# **DEAKIN UNIVERSITY**

# **SCHOOL OF LAW RESEARCH REPORT No 21**

# **15/11/2013**

**RECENT PUBLICATIONS**

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

1. **Hanegbi, Rami**, ‘The Transition to Retirement Provisions: A Critical Analysis and a Consideration of Policy Alternatives’, (2013) 23(1) *Revenue Law Journal*, 1-22. C 1 <http://dro.deakin.edu.au/view/DU:30057361>
2. **Davids, Cindy** & **Thampapillai, Dilan,** ‘Fear and Loathing: The Threat of Asylum Seekers and Terrorism , in Spooked: *The Truth About Intelligence and Security in Australia*, (2013) Newsouth publishing, Sydney,69-102. B1 <http://dro.deakin.edu.au/view/DU:30057831>

## Davids, Cindy, ‘Facilitation payments in International Business Transactions: Law, Accounting and the Public Interest’ , in *Accounting for the Public Interest: Perspectives on Accountability, Professionalism and Role in Society*, (2013) Springer, New York, 219-245. B1 <http://dro.deakin.edu.au/view/DU:30057832>.

1. Boyce, Gordon, Greer, Susan, Blai,r Bill and **Davids, Cindy**, ‘Expanding the horizons of accounting education: Incorporating social and critical perspectives’, in *Accounting Education Research Prize-Winning Contributions*,(2013) Routledge, Abingdon, U. K. B1 <http://dro.deakin.edu.au/view/DU:30057833>
2. **JOURNAL LISTS**
3. With regards to the Australian Research Council’s use of Scopus and Thomson Reuters (ISI Web of Knowledge) to trace the research performance of Australian Law Schools (discussed in *Research Report* No 19/18 October 2013 and No 20/1 November 2013), it is clear these data-bases are rather limited when it comes to Law.
4. I could not find in the ARC document any indication whether it would expand its assessment base. I wish the Universities/Law Schools were provided with clear guidelines on journals, and tools used for citations and impact rankings, but apart from the ARC document contained in the *Research Report* No 19, nothing has been forthcoming.
5. On related matter, do student-refereed and some editor-refereed journals come within HERDC guidelines?
6. The Law School’s policy is that as long as the journal is listed on ERA 2012 data-base (based on ‘Ulrich’s Knowledgebase classification of outlets as “refereed”’), it will fall within the HERDC exceptions to exclusion.
7. That said, please note that the Report Assessing Research Performance in the Discipline of Law (attached) by the Australian Council of Law Deans states on p 16 that:

‘Allowing the proxy of inclusion in the ERA journal lists to serve as evidence of peer review is detrimental to research quality in law. However, there is not an extensive amount of publication in US journals by Australian authors, and often articles appear in the more highly regarded outlets. For practical reasons it is unfeasible for administrators and researchers to maintain two different interpretations of what is a reportable publication – one for HERDC and another for the ERA. In this regard the consistency of treatment is welcome.’

1. To claim that publishing in Harvard, Yale, Virginia, Columbia, Texas, etc Law journals and reviews is ‘detrimental to research quality in law’ shows the systemic parochialism of many Australian Law Schools. The argument regarding inconvenience associated with two lists/standards for research quality is, frankly, inane.
2. As to the quality of articles published in Australian peer-revieed Law Reviews, you may also note the following observation on p 17:

## “The CALD journal ranking exercise brought forth several examples of researcher interference with editorial processes, very “thin” peer review, acceptance of articles before reviewer reports were received, and acceptance of articles contrary to multiple referee recommendations, including by Australian journals that are otherwise very highly regarded. It is very difficult to reliably ascertain the accuracy of accounts received or how widespread problems are with peer review in Australia.”

**Editing and Proof-reading Support for Staff**

1. Editing and proof-reading services may be made available to members of academic staff preparing the final draft of a research publication, in order to maximise the likelihood of publication in HERDC-recognised outlets, particularly in quality peer reviewed journals.
2. The provision of editing and proof reading support is managed primarily through the Schools – this enables the Schools to monitor their research publications pipeline and provides opportunities to discuss the selection of quality research publication outlets with staff.
3. The Division of Student Life provides [tips for editing and proof-reading](http://www.deakin.edu.au/current-students/study-support/study-skills/handouts/editing.php) which may be helpful in preparing a final draft of your work, prior to seeking professional assistance.
4. The following service providers have previously been used by the Faculty:
5. **1. Lynn Spray**
6. **Email:** [drlmspray@xtra.co.nz](applewebdata://5B1B8B52-B882-4D92-BA4F-75903820E11A/drlmspray@xtra.co.nz)
7. The Editor/Proof Reader -

* Checks spelling, grammar, punctuation;
* Checks formatting;
* Checks that references are all included and formatted correctly;
* Looks at idiom and sentence construction as a necessary part of 'polishing' a document.

1. **2. Elite Editing**
2. [http://www.eliteediting.com.au](http://www.eliteediting.com.au/)/
3. Will edit your document to correct and improve your:

* Grammar, spelling and punctuation
* Vocabulary, expression and style
* Organisation, structure and flow
* Clarity and consistency
* Formatting and layout
* References and bibliography

1. **3. Writefish Professional Writing and Editing**
2. <http://writefish.com.au/>
3. Expert editing to create logical structure, improve clarity and correctness, and ensure consistency in style and meaning.
4. The process is as follows:
5. Author submits final draft of work to the nominated contact in their School/Group for consideration, to authorise allocation of resources.
6. Work which is authorized for editing is submitted to preferred editor (for Editors 1 and 3, work is emailed.  For Editor 2, work is submitted to their website. Details of the author are provided to the editor for any further contact about the paper.)
7. Work is completed and returned by the editor directly to the author.
8. Editor invoices the School/Group and payment for authorized editing is made.
9. For staff in the Schools, submit papers to your editing contact, as follows:
10. AEF: Professor Nava Subramaniam, Associate Head of School Research
11. SIBA: Judy Munro, School Executive Officer
12. LAW: Professor Danuta Mendelson, Associate Head of School Research
13. MM: Associate Professor Hilary Glow, Associate Head of School Research
14. DGSB: Professor Pasquale Sgro, Associate Head of School Research
15. For staff in the PVC-BL’s office and the Learning Innovations group, submit papers to Research Fellow [Dr Jade McKay](mailto:jade.mckay@deakin.edu.au).
16. **HDR candidates**
17. HDR candidates may seek funding for professional editing and proof-reading of the final draft of their thesis prior to submission for examination, through the [Faculty HDR Support Grant](http://www.deakin.edu.au/buslaw/research/students/hdr-grants.php) scheme.

**RESEARCH IMPACT**

**LAW SCHOOL RESEARCH SEMINAR SCHEDULE**

* 1. **Venues**:
  2. **The Waterfront**: F BL Mtg Room AD Level 2 ad2.308 (All Deakin Staff)
  3. **Burwood**: Moot Court: C 4.05
  4. **Warrnambool**: Meeting Room J.2.22
  5. **VMP**: 52239323 to which all parties are to dial into.

1. **FRIDAY, 8 NOVEMBER**
2. **Rachel Carter**
3. "Catastrophic Risk Exposure and the Key to Managing Insurance Systems: An International Comparative".
4. **FRIDAY, 15 NOVEMBER**
5. **Dr George Raitt**
6. **Market power and ‘bundling’ discounts of groceries and petrol**
7. US literature is yet to resolve the competition law and economic analysis of bundling.  US studies, and early Australian empirical studies of ‘shopper docket’ discount schemes, suggest bundling does not raise an issue of market power and for competition law purposes is best approached (if at all) from the perspective of exclusive dealing.  This presentation re-considers the nature of market power and the conditions of possibility for bundling to increase market power.
8. **FRIDAY, 22 NOVEMBER**
9. **Oscar Roos**
10. 'Is the Holding in Kirk v Industrial Court of New South Wales Supported by a Section 73 Implication?  An Originalist Assessment.'
11. The abstract is:
12. Although originalism is often seen as a methodology of constitutional interpretation which favours stability over transformation, in certain circumstances, originalist interpretation can accommodate constitutional transformation. In particular it is legitimate, in certain circumstances, for courts to add implications to constitutional provisions to alter their original meaning in order to ensure that those provisions remain efficacious.
13. The High Court’s decision in Kirk v Industrial Court (NSW) (2010) 239 CLR 531 (‘Kirk’) in 2010 overturned an established understanding of the relationship between state Parliaments, state Supreme Courts and the *Australian Constitution*. It has been suggested that the decision may be supported by an implication of s 73 of the *Australian Constitution*, which confers appellate jurisdiction on the High Court from the state Supreme Courts. In this paper I assess whether any such implication may be inserted into s 73 by judges in order to ensure that s 73 is able to fulfil its purpose. In making that assessment, I identify the relevant purpose of s 73 and consider the effect of the transformation in the constitutional position of the High Court wrought by the removal of appeals to the Privy Council.
14. **FRIDAY, 13 DECEMBER**
15. **Giuseppe Carabetta**
16. ‘Police and Industrial Relations’
17. Warrnambool:J2.22.
18. **RESEARCH HUBS**
19. **Torts, Jurisprudence, Personal Injury & Economics Research Hub**
20. **WEDNESDAY, 4 DECEMBER 2013 at 5pm**
21. **Neera Bhatia**
22. paper based on her (submitted) thesis

**ACADEMIC STUDY LEAVE: TRIMESTER 3, 2014**

1. Bronwyn Kelly has advised that a call for ASL applications for T3, 2014 now appears on the [Staff News](https://staff.deakin.edu.au/news/news-list.php).
2. If you are considering applying for ASL, please discuss this with your Head of School at the earliest opportunity.
3. The key dates for the ASL round for T3, 2014 are as follows:

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| --- | --- |
| 11-Nov-13 | Call for applications |
| **10-Jan-14** | **Applications due to Head of School (HoS) or equivalent** |
| 24-Jan-14 | Applications due to Faculty Committee with HoS or equivalent recommendation |
| 14-Feb-14 | Faculty ASL Committee to forward recommendations to University ASL Committee |

1. Please note that applicants and Heads of School will need to use the correct forms located here: <http://www.deakin.edu.au/about-deakin/careers-at-deakin/staff-development/academic-study-leave>   Applications and HoS recommendations on older versions of the forms cannot be accepted.
2. Also to note, the ASL FAQs have been updated to provide more info around the payment and purchase of travel.
3. **GRANTS/FUNDING OPPORTUNITIES**