

PREFACE

The School of Law & Justice is committed to engaging critically with law, as we hold to a belief that law without justice is a desolate vessel. Our concern in critiquing and evaluating law is to work towards transforming it to enable just, inclusive, and sustainable communities. This special issue of the *Southern Cross University Law Review* is in keeping with this concern, and is presented in two parts.

The first part celebrates an important event at the School of Law and Justice. In 2007, the School of Law and Justice at Southern Cross University initiated the Michael Kirby Lecture Series to recognise and pay tribute to a most distinguished jurist, the Hon Michael Kirby AC CMG.

It is notorious that Michael Kirby's achievements are considerable, as he is renowned and held in high regard both in Australia and internationally. He was the inaugural Chairman of the Australian Law Reform Commission and, upon retiring from the High Court of Australia, was Australia's longest serving judicial officer. He has also been a member of numerous international bodies, including the President of the International Commission of Jurists, a member of the World Health Organisation's Global Commission on AIDS, a member of the High Commissioner for Human Rights' Judicial Reference Group, and a United Nations Special Representative on Human Rights in Cambodia. This year he was named co-winner of the Gruber Justice Prize. It is almost trite to note the honour for our School to have Michael Kirby as the patron of this series.

Michael Kirby presented the inaugural lecture in this series, 'Twelve Years in the High Court – Continuity and Change'.¹ The papers that follow are the lectures presented by three other prominent legal thinkers of our times: Ms Pamela Tate SC, former Victorian Solicitor-General and a recent appointment to the Court of Appeal of the Supreme Court of Victoria, Professor Adrien Katherine Wing, Bessie Dutton Murray Professor at the College of Law, University of Iowa, and Justice Margaret McMurdo, President of the Court of Appeal of the Supreme Court of Queensland. Each of these papers engages critically with the place of human rights within our legal framework – a topic that is in keeping with the juridical and humanitarian work of Michael

¹ This lecture is available at The Hon Michael Kirby AC CMG, 'Speeches', '2000s', 'Volume 61 – 2007', 'Twelve Years On the High Court', <http://www.michaelkirby.com.au/index.php?option=com_content&view=article&id=75&Itemid=12>.

Kirby and of great significance to our regional, national and international communities.

The second part presents two articles which follow the critical theme of the Kirby Lectures. In their article, ‘Corporate Liability for Manslaughter: The Need for Further Reform’, Aidan Ricketts and Heidi Avolio explore the problem of corporate liability for manslaughter through an examination of common law principle and the statutory reforms attempted in Australia and the United Kingdom. They argue ‘for both procedural and substantive reform’ via a ‘radical approach to corporate criminal responsibility’ to facilitate the ‘aggregation of corporate negligence, an abandonment of the strict requirements for *mens rea* and novel forms of sentencing to achieve higher levels of compliance and successful prosecution of corporate offenders’.

In the second article, ‘The Good White Nation Once More Made Good? Apology for Atrocities to the Stolen Generations’, Shelley Bielefeld questions the mythology of the ‘good white nation’. She argues that the Federal Government’s apology to the Stolen Generations merely ‘tinkers at the edges of a racist colonial order’, leaving the ‘essential foundations’ of the nation’s “‘stain” of colonial history’ untouched and unexamined, so that ‘assumptions of white supremacy... remain at Australia’s core’.

To complete this issue, Bruce Arnold reviews *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective* (2008), a work edited by Colin Bennett and David Lyons, that presents a collection of essays on past and contemporary identity document regimes. As Bruce says, our day-to-day identity is ‘founded on the cards and other documents sighted by people in the private sector when opening a bank account, renting a DVD, signing up for a university course or validating an identity when registering in a hotel’. He examines the contribution Bennett’s and Lyons’ work makes to encouraging a shift in our habit of indifference to the significance that these ‘identity’ documents hold in our lives.

We hope you enjoy this issue of the *Southern Cross University Law Review*.

Dr Tom Round

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