



Call for Submissions to the *University of New South Wales Law Journal* Issue 44(3)

### **‘Big Technology and the Law’**

The *UNSW Law Journal* is currently welcoming submissions for Issue 44(3). The Issue will comprise of both a thematic component and a general component. The topic for the thematic component is ‘Big Technology and the Law’.

Governments and businesses across Australia, the United States (‘US’) and the European Union are grappling with the complexities of regulating the market power of big technology companies. In Australia, the Australian Competition and Consumer Commission’s (‘ACCC’) Digital Platforms Inquiry, the mandatory news media bargaining code and the Ad Tech Inquiry raise important questions for regulators seeking to reform competition and consumer law in the digital age. The recent ‘big tech’ antitrust hearing and other antitrust developments in the US also highlight the growing significance of data as a source of market power, and an increasing number of organisations are leveraging data as an asset. The challenges of regulating markets in an increasingly digitalised world present topical and significant issues for legal professionals and organisations to consider.

In addition to competition and consumer law, other novel legal issues have arisen as a result of new technological developments, including questions around privacy and data, national security and the importance of addressing disinformation on digital platforms. The thematic component of Issue 44(3) welcomes all submissions considering the intersection between the law and technology, with priority given to articles exploring legal issues relevant to ‘big technology’.

‘Big technology’ has become synonymous with companies such as Amazon, Apple, Facebook and Alphabet. However, ‘big technology’ is not limited to these companies; it may be defined in numerous ways, including through market size and market power or by virtue of its significant impact on our lives. For submissions relating to big technology and the law, the *Journal* invites authors to formulate their own definition of ‘big technology’. Submissions may examine a broad range of issues including, but not limited to:

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- Competition law:
  - the development of regulatory schemes addressing the increasing dominance of technology companies and the resulting inequality of bargaining power in the market;
  - an analysis of the findings of the ACCC Digital Platforms Inquiry and how the law may be reformed to address issues relating to market power;
  - whether the law adequately addresses issues relating to data as an increasingly significant source of market power;
  - whether Australia’s merger law should be amended (see, eg, the ACCC’s recommended amendments of section 50(3) of the *Competition and Consumer Act 2010* (Cth));<sup>1</sup>
  - issues arising from the Ad Tech Inquiry, such as the concentration of market power, unequal access to data and pricing transparency;<sup>2</sup> and
  - other legal issues relating to the market power of technology companies and the tension between facilitating innovation and protecting competition.
- Consumer law, privacy and data security:
  - concerns around limited privacy protection in the context of modern data practices;
  - whether and how the Australian privacy framework should be reformed to facilitate more effective control over the collection and use of data by consumers;
  - reforms around the collection and use of consumer data for advertising purposes and in other industries (eg, the notification and consent processes for digital platforms collecting consumer data); and
  - whether a statutory tort for serious invasions of privacy should be introduced.
- National security:
  - whether bans of technology on the grounds of national security violate international law; and
  - tensions between international security and international trade and the practical and legal implications.
- Corporate social responsibility and ethics:
  - ethical data governance; and
  - the adequacy of existing corporate social responsibility practices of technology companies.

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<sup>1</sup> See Australian Competition and Consumer Commission, *Digital Platforms Inquiry: Final Report* (Report, June 2019) 30.

<sup>2</sup> Australian Competition and Consumer Commission, ‘Ad Tech Inquiry’ (Issues Paper, 10 March 2020) 2.

- Freedom of political communication and addressing disinformation:
  - how the law can regulate disinformation, and who should make and enforce these regulations;
  - the extent to which information should be monitored and censored on digital platforms; and
  - any implications for democracy and freedom of expression.

The *Journal* does not accept submissions that focus on foreign domestic law unless they offer a comparative analysis or other substantial linkage with Australian or international law. The submission deadline for the thematic Issue 44(3) is **19 February 2021**. Publication of Issue 44(3) is set for late September 2021. In addition to submissions for the thematic component, authors are welcome to submit on any topic for the general component. Submissions for the general component will be considered on a rolling basis, and will be published in a forthcoming Issue of the *Journal*. Any changes to these deadlines will be indicated on the *Journal*'s [website](#).

Articles for print publication in the *Journal* must be between 7,000 and 13,000 words in length (excluding footnotes). The style guide for the *Journal* is the current edition of the *Australian Guide to Legal Citation*, available [online](#), and as supplemented by the latest edition of the *Journal*'s '[Additions](#)'.

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 counsel with the Executive Committee of the *Journal*. The *Journal* does not publish articles that have been, or will be, published elsewhere, either in identical or substantially similar form.

If you are interested in, or have any queries about, submitting for Issue 44(3), please contact the *Journal* at [law.journal@unsw.edu.au](mailto:law.journal@unsw.edu.au). If you intend to submit an article, it would be greatly appreciated if you could provide some early indication of your proposed topic or area of research. We strongly encourage you to pass on this call for submissions to any colleagues, research networks or organisations who may be interested in making a submission.

Yours sincerely,

Lilian Wan  
 Editor, Issue 44(3)