

EDITORIAL

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‘A rule or system has authority if it is enforceable, and normally will be enforced’.¹ The legal community is spoiled for choice when it comes to legal authorities, drawing on: the *Constitution*, statute, case law emerging from courts and tribunals, the residual royal prerogative, principles of legal interpretation, the determinations of decision-making bodies and other like materials.

To consider, then, what might revitalise legal authorities is a task that requires an eye for innovation, thoughtful reflection and – perhaps unsurprisingly – creativity. It is to put aside existing assumptions and presuppositions underlying the legal system and look forward to ‘what could be’. *To revitalise legal authorities is to introduce new vigour into the capabilities of the law for future practice.*

Imparted by the pages of this thematic Issue of the *University of New South Wales Law Journal* (*Journal*) is invaluable scholarship which will, I have no doubt, have real and tangible impacts on the directions which the law will take in coming years. It would be no exaggeration to say that I have been challenged in my own legal orthodoxy by the thoughtful and eminent scholarship which has been published in this Issue, across 11 articles written by 16 authors.

While I had, in earlier drafts of this editorial, attempted to do justice to the task of describing the diverse ideas which the authors have brought to the table, I cannot think of a more considered and careful description of this Issue’s contents than that provided by the Hon Robert French AC, who has penned the Foreword to the Issue. I would encourage each and every one to read it; if not for one’s own interest in the articles which follow, I would encourage it nevertheless for the entertaining musings on the task of writing a foreword which the author provides. I am very grateful to the Hon Robert French AC for having agreed to author the foreword of this Issue, and am equally grateful for his having delivered the keynote address for the (digital) launch of the Issue on 23 September 2020.

Of course, the publication of this Issue of the *Journal* would not have been possible without the support of others. As has been said before in the *Journal*, ‘[i]t takes a village to raise an Issue’.²

I would like to thank all the authors for entrusting the *Journal* with their carefully-crafted scholarship, and for their patience and goodwill throughout the editing and publication process. Editing is never an easy task, but it was a task

* Editor, Issue 43(3), 2020.

1 GG Fitzmaurice, ‘The Foundations of the Authority of International Law and the Problem of Enforcement’ (1956) 19(1) *Modern Law Review* 1, 1.

2 Veronica Sebesfi, ‘Editorial’ (2018) 41(3) *University of New South Wales Law Journal* 620, 621.

made even more difficult this year as libraries closed, life went online, and access to our usual editorial resources was diminished. I am grateful that the authors recognised the difficulties that the editors and I were facing, and in many instances assumed a more proactive role in the editing process than is typical. Your generosity and kindness has made it a true pleasure to work with you.

I am grateful for the generosity of our volunteer, anonymous peer reviewers, whose expertise and guidance is vital in providing authors with constructive feedback, and also in assisting the Executive Committee's task of making publication decisions. As was also said by one of my predecessors, there are also particular thanks to be given to dissenting reviewers, whose critiques ensure that our final publications are more robust than they might otherwise be.³

The publication of the *Journal* would not be possible without the support of the *Journal*'s three premier sponsors – Allens, Herbert Smith Freehills and King & Wood Mallesons. I am especially grateful to King & Wood Mallesons for hosting the launch of this Issue, and for having worked so closely with us to arrange a digital alternative to our typical in-person celebrations in light of current circumstances.

To the Editorial Board, without whom the *Journal* simply would not be able to produce such a high-quality publication, I offer my sincerest gratitude for your careful eye, patience and willingness to find any rogue italicised comma and even marginally incorrect paragraph pinpoint. I would be hard-pressed to find another student body which has as much tenacity, resilience and generosity as yourselves. Although I am not mathematically minded myself, I can only estimate that the hours put into editing and publishing this Issue of the *Journal* would be in the thousands. Your ever-present commitment to the *Journal*, through thick and thin, is so valued. More than anything else though, I am grateful for the new friendships which I have developed with many of you throughout the editing process.

To the Executive Committee, with whom I have shared many great (and sometimes stressed) memories with, thank you for your enduring support and collective wisdom throughout the past year. Especial thanks are deserving of Anne Yang and Antonia Xu, the Executive Editors of the *Journal* in the past year who have gone above and beyond in their efforts for both the *Journal* more broadly and for me personally.

To my friends and family, thank you for listening to my endless murmurs of *Journal* life and for always offering patience and understanding when I needed it most. A few special mentions are deserving here. I am especially indebted to my mum, who grew up in a society which has tended to look upon the birth of daughters in a less than favourable light, but who made sure that my three sisters and I did not bear the brunt of this regressive thinking once in our lives. The education and privilege which has, among other things, made possible my tenure as Editor of this Issue is all the result of her unwavering efforts and care in my upbringing. To my partner, Natiq, thank you for investing all of your love and support into me throughout this all-consuming experience. I am grateful for you each and every day. And last but not least, thank you to Avnoor, my oldest

3 Anna Holtby, 'Editorial' (2019) 42(3) *University of New South Wales Law Journal* 782, 783.

confidant and friend, for creating the illustration which follows my editorial in this Issue.

I will end by saying this. This year marks 45 years since the publication of Issue 1, Volume 1 of the *Journal* in 1975. Throughout my tenure as Issue Editor, I have learned much about the proud history of the *Journal*. Moments such as conversing with the first Faculty Advisor of the *Journal*, Emeritus Professor John McMillan AO, from way back when the *Journal* was first published, have made me appreciate more sincerely the establishment in legal academic literature that the *Journal* has become. I have no doubt that I will remain proud to say that I was a member of the Editorial Board of the *Journal* long after my university days are gone, and am privileged to have left my mark in the form of this Issue.