

## Editorial

Readers of ANZJLE will be aware that previous issues of the journal have had, as a specific objective, the enhancement of our understanding of the influence of law on the practice of education not only in Australia and New Zealand but in other common law countries including Canada, the United Kingdom and the United States. This issue, while continuing to meet this objective, marks a further milestone in the development of the journal in that two articles are more reflective of a commentary on the wider social implications of the law and its association with education. Thus in Ehrich's article the failure of anti-discrimination and affirmative action legislation to redress the imbalance of women in senior management positions in educational institutions is discussed. In the second of these two articles, Roederer and Vlaardingerbroek examine the extent to which teachers in Papua New Guinea are equipped to initiate changes in community attitudes towards non-customary law through the teaching of legal studies in the country's secondary schools.

The first two articles, however, are to do with issues related to the legal responsibilities of universities and other tertiary institutions to their students. Utilising cases from New Zealand, Australia, the United Kingdom and the United States, Varnham explores the increasing trend for students to bring action against tertiary institutions in New Zealand. The paper examines the potential for liability of tertiary institutions in tort and contract law as well as under consumer legislation. Rochford's article, to some extent, continues this theme by considering the nature of the legal relationship between 'the' university and its students. She concludes that a 'contractual analysis' does not provide a definitive view of the relationship.

In the United States there has long been academic/legal debate over the doctrine of *in loco parentis* and its implications for the authority of schools over their students. In their article Oosthuizen and Rossow provide a comparative analysis of the doctrine as it applies to South Africa and to the United States. The authors conclude that while recent court decisions might well herald a return to some form of *in loco parentis* position in schools in South Africa.

Kate Lindsay continues her series of case notes with a timely and sensitive analysis of the recent decision in *Demmery v Department of School Education* reached in the Equal Opportunity Tribunal of New South Wales in November, 1997. Readers will recall that this decision was to do largely with the issue of indirect indiscrimination on the grounds of disability in education. Lindsay concludes that this case has raised more questions than it solves.

This column has frequently commented on the considerable level of interest shown by both legal and educational practitioners on matters to do with law and education. In this issue of the Journal this interest is highlighted by the review of three books to do with education and the law in both Australia and New Zealand. In their reviews, Knott, Stewart and Williams note that

each of the books provide timely and practical advice on how to manage legally-related matters that arise in schools.

While the material contained in the articles, the case note and the books reviews here may prove uncomfortable I trust that you will find them both interesting and, hopefully, provocative. I would be delighted to hear your opinions and would welcome debate in the Journal on the many issues raised.

(Dr) Doug Stewart  
Editor