



Preface

This dictionary aims to be *helpful*. Oxford University Press had long thought it was time for a current and conceptually new Australian law dictionary, of manageable size, built from the ground up rather than being cut down from some larger database. Masses of stuff is available online with a few keystrokes, and it is easy enough for law students to download millions of words on any one topic. What is missing is relief from legal information overload: a sentient human paying attention, sifting and explaining: ‘Here is what I understand about this term, and why it is relevant; here it is in context – does that help you?’

All very well – but the prospect of building such a dictionary from scratch is daunting. It remained in the too-hard basket until Katie Ridsdale, Senior Publisher and Development Manager at OUP, became determined to create such a dictionary to complement the stable of legal texts OUP was steadily building. She conducted research with academic lawyers and law students on the content, design and usability features that would make a dictionary indispensable, and she kept researching throughout the process. Having established what was needed, Katie set about getting it done. The construction team consisted of Katie; Audrey Blunden, Lecturer in Law at UNSW, and Chair of the Academic Board and member of the Board of the College of Law; Geraldine Corridon, an experienced publishing project manager and former Managing Editor at Oxford University Press; and me.

I am told it was Augustine who said it is a blessing that we cannot tell the future. Whatever its source, that insight certainly applied to this dictionary, which might well have stayed in that too-hard basket if we had truly understood the enormity of the task (*cf* enormity – but that, too). A few wiser souls than we scratched their heads and asked how we planned to do it. We just began, making some rather wild and trustful assumptions.

Audrey and I both had experience teaching students at all levels: undergraduate law, law in commerce and MBA courses, practical legal training courses, and legal professional development for practitioners. Audrey had particular responsibility for international students. We thought we understood what these people needed, and we knew that recycling old material would not do the trick. We wanted each entry to be a tight little gem, a compact distillation of meaning.

And we wanted to use the new approaches made possible by information technology, and provide an electronic version of the work. Here Audrey's tireless work in conceptualising categories and choosing and excluding words laid the foundations. We took the Priestley Eleven compulsory subjects for admission, compiled a dossier of possible headwords, then added other core subject areas so that, in all, we focused on 25 areas. We developed core lists of relevant words in those areas, which we then asked legal academics and practitioners to write entries on.

We made adjustments as we went along. We weighted words according to a complex array of factors including the concept's degree of difficulty, ubiquity, importance, easy availability elsewhere, centrality to law course requirements, and occasional editorial idiosyncrasy in the interests of avoiding unrelenting legal stodge. We cross-referenced words internally, weaving them into the definitions themselves as a way to expand the reader's awareness of other relevant material in the context in which it occurred; we wanted to help new lawyers master the complex interrelatedness of law.

We could not cover the field, nor deal with every word at length, but we have tried hard to give relevant advice and warnings. We asked our contributors to write about each headword meaningfully. We kept in mind the student's difficulty in learning to think like a lawyer. We used legal language, as new lawyers have to learn to do, but we tried constantly to make it relevant. We imagined the reader saying, 'Yes, but ...?'. We asked, over and over, 'So what?'. We frequently asked contributors to work miracles in very small compass.

There is not a single entry in this dictionary that has not been written for this dictionary, by one of the host of academics and practitioners to whom we are indebted (or occasionally, by two, where we have combined an accidental overlap of contributions, or needed to reshape material across several entries). We asked other academics to review their contributions, and we were lucky to be able to draw on a respected pool of OUP authors as reviewers and advisors. Members of our review panel and advisory panel caught an occasional error in material submitted, and they significantly refined many entries, and made valuable suggestions for additional information. We are very grateful for that work. They were Michael Bryan, Richard Chisholm, Linda Haller, Danuta Mendelson, Ian Leader-Elliott, Denise Meyerson, Mike Robertson, Michelle Sanson, Alex Steel, Pam Stewart, and Adrienne Stone. The dictionary was materially improved by the process of review (but the reviewers are not, of course, responsible for material they did not personally endorse).

None of this would have happened without the people listed in the Contributors section (pages xii–xxx), who did the

original drafting. They were helpful, encouraging, gracious, and argumentative, and some were cheerfully generous and patient far beyond what we had any right to expect. We called heavily on some contributors to review individual entries; Andrew Fraser reorganised the structure of a series of entries and supplied extra content; Chris Corns was the benchmark of speedy generosity, and David Wishart's alien sense of humour was a fillip in the direction of sanity at just the right time. Each in their own way, the following contributors earned our special gratitude: John Anderson, Kim Baker, Jeffrey Barnes, Jenny Beard, Audrey Blunden, Alison Bone, Michael Brogan, Jürgen Bröhmer, Peter Cane, Chris Corns, Noel Cox, Jonathan Crowe, Ruth Davis, Sarah Derrington, Heather Douglas, Patricia Easteal, Michelle Edgeley, Andrew Fraser, Xiang Gao, Matthew Harding, Stephen James, Brad Jessup, Dominic Katter, Sam Luttrell, Jackson Maogoto, L. Elaine Miller, Cameron Moore, Jodie O'Leary, Bruce Oswald, John Page, Tania Penovic, Lesley Petrie, Susan Priest, Chris Reynolds, Bernadette Richards, Michelle Sanson, Andreas Schloenhardt, David Spencer, Rachel Spencer, Dominique Thiriet, Kenneth Warner, and David Wishart. The OUP Editorial, Creative Services and Sales and Marketing teams ran with the project from the start. Their excitement at working on this dictionary boosted our spirits whenever the going got tough. And finally, our families put up with us, showing extraordinary forbearance as we dropped other responsibilities to focus on this one.

I am proud to have been involved in the project; pleased to have been given the challenge that drawing together such a large team's work has turned out to be; and grateful to all those who helped to make it happen. Together we really have built something special. I hope that it is worthy of OUP; that there are not too many things amiss (*mea culpa*); and that if there are, you will tell us (email **feedback.au@oup.com** with ALD in the subject line), but temper the justice with mercy as you let us know how we may make amends.

Trischa Mann

Ballarat, July 2009

How to Use this Dictionary

Because It's a Bit Different

This dictionary is not repetitive: you won't find the same information in different places, even though there is a lot of overlap in legal terminology. So you need to follow cross-references to get a rounded picture. Here are a few (very few) tips on how to use the dictionary.

Understanding topics

To get the gist:

For the gist of a word, read the first sentence. That might be enough as a memory jogger.

For more information, read through to the end.

For understanding in depth:

Read through to the end.

To fully grasp context and interlinking of information, follow the cross-referenced terms (given in small capitals). This can be helpful even if you feel you understand the term.

Follow the *see also* related references at the end of the entry.

Find the cases cited and read them (or, online, search for the key word within the case to pinpoint the discussion).

Search for the case name or legislation to find further related commentary.

To get a subject overview:

There are several ways to get the gist of a subject area:

Read the summary, if it is in the **Priestley Eleven** core subjects list. (You will find a full-page summary box next to the spot where it occurs in alphabetical order). If you are unsure whether it is a Priestley Eleven subject or not, check the Priestley Eleven entry.

Start with a word: If it is a Priestley Eleven subject, look up any of the key topics listed, or any of the other words that seem significant from the description. If it is not a

Priestley Eleven subject, or if you feel you have a handle on the subject area, start with a general-level word you think might be a key term (e.g. **will** or **probate**).

Chase word links: Keep following the cross-references until you exhaust the topic. Or start again with another word whenever you like.

Understanding our system (it's very simple)

Parts of speech and obsolete terms: As most entries are nouns, we don't make a special point of saying (*n*) each time. But if it's another part of speech, we mark it: (*v*) for verb; (*adj*) for adjective; and (*obs*) for obsolescent or obsolete.

Etymology: If the Latin or Old French derivation is interesting, or it seems helpful to know how the meaning arose, we list it. Otherwise we don't.

Latin phrases: If a Latin or foreign phrase is still *commonly* used by lawyers, or is genuinely something any lawyer worth their salt would know, we list it. That is why *cum grano salis* is there. But we don't list legal phrases that make little sense in current practice.

Pronunciation: If you might embarrass yourself by mispronouncing a word, we warn you (it's *best-iality* not *beast-iality*), but we don't usually give pronunciation guides. And when we do, it isn't in phonetics, because our research suggests that people find the phonetic help harder than the word itself.

Citations: To fit in as many cases and examples of legislation as we could, we reluctantly had to trim them. They take a lot of room, and they are easy enough now to locate online, so we give only one citation for a case, even if it appears in multiple reports, and we only give a pinpoint reference if we have used a direct quote; even then, it is only a page number, instead of 'per Dixon CJ at p 49'. We ask for readers' indulgence here – and remind students that formal writing requires more detailed quoting and more extensive pinpoint referencing.

Academic references: Because this is a dictionary, not an academic text, entries are not treated as mini-journal articles with references and a bibliography. We try to explain a term as clearly as we can, but it is not the task of a dictionary to provide lists of distinguished writers in the field, or to discuss terms in a scholarly way. Where a particular term is noticeably associated with a specific author and publication we have indicated that briefly (author's name and year). That serves the purpose of alerting the reader and giving a starting point for further academic enquiry without taking the dictionary beyond its purpose. At the level of generality of this dictionary,

most terms don't fall into that category.

Websites: If there is a useful website with a lot of information, we give the website in the entry. We also list websites in the Abbreviations section (pages xxxii–xxxvi).

Abbreviations: Titles of organisations are set out in full in the entry headword. Be aware that that changes the way the entries sort. In other entries that refer to organisations that commonly have abbreviations, we use the abbreviated form to save space (e.g. ATO). If you need to check an abbreviation, look in the Abbreviations section. Where an organisation has a long title starting with an unexpected word and is strongly associated with a more helpful key word, we list it under that word: e.g. the Office of the United Nations High Commissioner for Refugees (UNHCR) appears under refugees (UN office) rather than under Office.

Helping us (we are keen to improve)

We have had to be selective to keep the dictionary to a manageable size, and there will be things we have missed, or decisions we have made that you disagree with. And we would really like to know about them. Also, if you find something missing, unclear, or wrong, please let us know. This dictionary was built with the help of many people. We hope that you, too, will contribute to the excellence of future editions by letting us know where you think this one falls short. Just email feedback.au@oup.com with ALD in the subject line.