

## EDITORIAL

NICHOLAS CAREY\*

In 1975, Pam Edwards, Bernard Entriken, Peter James, Marilyn Jessop, Margaret Messud, Ann Sheehan and Murray Thompson, students of the first cohort of the newly established UNSW Law School, under the guidance of John MacMillan, produced the first Issue of this publication. In his Foreword to that Issue, the Hon Chief Justice Street remarked of his ‘confident anticipation that, in the years ahead, this Journal will justify an established and respected place amongst our Australian legal periodicals’.<sup>1</sup> Now, 44 years later, I think it fair to say that the *University of New South Wales Law Journal* (*‘Journal’*), the flagship publication of UNSW Law School, has fulfilled his Honour’s expectations.

As law reviews ‘help make the future path of the law’,<sup>2</sup> it is hoped that the collection of 12 insightful and rigorously researched articles from the 19 authors published in this Issue will spark debate on a number of diverse legal topics. The articles cover a wide range of topical legal issues: proof in civil litigation and the *Briginshaw* principle; domestic relationship evidence in Queensland; the modernisation of the substantive law of consent in sexual assault; problems with joint criminal enterprise jurisprudence; coronial determinations of suicide under Australian law; the moderation of women’s bodies on Instagram viewed through a rule of law framework; the politics of the intersection between Indigenous traditional ownership and anti-mining campaigns; the My Health Record system; the public sector duty of care and diligence; mitigating the unfairness of copyright contract law; a new model for data privacy protection; and the United Nations Human Rights Committee’s jurisprudence on Marriage Equality.

I am extremely pleased by the calibre of the articles published in Issue 42(2), and I hope their readership enjoys them as much I have enjoyed engaging with them as Editor. I extend my heartfelt thanks to all of the authors for entrusting the *Journal* with the editing and publication of these articles, it has been a pleasure to work with all of you.

The publication of Issue 42(2), like all Issues of the *Journal*, would not have been possible without the assistance of a great number of people.

As a student-run publication, the *Journal* relies on a large number of anonymous peer reviewers to assist us in ensuring that the scholarship published

---

\* Editor, Issue 42(2), 2019.

1 Chief Justice Lawrence Whistler Street, ‘Foreword’ (1975) 1 *University of New South Wales Law Journal* 1, 1.

2 Chief Justice E Warren, ‘The Northwestern University Law Review Begins Its Fifty-First Year of Publication’ (1956) 51 *Northwestern University Law Review* 1, 1.

by the *Journal* is of a high calibre. These scholars hail from universities, the Bar and the Bench from across Australia and internationally. We are grateful to the reviewers for volunteering their time and providing the *Journal* with their expert opinions on each article submitted for publication.

The *Journal* is grateful for the long-standing generous support of our three Premier sponsors: Herbert Smith Freehills, King & Wood Mallesons, and Allens. The *Journal* extends particular thanks to Herbert Smith Freehills for hosting the launch event of Issue 42(2) at its Sydney offices on 17 June 2019. As a former Vacation Clerk, a current Paralegal and a future Graduate of the firm, it is especially exciting for me to be launching this Issue at Herbert Smith Freehills.

I wish to express my sincere gratitude to the Hon Justice Mark Leeming of the NSW Court of Appeal, for his generosity in agreeing to deliver the keynote address at the launch event of Issue 42(2). It is a privilege to have such an eminent individual as his Honour to share his views at the launch. Justice Leeming will be speaking on the topic of Proof in Civil Litigation: Decision-Making under Conditions of Uncertainty, inspired by the first article published in this Issue, authored by Harry Stratton.

I am incredibly proud that the *Journal* is managed and produced entirely by students of UNSW Law, as it has been since that first Issue in 1975. To do so we rely on the support of many people behind the scenes at UNSW Law. The *Journal* is fortunate to enjoy the dedicated guidance of its faculty advisers, Professor Rosalind Dixon and Professor Gary Edmond, whose time and insights are always gratefully received by the Executive Committee. I also extend my thanks to our Dean, Professor George Williams AO, and the UNSW Law Faculty more broadly, whose ongoing support of the *Journal* is greatly appreciated.

The *Journal* would simply not be of its high calibre were it not for the student members of the Editorial Board, who are the heart of this publication. I am indebted to you for your dedication, pedantry and good humour during the editing phases of Issue 42(2).

I have also been fortunate to work with my extremely talented and dedicated peers on the Executive Committee of the *Journal* for the past year, with whom I've shared much hard work, and many more laughs. Thank you for your support and friendship. I am especially grateful to have worked with two fantastic Executive Editors during my time as Issue Editor, Lachlan Peake in 2018 and Anne Yang in 2019. Thank you both for your leadership, guidance and incredibly hard work, and a special thanks to Anne for your support and patience over the past couple of months in particular.

To my friends and family, thank you for listening to me talk constantly about 'the *Journal*', and for your encouragement throughout this project.

Most importantly, to my wonderful partner Libby, and to our beautiful son Khalil, who graced us with his arrival on Mother's Day 12 May 2019, just as I set out to begin typesetting this Issue. Libby, thank you for your love, patience, support and strength. To my dear Khalil, all my love; thank you for putting everything into perspective.