

LAW MUST BE SEEN IN THE CONTEXT OF THE SOCIETY IN WHICH IT OPERATES: DICTUM 2012

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Founded in 2010, DICTUM – the Victoria Law School Journal explores topical and contentious legal issues. It aims to distinguish itself through the publication of shorter, punchier articles ranging from 6000 - 8000 words that look beyond the general legal community. Since the 2011 inaugural edition of DICTUM the journal has become highly regarded as a vehicle for promoting academic integrity and high quality scholarship.

In 2012 the second volume has been produced and the Editorial Board are to be congratulated in their selection of items representing important contemporary issues that need to be discussed. Law must be seen in the context of the society in which it operates. In this way, disputes may be prevented, and if disputes do occur, they can be resolved by using the most appropriate method rather than being confined to adversarial combat – otherwise known as litigation.

In keeping with the tradition of DICTUM, the first item is an interview. This year the Honourable Justice Maxwell, President of the Court of Appeal in the Supreme Court of Victoria is asked about a number of matters. They include the challenges faced by the courts, statutory interpretation and the role of technology in the legal system.

The Honourable Justice Gray, Chief Magistrate of Victoria makes a spirited call for rational debate over sentencing in the criminal justice system. Courts are not out of touch, they are part of society and more attention must be placed on crime prevention in an effective manner.

Professor Sourdin, Director of the Australian Centre for Court and Justice System Innovation, highlights the position of ‘good faith’ provisions in Alternative Dispute Resolution processes. The observance of such an obligation may lead to less adversarial conduct and more appropriate dispute resolution techniques being adopted. It may bring about a cultural change.

The Honourable Justice Misso of the County Court of Victoria describes how the Family Property Division operates. A critical part of case management in the administration of civil justice is mediation. It is both a valuable and intelligent response in managing the court’s ever increasing workload.

Dr Smith a partner at Clayton Utz and Mr Howard a lawyer from the same firm, investigate the QANTAS dispute that grounded the airline last year. The need for legislative reform with respect to arbitration in employment disputes is noted. A ‘lock out’ need not be the only response to such disputes.

The Editorial Board for 2012 need to be commended for their efforts.

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