

Editorial

'If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind'.¹

– John Stuart Mill.

I welcome you to the 10th Issue of *Court of Conscience*.

Given that *Court of Conscience* is celebrating its 10th anniversary, it is quite symbolic that this year we have 10 articles that respond to the 2016 thematic – 'Giving Voice to Minority'.

It is not an easy task to articulate a thematic that provides a meaningful stimulus while, at the same time, maintaining the integrity of the subject matter, especially when dealing with a sensitive topic such as 'minority'. Although the phrase 'giving voice' is widely used in literature concerning minority groups, the premise needs to be problematised. What does it mean to give voice? Whose voice is it? Is it ours to give? Conceptually, the thematic seeks to transcend this idea of 'giving a voice' to a particular minority and, instead, shift the focus to an individual's ability to give voice to issues that may be misunderstood, distorted, or overlooked by the majoritarian dialogue.

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This Issue features a diverse and unique collection of contributions submitted by academics from a variety of Australian universities, as well as a Wiradjuri Elder, a barrister, and UNSW Law students.

In the context of the criminal justice system, Piers Gooding, Sarah Mercer, Eileen Baldry and Anna Arstein-Kerslake, as well as Elena Marchetti, advocate for a more positive justice experience by examining the implications of trials for persons with cognitive disabilities and exploring the benefits of Indigenous sentencing courts, respectively.

The Australian treatment of asylum seekers is a pressing issue in both the media and academic discourse. Natasha Naidu draws attention to the way in which underage asylum seekers, one of the most vulnerable groups in our society, are denied a voice by a system that is plagued with conflict, whilst Linda Briskman emphasises the role of 'people of conscience', that is, asylum seeker advocates, in speaking out against the immorality of this system.

Australians were appalled by the revelations of child abuse that led to the Royal Commission into the Protection and Detention of

1. John Stuart Mill, *On Liberty* (Longmans, Green, and Co, 1865) 10.

Children in the Northern Territory.² With the recent release of the ABC Four Corners program *Backing Bourke*,³ it is clear that a new approach to Indigenous and youth incarceration is critical. In their articles, Rob White and Nicholas Carey both highlight one such approach – ‘justice re-investment’. The authors underscore the serious injustice brought about under the current system and vividly illustrate the need for change that both incorporates and responds to community voices. We are honoured to publish the insights of ‘Riverbank’ Frank Doolan, a Wiradjuri Elder from the Dubbo region, who also argues in favour of a community-based approach as opposed to increased prison funding and hopes for reconciliation between all Australians.

We are given a prescient reminder by Prue Vines and Stephen Tully about the potential of legal instruments to be mechanisms which ensure that the voices of minorities are heard.

Johnson Man provides an international perspective through an examination of the ‘one country, two systems’ constitutional principle as a way to protect the freedom and rights of Hong Kong citizens.

I would like to extend my utmost gratitude to the 2016 *Court of Conscience* Editorial Team. Over the past year, they have worked tirelessly to ensure that each article is of the highest standard. This publication is the culmination of their diligence, attention to detail, and enthusiasm. It has been a pleasure to work with such brilliant individuals.

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The cover, as well as each illustration, has been masterfully created by Miri Badger. Not only are her artworks beautiful – they are evocative and thought-provoking.

The publication is crisp and professional and has come together seamlessly under the skill and guidance of Nicholas Watts. I am very grateful for his continued involvement with *Court of Conscience*.

I would also like to acknowledge the UNSW Law Society and the UNSW Faculty of Law for their support of this publication.

The 10th Issue of *Court of Conscience* is everything that I envisaged and more. Thank you to everyone who has made this vision a reality. I commend the authors on their depth and insight and for making a worthy contribution to the ongoing dialogue of *Court of Conscience*.

Angelina Yurlova
Editor-in-Chief

2. The Royal Commission is due to report by 31 March 2017.

3. *Backing Bourke* (Directed by Lisa McGregor, Australian Broadcasting Corporation, 2016).