

EDITORIAL

Welcome to Volume 24 of IJLE! My name is John O'Brien, and I took on the role as Acting General Editor midway through 2021. (I would particularly like to stress the word 'acting' in that title.) I was once a high school teacher, sports coach and boarding supervisor; but now work as a lecturer in the law degree at Queensland University of Technology. I am on the ANZELA Queensland Chapter committee and a member of the board of directors of ANZELA Ltd.

The ANZELA board had resolved to change the format of the journal to publish articles electronically as soon as they were accepted. Therefore, members may well have previously seen the first three articles included here. Nevertheless, it is worthwhile to reproduce them again, and this time, with an Editorial.

All articles contained within have a 'local' flavour, being the work of Australian or New Zealand authors. This may be due, in part, to the impacts of COVID-19 on the ability to hold conferences, where 'cross-border' discussion may be stimulated. I do hope that Volume 25 may see the return of some broader perspectives on Education Law, and the return of the ANZELA Conference later this year should hopefully be a stepping-stone towards that.

The first article comes from New Zealand school headmaster, Nic Hill: 'When Sleeping is Working: the Definition of Work in a Boarding School.' This paper provides an excellent analysis of what can be an overlooked, and sometimes vexing, issue in school employment practices. Nic has researched the relevant New Zealand legislation and pertinent case law to highlight the difficulty when boarding school supervisors are required to sleep overnight as part of their duty. Are they performing "work" at such times, and if so, should they receive a "wage" for those hours? He provides a comprehensive section prior to concluding, entitled "Guidance for Schools". However, his article should be of interest, not just to school employment authorities, or New Zealand readers, but anyone with an interest in employment law.

The second article was penned by me – it attempts to provide a comparative overview of the laws regulating compulsory school attendance across the Australian jurisdictions and New Zealand. At this point, it is important that I thank Dr Elizabeth Dickson – a former General Editor of this journal for many years – for once again fulfilling that role in respect of my article. She handled the process of sourcing peer reviewers and created an effective "Chinese wall" (to borrow a corporate law term).

The third article is from Rachel Pepper and relates to the work she is undertaking as part of her PhD study. She is examining the legal literacy of school teachers in respect of negligence, and this article is aimed at that audience in particular. Rachel uses case examples to assist teachers to understand the scope of their 'duty of care', and ultimately to reassure teachers that courts are not expecting children to be bubble-wrapped – that is, not every risk needs to be eliminated.

The fourth article comes from Elizabeth Dickson, Joy Cumming, Claire Wyatt-Smith and Amanda Webster, who provide an update to their scholarship in the area of disability discrimination in education. This article focuses on the requirements for Australian schools (and teachers) to make reasonable adjustments in assessment tasks.

The authors highlight the lack of understanding and confidence by teachers on the issue. They draw upon authoritative case law which has laid down clearer guidance in how the task of reasonable adjustment should be undertaken.

John Orr has contributed ‘The Legal Capacity and Decision-Making within Australian Public Universities’ – work which flows from his PhD thesis. It should be noted that Dr Orr was the recipient of the 2021 Dr Ann Shorten Doctoral Thesis Award from ANZELA. In this article, he provides a deep analysis of the legal capacity of public universities as corporate entities, and how their enabling legislation should provide a framework to govern decision-making.

In addition to regular articles, we are also pleased to present a short book review by Andrew Knott, of the work by Mark Butlin, Noeleen McNamara and Kerrie Anglin: “Law and Ethics For Australian Teachers”.

I must convey a great deal of gratitude to our anonymous reviewers. It has been the practice previously to list these experts, however, I have chosen not to do so to preserve anonymity. But please be assured that your time and feedback were highly valued (as was your patience with a new Editor trialling new technology).

And finally, I am seeking expressions of interest for someone to take on the General Editor role. I would be happy to remain an Assistant, and deal with some of the logistical tasks. However, I do believe that the journal would benefit from the leadership of a more senior academic.

John O’Brien

Acting General Editor

Please note that all correspondence relating to the International Journal of Law & Education should now come via our email address: journal@anzela.edu.au.