



Call for Submissions to the *University of New South Wales Law Journal* Issue 43(3)

‘Revitalising Legal Authorities’

The *UNSW Law Journal* is currently welcoming submissions for Issue 43(3). The Issue will feature the only thematic component of the year, with articles directed to the theme ‘Revitalising Legal Authorities’.

‘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, residual royal prerogative powers, principles of legal interpretation, the determinations of decision-making bodies and other like materials.

Legal authorities are indisputably significant as the conceptual bases upon which well-reasoned legal deliberations are made and justified. Their importance is seen in our courts, parliaments and other settings of deliberative discussion, and is recognised by both practising members and the academic and political legal community more broadly. Such authorities are often emerging and being reconceptualised. Naturally, as any number of changes occur within and around society’s operation, the law has and continues to develop new authorities upon which to construct innovative and forward-thinking legal deliberations and rationalisations.

To revitalise legal authorities is to introduce new vigour into the capabilities of the law for future practice. Considering legal authorities in all their forms, the *Journal* seeks to elicit contributions which not only consider important, more commonly discussed modes of legal revitalisation such as statutory enactment and precedent-making in the courts, but also those which address unconventional recommendations for pursuing the betterment of future legal authorities.

There are two key aspects to this thematic. First, the *Journal* invites submissions that consider the revitalisation of law in areas of novel conceptual and/or practical development. Such developments may or may not be legal in nature, though nonetheless pose pressing questions for the legal community as to emerging and future directions of the law. The Uluru Statement from the Heart is an exemplar in considering the possibilities of legal revitalisation stemming from broader socio-political processes, and – as self-described by the traditional Owners – spiritual notions of Indigenous sovereignty.

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

Secondly, this thematic seeks to elicit submissions that consider the revitalisation of legal authorities in areas where the progress of time has made current practices less appropriate and/or relevant than what they once were. It is worth considering, ‘[w]hat makes a case decided in 1409 “good precedent” for determining who is liable for leakage from a gas burner installed in 1929?’²

In considering the two lines of thought discussed above, authors could consider, but are not limited to, issues such as:

- Alternative and/or new causes of action, such as a tort for invasion of privacy;
- Alternative and/or new remedies;
- Constitutional and alternative methods of recognition and meaningful involvement of First Nations peoples; and
- Best practices in developing further legal capabilities adequate to protect environmental interests, including those affected by climate change;
- Future directions in the development of the *Constitution*, such as that of section 44(i) in light of an increasingly diverse Australian population;
- Redevelopment of legal frameworks in the financial services industry following the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry; and
- Reconsideration of established grounds of appellate review (merits, judicial or otherwise) in pursuing substantive justice.

The submission deadline for the thematic Issue 43(3) is 21 February 2020. Publication of Issue 43(3) is set for late September 2020. The *Journal* also accepts submissions on any topic for our general Issues. Submissions for general Issues will be considered on a rolling basis, and will be published in the forthcoming Issue of the *Journal*. Any changes to these deadlines will be indicated on the *Journal*'s [website](#).

The *Journal* is also now accepting submissions for the entirely online publication which launched in 2017 – the *UNSW Law Journal Forum*. The *Forum* aims to promote discussion and debate by publishing short, scholarly pieces that make a timely contribution to legal scholarship in Australia. Such pieces could include essays, case comments, legislation comments, article responses, book reviews, and audio-visual recordings. The *Forum* is not a blog and is subject to peer review and the same rigorous editing process as articles published in our print publication. Pieces accepted for publication will be hosted on the *Journal*'s website, as well as being available on all the major databases that currently host articles published in the *UNSW Law Journal*. Detailed information about the *Forum*, accepted submission formats, editing and the publication process is available online at the *UNSW Law Journal* [website](#).

Articles for print publication in the *Journal* must be between 7,000 and 13,000 words in length (excluding footnotes). Pieces for the *Forum* must be less than 5,000 words or 30 minutes in length. 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](#)’.

² Charles W Collier, ‘Precedent and Legal Authority: A Critical History’ [1988] (6) *Wisconsin Law Review* 771, 771.

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 publish 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 43(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 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,

Inderpreet Kaur Singh
Editor, Issue 43(3)

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