**DEAKIN LAW SCHOOL RESEARCH REPORT**

**(No 16 of 2012)**

**RECENT PUBLICATIONS**

Congratulations to the authors of the following recent publications:

**Bagaric, Mirko** and **Pathinayake, Athula** 2012, Mandatory harsh penalties for people smugglers in Australia: time for reform? , The journal of criminal law, vol. 76, pp. 493-511 ([http://dro.deakin.edu.au/view/DU:30049518](http://dro.deakin.edu.au/view/DU%3A30049518))

**Mendelson D**, ‘From Expert Witness to Defendant’ (2012) 20(2) *Journal of Law & Medicine* pp250-260

**The importance of the timely reporting of publications for the HERDC submission.**

All universities in Australia get points based on the number of A1/B1/C1 and E1 publications that they report to the government as part of their HERDC submission.  The universities are all then allocated funds based on the number of publications that they report.

Data is collected annually and at Deakin University the submission is finalised in the early part of the following year.  With this in mind, it is critical that you report your current, ie, **2012**, publications as soon as they come to your attention.  If you miss the submission deadline, Deakin will not receive any points and, consequently, will not receive any money for your publication.

Consequently, any publications where you have a Pdf of the journal article/book/book chapter (or a scanned version of the hardcopy), should be sent, along with any other required evidence, and the completed proforma (attached) containing the 6-digit FOR and SEO codes to **Dr Aysun Alpyurek** (aysun.alpyurek@deakin.edu.au).

When you publish articles in Law reviews, inter-disciplinary publications, or journals from other disciplines, please pay particular attention to the **Research Coding** requirement:

1. FOR code (Fields of Research code <http://deakin.edu.au/research/grants/resources/for-2008-codes.php> (scroll down to Law)
2. SEO code (Socio-Economic Objective code <http://deakin.edu.au/research/grants/resources/seo-2008-codes.php> (scroll down to Law)

Completion of these codes ensures that your publications are assigned to the School of Law by the University and ERA.

Moreover, the correct code also ensures that when your grant application is assessed by ERA, or when the Law School is audited by ERA, the particular publication will be reviewed by the panel with expertise in the relevant area (rather than by a group of non-lawyers, for example).

It is anticipated that Deakin will be finalising the HERDC submission in late January/early February 2013 so we would greatly appreciate your cooperation with this process.

**Publications must meet the HERDC definition of research**

The link to the Faculty instructions of reporting research publications: <http://deakin.edu.au/buslaw/research/publications.php>

**‘The Faculty’s position is that it is not reporting non-HERDC reportable items (ie., those outside of A1/B1/C1) to DRO. You may wish to discuss this matter further with your Head of School and if they determine that your non-HERDC items are significant (ie. would be included in the ERA submission for your discipline), then these may be reported to DRO. Otherwise, you can record all of your publications on your CV and make this available on your staff profile page.’**

**Please note that Journal rankings have been discarded by ERA.**

**ERA Law panels consider the *quality of the actual research publications* – their scholarship, originality and contribution to the new knowledge. Selection and promotion panels at Deakin University and other institutions are following the suit.**

**When assessing the quality of the publication the ERA Panels/ Selection Committee members are asking: does this article, book or book chapter s*ubstantially* contribute to the knowledge in the relevant field?**

**The adjective ‘*substantial*’ (extensive, considerable, significant, important, large) is operative here.**

“As you already know, the Law School has gone up in 2012 ERA rankings from Level 2 to Level 3. It is important to understand the background to ERA classifications and their significance for the University, the Faculty, the School and individual academics.

The Excellence in Research for Australia (ERA) initiative assesses research quality within Australia's higher education institutions using a combination of indicators and expert review by committees comprising experienced, internationally-recognised experts. The primary unit of evaluation (UoE) was a 4 digit field of research (FoR) code, with 2-digit FoRs evaluated on the basis of consolidated 4-digit data (based on the ABS ANZSRC classification) in each institution. Each UoE is provided a rating based upon the assessment.

Each University has an Excellence Index (Ei) score calculated based upon its ERA results by Field of Research (FOR), ERA rating and the % of ERA assessed outputs for the University. Each FOR is further applied a weighting based upon the below:

Rating of 5 has a weighting of 7

Rating of 4 has a weighting of 3

Rating of 3 has a weighting of 1

**Rating 1 and 2 has a weighting of 0**

So if a particular FOR at a four digit level has an ERA rating of 4, equates to 10% of our ERA assessed outputs, that particular FOR would contribute .3 to our Ei.

If a particular FOR at a four digit level has an ERA rating of 2, equates to 15% of our ERA assessed outputs, that particular FOR would contribute 0 to our Ei.

The higher the Ei, the greater the moderating effect in the calculation and the greater the share of research block funding.

In 2013 this methodology will be used to award an ERA bonus to SRCs and Faculties based upon the 2012 ERA submission results.

**Table 3- The ERA Rating scale**

Rating Descriptor

**5**   The Unit of Evaluation profile is characterised by evidence of outstanding performance **well above world standard** presented by the suite of indicators used for evaluation.

**4**   The Unit of Evaluation profile is characterised by evidence of performance **above world standard** presented by the suite of indicators used for evaluation.

**3**  The Unit of Evaluation profile is characterised by evidence of **average performance at world standard** presented by the suite of indicators used for evaluation.

**2**   The Unit of Evaluation profile is characterised by evidence of performance **below world standard** presented by the suite of indicators used for evaluation.

**1**   The Unit of Evaluation profile is characterised by evidence of performance **well below world standard** presented by the suite of indicators used for evaluation.

NA   Not assessed due to low volume. The number of research outputs does not meet the volume threshold standard for evaluation in ERA.

Our Faculty has obtained **Level 3** in two areas:

       Law (was 2)

       Applied Economics

There were no Bus & Law FoR codes represented at Levels 4 & 5.

To place our performance in the context of the over-all performance by the University, it imperative to understand that the VC and the Deputy VC (Research) are determined to channel financial support into the now not inconsiderable critical mass of Schools and Faculties performing at Level 5 & 4:

ERA 5’s received in 2012:

1.      Macromolecular and Materials Chemistry (new area)

2.     Materials Engineering

3.     Human Movement and Sports Science

4.     Pharmacology and Pharmaceutical Sciences (was a 4)

5.     Medical Physiology

ERA 4’s received in 2012:

1.      Physical Chemistry (new area)

2.     Environmental Science and Management (was 3)

3.     Manufacturing Engineering

4.     Mechanical Engineering (was 3)

5.     Nanotechnology (was 2)

6.     Zoology (was 5)

7.     Nutrition and Dietetics

8.     Public Health and Health Services (was 3)

9.     Performing Arts and Creative Writing (was 3)

ERA 3’s received in 2012:

1.      Analytical Chemistry (was 4)

2.     Electrical and Electronic Engineering (new)

3.     Biochemistry and Cell Biology

4.     Ecology

5.     Fisheries Sciences (was 4)

6.     Clinical Sciences

7.     Immunology (new)

8.     Neurosciences (new)

9.     Nursing (was 4)

10.  Psychology (was 2)

11.   Artificial Intelligence and Image Processing (new)

12.  Law (was 2)

13.  Film, Television and Digital Media

14.  Visual Arts and Crafts (was 2)

15.  Cultural Studies (was 2)

16.  Literary Studies

17.  Curatorial and Related Studies (was 4)

18.  Historical Studies

19.  History and Philosophy of Specific Fields (new)

20. Curriculum and Pedagogy

21.  Specialist Studies in Education

22. Applied Economics

**Faculty/Institute Baseline Performance ERA Bonus Total for 2013**

These amounts will now be adjusted to reflect the 2012 rankings, which might mean a further overall reduction for Bus & Law (Bus & Law had two Level 4 FoRs in 2010), but this time we should actually get the ERA bonus.

Faculty of Arts & Education           $400,000     $932,160      Pending   $1,332,160

Faculty of Business & Law             $100,000      $408,677      Pending   $508,677

Faculty of Science & Technology   $500,000      $1,326,995    Pending  $1,826,995

Faculty of Health                            $1,300,000    $2,661,087   Pending  $3,961,087

Institute for Frontier Materials     $0                   $770,655      Pending  $770,655

Other                                                $125,000       $179,358       Pending  $304,358

Total $2,425,000 $6,278,932 $0 $8,703,932

You can see that the Faculty of Bus & Law will get the lowest share of the ERA bonus allocations; this reflects its status as the lowest research-performing Faculty.

If one looks strategically at the ERA 2012 outcomes, it is clear that if the University wishes to progress in the Australian and World rankings, it will need to ‘shed’ the low research-performing (ERA Levels 1 & 2) parts of its operations (totalling 16 FoR codes and the associated Schools/Faculties). Essentially, Deakin would be doing very well with just engineering; engineering-related; medicine; and medicine-related Faculties and Schools. Arts sans Education could squeeze in, but there is very little room for much else.

While the Law School’s Level 3 ranking has ensured that it’s going to be at least tolerated, our long term prosperity and flourishing will depend on whether we can achieve Level 4 ranking at the next round.

This is the goal we must embrace and work hard to fulfil.

In doing so we must recognise that there are four indicia for determining ERA’s ‘excellence in research’:

1.     the ‘**quality**’ **metric** is the basic unit for calculating the index for the Sustainable Research Excellence in Australia (SRE), which determines the Government’s block research funding for each University (this funding then meanders its way through the central system to Faculties and Schools). In the case of the Law School, this means ***quality publications***: the article, book or book chapter should s*ubstantially/significantly* contribute to the knowledge/understanding of the relevant field.

2.    **Publication citations** have become another main measurement of excellence in research (self-citations do not count): ‘Publication citations are increasingly being used in the global community as a proxy for quality and impact. It is used as one aspect of the ERA evaluation framework and is a major indicator used in Global University rankings. As such a new funding pool will be created based upon Citations as per Thomson’s incites for the last 3 years based upon the March 31st Staff List. **5% *of the performance funding calculation will now be based upon citations however this excludes self citation***.’ We should be able to make a case for judicial citations; however, this will be complementary to rather than replacement of the citation index.

3.    **External competitive grants** are also an essential indicium of excellence.

4.    **The number of HDR candidates**, and in particular,**HDR completions.**

Apart from the survival of the Law School, the higher it ERA level, the higher is thecache/‘portability’ of each academic member of the School. We have done well, but there is a lot more to do.”

**Please note also that according to** **Lee Astheimer, the University has established for 2013:**

**International Collaboration Fund**

In line with our strategy of increasing International Collaboration (which extends beyond India) a funding pool of $497k will be invested by Deakin to support international research collaboration. Application to these contestable funds (administered by the Director International Research Initiatives) can be used to assist in travel, accommodation and other expenditure to develop and facilitate international research collaboration. It will not cover research program expenditure. The funds will further support the Deakin India Office and International HDR co-ordinator.

**Research Recruitment and Development**

Strategic Plan Goal- Grow research capability, depth and breadth

The continued growth of research requires a mixture of external recruitment of senior research academics and the development of new and existing early career researchers. In recognition of the need for Deakin to be flexible and responsive in taking advantage of recruitment opportunities a Researcher Recruitment Fund is established to provide funding for the recruitment and ongoing funding of level D and E research academics or Research Fellows. This fund assists in the strategic growth of the Research Institutes, SRCs and Faculties. The funds will reflect both a “set up” and ongoing allocation and will be administered by the DVC(R). The funding allocated in 2010, 2011 and 2012 will continue to support the costs of committed positions plus provide a small pool of funds to continue to fund future appointments.

The success of the fund to date can be measured by our ability to capitalise quickly on new recruitment opportunities. The existence of the fund to date has assisted in the appointment of 2 future fellows, a Laureate applicant, 17 post doctoral fellows, and 3 level D/E researchers. The fund has also been used to support joint positions with Barwon Health and CSIRO, further improving our collaboration with these institutions. The joint appointments with Barwon Health have just recently resulted in substantial additional success in the NHMRC.

**Alfred Deakin Postdoctoral Research Fellows**

In addition, there is also a need to bring in young researchers, particularly those with competitive track records who, with some support, would be highly competitive for external fellowships (ARC APD, QEII, ARF; Future Fellowships, NHMRC Career Development Awards or other). Following the success (and the high quality of applicants) of previous rounds a further 2013 round of Alfred Deakin Postdoctoral Fellowships is proposed. This would involve 15 new fellowships which include the covering of salary plus $10k in start-up. An additional investment of $1.04m will be invested by Deakin to cover the costs of these new fellowships. The fellowship period will be for 2 years. The high quality of the successful fellows can be further quantified by 4 researchers successfully securing ARC and NHMRC fellowships to support ongoing positions.

ARC and NHMRC fellowship salary shortfalls The salary shortfall in ARC and NHMRC fellowships should not be a disincentive to the areas applying and should be supported centrally. The attainment of fellowships not only enhances the reputation of Deakin’s research effort but provide for a heavily subsidised research active staff member. In 2013 $839k has been allocated to assist areas with this salary shortfall supporting approximately 15 fellowships. This funding does not include ACG projects whereby the project costs do not cover the full cost of the salary.

**RESEARCH IMPACT**

The old journal rankings are now obsolete, and not considered criteria for ERA ranking, ‘**research impact**’ is being adopted as the new standard for determining excellence/scholarly achievement.

Quantifying research impact is essential not just for the purposes of ERA but for establishing your own research profile (for promotion, quality assessment, grants, invited presentations, or networking).

Suzi Miller is working very hard and very imaginatively on making the Law School and each of our individual websites look good.

Those of you who wish to make the most of impact opportunities offered by your research profile website need to create a direct link to the DRO for each individual publication. It allows persons browsing through our web-pages a direct access to a publication of interest by clicking on the link to the item. All new items appearing in the *Law School Research Reports* will be automatically uploaded with their DRO links attached; however the input for past publications *will have to come from you*:

you will need to go through your articles and materials on the DRO and provide Suzi Miller and me with the *full citation* *and the accompanying link*. This information will then be up-loaded onto your webpage.

**LAW SCHOOL RESEARCH WEBSITE**

[**http://www.deakin.edu.au/buslaw/law/research/index.php**](http://www.deakin.edu.au/buslaw/law/research/index.php)

**RESEARCH RELATED ACTIVITIES**

**PAST ACTIVITIES**

Prof Jean du Plessis was a keynote speaker at an inter-discplinary International Conference on Corporate Governance, 'Corporate Governance: Its perspectives an challenges in a dynamic and complex business environment' held in Skopje, Macedonia, from 7-8 November 2012. The conference was organised by the Faculty of Economics, SS.Cyril and Methodius University of Skopje. He addressed the audience on developments regarding board diversity in Australia, the European Union and South Africa. A shortened joint paper (with Ingo Saenger and Richard Foster) was published as part of the peer-reviewed Conference Proceedings and a comprehensive article by the three authors will also be published in Issue 2 of the 2012 *Deakin Law Review*.

[http://www.industrialrelations.com.au/viewStory/69576/Freedom+of+Association+Seminar](http://www.industrialrelations.com.au/viewStory/69576/Freedom%2Bof%2BAssociation%2BSeminar)

**LAW SCHOOL RESEARCH SEMINAR SCHEDULE 2013**

 **GRANT FUNDING SUCCESSES**

**STANDING REQUEST**

**Could you advise me (with cc to Suzie Miller) of any External Research funding you hold for 2012 and beyond?**

**HDR INFORMATION**

**OUR HDR CANDIDATES**

*Danuta Mendelson*