**DEAKIN LAW SCHOOL RESEARCH REPORT**

**No 9/17 May 2013**

**RECENT PUBLICATIONS**

**Congratulations to the authors of the following recent publications:**

**Arenson, Kenneth J**, ‘Thabo Meli revisited: the pernicious effects of results-driven decisions’, (2013) 77 *Journal of Criminal Law*, 41-55. <http://dro.deakin.edu.au/view/DU:30052270>

**Farrell, James**, ‘Children's rights to legal representation in child protection proceedings , (2013) 3 *Family Law Review*,. 94-99. <http://dro.deakin.edu.au/view/DU:30052419>

**Bagust, Joanne**, ‘The Legal Profession and the Business of Law’ (2013) 35 (1) *The Sydney Law Review*, 27-52. <http://dro.deakin.edu.au/view/DU:30052466>

CHANGES TO PUBLICATION NOTIFICATIONS

The Faculty of Business and Law has made the following change to the process of publication notifications:

Authors are required to send the pro-forma <http://www.deakin.edu.au/buslaw/research/publications.php> (and any associated documentation) to **Sheryl Pascoe** ([sheryl.pascoe@deakin.edu.au](mailto:sheryl.pascoe@deakin.edu.au)), who will then forward them to Aysun Alpyurek ([aysun.alpyurek@deakin.edu.au](mailto:aysun.alpyurek@deakin.edu.au))

**RESEARCH IMPACT**

**Citations**

**Rami Hanegbi**, ALRC “Grey Barriers to Ageing” Discussion Paper - <http://www.alrc.gov.au/publications/grey-areas%E2%80%94age-barriers-work-commonwealth-laws-dp-78> – cited his research several times.

ALRC “Grey Barriers to Ageing” Issues paper - <http://www.alrc.gov.au/publications/grey-areas-age-barriers-work-commonwealth-laws-ip-41> also cited his research several times

The main citations were to:

**Hanegbi R**, ‘Australia's superannuation system: a critical analysis’ (2010) 25(2) *Australian Tax Forum*, 303-326

**Hanegbi R**, ‘Improving our superannuation regime : a post-Henry review look at superannuation taxation, raising superannuation balances and longevity insurance’ (2010) 25 (3) *Australian Tax Forum*, 425-457

**Prof Danuta Mendelson** was cited by Gray J in *Re H, AE* (2012) 113 SASR 560 [fn 1], Re H (No 2) [2012] SASC 177 [fn 9]

<http://www.austlii.edu.au/au/cases/sa/SASC/2012/146.html>

The citation was to:

**Mendelson D**, ‘Substituted Consent: from Lunatics to Corpses’(2007) 14 *Journal of Law and Medicine* 449-462

**Prof Danuta Mendelson** was cited by Basten JA *Dean v Phung* [2012] NSWCA 223 at [60] <http://www.austlii.edu.au/au/cases/nsw/NSWCA/2012/223.html>

The citation was to:

**Mendelson D**, *The* *New Law of Torts*. 2nd edition, Oxford University Press 2010, 241-242)

**Awards**

**Prof Louis de Koker** was involved in a World Bank project (the development of a national money laundering risk and vulnerability assessment) before his appointment at Deakin. He brought the last part of the development into Deakin and it resulted in Deakin signing our first institutional agreement with the Bank.

This project, nominated by the Bank’s Financial Integrity unit, was chosen as one winners of the 2012 Financial & Private Sector Development Network Awards, a network of the World Bank & International Finance Corporation. Winners “exemplify some of the best examples of what the Network has to offer—innovative approaches, client responsiveness, collaborative style, and demonstrated results.”  (see attached)

The risk assessment tool, trialled in Malaysia, Ukraine and Namibia and was employed to date by the governments of Kazakhstan, Serbia, Malawi, Kenya, Kyrgyzstan and Bermuda. A number of other countries are lining up to use it including Slovenia, Macedonia, Montenegro, Croatia, Czech Republic, Estonia, Russian Federation, Azerbaijan, Pakistan, Qatar, Colombia, Andorra, San Marino, Malta, Romania, Lithuania and Turkmenistan.

**Invited Presentations**

**Prof Louis de Koker** was a featured speaker at the Australasian Chapter of Association for Certified Anti-Money Laundering Specialists. Louis discussed ‘Perspectives on risk, effectiveness and new payment method’.

**Prof Jean du Plessis** presented at a Staff Seminar at the La Trobe School of Law (9 May 2013). His topic was "The German model of *Mitbestimmung* (codetermination): A model forced upon German companies that helped Germany recover from the Global and European Financial Crises". Jean was invited because of discussions of this topic at the Corporate Law Teachers Association's Annual Conference held at the ANU in February 2013.

**Community & Industry Engagement**

**Richard Coverdale**, Director of the Centre for Rural Regional Law and Justice at the School of Law has held a telecasted **Rural Forum on the National Disability Insurance Scheme** (15 May 2013 from 10:30 - 12:00 pm). Panellists included Jennifer Fitzgerald Chief Executive Officer, Scope, one of the largest providers of disability services in Victoria; Elizabeth Manning, Lecturer in the School of Accounting, Economics and Finance, Deakin University; Phillippa Angley, National Policy Manager, National Disability Services (NDS); Julie Phillips, Manager, Disability Discrimination Legal Service, a statewide independent community legal centre that specializes in disability discrimination legal matters.

The Forum attracted over 170 participants.

**Deakin Law School Ranking**

Many of you are aware that according to the QS World University Rankings, our Law School has been ranked in the top 100-150 law schools in the world. The ranking places us third in Victoria and equal 11th in Australia (ie in the top third of Australian Law Schools). Only 16 Australian law schools (out of 27) were ranked in the top 200. <http://www.topuniversities.com./university-rankings/university-subject-rankings/2013/law-and-legal-studies>

The QS rankings are based on several different criteria, including research, teaching, employability, facilities, internationalization and engagement. <http://www.iu.qs.com/university-rankings/subject-tables/?>

**According to QS:**

**‘Research quality**is a key criteria [sic!] in many **university** ranking and rating systems [we have received only 3 out of 5 stars for research]… In traditional university rankings, such as the QS World University Rankings, criteria relating to research quality often carry the most weight.

These are the traditional measures of how well a university [School] performs academically… To measure how good a university’s research quality is, we break it down into four areas, which are as follows:

**Academic peer endorsements**

If you want to know how good something is, it’s logical that you ask for the opinions of the experts, and that is exactly what this criterion measures. Drawing on over 15,000 responses from academic experts in a range of disciplines across the world, academics identify the leading universities in their area of expertise. Points are awarded according to how many of them think that this is the case, with 150 such endorsements leading to maximum points.

**Citations per paper**

A good way of measuring the significance of the work being done at any given university is to measure how many times it is cited in the papers of experts at other universities. The more groundbreaking it is, the more other experts will refer to it, using it as the new base from which further progress will be made.

To score the maximum amount of points in this area a university needs to **average** **six citations per paper**. We’ve taken into account the fact that some universities focus on certain subjects, and make adjustments when this is the case.

**Research papers per faculty [School]**

**The number of papers published by an institution’s faculty** serves as a useful measure of its productivity. The best universities are fast paced, dynamic environments which produce a great deal of important work across a wide range of disciplines, so the higher this number is, the better.

**If a university produces seven papers for every faculty members, it will score full marks.** Again, this is adjusted for specialist institutions, whose work may be focussed on a particular area.

**Prolific academic experts**

There is a wide range of international awards designed to afford recognition to those who have carried out outstanding work in their field, the best known being the various Nobel Prizes. [there are no Nobel Prizes for Law]

Measuring the number of staff who have received global distinction in their area of expertise is a measure of the academic authority to which students will have access at a given institution, as well as reflecting positively on an institution capable of attracting such highly regarded researchers.

These criteria are not dissimilar to those used by ERA and the Thomson Reuters Times Higher Education World University Rankings. Though they might be weighted somewhat differently by each of these audits; invariably, the greatest weight/percentage of the total score is given to **Citations per paper**. As the SQ explanation, somewhat inelegantly, puts it:

‘The more groundbreaking it [the article] is, the more other experts will refer to it, using it as the new base from which further progress will be made.’

**2013 UNIVERSITY RESEARCH TARGETS FOR THE DEAKIN LAW SCHOOL**

Please see the attached the *Faculty Monthly Research Management Report.* It includes **Research Targets for 2013**.

To ensure that the *Repor*t is up-to-date, please notify **Sheryl Pascoe** (cc to me) of:

1. applications for External Research Grants that you have submitted;
2. all successful grants;
3. HERDC publications.

I shall be attaching the *Faculty* *Monthly Research Management Report* each month, so that you are aware of how the School is progressing in achieving its research targets (and how it’s doing in comparison to other Schools within the Faculty and the University).

**LAW SCHOOL RESEARCH SEMINARS SCHEDULE**

**Trimester 1**

**FRIDAY, 24 MAY**

**Professor Joe Graffam,** Pro Vice-Chancellor (Research Development and Training):

‘Academic Scholarship in the New Word(ly) Order’

This seminar will offer participating academics a chance to discuss with Prof Graffam the nature, processes and goals of academic scholarship in theory and within Deakin University.

**FRIDAY, 31 MAY**

**Dr John Morss,** Towards the Law of People: Cosmopolitanism and Solidarity (issues in international law)

**Trimester 2**

**FRIDAY, 12 JULY**

**Prof Peter Hodgson**, Director of the Institute for Frontier Materials <http://www.deakin.edu.au/research/ifm/staff.php?contact_id=107&style=2>

Lifting research standards to ERA Level 4 (or its equivalent)

**FRIDAY, 19 JULY**

**Alison Hadfield**

Director Research and Research Training

Deakin Research, Deakin University

[www.deakin.edu.au/research](http://www.deakin.edu.au/research)

**FRIDAY, 26 JULY**

**Dr Angela Daly,** Research Fellow, Swinburne University

Competition law in the media sector

**FRIDAY, 2 AUGUST**

**Prof Christoph Antons**

**FRIDAY, 9 AUGUST**

**Richard Coverdale**

**FRIDAY, 30 AUGUST**

**Giuseppe Carabetta**

‘Police and Industrial Relations’

**Trimester 3**

**FRIDAY, 25 OCTOBER**

**Professor Christoph Ann**, University of Technology, Munich, Germany

Patent law

**HDR CANDIDATES MEETING**

**All HDR candidates and their supervisors are cordially invited to attend a meeting on**

**Wednesday, 19 June 2013 at 12pm**

Venues will be announced soon, but please, pencil this date in your calendar.

**GRANTS SCHEMES**

**Faculty of Business and Law Research Grant Scheme Instructions and Guidelines**

**1. ELIGIBILITY**

The Faculty of Business and Law Research Grant (FRG) Scheme is aimed at providing funding for small pilot projects for researchers who are at the development stage of their careers, with a view to strengthening their profile to enable them to be better placed to apply for funding under more competitive external funding schemes. As such, all internal and external level D and level E researchers are ineligible to apply for funds under this scheme as it is expected that they are already in a position to attract external research funds.

Any member of a Strategic Research Centre (SRC), including the Centre for Sustainable and Responsible Organisations (CSaRO), is ineligible for funding under this scheme. SRCs receive their funding centrally from the university and have their own exclusive funding schemes. Please speak to your SRC director for further information.

Previous recipients of FRGs must be up-to-date with their reporting requirements in order to be eligible to apply in the current round. Recipients awarded FRGs in the past 3 years must have reported to the committee on their project before being eligible to apply in subsequent rounds. Applicants have the option of attaching a report to the front of the application form if they are applying for funds in the current round but have not yet reported on their previous grant. Note that a one page reporting proforma can be found on the Faculty Research website.

An applicant can only be listed on one FRG application per round.

Applicants from within the Faculty should indicate that they are chief investigators (CI)s on the form. External investigator (EI)s are those outside of the Faculty.

**2. INSTRUCTIONS ON COMPLETING THE FACULTY RESEARCH GRANT APPLICATION FORM**

*Note that re-formatting of the form is not permitted. The publications attachment (Part B) and the project description (Part D) should be in 12pt font size with at least 2cm margins using a standard font.*

**PART A – ADMINISTRATIVE SUMMARY**

**Participant Summary –** Assign roles to all participants in the project and declare whether they are early career researchers (ECR)s. ECRs are researchers who were awarded their PhD no later than 5 years ago at time of application, subject to significant career interruptions.

**Keywords** – Provide at least 3 keywords for your project – these keywords will be used to assign reviewers.

**Project Summary** – Provide a maximum 200 word summary of your project.

**Certification** – Ensure that all required signatures are obtained. Electronic signatures are acceptable.

**PART B – PUBLICATIONS *(attachment)***

Provide as an attachment a list of all refereed publications from the past 5 years under the headings of***books, book chapters and journal articles*** (do not use ERA rankings) for each applicant. Provide a date of acceptance for “in press” items.

**PART C – BUDGET**

**Budget Request –** Provide an itemised budget for your project. If requesting personnel for your project, state the level, step and hours required. Use the Deakin University salary template for up-to-date rates - <http://www.deakin.edu.au/research/grants/resources.php>. Marking relief is permitted under this scheme, subject to Head of School approval; however, teaching relief is not. Travel costs are permitted under the scheme; however, *per diem* rates are not. Equipment already accessible in your school will not be funded.

**Budget Justification** – Justify each budget item thoroughly, highlighting the need of the budget item for the success of the project. Unjustified items are unlikely to be funded. External cash or in-kind contributions to the project should be declared in the justification section. Observe the 300 word limit.

**PART D – PROJECT DESCRIPTION**

A maximum 3 page project description under the headings of *project title, aims and background, approach, anticipated outputs and references* should be provided.

**Aims and background** – Explain what you wish to achieve with the project and provide enough background to allow the reviewer to understand the context of the research question/s.

**Approach** – Describe the methodology to be employed and the specific role of team members/ requested personnel, i.e., how you propose to address your aims.

**Anticipated outputs** – Explain what the expected outcomes of the completion of this project will be. In particular, focus on what the project will lead to in the future. For example - will this project lead to other, larger projects? Will it lead to a publication? Will it lead to industry collaboration or external grant applications?

**References** – Provide a list of references within the 3 page limit. Note: “in press” items will need the date of acceptance listed.

**Files with Instructions and the Application form are attached.**

**International Research Development Scheme**

**Professor Lee Astheimer,** Deputy Vice-Chancellor (Research) has announced the trial of a new research scheme to promote and develop international research relationships. The awards will be between $5,000 - $15,000 and will be funded based on the strategic benefits to the University as well as the potential of the proposal to further international relationships.

Attached is information on the scheme and application form. Further details and the application form are also available on the [Deakin Research](http://www.deakin.edu.au/research/grants/opportunities/international%20research.php) website.

Applications are now open and close **COB Monday 10 June 2013.**

For more information or any questions please contact Julia Roache, Executive Research Manager, Deakin Research ([julia.roache@deakin.edu.au](mailto:julia.roache@deakin.edu.au)) on 52271094.

**CONFERENCES OF INTEREST**

**Richard Coverdale**, Director of the Centre for Rural Regional Law and Justice at the School of Law has organised **RURAL LAW Forum on *Cyber-safety, Privacy and the Cloud***to take place on

**Wednesday 19 June 2013 from 10:30 - 12:00 pm.**

For details and booking, see the attached flyer

**10th Annual International Conference on** **Law**, **8-11 July 2013, Athens, Greece** The Athens Institute for Education and Research (ATINER) was established in 1995 as an independent academic association with the mission to become a forum, where academics and researchers - from all over the world - could meet in Athens to exchange ideas on their research and to discuss future developments in their disciplines.

<http://www.atiner.gr/law.htm>

<http://www.atiner.gr/2013Conferences.htm>