

Our ideal 5 laws: the way secondary students see it

The Northern Territory University's annual *Gurrung School* was held last month.

Gurrung is the *Gundjeidmi (Maiili)* word describing one of the six Top End seasons identified by Aborigines.

The school gives students in years 10-12 the opportunity to undertake a three-day orientation in a specific area of study or the range of courses available.

Geoff Bateman was charged with the law component.

He filled their days with a variety of activities which included exercises in statutory interpretation and legal research as well as tours of the Supreme Court and Legislative Assembly.

He had 10 students (down on last year) from around the Territory and at the first session set them this project:

It is the year 2000.

Books have long since been replaced by personal, credit card-sized, electronic storage and retrieval systems; massive data bases and data terminals absolutely everywhere.

Some ingenious (and now very unpopular) high school student 'bred' a mutant electronic virus now known as MAIDS -- Methodical Access Information Destruction Syndrome.

It swept across the world in less than a month.

All stored data has been irretrievably lost.

The data lost includes all records of laws passed to date.

The World Government has decided to take the opportunity of starting again rather than trying to remember and re-record the existing law.

Mercifully, the World Government recognises that the quantity of legislation had got way out of hand, to the point that no one

person knew of the existence of, much less understood, more than perhaps five per cent of all law in force at any time.

The World Government intends to avoid that pitfall this time.

You have been hired as a consultant to the World Government to assist it in choosing the first (and hence the most critical) five laws to be re-enacted.

The students were given 15 minutes to complete the project. Here are the verbatim results:

Student 1

(1) An individual or a group of individuals has a duty of care to others if they are providing a service or a duty and if they are deemed to break that duty, they are guilty of negligence.

(2) If one citizen or a group of citizens or member of the government, legislature and judiciary make a legally binding contract, then they are obliged to fulfil that contract with whoever signs that document. Any individual deemed to have broken a contract can be forced to pay the other party.

(3) Any individual who commits an offence against society, ie murder, rape, etc, and in so doing affects another individual or individuals, is entitled to have a sentence appointed by the judiciary.

(4) If two individuals over the age of 17 wish to marry they are entitled to do so as so far as the individuals are not already married. If a marriage or a de facto relationship produces children, and if the two parents consent to a divorce, the matter will be heard in the family court. Divorce will not be a crime, just a lengthy process that involves a trial separation of 12 months. Divorce will be handed out at court.

(5) Any individual who commits an

offence against delegated legislation to be punished by that body eg not paying PAWA bills, not going to school.

Student 2

(1) A person shall not be assaulted or battered by any other person or animal. Aggravating circumstances include: (a) attack of a male on a female, (b) a person is murdered, (c) a dangerous act was initiated. Any person found to have breach this law will serve a penalty of no less than five years imprisonment or greater depend on the judicature and shall undertake a rehabilitation program and make payment for injuries inflicted.

(2) No person shall steal the property of another person. Any person found in breach of this law shall be punished to an extent determined by the courts, but shall not be less than \$1000 or six months imprisonment.

(3) A person who creates a contract with another person will forfill that contract or be liable to face litigation. Both parties of the contract will forfill their obligations. If however both fail the contract will become void.

(4) All business and companies shall practise fair and truthful trading. This means (a) goods must fit their description, (b) goods must be safe to use, (c) goods are refundable, (d) goods must contain instructions and (e) any other items that the Trade Practices Commission determine necessary.

(5) All people shall attend school to an age of 16 years.

Student 3

(1) Murder. People witch kill some one should face a life time in prison.

(2) Speed. People who exceed the limit will get a penelty or loose there licence or both.

(3) If you are caught with a large

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amount of drugs you will face a jail sentence or be charged a sum of money.

(4) and (5) Nil.

Student 4

(1) If you murder someone you have to go to jail and not get out. They should through away the key.

(2) If you get caught importing or exporting drugs you should get a very heavy fine and 10 years jail.

(3) People who ride should always have their lights on as it is very hard to see them if the sun is behind them and that's how most accidents occur.

(4) If you get caught drink driving even on the first offence you should lose your licence even if it is only over a little bit.

(5) Smoking. It should be 16 because at 18 it has hit all the under age smokers and now would be really hard for them to get cigarettes.

Student 5

(1) No assault eg physical, verbal.

(2) No stealing in any form.

(3) No endangerment of human life in any way.

(4) All safety precautions must be taken for each and every individual, include alcohol and smokes.

(5) No breaking of contracts in any way.

Student 6

(1) Going over the speed limit in your space ship. You get a fine or your licence taken of you.

(2) If you commit a crime such as rape or murder you are to stand in court where the jury finds your guilty or not but if guilty you take the sentence or the punishment that the judge gives you.

(3) If you get busted smuggling drugs into another country, the laws abide to the country your in not the country you came from (where you live).

(4) If you are caught under the influence (drunk whilst driving) you take the punishment that is given.

(5) Nil.

Student 7

(1) In regard to murder: a sentence carrying life imprisonment shall be carried as life, their years until death.

(2) Rape.

(3)-(5) nil.

NTLAC stats

	ALAO 89-90	NTLAC 92-93	% VARIATION
Applications for aid Approved	1062	1452	+36.72
Applications for aid Refused	708	206	-70.90
% of applications processed in under 10 days	56.6	71.28	
Net payments to private practitioners (\$)	347724	712049	+104.77
Commitment to private practitioners fees on outstanding grants of aid (\$)	251437	647119	+157.37
Number of cases referred to private practitioners	337	330	-12.47
% of private practitioners' accounts paid within 5 days of receipt*	27.40	71.57	
* national LAC statistics indicate that only 10.74% of private practitioners' accounts are paid within five days			

IN BRIEF

STRUCK OFF

On 27 July the Full Court of the Supreme Court ordered that the name of Jerome Joseph Costello be struck from the Roll of Practitioners.

This followed an ex parte application in the matter of *The Law Society of the Northern Territory v Jerome Joseph Costello*.

In an ex tempore judgment, the Court ordered that Mr Costello's name be struck from the roll and that he pay the Society's costs.

BLISSFULLY UNAWARE

Whilst Justice Sir Gerard and Lady Brennan were in Alice Springs, they were treated to a tour by John Stirk. They arrived at a Park where an attendant stuck his head through the car window to price their entry, counted the number of passengers and said: "That'll be two adults and two pensioners." *Balance* didn't hear whether anyone in the vehicle piped up and offered to pay full tote odds.

CLAF PROGRESS

Since its inception on 1 March this year the CLAF hasn't received the expected number of applications. In fact, only five applications have been received, three of which were granted. One was denied because the applicant was, in fact, eligible for legal aid. Another was denied on the basis of a prohibitive section of the *Crimes Compensation Act*.

The three applications which have been granted are in relation to personal injuries.

The CLAF Administrator, Josephine Stone, said she was surprised that she hadn't received applications in relation to either medical negligence or family law property settlements.

BALANCE

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