EDITOR'S NOTE

Volume 12 of the *Macquarie Law Journal* is a general publication which has attracted some high quality submissions that highlight the great variety of research topics currently being undertaken by Australian law academics. We are pleased to present seven articles that in their own ways contribute to a better understanding of a range of issues traversing international law, legal history, refugee law, human rights law and comparative jurisprudence.

This volume starts with the 2013 Annual Tony Blackshield Lecture, which was presented recently at our law school by Professor George Williams. His incisive commentary on the spate of laws enacted in various Australian jurisdictions in response to the threat of international terrorism was very well received by the large audience present. Professor Williams' comprehensive presentation covers the initial justification for the anti-terror laws, but also critically considers their development, their real and potential effect on human rights in contemporary Australia and the prospects for reform. He also took the opportunity to reflect personally on his experiences as Tony Blackshield's student and colleague, a reflection that we publish as a short postscript.

Professor David Clark's article on a neglected aspect of Australian judicial history makes a significant contribution that builds on previous research about individual judges in the 19th century Australian context. However, his exhaustively researched piece has raised the bar for its thoroughness and scope in relation to existing secondary literature as well as primary sources. It has done a great service to future scholars in this area. The article also elevates this complex aspect of our colonial history, highlighting the strained relationship between the judiciary and the colonial executive, to more abstract issues that help us also interpret our constitutional law in historical context.

Professor Holly Cullen has prepared an interesting and topical description and evaluation of the Kimberley Process Certification Scheme, a relatively unnoticed example of international soft law. In her insightful evaluation of the scheme to date, Professor Cullen focuses on three sovereign states, each of which has had a unique experience of blood diamonds and the scheme designed to prevent their trade. Each heralds different lessons for its future. Her article also exposes the inherent difficulties underscoring such experiments in international law. It draws attention to the limitations of contemporary international consensus-based decision-making insofar as it aims to secure compliance with voluntary undertakings by sovereign states.

We are delighted also to publish an article from a recent Macquarie Law School graduate, Lauren Hirsh, whose scrupulously prepared argument for the adoption of Australian gun laws in the United States deserves commendation. Lauren's contribution is in some ways a pioneering work which, based on an astute doctrinal analysis of two pivotal superior US court decisions, explores the constitutional and cultural barriers to the possibilities for more comprehensive gun control in America on the Australian model.

Kate Ogg has delivered a very valuable review and critique of recent developments in the field of refugee law. She analyses and contrasts two recent and important cases to mount an argument about the relationship between refugee law and human rights law in determining the criteria for the 'effective protection' of persons seeking asylum from persecution or human rights abuse. The first decision, in the politically charged atmosphere of an impending federal election, saw the High Court of Australia look to the Refugee Convention to set a high standard as to what amounts to 'effective protection'. The second, from the European Court of Justice, drew on principles of human rights law and, perhaps paradoxically, set a lower threshold for states wishing to send asylum seekers to a third state for processing. Ms Ogg's article exposes the tension between the Refugee Convention and the European Union's human rights jurisprudence.

The long dormant phenomenon of piracy has become topical again in recent times. Tamsin Paige has presented a valuable and informative article in which she argues that the crime of piracy is one of concurrent municipal jurisdiction rather than universal jurisdiction. Using extensive historical and contemporary research, Ms Paige reinforces the view that, in the context of the increasing challenge of piracy for international legal frameworks, there is a renewed urgency to clarify the legal definition of piracy to achieve greater consistency in counteraction and prosecution.

Dr Asmi Wood's contribution to this volume advances current knowledge about Islamic approaches to the welfare of animals. His article, replete with informative material for researchers in the field, is based on some key contentions. Despite diverging specifications for the lawful or 'halal' slaughter of animals, Dr Wood argues that a close reading of the primary sources of Islam reveals they are primarily directed at minimising distress and pain. Further, the current standard for halal certification in Australia does not in all instances meet the specifications decreed by *shari'a* specifications. The article also explores how *shari'a* principles may be used to promote more humane treatment of animals in Australia and among our trading partners.

I thank all the contributors for their submissions to this edition of the *Macquarie Law Journal* and their cooperation with the editorial staff during the production phase. I would also like to express my gratitude to the student editors, whose commitment and perseverance made its publication possible. A Call for Papers for Volume 13 may be found at the end of this edition.

Ilija Vickovich

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