# **DEAKIN UNIVERSITY**

# **SCHOOL OF LAW RESEARCH REPORT No 19**

# **18/10/2013**

## RECENT PUBLICATIONS

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

1. **Morss, John**, *International Law as the Law of Collectives: Toward a Law of People* (2013) Ashgate, UK. **B**
2. **Adeney, Elizabeth**, ‘Representative actions, proof of fact and author identification in copyright law: a history and a concern’ (2013) 39 *Monash University Law Review* 106-130. C1<http://dro.deakin.edu.au/view/DU:30056855>
3. **Bagaric, Mirko** & **Pathinayake, Athula** ‘The paradox of parity in sentencing in Australia: the pursuit of equal justice that highlights the futility of consistency in sentencing’, (2013) 77 *The Journal of Criminal Law* 399-416. **C1** <http://dro.deakin.edu.au/view/DU:30056648>
4. **Lambropoulos, Victoria**, ‘The general protections and adverse action: four years on’, (2013) *Fair Work Legislation*, Thomson Reuters, NSW, 13-21. B1 <http://dro.deakin.edu.au/view/DU:30056182>
5. **Lambropoulos, Victoria**, Rinaldi, Mark & Millar, Rohan, ‘Year in Review 2012-2013’, (2013) *Fair Work Legislation*, Thomson Reuters, NSW,1-12. B1 <http://dro.deakin.edu.au/view/DU:30056183>.
6. **Louise Kyle**, ‘Out of the Shadows: a Discussion on Law Reform for the Prevention of Financial Abuse of Older People’ (2013) 7 *Elder Law Review*, 1-32 (electronic journal) <http://www.uws.edu.au/elr/elder_law/elder_law_review_volume_7>
7. **Bryan Tan & Kim Teh**, ‘Singapore’, in*Handbook of Comparative Higher Education Law*, CJ Russo ed, Rowman & Littlefield Education, UK, 275-291. B1

**RESEARCH IMPACT**

1. **Lidia Xynas’s** approach tosuccession rights for indigenous people has been followed by the Victorian Law Reform Commission (See footnotes 276 and 278) [Victorian Law Reform Commission’s review of succession laws](http://viclawreformcommission.createsend1.com/t/j-l-tihrhul-hhfjihkh-i/)
2. **Danuta Mendelson** delivered an invited lecture on ‘Minors: Decision-Making Capacity & the Law’, University of Florence 10.10.2013 (see attachment)
3. **Mirko Bagaric’s** main research project is the implementation of national uniform sentencing laws. The only academic in Australia undertaking this project, Mirko’s methodology involves one to one meetings with the Attorney General's in each jurisdiction. His first meeting was with South Australian Attorney General and Deputy Premier on 15 October 2013. At the meeting the Attorney General agreed that he would collaborate with Mirko in drafting sentencing laws based on Mirko's recommendations, commencing April 2014.
4. In the next three weeks, Mirko will the Attorney Generals of NSW, ACT and Qld to advance the project.

**LAW SCHOOL RESEARCH SEMINAR SCHEDULE**

1. **Trimester 3**
2. **FRIDAY, 8 NOVEMBER**
3. **Rachel Carter**
4. **FRIDAY 15 or 22 NOVEMBER**
5. **Oscar Roos**
6. 'Section 73 of the Australian Constitution and *Kirk v Industrial Court (NSW)* [2010] HCA 1'.
7. **FRIDAY, 13 DECEMBER**
8. **Giuseppe Carabetta**
9. ‘Police and Industrial Relations’
10. **RESEARCH HUBS**
11. **Torts, Jurisprudence, Economics, etc Research Hub Meetings**
12. The next **Torts, Jurisprudence, Economics, etc Research Hub Meeting** will be scheduled for late October 2013 with Michael D’Rosario presenting.
13. From November 2013 on, **Torts, Jurisprudence, Economics, etc Research Hub** meetings will be held on the 1st Wednesday of the month at the Deakin City Campus (550 Burke Street) at 5pm.
    1. **FORTHCOMING CONFERENCES**
14. **The Promised Land: The Future of Coal Seam Gas Regulation in Victoria.**
15. **6 November 2013, 8.30 am-5.45 pm**
16. **Victoria Suites, Sofitel on Collins, Melbourne**
17. The conference will examine how a future regulatory framework for unconventional gas might evolve in Victoria. **Samantha Hepburn** and **Lidia Xynas** have invited a number of high profile industry, government, science and agricultural stakeholders to discuss and evaluate the myriad of regulatory issues that are relevant to developing this industry. (see attached flyer)
18. **ERA 2015**
19. Excellence in Research for Australia (ERA) is a research quality evaluation program conducted by the [Australian Research Council (ARC)](http://www.arc.gov.au/era/default.htm).
20. **The information below is provided by the Deakin Research Services. It reproduces the relevant metric data (Incites) for the Deakin Law School and Law Schools at other Universities.**
21. **It is an ‘essential reading’ for all members of the Law School, for the tables provide a snapshot of where we are vis á vis other Law Schools in relation to research metrics. Please click on the relevant .xlsx links (highlighted in yellow) to download Microsoft Excel files).**
22. Whilst the details and the submission guidelines for ERA 2015 are yet to be confirmed, it is anticipated that **the assessment period will be from 2008 to 2013 and that the staff census will be March 31st 2014**.
23. **Australian Government: Department of Industry**

# <http://www.innovation.gov.au/research/Pages/ResearchImpactAssessment.aspx>

1. **Excellence in Research for Australia 2015**
2. The data contained below are based upon publications from 2008 to 2013, research income from 2011 to 2012, and the staff census list from 31 March 2013. These pages will be updated to use the appropriate staff list as it becomes available and we find out which staff list to use. Research income from 2013 will be loaded when it becomes available.
3. [ERA 2015 Data](http://www.deakin.edu.au/research/performance/era/2015/#section_402) :: [Thomson Incites Data (2 digit FOR codes) - 5 Years (cumulative)](http://www.deakin.edu.au/research/performance/era/2015/#section_403) :: [Thomson Incites Data (4 digit FOR codes) - 5 Years (cumulative)](http://www.deakin.edu.au/research/performance/era/2015/#section_405) :: [Thomson Incites Data (2 digit FOR codes) - Individual Years](http://www.deakin.edu.au/research/performance/era/2015/#section_404) :: [Thomson Incites Data (4 digit FOR codes) - Individual Years](http://www.deakin.edu.au/research/performance/era/2015/#section_406)
4. ERA 2015 Data
5. **Thomson Incites Data (2 digit FOR codes) - 5 Years (cumulative)**
6. The tables contained in the below link show the Thomson Incites data (downloaded as at August 2013) by FOR which allows for some comparison on Deakin.
7. The following should be noted regarding the data:
8. 1. Whilst the data is from Thomson and not Scopus there should however be a high correlation between the 2 data sources.
9. 2. the data is filtered primarily to allow comparison with Universities that have above 50 outputs however the spreadsheet also allows analysis where Deakin's output in an area is below 50 outputs.
10. 3. The data is for the most recent 5 years (not the 6 year ERA period).
11. **4. The data is sorted on Impact to Subject area (essentially the citation data has been normalised to allow comparison between subject areas with different citation rates).**
12. 5. The data uses the institution from the publication whereas ERA uses staff location at the census data (ie staff who have left or come to Deakin are not taken into account as they would be in ERA).
13. 6. Publications that overlap multiple FOR codes are counted at full value in all areas (ie a publication that overlaps chemistry and engineering is counted at full value in both areas).
14. 7. The data is analysed using the 4 digit coding system from ERA2010 (not ERA2012).
15. **ERA 2015 Data**
16. Thomson Incites Data (2 digit FOR codes) - 5 Years (cumulative)
17. The tables contained in the below link show the Thomson Incites data (downloaded as at August 2013) by FOR which allows for some comparison on Deakin.
18. <http://www.deakin.edu.au/research-services/forms/v/5776/18-law-and-legal-studies.xlsx>
19. **Thomson Incites Data (4 digit FOR codes) - 5 Years (cumulative)**
20. <http://www.deakin.edu.au/research-services/forms/v/5827/1801-law.xlsx>
21. **Thomson Incites Data (2 digit FOR codes) - Individual Years**
22. Please note that citation data between years is not comparable. Changing the year filter should allow information to be gained on whether Deakin has been improving its relative research performance in the particular FoR code. Care should be taken when making interpretations of the data when the number of publications is small.
23. <http://www.deakin.edu.au/research-services/forms/v/5799/18-law-and-legal-studies.xlsx>
24. **Thomson Incites Data (4 digit FOR codes) - Individual Years**
25. <http://www.deakin.edu.au/research-services/forms/v/5882/1801-law.xlsx>
26. **Having examined the data, I suggest that when deciding where to publish our work, we seriously consider giving preference to journals listed in Thomson and Scopus databases.**