**Deakin University School of Law**

**Research Report No.9**

**21/7/14**

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

**Professor Mirko Bagaric:**

‘The Negation of venting in Australian sentencing: Denouncing denunciation and retribution’ (2014) 88 Australian Law Journal 502-519**.**

**Professor Danuta Mendelson and Ian Heywood:**

‘Minors Decision-Making Capacity to Refuse Life-Saving and Life-Sustaining Treatment’ (2014) 21 Journal of Law and Medicine 762-777.

**Professor Christoph Antons:**

'Globalisation and Resistance: The Politics of Law Reform Processes in Asia'**,** Invited seminar presentation at Charles Darwin University, School of Law, on 10 June 2014.

**Dr Dominique Allen:**

‘Carrots and Sticks – A New Regulatory Model for Australia’s Equal Opportunity Agencies, Centre for Employment at Labour Relations Law, Labour Law Seminar, Melbourne Law School, 12 June, 2014.

**Jane O’Callaghan and Kay Souter:**

‘Higher Education Plans Breach International Rights Convention’

[http://theconversation.com/higher-education-plans-breach-international-rights-covenant-28253](http://theconversation.com/higher-education-plans-breach-international-rights-covenant-28253" \t "_blank)

**APPOINTMENTS**

Professor Danuta Mendelson, has been appointed a Titular Member of the International Academy of Comparative Law on 2 July 2014. The International Academy of Comparative Law was founded at The Hague on 13 September 1924, and its aim is “the comparative study of legal systems”.    The Academy is composed of eighty Titular Members, elected on merit of their scholarly contributions to the discipline of comparative law by a two-thirds vote of the Titular Members preceding them.  The candidates are proposed by one of six groups within the Academy (Northern and Central Europe, Eastern Europe, Middle-East / Africa, and Asia).  Her Hon Justice Susan M Kiefel of the High Court of Australia was elected Titular Member in 2013.  Additionally, the Academy comprises of Associate Members elected by the Titular Members.  This class is not limited in number (at present comprised of over 700 members).  There are approximately 12 Associate Members from Australia including Prof Christoph Antons (Deakin University), Laureate Professor Cheryl Saunders AO, His Hon Justice JS Douglas of the Supreme Court of Queensland, and Prof Gillian Triggs, Chair of the Australian Human Rights Commission.

**RECENT DEST FUNDED ACTIVITIES:**

**Dr John Morss attended the Australia and NZ Society for International Law [ANZSIL] 22nd Annual Conference, ANU, July 3-5.** Highlights of the ANZSIL Annual Conference included Hilary Charlesworth's reflections on her role as Judge Ad Hoc, appointed as such by Australia, in the recent ICJ dispute with Japan over the whaling program in the southern ocean. Advocates in that dispute for Japan, Australia and NZ (intervening) also spoke informatively.

Reflections on the impact of World War I on international law, a major theme of the conference, included analysis of neutrality and collective security, and of the long history of the role of persecution in international refugee law. Australian and NZ Foreign Affairs/ Attorney General's Dept lawyers offered their views of the past year including the various disputes between Australia and Timor Leste as well as Law of the Sea developments.

Overseas visitors Dino Kritsiotis and B.S. Chimni spoke about the social, political and intellectual contexts of international law around WWI. A panel discussed *Q&A* style the role of international lawyers as public intellectuals (on social media etc), an important issue in times of provocative governmental policies on asylum seekers and so on. On the lighter side, the trivia quiz at the Dinner was an interesting experience, the top table's win not hampered by the fact that several questions related to writings of members of the top table. I think this is called "victors' justice." My table came joint third… JRM

**LAUNCH OF THE EXTERNAL RESEARCH SEMINAR SERIES PRESENTED BY THE DEAKIN LAW SCHOOL IN CONJUNCTION WITH SLADEN LEGAL**

**The School of Law is launching its new external research seminar series. The aim of this series is to introduce a series of high profile seminars to contribute to public debate on current law issues and raise the Deakin Law School research profile.**

**The series will commence with a discussion by Professor Simon Rice OAM who will discuss the proposed changes to the Racial Discrimination Act and will explore how the changes will affect the integrity and civility of the legislative framework. The launch will be held at the Deakin Prime CBD, Level 3 550 Bourke Street, Melbourne on Thursday 31st July at 12 noon with refreshments to follow. The seminar is highly topical and has attracted great interest and is nearly booked out so please get in quickly if you have not registered.**

[http://www.deakin.edu.au/research/stories/2014/07/18/the-price-of-free-speech](http://www.deakin.edu.au/research/stories/2014/07/18/the-price-of-free-speech" \t "_blank)

**The second research seminar will be held on Thursday August 14th at 6pm at the Deakin Prime CBD, Level 3, 550 Bourke Street, Melbourne. The keynote presentation, ‘Legal Regulation and Professional Standards’ will be given by Mr Michael McGarvie with an introduction by Professor Samantha Hepburn, Associate Head of Law (Research). Please register early.**

**The Law School and Deakin Week in Colombo Sri Lanka**

The Law School sent two delegates to Sri Lanka for Deakin Week: Professor Samantha Hepburn and Athula Pathinayake to ensure that the law school contributed to Deakin Week in Colombo. The trip was extremely successful. A high profile dinner for the Sri Lankan Attorney-General and Sri Lankan legal dignitaries was hosted by Athula, Samantha and the PVC, Professor Mike Ewing. Athula and Samantha presented a paper on Consumer Protection Laws in Australia and this followed on from a presentation by the Sri Lankan Attorney-General on the same topic and some interesting comparative discussion ensued. A meeting was also arranged with the President of the Bar Association in Sri Lanka to discuss possible involvement of the Deakin Law School in future curriculum programs. It was a busy, fascinating and highly successful delegation for the law school.

**Grant Opportunities:**

**Contact: Enquiries Australian Government and Trade**

**caar@dfat.gov.au**

|  |
| --- |
|  |

|  |
| --- |
| CAAR is looking for projects that enhance Australia's economic, cultural and social relations with the Arab region (comprising the 22 countries and territories of the Arab League). Applicants should carefully read the Guidelines for Funding Applicants before submitting their application.  Proposals must demonstrate relevance to one or more of the Council's strategic objectives.  CAAR supports innovative projects that have clear outcomes and seeks to ensure the benefits of such activities are spread as widely as possible. The Council has a special focus on assisting the initiation of activities that are likely to prove self-sustaining.  The Council assesses grant applications on the likely benefits a project will bring, rather than the amount actually requested, and it therefore exercises some flexibility in the amounts disbursed as grants. While the level of grant funding will be decided according to the merits of the proposal, funding will generally be above a minimum of AUD 10,000 per grant. CAAR encourages applicants also to seek funding for their project from other sources.   **Note the CAAR will also consider applications in the 2014-15 grant funding round to develop and manage an International Speakers Program (CISP). A CAAR-sponsored CISP could focus on bringing experts from the Arab World to speak at conferences and events in Australia.** |

**Faculty Research News**

***Fulbright Specialist Program***

The [Fulbright Specialist Program](http://www.fulbright.com.au/partners/grants?id=875" \t "_blank) provides funding for Australian Institutions to host U.S. specialists for 2 – 6 week visits as guest speakers, lecturers and /or collaborative researchers.  The scholarship consists of an economy airfare and a US$200 per diem honorarium which is administered by the host institution.

Deakin Research Grants have provided the following instructions relating to this program -

*There are a couple of things you need to note:*

*1.       Institutions can apply to host a specialist but the individual MUST be registered with the Council for International Exchange of Scholars (CIES)*

*a.       In short, you cannot just invite someone of your choice although you can ask them to register for future opportunities (refer point 2 below)*

*b.      Specialists are available in specific disciplines – see [http://www.cies.org/programs-us-scholars-specialist-apply-join-specialist-roster/eligible-disciplines-and](http://www.cies.org/programs-us-scholars-specialist-apply-join-specialist-roster/eligible-disciplines-and" \t "_blank)*

*c.       Information on how to apply to host a specialist is available at [http://www.fulbright.com.au/scholarships/for-australian-educational-institutions?layout=edit&id=159](http://www.fulbright.com.au/scholarships/for-australian-educational-institutions?layout=edit&id=159" \t "_blank)*

*d.      You can search for those already registered with CIES is available at [http://www.cies.org/fulbright-scholars](http://www.cies.org/fulbright-scholars" \t "_blank) but keep in mind that you’ll only find those who fall within the specific disciplines (see 1.b above)*

*i.    You will need to select that you’re looking for a ‘US Scholar’ under the ‘Specialist’ programme before putting in potential visit dates and discipline information*

*ii.      Good luck with the search!  I tried a number of times to find specialists under a discipline without success but you may have better luck searching on individual names!*

*iii.      Looking at previous scholars who’ve participated might help you – see [http://www.fulbright.com.au/scholars/u-s-senior-specialist](http://www.fulbright.com.au/scholars/u-s-senior-specialist" \t "_blank)*

*2.   It is possible for individuals to seek registration with the CIES but as peer review of applicants occurs 6 times per year there might be a “wait” until an individual of your choice is assessed as suitable.  So this needs to be considered if you are hoping to ‘host’ someone who is not already listed*

*a.   Applicants are assessed via peer review and this can take some months but, it may be worth asking colleagues to register for future rounds*

*b.   To register, intending US applicants should visit*

*[http://www.fulbright.com.au/scholarships/for-australian-educational-institutions?layout=edit&id=877](http://www.fulbright.com.au/scholarships/for-australian-educational-institutions?layout=edit&id=877" \t "_blank)*

*and they should also look at*

*[http://www.cies.org/programs-us-scholars-specialist/apply-join-specialist-roster](http://www.cies.org/programs-us-scholars-specialist/apply-join-specialist-roster" \t "_blank)*

*Applications for this programme should be lodged via this office so please stick with the following deadlines:*

*ASAP – lodge a NOIS with [research-grants@deakin.edu.au](mailto:research-grants@deakin.edu.au" \t "_blank)*

*NOIS templates available at:*

*[http://www.deakin.edu.au/research/grants/apply.php](http://www.deakin.edu.au/research/grants/apply.php" \t "_blank)  (look under heading “STEP 1”)*

*We will assign a case manager*

***15 September 2014****– full applications lodged with [research-grants@deakin.edu.au](mailto:research-grants@deakin.edu.au" \t "_blank)*

*We will compliance check and submit the applications*

**Research Events and Training Opportunities**

Deakin offers a range of research workshops, through the Research Training Institute, the Office of Research Integrity, the Division of Student Life and the Library. There is no charge for these workshops, which are open to all staff and HDR candidates.

Early registration is essential as places fill quickly.  To register for a workshop, go to the Events Registration System (ERS) at: [http://www.deakin.edu.au/research/admin/ers](http://www.deakin.edu.au/research/admin/ers" \t "_blank)/

Forthcoming events include -

**Early Career Researchers**

* [Grant Writing: Budgets and Track Records](https://www.deakin.edu.au/research-services/events/event.php?event_id=1093" \t "_blank)
* [Grant Writing: General advice](https://www.deakin.edu.au/research-services/events/event.php?event_id=1094" \t "_blank)
* [Grant Writing: Project Descriptions](https://www.deakin.edu.au/research-services/events/event.php?event_id=597" \t "_blank)

**Supervisor Training Program**

* [S1 Supervising at Deakin](https://www.deakin.edu.au/research-services/events/event.php?event_id=1016" \t "_blank)

**HDR Events**

* [Confirm 1 The confirmation process](https://www.deakin.edu.au/research-services/events/event.php?event_id=1045" \t "_blank)
* [Confirm 2 Your literature review](https://www.deakin.edu.au/research-services/events/event.php?event_id=1046" \t "_blank)
* [Confirm 3 Your research question](https://www.deakin.edu.au/research-services/events/event.php?event_id=1047" \t "_blank)
* [Confirm 4 Planning your research](https://www.deakin.edu.au/research-services/events/event.php?event_id=1054" \t "_blank)
* [Confirm 5 Time Management](https://www.deakin.edu.au/research-services/events/event.php?event_id=1055" \t "_blank)
* [HDR Orientation](https://www.deakin.edu.au/research-services/events/event.php?event_id=1036" \t "_blank)
* [Reach 6 Networking strategies](https://www.deakin.edu.au/research-services/events/event.php?event_id=1028" \t "_blank)
* [Reach-4 Academic vs corporate careers](https://www.deakin.edu.au/research-services/events/event.php?event_id=1004" \t "_blank)
* [Reach-5 Networking principles](https://www.deakin.edu.au/research-services/events/event.php?event_id=1006" \t "_blank)
* [Start 6 Data management](https://www.deakin.edu.au/research-services/events/event.php?event_id=1027" \t "_blank)
* [Start-1 Outline of candidature](https://www.deakin.edu.au/research-services/events/event.php?event_id=994" \t "_blank)
* [Start-2 Deakin’s HDR landscape](https://www.deakin.edu.au/research-services/events/event.php?event_id=996" \t "_blank)
* [Start-3 The nature of research](https://www.deakin.edu.au/research-services/events/event.php?event_id=1002" \t "_blank)
* [Start-4 Stuff you need to know](https://www.deakin.edu.au/research-services/events/event.php?event_id=1003" \t "_blank)
* [The General Sir John Monash Scholarships](https://www.deakin.edu.au/research-services/events/event.php?event_id=1083" \t "_blank)

**Thesis Study Group (Division of Student Life)**

* [Reach-3 Career planning and job applications](https://www.deakin.edu.au/research-services/events/event.php?event_id=1000" \t "_blank)
* [Study -2 Note taking and thesis topic](https://www.deakin.edu.au/research-services/events/event.php?event_id=1001" \t "_blank)
* [Study-1 Reading skills](https://www.deakin.edu.au/research-services/events/event.php?event_id=998" \t "_blank)
* [Study-3 Setting the scene](https://www.deakin.edu.au/research-services/events/event.php?event_id=1005" \t "_blank)