



AUSTRALIA'S MAGNA CARTA INSTITUTE

Defending rule of law and freedom
through education and public debate

Annual Review 2015

Annual Review
2015

Australia's
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Sir Robert Worcester, deputy chairman of the Magna Carta Trust and chairman of the Magna Carta 800th Committee, warned that the fight for freedoms is far from over.

“Freedoms are being eroded faster than they can be won. That’s why it is vital to take the time to step back and look with wonder at what has been achieved over the last 800 years.”

The Hon Tony Abbott MP said on 24 June 2015 in the British High Commission’s Magna Carta Oration that:

“Australians should never abandon our freedoms in order to defend them, but defend them we must...”

“On the 800th anniversary of Magna Carta, we shouldn’t just celebrate the rule of law; we must defend it.”

“The rule of law serves to protect us from criminals as it does to protect us from tyrants...”

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Magna Carta Exhibition

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The Magna Carta 'To None Will We Deny Justice!' Exhibition was launched by the Institute on 13 May 2015 at the High Court of Australia in Canberra in the presence of all the High Court Justices.

The Exhibition celebrated the history of the Magna Carta and spoke of its relevance to Australia today. The centre-piece was a hand written replica of the original Magna Carta which the Institute had commissioned. The replica was accompanied by illustrated banners, life-size historical figures and interactive installations such as head cutouts, a life sized baron and a throne room to engage children with the exhibition.

Speaking notes were provided to teachers and workbooks were given to students to reinforce their learning and to provide further materials for the classroom. Members of the public were also encouraged to understand the relevance of the Magna Carta in a free booklet that detailed selected clauses of the Magna Carta.

Over 6000 school students and members of the public visited the Exhibition during its six week stay at the High Court.

The Exhibition then travelled to Tenterfield School of Arts, the place where Sir Henry Parkes delivered the Federation Oration.

In September, the exhibition travelled to the New South Wales Parliament and was displayed in the Fountain Court a main thoroughfare of the Parliament and was enjoyed by many thousands of students and members of the public.

In October, the Exhibition travelled to the Supreme Court of Victoria's Law Library and again was visited by many students and members of the public.



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The Exhibition was the brainchild of the team at the Institute. Using their background in education they were able to create a clear and informative exhibition that could be easily understood by Primary Students whilst prompting older members of the public to consider the current relevance for Australians today. They developed the idea into reality in a short space of time and at a minimum of cost and are congratulated for their successful exhibition.

Success of the Magna Carta Exhibition

High Court

7 Judges
3,284 Students
2,948 Members
of the Public

NSW Parliament

20 Members
of Parliament
750 Students
Approx. 18,000
Members of
the Public

Supreme Court of Victoria's Law Library

600 Students

The Magna Carta

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The Magna Carta included 63 clauses, often using words and listing grievances that are strange to our ears – but their tradition and relevance is not.

We need to look to the Magna Carta in current circumstances to understand our freedom and liberties. In particular, the Magna Carta guides us when:

Governments attempt to reverse the onus of proof

“Henceforth, no bailiff will put anyone on trial by his own unsupported allegation, without bringing credible witnesses to the charge.” Clause 38

Governments introduce mandatory sentences

“A free man will not be amerced for a trivial offence except in accordance with the degree of the offence, and for a serious offence he will be amerced according to its gravity, saving his livelihood.” Clause 20

Governments interfere with the independence of the judiciary

“We shall not make justices, constables, sheriffs or bailiffs who do not know the law of the land and wish to observe it well.” Clause 25

Access to the courts restricted by high costs

“To no one shall we sell, to no one shall we deny or delay right or justice.” Clause 40

Government’s interference with due process

“No free man will be taken or imprisoned or disseised or outlawed or exiled or in any way ruined, nor shall we go or send against him, save by the lawful judgement of his peers or by the law of the land.” Clause 39

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Vision

The Magna Carta Institute's vision is for an informed Australian society that joins together to defend the rule of law and freedom in the tradition of the Magna Carta.

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Vision Statement

The Magna Carta Institute is a politically non-partisan not-for-profit educational organisation dedicated to preserving and promoting the tradition of the Magna Carta through imaginative programs in schools and participation in public debates.

We aspire to educate and inform Australians of the contemporary relevance of the Magna Carta and to encourage wise law makers to make laws that protect our physical safety, whilst leaving us free to be free.

Goal

The Institute's aim is to be Australia's pre-eminent educational organisation educating and fostering the relevance of Magna Carta, today, and tomorrow.

Our goal is to deepen engagement with schools, the community and governments in appreciating the importance of defending freedom and the rule of law in the tradition of the Magna Carta and to increase educational programs and participation through interactive digital platforms, media releases and seminars.

Australia's Magna Carta Institute

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Australia's Magna Carta Institute was formed on 19 December 2014 with the objectives to:

- Preserve and promote Australia's Magna Carta as an important historical document in Australia's history and culture
- Educate and inform how the Magna Carta and its predecessors have impacted and contributed to the history and culture of Australia
- Promote the celebration of the granting of the first Magna Carta on 15 June 2015 and its current relevance in Australia's culture

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The office bearers of the Institute are Robin Speed, Chairman, Malcolm Stewart, Vice Chairman and Ben Giles, Treasurer.

Nullus liber homo capiatur vel imprisonetur aut disseisatur aut utlagetur aut exuletur aut aliquo modo destruat nec super eum ibum nec super eum mittentur nisi per legale iudicium parium suorum et per legem terre



Nullus liber homo capiatur vel imprisonetur aut disseisatur aut utlagetur aut exuletur aut aliquo modo destruat; nec super eum ibum nec super eum mittentur nisi per legale iudicium parium suorum vel per legem terre.

No free man shall be seized or imprisoned, or stripped of his rights or possessions or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him or send others to do so except by the lawful judgment of his equals or by the law of the land. 1215 Magna Carta - clause 39

From our Chairman



This year we celebrate the 800th anniversary of the Magna Carta.

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1215 is a long way ago but the events which occurred then remain relevant. The need to defend freedom and maintain the rule of law is constant, a need which requires not only articulation, but action.

The best way to appreciate the significance of the Magna Carta and the rule of law is to imagine a society in which they do not exist. Imagine a society in which arbitrary action by government and subordinates was permitted. There would be no freedom, no certainty and no ability to plan. To thrive and to create prosperity in business, as we know it, requires all three to exist.

The rule of law is essential to human progress, economic activity and the development of society.

As Australia continues to prosper and welcomes immigrants from all parts of the world, we must continue to educate our school children to understand and respect our legal system and the important place that the rule of law has within it.

As the world battles with terrorism, and Australians live in fear of terrorism on our shores, we need to look back to our traditions formed in the Magna Carta. Like they did 800 years ago, we need wise law makers to draft laws to protect our physical safety, whilst leaving us free to be free. We need the freedom with certainty that comes when our society and government understands, respects and promotes the rule of law.

There are times when these needs are in conflict, but with goodwill and public debate they can be resolved by keeping the bigger picture in mind.

Robin Speed
Chairman

The Magna Carta Committee

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Whilst in its embryonic stages in 2015, the Institute joined with the Rule of Law Institute of Australia and its Magna Carta Committee in being the driving force of events in 2015 to celebrate the 800th Anniversary of the Magna Carta in Australia. The events ranged from a symposium in the Australian Senate to the celebration in Magna Carta Place Canberra with the Prime Minister.

Australia's Magna Carta Institute:

- Co-ordinated the Magna Carta Exhibition “To none will we deny justice;” and
- Sponsored the Magna Carta Symposium and the Magna Carta Celebration

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Former Lord Chief
Justice of England
and Wales, Rt
Hon Lord Igor at
the Federal Court
of Australia

Photograph
courtesy of Gilbert
& Tobin Centre
for Public Law

The Rule of Law Institute and its Magna Carta Committee, together with Australia's Magna Carta Institute:

- Supported school teachers and students in learning about contemporary rule of law and Magna Carta issues in Australia
- Provided critical, syllabus relevant, balanced and informative resources through an interactive digital platform for research by students regarding the Rule of Law and the Magna Carta
- Co-ordinated "Law Day Out"
- Co-ordinated Seminars and Lectures regarding the Magna Carta; and
- Prepared Media Releases where the Rule of Law or the traditions of the Magna Carta were under threat.

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Australia's Magna Carta Institute supports the work of the Rule of Law Institute in teaching high school students about the rule of law and Magna Carta.

The Institute hopes in 2016 to have a much closer contact with this teaching and to have a greater involvement in the Educational Programs, seminars and "Law Day Out." Through the programs developed by the Rule of Law Institute, the Institute plans to promote the Rule of Law as fostered in the Magna Carta and to continue to maintain this focus in legal education of High School and University students in Australia.



Magna Carta Symposium at Australian Parliament House, Canberra with Nicholas Cowdery, Professor Martin Krygier, Hon James Spiegelman and Professor David Clark.

Photographer: Penny Bradfield, courtesy of Auspic.



Visual Arts students from Meriden Girls School in Strathfield illustrated a Magna Carta Baron.

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In June 2014 the Rule of Law Institute of Australia formed the Magna Carta Committee to celebrate and promote the 800th Anniversary of the Magna Carta in Australia.

Together with Australia's Magna Carta Institute, the Committee has been the principal coordinator of events and initiatives to celebrate the 800th Anniversary in Australia

“Magna Carta, as it has come to be understood and called upon over 800 years, operates as a shield against tyranny, abuse of power and oppression of the governed. It has become the talisman of a society in which the spirits of tolerance and democracy reside. In the English common law system, it is the touchstone of the rule of law and a continuing inspiration to all.” Nicholas Cowdery AM QC

Australia's
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The Magna Carta Committee is comprised of the following:

- | | |
|----------------------|--|
| PATRON | Hon Robert French AC,
Chief Justice of the High Court of Australia |
| PARLIAMENTARY PATRON | Senator the Hon Stephen Parry
President of the Australian Senate |
| COMMITTEE MEMBERS | |
| Chair: | Nicholas Cowdery AM QC |
| Vice-chair: | Robin Speed |
| Committee Members: | David Lowy AM
Hugh Morgan AC
Richard McHugh SC
Bruce McWilliam
Professor Martin Krygier
Bret Walker SC
Malcolm Stewart |

Magna Carta Celebrations

The Magna Carta Committee, together with the Rule of Law Institute and Australia's Magna Carta Institute, participated in many Magna Carta events in Australia in 2015.

The Committee partnered a number of organisations and supported many other celebration events across Australia including:

- The Magna Carta Symposium at the Australian Senate which Nicholas Cowdery AM QC chaired and Professor Martin Krygier and the Hon James Spiegelman AC QC spoke.
- The Judicial Independence Conference at the University of Queensland at which former Chief Justice of the High Court, Sir Anthony Mason AC KBE QC delivered an address.
- The Magna Carta Place Commemoration at which the Prime Minister and spoke.
- The Centre for Independent Studies at which Hon James Spiegelman AM QC and Nick Clark spoke.
- The Church Service at St James' Church at which Nicholas Cowdery AM QC delivered the main address.
- The Magna Carta Symposium at the State Library of NSW which included Nicholas Cowdery AM QC and the Clerk of the Australian Senate, Dr Rosemary Laing.
- A panel discussion on the Magna Carta and Terrorism at Sydney University at which Bret Walker SC spoke.
- The Magna Carta Edition of the ABC's Q&A at which Bret Walker SC was on the panel.
- The Magna Carta Exhibition at the High Court, Tenterfield, NSW Parliament and Victorian Supreme Court Library
- The address in the Federal Court by former Lord Chief Justice of England and Wales, Rt Hon Lord Igor Judge. Richard McHugh SC spoke at this event.
- A Panel Discussion on Anti Terrorism Laws and the Magna Carta held in association with the Sydney Law School and the Faculty of Arts and Social Sciences.

The Rule of Law Institute

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The Rule of Law Institute seized on new opportunities in 2015 to expand the support it offered to school teachers and students through education programs and has made the discussion of the rule of law the focus of legal education in Australia.

Educational Programs

The Rule of Law Institute employs three full-time educators and two part-time research assistants who spend the majority of their time engaging school students in discussions about the rule of law and making education resources to support teachers.

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The educators provide a unique contribution to legal education, being the only independent, non-partisan organisation supporting students in learning about contemporary rule of law issues, and providing professional development for teachers.



L: Nick Lindeback
BA BEd (UNSW)

C: Jackie Charles
BA (Macq)
MTeach (USyd)

R: Nick Clark
BA (Hons) BEd
(Hons) (USyd)

The Rule of Law Institute provides Australians School students with:

- An interactive digital platform and up-to date legal resources for Legal Studies students around Australia. The website is currently ranked the number one in Google search results in Australia when you search “rule of law.”
- Lectures and seminars on current legal topics such as Metadata and Surveillance Powers, Freedom of Speech and the Right to Assemble, Racial Discrimination and Mandatory Sentencing.
- Blog posts, case notes and email newsletters to keep students and teachers up to date with Rule of Law issues.
- To celebrate the anniversary of the Magna Carta, 4500 posters of the Magna Carta were printed and distributed to most teachers and classrooms in NSW and QLD.

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The Institute has addressed over 5,219 students in the year ended 30 June 2015. It has talked at 63 schools, ranging from metropolitan Sydney, regional NSW and QLD, metropolitan Brisbane and regional Queensland.

Law Day Out

The Rule of Law Institute’s Law Day Out program has brought school students, teachers, barristers and judges together to provide an interactive learning experience for students on their Legal Studies excursion to the law courts. The Law Day Out program has assisted schools from metropolitan, regional and rural areas in NSW and supports teachers and students to develop an awareness and understanding of the law and its role in our society.

In 2015, 1539 students, 60 school and 26 volunteer judges, barristers and solicitors participated in the program.

Australia's Magna Carta

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There are only two original Magna Cartas held outside of England. One in the National Archives in Washington and the other in Parliament House Canberra. The one in Washington cost US\$21,300,000 and the one in Canberra A\$15,672.

How Australia acquired its Magna Carta is told in "Australia's Magna Carta" 2nd Edition issued by the Australian Senate. In the words of Dr Rosemary Laing, Clerk of the Senate, the story is:

"As thrilling as a good detective novel, or spy drama and as ironic as high quality farce, the story of how Australia's copy of the 1297 inspeximus issue of Magna Carta came into our hands is told here with all its intriguing twists and turns."

The story began in 1951 when a small and impoverished private school in Somerset, Kings School Bruxton, desperate for funds, sought to sell what it claimed was a previously unknown original 1297 Magna Carta. Experts at the British Museum quickly confirmed that the Magna Carta was indeed an original, although there was a real mystery over how the school had come to acquire it.

The British Museum was desperate to purchase the Magna Carta for its collection and offered sterling £2,500 as a fair price. Unfazed the private school went to Sotherby's who promptly valued it at sterling £12,500 (with commission). This price was dismissed as "excessive" by the British Museum, which then attempted to ensure that there were no competing overseas buyers by having an export licence from England refused.

After much intrigue and back room negotiations, Australia was instrumental in having the export licence granted to "a suitable public institution in the British Commonwealth or the United States of America". This left Australia to head off attempts to offer it for sale in America and to find the sterling £12,500 (A\$15,672), all by the required deadline of 30 June 1952.

The Second World War had only just finished and times were tough in Australia, the public was in no mood for lavish public expenditure. Despite criticism that the price was fantastically high, Sir Robert Menzies announced to Parliament on 19 August 1952 that Australia would be the buyer and that the funds would be forthcoming from the Prime Minister's Department.

This is how Australia acquired the original Magna Carta.

Our Supporters

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Australia's Magna Carta Institute was in its embryonic stage in the year ended 30 June 2015. Although its operations were aligned with the Rule of Law Institute and Magna Carta Committee, the Institute is very proud of its achievements regarding the Magna Carta Exhibition and the ongoing commitment to education and community involvement.

The Institute is grateful for the generosity and foresight of the following supporters that have made this Institute possible and have the vision for Australia that promotes freedom through strong laws.

The Lowy Foundation
Speed and Stracey Lawyers
Ashur Securities Pty Limited

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How you can promote freedom under law with Australia's Magna Carta Institute

How your donations can help:

\$500 gives a School the opportunity to Participate in the Law Day Out and to receive an interactive and informative experience of the NSW Legal System and how the Magna Carta has formed the Australian Legal System

\$5,000 gives Schools in a remote area a two-day seminar on the Rule of Law, Magna Carta and current legal scenarios relevant to the curriculum

\$10,000 enables the Magna Carta Exhibition to tour to a remote area or new location

\$30,000 provides a Legal Researcher 2 days a week for a year to research current Rule of Law issues, prepare media releases and provide up to date resources for Schools to use via the website.

Direct Deposit into our Public Fund:

Australia's Magna Carta Institute
BSB: 082-057
Account: 74-259-5170
Mail cheque to:
Australia's Magna Carta Institute
Level 4, 131 Macquarie Street
SYDNEY 2000

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The Australia's Magna Carta Public Fund has been endorsed by the Australian Taxation Office as a deductible gift recipient. Donations of \$2 or more to The Australia's Magna Carta Public Fund are tax deductible for Australian taxpayers. ABN 77 838 378 807.

And still when Mob or Monarch lays
Too rude a hand on English ways,
The whisper wakes, the shudder plays,
Across the reeds at Runnymede.
And Thames that knows the moods of kings,
And crowds and priests and suchlike things,
Rolls deep and dreadful as he brings
Their warning down from Runnymede.

Rudyard Kipling

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