



Call for Submissions to the *University of New South Wales Law Journal* Issue 46(2)

**‘Life Sciences: Ethics, Innovation and the Future of Law’**

The *University of New South Wales Law Journal* (*Journal*) is currently welcoming submissions for Issue 46(2). The Issue will comprise both a thematic component and general component. The thematic component will address the topic of ‘Life Sciences: Ethics, Innovation and the Future of Law’.

At no other time in history has the intersection of life sciences and the law been so patently observable, yet complex. Life sciences concern the study of ‘living organisms, their life processes, and their relationships to each other and their environment’.<sup>1</sup> They encompass a substantial scope of biological inquiry, including, ecology, reproductive technologies, neuroscience, immunology and genetics, among many others.

The life sciences, as both an industry and area of research, is anticipated to experience significant growth in the coming years, fuelled by digital transformation, collaboration and heavy investment in the context of the COVID-19 pandemic.<sup>2</sup> These factors place the law’s approach to the growing life sciences industry at the forefront of its trajectory. Science’s impact on law, however, is not unilateral; the ‘constant, mutually constitutive interplay of biological and legal conceptions of life’ also define our social norms.<sup>3</sup> The onus then falls upon the law to navigate the morally, ethically and culturally turbulent waters of society’s response to developments in the life sciences.<sup>4</sup> The close integration of life sciences and the law will continue to be of significance in the coming years, as the interaction between the two fields will be responsible for crafting ‘desirable futures’ through the creation of new technologies.<sup>5</sup> The importance of publishing high-quality Australian scholarship in this area cannot be overstated.

Issue 46(2) seeks to explore the challenges and opportunities presented by legal responses to developments in the life sciences and how these futures reflect or obscure accepted ethical norms. By providing a scholarly platform to these issues, Issue 46(2) intends to amplify Australian voices within an increasingly topical legal domain and generate academic debate on the future of Australian legal development.

Noting these intentions, the *Journal* welcomes contributions that examine the relationship between the law and life sciences, and the implications of this interaction within a wider construct of ethical considerations. In writing submissions, authors may wish to explore the

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<sup>1</sup> ‘Life Sciences’, *SSRN* (Web Page) <<https://www.ssrn.com/index.cfm/en/life-sciences/>>.

<sup>2</sup> Deloitte, *Global Life Sciences Outlook: Digitalization at Scale* (Report, 2022) 3.

<sup>3</sup> Sheila Jasanoff, ‘Introduction: Rewriting Life, Reframing Rights’ in Sheila Jasanoff (ed), *Reframing Rights: Bioconstitutionalism in the Genetic Age* (MIT Press, 2011) 1, 3.

<sup>4</sup> *Ibid* 4.

<sup>5</sup> J Benjamin Hurlbut, Sheila Jasanoff, and Krishanu Saha, ‘Constitutionalism at the Nexus of Life and Law’ (2020) 45(6) *Science, Technology and Human Values* 979, 981.

following issues. **However, authors are not limited to these areas of law and are strongly encouraged to draw on their own areas of expertise.**

#### Health Law

- The complicated regulatory environment of xenotransplantation in Australia;
- The legal and ethical implications of the recently passed *Mitochondrial Donation Law Reform (Maeve's Law) Act 2022* (Cth); and
- The legality and ethicality of genomic testing in life insurance.

#### Tort Law

- Scope for the possibility of new causes of action unique to situations concerning assisted reproductive technologies, including 'wrongful genetic connection' and 'wrongful disturbance of reproductive planning'; and
- In-vitro fertilisation and wrongful life claims.

#### Criminal Law

- The legal and ethical concerns pertaining to the advent of novel forensic methodologies, such as investigative genetic genealogy;
- Reliance on genetic markers to predict patterns of criminality and the legal implications of shifting criminal liability onto an offender's biological identity;
- The possible creation of a new category of international crime for the irresponsible manipulation of gene editing technology; and
- The use of neuropsychological indicators as mitigating factors in sentencing.

#### Intellectual Property Law

- The difficulties in reconciling the legal, scientific and ethical interests associated with section 18(2) of the *Patents Act 1990* (Cth), particularly in relation to human embryonic stem cells, detached human body parts and artificially grown organs;
- The increasing prevalence of biopiracy;
- The prospect of safeguarding genetic privacy rights (and the associated biosecurity concerns) in the selling of genetic information by large genealogical corporations, such as AncestryDNA and 23andMe; and
- Intellectual property rights concerning plants and animals.

#### Human Rights

- The inadequacy of current human rights protections against emerging neuropsychological practices, such as the potential use of brain printers as biometric authentication devices, and the need to introduce new human rights including the right to mental privacy;
- Whether the genome editing of human embryos violates a fundamental human right to inherit a genome without deliberate manipulation; and
- The role of life sciences in understanding the development (and continuing evolution) of human rights within the broader scope of human behaviour.

#### Environmental Law

- Evolving conceptions of legal personhood following the granting of personhood status to natural environments such as the Whanganui River in New Zealand, and the granting of similar protections to Victoria's Yarra River, and subsequently the possibility of granting legal personhood to the Great Barrier Reef.

**The submission deadline for the thematic Issue 46(2) is 18 November 2022**, with publication of Issue 46(2) set for late July 2023. Articles 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, as supplemented by the latest edition of the *Journal's* 'Additions'. Please visit our submissions page for further submissions guidelines and to submit.

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 46(2), 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 please 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,

Hayden Clift  
*Editor, Issue 46(2)*