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Editorial

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Editorial

We certainly have a mixed bag for you in this Spring edition of *Legal Eagle* so spread out your picnic rug and be sure to sample the variety of tasty titbits on offer.

One of Bond University's most illustrious Professors and an expert in dispute resolution and family law, Professor John Wade, has provided us with an introduction to one of the legal complexities of relationships with his article, *Marriage and Cohabitation Contracts*. From our consumption of American television and gossip magazines many of us have heard of 'pre-nups.' Yet, few of us will know of anyone in Australia who has entered into anything similar, despite the staggering statistics of the likelihood of relationship breakdown. In his article John explores the reasons for this and some of the complexities involved in making such agreements under the *Family Law Act 1975* (Cth).

For something a little different we recommend reading Assistant Professor Joel Butler's first of two contributions in this edition. Adherence to the rule of law is regarded as an aspirational virtue of democratic States. The rule of law is defined in the Oxford Australian Law Dictionary as 'a legal regime under which every person in a given jurisdiction is subject to the laws of that jurisdiction.'¹ *Batman and the Rule of Law* examines this concept through a superhero lens. Joel argues that relying on one person to enforce what they perceive to be right and wrong may lead to a path of destruction. Instead the rule of law, where everyone is equal in the eyes of the law and subjected to the accepted system of rules and procedures, provides better protection for us all.

While superheroes may successfully operate outside the limits of the law, the police are carefully regulated to avoid them doing so. At a time when police powers are being controversially increased in States like New South Wales where police now have the power to compel women wearing headdresses, such as burqas, to remove their veils during routine vehicle stops, Senior Teaching Fellows Elizabeth Greene and Suzie O'Toole's quiz about police powers in *Good Cop, Bad Cop* is pertinent. While this quiz relates to Queensland law specifically, laws in other States and Territories are similar and this exercise should spark debate about how far the legislature should be able to go in limiting citizen's rights to ensure that police can adequately fulfil their duties in investigation and law enforcement.

Related to the limits on police powers in discussing how far persons acting in an official capacity can go to obtain information is Assistant Professor Joel Butler's article on *Torture*. After outlining the definition of torture and clarifying the position under international law Joel delves into the ethical debate as to whether, in some instances, torture is justified. Joel illustrates that it is very difficult to draw a clear line in the sand.

Moving away from such a depressing subject and to add

a bit of humour to your day (yes we were as surprised as you to find out that lawyers could be funny too) be sure to check out Assistant Professor Tim Jay's *Alternative Translations of Latin Legal Maxims*. Once upon a time lawyers were educated in this ancient language because of the litany of Latin scattered throughout legal terminology. This is no longer a requirement and you do not have to know the real meanings of these terms to get a kick out of Tim's interpretations. But needless to say Tim will not be getting a job as an official translator any time soon.

Our High School Mooting master, Associate Professor David Field, has again provided his usual round up of the fun and foibles of the Bond Law High School Mooting Competition in *A Flood of Inspiration*. How did your school go? Is someone you know mentioned? Even if your school did not participate, this article will surely tickle your taste-buds so that you get involved next year.

Senior Teaching Fellow Craig Smith provides the fodder for our next 'What is' entry with his foray into *What is Victims of Crime Compensation?* Craig critically examines the Queensland legislation, past and present, and its advantages and disadvantages. He describes the processes involved in claiming compensation, outlines who is entitled to claim compensation and what expenses compensation may cover. Hopefully you will never find yourself the victim of crime, but if you or someone you know is unfortunate enough to become a victim, from reading this introduction you will know where to go to seek further information about claiming compensation for your loss.

Our next instalment of the *Who's Who in the Legal Zoo* series moves away from the profiles of the judiciary and instead Assistant Professor Jodie O'Leary explores an important legal institution, particularly from the perspective of criminal lawyers, *the Jury*. While it is a long-established common law tradition the value of the jury is certainly not undisputed among the legal fraternity or the community in general. To engage meaningfully in the debate as to whether juries should continue to retain their place in our legal system, especially in a digital age rife with social media, it is important to know how jurors are selected and what role the jury actually plays in decision making. After reading Jodie's article you will be able to argue from a position of knowledge.

So what are you waiting for? Dig in and enjoy. Satisfy your hunger for knowledge.

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Reference

- ¹ 'Rule of Law' in Tricia Mann (ed), *Oxford Australian Law Dictionary* (Oxford University Press, 2010) 513.

Take part!

We are now preparing for 2012 Bond Law High School Mooting Competition, during which it is hoped that additional regional rounds can be held in Western Australia, Tasmania and the Northern Rivers region of New South Wales. If your school is interested in getting involved, please contact the Events Manager for Bond Law, Mairead Courtney, on mcourtne@bond.edu.au.