



## **DEAKIN UNIVERSITY**

### **DEAKIN LAW SCHOOL RESEARCH REPORT No 12**

**14 October 2014**

#### **PUBLICATIONS AND RESEARCH ACTIVITIES**

**Congratulations to the following staff on recent publications and research or profiling activities:**

**Professor Danuta Mendelson and Professor George Mendelson**

‘Work Stress Claims for Psychiatric Injury and the Law’ Faculty of Forensic Psychiatry, RANZP (Vic Section) Meeting, Melbourne 13 September, 2014.

**Associate Professor Pieter Badenhorst and Nic Olivier**

‘The *Agri South Africa* Constitutional Court decision’

(2014) 33 *Australian Resources and Energy Law Journal* 230-249.

**Dr Dominique Allen**

Attendance at a roundtable at the MCC attended by 10 of the country's anti-discrimination law experts (funded by the Centre for Citizenship and Globalisation) anticipating a draft a proposal for an edited book to be written in 2015

**Dr Luca Siliquini-Cinelli**

Presentation at the UK De-Juridification Conference, London School of Economics and Politics,

“The Age of ‘Depoliticisation’ and ‘Dejuridification’ and its ‘Logic of Assembling”

An Essay Against the Instrumentalist Use of Comparative Law’s Geopolitics

**Professor Jean Du Plessis and Stephen Alevras (PhD Candidate)**

NSW Court of Appeal Citation

*Wambo Coal Pty Ltd v Sumiseki Materials Co Ltd* [2014] NSWCA 326

<http://www.caselaw.nsw.gov.au/action/PJUDG?jgmtid=174131>

**Associate Professor Julie Clarke**

e-Competitions Bulletin note

<http://www.concurrences.com/auteur/Julie-Clarke?lang=en>

“Why Its Time to Scrap Price Signalling Laws”

The Conversation

<http://theconversation.com/why-its-time-to-scrap-price-signalling-laws-31824>

23 September, 2014

**Dr Firew Tiba**

Presented a paper at the "Australia International Criminal Law Workshop" organised by UNSW, Faculty of Law (by invitation) on 25-26 September: “Regional international criminal courts: an idea whose time has come?”

**Professor Samantha Hepburn**

Radio Interview: ‘Solar Subsidies and Soaring Gas Prices’ Mornings with Leon Byner, Five aa Adelaide Radio.

## **DEAKIN LAW SCHOOL – FORTHCOMING EXTERNAL RESEARCH SEMINAR PROGRAM FOR THE REST OF THE YEAR**

**Professor John Thwaites**, Thursday October 16<sup>th</sup> 4.30pm – 6.30pm, Deakin Prime CBD

Topic: ‘Limiting Global Warming to 2 Degrees – What Australia Needs to Do to Deeply Decarbonise Our Economy’

**Professor Ross Garnaut** (Attended by the VC) , Thursday November 13<sup>th</sup> 6-8pm, Deakin Prime, CBD

Topic: The Removal of Carbon Pricing Mechanism and the Future for Australia without a Carbon Price

**Federal Shadow Attorney-General Mark Dreyfus**, Thursday December 11<sup>th</sup>, 6-8pm, Deakin Prime, CBD

Topic - TBA

## **DEAKIN LAW SCHOOL – FORTHCOMING INTERNAL RESEARCH SEMINAR**

**Professor Russell Smythe**, ‘Sentencing and Judicial Discretion in an Authoritarian State: Evidence from Pre-war Nazi Germany’

**Friday 7<sup>th</sup> November, 12 noon. Burwood Building BC, North 4. Voicepointed to Waterfront and Geelong.**

## **DEAKIN LAW SCHOOL – INTERNATIONAL VISITORS FOR AUGUST - OCTOBER**

**Professor Anna DeVita**, University of Florence Law School will visit Deakin Law School in October. Professor DeVita is an expert in private comparative law and will be conducting a seminar for the law school.

## **DEAKIN LAW SCHOOL HDR CONFIRMATIONS FOR OCTOBER:**

**Victoria Lambropolous  
Dr George Raitt**

## **DEAKIN LAW SCHOOL – FORTHCOMING CONFERENCE: OCT 20/24**

### **Mandatory Gender Quota Legislation: Will Australia Follow Europe?**

On 20 October 2014 (Melbourne) and 24 October (Sydney) the Deakin Law School will co-sponsor Forums on Board Gender Diversity, with a focus on the significant issue whether it is inevitable that Australia will adopt legislation to increase the percentage of women serving on boards of ASX200 companies to between 30-40%. The Forums are held as part of an international initiative by Professor Jean du Plessis and continuing his role under an international award he received from the German Alexander von Humboldt foundation. These high-profile forums will form a part of the internationalisation focus of Deakin University.

**Presenters: Professor Michael Adams, Professor Peta Spender, Professor Mijntje Lückerrath-Rover, Ms Judith Fox, Professor Raphael Koch, Mr John Stanhope, Mr Peter Lamell, Professor Beate Sjøfjell.**

### **Future Directions in HDR**

The new Associate Dean (Research) for the Faculty, Professor Ingrid Nielson presented an outline of the proposed new structure for HDR in the Faculty for the Burwood cohort.

The new HDR course will include focused categories:

1. Academia
2. Research
3. Industry – Commercialization of Research
4. Public Sector- Policy Focus

Pursuant to this new framework HDR students will all be expected to undertake doctoral level coursework appropriate to their stream.

- Undertake additional skills straining
- Understake Industry Placement (industry)
- Opportunities to Teach (Academia)
- Written thesis – will generally follow a three essay model or, in appropriate circumstances, by published works.
- An oral defence which will seek to test the attributes of candidates and the quality of the thesis.

Review of Candidature will no longer be just a hurdle and new milestones will be implemented.

The aim is to differentiate the Deakin HDR experience and provide high quality research focus.

The changes are unlikely to be implemented until 2016 and will not operate retrospectively.

## **ELEMENTS – NEW RESEARCH REPORTING SYSTEM**

Elements is Deakin's new collection and management tool for publications and research output. Elements will help Deakin collect, manage and preserve publications in an efficient and effective manner, reducing the amount of time and effort spent on managing publications across the University and while increasing the number of publications that are discoverable via Deakin Research Online (DRO).

The University is in the process of updating to Elements. Staff will eventually be able to manually upload their publications. Details of this new system are available at this link.

<http://www.deakin.edu.au/library/news/2014/10/13/attention-deakin-researchers-elements-is-coming>

**Please note that existing DRO publications will not be available until November 2014 as the existing framework is suspended whilst Elements is implemented by the Deakin Library.**

**ERA 2014 - Update**

The current ERA round is well underway with work on the submission progressing.

One very important outcome from this process is that some international publications have not been able to be included in ERA because the journals are not listed on the ERA 2012 journal list. Can staff please remember when selecting a journal, especially one on the Washington and Lee List, to also check that it is on the ERA 2012 journal list.

**The relevant lists are available at:**

[http://www.arc.gov.au/era/era\\_2012/era\\_journal\\_list.htm](http://www.arc.gov.au/era/era_2012/era_journal_list.htm)

### **CONFERENCE ATTENDANCE: DR KIM TEH AT THE ANZELA CONFERENCE**

**Dr Kim Teh attended the Australia and New Zealand Education Law Association (ANZELA) 23<sup>rd</sup> Annual Conference, Adelaide (Crowne Plaza Hotel), Oct 1-3 2014 (with a Tertiary Session held on 30 Sept).**

The theme of the conference was “Walking the Tightrope – Getting the Balance Right: Issues and Challenges in Education Law”. The conference was well-attended by lawyers, union officials, personnel from Departments of Education, university lecturers, school principals and teachers. An optional Tertiary Session was held in the University of Adelaide before the conference commenced and among the topics discussed was the issue of reasonable adjustment for students with professional degrees in the light of *BKY v University of Newcastle* [2014] NSWCATAD 39.

The keynote speakers of the conference were the Honourable Justice, Christopher Kourakis, Chief Justice of the Supreme Court of South Australia, His Excellency, Mr Hieu Van Le, the Governor of South Australia (who told a very touching story of his journey from Vietnam to Australia), the Honourable Dr Robyn Layton, AO, QC and Professor Rosemary Owens, AO, the University of Adelaide and Dr Mark McMillan, Melbourne University. Topical issues such as racism in schools, the demand for job ready university graduates and the right of Koori kids to education were reflected upon.

Presenters from Australia, New Zealand, the USA and the Netherlands discussed a whole range of issues which included discharging duty of care in schools, managing complaints, meeting Work Health and Safety obligations and balancing practice and theory in on-line legal education. The conference concluded with a Q & A style panel discussion on cyber issues (on-line bullying, copyright, privacy etc.)

Kim presented a paper entitled “The need for legal literacy amidst a morass of issues”. It was well-received by a high level of engagement. All agreed that teachers and principals need a basic knowledge of issues such as duty of care and child abuse

reporting, and cases concerning schools and the law. The feedback received from the participants and the insights gleaned from the sessions that Kim attended provided much material for future research and papers.

### **Research Reports Now Online**

Looking for a past Research Report. Please visit the revamped Deakin Law School Research website where you will now find a repository of all of the Deakin Law School Research Reports dating back to their inception at the start of 2012.