

FOREWORD

BY BARRY BERGER

As a practicing Lawyer for the past 45 years I am delighted to introduce the 8th edition of the *Victoria University Law and Justice Journal*. The issue of tertiary education is a hot topic given the high standards that Australian universities have achieved throughout the world. Victoria University is at the forefront of such excellence, and the content of this issue marks that continuing high standard that is being achieved, especially by the law school.

In the early 1800's, Ludwig van Beethoven was asked by Anton Diabelli – a publisher of musical scores and sometime composer – to provide a variation to a waltz that he had composed. Diabelli had also asked a number of other contemporary composers to do likewise within a timeline to allow for commercial publication. Beethoven worked on this task, whilst also composing other important works, and was inspired to continue to compose more variations than was asked of him. Beethoven apparently retorted to his valet, on being asked when he would finish his variations, that he did not know as he was not sure how many variations he still had in him – *he was not finished yet*. He went on to compose 33 variations over a period of some four years.

There are learned articles of jurisprudence on such varied topics as lawyer professionalism, good faith in international investment disputes, virtual education and technology in teaching law, and legal unreasonableness and natural justice in administrative decision making. An in-depth conversation with The Honourable James Allsop AO, Chief Justice of the Federal Court of Australia, is also featured.

Hopefully, these learned articles will instil a desire to your professional endeavours to never come to an end – the Beethoven variations principle.

In this edition of the journal we have also included the Michael Kirby Oration by Professor, the Honourable Gareth Evans AC QC titled *Crimes Against Humanity: Does the Responsibility to Protect Have a Future?*

In this timely and needy dissertation, Professor Evans poses the continuing issue for humanity of how far we have gone, and how far do we still have to go to deal with the worst of all human rights violations. Please read it and consider what attributes are required from a member, not just of the human race, but also of the professional legal community dealing with your most noble cases.

Writing this Foreword after more than 40 years in the law, and having practiced through some of the most fundamental changes and advances in society and law, there still exists a belief that there is so much more to do, and which can and should be done in the area of jurisprudence by our readers.

It is with the greatest pleasure and expectation that the articles in this excellent publication will fuel the desire and passion for our legal future.

Lastly, special thanks must be given to the editorial staff for their painstaking attention to the task of collating and presenting such a world class publication.

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