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## MEDIA RELEASE

### **Rule of Law Association of Australia supports NSW Premier's call for presumption of innocence**

The Rule of Law Association of Australia today welcomed the call (12 Feb 2010) by the Premier of NSW, the Hon Kristina Keneally MLC, for the presumption of innocence principle to become a bi-partisan feature of our parliamentary system. In this regard the Premier extended an invitation for all MPs in the NSW Parliament in their dealings with each other to observe the presumption of innocence and the right for due process.

RoLAA is an independent not-for-profit body formed to uphold the rule of law in Australia. The presumption of innocence is one of the key foundations of good rule of law justice systems.

RoLAA CEO, Richard Gilbert said: 'We support the Premier's call but believe it should be extended to apply to all NSW citizens, not just MPs.'

'In this regard we draw to the Premier's attention to the recent decision (3 Feb 2010) of the High Court in the case of Kirk and the NSW WorkCover Authority where Australians in NSW had been prosecuted for criminal offences they did not commit, denied a fair trial and been found guilty when they were innocent.'

'Specifically, in relation Kirk's case the High Court found that employers were assumed to be guilty unless they proved their innocence (NSW is unique in this regard –other states maintain the presumption of innocence). Worse still, under the NSW legislation the employer in question was not given the basic factual ingredients of what he was criminally charged, and was then called as a witness for the prosecution (a breach of the right to remain silent principle).'

'The High Court has spoken, it is time for the NSW Government and the NSW Parliament to take immediate steps to rectify this fundamental breach of the rule of law,' Mr Gilbert concluded.

For further information please contact Richard Gilbert on 02 92518000.