Call for Submissions to the *University of New South Wales Law Journal* Issue 38(3)

‘Non-Judicial Inquiries’

The *UNSW Law Journal* is currently welcoming submissions for Issue 38(3). The Issue will comprise both a thematic component and a general component. The topic for the thematic is ‘Non-Judicial Inquiries’.

Non-judicial inquiries, such as royal commissions, anti-corruption commissions, parliamentary inquiries and regulatory body investigations, occupy a prominent place in the Australian legal system. Recent illustrations include New South Wales Premier Barry O’Farrell’s resignation after providing incorrect testimony to the Independent Commission against Corruption, and the ongoing Royal Commissions into Trade Union Governance and Corruption and Institutional Responses to Child Sexual Abuse.

The thematic will focus on these and other non-judicial inquiries with powers to investigate potential wrongdoing. Its aim is to facilitate informed discussion on the legal issues surrounding these institutions, and on the implications of their use for established legal principles and the legal system as a whole.

For this thematic, authors may examine inquiries that operate in all Australian jurisdictions. Discussions of the law and practice of inquiries in non-Australian jurisdictions are also welcome, provided that they seek to make comparisons with Australian law or practices, or explain how inquiries in Australia can draw lessons from the experience overseas. Interdisciplinary approaches are also accepted, provided they adopt a primarily legal focus.

Authors may consider, but are not limited to, issues such as:

- the situations that might necessitate calling an inquiry;
- the differences between inquiries in terms of the powers under which they are established, the powers they can exercise, the level of independence they enjoy, and other characteristics;
- the differences between judicial and non-judicial methods of inquiry;
- the interaction between the fact-finding process used by inquiries and the rules of evidence and legal professional privilege, and the use of evidence arising from inquiries in criminal proceedings;
- the contribution of inquiries to the law reform process (this may involve case studies of completed inquiries);
- the contribution of inquiries to government accountability;
- the effects of a finding by an inquiry on an individual’s privacy, reputation, right to a fair trial and other human rights;
- the compatibility of non-judicial inquiries with constitutional principles including the rule of law, Cabinet confidentiality and responsible government;
• the implications for judicial legitimacy of appointing judicial officers as royal commissioners and chairpersons of other inquiries;
• whether independent inquiries should be considered as part of a ‘fourth branch’ of government;
• mechanisms preventing inquiries from abusing their powers;
• judicial attitudes towards non-judicial inquiries, particularly when reviewing their findings;
• whether inquiries are striking the right balance between independence and their own accountability;
• the merits of setting up an anti-corruption commission at the federal level; and
• inquiries conducted by regulatory bodies such as the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission.

In addition to submissions for the thematic component, authors are welcome to submit on any topic for the general component. The submission deadline for the general component of Issue 38(3) is 1 February 2015 and the deadline for the thematic component is 8 March 2015. Publication is set for early August 2015. Any changes to these deadlines will be indicated on the Journal’s website at http://www.unswlawjournal.unsw.edu.au.


The Journal is an independent, peer reviewed publication. Although all submissions received are subject to peer review, decisions as to publication remain at the discretion of the Editor, in council with the Executive Committee of the Journal.

The Journal does not accept articles that have been, or will be, published elsewhere, either in identical or substantially similar form. If articles are posted on online repositories, such as SSRN, they should be removed at the time of submission to ensure the anonymity of the peer review process.

If you are interested in, or have any queries about, submitting for Issue 38(3), please contact the Journal at law.journal@unsw.edu.au. If you intend to submit an article, it would be greatly appreciated if you could give some early indication of your proposed topic or area of research. If you are aware of a colleague who may be interested in making a submission, please pass on this call for submissions.

The Journal is expanding, and will from 2015 publish four Issues a year to accommodate the volume of high-quality submissions. Consequently, the Issue initially numbered 38(2) has been renumbered to Issue 38(3). This is a mere shift in Issue number; there will not be any substantive alterations to the submissions and publication process or to the launch date.

Yours sincerely,

Zhongwei Wang
Editor, Issue 38(3)

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