

COMMONWEALTH SCHOOLS COMMISSION

IMAGINING THE AUSTRALIAN CURRICULUM

LEGAL AND SOCIAL ISSUES

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The Hon. Justice Michael Kirby, CMG  
President, Court of Appeal, Sydney

One of the corner stones of Australian democracy and social life is its belief in the Rule of Law. Like the United States, we boast that we live under a government of Laws, not of men (or women). Ignorance of the law is no excuse in the case of a breach of the law of Australia. Everyone is presumed to know the law. Every year Parliaments churn out thousands of statutes. Yet this is only the beginning of the law by which we live and which every citizen is deemed to know. In addition, there are laws made by State Parliaments and local government authorities. There are laws made by bureaucrats, under delegated power. And there is the huge body of the common law which is continuously being developed by the judges. In addition to all this there are rules of etiquette, good taste, convention and good manners and rules made in arbitrations and informal dispute resolution mechanisms. So we live in a community which is caught up in a web of laws of ever increasing complexity.

In these circumstances to design a school curriculum without an appropriate component dealing with the law, and the basic rules that citizens must know to get through life, is irresponsible and hypocritical. I do not suggest that every citizen should become an underpaid QC; or that he or she should have in his pocket, after school, a potted version of the law of

the land in all of its complexity. But there are some areas of the law which every citizen should be aware of. Most people think that the law is nothing more than criminal law and motor traffic law. Of course, it spreads much more widely than this. Determining a core of legal studies with which every citizen should be familiar with (or to which everyone should have had some exposure) is a matter for debate. But the central idea of the inclusion in a modern Australia school curriculum of a component of legal and social studies is indisputable.

The areas which I think should be included in any "core" course on legal studies is -

- \* discussion about the purposes and function of law in Australian society.
- \* institutions of law making.
- \* basic criminal law.
- \* basic motor traffic law.
- \* basic contract and consumer protection law.
- \* basic administrative law and how to handle bureaucrats.
- \* basic law as it effects children and children's rights.
- \* basic family law.
- \* procedures for complaints against officials.
- \* details of community organisations relevant to law.
- \* law reform and the individual responsibility of each citizen to contribute to a better legal regime.

As useful tools in the consideration of basic law courses, there are now excellent handbooks published by such bodies as the Redfern Legal Centre "The Law Handbook" or the equivalent bodies in other States.

One sign of the utility and interest of legal studies courses is the gradual adoption of the idea throughout Australia following initiatives originally taken in Victoria. I understand that the course is now one of the most popular in Victoria, although not seen as a "soft option". It is popular because it has elements of intellectual stimulation as well as clearly perceived utility to the life of every citizen. The materials that are now available are abundant. There is no need for teacher anxiety.

Studies in legal topics should be accompanied by visits to Parliament and to the law courts, particularly to see jury trials in which future citizens must take part from time to time. Courses could also include acting out of "moot" courts with students taking the part of judges and barristers, witnesses and court orderlies. The great popularity of these presentations on television shows that this is a course which could be dramatised to be made enjoyable as well as very useful.

These proposals are not entirely unselfish. With a community knowing more about the law may come a more critical approach to injustice and a demand for modernisation and improvement of the law, as the age of technology demands.