

AUSTRALIAN ASSOCIATION OF ADULT EDUCATION

THE NATIONAL CONFERENCE 1981

LORNE, VICTORIA, 6 DECEMBER 1981

ADULT EDUCATION AND THE LAW IN A CHANGING SOCIETY

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

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THE NEW ADULT EDUCATION

In the past, adult education in Australia has been the poor relation of the general education system. Whilst it attracted enthusiasts and dedicated individuals, it has always been poorly funded and has never enjoyed the prestige that is attached to the education of children and young persons. Australian society is changing. We stand now on the brink of great opportunities for adult education. They will open up to meet the needs of a community with more leisure, rapidly changing technology and work skills, a steady level of unemployed and growing demands for migrant education. But unless adult education in Australia can throw off the image of the local School of Arts, it will fail to rise to the opportunities that are presented to it.

In the past adult education in Australia has concentrated on teaching mature adults particular courses and topics designed for individual interests. There will always be a need for special post-school courses, including for the 'eccentric' student who wanted to study South American butterflies or the role of women in Ancient Babylon. However, the need in Australian society today is increasingly to serve a community undergoing a period of rapid change. This will create both a greater need for education and re-education of adults and the opportunity for those in charge of adult education in Australia to 'think boldly and to address major community needs.

If the experience of the United States is any guide, we can already identify areas where adult education will be vitally necessary to help society cope with changing times. In the United States, the 'growth areas' of post-school education include:

- . Retraining of unemployed adults, particularly those displaced by new technology. This is now increasingly being done by mobile classrooms sponsored by industry, local school districts and the Federal Department of Education.
- . Providing courses for older citizens to enable them to enhance their lives in studies ranging from creative arts to examination of ways to cope with a society so different to that in which they grew up.
- . Providing 'distance education' to residents of isolated communities, including by the use of new telecommunications technology.
- . Catering for the needs of new migrants, including refugees, in teaching job skills, English as a second language, cultural factors and community involvement.
- . The teaching of handicapped people to acquire marketable skills and self-sufficiency to replace the 'dependent invalid' image which was previously all too frequently accepted as the inevitable lot of many handicapped persons.
- . Provision of courses for women returning to school after raising a family, including work retraining and updating and the provision of training in subjects of interest which have been foregone because of family responsibilities.
- . Continuing professional and semi-professional education. In the medical, legal and other professions, it is increasingly realised that it is unsatisfactory to expect that a university degree at the age of 23 can be a 'ticket for life'. In the law alone, rules change so frequently and new rules are provided so often that continuing legal education is now an important theme and may, in time, come to be compulsory for all legal professionals.

SECOND CHANCE TO JOIN THE PARADE

If adult education can throw off its image as the underprivileged stepchild of the Australian education system it will help Australian society by providing an educational 'second chance' to many whom the educational parade had initially passed by. There will be increasing concern in the next decade about the educational needs of older Australians. Until now, education had been thought almost exclusively as a 'young person's business'. The growing numbers of the aged in the Australian community, the rapidly increasing moves towards early retirement, the numbers of persons now facing retrenchment at a relatively early age and the likely increase of these movements with the impact of technology, make more urgent and relevant today the consideration of the educational needs of the old and the ageing. OECD figures suggest that modern technology, whilst replacing some jobs, created others. The problems for education were that the new jobs were sometimes created in different places and frequently required different skills for which older members of the community are often unprepared.

Anyone who has watched a child of this generation working, with extraordinary facility, the electronic toys, calculators and mini-computers that are found in today's Christmas stockings, will feel a little nonplussed and inadequate, if he comes from the era of pounds, shillings and pence and the exercise book with the mathematical tables on the back. Those who have grown up in the electronics generation take instantaneous mathematics for granted. Those of us who caught an earlier boat will find it hard to adapt, and impossible without extensive retraining. We are told that we must look to a future of increasing leisure, with the disappearance to the computer of many routine tasks. But a world of respectable leisure will require preparation, at least for the older generations who have been brought up with the puritan ethics of hard work and long hours.

TEACHING LAW TO ADULTS

Social and technological change provides opportunities for adult education in Australia. But rapid legal change also provides opportunities and adult education has so far barely scratched the surface. Every person in Australia is deemed to know the law. Ignorance of the law is no excuse if a person comes before a court or is otherwise affected by a legal principle in the course of his daily life. Although society places this severe burden on citizens, it does relatively little to ensure that the basic principles of the law are brought to the notice of the community.

There is an undoubted demand for community legal education. In part, this is disclosed by the popularity of the school course in Victoria on legal studies. Since its introduction less than ten years ago, this course has become the third most popular course taught at Victorian schools. It is not regarded as a 'soft option'. It does not seek to cover every aspect of the law or to turn ordinary citizens into 'instant lawmen'. On the other hand, it does seek to explain the institutions, chief procedures and basic rules of some areas of the law. In doing so, it not only equips a growing number of young citizens with a knowledge of basic legal rights and duties. It also helps to break down the element of remoteness and 'mystique' which frequently created a barrier between lawyers and citizens.

Legal studies in school has proved a popular success. The time has come to spread the Victorian experiment more wholeheartedly to the States of Australia that have yet to adopt major courses on legal studies at school. There will be inevitable resistance from those who are afraid that a 'little knowledge is a dangerous thing'. On the other hand, a community that keeps adding a thousand Acts of Parliament to its statute books each year and does precious little to train its citizens in the fundamentals of their basic legal rights and duties, is surely not deserving of respect.

It is time that adult education in Australia took up the challenge that has been answered in the Victorian schools. I am sure that there is a great deal of interest in the community in the basic rules and procedures of the law. One has only to turn on the television set to see the level of the community's fascination with the legal resolution of disputes, particularly in courts. I hope that the adult education movement in Australia will examine the ways in which it can help provide the community with a better basic understanding of the law. Knowledge of the rules will promote a greater demand for the orderly reform of the law and better perception of the way in which reform of the law can be achieved, in practice.

INFORMING CITIZENS OF RIGHTS

A constant theme of the Australian Law Reform Commission in its work has been to involve the community in consultation about the defects in Federal laws and the ways in which these defects could be cured. I instance the public hearings, seminars and other procedures of consultation adopted by the ALRC. In its proposals to the Federal Government, the ALRC always lays stress upon the need to inform citizens of new legal rights and duties. One important measure recently introduced into the Federal Parliament by the Commonwealth Attorney-General, Senator Durack, implements, in part, major proposals of the Law Reform Commission. The Criminal Investigation Bill 1981, introduced into Parliament in November 1981, incorporates recommendations of the ALRC that persons under interrogation by Federal Police should be notified, including in writing, of their rights and duties. It is my hope that the Federal Parliament will pay increasing attention to the need to call new laws to the attention of those most affected by them. Statutory notification as contained in the Criminal Investigation Bill was one means of doing this.

Adult education in basic legal rules is another. Attention should be given by the National Conference of the Australian Association of Adult Education to the use of television and radio as a means of providing increased opportunities for adult education throughout Australia.

Adult education of the future will be carried out increasingly rarely in church halls and the local school of arts. In our continental country, the adult educators must learn to use the modern media of communication, and by satellite and the airways to cater for the increasing numbers who look to adult education for a second chance or for a first opportunity in self-fulfilment.