

## EDITORIAL

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Change, nuance and contradictions in the law provide fertile ground for debate. With its recent move towards the publication of three general Issues annually, the *University of New South Wales Law Journal* ('*Journal*') embraces sharing these debates on topics across the legal spectrum. Each year, these three general Issues are accompanied by a wholly thematic Issue, comprising a collection of perspectives on a single topic of particular contemporary significance. This publication structure showcases the *Journal's* objective to contribute to scholarship on a diverse variety of subjects as well as spark discussion in an area deserving of particular attention.

In 2018, the *Journal* added a further dimension to these dual commitments. With the launch of its online companion, the *University of New South Wales Law Forum* ('*Forum*'), the *Journal* established a new platform for sharing scholarly pieces which directly respond to those raised in the print publication. The *Forum* provides a channel for extending academic dialogues within an increasingly interactive legal community and encourages continual engagement as legal issues discussed in the *Journal* evolve.

The excellent generalist tradition of the *Journal* is reflected in the variety of articles published in Issue 41(4). Each make important and unique contributions to their fields. The article by Professor Tania Sourdin: 'Judge v Robot? Artificial Intelligence and Judicial Decision-Making' has been selected to provide the organising theme for the launch event. Professor Sourdin examines how artificial intelligence ('AI') will supplement or replace the judicial role and questions where the boundaries of acceptable 'Judge AI' may be drawn. The debate raises challenging questions concerning privacy, policy and societal need, with which the legal community will undoubtedly continue to grapple. The article therefore compels audiences to consider how these developments will reconceptualise not only the trial but also the meaning of justice.

Despite its traversing of a variety of legal issues, thematic concerns may be traced throughout Issue 41(4). The first body of articles consider and critique developments in law-making methods. McNamara and Quilter address the utility of constitutional challenges in influencing the nature and parameters of Australian criminal laws and procedure. Barnes explores the coherence of 'contextualism' as a modern approach to statutory interpretation. Lynch and Williams then present their fifteenth instalment in an annual study of the High Court's decision-making.

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The second body of articles interrogate contemporary laws and propose means for their reform. Rock and Weeks analyse debate surrounding and canvass justifications for the introduction of a monetary remedy for harm occasioned by misdirected exercises of public power. Moss proposes a model for the law of consent determinations under the *Native Title Act 1993* (Cth) and advocates for the adoption of ‘current tenure analysis’ to clarify the scope and legal operation of these determinations. Gould then promotes a reform agenda for small defamation claims between ordinary individuals and Bosland considers powers available to New South Wales and Victoria courts to restrain the publication of extraneous prejudicial material.

The third body of articles provide in-depth analyses of legal duties. Reynolds examines the duties of constructive trustees. Voogt and Verreyne subsequently present an instrument through which directors’ duties of care and diligence in selecting board members may be enhanced.

The final two articles explore topical contemporary issues in the legal landscape. A comprehensive investigation of the arguments advanced by politicians in support of and against legal reform regarding euthanasia is put forward by McGee and his colleagues. Shyam then presents an empirical study on the appropriateness of classifying animals as property under Australian law.

The publication of this Issue is the culmination of the hard work and dedication of a number of individuals. I would like to extend my sincere gratitude to all who have contributed their time, wisdom and support to its production.

First, I thank and congratulate the authors for such an excellent collection of articles. I am grateful to them for entrusting their work to the *Journal* and it has been a pleasure to work with each of them. I am also very grateful to the anonymous peer reviewers for volunteering their time to provide thoughtful feedback on the articles and each of the *Journal’s* submissions. Their insights are indispensable to our student-run publication.

I am grateful to the four eminent individuals who have generously agreed to participate in the discussion panel at the launch event for Issue 41(4): The Hon Stephen Carey George Burley of the Federal Court of Australia, Mr Ben Kremer from Banco Chambers, Associate Professor Lyria Bennett Moses from the University of New South Wales and Professor Tania Sourdin from the University of Newcastle. It is a true privilege to have the benefit of their insight, and particularly, their informed foresight, regarding the future of law and justice.

Next, I would like to thank Corrs Chambers Westgarth for hosting the launch for this Issue at their Sydney offices on 28 November 2018. I also acknowledge our Premier Sponsors, Allens Linklaters, Herbert Smith Freehills and King & Wood Mallesons. Their generosity is fundamental to the *Journal’s* continued ability to produce and share high quality scholarship.

I am greatly indebted to the *Journal’s* faculty advisors, Professor Rosalind Dixon and Professor Gary Edmond. The *Journal* thanks them both deeply for their endless ready advice and creativity which has guided the *Journal’s* transition in publication structure and the growth of its online *Forum*. I would

also like to thank the UNSW Law Faculty and its Dean, Professor George Williams AO, for their unwavering confidence and support of the *Journal*.

My warmest thanks go to the members of the Executive Committee, past and present. It has been my absolute privilege to work with and to learn from such a uniquely brilliant group of people. For your generosity in time and friendship, I am eternally grateful. My especial thanks go to the 2018 Executive Editor, Lachlan Peake, for his diligence and ever-timely advice at each stage of the Issue Editor process.

Being student-run, the *Journal's* Editorial Board deserves particular praise. This Issue is in large part a product of their remarkable dedication and attention to detail. I sincerely thank each editor for their professionalism and happy obsession with the third edition of the *Australian Guide to Legal Citation* ('*AGLC*'). I am also particularly indebted to the *Journal* alumni who unhesitatingly volunteered their time to edit.

This Issue marks the end of an era for the *Journal*. The fourth edition of the *AGLC*, much anticipated across the Editorial Board, will be released in November 2018. Having concluded my time as an Issue Editor, I am sceptical as to whether this is cause for celebration or rather mild terror. However, the joyfully pedantic nature of the *Journal's* editors, which has made my experience as Issue Editor a smooth one, leaves me confident in their ability to embrace the challenge and I wish them all the best for their editorial adventures following its introduction and beyond.

On a more personal note, I am grateful to my friends for their encouragement and to my family, who are the reason that this is possible. Finally, my wholehearted thanks go to my partner Wee-An Tan, for his loving patience and unconditional support throughout the journey.