness and promptness**, and to have investigators and prosecutors treat the person being investigated or prosecuted as they would want to be treated if the roles were reversed.

To **champion laws** in Australia and their administration which **protect and advance individual Australians**, not oppress nor intimidate them.

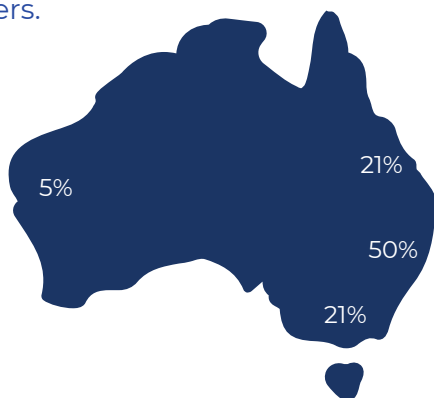
To recognise that whilst it is necessary to have a large body of laws in Australia, it is also necessary that **non-compliance is treated proportionally and productively, in a just and fair manner**.

WE REPRESENT AUSTRALIANS

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

The Institute has over **2,300** members.

71% of our members are teachers



Members come from all over Australia

WE EDUCATE

The Rule of Law Education Centre was established in 2015 to focus on education about the Magna Carta and the Rule of Law.

We focus on developing informed and active citizens through education and public commentary. The Rule of Law must have the support of the people, including those in power, who believe that living according to the law, with all its checks and balances, is in the best interests of society.

ROBIN SPEED

In 2023 we paid tribute to Robin Speed LLM OAM.

In the Australian Newspaper, Chris Merritt wrote:

“When Robin Speed finally succumbed after a long battle with cancer, this country lost one of its finest sons – a gentleman whose measured demeanour belied his ferocious defence of the rule of law. Robin, who was my friend, understood the true nature of this doctrine: it is not rule by lawyers or, even more worrying, a requirement for blind obedience to government dictates. It is the opposite.

It is a set of ideas that moderates state power and enables free societies to guard against the rise of arbitrary rule. It is the real point of distinction between liberal democracy and autocracy.

David Lowy described him this week as a friend, close associate and mentor. “You could rely on him in the trenches. He always stood up for what he believed in. He was principled and always gave very wise and conservative counsel. He truly had his clients’ best interests at heart.

He was passionate about the rule of law and not allowing it to be eroded. Whilst there are issues, Australia is a bastion of the rule of law, and he wanted to keep it that way.

“He believed moves towards weakening the rule of law were unAustralian.””



The importance of not following the Rule of Law can have very serious effects on peoples' individual rights and livelihoods.

Robin understood that ensuring the rule of law is up to us.

Tribute from Senior Vice President, Malcolm Stewart

The Inaugural Robin Speed Memorial Lecture was held on 13 June 2023 in honour of Robin Speed, founder of the Rule of Law Education Centre and Rule of Law Institute of Australia.

The Lecture will be held annually to coincide with the anniversary of the sealing of the Magna Carta. It will focus on one aspect of the rule of law that is under threat in Australia today and will provide an inspirational reminder of the contribution made by Robin Speed in promoting and protecting the rule of law in Australia “to encourage fellow Australians to stand up and challenge rule of law abuses.”

Paul Kelly, editor-at-large for The Australian gave the inaugural address on **‘The Voice and what it means for our system of government’**



1. Paul Kelly giving the inaugural lecture
2. Attendees at the Establishment Ballroom
3. Malcolm Stewart pays tribute to Robin Speed

UNDERSTANDING JUSTICE

The Education team facilitates court excursions to the Sydney Courts.



The Law Day Out Court Experience was started in March 2014 and creates trust and respect for the rule of law and the judiciary through the interaction with a judicial officer and observation of justice in the real world.

In 2023, the Rule of Law Education Centre continued working alongside the NSW Local and District Courts to facilitate Law Day Out Court Experiences to the Sydney Courts for year 11 and 12 Legal Studies Students. During the year, we facilitated excursions for:

2860 Students

201 Teachers

119 Schools

26 Volunteer Judicial Speakers

9 UTS Brennan Justice Project Volunteers

UNDERSTANDING LEGAL CONCEPTS

Our online resources support teachers and help them incorporate fundamental Rule of Law principles within their program.

In 2023 we had over **2 million page views** on our website.

Our most popular resources were:

Explainers



- The Voice to Parliament
- What is the Rule of Law?
- Equality before the Law
- Checks and balances
- Magna Carta

Videos



- Constitution Basics and the referendum
- Magna Carta & Rule of Law
- Rule of Law Explained
- Checks and Balances

Case Notes



- Keli Lane
- Chris Dawson
- Skaf Brothers
- Claremont Killings

Posters



- Rule of Law Wheel
- Separation of Powers
- Court Hierarchy
- Presumption of Innocence
- Checks and Balances

CRIMINAL LAW
Any acts or omissions against the community which is punishable by the State.

SOURCES OF CRIMINAL LAW
Statute Law - Common Law
Laws made by Parliament. Developed by judges on a case-by-case basis, building on precedent.

STATE/TERRITORY BASED LAWS
Criminal laws are generally State-based. Some State-based legislation includes Criminal Code Act 1985 (VIC), Criminal Code Act 1989 (NSW), Criminal Code Act 1999 (QLD).

COMMONWEALTH BASED LAWS
Criminal may also be regulated by Commonwealth legislation such as Criminal Code Act 1985 (Cth) or Criminal Code Act 1995 (Cth). Some examples of Commonwealth crimes include drug importation, terrorism, income tax and social security fraud and human trafficking.

AREAS OF CRIMINAL LAW
Offences against the Sovereign
Public order offences
Economic offences
Provision of false information
Drug offences

STANDARD AND BURDEN OF PROOF
The basis of criminal law is that the accused is innocent until proven guilty. This includes prosecution must prove that the accused committed the crime beyond a Reasonable Doubt (Standard of Proof).

ELEMENTS OF CRIME
Actus Reus
The physical act of carrying out the crime. This includes:
Mens Rea
The mental state of the accused. There are three types of mens rea intention:
- Direct intention
- Indirect intention
- Negligence or Recklessness and Negligence.

PARTIES INVOLVED
Prosecution
Represents the State, criminal action is being taken before the court. May be called 'The Crown' or 'The State'.
Defence
Represents the accused. May be called 'The Accused' or 'The Defendant'.

Australian Court Hierarchy
The apex of the judicial system is the High Court of Australia. It is the highest court in the land and its decisions are final. It is responsible for interpreting the Constitution and for ensuring that the laws of the Commonwealth are consistent with the Constitution.
The High Court of Australia is composed of seven Justices: the Chief Justice and six other Justices.
Below the High Court are the Federal Courts of Australia, which include the Federal Circuit and Family Court of Australia, the Federal Court of Australia, and the Federal Magistrates Court.
Below the Federal Courts are the State and Territory Courts, which include the Supreme Courts, District Courts, and Magistrates Courts.
At the bottom of the hierarchy are the Local Courts, which include the Magistrates Courts and the Local Courts.

Kathleen Folbigg Case Note
Content Warning: The following case note includes potentially distressing material such as discussions of mental health of children and teens, and details of sexual abuse. Readers and students must be prepared before processing.

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The Story of Kathleen Folbigg
In 2003, Kathleen Folbigg was found guilty of killing her four children - Caleb, Patrick, Leah, and Luke - and a young girl - Sarah, in 2003. She was sentenced to life in prison. She was released in 2019. She was released on parole in 2021. She was released on parole in 2021. She was released on parole in 2021.

The NSW Youth Koori Court
Specialist Courts
Along with the Children's Court, the Drug Court and the Children's Court, the Youth Koori Court is a specialist court that sits on the Local Court level in the NSW court hierarchy. For more information on court hierarchies, see our resource [here](#).

Contexts
What is the Youth Koori Court?
The Youth Koori Court (YKC) is a specialised, discretionary court within the Children's Court of NSW. The YKC program has been designed to address the disproportionate level of young Indigenous children, cultural offenders in the long term, it was developed as a pilot project in 2011 at Parramatta Children's Court as an alternative to sentencing young Indigenous people to juvenile detention centres, after a trial success, the YKC Children's Court was granted funding to establish branches in other locations, responding to four YKC Children's Court in 2020 and Dubbo Children's Court in March 2023.

What is the YKC?
The YKC is not a legislated court, meaning that it does not have its own governing legislation like the Children's Court and Children's Court, and as a result, does not have separate funding provided by the young Indigenous offenders of 18-25.

CONFERENCES

In 2023, the team made presentations at a number of conferences throughout Australia.



01



02



03



04

1. Legal Studies Association NSW Skills Day 2023
2. Victorian Commview 2023
3. Rule of Law Event for teachers in Sydney with Margaret Cunneen SC
4. Business Educators' Association of Queensland Conference Keynote address

Some of these conferences included:

- NSW:** Legal Studies Association Presentation and Workshop, Economics Business Educators Presentation, Rule of Law Teachers Event with Margaret Cunneen SC, Defamation and the Rule of Law Online Training, The Voice Referendum Debate, Office of Prime Minister of Korea regarding reforms for non-profits, Australian Society of Genealogists and Campion College and the history of the Rule of Law in Australia.
- QLD:** BEAQ with Vice-President Chris Merritt as a Keynote Speaker.
- ACT:** History Teachers Conference Exhibit.
- VIC:** Victorian Commerce Teachers Association Comview 23 Exhibit.
- National:** assisting National Economics Business Educators.



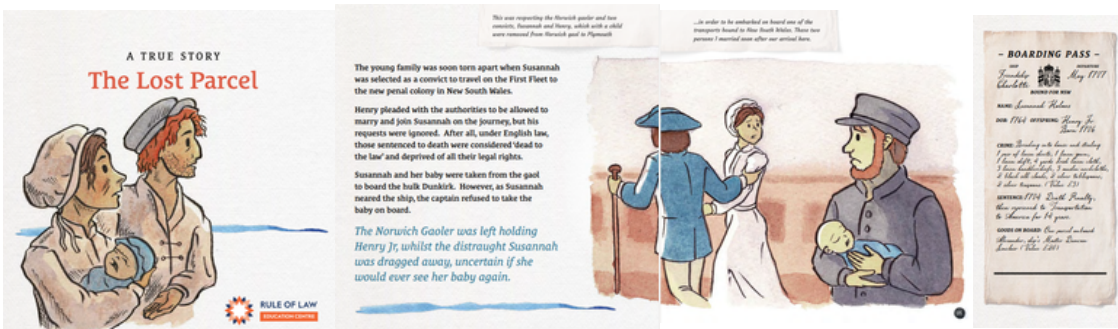
5. Voice and the Referendum Panel
6. Presentation to delegates from Office of Prime Minister of Korea
7. Sky Newsroom recording for the Voice Referendum
8. Campion College for a talk on Lord Sydney

UNDERSTANDING EQUALITY

In 2023, The Lost Parcel storybook was launched for use in schools.

The Lost Parcel tells the true story of young convict couple Henry and Susannah Kable and Australia's first civil case, *Cable v Sinclair* [1788] NSW KR 7.

Together with the online worksheets and activities, The Lost Parcel tells how the law was applied equally and fairly to a poor, illiterate convict couple, and demonstrates the importance of all people having equal access to the protections provided by the law.



Thank you to the MaiTri Foundation!

For donating copies of the Lost Parcel to be given to over 200 teachers at the VCTA and Australian History Teacher's Conference.

LEGACY OF THE MAGNA CARTA

The influence of King John and the Magna Carta in Australia today.

Sealed in 1215, the Magna Carta is a document that bound King John to the laws of the land and in doing so, established the fundamental concept of the rule of law, that no one is above the law. In 2023, King John 'toured' Australia highlighting the relevance of the Magna Carta for our government and democracy in Australia today.



1. Free Magna Carta Posters sent to 400 teachers
2. King John outside the Downing Centre.
3. King John outside the Supreme Court of New South Wales.
4. King John outside Parliament House.

COMMENTARY

Chris Merritt's weekly commentary brought to the attention of Australians breaches of Rule of Law principles.



01 January 2023: The Australian, A race-based constitutional body would undermine democracy

06 January 2023: The Australian, New Fiji government can set the record straight

11 January 2023: The Australian, George Pell, Lindy Chamberlain: Injustices like these must not be allowed to happen again

13 January 2023: The Australian, NSW Labour Court Case reopens old wounds

19 January 2023: The Australian, Lousie Milligan 'ignores key facts on George Pell'

17 February 2023: The Australian, Australian Financial Review defamation loss a case study for law and journalism schools

24 February 2023: The Australian, How Frank Brennan provision could make Indigenous voice work

04 March 2023: The Australian, Out of Africa: Uluru statement from the heart

13 March 2023: The Australian, Time to dump flawed Indigenous voice model

24 March 2023: The Australian, The tragedy is Indigenous voice plan is wrong in practice and wrong in principle

31 March 2023: The Australian, Even-handed justice is not possible when ICAC is protected from the consequences of its errors

05 April 2023: The Australian, Voice Risks Breaching Human Rights Obligations

14 April 2023: The Australian, Australian citizenship equality is at stake in the Indigenous voice to parliament referendum

20 April 2023: The Australian, Chris Minns handed a chance to clean up Liberal premiers' errors

28 April 2023: The Australian, Ombudsman conclusions over Victorian governments behaviour deserve scrutiny by the OPP

05 May 2023: The Australian, Prime Minister and Allegiance to the King

12 May 2023: The Australian, ACT DPP fate hangs in the balance after intense questioning at Sofronoff inquiry

19 May 2023: The Australian, Shane Drumgold deserves credit for taking leave – he'll deserve more if he doesn't return

26 May 2023: The Australian, Noel Pearson misses the point about shifting support

02 June 2023: The Australian, Giving voice to judiciary's personal views is fraught

09 June 2023: The Australian, Magna Carta: Equality before the law a right worth defending

23 June 2023: The Australian, Anthony Albanese's missed opportunity to modulate the voice

29 June 2023: The Australian, ICAC delays 'ludicrous', but not surprising

30 June 2023: The Australian, ICAC has gone too far with Gladys Berejiklian ruling

07 July 2023: The Australian, Fate of Gladys Berejiklian shows ministers are now at the mercy of ICAC's opinions

10 July 2023: The Australian, Top judge Robert French defends judges sitting on Hong Kong courts despite Beijing crackdown

14 July 2023: The Australian, Robodebt casts cloud over government lawyers

20 July 2023: The Australian, Why Ben Roberts-Smith defamation ruling has a long way to play out

28 July 2023: The Australian, Who will take the fall for the Lehmann controversy?

04 August 2023: The Australian, Shane Drumgold's time as DPP is surely at an end

11 August 2023: The Australian, ACT's chief minister Andrew Barr overstepped the mark

24 August 2023: The Australian, Robert Beech-Jones: Judge drew line between criticism and sledging

25 August 2023: The Australian, Strange days at nation's leading law school

31 August 2023: The Australian, Human Rights Act plan deserves more scrutiny

12 September 2023: The Australian, Victoria's Yoorrook Commission biased from the beginning

14 September 2023: The Australian, Civics education should not be an optional extra

21 September 2023: The Australian, Goal of the Freedom Riders was equality, not division

28 September 2023: The Australian, Martin Luther King's advice on voice referendum

13 October 2023: The Australian, Ban on Palestine march consistent with our legal obligations

19 October 2023: The Australian, Nothing to mourn in rejective voice of division

26 October 2023: The Australian, Victoria's human rights act akin to 'legislative deception'

03 November 2023: The Australian, Federal charter of rights may not be the answer

10 November 2023: The Australian, Legislation should not be selectively enforced

15 November 2023: The Australian, Constitutional principles likely behind the ruling

16 November 2023: The Australian, Immigration debacle is lawmaking on the run

01 December 2023: The Australian, United Nations puts arrogant ICAC on notice

07 December 2023: The Australian, Labor simply jumped the gun

08 December 2023: The Australian, Onus on Canberra to prevent human rights breaches

15 December 2023: The Australian, Rule of law requires us to defend Jewish citizens

22 December 2023: The Australian, NSW DPP director Sally Dowling under fire over sexual assault prosecution policy

31 December 2023: The Australian, Conundrum for Labor in push for federal charter of rights

SUBMISSIONS

In 2023, we continued to make non-political, non-partisan submissions that considered issues from a Rule of Law Perspective.

Key submissions made were on:



The Voice to Parliament

Human Rights Framework

NSW History Syllabus

PARTNERSHIPS

- OLMC Parramatta and Marist College Eastwood: Secondary Student Internship
- UTS Justice Brennan Project: Volunteers for Law Day Out Court Experience
- Legal Studies Association NSW

FINANCIALS

Revenue

\$509,464

Cash donations

80%



Increase in number of
donations from last
year

\$23,597

School contributions to
Law Day Out Court
Experiences

Expenses

91%

Of total expenses
relate to staffing

\$23,139

Education Programs
expenses
(not including staffing)

\$18,007

General and
Administrative
expenses

Staff Team

Sally Layson (CEO)
Chris Merritt (Legal Commentator)
Justine Hanks (Education Manager)
Christina Houvardas (Education
Consultant)
Heidi Windybank (Paralegal)
Aaron Martano (Paralegal)
Katherine Layson (Paralegal)
Miranda Stewart (Paralegal)
Jasmine Graham (Paralegal)
Gayelene Townsend (Bookkeeper)



King John watches over the staff

SUPPORTERS

The work of the Rule of Law Education Centre and its sister organisation, the Rule of Law Institute of Australia are supported by over 2,300 members and donors.

We give special thanks to the Lowy Family Group, Speed and Stracey Lawyers, Ashur Securities, the Millhouse Foundation and the MaiTri Foundation for their support of the Rule of Law Education Centre.

Board

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

Governing Committee

David Lowy AM
Hugh Morgan AC
Emeritus Professor Geoffrey Walker
Bruce McWilliam

How can you support our work?

The Rule of Law Education Centre is a gift deductible entity, solely funded by passionate individuals who donate their time and money to promote and protect the Rule of Law in Australia. They do not receive any funding from the Government for their work. Gift deductible donations can be made via our website at www.ruleoflaw.org.au

