

Editorial

It is a great pleasure to present another issue of the *Australia and New Zealand Journal of Law and Education*. It is the first under my editorship and in some respects it breaks new ground. Following the lead of the foundation editor, Dr Douglas Stewart, there is an emphasis on international content. I am delighted that Dr Stewart has agreed to accept the position of Consultant Editor to the journal and I rely on his sage advice.

This issue presents the reader with challenge and stimuli. Two new sections of the journal have been introduced. The first of these is entitled **Opinion** and offers the opportunity for authors to present well argued position pieces on issues related to education and the law. In this issue, His Honour Justice Marvin A Zuker of the Ontario Court of Justice presents the reader with powerful images of vulnerable children in *Children at Risk*. He explores the roles of schools, parents and the general community in responding to the most vulnerable children in society. He brings experience from legal practice which he combines with powerful moral sensibilities to question current practices and assumptions. Responses are invited to the material presented in the Opinion section.

Associate Professor Paul Rishworth informs readers of the contemporary issues in education law in New Zealand in the new **International Developments** section of the journal. The main focus of the article in this issue is the New Zealand tertiary education sector. Professor Rishworth's contribution has also been published in the United States and its publication in the *Antipodes* will make this research accessible to a wider audience. The article also contains an important analysis of contemporary issues in indigenous education in New Zealand which will prove of significance in the ongoing debates about indigenous education in Australia.

International contributors from the United States also feature in this issue. Professors Russo and Mawdsley offer a searching analysis of the US decision in *Altman v Bedford Central School District*. The case raises a number of key issues in the constitutional context of the separation of Church and State in that country. It is highly readable and provides a stark contrast to Australia's flaccid debates about state funding of church and private schools. The final international contribution by Albert Miles, David Dagley and Christina Yau is of quite a different complexion. In *Blackstone and His American Legacy*, the authors trace the historical influence of Blackstone's *Commentaries on the Law of England in the United States*, its legal education and its judges. There is much to be learnt from their elucidation of Blackstone's values, especially as that author has been so often quoted in our own legal determinations in Australia.

It is pleasurable indeed to welcome two new Australian authors to the journal in this issue. Ben Mathews provides a stinging critique of existing laws dealing with criminal responsibility of children. He challenges existing patterns of legal regulation by reference to psychological evidence and human rights norms. He argues cogently, and I believe most persuasively, for more flexible and inclusive methods of conferring legal rights and responsibilities where children are concerned. Mary Keefe-Martin presents an important appraisal of the determination of the Human Rights and Equal Opportunity Commission in the recent case of *Hoggan v The State of New South Wales*

(Department of Education). She balances legal and special education issues in her case note, and raises significant questions about the non-discriminatory education of students with disabilities in integrated settings.

My special thanks to Donna Bennett for her professional and efficient assistance. I shall look forward to your comments and suggestions for further issues of the journal.

Katherine Lindsay