

safeguarding our freedoms secured by democracy and the rule of law



RULE OF LAW INSTITUTE

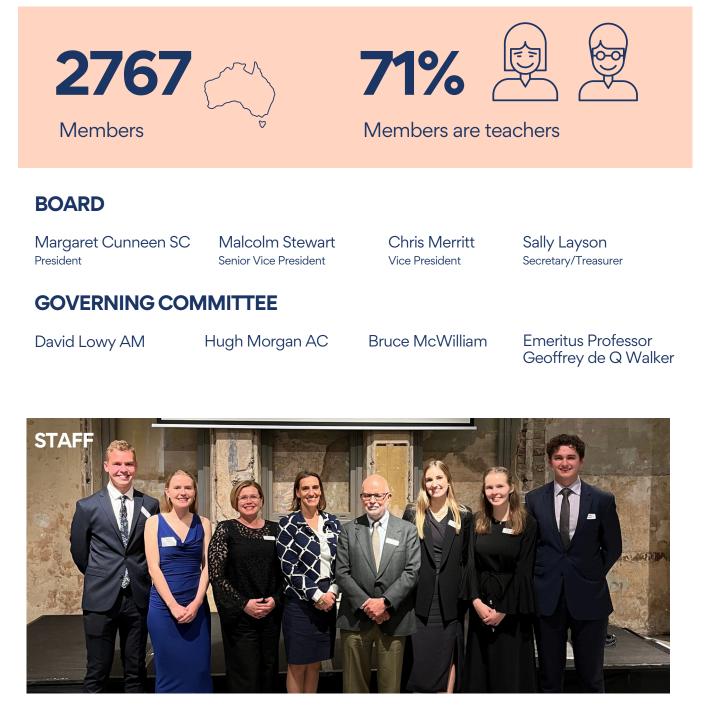


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### supported by Australians



The Rule of Law Education Centre employs experienced teachers, lawyers, law students and education students to create curriculum linked resources and programs. The team is led by Sally Layson, CEO with Chris Merritt, Legal Affairs Commentator.

The Education program is overseen by Education Manger, Justine Hanks, and is supported by a team of seven facilitators and paralegals as well as volunteers from the UTS Justice Brennan Program.



### ORGANISATION OVERVIEW

equipping Australians to champion and safeguard their freedoms secured by our democracy and the rule of law

### **EDUCATION**

The Rule of Law Education Centre is the only independent and non-political organisation in Australia educating students and the community about the importance of democracy, the rule of law (as derived from the Magna Carta), and how they secure our freedoms.

### COMMENTARY

The exploration of ideas through respectful debate is the lifeblood of democracy and the rule of law. Our resources and commentary promote good governance in Australia by the rule of law and not one side of politics. We provide impartial and balanced commentary about the state of our democracy and the rule of law in Australia.

## IN DEFENCE OF THE RULE OF LAW

### protecting Australians from the misuse of power

#### COMMENTARY

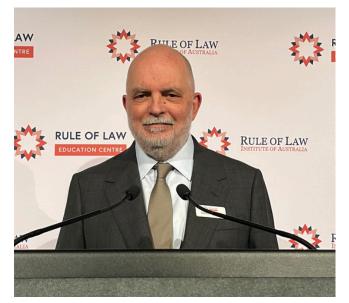
The Rule of Law Education Centre (with its sister organisation, the Rule of Law Institute of Australia) favours an activist approach to defending the rule of law instead of merely leaving things to the Parliament.

The judges do their best, but all Australians have a stake in the rule of law. Its defence, like the rule of law itself, is above politics. We take pride in the fact that we criticise both sides of politics when they forget the principles that support our democracy.

Defending the rule of law is not about gaining power and influence.

It is about protecting Australians from the misuse of power.

It is about the right to a fair trial, the presumption of innocence and courts that are not just independent but genuinely impartial.



Chris Merritt, Vice President of the Rule of Law Education Centre and Legal Affairs Commentator in the Australian Newspaper



commentary on the threats to the rule of law in the Australian newspaper

and contributions to Sky News, Sydney Morning Herald, Radio 2CC and ADH TV



Law Day Out Facilitators briefing students outside Downing Centre Courts before a Law Day Out

### EDUCATION OVERVIEW

The first step in equipping Australians to protect our freedoms is to ensure they understand the basic concepts of government, laws, rights and responsibilities. If Australian students lack knowledge of what upholds our nation's stability and prosperity, how can they effectively safeguard it?

### building trust in our legal system

The judiciary relies upon public trust to function effectively. It requires confidence in the independence and impartiality of the judiciary and acceptance of judicial decisions.



Schools attended the Law Day Out Court Excursion



The Rule of Law Education Centre runs the Law Day Out Court Excursions to the Sydney Downing Centre for year 11 and 12 High School students doing Legal Studies.



Students and Teachers attended the Law Day Out Court Excursion



*I just wanted to say thank you fo* 

I just wanted to say thank you for organising our day yesterday and to let you know what a wonderful job your helpers did for us. Please pass on our thanks to them again.

What a wonderful job you do in supporting the rule of law in Australia and in educating young people around same.



Just wanted to say a quick but sincere thank you for your guidance and assistance yesterday at the Law Day out. Both the boys and myself really enjoyed the day – so much so that the boys wanted to go back in after lunch (which I was not originally expecting). They couldn't stop talking about what they saw, how "cool" and interesting it was and they were so engaged!

Thank you from me as a teacher new to Legal Studies whose first experience of the Law Day Out was mindblowing and amazing. This was my first visit and I thoroughly enjoyed it. **Thank you for spurring on more interest and fascination in the legal system. I think you've really rejuvenated us all!** 

Thank you again for the day, the posters and the resources given. It will definitely be a day we will all cherish and remember for a very long time!

Excursions are run on Tuesdays, Wednesdays and Thursdays during school term time and they are fully booked out a year in advance. Schools get the opportunity to hear from a Judicial Officer (Judge or Magistrate) from the NSW District or Local Courts before sitting in on real cases before the Courts.



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Judicial Officers from NSW District and Local Court spoke to students



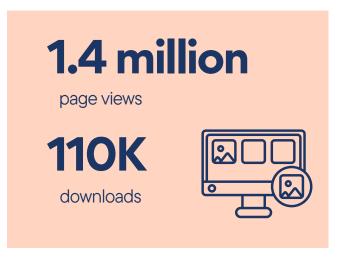
### EDUCATION RESOURCES

### creating engaging resources for teachers and students



Australian Human Rights Commissioner Lorraine Finlay with Rule of Law Staff and our new Human Rights Poster Experienced teachers, lawyers and law students create curriculum linked resources that encourage students and teachers to understand and engage with the rule of law through current events and issues.

The resources focus on explicit teaching of civics concepts such as the qualities of good laws, elements of the judicial process including a fair trial, judicial independence and equality before the law, threats and safeguards of democracy. Only with explicit teaching and current examples can students understand their responsibility in democracy and their role in questioning and understanding the law and holding those in power to account.



Content Warning: The following case note includes poter murder, the deaths of children and SIDS. Teachers and st		
Table of Contents		
Introduction 1	The Story of Kathleen Folbigg	
Cose Summory	A Treatment Evenus From 1867 - 2023	
Bockground Facts	and a second second	
Analysis 3	tories and strategicter	
Application of ROL Principles		
Conclusion	stain	
	Contraction and and	
Introduction	Alarma Viando ta	
Introduction	manan - Tradition	
Once labelled Australia's "most hated woman"	TAXABLE INCOME.	
and "wont female serial killer", Kathleen Folbigg	And	
(Folbigg') was unconditionally pardoned by	And	
Governor Margaret Beazely and released from	and strength and s	
prison on June 5,2023, following 20 years in jail.	0.000	
She was exonerated and her convictions quashed		
by the Criminal Court of Appeal on December 14,	40	
2023.	The second secon	
in 2003. Folbing was found guilty of killing her 4	And A	
in 2003, Foldings was found guilty of kining her 4 young children – Caleb, Patrick, Sarah, and Laura	Annal Street and Annal	
- over a period of 10 years. This case note will	and the second	
analyse elements of the investigation, coronial	Parme and American	
inguests and murder trial, including the	and a second sec	
successive appeals and judicial inquiries into her	" manufacture"	
conviction. It is recommended that this resource		
is read alongside the timeling and the document	And Address of the Address of the	
containing a comprehensive procedural history	and the second second	
and analysis of some of the evidence presented.	THE REAL PROPERTY.	
All documents are available in PDF format can be	Constituted in Constitution	
found on our website at	tente A tenter	
https://www.ruleoflaw.org.au/case-	distant and a second se	
studies/crime/kathleen-folbigg/	1000000 O 0000	

#### **CASE NOTES**

Case studies look at recent Australian cases and laws from a rule of law perspective. In 2024, we released new case notes on High Court Cases NZYQ and YBFZ.

Case notes were also prepared for Criminal cases including Chris Dawson, Keli Lane update and Kathleen Folbigg.

### HUMAN RIGHTS ACT?

Other express and clear protection of right A clear and writed human rights humans generated from Alastralian values may incomclarity, expressing, individuals to advectate in their rights. This could remark the advectation correct system and endpeaks the colours mapped for rights in the community and the ard government.

Increased public introvindge about rights will increase accessibility The darty provided by a written, legislator framwork stability public advantation an syndpactors that can be issue known by verysis protections that can be issue known by verysis proble. Individuals may therefores be able to better understand and access their rights.

Creates enforceable guidalities for the protection of rights and will be reputed to a sign of human pipels and will be reputed to a sign of human pipels and will be reputed to an of remaining the accounted by of the Australian procedured measure could provide legisly enforceable remeates for branches, it will also enforceable remeates the function, it will also enter to sign Antonia's lease and policies with the international human rights convolutions is bemaking and reflect.

Sights become positive in a legal sense Mast rights are framed in registrice language that probable actions. Legislative receiption of rights mables rights to be granted to individual by the parameterist, making them positive in nation. This may inforce andiristanting of rights.

Changes our system of democracy Australia current system has strong protections for many rights that other accurates with 10% of Rights do not. A fill all Rights may allow that system and the bracks are abations that have accurately provided Presiden and property in Australia. In addition, if has been questioned if these Solara and Earthcreek the Sava a Charter of Rights have are batter human gript protections.

An embedded legislative framework will change who decides when rights conflict legislation requires interpretation by Julges, and anner woldwals and andientor hy honores responsible for the final decident is treating acids policy will reading congress dopted acids conflicting rights. The creates a call of the Julicius becomes policies. In a test, Tall or the Julicius becomes policies.

Legislation evolves at a slower rate than human rights Bocause rights are a reflection of societal values, there can be diverse optimes about and rights righted the values and neak of a community Legislative intersements can be also to charge, with reform reging basely on the support of the government of the day.

Legislative recognition can serve to limit or right to only those specified Under our democracy and the rules of the Australians are then to do anything terms expressly provided by law. Initing stown right and francisma, staks featuring a custom the inverte the principles Law was have no right

n and a summary video of both arguments from the Australian Human Right oner, go to https://www.ruleaflow.org.ai/education/human-rights/

#### **EXPLAINERS**

Explainers provide teachers and students with curriculum aligned digestible content. In 2024, we released explainers on Continuing Detention Orders, Relationship between Human Rights and the Rule of Law, Economic Growth and the Rule of Law, Human Rights Act, International Treaty Bodies, Sovereignty, Sovereign Citizens, Indigenous and the Law in the Penal Colony, Use of Evidence, Bail updates and protection of Human Rights in Australia.





### EDUCATION VIDEOS

### creating videos for use in the classroom



#### YOUTUBE CHANNEL

Rule of Law Legal Studies



Staff at the Rule of Law Education Centre had the opportunity to interview: United States Court of Appeal of Sixth Circuit Judge Thapar, Australian Human Rights Commissioner Lorraine Finlay and Walter Sofronoff KC. These videos were then used to create videos for our YouTube channel.



views









A selection of new videos made in 2024

The most popular videos on the Rule of Law Legal Studies Youtube channel are:

- Magna Carta: The Foundation of the Rule of Law in Australia
- What is the Rule of Law?
- What would happen without Checks and Balances?
- Checks and Balances on Government Power
- Presumption of Innocence
- Law Day Out Series
- Eureka Stockade Audio Reading
- Why do we need Bicameral Parliament

### delivering materials straight to teachers





Facebook followers





### LECTURES

#### ROBIN SPEED MEMORIAL LECTURE SPEAKER: MR SOFRONOFF KC



Malcom Stewart, Senior Vice President

In his address, Mr Sofronoff KC questioned the place of the Rule of Law within human nature. He said:

"I am glad in this country we take for granted the Rule of Law because it meant it is well established. It is not a life or death matter. Pretty much everyone in this country assumes its existence, believes in it and expects others to believe in it. Most do not know the details of it or even that it has a name. Why has this idea arisen in human existence? Why did this idea arise?"



Mr Walter Sofronoff KC with President, Margaret Cunneen SC





Justine Hanks Education Manager The Rule of Law Education Centre



Justine Hanks, Education Manager presented to Legal Studies Teachers Teachers Registered

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### CURRICULUM REFORM

ensuring Australian curriculum includes explicit and compulsory content on key civics learning areas



#### NSW HISTORY CURRICULUM

The NSW Education Standards Authority responded to feedback given by the Rule of Law Education Centre and included compulsory and explicit material on civics and citizenship in the NSW History Curriculum.

Matters Inquiry into Civic Education

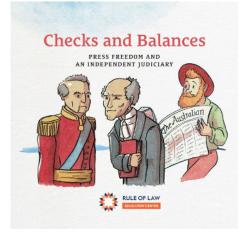
NSW secondary students will now learn the features of the Australian Constitution, the Supreme Court of NSW and the legacy of Sir Francis Forbes and the significance of the signing of the Magna Carta in 1215 and how it limited the power of the monarchy.

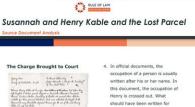
#### NSW LEGAL STUDIES ADVISORY PANEL

The Rule of Law Education Centre Advisory Panel was established to provide feedback on the Legal Studies Draft Curriculum from a rule of law perspective.

Members of the Panel include Lorraine Finlay (Australian Human Rights Commissioner); Judge T Anderson (NSW District Court); Deputy Chief Magistrate Tsavdaridis (NSW Local Court); Michael Quinlan (Notre Dame University); Chris Merritt and Justine Hanks.

## **AUSTRALIAN HISTORY**







#### **CASE METHOD Discussion Questions**

Sudds and Thompon: Free Press and an Independent Judiciary





- What was the management of the New So Wales' British colony like before Governor Dar
- effectively? • Do you think bringing in Ralph Darling as th
- governor will be a wise decision on the part of the British government? Why or why not? • What were the main issues faced by Governme
- Darling when he arrived at the New South Wales colony? What are some possible solutions to these

#### Poge. 12-14

- What stops due to build on a poper penal colony?
  Do you agree with these measures? Why or why
  not?
  What is distinctive about Governor Darling in terms
- you think these qualities will make him an effective governor? Why or why not? • What does it mean for the Governor's word to have
- this? How might checks and balances mitigate an potential issues? • What changes could be implemented to enhance
  - e fairness of the legal system?

B Rule of Law Education Cardina 2

William Werkworth William Werkworth Britters Sofik and Directors S

- What ensubled from the 1823 NSW Act? Which specific institutions did it establish? Why did these changes need to occur?
  What is meant by separation of power? and how does it trup an excensive concentration of power?
  Why are checks and balances beneficial mechanisms to limiting the Governor's power?
- Why does the coverner's power need to be 'checked' or limited? Poge. 17-18 What is distinctive about Chief Justice Francis Forbes? Do you think his view on the law will be the
- same or different to that of Governor Darling? How so? What is forbes' role as Chief Justice of the Supreme Court? Do you think this role is in tension with the role of Governor Darling?
- Poge. 19-23 # only positive comments on Governor Durit administration are allowed in the press, what or be some consequences? How does a free press serve as a check governmenta/Dering's power? Do you think beneficial to have a free press?
  - beneficial to have a free press? Why is it beneficial for there to be freedom of pre and for newspapers (like "the Australian") to able to write openly about government actio (even if negatively()?

## using the lessons of Australian history to value democratic and legal principles

The Rule of Law Education Centre uses the "Case Method", originally developed by Harvard Business School to teach about government and laws. The Case Method is an innovative teaching approach that utilises decision-making to immerse students in real historical dilemmas from the past.

The approach fosters critical thinking and facilitates student engagement in civil debate. It further provides historical distance – enabling students to safely practice political conversation without politicising the classroom.

Students use the Rule of Law Education Storybooks (Checks and Balances: Press Freedom and an Independent Judiciary and the Lost Parcel) and Resources to set the scene for the class by orientating students to the historical context, key issues and personalities.

Students locate evidence by referring to the source document (known as an 'Exhibit'). Exhibits reflects the information available to decision-makers at the time, allowing students to consider what they would have done if they were key figures from the past.

# COMMENTARY

### **SKY NEWS CHANNEL**

12/2/24: Sharri Markson show on Lisa Wilkinson defamation 13/2/24: Peta Credlin show on criteria for judicial appointment 5/3/24: Chris Kenny show on Bruce Lehrmann 6/3/24: Danica De Georgio show on Brittany Higgins 10/3/24: Panel debate on anti-protest laws 18/3/24: Sharri Markson show on NZYQ High Court decision 1/4/24: Sharri Markson show on Heston Russell defamation case 2/4/24: Peter Stefanovic show on Bruce Lehrmann case 3/4/24: Peta Credlin show on Bruce Lehrmann case 4/4/24: Sharri Markson show on Bruce Lehrmann case 5/4/24: Peter Stefanovic show on Walter Sofronoff report 15/4/24: Sky news on Bruce Lehrmann judgement 18/4/24: Peta Credlin show on Brittany Higgins payout 21/4/24: Outsiders show on Bruce Lehrmann v Network Ten 10/5/24: Danica De Georgio show on High Court decision 14/5/24: Peta Credlin on Bruce Lehrmann defamation case 26/7/24: Tom Connell show on Gladys Berejiklian judgement 6/8/24: Andrew Bolt show 9/8/24: James McPherson show 22/8/24: Sharri Markson show on Linda Reynolds defamation 23/8/24: Danica De Georgio show on Linda Reynolds case 26/8/24: Peta Credlin show on Tickle v Giggle defamation case 2/9/24: Peta Credlin show on Tickle v Giggle 6/9/24: Danica De Georgio show on Linda Reynolds defamation case

### INSIDE

The Linda Reynolds and Brittany Higgins dispute is about two conflicting and irreconcilable narratives. Money comes a far second to the goal of using the courts to shape reality. CHRIS MERRITT P2

#### RADIO 2CC CANBERRA

20/5/24: Radio interview

### **ADH TV ONLINE**

22/3/24: Interview with Fred Pawle 24/4/24: Interview with Fred Pawle on National Anti-Corruption Commission and the payout to Brittany Higgins

### RADIO

15/3/24: Radio interview with Ben Fordham 26/4/24: Radio interview on Elon Musk and online censorship

#### **AUSTRALIAN NEWSPAPER**

12-December-2024 We must defend Eureka legacy of a fair go for all 29-November-2024 International Criminal Court, a political body that exceeds its jurisdiction 22-November-2024 Australia shouldn't leave ICC because it's anti-Israel, but we can't trust its rigour 21-November-2024 Michelle Rowland unrelenting in assault on free speech 14-November-2024 ICAC in NSW taking years to prepare cases doesn't stack up 14-November-2024 Time for a reckoning over ICAC's Doyles Creek Mining injustice 07-November-2024 This was bad law, enacted in panic' 01-November-2024 ICAC must prioritise the justice system's needs 31-October-2024 Anthony Albanese should be thankful he's the PM and not NSW premier 24-October-2024 Memo to Lidia Thorpe: the colonial era is dead and gone 04-October-2024 Our authorities inept at quelling hatred and bigotry 03-October-2024 Team Terror must face force of law 27-September-2024 Online misinformation bill opens a Pandora's box 20-September-2024 Former public servant Renee Leon wrongfully pursued in Robodebt witch hunt 13-September-2024 New federal hate-speech laws set the benchmark 06-September-2024 Government must play by the rules in mining 29-August-2024 Sovereign Indigenous nations 'is an Australian myth' 22-August-2024 US judge a potential Supreme Court Trump card 16-August-2024 All that's wrong with Labor's approach to human rights and religious freedom 09-August-2024 Best of intentions must not affect right to a fair trial 01-August-2024 Justice Julie Ward's voice for Gladys Berejiklian not enough to shackle ICAC 25-July-2024 Determining truth not the role of the government 19-July-2024 Nation awaits essential defamation law reform for digital age 17-July-2024 Trump v US Shows some should be above the law (Malcolm Stewart) 05-July-2024 Others have Charter but that doesn't make it right 21-June-2024 Sofronoff Slams Creep of politics into courtroom 06-June-2024 ICAC failures glaring but still no reparations 31-May-2024 Why a charter of rights is the wrong approach 23-May-2024 Balancing law and press freedom an ongoing battle 16-May-2024 Sofronoff faces unequal application of the law 10-May-2024 Our racial violence laws are not fit for purpose 02-May-2024 Australia's global pretension a flaw in the Online Safety Act 25-April-2024 Where to draw the line on freedom of speech 19-April-2024 Corruption Commission should examine Brittany Higgins payout 15-April-2024 Ten's hollow victory no vindication of 'shambolic' trial by media 11-April-2024 Proposed Restrictions are a direct attack on schools religious freedoms 05-April-2024 Breach of confidence on trial in Lehrmann case 31-March-2024 Chris Minns fails to address previous injustice on NuCoal 22-March-2024 Government should test limits of detention laws 19-March-2024 Clare O'Neil and Anthony Albanese face more trouble on detainees 15-March-2024 Ruling helps keep the road clear for protesters 08-March-2024 ICAC's extraordinary powers must be curbed 06-March-2024 When narratives collide, the wash-up is never pretty. Higgins vs Reynolds 29-February-2024 NSW curriculum fails test on civics education 23-February-2024 Law protects everyone, not just the loudest 16-February-2024 Diversity must be irrelevant when selecting judges 08-February-2024 Champion of Justice Legal answer for incitement to violence not hard 08-February-2024 01-February-2024 Kenneth Hayne the unlikely revolutionary 26-January-2024 Inquiry hamstrung by poor terms of reference 19-January-2024 Government must obey the model litigant rules 04-January-2024 Compo for communists while Aussies go begging

## **STAKEHOLDERS**

### engaging with stakeholders in the Courts and Schools



### PROTECTOR OF THE LAW

Deputy Chief Magistrate Tsavdaridis The Board of the Rule of Law Education Centre recognised the exceptional efforts of His Honour Deputy Chief Magistrate Theo Tsavdaridis for his enthusiasm, support and dedication to open justice and legal education in support of the rule of law.

His Honour has made a significant contribution of time to the schools attending the Courts this year, has assisted greatly to the facilitation of the program and also to the professional development and support that we provide to Legal Studies teachers in NSW, and across other states of Australia.

#### LEGAL STUDIES TEACHERS CONFERENCES

Staff at the Rule of Law Education Centre attended Teacher Conferences around Australia including those run by the Victorian Commercial Teachers Association, the NSW Legal Studies Association, Australian Economics and Business Educators.

In addition to Trade Exhibits at the Conferences, the Rule of Law Education Centre assists conference organisers source speakers for their events.



NSW Legal Studies Association Workshop

### FINANCIAL HIGHLIGHTS

The Rule of Law Education Centre has a significant national impact for its modest budget of around \$500,000.

The Centre relies on probono support rather than Government Funding which enables it to be independent of government and free to hold the Executive to account.

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





Donations





Expenses





**Staffing Costs** 



#### **INCOME STATEMENTS**

The Rule of Law Education Centre creates resources that are free to download on the website, YouTube channel and social media. Posters packs are also mailed out to teacher members.

Income is received from the Law Day Out Court Excursions. Schools pay an amount for the excursion depending upon their size, with discounts given to lower socio economic schools. The income received does not fully cover the cost of running the Law Day Out Excursion.

The Law Day Out Court Excursion program also heavily relies on pro-bono time from Judicial Officers of the District and Local Courts, as well as volunteers from the UTS Justice Brennan Project.

90% of income is spent on Employment costs. The Rule of Law Education Centre's staff are all part-time and include: Sally Layson (CEO) Chris Merritt (Legal Commentator) Justine Hanks (Education Manager) Jasmine Graham (Paralegal) Katherine Layson (Paralegal) Tom Jordan (Facilitator/Educator) Isabelle Taylor (Paralegal) William Orr (Facilitator) Holly Layson (Facilitator) Jess Speed (Facilitator/Educator) Gayelene Townsend (Bookkeeper)



#### Income

Total Expenses	\$494,400
Administration Costs	\$18,065
Events	\$21,055
Employment/ Consultants	\$444,108
Education Program Costs	\$11,172
Expenses	
Total Income	\$499,817
Book Sales	\$2,502
Education Programs	\$14,625
Donations	\$482,690

#### **Net Profit**

\$5,417



## **SUPPORT US**

## *Help us shape the next generation of Australian students to protect our freedoms.*

Teachers want to teach Civics (ie laws, government and democracy) content. They also want to respectfully discuss current issues, but they often do not have a basic understanding themselves and need help to teach current issues without 'getting into trouble.'

The Rule of Law informed competition aims to fill this gap – but we need your support to get this program in schools around Australia.

Your **Gift deductible donation** will assist us in providing our programs to more young people across Australia.

Please email info@ruleoflaw.org.au if you have any questions.



Email/

info@ruleoflaw.org.au

Website/

www.ruleoflaw.org.au www.ruleoflawaustralia.com.au

