



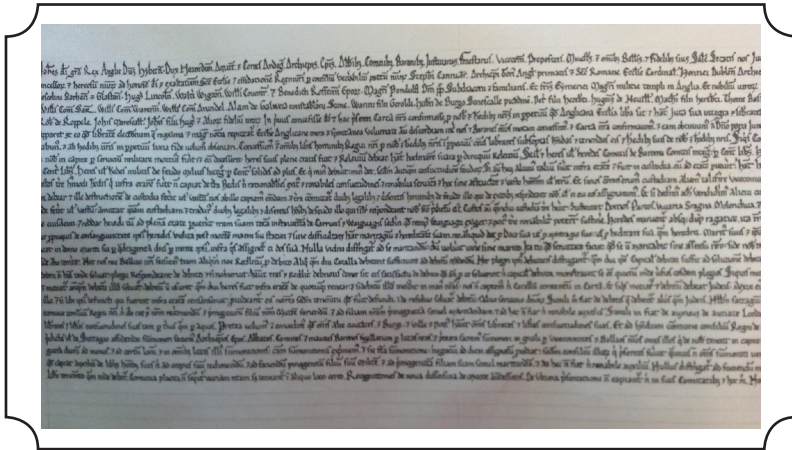
# Magna Carta Coordinating Committee Newsletter



Issue 01 - November 2014

## Recreating the 1215 Magna Carta in Australia

Work has begun on writing the latest edition of the original 1215 Magna Carta. This photograph is a small portion of the document being produced:



Margaret Layson has begun work on the world's latest edition of the original 1215 Magna Carta. She said:

*"It is a real thrill to work on the 1215 Magna Carta and to get into the mind of the scribe who wrote it 800 years ago".*

- Margaret Layson

Using a quill taken from a goose, Margaret is writing by hand the Medieval Latin on a piece of parchment from the UK. The parchment used, treated animal skin, is exactly the same material used in 1215, which will last much longer than paper, hopefully for another 800 years!

Each scribe had his own individual style and abbreviations. The Salisbury edition of the Magna Carta from which she is writing this edition was written by the one person. It is not known whether the scribe was chained to his desk, as was the fate of many scribes until they had finished their work. Margaret says she plans to finish this edition by Christmas without being chained.





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## Magna Carta: Its Contemporary Relevance

Nicholas Cowdery AM QC

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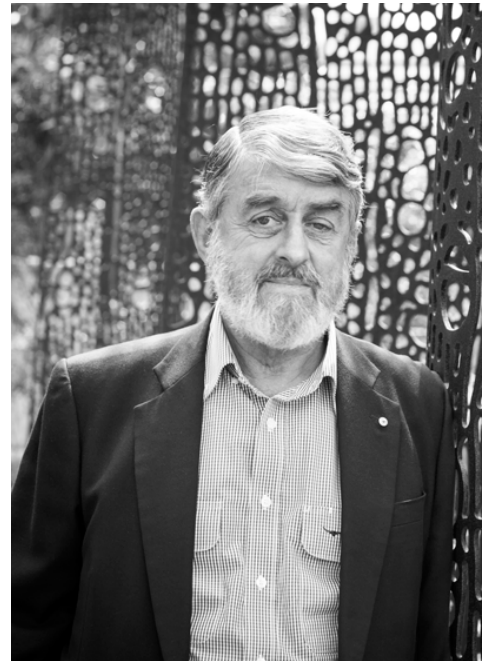
All educated persons think they know what the Magna Carta is and why it is important to our lives – but it is always helpful to stop and think about objects that have passed into legend and that have acquired value that the originators could never have foreseen.

We all do know that a document was sealed at Runnymede (on the River Thames between Windsor and Staines) on 15 June 1215, almost 800 years ago. But it is worth considering just what were the principles behind it, what was the symbolism of the event that endures today and to what use has the document been put in the intervening centuries? Why is it relevant to us in Australia in the 21st Century?

A much longer article is needed to properly explore those questions, but the contemporary relevance of the Magna Carta may be summarised in the following way.

The principles that underlie its existence (as an icon, regardless of the detail of the various texts) remain of value and importance to any country professing to operate under the rule of law. Those principles include:

- continuation of basic law – of a framework for order and peace fashioned by and from the people – upon which contemporary laws are made and rest and which is innate and inalienable;
- the triumph of liberties over tyranny;
- the rule of law itself – that no one is above the law, no matter how powerful, even a monarch;
- the value of democratic processes in the government of the people;
- the value of the separation of powers;
- independence and professional competence of the judiciary;



- equality before the law and due process;
- “no taxation without representation”;
- freedom from arbitrary punishment.

It is possible to demonstrate the provenance of those principles in the development of the texts of the various Great Charters, the most commonly cited version being from 1297.

Sir Gerard Brennan, former Chief Justice of Australia, has said that the Magna Carta has lived in the hearts and minds of Australian people, its message having been brought with the first English settlers.

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 the spirit of a society in which tolerance and democracy reside. In the English common law system, it is the touchstone of the rule of law.

Governments everywhere would do well to heed its messages that remain relevant today.



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## NSW History Council Symposium

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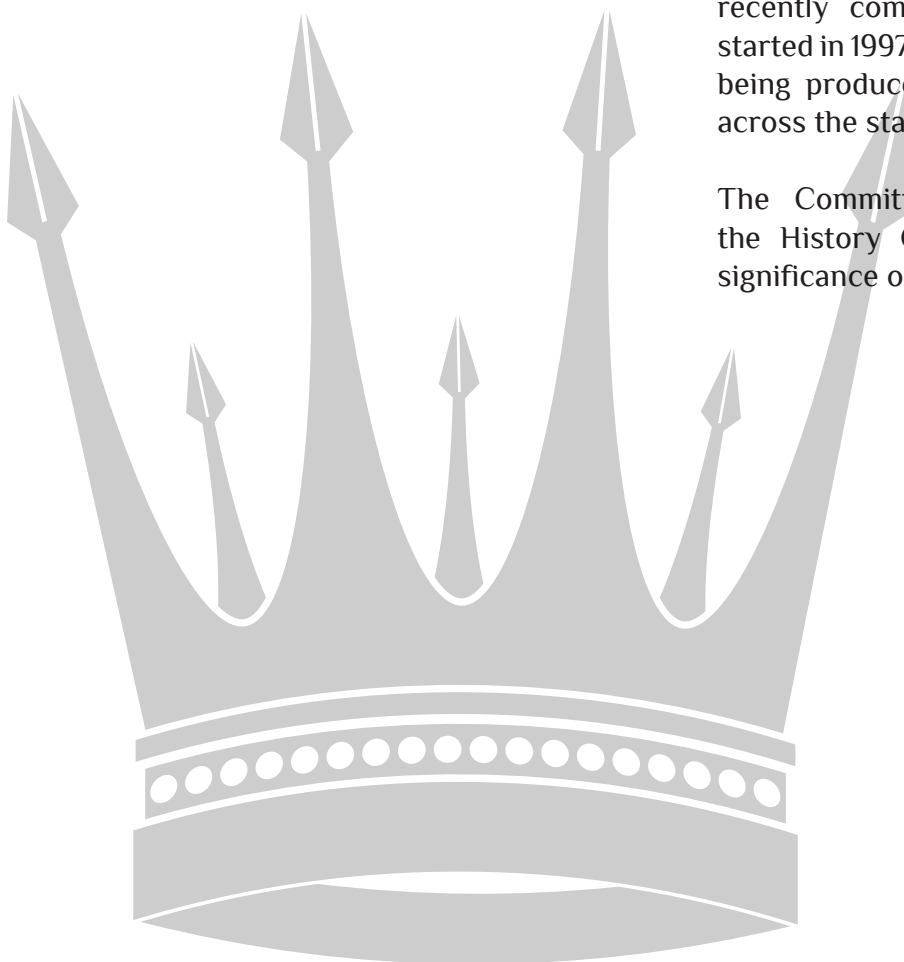
The History Council of NSW and the Rule of Law Institute of Australia will hold a symposium on the Magna Carta at the State Library in Sydney on 13 May 2015.

Professor David Clark, Andrew Tink and the Clerk of the Senate, Rosemary Laing, have agreed to give papers. And in addition Professor Nick Cowdery will also present a paper.

There are expected to be six speakers in all. Each will give a paper of about 30 minutes with a panel discussion at the end of the day.

The History Council of NSW is the peak body in the State for historical organisations and people interested and concerned about the past. It has recently completed History Week, an initiative started in 1997 to showcase the rich, diverse history being produced by organisations and individuals across the state.

The Committee is delighted to partner with the History Council to celebrate the historical significance of the Magna Carta today.





## Professor Brand Giving Lectures in Sydney and Canberra

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Professor Brand has agreed to come to Australia and deliver lectures in Canberra and Sydney on the Magna Carta.

The RoLIA has invited him to deliver the Australian Academy of Law's annual Patron's Address in Sydney on 18 May 2015 in the Ceremonial Federal Court.

The High Court of Australia has also invited Professor Brand to deliver a lecture on 13 May 2015 at the High Court entitled "*Magna Carta and the development of the common law.*"

Professor Brand is an Emeritus Fellow at All Souls College, Oxford. He is a Professor of English Legal History at the University of Oxford and a Senior Research Fellow of All Souls College, Oxford. He works on English medieval legal history and has written monographs on the *The Origins of the English legal profession* (1992) and on *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth Century England* (2003) as well as editing four volumes of *The Earliest English Law Reports* and the two earliest volumes of *The Parliament Rolls of Medieval England*.



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## Independence of the Judiciary Conference at the University of Queensland

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The Rule of Law Institute of Australia is very pleased to announce that it will be the sponsor of a conference on the topic of “Judicial Independence in Australia: Contemporary Challenges, Future Directions” to be held in the TC Beirne School of Law, University of Queensland on 10-11 July 2015.

The independence of the judiciary in Australia is of the utmost importance and is fundamental to the rule of law. We often take the independence for granted but it faces contemporary challenges which will be addressed in this conference. The Magna Carta dealt with this in a practical way providing:

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

Sir Anthony Mason AC KBE, former Chief Justice of the High Court of Australia, will be delivering the conference’s keynote address on 10 July 2015.

Confirmed speakers to date include John Williams, George Williams, Suri Ratnapala, Fiona Wheeler, Andrew Lynch, James Stellios, Patrick Emerton and Gabrielle Appleby.

See <http://www.law.uq.edu.au/judicial-independence> for more information and to register.







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## £20000 Grant for Legacy of Magna Carta: An Exploration of Fundamental Liberties

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**T**he UK Magna Carta Trust has awarded the Magna Carta Committee £20,000.

The award will be used to develop a website entitled “The Legacy of Magna Carta and fundamental liberties” and to make educational material available within Australia and to other countries of the Commonwealth.

The Legacy of Magna Carta website will explore fundamental liberties of the individual as they exist in selected Commonwealth countries today. It will be a resource for teachers and students to learn about individual liberties, legal institutions and events that enshrine the legacy of Magna Carta.

The website will include online interactives and downloadable print resources for secondary students (aged 12 – 18) who participate in legal or civics courses as part of their studies. Exploration of fundamental principles of legality such as checks and balances on the power of government, and the relationship between the rule of law, democracy and liberties will highlight the importance of Magna Carta in contemporary discussions about liberty.

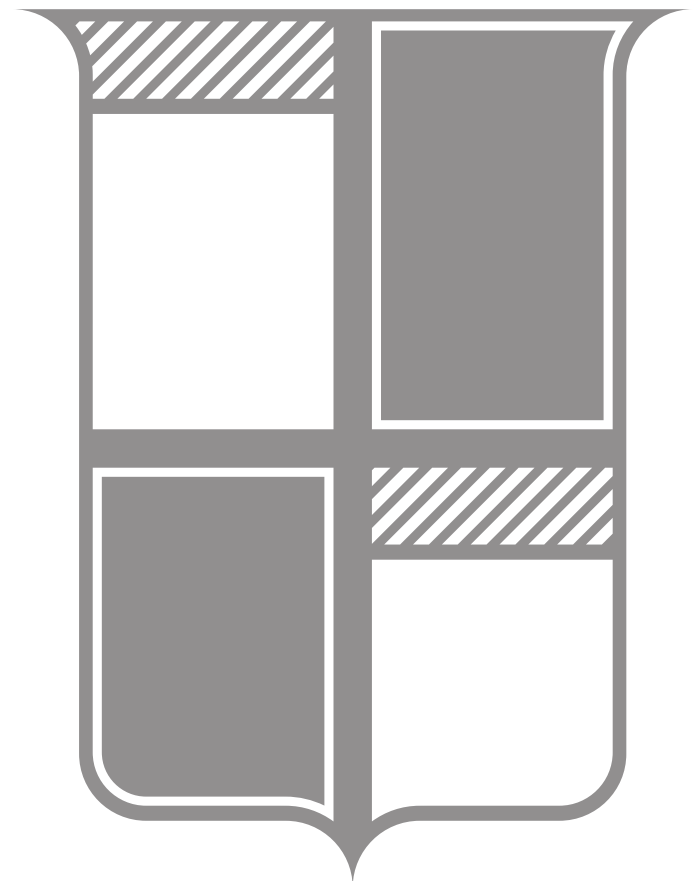
The first two countries to be examined will be Australia and Fiji.

For over 200 years the Charter has been part of the Australian psyche and is a fundamental reason our society has had no civil wars or serious civil unrest, with dissent and individual freedoms accommodated peacefully.

Fiji, an island nation in the South Pacific, which became independent from the United Kingdom in 1970, has recently been readmitted as a full member of the Commonwealth after a period of undemocratic military rule. The constitutional framework for liberty in Fiji and its recent democratic elections are a fascinating study in the workings of government, the rule of law and liberty.

Resources for a further two Commonwealth countries will be made available mid-2015.

A portal with links to Magna Carta education materials from a range of cultural institutions will also link teachers and students to the wealth of information already available.







[www.magnacarta.org.au](http://www.magnacarta.org.au)