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Editorial

This issue of *The National Legal Eagle* showcases a fascinating selection of articles. Each, in its own way, focuses on the 'bigger picture' – whether the spotlight is on public perceptions, internationalisation, or matters of global concern.

Professor John Wade's insightful commentary on the Australian legal system, '*Judicial Decision-Making in Australia: Critique and Redemption*', is directed at judicial and quasi-judicial decision-makers in this country. While the article pulls no punches in documenting the litany of criticisms levelled at our courts and tribunals, there is equal acknowledgement of a range of redeeming factors. This balanced approach is vital in John's view – whatever complaints are made about the process of 'judicial' conflict management in Australia, there must also be a 'dialogue of redemption' highlighting the positive features of the system.

What the Public Thinks About Sentencing, a joint article by Master of Criminology graduate, Marisela Velazquez, and Assistant Professor Robyn Lincoln, both of the School of Social Sciences – Criminology (part of Bond University's Faculty of Humanities and Social Sciences), explores the ever controversial issue of community reactions to criminal sentencing. Inspired by international research in this area, Marisela and Robyn present an absorbing account of the theory and practice behind their local survey of public attitudes to punishment, together with the globally consistent findings of their study.

Around the world, there has been an emphasis in recent years on the creation of effective national legal responses to the impacts of climate change – although, in some quarters, the evidence for and against global warming is still hotly debated (no pun intended!). In a highly informative article, *A Citizen's Guide to Australia's Carbon Pollution Reduction Scheme: Understanding the Legal Framework for our Carbon Constrained Future*, Adjunct Professor Damien Lockie expertly summarises the core features and intended

operation of the emissions trading scheme currently proposed for Australia – namely, the Carbon Pollution Reduction Scheme (CPRS).

With China constantly in the news these days, there is much to be learned from Assistant Professor Tim Jay's reflections in *Riding the Dragon: Law and Legal Opportunities in China*. A captivating read, the article begins by tracing the development of China's modern legal system, thereby establishing the relevant context – the present working environment in that country – for canvassing the options available to foreign trained lawyers seeking to practise law in China. Far from inscrutable, Tim's views are informed and authenticated by his own experiences as a practising lawyer in Hong Kong in the early 1990s, and several recent trips to mainland China.

Bond Law Triumphs! is the inside story of an outstanding victory, as told by Senior Teaching Fellow Joe Crowley, coach of the Bond University team (five Law students) which took first place at the 2009 International Criminal Court Trial Competition in The Hague in February. Up against 20 universities from 14 countries, Bond's team defeated Yale University (USA) and Utrecht University (the Netherlands) in the finals of this prestigious competition. Members of the Bond team also received individual awards for Best Oralist and Best Victims' Counsel. Needless to say, we are incredibly proud of them all!

With this issue in print, the time has come for me to sign off as Editor of *Legal Eagle*. The role will now be shared, enthusiastically and very capably, by Assistant Professor Jodie O'Leary (whose article, *Understanding the Dennis Ferguson Debate*, will continue in the next issue) and Senior Teaching Fellow Tina Hunter. Sincere thanks to everyone who supported this publication during my term as Editor – authors, subscribers, and production team!

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DID YOU KNOW?

Legal Terminology

Adjournment – a court order by which proceedings are postponed, interrupted, or continued at a different time and place before the same court.

Class action – legal proceedings which allow the claims of many individuals against the same defendant, which arise out of the same or similar circumstances, to be conducted by a single representative.

Duress – an act done by one person to another for the purpose of applying pressure or undue persuasion to do something, or refrain or desist from doing something.

Illegal contract – a contract which the court refuses

to enforce because it is expressly or impliedly prohibited by statute, or because, in cases where the impropriety is great, it infringes public policy.

Nonfeasance – the omission or failure by a person or public body to do something which that person or public body has agreed or is otherwise liable to do.

Suspended sentence – the suspension of the whole or part of a sentence and the ordering by the court of the release of the offender unconditionally or on conditions.

Testator – a person who makes a will.

Vest – to effectively transfer legal ownership, rights or powers to another, or place property in the possession or control of another.

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