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Editorial

This special edition of Legal Eagle focuses on equality and rights. Not just rights for humanity, but also areas that we would rarely think of: rights of animals, equality for the earth and equality for the convicted.

The judgments of one of the greatest judges of modern Australia, Justice Michael Kirby, are littered with the issue of rights. Sometimes they form an integral part of his judgment and sometimes they are side observations. Nevertheless, in his judgments, Justice Kirby was a champion of rights. But how has he tackled the issue of rights and equality in his personal life?

In this edition of Legal Eagle, we are privileged to have The Hon Michael Kirby AC CMG give us an insight into his personal life. In his article *Human Rights Insights: Homosexuality and Love* Justice Kirby shares how inequality and prejudice have been a part of his life, and yet how fairness and equality have triumphed. Reminiscing about how he met Johan at *The Rex* hotel in Kings Cross, Justice Kirby shares how meeting his lifelong partner has been a great blessing in his life. Tackling the issue of homosexuality head on, Justice Kirby eloquently discusses issues of such pertinence today: same-sex marriage, religion and being gay in a society where, until recent times, homosexuality evoked many emotions from the community at large, very few of them positive. With passion, respect and reason, all hallmarks of his judgments, Justice Kirby shares his journey through homosexuality. His wonderfully poignant article is encouraging. Encouraging in that it reminds us society has come a long way from the dark times of the middle of last century when homophobia was rampant. Encouraging us to be open about our sexuality. This includes seeking law reform on the issue, so that we all may have equality regardless of sexual orientation. We thank The Hon Michael Kirby for his contribution, both that which made this special edition of Legal Eagle possible, as well as his substantial contribution to the development of rights in Australia during his extensive judicial career that culminated with fourteen years as a Justice on the High Court of Australia.

Associate Professor David Field provides us with a wonderfully written and evocative account of Justice Kirby's achievements and his lasting judicial legacy for Australia in our latest instalment of *Who's Who in the Legal Zoo*. Likening Justice Kirby to the judicial hero Lord Denning, David confirms what some of us already suspected: the judicial baton of 'equality before the law' is in good hands with Justice Kirby. Associate Professor Field captures the essence of Justice Kirby – a man who advocates *fiercely for the rights and dignities of those who had the least friends, and were the least attractive in our increasingly image-besotted society.* David's insight into Justice Kirby as both a man and a judicial officer provides us with a respectful reflection on the man who encourages us to all embrace openness and change, ensuring equality of all.

The rights of the weak in times of war are addressed very ably in the article *The Crime of Aggression and the International Criminal Court* by the Bond University International Criminal Law Moot Team. In this stirring discussion on the Rome Statute, the team analyses the criticisms of the Court as it strives to end impunity, ensure judicial independence, and reaffirm the position of the United Nations Charter in its application of the newly defined crime of aggression. The team conclude the fragility of the International Criminal Court is likely to be tested by the requirements of the crime that were agreed to in Kampala.

The rights of our four-footed (or two winged, or even swimming) companions are not forgotten in this special edition. Bond University's champion of animal rights, Senior Teaching Fellow Jack Walkden-Brown in his article *Animal Law: Clients with Four Legs, Fur and Feathers* provides us with a reality check. We would prosecute someone who 'farmed' Labrador puppies, breeding them in steel cages where the dogs could not turn around, yet we accept this as the norm in the commercial farming of pigs. Through his thought provoking article, Jackson demonstrates the depths of animal cruelty in Australia in the name of commercial farming to produce cheap meat. But he also offers hope, outlining how animal law has developed in Australia, to the point where it is now taught at one third of Australian law schools. This means that conditions and rights for animals can only improve as the issues surrounding the treatment of animals in society are not only brought out into the open, but embraced by eager legal minds across the country.

Equality in the use of the earth's resources is considered by Assistant Professor Tina Hunter in her article *Equality for the Earth The Role of Intergenerational Equity and Customary International Law*. Tina considers the idea of equality in the use of the earth's resources, sharing these resources not only for everyone on earth in this generation, but also for future generations. Tina discusses whether these are enforceable in international law, or whether these are just aspirational ideals. You will be pleased to know, that in an age of global warming (and wild weather!) it seems that the International Court of Justice considers these concepts as real legal issues. There is hope for equality in the use of the planet's resources yet!!

Our final article is the next instalment in the *What is?* series. Senior Teaching Fellow Elizabeth Greene tackles the prickly issue of sentencing criminal offenders. A cursory glance at the news would make us believe that sentences handed out by Judges are arbitrary. But Elizabeth's humorous view of sentencing in the courts (it involves vampires!!) reinforces the principles of equality and fairness. By using legislation and case law tools, judges provide equality for all convicted ensuring that sentences are commensurate with the crime, and are similar to previous sentences for similar offences.

We hope that you enjoy our special edition of Legal Eagle, and especially the article by The Hon. Michael Kirby. It certainly has been a pleasure for us to bring it to you, and we hope it inspires you to use the winter months that lie ahead to embrace equality, whether it be for human rights, animals, the earth, or even prisoners!

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