Editorial

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The invitation to write an Editorial for this edition of the University of Tasmania Law Review came as something of an unexpected compliment — not least because I hold no editorial office.

Reading the articles and reviews which appear in this edition is a rewarding exercise. Each of the articles concerns important areas of law and practice, both domestic and foreign which are of contemporary relevance.

It was also a pleasure to renew my connection with the Law School which I had the pleasure of visiting in September 2017 for a few days in company with a long time Federal Court colleague and friend, the Hon Peter Heerey AM QC. The interaction with staff and students during that visit was, I hope, mutually beneficial. Apart from lectures and group discussions Peter Heerey and I enjoyed 'drop-in' visits from post-graduate students seeking an informal discussion about their research topics. The topics were diverse and interesting and at the edge of contemporary thinking in the areas with which they were concerned.

This edition of the University of Tasmania Law Review begins with an article by Nadia Stajanova. It concerns provisions of the Fair Work Act 2009 (Cth) relating to employer deductions from employee's pay. The law relating to this field goes back a long way to so-called Truck Acts, the first of which was enacted in Western Australia in 1899 following campaigns against the truck system. The law on what deductions can be permitted and what cannot be permitted is not defined by bright lines. The article is of considerable practical value for those who are engaged in compliance-related action in the workplace relations field.

The second article by Wee Ling Loo and Ee Ing Ong concerns amendments to Singapore's *Consumer Protection (Fair Trading) Act*, which came into effect in 2016. The article is useful not only for those who might have a transnational practice but also for its comparative perspectives with the laws of Hong Kong and Australia. The authors take a critical approach to the Singapore consumer protection regime. The new investigative powers are said to be 'fairly draconian in nature'. Australia's approach is said to be 'more calibrated'. There will no doubt be differences of view about the balance struck by the Singapore legislation, but the debate about balance is always necessary where any new coercive regime is introduced. The article also discusses voluntary compliance agreements, apparently analogous to enforceable undertakings under Australian regulatory arrangements and judicial injunctive powers to enforce compliance. Critical comparisons are made with the Hong King and Australian regulatory regimes in these

respects. There is also a section on remedies and suggestions for further reform. The authors conclude that the introduction of the investigatory powers, and enhancement of judicial powers and remedies generally have added to the consumer protection regime in Singapore. They maintain that more can be done to provide a more robust and comprehensive legislative scheme.

The third article by Samuel Adams concerns the legal and administrative problems connected with prohibiting firearms based on their appearance. Hence the title of the article 'Judging a Book by its Cover: The Challenges of Prohibiting Firearms by their Appearance'. The article was evidently inspired by draft guidelines published by Tasmania Police in 2016 stating their intent to enforce a prohibition on firearms that 'substantially duplicate' the appearance of a prohibited firearm. The Firearms Act 1996 (Tas) provides for such prohibitions but the provision has only recently been enforced. The guidelines cover firearms which substantially duplicate a known fully-automatic firearm not only those which share characteristics with fully-automatic firearms. The author refers to a number of challenges raised by appearance-based regulation. Presently, there are legal inconsistencies between jurisdictions, a lack of administrative uniformity and difficulty in identifying public purpose of the prohibition.

The next article by Susanna Dechent concerns the challenging policy area of Australian interception of asylum seekers seeking to come to Australia by sea. The article is written against the background of the unanimous adoption by the United Nations General Assembly in September 2016 of the New York Declaration for Refugees and Migrants. Against the background and the non-refoulment obligation under the Refugees Convention the author examines the circumstances under which turn-backs and take-backs presently undertaken by the Australian Government may amount to a breach of Australia's international legal obligations. The author suggests that there is now an opportunity for Australia to reconsider its current approaches in policy and practice which are said to have been undermining the efforts of the United Nations High Commission on Refugees and other countries in the region.

The substantive articles are followed by a case note on the high profile defamation litigation involving the Australian actress Rebel Wilson and Bauer Media, the publisher of a number of women's magazines.

There follow substantial reviews of four books: the first on the protection of geographical names in international law and the domain name system policy, the second on water regulation, the third on legal education and the fourth on legal professional privilege.

This edition of the Law Review makes not only interesting reading but also a substantial contribution to legal scholarship in Australia.

University of Tasmania Law Review

VOLUME 36 NUMBER 2 2017