

# Editorial

It is a pleasure to welcome new authors to the seventh volume of the *Australia and New Zealand Journal of Law and Education*: Simeon Maile from South Africa, Frances Hay-Mackenzie and Kelly Wilshire from New Zealand, Ralph Mawdsley from the United States and Fred Smith from Queensland. Of course it would be remiss not to welcome back most warmly contributors to earlier issues of this journal. This issue contains contributions which range widely across jurisdictions and subject matter. Regular readers will notice with pleasure the return of two articles from Antipodean cousins in New Zealand, as well as the revival of the opinion segment and further contribution to the international developments area. Three interesting decisions receive instructive treatment in the case notes section.

I am also pleased to announce that 2003 will see the first in a planned series of “occasional” special issues of the journal. The theme for 2003 will be *Special Needs, Special Education and the Law*. This theme has a broad scope and I shall be pleased to receive contributions in the Opinion, Articles, International Developments, Case notes and Book review segments from all jurisdictions and a variety of theoretical, practical and pedagogical perspectives. This is a particular opportunity for educational practitioners and others to contribute to the debates about inclusion, its legal regulation and related issues. I look forward to receiving expressions of interest for this new venture.

In this issue Dr Simeon Maile presents his views on professionalisation of the teaching profession in South Africa in his opinion piece on the South African Council for Educators. Dr Maile was a welcome visitor at the 2001 ANZELA Conference in Melbourne at which he introduced participants to some of the emerging issues for educators and lawyers in the post-apartheid era. He continues with the informative piece which compares the South African Council with its Scottish equivalent. It is clear from his data that there are still considerable challenges ahead for the development of professionalism in education in that country.

Sally Varnham treats the perennial problem of cheating and what the law will do about it in “copping out or copying?” She takes a comparative approach to the issues with case law and legislation from United Kingdom, United States and New Zealand. It is an engaging piece which addresses some of the most vexed issues in higher education law. Frances Hay-Mackenzie and Kelly Wilshire offer a thorough-going analysis of the liability of schools for personal injury in New Zealand. An earlier version of this very stimulating paper was presented at the 2001 ANZELA Conference in Melbourne. In view of the contemporary debates about public liability insurance and continuing concerns about the effect of multi-million dollar compensation awards in this country, Australian readers will be interested to compare the effects of New Zealand’s statutory accident compensation scheme.

Charlie Russo and Ralph Mawdsley keep us up to date with the US Supreme Court’s most recent decision on student privacy rights in *Owasso Independent School District v Falvo*. The factual context of the *Falvo* decision is interesting as it involves a challenge to a peer grading

mechanism used to mark class assessments. Whilst the legal regulations of privacy rights in Australia is a far cry from the constitutionalised system in North America, some of the court's arguments are instructive for educators in assessing the efficacy of particular assessment mechanisms.

Fred Smith and John Hamilton provide an analysis of two cases, both with negligence backgrounds. The issue of negligent misrepresentation in providing career advice and the duty of schools in the event of fighting between students are both questions of great practical significance for classroom practitioners and their legal advisors. Peter Williams provides an update on the responsibilities of educational employers in his note on the recent decision in Western Australia in the Watson case involving injury to an employee teaching in a remote location.

Katherine Lindsay