**DEAKIN LAW SCHOOL RESEARCH REPORT**

**No 11/14 JUNE 2013**

**RECENT PUBLICATIONS**

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

**Arenson Kenneth**, ‘The Queen v Getachew: rethinking DPP v Morgan’, 2013, 77 *The Journal of Criminal Law* 151-162. <http://dro.deakin.edu.au/view/DU:30052915>.

**Keily Troy**, ‘Oklahoma outlaws foreign and international law: the impact on international trade law of America's emerging anti-foreign and international law contagion’, (2012) 16 *The Vindobona Journal* 43-64. <http://dro.deakin.edu.au/view/DU:30052817>

**Victoria Lambropoulos**, ‘The evolution of freedom of association in Australia's federal industrial relations law: from trade union security to workplace rights’ (2013) *Labor History* (C1) 24 pages http://dx.doi.org/10.1080/0023656X.2013.804277

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**

**Dr Samantha Hepburn**, Associate Professor at the Deakin School of Law, has been appointed academic editor and coordinator for *Halsbury’s Laws of Aus*tralia (LexisNexis) Equity title.

**Oscar Roos** has presented a seminar on ‘The History Is Bunk: A Critique of the High Court’s Originalist Reasoning in *Kirk v Industrial Court of New South Wales*’ at the Law Faculty, Monash University, Melbourne (28 May 2013)

**Dr John Morss**, endorsement of his forthcoming book:

‘At a time when renewed hope and anxiety surround the mobilisation of peoples, whether as Netizens, Arab Spring crowds, or insurgents, John Morss provides an engaging and timely account of the ‘grammars of the collective’ in legal thought, international legal thought especially. In a commanding revisitation of jurisprudential writing from the seventeenth century to the twenty-first, Morss re-orients that tradition adroitly around the collective. Collectives, Morss argues, are not merely aggregations of individualism, nor half-way houses to statehood. They merit close attention in their own right. Under Morss’ guidance, reading international law for its plurals turns out to be wonderfully revelatory and suggestive. This book merits widespread and attentive reading.’

Fleur Johns, Associate Professor, University of Sydney Faculty of Law; Co-Director, Sydney Centre for International Law

**LAW SCHOOL RESEARCH SEMINARS SCHEDULE**

**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 joint meeting on**

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

The facilities booked for the HDR Candidates Meeting on Wed 19 June, 12.00-2.00pm are:

**Venues:**

**Burwood Campus**: \*B BL Other eMoot Court  Building C  Level 4 c4.06 Moot Court C4

**Waterfront**, Geelong: \*F BL Mtg Room AD Level 2 ad2.308 (All Deakin Staff) Video conferencing: N BL VMP BL General 1 **52236921**

**SEMINARS OF INTERESTS**

Further to Prof Joe Graffam’s excellent presentation on academic scholarship, and the Torts, etc Research Hub’s on-going discussion of virtue jurisprudence, some of you may be interested in attending:

**Deakin University Philosophy Seminar Series 2013**

18 **June 18 2013**

Hosted by the School of Humanities and Social Sciences, with the generous support of the Centre for Citizenship and Globalization and the Alfred Deakin Research Institute’s ‘Social Theory and Social Change Research Group’.

**Dr Richard Hamilton (University of Notre Dame Australia), ‘The Virtues of Academic Friends’**

*Abstract:* Professional ethics and research ethics are both burgeoning fields. Surprisingly little attention has been devoted to considering the ethical status of those who evaluate the ethics of others. But such a need is pressing since all reasonable observers will conclude that Australian Universities, in common with Universities worldwide, are currently going through a foundational crisis, and that this crisis is to a large extent ethical. It is ethical in the traditional Greek sense of the word insofar as it is a crisis about the character of the University.

I propose that the best way to understand this crisis and to formulate a robust response to it is to examine it from the perspective of the characteristic virtues of university life. For the purposes of this paper, I will focus on one virtue in particular which is currently the most imperilled: collegiality, the disinterested concern for the intellectual, moral and spiritual well-being of one’s professional peers. The demands of rising student numbers and pressures to compete for grants and publications in the most prestigious journals, not to mention the increasing concern universities have for their corporate brands force academics into competition with one another. Many of us feel uncomfortable with this pressure seeing our peers as collaborators rather than rivals. Most paradoxically of all, the very business model which is so radically undermining collegiality relies at its very heart upon the ‘gift economy’ of university life.

In this paper, I will locate the issue of collegiality in the context of Aristotle’s remarks in Book IX on the *Nicomachean Ethics* and in the tension which scholars have identified between these thoughts and those reflections upon contemplation in Book X. I will argue that collegial friendship is one of the constitutive goods of academic life and that we jettison it at our peril.

Dr Richard Paul Hamilton is Senior Lecturer in Philosophy and Ethics, School of Philosophy and Theology, School of Medicine, University of Notre Dame Australia, Fremantle. He completed a PhD on love as a social phenomenon, under the supervision of Professors Susan James and Jennifer Hornsby at Birkbeck College, The University of London. He works on moral philosophy, the philosophy of the emotions, the philosophy of action and the philosophy of social sciences with particular interests in the legal definition of morally contested concepts. His most recent publications have dealt with evolutionary psychology and love as an essentially contested concept. He is currently engaged in a project investigating the biological bases of moral conduct. Before arriving at Notre Dame, he taught at the University of Manchester, the University of Leeds and Manchester Metropolitan University.

**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**

**THE AUSTRALIAN GOVERNMENT DRAFT GUIDELINES FOR 2013 HIGHER EDUCATION RESEARCH DATA COLLECTION**

Though still in draft form, the (abbreviated) document explains the purpose of research data collection.

I have highlighted in different fonts definitions of eligible books, book chapters, articles, conferences, publishers of books and journals.

The Law School’s research policy and the DEST/HERDC funds’ allocation guidelines (see *Deakin Law School Research Report* No 2, 1 February 2013), are based on the principles and definitions contained in this document



2013

Higher Education Research Data Collection

Specifications for the collection of 2012 data (April 2013)

Introduction

## Purpose

The Australian Government’s provision of **research block grant** (RBG) funding to eligible **higher education providers**[[1]](#footnote-1) (HEP) is enabled by the ***Higher Education Support Act 2003*** (HESA), which provides for “grants to support research by, and the research capability of, higher education providers” and “grants to support the training of research students”. Thus, the purpose of RBG is to reward the success of HEPs in obtaining competitive grants and supporting them to continue to undertake research and research training activities. The RBG also aims to help HEPs meet the indirect costs of conducting research, as well as build greater collaboration between HEPs and the business and non-government sectors.

The data collected through the Higher Education Research Data Collection (HERDC) is used to assess the relative research and research training performance of HEPs and in turn drives the allocation of RBG.

The HERDC specifications control the collection of HERDC data and are designed to ensure the RBG are allocated in a fair and transparent way and to support the policy intent of the funding.

The purpose of the 2013 HERDC specification document is to provide guidance for HEPs, and for auditors, on the specific content and data requirements in providing 2012 research income and research publications data.

Please note this is a draft document for consultation purposes only, and may change to take into account feedback received from the sector. As in previous years, in finalising the specifications the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (Department of Innovation) will ask Universities Australia (via its Pro and Deputy Vice-Chancellors (Research) Committee) to review and endorse the 2013 HERDC Specifications prior to their release.

## Definitions

Auditing requirements are set out in **section** [**4.2**](#_Toc168817209).

### Author affiliation

The author of the research publication being counted in the Research Publication Return - Return 2 must be affiliated with the claiming HEP and the affiliation must be identified either within or on the work being claimed.

### Commercial publisher

A commercial publisher is an entity for which the core business is publishing books and distributing them for sale.

**Important note:**

Publication is more than the production of a book. It includes quality control such as peer review or equivalent in-house quality control through processes such as expert assessment or review, as well as editing, copy-editing, design, and conversion of the work to an appropriate format.

If publishing is not the core business of an organisation but there is a distinct organisational entity devoted to commercial publication and its publications are not completely paid for or subsidised by the parent organisation or a third party, the publisher is acceptable as a commercial publisher.

HEP and other self-supporting HEP presses are also regarded as commercial publishers, provided that they have responsibility for distribution in addition to publication.

### Consultancy

A consultancy is the practice of providing expert advice, specialist knowledge or objective review within a particular field. Consultancy fees for the conduct of projects or provision of services that **do not** comply with the definition of research (as per **section 1.3.10**) must not be counted in a HEP’s research income return.

### Higher degree by research training

Higher degree by research (HDR) training is training undertaken by students (domestic and international) to achieve a Research Doctorate (including a Professional Doctorate) or Research Masters (as described in the Australian Qualifications Framework and for which at least two-thirds of the student load for the course is required as research work).

### Literature review

Where a literature review predominantly comprises of a summary of the current knowledge and findings of a particular research field or topic, and as such, does not include any critical assessment or report any new findings or original experimental work, then this publication type is unlikely to comply with the definition of research (**section 1.3.10**).

### Peer review

An acceptable peer review process is one that involves impartial and independent assessment or review of the research publication in its entirety before publication, conducted by independent, qualified experts. Independent in this context means independent of the author.

Peer review is further explained at [**section 9.6**](#_9.6_Peer_review) **of Part C**.

### Research

Research is defined as the creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies and understandings. This could include synthesis and analysis of previous research to the extent that it leads to new and creative outcomes.

This definition of research is consistent with a broad notion of research and experimental development (R&D) as comprising of creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of humanity, culture and society, and the use of this stock of knowledge to devise new applications[[2]](#footnote-2).

This definition of research encompasses pure and strategic basic research, applied research and experimental development. Applied research is original investigation undertaken to acquire new knowledge but directed towards a specific, practical aim or objective (including a client-driven purpose).

Activities that support the conduct of research and therefore meet the definition of research include:

* professional, technical, administrative or clerical support staff directly engaged in activities essential to the conduct of research
* management of staff who are either directly engaged in the conduct of research or are providing professional, technical, administrative or clerical support or assistance to those staff
* the activities and training of HDR students enrolled at the HEP
* the development of HDR training and courses
* the supervision of students enrolled at the HEP and undertaking HDR training and courses
* research and experimental development into applications software, new programming languages and new operating systems (such R&D would normally meet the definition of research)

Activities that do not support the conduct of research must be excluded, such as:

* scientific and technical information services
* general purpose or routine data collection
* standardisation and routine testing
* feasibility studies (except into research and experimental development projects)
* specialised routine medical care
* commercial, legal and administrative aspects of patenting, copyright or licensing activities
* routine computer programming, systems work or software maintenance.

### Reference year

The reference year for research income (Categories 1, 2 and 3) is the 2012 calendar year. For CRC research income (Category 4) the reference year is the financial year 2011-12.

For research publications, refer definition – Year of Publication at **section 1.3.17**.

### Research publications

Research publications are books, book chapters, journal articles and/or conference publications which comply with the definition of research and are characterised by:

substantial scholarly activity, as evidenced by discussion of the relevant literature, an awareness of the history and antecedents of work described, and provided in a format which allows a reader to trace sources of the work, including through citations and footnotes;

originality (i.e. not a compilation of existing works);

veracity/validity through a peer review process (see **section 1.3.9**) or the quality control processes of a commercial publisher (see **section 1.3.4**);

increasing the stock of knowledge; and

being in a form that enables the dissemination of knowledge.

Research publications may be produced in any appropriate format, such as print, publication online, or publication in digital form on separate media such as a CD.

Publication is more than the release of a work. It implies quality control (such as peer review or in-house quality control) and enhancement through processes such as assessment or review, editing, copy-editing, design, and conversion of the work to an appropriate format.

**Important note:**

Scholarly editions and scholarly translations must have a major demonstrable original research component in the edition or translation to be considered for inclusion in a HEP's research publications return.

Unless otherwise specified, a reference to publication refers to research publications.

### Shared research income

Shared research income is income that has been received by a HEP and a partner organisation (HEP or non-HEP) for the purposes of conducting joint research.

The requirements for shared research income are further explained at **section 7.8 of Part A**.

### Year of publication

The year of publication is the 2012 calendar year.

HEPs can also include 2011 publications in their submission if the publications

were published after the submission date for the 2011 data collection. HEPs must be able to demonstrate (in the verification material that they maintain) that the publication was not produced until after the submission date for that year’s publication return. i.e. that the publication, although containing a 2011 publication date, was not published until after 30 June 2012. A letter from the publisher will be considered sufficient verification material to support the claim.

The year of publication is further explained in **section 9.2 of Part C**.

Publications from 2009 and earlier years are not eligible to be included.

# Publication of research income and publications returns

HERDC data is published on the department’s website at:

<http://www.innovation.gov.au/Research/ResearchBlockGrants/Pages/RBGFundingFormulaeData.aspx>

The research income and publications data provided by HEPs may be used to inform other analyses conducted by the department.

….

*“Research publications may be produced in any appropriate format, such as print, publication online, or publication in digital form on separate media such as a CD.*

*Publication is more than the release of a work. It implies quality control (such as peer review or in-house quality control) and enhancement through processes such as assessment or review, editing, copy-editing, design, and conversion of the work to an appropriate format.”*

*“For books and book chapters that are not published by a commercial publisher any of the following are acceptable as evidence of peer review:*

there is a statement in the book which shows that contributions are peer reviewed and in the case of book chapters, which indicates which chapters are peer reviewed, if this does not apply to all content

there is a statement or acknowledgement from the publisher or editor which shows that contributions are peer reviewed

a copy of a reviewer’s assessment relating to the book or book chapter.”

…

Part C

**Part C provides the information necessary for HEPs to determine what can and cannot be included in Research Publications Return - Return 2.**

# Research Publications Return - Return 2

## General requirements

In the Research Publications Return - Return 2, HEPs must report the total number of books, book chapters, journal articles and conference papers.

To be counted, each research publication must:

comply with the definition of research (as defined at **section 1.3.10**)

only be counted once by each HEP

* e.g. if a conference paper is published in conference proceedings and is subsequently included as a chapter in a book, it can be counted as a chapter or as a conference paper but not both

and be characterised by:

substantial scholarly activity, as evidenced by discussion of the relevant literature, an awareness of the history and antecedents of work described, and provided in a format which allows a reader to trace sources of the work, including through citations and footnotes

originality (i.e. not a compilation of existing works. See important notes below regarding the treatment of scholarly editions and scholarly translations)

veracity/validity through a peer review process or by satisfying the quality control processes of a commercial publisher (as defined at **section 1.3.4**).

increasing the stock of knowledge

being in a form that enables dissemination of knowledge.

**Important note:**

HEPs must provide unweighted publications data only. In determining HEPs’ allocations from the Research Training Scheme, Joint Research Engagement, Australian Postgraduate Awards, and International Postgraduate Research Scholarships the department will weight books 5:1 compared with the other research publication categories.

Scholarly editions and scholarly translations must have a major demonstrable original research component in the edition or translation to be considered for inclusion in a HEP's research publications return.

The author of the research publication must be affiliated with the claiming HEP (as set out in **section** [**9.4**](#_Toc168817252) **of Part C**).

For categories other than book chapters, where there are multiple authors, the count must be apportioned according to the number of authors (see also **section** [**9.5**](#_9.5_Apportioning_authors) **of Part C**).

Book chapters (including apportioning of authors) should be calculated using the methodology at [**Appendix D**](#_APPENDIX_D_-_).

## Year of publication

The fundamental principles that underpin the publications data are:

The publication is claimed in the appropriate year.

The year of publication must be verifiable.

The publication is claimed once only.

To be able to count publications in the 2013 submission of Research Publications Return - Return 2:

the research must have been published in the 2012 calendar year, and

2012 must be stated as the year of publication within or on the work being claimed.

The definition of published in this context is the date the publication was released to its intended audience. Publications which are published as ‘advance’ or ‘in press online’ may be reported either in the year that they published online or the year of final publication. (The key requirement, as stated above, is that the publication is claimed only once).

Letters from authors, editors etc stating that a research publication was published in 2012, even though 2012 is not stated within or on the work as the year of publication, are not acceptable evidence of the year of publication. There are two exceptions:

For journal articles and/or conference publications that are produced on CD or are web-based, and do not contain a date published within or on the work being claimed, a letter from a journal editor or conference organiser verifying the published date may be accepted.

The date a conference was held may be acceptable evidence of the year of publication.

The year of publication is normally the latest of the year indicated as published, printed or the year of copyright. A publication with a 2013 copyright date can be reported in the 2012 collection, provided it has a publication date of 2012, and it is not counted again in the 2013 collection.

Pages showing the stated year of publication must be included in verification material (see **section** [**9.7**](#_Toc168817257) **of Part C**).

**Expanded year of publication definition**

HEPs must be able to demonstrate (in the verification material that they maintain) that the publication was not produced until after the submission date for that year’s publication return i.e. that the publication, although containing a 2011 publication date, was not published until after 30 June 2012. A letter from the publisher will be considered sufficient verification material to support the claim.

Only those publications which were published after the submission date for the 2011 data collection and contain a 2011 publication date may be included under this provision.

## Publication categories counted in Research Publication Return - Return 2

### Books

To be included in this category the publication must meet the definition of research as amplified in the general requirements for research publications (see **section** [**9.1**](#_9.1_General_requirements) **of Part C**) and must meet all of the following:

must be a major work of scholarship

must have an International Standard Book Number (ISBN)

must be written entirely by a single author, or by joint authors who share responsibility for the whole book

must have been published by a commercial publisher, as defined at **section 1.3.4** or if not published by a commercial publisher, must have been peer reviewed, as defined at **sections 1.3.9 and 9.6**

the author must be affiliated with the claiming HEP as set out in **section 9.4 of Part C**.

The types of books that may meet the criteria include:

critical scholarly texts (e.g. music, medieval or classical texts)

new interpretations of historical events

new ideas or perspectives based on established research findings.

The types of books that **do not meet the criteria** include:

textbooks

anthologies

edited books

creative works such as novels

translations (unless they have a major demonstrable original research component)

revisions or new editions

manuals and handbooks

theses (PhD, Masters and Honours)

**Important note:**

Many of the books published by professional bodies do not report original research findings but report the results of evaluations, or compile existing information for the benefit of professionals or practitioners. It is important that HEPs assess these publications very carefully against the definition of research provided at **section 1.3.10** and only count those publications which are major works of scholarship and report original research activities for the first time. Freely available research-related reports published by external institutes or public agencies and departments are also unlikely to meet these criteria.

The department will monitor and audit publications, as necessary, to ensure there is consistency of approach.

### Book chapters

This category refers to a contribution, consisting substantially of new material, to an edited compilation in which the material is subject to editorial scrutiny.

To be included in this category the publication must meet the definition of research as amplified in the general requirements for research publications (see **section** [**9.1**](#_General_requirements) **of Part C**) and:

must have an ISBN

must have been published by a commercial publisher, as defined at **section 1.3.4** or if not published by a commercial publisher, must have been peer reviewed, as defined at **sections 1.3.9 and 9.6**

the author must be affiliated with the claiming HEP as set out in **section 9.4 of Part C.**

A book chapter may be included if it has been published previously as long as it constitutes **substantial new knowledge** and constitutes original research. The types of book chapters that may meet the criteria include:

a scholarly introduction of chapter length to an edited volume, where the content of the introduction reports research and makes a substantial contribution to a defined area of knowledge

a critical scholarly text of chapter length, e.g. in music, medieval or classical texts

critical reviews of current research.

Unless they meet all of the criteria for inclusion, the following book chapters must be excluded:

chapters in textbooks

entries in reference books

anthologies

revisions of chapters in edited books

forewords

brief introductions

brief editorials

appendices

literary or creative pieces such as collections of short stories; and

translations (unless they have a major demonstrable original research component)

[**Appendix D**](#_APPENDIX_D_-_) outlines the book chapter calculation methodology.

Appendix D - Book chapter calculation methodology

**Calculation of book chapter weighting**

To count book chapters, use the following methodology.

The calculation should be done for each author and then aggregated for all authors at the HEP, to obtain a total score for contributions to the book.

The first chapter contributed to by an author is given a value of 1. Remaining chapters in the book contributed to by the same author are scored on a pro-rata basis.

**Step 1**

Identify a chapter to which the author contributes alone, or with as few other contributors as possible.

The value of that chapter for the author is 1 divided by the total number of contributors to that chapter.

**Step 2**

The value of the remaining chapters for the author is calculated by adding the share of each remaining chapter contributed by the author, then multiplying by 4 and dividing by one less than the number of chapters in the book.

**Step 3**

The total value of the book for the author is derived by adding the figures derived from step 1 and step 2.

**Example A**

In a book of 16 chapters, author A contributes 1 solely-authored chapter.

**Step 1**

The value is 1 divided by 1 equals 1.

**Step 2**

There are no further chapters to count.

**Step 3**

1 plus 0 equals 1. Author A’s contribution is worth 1.

**Example B**

In a book of 16 chapters, author B contributes 2 chapters alone, 1 chapter in conjunction with 1 other author, 1 chapter in conjunction with 2 other authors and 1 chapter in conjunction with 4 other authors.

**Step 1**

One of the chapters contributed alone should be counted here. The value is 1 divided by 1 equals 1.

**Step 2**

The author has contributed a whole, a half, a third, and a fifth respectively to four of the fifteen remaining chapters in the book. Thus the value of those other chapters is (1+0.5+0.33+0.2)\*4/(16-1) = 0.54.

**Step 3**

The total value of the book for the author is 1.54 (1 derived from step 1 plus 0.54 from step 2).

**Example C**

In a book of 21 chapters, author B contributes 1 chapter in conjunction with 1 other author and 1 chapter in conjunction with 2 other authors.

**Step 1**

The chapter contributed with 1 other author is the one with least contributors. Choose this chapter for step 1. The value of this chapter is 0.5 (chapter value of 1 divided by 2 contributors).

**Step 2**

The other chapter contributed is worth 0.33 multiplied by 4 divided by 20 (20 being the number of chapters remaining after the one given credit in step 1), equals 0.07.

**Step 3**

The total value of the book to the author is 0.57 (0.5 derived from step 1 plus 0.07 derived from step 2).

**Example D**

In a book of 21 chapters, author D contributes 2 chapters in collaboration with 1 other, 3 chapters in conjunction with 3 others, and 1 with 4 others.

**Step 1**

Count a chapter shared with 1 other here. Value 0.5.

**Step 2**

The value of the other chapters is (0.5+0.25+0.25+0.25+0.2)\*4/(21-1) = 0.29.

**Step 3**

Total value is 0.5+0.29 = 0.79.

If authors C and D are contributors from the same HEP to the same book, the HEP will be credited with 1.36 (0.57+0.79) in category B from that book.

The Department has placed a spreadsheet on the web site which HEPs should use to calculate automatically the value of an author’s contribution to an edited book.

### Journal articles

To be included in this category the journal article must meet the definition of research as amplified in the general requirements for research publications (see **section 9.1 of Part C**) and:

must be published in a scholarly journal

must have been peer-reviewed as defined at **section** [**9.6**](#_9.6_Peer_review) **of Part C**. Note: the fact that an article has been peer reviewed does not automatically mean that it is eligible. The article must still meet the definition of research as well as all other criteria

must have an International Standard Serial Number (ISSN)

* Some journals may be regularly published as separate volumes with an ISBN rather than an ISSN. Provided that the publication is clearly identified as an edition of a journal, and not a book, articles in such publications may be eligible if they meet all other criteria
* If an ISSN does not appear in the journal:
* external evidence such as an ISSN number being cited in an extract from an authoritative journal listing, such as the Thomson-Reuters Master Journals List or from the Scopus database; or

evidence that the journal is classified as ‘refereed’ in the Ulrich’s Knowledgebase;

the author must be affiliated with the claiming HEP as set out in **section 9.4 of Part C.**

The types of journal articles that may meet the criteria include:

commentaries and communications of original research

research notes

letters to journals, provided that the letter satisfies the definition of research (as defined at **section 1.3.10**) and the requirements for journal articles in this section

critical scholarly texts which appear in article form

articles reviewing multiple works or an entire field of research

invited papers in journals

articles in journals which are targeted to both scholars and professionals

articles in a stand-alone series.

The types of journal articles that **do not meet the criteria** include:

letters to the editor

case studies

articles designed to inform practitioners on existing knowledge in a professional field

articles in newspapers and popular magazines

editorials

book reviews

brief commentaries and communications of original research

reviews of art exhibitions, concerts, theatre productions.

### Conference publications

To be included in this category the conference publication must meet the definition of research as amplified in the general requirements for research publications (see **section** [**9.1**](#_General_requirements) **of Part C**) and must:

be published in full. The papers may appear in any format, e.g. a volume of proceedings, a special edition of a journal, a normal issue of a journal, a book or a monograph, CD or conference or organisational web site

be peer reviewed (see **section** [**9.6**](#_9.6_Peer_review) **of Part C**)

be presented at conferences, workshops or seminars of national or international significance

the author must be affiliated with the claiming HEP, as set out in **section 9.4 of Part C**.

**Important note:**

Conference publications do not require an ISBN or need to be published by a commercial publisher.

The types of conference publications that do not meet the criteria include:

papers that appear only in a volume handed out to conference participants

keynote addresses

plenary addresses

poster presentations

abstracts of conference publications.

## Author affiliation

The author of the research publication being counted in the Research Publication Return - Return 2 must be affiliated with the claiming HEP and the affiliation must be identified either within or on the work being claimed.

Where author affiliation with the claiming HEP is not identified within a work, the following evidence retained in verification material would be sufficient to demonstrate author affiliation and should include:

a statement from the author indicating that he or she undertook the research leading to the publication in his or her capacity as a staff member or student of the HEP and either

* a statement from the Director of Human Resources or Dean of Students (or equivalent) indicating that the author was an appointee or student of the HEP in 2012 (or earlier if that was when the research leading to the publication was conducted) or
* an extract from the HEP’s staff or student list that lists the author.

Students (domestic or international) are considered to be those students undertaking HDR training to achieve a Research Doctorate (including Professional Doctorates) or a Research Masters (see **section 1.3.6** for definition of higher degree by research training).

Where a publication shows that an author has affiliation to more than one HEP (e.g. Janet Harvey, Tutor in Economics, HEP X; PhD student, HEP Y), each Australian HEP named in that by-line can each count the publication in its respective Research Publication Return - Return 2.

Adjunct fellows, honorary staff members and staff on leave are considered affiliated with a HEP if the HEP is identified in the by-line.

## Apportioning authors

**For categories *other* than Book Chapters**, where there are multiple authors the count must be apportioned according to the number of authors. For example, if there are three authors of a publication, one third should be counted for each author who was a staff member or student of the reporting HEP[[3]](#footnote-3).

For Book Chapters, authors should be apportioned according to the methodology set out in [**Appendix D**](#_APPENDIX_D_-_).

## Peer review

For the purposes of the HERDC, an acceptable peer review process is one that involves impartial and independent assessment or review of the research publication in its entirety before publication, conducted by independent, qualified experts. Independent in this context means independent of the author.

Peer review is required for journal articles and conference publications. It is also required for books and book chapters that are not published by a commercial publisher (see **section 9.3**) being counted in the Research Publications Return - Return 2.

For journal articles, any of the following are acceptable as evidence of peer review:

the journal is listed on the ARC's Excellence in Research for Australia (ERA) 2012 or 2010 journal lists

the journal is listed in Thomson Reuters Web of Knowledge Master Journal List

the journal is classified as ‘refereed’ in the Ulrich’s Knowledgebase

there is a statement in the journal which shows that contributions are peer reviewed

there is a statement or acknowledgement from the journal editor which shows that contributions are peer reviewed

a copy of a reviewer’s assessment relating to the article.

For conference publications, any of the following are acceptable as evidence of peer review:

there is a statement in the conference proceedings which shows that contributions are peer reviewed

there is a statement or acknowledgement from the conference proceedings editor which shows that contributions are peer reviewed

a copy of a reviewer’s assessment relating to the conference paper.

For books and book chapters that are not published by a commercial publisher any of the following are acceptable as evidence of peer review:

there is a statement in the book which shows that contributions are peer reviewed and in the case of book chapters, which indicates which chapters are peer reviewed, if this does not apply to all content

there is a statement or acknowledgement from the publisher or editor which shows that contributions are peer reviewed

a copy of a reviewer’s assessment relating to the book or book chapter.

**Important note:**

A statement from an author that a publication was peer reviewed is not acceptable. The existence of a national or international advisory board is also not sufficient evidence that all relevant publications were assessed by members of it.

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In addition to the verification material set out above in **section 9.7 of Part C**, the HEP must also be able to provide proof set out in **sections 9.7.1, 9.7.2, 9.7.3 and 9.7.4**.

### Books

The HEP must be able to provide proof that the book was published by a commercial publisher (as defined at **section 1.3.4**), OR proof of peer reviewing as set out in **section 9.6 of Part C**.

### Book chapters

The HEP must be able to provide:

the chapter

if a new chapter in a revised edition, the contents page of the previous edition to indicate that the chapter is new

a printout of the book chapter calculation spreadsheet

proof that the book was published by a commercial publisher (as defined at **section 1.3.4**), OR proof of peer reviewing as set out in **section 9.6 of Part C**.

### Journal articles

The HEP must be able to provide:

the article or offprint of the article

proof of peer reviewing as set out in **section** [**9.6**](#_9.6_Peer_review) **of Part C**

If an ISSN does not appear in the journal,

* external evidence such as an ISSN number being cited in an extract from Thomson Reuters Web of Knowledge Masters Journal List or
* evidence that the journal is classified as ‘refereed’ in the Ulrich’s Knowledgebase.

### Conference publications

The HEP must be able to provide:

the full paper or offprint of paper

proof of peer reviewing as set out in **section** [**9.6**](#_9.6_Peer_review) **of Part C**

proof that the conference is of national or international significance.

## Foreign language publications

Foreign language publications are eligible to be counted. The same verification evidence is required, in English, as for any other works. It is not necessary to translate the entire publication, but all relevant sections required for the verification of information to demonstrate that it meets the criteria of the category against which it is being claimed should be translated. This includes evidence that the work is a major work of scholarship and meets the definition of research.

**Important note:**

The Australian Academy of the Humanities has advised that they are no longer in a position to assist HEPs in the verification of foreign language publications in the fields of the humanities.

1. Higher education providers are those institutions identified as Table A and Table B providers in sections 16-15 and 16-20 of the *Higher Education Support Act 2003*. [↑](#footnote-ref-1)
2. OECD (2002), *Frascati Manual: Proposed Standard Practice for Surveys on Research and* *Experimental Development*, OECD: Paris. [↑](#footnote-ref-2)
3. The department’s intention is that this section applies to multiple authors across more than one HEP. Where all of the authors are affiliated with the same HEP, then the HEP should count that publication (subject to meeting all other requirements) according to one author (i.e. no apportioning is necessary). [↑](#footnote-ref-3)