

EDITORIAL

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Australian military law is at a critical juncture in terms of its legitimacy as an effective and just legal system and the acceptance of its constitutional validity by the judiciary. The widespread media coverage of the Senate Report into Military Justice¹ indicates that the issue of legitimacy is not restricted to the military but is of contemporary national interest. The sense of concern by Kirby J in *Re Colonel Aird; Ex parte Alpert*² that the High Court was not given the opportunity to sufficiently re-examine the constitutional validity of the military court system indicates that this issue is far from judicial resolution.

We are proud to be publishing these first co-ordinated academic reflections on the Senate Report and trust they will make a valuable contribution to the implementation of its recommendations and any future official response from the Federal Government. The contentious issue of the *Defence Act 1903* (Cth) Part IIIAAA ‘call-out legislation’ also receives rigorous debate in this Thematic Issue. While these powers have not yet been invoked, we hope that these articles will assist in the distillation of the numerous related issues under debate. Other articles address important issues in Australian military law of historical and contemporary interest.

The authors who have contributed to this Thematic Issue deserve enormous thanks for the time they have dedicated to the research and composition of their articles in addition to the lengthy editorial process. I am certain their efforts have resulted in a meaningful contribution to the debate in this area of law.

Members of the *Journal*’s Editorial Board have worked tirelessly towards the production of this Thematic Issue and I sincerely thank them for their efforts. My co-Editors and Faculty Advisers have also made a significant contribution through their advice and support.

Co-ordinating and editing this issue of the *Journal* has been a highlight of my time at the UNSW Law School and I consider it to have been a privilege.

* Editor, Thematic Issue 28(2).

1 Senate Foreign Affairs, Defence and Trade References Committee, Parliament of Australia, *The effectiveness of Australia’s military justice system* (2005) (‘the Senate Report’).

2 (2004) 209 ALR 311 [81]–[84] (Kirby J).