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Editorial: Spring 2003

Michael Weir

Bond University, Michael_Weir@bond.edu.au

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Editorial

Human Rights are increasingly the subject of concern and debate. In this issue we will be dealing with a number of issues that relate to the ability of individuals and the state to take action against an individual both in civil liability and in criminal law.

The issue of the impact of divorce on children is controversial as it involves complex emotional, social, legal and financial issues. Recently there has been a debate about whether partners are entitled to equal time in caring for children of a marriage or relationship. John Wade presents his views on the topic in *Legal Presumption That Children Spend Equal Time With Separated Parents In Australia: A Flawed Reform Proposal*. That topic will no doubt prompt debate.

David Field in *No sex offenders, please – we're Queenslanders* discusses some recently passed Queensland legislation that attempts to retain prisoners convicted of sexual offences if they are still considered dangerous. As this legislation will be effective even when their prison term is finished this creates concerns about the impact this could have on the prisoner's human rights. What about the rights of others to protection from sexual assault?

In *Statutory Amendments to Civil Liability of Professionals including medical doctors* I discuss some recent legislation in New South Wales, Queensland and Tasmania that will make it a bit more difficult to successfully sue a professional person for negligence. This legislation comes out of a federal government review of negligence law and is designed to deal with a perceived crisis in public liability and professional indemnity insurance. Will it inappropriately balance the scales of justice against those who are injured?

Robyn Lincoln and Steven Bennetts in *Should the Double Jeopardy rule be in jeopardy* discusses the topical issue of the double jeopardy rule. This is a rule that has developed over hundreds of years to protect a person who has been tried and acquitted of a crime. They cannot face trial again on the same charge. This is appropriate in most cases but what about the situation where new evidence comes to light that indicates the earlier acquittal was not correct?

Jim Corkery in *Law Studies Are Popular* discusses the way in which some significant legal people approached their legal studies and provides some interesting anecdotes.

Do you want to keep up with the law? If you are a law student; legal studies teacher or student refer to our section on *Keep up to date with legal developments* by John Bahrij & Gillian Coutinho.

Email: legal_eagle@bond.edu.au
Associate Professor Michael Weir
Editor-In-Chief
School of Law
Bond University

Did You know

Louder than Words

A barrister once cross examined a boy who was said to have suffered injury through the negligence of a bus company.

'Will you show me,' the barrister asked with great sympathy toward the boy 'just how high you can lift your arm?'

His face exhibiting great pain, the boy could barely bring his arm in line with his shoulder.

'Thank you,' said the barrister. 'and now will you show me how high you could lift it before the accident.'

The boy's arm immediately shot up in the air, and the defence had no further questions.

Strange Laws

On occasion the statute books contain some strange laws that have outlived their usefulness if they ever had any. Some examples from the USA where it was illegal:

- to have a bathtub inside the house (in Virginia).
- to install a bath tub with no legs (in Minneapolis).
- for a woman to wave her daughter's hair without a state licence (in Nebraska).
- to kiss in public (In Georgia).
- for a girl to phone a man for a date in Dyersburg Tennessee.
- to keep oyster shells in your apartment in Boston.
- to wear a mask while shopping in Louisiana.

From *The Book of Legal Anecdotes* Peter Hay
Facts On File New York 1989.