

FOREWORD

The 2009 issue of *UNDALR* has a diverse range of articles, testimony to the sundry areas of public interest that the law reaches.

Natalie Skead discusses the use of Equity in our legal system today, reflecting on an area of law centuries old but just as important and relevant today as it was in 12th century England. Her discussion of the *Limitation Act 2005* (WA) is informative and revelatory.

The shortcomings of the *Criminal Code 1983* (NT) in relation to fraud and criminal deception are considered closely by Andrew Hemming. He advocates for a closer adaptation of the *Theft Act 1968* (UK) in relation to these offences and in light of the recent case of *Adamson v O'Brien* [2008] NTSC 8.

Joseph Fernandez examines the ‘truth’ in the disciplines of both philosophy and law. Is truth deferential to justice? This article takes a challenging look at the place of truth on our legal system today, particularly in the trial system.

Mr Hemming then considers the unrelated, but equally challenging, concept of the tort of defamation in 2009. He reflects on recent High Court cases considering the relatively new uniform defamation laws particularly focusing on the offer of amends procedure. This is also considered in light of relevant English cases.

The case study in this 2009 *UNDALR* issue examines the 2008 case of *Agricultural and Rural Finance Pty Limited v Gardiner* (2008) 251 ALR 322. It examines the High Court’s differences of opinion in the concept of ‘waiver’ and demonstrates that it is by no means a settled principle in Australian law today.

Associate Professor Jane Power
Executive Dean, College of Law
The University of Notre Dame Australia