

THE AUSTRALASIAN COMMERCIAL & ECONOMIC

TEACHERS' ASSOCIATION

CONFERENCE, CANBERRA, 31 AUGUST 1979

LAW IN SCHOOLS

The Hon. Mr. Justice M.D. Kirby
Chairman of the Australian Law Reform Commission

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INTRODUCTION

In the last year or so a great deal of attention has been paid in a number of quarters to community legal education. Concern about human rights, the expanding role of government, the effects of compulsory mass education to an increasingly high level and the improved media of communicating knowledge and information, have all combined to reinforce the call for greater knowledge amongst citizens of the laws by which they are governed.

The curricula of Australian High Schools have for some time included the teaching of aspects of the law. Partly as a reflection of the movement for greater community legal education, the courses available have expanded in recent years, as have the numbers of students studying legal and law-related subjects.

It would be wrong to assume that everyone welcomes these developments. There is recent evidence to the contrary. Early this year, the Tasmanian Government presented legislation to confer on the Tasmanian Law Reform Commission a new and special duty with respect to legal education.

The Bill envisaged conferring on the Commission a power :

"to carry out or arrange to be carried out such education of persons, whether at school or otherwise, in order that the purposes and principles of the law applicable to [Tasmanian] may be easily understood by persons without legal knowledge or experience."

In the Legislative Council, opposition was expressed to this subclause. The government explained that its intention was to introduce a working knowledge of the law in the High School syllabus in Tasmania and to give the State Law Reform Commission a function in that regard. The idea was described as "ludicrous and ridiculous in the extreme" by the Opposition Whip, Mr. Pearsall. As reported in the Hobart Mercury, he said that the teaching of law at schools might encourage young people to take it upon themselves "to be their own lawyers". Their newly found knowledge might get them into "all sorts of trouble" particularly with finance :

"People will get themselves into major contractual dangers with a basic insight into the law. They will walk about thinking they know sufficient about the law and do things themselves".¹

The view expressed by Mr. Pearsall was accepted. The subclause was deleted from the Bill. It is as well to remind ourselves that despite the new enthusiasms for community legal education and increased teaching of law-related subjects at school, doubts persist as to the basic philosophy, wisdom and effectiveness of the endeavour. Nor are these doubts confined to lawyers with a vested professional and economic interest to protect. Mr. Pearsall, for example, is a farmer and contractor.

THE STAGE REACHED : LEGAL STUDIES

New South Wales

Despite the doubts, there has been a significant expansion in the teaching of legal subjects in schools in the last few years. In June 1979, the Australian Legal Education Council, a body formed by the Law Council of Australia and the Australasian Universities' Law Schools' Association, published a first information bulletin. Titled "Legal Studies in Secondary Schools" it surveys the present state of law teaching in Australian schools.² It is not appropriate to repeat the details collected in the review. However, it is useful to describe the main developments.

In New South Wales, the study of commercial and consumer law subjects has been available for some time as part of the subject "commerce". However, it is available only in Years 8, 9 and 10. It is not available as part of the Higher School Certificate for Matriculation.

Recently a number of "other approved studies" were designated, available in Years 11 and 12. They include "Law and Government", "Law and I", "Law in Society". All count as one unit but not towards the student's best ten aggregate marks in the H.S.C.

The most imaginative development is undoubtedly the establishment of the High School Education Law Project (H.E.L.P.) initiated by the Law Foundation of New South Wales. Under Mr. Tjerk Dusseldorp, the project has provided material and courses for teachers. It does not favour the establishment of a special "legal studies" course. Instead, it seeks to give a "legal dimension" to many subjects already being taught, including Commerce, Social Science, Economics and the like. The H.E.L.P. newsletter "Legal Eagle" is distributed in 500 N.S.W. High Schools. Two "Eagle Books" published by C.C.H. Australia Limited ("Jobs and the Law" and "Consumer Protection") are the first in a series and have been well received in N.S.W. and other States.

Victoria

The Victorian Commercial Teachers' Association has played an important part in promoting, developing and supporting courses in Commercial and Legal Studies in Years 11 and 12 in that State. The Year 12 (H.S.C.) course is taught in approximately 240 Secondary Schools. In 1977, there were 7,200 candidates. Only English, a compulsory subject and Biology and Australian History outranked Commercial and Legal Studies in the numbers taking the course. It is estimated that there are about 14,000 Year 11 students in approximately 250 Secondary Schools studying it.

Despite the title, the courses are not confined to Commercial Law. They seek to develop appreciation of law as a social institution by a study of the purposes of law, the authorities that make and enforce it and a knowledge of certain selected areas of the law which are of direct concern to ordinary members of the community. Most teachers have studied law subjects in their B.A. or B.Ec. courses.

Queensland

There is no specific subject "Legal Studies" available in Secondary Schools in Queensland. The position is similar to New South Wales. A number of course topics, generally in Years 8 to 10, include scope for teaching aspects of law. Also at lower levels, there is scope for so-called "school subjects", peculiar to a particular Secondary School. Some of these have included subjects with an emphasis on law. In some non-State schools a Legal Studies unit is taught.

A Parliamentary Select Committee on Education is currently reviewing education in Queensland. It has before it a review of secondary curricula which proposes more elective subjects and greater emphasis on "school subjects" including Australian Law, Commercial Principles, Legal Studies and Police Studies.

South Australia

Commerce is taught to Grades 11 and 12 and includes some study of Commercial Law. There is also a unit on Law in Grade 12 Social Science. The numbers of students taking these courses is quite small.

However, a Legal Studies Curriculum Committee of the Department of Education has proposed a Senior Matriculation Course in Legal Studies. This was part of a wide-ranging report issued in January 1979 proposing expansion of the number of publicly examinable courses.

The same report suggests a course in "Legal Studies" at Year 11 (colourfully described as "Survival Law"). Pilot schemes have been tried and full introduction of the course is expected in 1981. Incorporation of legal topics in lower level Social Studies courses is also envisaged.

Western Australia

Legal and law-related education is a major theme in the teaching of Social Studies. Beginning in Year 1 with Family Rules, the course envisages a comprehensive survey of political and legal institutions to Year 10 when "social issues in Australia" are studied to identify the importance of laws in attempting to overcome human problems in our society.

The Curriculum Branch has also prepared a Year 9 topic titled, simply, "Law". It is part of the Social Studies syllabus. With the aid of the Attorney-General and Law Society of Western Australia, material is expected to be available to schools in 1980 to promote this subject. In a number of pilot schools, H.E.L.P. material has been used.

In 1979 a new course "Law" replaced Commercial Law as a Year 11 and 12 subject. It aims to provide a general knowledge and understanding of the legal system and to outline rights and responsibilities. It is not, however, examined for the purposes of Tertiary admission.

Tasmania

The cause of legal studies received a setback in Tasmania during the debate on the Law Reform Commission Bill 1979, described above. Legal Studies are taught as part of the secondary programme in Social Sciences. This course includes a sub-unit "The Individual and the Law".

Northern Territory of Australia

Each Secondary School in this Territory has its own school-based curriculum. There is no centrally prescribed syllabus. Legal Studies are taught as a separate Year 11 subject in two High Schools in Darwin. But because most students in the Territory sit for South Australian public examinations, and as Legal Studies has not yet been accepted as a Matriculation subject in that State, it tends to be studied by those students who do not propose Tertiary education.

Australian Capital Territory

As in the Northern Territory, there is no central syllabus authority. The Federal Minister for Education, Senator Carrick, has indicated that out of the previous components, as part of a wider study of Economics, Consumer Education, Commerce and Social Science, in the past four years Legal Studies has achieved status as a "separate discipline" in A.C.T. Schools.³ In Years 11 and 12 it is taught in five out of six colleges, at each of which approximately 70 students are studying it. These courses have been approved by the Australian National University for Tertiary entrance purposes. The Minister also indicated that the subject Legal Studies is emerging as a separate teaching discipline in Years 7 to 10. In four of the fifteen High Schools in the Capital Territory, courses in Legal Studies have been implemented.

THE STAGE REACHED : A PHASE OF CONFERENCES.

Australian Institute of Criminology

In April 1979 a seminar on "Legal and Law-Related Education in Australia" was sponsored by the Institute of Criminology in Canberra. Thirty three people interested in legal education in schools took part. The seminar examined eleven topics and was addressed by a number of specialists after the opening by Senator Knight, representing the Commonwealth Attorney-General.

Australian Legal Aid Commission Seminar

In late June 1979 at the Caulfield Institute of Technology a seminar on Community Education was sponsored by the Commonwealth Legal Aid Commission. Over three days, papers were discussed on a wide range of topics. Initiatives already taken were outlined, the reasons for promoting legal education in the community were examined, a number of special concerns were studied and problems of co-ordinating initiatives were then scrutinised.

Many of the topics studied went beyond the theme of this paper. The special difficulties of communicating law and legal rights to low-income groups, migrants, women, aged persons and pensioners, Aborigines, prisoners and other institutionalised people, the handicapped, children and young persons all came in for close examination.

At the end of the conference a number of "action goals" were identified. With the help of computers they were ranked according to the priorities which participants assigned to them. Among those securing a high priority were :

- * Legal Services Commissions in the States should have at least one person to co-ordinate community legal education (C.L.E.) and run a clearing house

- * The Commonwealth Legal Aid Commission (C.L.A.C.) should sponsor a wide-ranging public report on C.L.E. along the lines of the Sackville Report on Law and Poverty in Australia
- * C.L.A.C. should run an open national conference, in an appropriate format, to secure the ideas of special target groups e.g. welfare and ethnically disabled members of the Australian community
- * C.L.A.C. should, in consultation with the Australian Law Reform Commission and the Attorney-General, develop policies regarding the need for and provision of notification of rights and duties, as a regular part of statutory machinery
- * Efforts should be made to develop links between local communities and professional individuals to take part in promoting and teaching C.L.E.
- * The media should be used to demystify laws and to explain the law in ordinary language
- * Funding for communicating basic legal information to society should be sought from relevant interested sources e.g. commerce, hire purchase companies, the banks etc.

Among the general action aims identified by the C.L.A.C. seminar was the suggestion that national and State C.L.E. bodies, when formed, should develop training programmes for persons such as teachers and welfare workers engaged in educating others or in advising citizens as to their rights and duties. Much emphasis was placed upon the preventive role of legal education and the need to bring this factor to attention by cost-benefit analysis.

This Tenth Conference of A.C.E.T.A.

Now, hot on the tail of the C.L.A.C. conference is this Tenth Conference of your Association. There are few in Australian society in a better position to promote the cause of community legal education than you. Teaching legal related subjects in schools is by no means the whole answer to the raising of community awareness about the law and

its institutions. It would be a folly to believe that the legal discipline which takes a life's devoted labour to master, could be accommodated in a High School course or a Junior Social Studies programme. Because a full knowledge and appreciation of substantive law cannot be achieved without most diligent study, it cannot be the target for a realistic programme of community legal education or of legal education in schools. That target must be something else.

WHAT IS IT ALL FOR?

School curricula authorities are under competing pressures to include this or that subject in the school programme. Pressure is applied by those who want to get back to the three Rs. Counterpressure is exerted by those who want to enrich the education experience by reducing the core element and increasing variety, school options and special subjects which are new and modern. It is not surprising, given the federal organisation of our country and the competing pressures I have mentioned, that there is no unanimity about the purposes of legal education in schools. Because there is no unanimity and no common philosophy, competing approaches have emerged. In their paper to the CLAC Conference, M. Sherry and J. McArthur⁴ identify four ways in which law and law-related education is being incorporated into the school curricula in Australia :

- (a) As a separate subject, as in Victoria, "Commercial and Legal Studies"
- (b) As a compulsory but subordinate subject unit. As in one school in the A.C.T.
- (c) As a topic incorporated in more general courses such as Social Studies, Business Studies and the like. This is a common-place but typified in the Western Australian Social Studies Syllabus.
- (d) Incorporated "across the curriculum". Although favoured by many educationalists, this is rarely tried in schools: It is harder to compartmentalise and specialise and would require major reorganisation of traditional education patterns.

Each of these approaches has its own advantages and disadvantages. The special subject gives students a sound grounding in the law and its institutions. But it tends to be elitist and may descend into rote learning of specific legal rules. The compulsory unit gives all students some exposure to the law. But it is piecemeal and tends to divorce law from its social milieu. The incorporated topic is taken by all pupils. But may not be taught in depth because teachers feel uneasy in a discipline which is regarded as the specialty of another profession.

The disagreement about the presentation of legal studies reflects a lack of clarity in identifying the objects of introducing law-related topics into the school curriculum. I would identify four principal objects :

- (i) to demythologise the law, its institutions, officers and practitioners, and to show their relevance to the way we live together peacefully in society;
- (ii) to explain the way in which the law is constantly developing and adapting in the hands of Parliament, the Government, judges and others;
- (iii) to inform people about some at least of the most important and regularly recurring rights and duties that they will have to face as citizens. Many commentators at the CLAC seminar complained of the distortion of perception of rights by United States television programmes. In the United States, unlike Australia, children tend to learn the Bill of Rights at school, if not at their mother's knee. In Australia, we may even rely upon the fact that people do not know their rights and little is done to inform people about them;⁵ and

- (iv) to perceive the law as a means of securing social change and to realise the individual's responsibility to take a part, however small, in the orderly development, modernisation and reform of the law.

These objects reflect, of course, my own interests. Sherry and McArthur list as "fairly compelling reasons" for including legal education in the school curriculum the following considerations:

- * The law regulates the private and business life of a citizen
- * Members of a society need to be aware that society depends upon a structure of legal rules
- * The individual is expected to work through our legal system to protect or assert his rights
- * Law provides a foundation for the improvement of the quality of life
- * Law provides alternative solutions to many of society's problems
- * Early recognition of a legal problem may be aided by legal perceptions
- * If an individual understands the law he will have a greater interest in specific legal and other reforms
- * He will also come to realise that the law cannot solve all society's problems e.g. drugs, drunkenness, vagrancy, the road toll etc.

Other writers say that we should lift our sights from these rather pragmatic justifications of courses in legal studies. According to this view, the business of education includes the generation of ideas. Law is an important and exciting intellectual discipline which is worthy of study in its own right and will help to develop analytical ability.⁶ Another view, precisely to the contrary of the Tasmanian Opposition, is that we should be promoting sufficient knowledge in society that people can solve many legal problems for themselves, without the need for access to lawyers, courts, chamber magistrates, welfare workers or indeed anybody.⁷

Until there is a clear understanding of the target to be aimed at, the mode in which legal subjects are introduced into the school curriculum will continue to be varied. Of course, there is no essential reason why the Victorian specific subject approach should be seen as necessarily alternative to the absorption of law into other school studies. The two approaches can plainly proceed harmoniously together. But if there is an urgency, it seems to me to be that of ensuring that every Australian school child learns something about the law-making process and some of the basic rules with which he must comply (and which he can put to his advantage) in Australian society. I confess that it is hard to justify in logic or morality the rule of law that every man is taken to know the law and is not excused by ignorance of the law, when we do little to bring its most important rules to attention in the classroom. It is not only those who take the special subject of "Legal Studies" who are deemed to know the law and who must comply with it. It is everyone. I applaud the development of special subject programmes. I am glad to see that in Victoria and the Capital Territory, they have been admitted as Matriculation subjects. They will have an obvious place for the student who goes on to professional and clerical employment. But that is not enough. Too long has Legal Studies been the Cinderella of the school programme. Why should it be so? If one is healthy and has chosen the right ancestors, one can go through life without consulting a doctor. If one detests pets, one need never see a vet. More and more people do without an architect, as the evidence of our cities will show. But every day in a multitude of tiny transactions one comes up actually or potentially against the law. Despite the television programmes, I am not speaking only of the criminal law. Two generations of Australian citizens and their children have been nurtured in the belief that the law is a criminal trial, and a murder trial at that. Nothing could be further from the truth. Murder trials would be less than a fraction of one percent of the business of Australian courts. The business of those courts would, in turn, be less than one percent of the legal business of Australian society. The

time has surely come for us to get these things right from the earliest stage in the preparation of children for citizenship. It amazes me that it has taken such a long time for society to accept its obligation to instil in its members, who are deemed to know the law, some minimum knowledge about it. I was myself a victim of this ignorance. Despite an exquisite education in the mysteries of Latin ablative absolutes and the binomial theorem, I entered Law School after fifteen years of education, including two at the University, never having been in an Australian courtroom. Such perceptions as I had of the way my profession-to-be operated was a muddled jumble of Charles Laughton films, and a performance of "Trial by Jury" by unmusical schoolboys.

My experience was typical. Nowadays, it can be updated by society's exposure to Perry Mason and like electronic forensics. The myths and mysteries of the law tend to be reinforced by the lawyer's reticence. Judges and administrators are unable because of their office to explain their daily tasks. Courtrooms are rarely filmed or photographed. Barristers and solicitors are restrained by ethical rules against advertising and self-promotion. There is also a tendency to disparage the few "media lawyers" who seek to communicate the problems, rules and opportunities of the law. It is somehow considered "ungentlemanly" to use the new means of communication. You rarely see law teachers on the television. There is still a feeling that an academic demeans himself by engaging in journalism. The net result of all this is that lawyers, whose craft is words, communicate very little about this vital, living social science, to the community as a whole. It is a mystery at school. It remains a mystery in life. Above all, there is no responsibility for it. One does not know it. It is very expensive to find out about it. It also takes a lot of time and is probably unhelpful anyway. There is nothing the individual can do to alter it. Therefore, there is no personal obligation about its content.

I am sure that these are the perceptions of the ordinary Australian about his legal system. They may not be the perceptions of the average lawyer. Studies show that they continue to come, by and large, from a privileged, educated, informed section of the community. But I assert that they are the perceptions of the ordinary Australian. We must mobilise the education authorities to correct these perceptions. The movement for a society sensitive to the needs for law reform has a long time fuse. It requires an education system to instil in schoolchildren an understanding of the law and its institutions and an appreciation of personal responsibility about the law. Such responsibility should be, but is not yet, a valued prize of a democratic society.

LEGAL STUDIES AND LAW REFORM

In 1978, in an important review of community legal education in Australia, Bryan Keon-Cohen called attention to the rôle of the Law Reform Commission in legal education of the community.

"Law reform activities can also provide valuable information and practical training in the mysteries of the law. The A.L.R.C. with its emphasis on socially oriented references and its practice of pursuing those matters in a very public way through media publicity, the encouragement of submissions from interested parties, public hearings advertised as such and the extraordinary round of conference lecturing pursued by the current Chairman ... has raised public interest and involvement in law reform as never before. These are commendable initiatives which could well be emulated by other State law reform bodies. The A.L.R.C., perhaps unintentionally, has done as much in C.L.E. as any other legal institution in the past two years".⁸

The Australian Law Reform Commission's programme of public discussions of its projects stems from the early realisation that the tasks assigned to it by succeeding Attorneys-General, of differing political persuasions, were uniformly full of social policy questions that ought not to be decided by lawyers searching their souls for the solution. It is for that reason that the Commission has sought, in a number of ways, to involve not only experts, judges and lawyers and specially interested lobby groups but the whole citizenry. This is a novel business, because until now in Australia laws have generally been made in secret, first unveiled when they are tabled in Parliament. The Law Reform Commission has, on the contrary, sought out public discussion of the issues raised in the programme given to it by the Attorney-General. The ensuing public controversies have produced information, disclosed many opinions, raised expectations of the removal of injustice and promoted a climate conducive to the acceptance of orderly reform of the law.

The Commission's methodology is supportive of the teaching of law in schools, whether as a specific subject or as part of the general school curriculum. The widespread debate of contentious legal questions promotes an understanding of the relevance of the law, the way it is made and changed, a knowledge of particular rights and duties and a realisation of individual responsibility to take part in the improvement of laws perceived as working an injustice.

A consideration of the topics which are at present before the Australian Law Reform Commission will demonstrate that the government has committed to the Commission for report and advice many matters of intense concern to ordinary people and of great significance for the future design of Australian society. I list the current programme of the Commission.

- * Aboriginal Customary Laws : whether we should in some way recognise, respect and enforce the traditional laws and punishments of the Aboriginal people, at least so far as traditional Aboriginals are concerned, living in the outback.
- * Lands Acquisition : how we should improve the current laws and procedures which govern what should happen when the Commonwealth compulsorily acquires property for public purposes i.e. according to what principles should compensation be paid, what readily accessible procedure should be adopted to ensure that dissatisfied individuals can contest a decision to acquire or the compensation offered and whether compensation should be paid, quite apart from acquisition, when public works reduce the value of property nearby
- * Sentencing and Punishment of Federal Offenders : what rules should secure greater uniformity in the punishment of convicted criminals
- * Child Welfare : in the International Year of the Child, what direction the law should take to deal with children in trouble : should offences by children be treated as criminal, with all the protections of the law that implies or should they be treated as a social welfare problem. Do social workers do better than judges and magistrates?
- * Privacy Protection : in the age of computers, what laws should be provided by ensure that individual privacy is secured in the burgeoning information systems now possible? Should people have access to medical, educational, governmental and other information files about them and if so with what exceptions?
- * Class Actions and Standing : what can we do to make it easier for people to bring cases of genuine claims before the courts? In the age of mass production of products, do we need a "mass production" legal remedy that will deliver justice to large numbers of people without the costs and fears of individual court action? What interests should a

person be required to have, in order to be able to sue, to challenge the constitutionality of a law or to invoke the criminal law, as Mr. Sankey did against Mr. Whitlam?

- * Debt Recovery : in the age of credit cards and computerised credit reference systems, how can we make debt recovery laws fairer and more helpful to people who get into debt? Do such people need debt counselling, the consolidation of their debts and methods by which they can pay their debts off in an orderly way without the fear of legal process?
- * Insurance Contracts : how should insurance law be adapted to the rules of consumer protection? What minimum information should be given to people taking out insurance? As we all know they do not read contracts, should the law ensure that they are given certain minimum protections with the main insurance contracts at least?

Through the current and completed tasks of the Australian Law Reform Commission run two themes. The first is the impact on the law of the changing values of our society. The second is the impact of science and technology upon many aspects of the law. Lawmakers realise, increasingly I believe, that they need help in designing new laws responsive to these challenges. The strong support by Mr. Fraser and succeeding Attorneys-General for the methodology of "participatory law reform" suggests that politicians realise that the public discussion of sensitive and complex legal questions by the Law Reform Commission, before presenting its report, ensures that such questions have already been put to the modern "test of fire" before they come to the Minister's desk. The implementation of the reports of the Commission both at a Commonwealth and State level prove that institutional law reform is here to stay. It is a useful adjunct of Parliament. It is a factor in the dynamics of our legal system. Because of its methodology, it is one means by which the citizen, especially the informed citizen, can play his part in identifying injustices and in indicating the remedies that will cure them.

SOME PRACTICAL IDEAS

I am not here as a curriculum expert or as an educator in the normal sense of that term. I realise that there are some who suggest that the success of the curriculum and teacher training scheme developed in Victoria for Legal Studies can be positively attributed to the small part which lawyers have played in that scheme.⁹ I do commend to you some of the ideas which came out of the CLAC seminar :

- (1) There should be a widespread programme of court visits by schoolchildren. No school child should finish his education without having seen courtrooms in operation. 16,000 Secondary students visited the Supreme Court and County Court of Victoria in 1978. A similar number will visit the courts in 1979. They are given half-hour lectures on court procedures by a Court Officer. There is full co-operation and encouragement by the judges and court staff. Visits to the Magistrates Courts, where the great bulk of the court business of society is done, should also be encouraged. The court visits should not be confined to students of "Legal Studies". They should be an integral part of the preparation of every Secondary School student for his life in society.¹⁰
- (2) Videotaping of actual and mock court scenes should be done with expert commentary. Already in Victoria videotapes are available showing the operation of Children's Courts, Magistrates Court, the Family Court and court counsellors, interviews with magistrates and solicitors.¹¹ Because of the cost of preparing these videotapes it would be thoroughly desirable if they could be done on a national basis. Court procedures do not vary so much that this would be unreliable. With Federal Courts and the High Court of Australia, the Supreme Federal Court of

our country, problems of diversity would largely disappear. I am sure that the judges of these courts, if the purposes of the exercise were explained to them, would readily agree to the filming of educational programmes to explain the way in which justice is administered in Australia. An extension of the filming programme to Crown Prosecutors, Public Defenders, Legal Aid authorities and law reform commissions should also be encouraged. The participation of political leaders should not be difficult to obtain.

- (3) Resource materials and newsletter. In Victoria the Liaison Officer of the Education Department permanently stationed with the Law Institute of Victoria, publishes four newsletters a year with relevant material on court visits, teacher aids and the like. If this facility could be extended on a national basis, with the co-operation of the Commonwealth Attorney-General, I am sure it would promote a more economic use of resources. If a specific programme were designed, I am sure it would be sympathetically considered by the Standing Committee of Attorneys-General.
- (4) The legal profession. Liaison with the organised legal profession and with lawyers known to be interested in community legal education, as well as with interested bodies and groups, legal aid authorities and law reform agencies would all pay dividends with teacher material and visiting lecturers, advice and information.

To these ideas I wish to commend a closer contact between those who have responsibility for teaching law or law-related subjects and the law reform agencies of Australia, Federal and State. There are now eleven such bodies, at least one in every jurisdiction, in addition to the Commonwealth's Commission.

INVOLVING STUDENTS IN LAW REFORM

There are simple ways, readily and cheaply available, by which teachers and schools can keep themselves informed about the work of the Australian Law Reform Commission. The Commission publishes a quarterly bulletin, Reform. It is written in plain English and summarises succinctly important legal and social controversies that are under consideration in the various law reform bodies of Australia and beyond. Anyone wanting a rapid briefing on the development of the law and its major, modern themes, should add their names to the Reform subscription. It is already sent to many schools throughout Australia. The charge made simply covers costs.

A subscription to Reform ensures the subscriber copy of the Commission's discussion papers on the controversial subjects committed to it. These papers are not written in the dull style of legalese. They are written for the informed layman. They state social as well as the legal problems that the Commission is seeking to grapple with. They pose issues for reform that would form suitable topics for school debate. The arguments for and against reform are generally listed, as are the options available to achieve the removal of perceived injustice.

The discussion papers also list the public hearings of the Commission. In the past schoolchildren have come along and watched the way in which the Commission receives submissions. In its current reference on child welfare, the Commissioners are going to schools to speak with teachers and schoolchildren in Canberra about the direction that reform should take. In a number of references, school projects have been initiated with the help of the Commission. Thoughtful and useful submissions have been received as a result of them. Apart from the immediate utility of such projects, they have the merit of involving the pupil in doing something about his civic responsibility for the state of the law.

Participatory law reform, as the Prime Minister called it, will only work if there is participation. The citizen's reticence to participate will only be removed by a perception that there is point in doing so. That perception will only arise from an understanding of the working of the legal system, a removal of fears about it and a conviction that practical institutions do exist to help in the modernisation of the law and its procedures and the removal of proved injustices. School has a place in instilling such a conviction in the incipient citizen. I applaud the work which members of this Association are doing. I look to the day when more still will be done, fully supported by all those who play a part in the administration of justice in our country.

FOOTNOTES

1. Hobart Mercury, 11 April 1979, 8.
2. Australian Legal Education Council, Information Bulletin, Legal Studies in Secondary Schools, June 1979, mimeo.
3. Ibid, 21, citing a letter from Senator J.L. Carrick, Commonwealth Minister for Education.
4. M. Sherry and J. McArthur, "School Curricula in Law and Law-Related Subjects", mimeo, June 1979.
5. Cf. M.D. Kirby, "Controls Over Investigation of Offences and Pre-Trial Treatment of Suspects : Criminal Investigation and the Rule of Law" in Papers of the 20th Australian Legal Convention, July 1979, 227 at 232. This paper will be published in Volume 53 of the Australian Law Journal.
6. B. Keon-Cohen, "Community Legal Education in Australia" (1978) 4 Monash Uni.L.Rev. 292, 299.
7. Ibid, 300
8. Id, 317.
9. The Law Consumers Association of New South Wales, "A Lay Point of View on Community Legal Education", mimeo, June 1979, 2.

10. Liaison Officer, Law Institute of Victoria - Education Department, Position Paper for the Community Legal Education Seminar, mimeo, 1-2.
11. Department of Community Welfare Services (Victoria), "Videotapes Currently Available", mimeo 1-2.