

Call for Submissions to the *University of New South Wales Law Journal* Issue 47(2)

### **‘Developments in Rights, Freedoms and Accountability’**

The *UNSW Law Journal* is currently welcoming submissions for the thematic component of Issue 47(2). The topic for this thematic is ‘Developments in Rights, Freedoms and Accountability’.

Australia’s public law sphere is currently undergoing a period of significant change, emanating from legislative and judicial bodies. For example, for the first time since Federation, Indigenous Australians may be formally recognised as the ‘First Peoples of Australia’ in the Constitution. Simultaneously, the metes and bounds of common law rights and protections to citizens, such as natural justice, continue to be defined via judicial interpretation. As the rights and freedoms of Australia’s citizens continue to develop, so too do government accountability mechanisms that can safeguard people’s liberties, evidenced by the introduction of the federal National Anti-Corruption Commission.

With these changes come questions about their (positive and negative) implications for people’s rights and freedoms, as well as their efficacy in ensuring governmental accountability. The implementation of these changes also raises questions about what developments in the public law sphere may be upon us in the future: for example, could Australia finally see the enactment of a national Human Rights Act? Could a treaty between Indigenous Australians and the Australian Government come to fruition? Notwithstanding these questions, given the infancy of these changes in the public law sphere, their consequences remain predominantly unexplored in Australian legal scholarship. As such, there is no time like the present to explore them.

In writing submissions, authors may wish to explore the following issues. However, authors are not limited to these areas of law and are encouraged to draw upon their own areas of expertise.

#### Implications on Rights, Freedoms and Accountability

- The impact of *SDCV v Director-General of Security* (2022) 405 ALR 209 on individuals’ rights and freedoms.
- The role of the judiciary, particularly the High Court, in securing individuals’ rights and freedoms, as well as ensuring government accountability.

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- Comparative analysis between Australia and other jurisdictions on rights, freedoms and/or government accountability.

#### Future Developments in Rights, Freedoms and Accountability

- The need for a federal Human Rights Act in light of recent developments in Australia.
- The strengths and weaknesses of the Australian Human Rights Commission's proposed Human Rights Framework and whether such a framework should be adopted.
- The relationship between a federal Human Rights Act and constitutional law.
- Discussion of any other developments in the near future which may impact rights, freedoms and/or government accountability.

#### The Indigenous Voice to Parliament

- How the Voice will hold Parliament and the executive government accountable.
- The relationship between the availability of judicial review and the Voice.
- Design proposals for legislation which the Parliament may enact relating to the Voice's composition, functions, powers and procedures.
- Consideration of the 2023 Referendum results.

#### Administrative Appeals Tribunal

- The abolition of the Administrative Appeals Tribunal and what this means for the future of Australian administrative law.
- The future of Australia's merits review and judicial review system in light of the Administrative Appeals Tribunal's abolition.
- The enhancement of government accountability and individuals' rights to merits review in light of the replacement of the Administrative Appeals Tribunal.

#### National Anti-Corruption Commission

- The significance of the National Anti-Corruption Commission in safeguarding rights and freedoms of Australian citizens.
- Barriers to the National Anti-Corruption Commission's success in ensuring government accountability.
- The potential role of the National Anti-Corruption Commission as a 'fourth branch of government'.

#### Secret Ministries

- The impact of the Scott Morrison ministerial positions controversy on government accountability.
- The implications of the *Bell Inquiry* in ensuring future government accountability and the potential legislative responses required to ensure this.

The submission deadline for the thematic Issue 47(2) is **17 November 2023**, with publication set for late July 2024. Any changes to these deadlines will be updated on the *Journal*'s website.

Submissions should be between 7,000 and 13,000 words in length, excluding footnotes. The style guide for the *Journal* is the fourth edition of the *Australian Guide to Legal Citation*, as supplemented by the latest edition of the *Journal*'s 'Additions', which is available on our website.

The *Journal* is an independent, peer-reviewed publication. While publication is subject to peer review, publication decisions remain at the Editor's discretion, 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. Please contact the *Journal* at [law.journal@unsw.edu.au](mailto:law.journal@unsw.edu.au) if you are interested or have queries about submitting for Issue 47(2).

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 this call for submissions to any colleagues, research networks or organisations who may be interested in making a submission.

Yours sincerely

Brad Marzol  
*Editor, Issue 47(2)*

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