

FILM AUSTRALIA

SIX FILMS ABOUT THE LAW

COMMUNITY LEGAL EDUCATION BY FILM

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

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LAW AFFECTS EVERYONE

My function is to 'launch' the Six Films About the Law produced by Film Australia. It is specially appropriate that they should be launched on Law Day: a day declared by the New South Wales Children's Week Committee to be set aside to concentrating the mind on the laws by which we are governed.

Until very recently nothing much was done in Australia to promote the systematic study by the community of legal institutions and legal regulations by the community at large and children at school. Why should this be so? Why should it be that the one discipline which affects everybody in society has been neglected in the general school curriculum? Why have we been content, as a community, to limit comprehensive training in the law to an examination of motor traffic laws" relying on chance, gossip and bush lawyers to spread uncertain knowledge of the rest of the legal system?

If you have good ancestors, the chances are that you might get through life without much need of a doctor. With modern fluoridation, many young people will now get through life without needing a dentist. If you hate pets, you will never visit the office of a vet. All around us we see evidence of the declining use of architects. But the law is everywhere. Not only when you drive a car. When you buy goods, suffer injury, purchase shares or a family home, over-commit yourself in debt, run into family problems: all of these are subjects on which the law has relevant things to say.

Everyone in Australian society is deemed to know the law: the whole law. Our Parliaments churn out more than a thousand Acts every year. On top of these must be added subordinate regulations, ordinances, by-laws and so on. We are all deemed to know these laws. Yet precious little is done to teach us the fundamental rules we are likely to come up against in life or how we should go about finding the law and using it to our best advantage.

WHY COMMUNITY LEGAL EDUCATION IS NEGLECTED

Can I suggest a few explanations for the neglect of community legal education?:

- . General, compulsory, free and secular education is itself only a century old. Early curricula concentrated on the three Rs. At first, anything more was considered a luxury. So it has remained.
- . In earlier times it was considered that the law was binding and that was that. If you did not know what the law was, that was too bad. A feeling of resignation and even cynicism about the law's mysteries was endemic.
- . Also in earlier times the law was mainly the preserve of rich, propertied people. The criminal law was generally the only aspect of the law and the courts affecting poorer members of the community. Often the law was about property. But if you had little property, the law was not for you. Nowadays, with wider rights to legal aid and beneficial legislation affecting everyone, the law is no longer the exclusive province of the rich. Yet unless people know their rights and duties and know how to enforce them, the advances we have made in the statute book will not be translated into reality.
- . A further impediment has been the view, held in some quarters, that a 'smattering' of legal knowledge may be positively undesirable. A little knowledge is a dangerous thing, said Alexander Pope. Some people would use this as an excuse to restrain even the first step towards greater community awareness of the law. But unless we start, the mysteries of the law and a fear of its rules and institutions will remain.

These impediments to a wider community understanding of the law are now crumbling. School curricula are now adding Legal Studies as a specific course. In Victoria this subject is now the third most popular optional subject at secondary school. Furthermore, in New South Wales, through the initiatives of the Law Foundation and the H.E.L.P. project, legal topics are being grafted on to the school programme. An interdisciplinary committee of judges, lawyers and educationalists has been set up to further this aim. It has the support and interest of the Attorney-General (Mr. Walker) and the Minister for Education (Mr. Landa). We are fortunate just now to have a Minister for Education who is himself a most experienced lawyer.

HELPING TEACHERS TEACH LAW

And now the new technology is coming in. One of the practical impediments to community legal education is the inhibition which some teachers feel about instruction in a professional discipline which is not specifically their own. Lawyers generally make hopeless teachers. Can teachers effectively communicate the law?

It is here that the effort of Film Australia comes to our aid. The production of the six films which are launched today is an important step to help teachers in the task of explaining to young Australians the way our laws and our legal institutions operate. If I can say so, this was a bold initiative, very well timed. It comes at a point where the community is thirsty for a knowledge of the law. It realises the great explosion in lawmaking and is anxious about the unfairness of a society which expects its citizens to know the law, all the law, yet does precious little to give them the means of doing so.

SPECIAL FEATURES OF THE SIX FILMS

The film series is also notable for two important features that should be mentioned:

- Law is interesting not dull. First, it demonstrates (what every lawyer knows) that the law is not a boring, musty yawn of a subject. On the contrary, it is the living expression of the rules by which we live together in society in relative peace. It deals with human problems, injuries, tragedies, crises and disputes. It is a vital, living discipline of great human interest, if properly presented. Breaker Morant, Kramer v. Kramer, Perry Mason and Rumpole of the Bailey no longer have a monopoly on the law's dramas. Film Australia (with a slightly lower budget) will now turn drama into instruction in the classroom.
- Law is to be viewed critically not accepted without question. Secondly, the films approach the presentation of legal solutions to conflict from a critical point of view. They ask viewers to sharpen their wits and to question the solution which the law poses for a given predicament. The days when our better educated and better informed society will simply accept without question today's legal solutions have gone. The rules and procedures of the law are increasingly coming under question. Persistent injustices will not be tolerated. By demonstrating conflict situations in a dramatic way, and indicating the approach of the law in a calm and reasoned way, viewers of these films are invited to be their own judge and to scrutinise the law's

solutions critically. This is an approach which is entirely consistent with the reform of the law: keeping that which is good, avoiding change for its own sake, but identifying perceived injustice and moving for improved laws where old rules are shown to be out of date, irrelevant or out of keeping with the society of today.

I congratulate Film Australia on this initiative. I hope these films will be seen in the four corners of our country. I hope they will promote a sense of personal responsibility for the state of the law amongst the next generation of Australians. I hope they will be followed by other series: the new technology of film broadcasting and electronics coming to the aid of what is at least one of the oldest professions. With these high hopes, I have much pleasure in launching Film Australia's Six Films About the Law.