

## Week 3 Tutorial Suggested Solution: Institutional Facts

*Semester 1, 2006*

### Question 1

- a. *An Australian \$1 coin*  
Brute fact: a metal disc plate  
Context: The \$1 coin is legal currency for paying goods and services around Australia.  
Speech Act: **Reserve Bank of Australia** (RBA) defines the value of the coin and mints it.
- b. Your drivers licence  
Brute fact – a piece of laminated paper  
Context: Both the written and driving tests must pass, and then  
Speech Act: One of state transport departments, e.g. Queensland Transport, grants the licence.
- c. Your citizenship  
Brute fact – a piece of paper (certificate)  
Context (for a naturalised Australian citizen): You have to meet the qualification of citizenship, and then  
Speech Act: **DIMIA** grants the citizenship.
- d. How you are legally able to reside here to study in this University  
Brute fact – a piece of sticker or label on passport  
Context: The visa applicant has to meet the criteria of studying in Australia set by DIMIA, and then  
Speech Act: **DIMIA** grants the visa.
- e. A goal in soccer.  
Brute fact – the ball inside the rivalry gate  
Context:
  - An official game is in progress,
  - the entire ball totally passes over the entire goal-line between the goal posts and under the cross bar, and
  - the Referee confirms the goal by pointing and moving toward the “centre spot”.Speech Act: **The player** *kicked* the ball into the gate.

## Question 2

### Interoperations

1. Mary, a lessee, paid a bond to Residential Tenancies Authority (RTA) through Mr. Smith, a lessor, and then Mary received the bond receipt from RTA a few days later.
  - Roles/players – a lessee/Mary, a lessor/Mr. Smith, and a bond-holder/RTA
  - Institutional fact – The bond lodgement
  - Brute fact – legal currency in the exactly required amount, bond application form.
  - Institutional fact – The bond acceptance.
  - Brute fact – The bond receipt
  - Context – Residential Tenancies Act (1994)
  - The lessee created the first fact by lodging the bond, and RTA created the following fact by sending back a receipt to Mary.
  - RTA is responsible for storing the primary record of *bond lodgement and acceptance* because RTA needs to refund that bond to the lesser upon receipt of the instruction from the lessor.
  - Speech Act
    - Performative – Mary *lodged* the bond, and RTA *accepted* the bond and *sent* Mary the receipt.
    - Informative – RTA *received* the bond lodgement, and Mary *received* the bond receipt.
  
2. John, a lessor, shares an apartment with Roger, a tenant, in an indefinite term. Both of them share the amounts on electricity bills equally.
  - Roles/players – a lessor/John, a tenant/Roger and an electricity supplier/Energex, Queensland
  - Institutional fact – the payment for the bill
  - Brute fact – electricity bills, legal currency in the due amounts on the bills
  - Context – The agreement between an electricity supplier and its clients (the lessor and tenant in this case).
  - Both the lessor and tenant paid the bill.
  - The electricity supplier is responsible for storing the primary record of this fact because the continuous supply of electricity relies on the timely and full payment of the bills.
  - Speech Act
    - Performative – the bills were paid.
    - Informative – the electricity supplier notified the lessor the owing amounts.

3. Mark, a lessor, bought furniture from Super A-Mart, and delivered the furniture to a leased apartment. As Peter, a lessee, moved in, the apartment had been furnished.
  - Roles/Players – a lessor/Mark, a lessee/Peter, and a furniture-shop/Super A-Mart.
  - Institutional fact – a furnished apartment
  - Brute fact – The furniture
  - Context – The lease shows that the leased apartment is furnished.
  - The lessor created the fact because he bought and delivered the furniture to the apartment.
  - The lessor is an owner of the furniture and is responsible for storing the primary record.
  - Speech Act
    - Performative – The lessor bought and delivered furniture
    - Informative – The lessee saw the furniture in the apartment.
  
4. Marie, a potential lessee, was looking at [www.realestate.com.au](http://www.realestate.com.au) for seeking accommodation. She found a one-bedroom unit satisfying all of her requirements, posted by Ray *White*, an estate agent.
  - Roles/players – a potential lessee/Marie, an estate agent/Ray White and a website/[www.realestate.com.au](http://www.realestate.com.au).
  - Institutional fact – estate advertisements
  - Brute fact – text, images, icons, and so on
  - Context – As implied by the website's name and as per the website nature, this is a place for advertising the properties for lease and sale.
  - The estate agent created this fact because the agent advertised the lease properties on the website.
  - The server(s) behind the website is responsible for storing the primary record of the properties for let and sale.
  - Speech Act
    - Performative – the website rendered the web pages as the potential lessee's request.
    - Informative –the potential lessee was presented the searched results.
  
5. As Janet, a potential lessee, decided to rent a one-bedroom unit, Karen, an estate agent, drafted a lease where the terms were specified by Mr Smith, a lessor, and under the government regulations such as Residential Tenancies Act (1994). Both Janet and Mr Smith signed on the lease as confirmation of the hiring.
  - Roles – a potential lessee/Janet, a lessor/Mr. Smith, and an estate agent/Karen
  - Institutional fact - The lessee had leased the unit from the lessor.
  - Brute fact – A lease contract, the signatures on the contract.
  - Context - The conditions set by the lessor and the government regulations on rental activities.
  - Both the lessee and lessor created the fact by putting their signatures on the contract.

- All three parties are responsible for storing the primary record because they are obliged to comply with terms on the contract.
  - Speech Act
    - Performative – Both the lessee and lessor signed the contract.
    - Informative – Before signing the contract, both the lessee and lessor are presented the terms on the contract.
6. James, a potential lessee, went to see a room in a 2-bedroom unit with Karen, an estate agent. She introduced Chris, the current tenant, to James and showed the facilities inside, and the amenities around the unit.
- Roles/Players – A potential lessee/James, a current tenant/Chris and an estate agent/Karen
  - Institutional fact –
    - the introduction of the current tenant
    - the showing of the facilities inside, and amenities around the unit
    - The potential lessee had been informed about that accommodation opportunity by that agent (note that the potential lessee is now pretty well obliged to deal with that agent if they wish to proceed with that opportunity).
  - Brute fact – furniture, washing machine, Indooroopilly Shopping Mall, Indooroopilly Railway Station and the like.
  - Context – The unit was available for lease, Karen was an estate agent authorised to lease the unit.
  - The estate agent created all facts.
  - The potential lessee is responsible for storing the primary record of the facts because he needed to make a decision for the hiring among a number of alternatives.
  - Speech Act
    - Performative – The estate agent presented all things about the unit to the potential lessee.
    - Informative – The potential lessee walked around with the agent and listened to what she was saying about the unit.