



Call for Submissions to the *University of New South Wales Law Journal* Issue 45(1)

### **‘Abuse of Power’**

The UNSW Law Journal is currently welcoming submissions for the thematic component of Issue 45(1). The topic for this thematic component is ‘Abuse of Power’.

Over the past 12 months, COVID-19 has, justifiably, been the main focus of legal and popular discourse within Australia. However, as we begin to emerge from the pandemic and re-evaluate our legal system, we are increasingly uncovering abuses of power by both private and government bodies. These include sexual assault allegations within Australia’s own Parliament House and findings of sexual harassment within the High Court, wage theft of vulnerable and migrant workers, the stripping of funding to the New South Wales Independent Commission Against Corruption (ICAC), and the increased spotlight on Indigenous deaths in custody.

One of the primary responsibilities of the law is to hold those in power to account, and ensure such power is not misused. The volume and seriousness of recent abuses raises the question of whether the law is sufficiently fulfilling this imperative function. Issue 45(1) aims to answer this question, shedding light on contemporary abuses of power both seen and unseen that impact the lives of everyday Australians.

In light of this, the *Journal* invites contributions that explore how the law both facilitates and responds to abuses of power. In writing submissions, authors may wish to examine the following issues. **However, authors are not limited to these areas of law and are encouraged to draw on their own areas of expertise.**

Government accountability and public law

- Generally balancing accountability mechanisms with the need for government efficiency; and
- More specifically, questions about:
  - Federalism
  - The definition of ‘ordinary annual services of the Government’ within section 5A of the *Constitution Act 1902* (NSW), particularly regarding bodies such as ICAC and the Parliament.

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#### Administrative law

- New South Wales ICAC's current funding model, and potential avenues for reform in light of recent funding cuts;
- Australia's current federal oversight structure, why calls for a federal ICAC have failed and potential models for its creation; and
- Alleged pork barrelling of bushfire relief grants and the Stronger Communities Fund by the New South Wales government.

#### Criminal law

- Calls for an independent body such as the Law Enforcement Conduct Commission to investigate Indigenous deaths in custody rather than police; and
- Offensive language laws as disproportionately targeting Indigenous people, and pathways for reform.

#### Employment law

- Regulation models for the gig economy, including the rideshare and food delivery industries;
- Safety measures implemented by companies such as Uber and Deliveroo, and the availability of compensation in the event of worker's injury or death; and
- Whether the proposed federal bill criminalising serious forms of wage theft sets the bar of criminality too high, and adequately protects vulnerable groups such as temporary migrant workers and international students.

#### Workplace relations and culture

- Calls for an independent inquiry into sexual assault allegations against Minister for Industry, Innovation and Science and former Attorney General Christian Porter;
- The prevalence of sexual harassment and assault within the legal industry
  - How the industry has responded to the findings that Dyson Heydon sexually harassed six female associates, and whether anything has changed since this information was made public
  - What needs to be done to change this culture; and
- The vulnerability of Members of Parliaments' staff to abuses of power, including bullying and sexual harassment.

#### Tort law

- *Brett Cattle Company Pty Ltd v Minister for Agriculture* [2020] FCA 732, and the repercussions of Justice Rares' judgment for citizens wishing to bring claims of misfeasance in public office.

The submission deadline for the thematic Issue 45(1) is **3 September 2021**. Publication of Issue 45(1) is set for late March 2022. 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 45(1), 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,

Karie Mayman  
*Editor, Issue 45(1)*