

# What is the Rule of Law?

## And how does it protect our rights?

**The rule of law is the cornerstone of our democracy. It protects human rights, upholds public safety, and promotes stability. It means that both the government and citizens know and are bound by the law - ensuring that no one is above the law.**

When everyone, including those in positions of power, adhere to the legal standards set by the people, it helps create a fair and orderly society. Those in authority cannot act on personal whims or make arbitrary decisions; they must exercise their power lawfully and consistently. The rule of law is more than just following rules; it reflects a broader principle that laws must be applied equally and fairly. Effective checks and balances, along with accountability mechanisms, ensure that power is not abused. In cases of disputes, independent and impartial judges apply the law equally to provide justice for all. However, the rule of law is an ideal that can be threatened or eroded at times, so it relies on a strong culture of lawfulness, one that values and actively defends these democratic principles and mechanisms.

### Principle 1: The Core

**People are ruled by the law, and no one is above the law.**

The government can only exercise its power within the boundaries set by the law. People have the freedom to do anything, as long as their actions do not break the law.

### Principle 2: The Middle Ring

**The law is applied equally and fairly.**

For laws to be effective, they must be clear, certain, and predictable. This enables people to understand and follow them willingly. All people must follow the law and any dispute about the law must be resolved by the independent judiciary, who is free from political pressure and personal biases.

### Principle 3: The Wheel Spokes

**Checks and balances, such as legal principles, procedures and governing institutions ensure the law is applied equally and fairly, so that no one is above the law.**

These structures provide mechanisms to ensure Australians are governed by laws which their elected representatives make, and which reflect the rule of law. They also ensure that the law is administered justly and fairly.

### Principle 4: The Support

**Supported by a culture of lawfulness.**

People, including those in power, follow the law because they believe it is fair, just and of benefit to the common good. Informed citizens play a crucial role by participating in decision making and holding leaders accountable.

## THE RULE OF LAW

All people should be ruled by just laws subject to the following principles:



The rule of law must be supported by informed and active citizens