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Editorial: Spring 2007

Brenda Marshall

Bond University, Brenda_Marshall@bond.edu.au

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Editorial

This issue of *The National Legal Eagle* contains an eclectic mix of articles that will engage a variety of interests.

Sentencing Paris, by Assistant Professor Jodie O'Leary, takes as its premise the factual scenario surrounding Paris Hilton's recent incarceration in a Californian prison. Then, by transposing those events to Australia, Jodie's article provides an informative account of the likely consequences for Ms Hilton had she been convicted of drink driving offences while visiting Queensland's Gold Coast. If Paris is planning a return trip to Surfers Paradise, she should consider herself duly warned!

In Part 1 of his article, *A Bill of Rights for Australia?*, Senior Teaching Fellow Joel Butler argues that the answer to this question should be a resounding 'No'. In Joel's view, rather than entrenching fundamental rights constitutionally, the better approach is to protect such rights in regular Acts of Parliament. There's plenty of food for thought here. Ditto for Part 2 of the article, due to appear in the next issue of *Legal Eagle*, in which Joel claims there should be a greater focus on citizens' responsibilities, not their rights.

Have you commented on the price of petrol lately? Well, you're not alone – petrol prices are a hot topic of conversation around the country at the moment. This makes Senior Teaching Fellow Tina Hunter's article, *Why is Petrol So Expensive?*, essential reading. Tina's article outlines the multiplicity of factors that impact on the price of petrol, con-

siders the role of petrol suppliers in setting petrol prices, and provides practical advice on cutting your costs at the bowser.

Companies in Australia are prohibited by Part IV of the *Trade Practices Act 1974* (Cth) from engaging in conduct that will 'substantially lessen competition'. However, in order to assess whether particular instances of corporate conduct are anti-competitive, it is first necessary to identify the boundaries of the market within which the corporation operates. In *Mechanics of Market Definition*, I review the process of market definition in Australia, explaining how the scope of a market for goods or services is determined under the TPA.

Whether or not you participated in the Bond University High Schools' Mooting Competition earlier this year, I know you will enjoy Associate Professor David Field's report on the 2007 competition, *Responsible Alcohol Service in the Spotlight*. David is the Law Faculty's Mooting Master, and those of us involved in the Competition – mooters and judges alike – are indebted to him for the topical and challenging problems he so expertly drafts each year.

So, as you can see, there's something for everyone in this issue.

Associate Professor Brenda Marshall
Editor
Faculty of Law
Bond University
Email: legal_eagle@bond.edu.au

DID YOU KNOW?

Legal Terminology

Accused – a person formally charged following arrest. (The term is usually used in relation to a person charged on indictment and appearing in the court of trial; whereas a person charged and appearing before a magistrate is generally called the defendant.)

Acquittal – a finding that an accused is not guilty of a charge.

Bail – the right to be released from custody granted to a person charged with an offence, on the condition that they undertake to return to the court at some specified time, and any other conditions that the court may impose.

Barrister – a class of legal practitioner who is by law or custom limited to advocacy and advisory work, in any field of the law.

Examination in chief – questioning of a witness by the party who called that witness.

Learned friend – a traditional way by which barristers engaged in advocacy refer to each other in court.

Recalling a witness – in a proceeding before a court, to call again with the court's leave a person to give evidence who has already given evidence in the proceeding. (A court may only give leave to a party to recall a witness to give evidence about a matter adduced by another party if the matter adduced by the other party contradicts evidence given by the original witness in examination in chief.)

Remand – to stand a matter over until a future date and as a consequence return the accused to custody or to continue bail.

(Source: *Butterworths Concise Australian Legal Dictionary*, 2004.)