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# Managing Editor's note

A popular recreational activity in Australia is to visit the beach and enjoy the sun, surf and sand. Yet as with everything, there are risks – unfortunately sometimes beachgoers are injured, sometimes with catastrophic consequences. However, not every injured person is entitled to compensation in tort, only those injured due to another's negligence.

In *Tame v New South Wales; Annetts v Australian Stations Pty Ltd\**, reasonableness was affirmed as the touchstone of negligence. Gleeson CJ:

“Categorisation is a useful means of formulating legal principle, and of giving necessary guidance to trial courts, but sooner or later a case is bound to arise that will expose the dangers of inflexibility, especially in an area of the law which has reasonableness as its central concept. Ultimately, reasonableness defies rigorous categorisation of its elements.”

A great benefit of the common law is its flexibility – the ability to take into account the circumstances of a case, including the plaintiff's and defendant's conduct, to determine a just outcome. Yet there has already been legislative reform of the law of negligence and the push for further reform continues.

Brett Charrington in his article overviews the decisions relating to beach injuries. He concludes that neither “surf clubs or councils are being swamped by a tidal wave of successful litigation”, although “such organisations are not sacrosanct” and may be liable in appropriate cases.

Tim Dionyssopoulos provides a helpful overview of actions under the *Admiralty Act* for personal injury involving ships at sea, and Angela Sdrinis overviews and critiques the legislation compensating injured ship workers and Seacare, the compensation scheme.

Nicholas Cowdery QC explains the human rights perspective of the immigration debate. He suggests solutions considering not only Australia's right to control its borders and determine who stays, but also the fundamental human rights of asylum seekers. The debate concerning mandatory detention, particularly of

children, is better informed by Tom Sherman's *Eyewitness Account of the Woomera Detention Centre*.

Bon Voyage to Jane Staley, whose hard work, leadership and dedication will be missed. We wish her well. In her farewell message, Jane reflects on her time as APLA CEO.

\* [2002] HCA 35.

TINA COCKBURN, QLD

