

EDITORIAL

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The impacts of climate change are both profound and accelerating.¹ According to the 2014 synthesis report from the Intergovernmental Panel on Climate Change ('IPCC'), the last three decades have been successively warmer than any decade since 1850.² We have begun to see the impacts of climate change on natural and human systems.³ The IPCC is predicting a higher frequency of heat waves and extreme precipitation events, ocean warming and acidification, and rising sea levels.⁴ Climate change impacts biodiversity, endangers food security, exacerbates certain health problems, precipitates poverty and displacement, and may even result in violent conflict.⁵ The effects of climate change will likely be more pronounced for disadvantaged people and the less developed regions of the world.⁶ The extent of the threat posed by climate change cannot be underestimated. It may be that the significant damage already done is irreversible.⁷ We are already feeling the effects of climate change and the window to respond is quickly closing. There has never been a more important time to address this fundamental challenge to our environment, our society and our future.

In 2007, Kevin Rudd famously said that climate change is 'the great moral challenge of our generation'.⁸ This is a powerful statement of the gravity and complexity of the problem posed by climate change. Mr Rudd went on to say that climate change is 'not just an environmental challenge. Climate change is an economic challenge, a social challenge, and actually represents a deep challenge on the overall question of national security'.⁹ Climate change is not just a scientific problem, social challenge, political issue or economic threat. It is all of

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1 See, eg, Chris Wold, David Hunter and Melissa Powers, *Climate Change and the Law* (LexisNexis, 2009) 2.

2 Intergovernmental Panel on Climate Change, *Climate Change 2014 Synthesis Report: Summary for Policymakers* (2015) 2 ('*Synthesis Report Summary*').

3 Ibid 6.

4 Ibid 10.

5 Ibid 13–16. See also Wold, Hunter and Powers, above n 1, 30–4.

6 *Synthesis Report Summary*, above n 2, 13.

7 Ibid 13–16.

8 Kevin Rudd, 'Climate Change: Forging a New Consensus' (Speech delivered at the National Climate Change Summit, Canberra, 31 March 2007) 1 <<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2FH4OM6%22>>.

9 Ibid.

these and more. It is a truly systemic problem. The many different threads must coalesce into a comprehensive solution that responds to this complexity and transcends specific disciplines and isolated perspectives. The law plays a central role in mediating between these different threads. The goal of the thematic component of this Issue is to *rethink* the relationship between climate change and the law. It is intended to create a discussion that considers the role of the law in implementing solutions.

The articles in this thematic capture the complexity of climate change. They traverse the *Paris Agreement* and its impact on developing nations; the challenges of the displacement of people as a result of climate change; the complexities of transitioning Australia's electricity market to renewable energy; the integration of 'blue carbon' into Australia's climate policy; the need for 'Resilience Thinking' in conservation law; the complexity of responding to climate change risks in planning law; the legality of fossil fuels divestment; and the socio-legal dimensions of the changing politics of climate change. Their value is not just in illuminating complexity, but in providing critical analysis and suggesting viable solutions and pathways for reform. I hope that this thematic helps to fuel the important national debate in this area.

It is notable that this is not the first time that the *UNSW Law Journal* has addressed issues relating to climate change and the environment. Our very first thematic in 1981 was on environmental law. In 2001, the *Journal* published a Forum addressing issues relating to the *Kyoto Protocol*. In 2008 we published a Forum called 'Climate Change Law in Australia'. This Issue continues and builds upon this conversation. It is part of the proud history of the *UNSW Law Journal* in addressing some of the most complex and cutting-edge issues for the law and the most important and pressing social challenges.

The five articles in the general component of this Issue also continue the tradition of the *Journal* in publishing some of the most significant, original and innovative legal scholarship in Australia. They include a unique statistical 'topic modelling' of High Court judgments; an empirical study of family report writing in the family law system; an analysis of the character of directors' disclosure obligations; a historical analysis of the regulation of impaired doctors in Victoria; and an illuminating narrative of the origin of section 96 of the *Constitution*. While diverse in their subject matter, these articles are united in their strong contributions to their respective fields.

I thank all the authors for their patience and assistance throughout the publication process, but most importantly for the privilege of publishing their work in our *Journal*.

I also thank the anonymous reviewers for their invaluable comments on all the articles submitted to this Issue. Reviewing is often a thankless undertaking, and I have great respect for the willingness of the academic community to lend their time and expertise to the task. Their comments are no doubt of great assistance to authors (accepted and otherwise) in refining and improving their work. But they are invaluable for a student editor faced with the difficult task of making editorial decisions.

I would also like to express my gratitude to the Hon Justice Brian Preston for his insightful foreword to the thematic and for delivering the keynote at the launch of the Issue on 22 November 2016. We are honoured to have someone of His Honour's standing to introduce this Issue.

I also thank our premier sponsor King & Wood Mallesons for hosting the launch of Issue 39(4). I acknowledge also our other premier sponsors: Herbert Smith Freehills and Allens. The *Journal* could not be where it is today without their ongoing support.

I would like to extend my thanks to our faculty advisors, Professor Rosalind Dixon and Associate Professor Lyria Bennett Moses, as well as Associate Professor Michael Handler who finished in the role of faculty advisor earlier this year. Their wise and considered counsel has been invaluable. I am also indebted to Dr Declan Kuch and my friend Costa Avgoustinos for their assistance in conceiving and framing the thematic and for their support along the way.

Of course, thanks must go to the *Journal's* editorial board. The standard of editing at the *UNSW Law Journal* is second to none, which is a testament to the intelligence, hard work and dedication of our editors. These students, who volunteer their scarce time and abundant pedantry, are truly a formidable group. It is a privilege to have worked with them and to have gotten to know them over my two years on the *Journal*. It has been an absolute pleasure working with each of them in producing this Issue.

I would also like to thank my colleagues and friends on the Executive Committee. Much thankless work goes on behind the scenes, not just in producing each Issue, but in the management and ongoing development of the *Journal*. I am proud of the exciting steps we have taken this year for the future of the *Journal*. I firmly believe these initiatives will consolidate the *Journal's* position as one of Australia's leading law journals. In particular, I would like to thank the 2016 Executive Editor Wee-An Tan for his endless support and assistance this year, and his good humoured enthusiasm for a great many of my partly formed ideas, regardless of how much additional work it would make for him.

Finally, I would like to express my sincerest thanks to my partner, Amy Burton. She has stood by and supported me through the trials and tribulations of this Issue and three years of law school with unassailable patience and good humour. For that, I cannot thank her enough.