**DEAKIN UNIVERSITY**

**SCHOOL OF LAW RESEARCH REPORT No 5**

**14/3/2014**

**RESEARCH IMPACT**

**Achievement of Research Publications Targets 2013**

Again, just like in 2012 (117%), in 2013 the Law School academics have achieved outstanding publications record (at this point 11%). We are at the forefront not only of the Business and Law Faculty, but also the University. Moreover, this is not a once off aberration, but a sustainable trend.

Publications recorded YTD (weighted HERDC points) are for February 2014, with several 2013 HERDC publications (B1s and C1s) still to be counted:

 **A1 B1 C1 E1 (IS) Total Target 2013 % of target achieved**

Deakin Graduate School of Business 0.00 5.33 26.64 0.33 32.31 44.00 73%

Accounting, Economics & Finance 0.00 2.00 59.90 0.00 61.90 71.00 87%

School of Information Systems 0.00 1.00 5.23 2.83 9.06 27.00 34%

**School of Law 5.00 8.77 43.28 0.00 57.05 52.00** **110%**

School of Management and Marketing 0.00 4.35 32.49 0.67 37.50 66.00 57%

Total Faculty of Business and Law 5.00 21.78 167.54 3.83 198.15 260.00 76%

**DEAKIN LAW SCHOOL RESEARCH SEMINARS**

**Please let me know if you would like to present a research seminar: topic and date**

**FRIDAY, 21 MARCH 2014 at 12pm**

**Ann Wollner**

**International Parental Children Abduction-Legal/ Social Work/ Mediation- Towards a holistic approach - About time!**

The world is becoming a smaller and smaller place. Voluntarily or involuntarily, families scatter and lives are disrupted. More and more children's lives are challenged by parental abduction. The United Nations and many of its member countries have recognised the need to protect and defend vulnerable children. The Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention) came into force in 1983 to facilitate this protection. However, the outcomes of the Hague Convention with its strictly legal focus are limited. Rather what is needed is an international organisation with members worldwide which can offer a raft of services, legal, social and psychological. The International Social Service (ISS) was established in 1924 after World War 1 in response to the migration of displaced persons. Unfortunately the need to protect children and support families has only increased since then. ISS has grown into an organisation with over a 100 offices worldwide. ISS Australia understands that assistance is required at different levels. It has expanded its services to meet the various needs. The presentation will explain the ISS global organisation; ISS Australia's set of services (social work; legal and family mediation); an overview of the relevant law regarding Hague Convention abduction cases and the obstacles (both legal and otherwise) to satisfactory outcomes.

**Biography**

Dr Ann Wollner is the manager of the legal team at ISS Australia. She has a Doctorate in child clinical psychology from Melbourne University and a Masters of Comparative Law from George Washington University, Washington DC. She is experienced in family, commercial and property law, with a particular interest in international children’s matters and family violence. She is a trained collaborative lawyer and mediator and was appointed to establish the legal department in the National Office of ISS Australia.

Ann has lectured at the University of Melbourne in law and has practised psychology in the private and public sectors. She has worked in a number of government Child & Adolescent Mental Health Services, and at the Centre for Adolescent Health in the Royal Children’s Hospital. Ann has published articles and given presentations relating to family violence and child abuse.

THE VENUES ARE:

The Waterfront:    F BL Mtg Room AD Level 3 ad3.310.

 Warrnambool: W BL Training Room Teaching & Learning Centre/Meeting Room j4.20.

Burwood: Moot Court:  C 4.05

VMP: 52239323 to which all parties are to dial into.

 52239323@vidconf.deakin.edu.au

**FRIDAY, 28 MARCH 2014**

**Louis de Koker with Helen Wood and Josipa Crnic**

**“Google Scholar/Academia/ResearchGate profile”**

Google Scholar presentation to enable Law School members to create Google Scholar profiles. Louis, Helen and Josipa discuss the value and use of Google Scholar, Research Gate and Academia, and provide directions on how to create profiles.

Helen and Josipa have offered also more practical campus-based sessions in computer labs to help Law School members to set up the relevant accounts.

THE VENUES ARE:

The Waterfront: F BL Mtg Room AD Level 2 ad2.308  (All Deakin Staff)

Burwood: Moot Court:  C 4.05

Warrnambool: W BL Training Room Teaching & Learning Centre/Meeting Room j4.20.

VMP: 52239323 to which all parties are to dial into.

52239323@vidconf.deakin.edu.au

**FRIDAY, 11 APRIL 2014**

**Claire Fenton-Glynn**

of Lucy Cavendish College, Cambridge

**“International Parenthood: The right to a child?"**

**FRIDAY, 2 MAY 2014**

**T. Leigh Anenson, J.D., LL.M.**

Associate Professor of Business Law, Department of Logistics, Business and Public Policy

Robert H. Smith School of Business, University of Maryland

**FRIDAY, 8 MAY 2014**

**Pieter Badenhorst**

**“A Tale of two Expropriations: Newcrestia and Agrizania”**

**TORTS, JURISPRUDENCE, ECONOMICS, ETC RESEARCH HUB**

 **Meetings are held on the first Wednesday of each month at 5pm**

**Venues:**

Melbourne: Boardroom, Level 3, Deakin City Center, 550 Bourke Street

The Waterfront: F BL Mtg Room AD Level 2 ad2.308 (all Deakin Staff)

Burwood: Moot Court: C 4.05

The VPN telephone number, to which *all* parties must, dial is: **5223 6933**

**SCHEDULE OF FORTHCOMING SEMINARS**

**WEDNESDAY, 2 APRIL 2014**

Sandeep Gopalan

Dean of the Newcastle Law School

**Disclosure based approaches to promoting ethical conduct by companies.**

**WEDNESDAY, 7 MAY 2014**

Sharon Erbacher

**Illegality Defence and Duty of Care**

**WEDNESDAY, 4 June 2014**

John Morss

**WEDNESDAY, 6 August 2014**

Richard Polikinghorn

**Events of interest**



Dear friends and members of the MLS Obligations Group,

You are warmly invited to the third Obligations Group event of 2014, which will be held on **Tuesday, 22 April**.  It will be a seminarled by **[Dr Eric Descheemaeker](http://www.law.ed.ac.uk/people/ericdescheemaeker%22%20%5Ct%20%22_blank),** fromUniversity of Edinburgh.

**Topic: 'Challenging Heterodoxy: Defences in the Law of Tort'**

**Abstract:**  In Tort Law Defences, Dr Goudkamp seeks to reconceptualise defences (and while the ambit of the project is confined to the law of tort, it has implication for large swathes of private law). Some of the points made by the author, like need to distinguish sharply between defences properly so called and denials, ought not to be controversial. Others will be. In this talk I intend to focus on two interrelated claims made by Goudkamp, which are foundational to the book yet ought not in my mind to be accepted. First comes the idea that a defence is defined as ‘a rule that relieves the defendant of liability even though all the elements of the tort in which the claimant sues are present’: in other words, for the author, the definition of a defence is substantive (a plea in confession and avoidance) not procedural (based on the empirical observation of who bears the onus of proving what). Second is the idea that defences are distinct from torts, rather than part of the definition of the causes of action, a view which can be described as ‘dualism’. Contra Goudkamp, I would want to defend unitarianism and also – at least when it comes to what the author calls ‘justification defences’ – the view that defences do in fact prevent the tort from arising in the first place. I would also like to highlight one reason why Dr Goudkamp’s attempt to consider defences as a whole is of great importance, even though the author does not himself rely on it: namely that (despite the above criticisms) it paves the way for a reclassification of defences, which would be highly beneficial for the rationality and accountability of the law of torts.

**DATE:  Tuesday**, **22nd April**

**TIME**: 1-2pm (a light lunch will be available from 12.45)

**VENUE:** Room 731,Level 7, Melbourne Law School, [185 Pelham Street](http://www.law.unimelb.edu.au/LawSchoolStreetPlan.jpg), Carlton

If you would like to attend, please register by replying to this email: Sue Grogan [mailto:grogans@unimelb.edu.au]

[Professor Elise Bant](http://www.law.unimelb.edu.au/melbourne-law-school/community/our-staff/staff-profile/username/Elise%20Bant) & [Associate Professor Matthew Harding](http://www.law.unimelb.edu.au/melbourne-law-school/community/our-staff/staff-profile/username/Matthew%20Harding)

Co-convenors, [Obligations Group](http://www.law.unimelb.edu.au/obligations)

**GRANT FUNDING**

Professor Nava Subramaniam (nava.subramaniam@deakin.edu.au) has invited Law School academics and HDR candidates to apply for ICAA funding in the following themes:

1. Sustainable Development and Corporate Governance; (2) Learning Technologies and Educational outcomes, and (3) Developing and Assuring Social Performance Indicators.

The grants will be $10,000 maximum for each project. Nava will also consider initiatives for larger projects.

***Journal of Law, Finance and Accounting***

Nava has also alerted me to a **new journal** and a **conference** that may be of interest to you:

“We are pleased to announce the launch of a new interdisciplinary *Journal of Law, Finance and Accounting* (JLFA), and to invite you to submit your manuscript for presentation at the first annual JLFA 2014 Conference.

The *Journal of Law, Finance, and Accounting* is a new publication sponsored by the NYU Stern School of Business and NYU School of Law. JLFA will offer an outlet for high quality empirical or theoretical scholarly work at the intersection of law, finance, and accounting. It will be published by Now Publishers and hosted by the Social Science Research Network (SSRN). This intersection includes research having implications for the ways law and regulation affect the structure, governance, performance, and function of the firms, markets, and institutions that comprise the financial system, as well as research that addresses the different ways capital is raised and the links between financial markets and the real economy. This interdisciplinary research area is sometimes called “law and finance,” although much relevant work comes from scholars whose principal home may be in accounting, economics, or political science. For more information, see the journal website at [www.jlfaonline.com](http://www.jlfaonline.com).

The conference will be held at NYU on Friday, September 19, 2014. The deadline for submissions is May 31st, 2014. Please submit papers through SSRN at [http://hq.ssrn.com/conference=jlfa-2014](http://hq.ssrn.com/conference%3Djlfa-2014). All submissions will be reviewed by the JLFA editors. Accepted papers will be presumptively eligible for expedited publication in JLFA (subject to the authors’ compliance with referee and editor requests).

We look forward to receiving your submissions.

JLFA Executive Editors:

Viral Acharya (NYU Stern School of Business) John Armour (Oxford, Law Faculty and Said School of Business) Barry Adler (NYU Law School) Lucian Bebchuk (Harvard Law School) Bernard Black (Northwestern School of Law and Kellogg School of Management) Ronald Dye (Northwestern Kellogg School of Management) Julian Franks (London Business School) Joshua Ronen (NYU Stern School of Business)

Associate Editors:

**Finance**

Heitor Almeida (University of Illinois at Urbana-Champaign) Mark Garmaise (UCLA) Denis Gromb (INSEAD) Colin Mayer (Oxford) David Scharfstein (Harvard) Ilya Strebulaev (Stanford) Oren Sussman (Oxford) Michael Weisbach (Ohio State)

**Law**

Ryan Bubb (NYU)

Brian Cheffins (Cambridge)

Dhammika Dharmapala (University of Illinois at Urbana-Champaign) Allen Ferrell (Harvard) Kate Litvak (Northwestern) Jonathan Macey (Yale) Geoffrey Miller (NYU) Mark Roe (Harvard)

**Accounting**

Sudipta Basu (Temple)

Anne Beyer (Stanford)

Robert M. Bushman (University of North Carolina, Chapel Hill) Jeffrey Callen (University of Toronto) Chandra Kanodia (University of Minnesota) April Klein (NYU) Stephen Ryan (NYU) Catherine Schrand (University of Pennsylvania)

If you have any questions, please do not hesitate to contact me (Zac Rolnik zac.rolnik@nowpublishers.com)

or any of the Executive Editors.”

**Higher Education Research Data Collection Specifications for the collection of 2013 data**

is available at

[**https://education.gov.au/higher-education-research-data-collection**](https://education.gov.au/higher-education-research-data-collection)