



DLS Reported Research April 2018

Recent Publications

A1: Monograph

Nil.

B1: Book Chapters

Danuta Mendelson

(with George Mendelson), "Current and Future Evidence in Personal Damage Evaluation", ch 20, in Ferrara, Santo Davide Ed *P5 Medicine and Justice Innovation, Unitariness and Evidence*, (2017 Springer) pp 296-329

<https://www.springer.com/gp/book/9783319670911>.

C1: Articles

M. Ehteshamul Bari

(with Safia Naz), 'The Enactment of the Prevention of Terrorism Act, 2015 in pursuance of the Constitution of Malaysia: Reincarnation of the Notorious Internal Security Act, 1960?' (2018) 41(1) *Suffolk Transnational Law Review* 1-50 [A].

Secured Research Grants and Funding

Grants

Nil.

Other Research Activities

Conference Presentations

Baskaran Balasingham

Title: 'Most-Favoured-Nation clauses in online markets'

Conference: 7th Conference of the Postgraduate and Early Professionals/Academics Network of the Society of International Economic Law (PEPA/SIEL) 2018, held 13-14 April 2018 (Nicosia, Cyprus).

Title: 'Most-Favoured-Nation clauses in online markets'

Conference: Asper International Law Conference, held 23-24 April 2018 (Winnipeg, Canada).

Media Coverage

Rami Hanegbi

'Increasing the super access age doesn't stack up' in the following: The Age, SMH, Canberra Times (3 April 2018): <https://www.theage.com.au/money/super-and-retirement/increasing-the-super-access-age-doesn-t-stack-up-20180402-p4z7dz.html>.

Similar coverage published in the Geelong Advertiser as: 'Deakin University law expert: raising superannuation age unlikely to provide social benefits' (3 April 2018): <http://www.geelongadvertiser.com.au/news/geelong/deakin-university-law-expert-raising-superannuation-age-unlikely-to-provide-social-benefits/news-story/4a8906152dd1e418da5c2238a3b5cd2b>.

PhD Completions

Vicki Huang

Doctor of Philosophy

Thesis Topic: Empirical analysis of judicial reasoning: all trade mark infringement cases under s 120 of the Trade Mark Act 1995 (Cth)

Completed 16 Apr 2018.

Research seminars, workshops, reports, invitations, submissions and appointments

Nicole Siller's research on modern slavery was listed in a research report from the Office of the Independent Anti-Slavery Commissioner and the University of Nottingham's Rights Lab, 'Modern Slavery Research: the UK Picture'

<http://iascresearch.nottingham.ac.uk/ResearchingModernSlaveryintheUK.pdf>.

Upcoming Research Activities

2 May 2018

DLS Internal Research Seminar Series

'Popular Sovereignty and the Australian Constitution: A Reassessment' by Ben Saunders

1:00pm, BCC (room directions given on arrival at level 2) VMP: x54630

9 May 2018

DLS Internal Research Seminar Series

“Should I Stay or Should I Die”: The impact of International Law on Attitudes About Refugees' by Shiri Krebs

1:00pm, BCC (room directions given on arrival at level 2) VMP: TBA

18 May 2018

Research Seminar on ‘The Stated Purposes Canon’ to be delivered by Professor Kevin M. Stack
1:00pm, Deakin Downtown, Tower 2, 727 Collins Street Melbourne

In conjunction with the Statute and Governances Project, Deakin Law School will host a research seminar presented by Professor Kevin Stack. Professor Stack’s paper defends the stated purposes canon—and seeks to prompt a conversation on its role in both statutory interpretation and the role of enacted purposes in statutory design. The core argument is that this canon—that courts cannot construe statutes to negate their stated purposes—is and should be viewed as a bedrock principle of statutory interpretation. The paper then argues that the stated purpose canon should be a point of agreement between textualists and purposivists, a point of agreement that has deep roots in the Anglo-American tradition that extend back to early English statutory practice. Building on literature on the political economy of legislative process, the paper then defends the canon as providing a means for courts to prioritize the most public-regarding elements of legislation and thus to produce relatively more public-regarding interpretations. Finally, the paper addresses the implications of the stated purposes canon for judicial review of administrative action.

About the Presenter: Kevin M. Stack is Lee S. and Charles A. Speir Professor of Law at Vanderbilt University Law School. He writes on administrative law, regulation, statutory interpretation, and separation of powers. He was recognized with the American Bar Association’s 2013 Annual Scholarship Award for the best published work in administrative law for his *Michigan Law Review* article, “Interpreting Regulations.” He is co-author (with Lisa S. Bressman and Edward L. Rubin) of *The Regulatory State* (Aspen Publishers, second edition 2013), a casebook on statutes and administrative lawmaking. His work has appeared in numerous law reviews, including the *Yale Law Journal*, *Columbia Law Review*, *Michigan Law Review*, *Cornell Law Review*, *Northwestern University Law Review*, and *George Washington Law Review*. He joined Vanderbilt’s law faculty in 2007 and served as associate dean for research from 2008 to 2010 and again from 2012 to 2015. He also been on the faculty at Benjamin N. Cardozo School of Law of Yeshiva University, which he joined after practicing as an associate at Jenner & Block in Washington, D.C. Prior to practice, he served as a law clerk for Judge Kimba M. Wood of the U.S. District Court for the Southern District of New York and for Judge A. Wallace Tashima of the U.S. Court of Appeals for the Ninth Circuit. Before earning his J.D. at Yale Law School, he earned a master’s degree in philosophy at Oxford University, supported by a Fulbright Scholarship, and a B.A. from Brown University.

Registration: The seminar is free to attend but we ask that you please register for catering and venue capacity purposes. A light lunch will be provided at 12:15pm and the seminar will begin at 1:00pm. An email inviting you to register for this event will be circulated in the near future.

23 May 2018

DLS Internal Research Seminar Series

‘Judicial Interpretation in the Age of Hyper-Legislation’ by Dan Meagher

1:00pm, BCC (room directions given on arrival at level 2) VMP: TBA

31 May 2018**Call for Papers for a Special Edition – Australian Journal of Clinical Education, Special Issue: Teaching and Learning of Dispute Resolution in Higher Education**

- Abstracts are due by 31 May 2018.
- The submission deadline for full papers is 31 August 2018.
- Flyer attached to DLS Research Report email.

20 June 2018**Research Seminar on Australian Government's Excellence in Research for Australia (ERA) exercise and Engagement and Impact Assessment (EIA) exercise to be delivered by the Associate Dean (Research) Professor Ingrid Nielsen**

10:00am-4:00pm, BC building

In this forum, the Associate Dean (Research) will talk in-depth about the Australian Government's Excellence in Research for Australia (ERA) exercise and Engagement and Impact Assessment (EIA) exercise, with specific focus on the ERA and EIA submissions into FOR18, the Field of Research code associated with the Deakin Law School.

In the morning session, she will cover:

- An overview of the ERA framework and assessment measures
- An overview of the ERA assessment process
- An analysis of FTE and income in FOR1801
- An analysis of publications in FOR1801

In the afternoon session, she will cover:

- The historical context that led to the development of the EIA framework
- Key definitions within the EIA framework
- Engagement assessment measures
- Engagement assessment narratives
- Engagement assessment ratings
- Impact assessment measures
- Impact assessment narratives
- Impact assessment ratings

While June is still a while off, the ADR would in the meantime like to dispel what is an increasingly common myth that the EIA is somehow a 'new ERA'. This is not the case. ERA remains as it has always been and is on track to be submitted in March 2018. EIA is a completely separate exercise to ERA and will be submitted in May 2018. ERA and EIA measure different things and each is assessed by separate panels. ERA measures and assesses research quality. EIA measures and assesses research engagement and research impact.

Lunch will be provided in between the morning and afternoon sessions. Calendar invitation to follow.

30 June 2018

Australian Academy of Law – Annual Essay Prize 2018

- Persons intending to submit an essay must notify the Academy of that intention in writing via the Academy's website by 30 June 2018.
- The deadline for the submission of an essay is 31 August 2018.
- Flyer attached to DLS Research Report email.