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Cover image © Kevin Chin

The dislocation of cultures

Kevin Chin says his paintings meld 'foreign and familiar landscapes with domestic interiors to explore the fluidity of "home".' The image in *Tend the Ground* is both remembered and imagined, so the dream-like figures may at first seem strangely out of place, yet the clue is in the work's title.

While in studio residency in Tokyo, the Malaysian-born artist 'observed the many ways that Japanese people connect to the land.' His oil on linen painting juxtaposes the sweeping ritual of groundsmen at sumo wrestling matches against a brilliantly-hued forest setting. The heightened colours help depict 'a place that is both nowhere and everywhere', and reflect Chin's own sense of cultural dislocation, both in Japan and as a migrant in Australia.

By questioning the relevance of 'home soil', the artist considers how it is that we create a sense of belonging within our global village. Chin plays on our attempts to realise dreams for a better life — through migration, consumer travel, marriage or home renovation. By re-assembling fragments of paradise with the domestic, he finds the otherworldly within the everyday.

KEVIN CHIN

<<http://www.kevinchin.com.au/>>

Tend the Ground, 2013, oil on linen, 97 x 146cm

Image courtesy of the artist and *This Is No Fantasy*

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ARTICLES

DEREGULATION, DEBT AND THE DISCIPLINE OF LAW

Margaret Thornton

In the 25 years since the introduction of university fees, the legal education landscape has been transformed. The most recent proposal is that fees be regulated altogether.

PROTECTING FREEDOM OF SPEECH

George Williams

Although freedom of speech is accepted as one of the most important human rights in any democracy, Australia provides no express protection in legislation or *Constitution*. This article explores the consequences, and what reforms might be needed, to remedy this deficit.

FROM ALTERNATIVE TO THE NEW NORMAL

Therapeutic jurisprudence in the mainstream

Pauline Spencer

This article considers recent developments in therapeutic jurisprudence and explores a methodology that can be applied to examine the potential for increasing its therapeutic impact.

DETERRENCE, AND THE SLOW DEATH OF THE *SHOP THEFT ACT* IN SOUTH AUSTRALIA

Matthew Atkinson

The *Shop Theft (Alternative Enforcement) Act 2000 (SA)* was to provide a diversionary alternative to court proceedings for minor shop theft, but has never been properly utilised. The author considers whether it should be given a new lease of life or consigned to the waste paper basket.

BURQA: Human right or human wrong?

Farinaz Zamani Ashni and Paula Gerber

This article examines how different bodies of law view the wearing of all-covering body veils by women and whether dictating that women should, or should not, wear such garments is a breach of Islamic law and/or human rights laws.

WOMEN VICTIMS OF VIOLENCE DEFENDING INTERVENTION ORDERS

Alicia Jillard and Julia Mansour

This article examines the phenomenon of women victims of violence defending Apprehended Domestic Violence Order (ADVO) proceedings initiated against them.

SIMPLY IMPOSSIBLE: Plausibility assessment in refugee status determination

Douglas McDonald

This article discusses the methods used in refugee status determination to determine whether asylum seekers' accounts of their experiences are 'plausible' – that is, whether these experiences could possibly have occurred as described.

PASS THE PARCEL: Australia and the vexing issue of a federal nuclear waste repository

Gerry Nagtzaam

This article critically examines the failed attempts by the federal government to build a Low-Level Radioactive Waste repository in Australia and concentrates on the recent unsuccessful attempt to put a facility at Muckaty in the Northern Territory.

THE PRINCIPLE OF LEGALITY AS PROTECTION FOR HUMAN RIGHTS

Alison Doecke

The recent use of statutory interpretation, particularly the principle of legality, has developed human rights protections despite the absence of a formalised Bill of Rights or direct cause of action for infringement of human rights.

NGOs AND HUMAN RIGHTS MONITORING

Anna Cody

Australian NGOs engage in United Nations human rights monitoring mechanisms to progress their interests and the interests of communities for whom they advocate.

THE HYPOCRITICAL HYPE ABOUT 'HYPOTHESIS'

Dan Svantesson

Researchers, not least PhD candidates, are often asked to account for their hypothesis. This article argues that the very idea of a hypothesis is a poor fit for most forms of legal research.

REVIEWING THE REVIEWERS

Anthony Gray

The author reflects on his experience as a researcher seeking to have his work published in refereed academic journals, particularly in Australia, where he has often found reviewers unnecessarily negative.

BRIEFS

THE MAKING OF PROSECUTORIAL DECISIONS IN AUSTRALIA

Kellie Toole

The shift in primary responsibility for criminal prosecutions means the DPP now decides whether it is in the 'public interest' to prosecute particular offences. Yet there is little understanding of the way that decision is made or the consequences of its exercise by a statutory office not directly accountable to the public.

REGULARS

Legal Studies: Therapeutic jurisprudence

'Sit Down Girlie': Girlie takes a gander at diversity

DownUnderAllOver: Developments around the country