

Welcome

Rosemary Laing and Nicholas Cowdery

Rosemary Laing — Ladies and gentlemen, distinguished guests, thank you very much for coming today. It is a great crowd. In welcoming you I would like to acknowledge the traditional custodians of the land where we meet and pay respect to all Indigenous elders past and present.

Can I say at the outset that the President of the Senate, Senator the Hon. Stephen Parry, sends his apologies for not being able to be here this morning. Unfortunately urgent matters intervened.

This year we cannot have escaped the fact that it is the 800th anniversary of the sealing of Magna Carta in 1215 by King John of England. The Parliament of Australia is proud to be the custodian of one of only four surviving copies of the 1297 exemplification of Magna Carta and one of only two thirteenth-century copies held outside the United Kingdom.

The Parliament's acquisition of its Magna Carta in 1952 was the result of a rather unlikely and quite fortuitous alignment of events involving a determined and energetic Parliamentary Librarian seeking to build a national collection; a Magna Carta from the county of Surrey separated from its companion documents, which were later destined for the British Library; an impoverished Somerset private school seeking to capitalise on an unexplained Magna Carta that it found in its midst; a warm regard for Australia in post-World War II Britain and, at the time, much looser export controls than exist now; and an Australian prime minister willing to make £12,500 sterling available from his own department to purchase the manuscript for the nation.

Once Magna Carta arrived in Australia, it was housed in an argon-gassed enclosure built by the CSIRO. It was state of the art technology for the time and it has lasted well. It is still in that original casing with the original argon gas. It was then put on more or less permanent display in King's Hall in Old Parliament House from 1961.

Magna Carta soon became a parliamentary fixture. Critics of the purchase suddenly became defenders. Claims by the National Library to ownership were fended off and Magna Carta was committed to the care and responsibility of the Presiding Officers of Parliament in 2005.

There is much about Magna Carta to capture the imagination of those who have inhabited this building. Prime Minister Menzies declared it 'one of the great documents of our history' and marvelled that it could be 'how old and yet how

modern'.¹ Leader of the Opposition, the Hon. Bert Evatt said it was 'a priceless possession' that embodied the rule of liberty under law and 'the hatred of arbitrary government or despotism'.²

Former Clerk of the Senate, the late Harry Evans, wrote of Magna Carta that 'all written constitutions, including our own, and all declarations of rights, are its descendants'.³ Sir Kenneth Anderson said in 1968, 'Parliament is the most precious thing in our way of life and it stems initially from the Magna Carta'.⁴

This might not literally be true, with many finding that the antecedents of parliament lie elsewhere in assemblies of magnates and high churchmen from Anglo-Saxon times, but there is much in Magna Carta for modern parliamentarians to ponder, including that the levying of taxes by rulers requires the consent of the realm and the need for avenues for the redress of grievances—functions that the parliament continues to perform today.

Former President of the Senate the Hon. Sir Alister McMullin and Speaker of the House the Hon. John McLeay, wrote in 1959, remarking that, in tracing the evolution of a thousand years of parliamentary government:

one will find the emphasis remains always on one clear principle, namely, that of the Monarch acting with counsel and consent. In its more modern form, that great principle is epitomized in the immortal words of Abraham Lincoln—"government of the people, by the people, for the people".⁵

In today's symposium we consider Magna Carta's journey through the centuries and what it means to us in modern Australia. Does it deserve awe and reverence? Are there grounds for the lofty ideals attributed to it? What does it mean for the law, the parliament and the executive? How has it appeared in print, in translation, in visual representation and in the popular imagination? We will cover all this today.

Today's symposium on Magna Carta is the final public event in the Parliament's year-long celebration of this very important document. It is also the result of collaboration between the Department of the Senate and the Rule of Law Institute of Australia. I would like to thank Nicholas Cowdery, Robin Speed and Richard Gilbert for their very generous assistance in arranging today's symposium. The colourful Magna Carta banners around the room are also the work of the Rule of Law Institute and I encourage you all to take a closer look.

1 Commonwealth, *Parliamentary debates*, House of Representatives, 19 August 1952, p. 382 (Mr Menzies).

2 *ibid.*, (Dr Evatt).

3 Harry Evans, 'Bad King John and the Australian Constitution: commemorating the 700th anniversary of the 1297 issue of Magna Carta', *Papers on Parliament*, no. 31, June 1998, p. 51.

4 Commonwealth, *Parliamentary debates*, Senate, 27 November 1968, p. 2452.

5 Foreword to *An Introduction to the Australian Federal Parliament*, Angus & Robertson, Sydney, 1959.

I would now like to hand over to Nicholas Cowdery, chair of the Magna Carta Committee of the Rule of Law Institute of Australia, to also say a few words to get us going this morning.

Nicholas Cowdery — Ladies and gentlemen, distinguished guests, it is my pleasure also to welcome you to today’s symposium. In this Magna Carta anniversary year it has been my privilege to serve as chair of the Magna Carta Committee of the Rule of Law Institute of Australia, of which I am also a board member. The institute, founded in 2009, is the only national body of its kind. It is an independent, politically non-partisan, not-for-profit association formed to uphold the rule of law in Australia. It aims to promote discussion and understanding of the importance of the principles which underpin the rule of law by engaging with the community and with government. It operates a very active website, comments on bills before Parliament, writes media articles and reports, holds an annual conference on current rule of law issues and provides speakers at other conferences and meetings. I acknowledge the presence here of two pivotal players in the institute’s development, Robin Speed and Richard Gilbert.

Importantly, the institute operates education programs in schools, principally in New South Wales and Queensland, but occasionally elsewhere. It pursues initiatives to provide school and university students with an understanding of the importance of rule of law principles and how they relate to contemporary issues. It employs three full-time qualified teachers for these purposes.

With the 800th anniversary of the Magna Carta of 1215, well at least 800 years of the idea of Magna Carta, the institute saw a crucial opportunity to reinforce those principles through the celebration of the events of that year and their legacy through the ages in so many parts of the world. It has featured prominently in our education programs this year and the institute’s teachers have been speaking about the importance of ideas from Magna Carta in schools throughout the states that we have contacted and there are few legal studies classrooms that do not now have a poster copy of our Magna Carta hanging on the wall.

We have held and supported many other events throughout the year and it is a great pleasure to be joining with the Department of the Senate to host today’s symposium. The Senate has been an enthusiastic partner in this commemoration year. As an aside, you may also be interested to know that the International Bar Association, which is based in London, is holding three Magna Carta conferences this year, with the next one in a fortnight’s time in São Paulo in Brazil. You can see that the idea of the essential characteristics of a free society, traceable back in many respects to Magna Carta, is an idea that has taken hold in all parts of the globe.

I shall have the pleasure of chairing the morning session of this symposium. There will be four speakers focusing in various ways on Magna Carta and the law. I shall

introduce them in turn as they come to speak. Before I do, I would also like to draw your attention to the exhibition the Rule of Law Institute has displayed. Pay no attention to the quill pen in this one over here. The document in 1215 was never signed by a quill pen or by any other means of course; it was sealed by the king's seal. One of our education officers, Jackie Charles, is here and she will be available to discuss any matters relating to Magna Carta that you might like to raise with her during the breaks in the course of today's proceedings.

You also have a poster provided, left on your seats. It is a copy of a reproduction of the original Salisbury Cathedral Charter of Liberties of 1215, one of the four surviving original 1215 documents. That reproduction was made for the institute by a very talented calligrapher in Sydney, Mrs Margaret Layson, who has had the hobby of calligraphy throughout her life. She is a lady in her eighties now. She was a professional engineer and I understand the first female engineer to serve on an oil rig in the North Sea—a very interesting connection between her professional occupation and her hobby of calligraphy. Late last year she made the reproduction of the Salisbury Cathedral document in the same size and an identical reproduction. That reproduction is presently on display in the Supreme Court of Victoria in Melbourne until the end of this month. It has been travelling around to various places for people to see.

You will see from the poster that you have that there are many lines of medieval Latin script with many abbreviations in the words that are contained in it. Mrs Layson, I am told, was able to do three lines at a sitting on a table in her garage in Sydney and it took her about 40 minutes to do a line. So a lot of work and a lot of care has gone into the reproduction. The posters that have been taken from that reproduction have some of the chapters highlighted with a short commentary at the bottom to emphasise the important ones for you. Jackie will have additional posters for you if you would like to take some extras away to give to other people.

With that introduction, it is now my great pleasure to welcome the Assistant Minister for Multicultural Affairs, Senator the Hon. Concetta Fierravanti-Wells, to deliver the keynote address this morning. I am going to tell you something about the senator that she does not want me to tell you, so she will no doubt be squirming as I do this. We learnt just as we were beginning this morning that when she was performing in a school play which related to the Magna Carta she played one of the barons. Senator, the floor is yours.