



DLS Reported Research March 2018

Recent Publications

A1: Monograph

Nil.

B1: Book Chapters

Mui Kim Teh

(with Sook May Chia), "Singapore" in Charles J. Russo (eds) *Handbook of Comparative Education Law, British Commonwealth Nations, Vol 1* (Rowman & Littlefield, 2018), 73-92.

C1: Articles

Elizabeth Adeney

'The author and the state – Germany's Bill of Rights in the shadow of the past' (2018) 22.1 *Media and Arts Law Review* 73-93.

Jane Kotzmann, Neera Bhatia and Marilyn McMahon

'A human rights-based approach to compulsory treatment of young people experiencing mental disorder' (2018) *Australian Journal of Human Rights*
DOI:10.1080/1323238X.2018.1441612 [A].

Benjamin B Saunders

(with Nicholas Aroney), 'On Judicial Rascals and Self-Appointed Monarchs: The Rise of Judicial Power in Australia' (2017) 35 *University of Queensland Law Journal* 221 [B].

Secured Research Grants and Funding

Grants

Nil.

Other Research Activities

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

Sonia Allan attended the Consortium of Universities on Global Health 2018 Conference in New York from 15-18 March 2018 as a member of the scientific advisory committee. The conference 'Health Disparities: A Time for Action', attracted over 1800 individuals from 55 nations.

Sonia presented via webinar to the United States based Assisted Reproductive Treatment Working Group regarding changes to laws concerning access to information by donor-conceived people in Australia, and the South Australian and Western Australian reviews of their respective assisted reproductive technology legislation.

Sonia was invited to lend her support in writing to the California Senate Health Committee concerning SB1190 -- a Californian Bill (United States) which addresses that from 1909 to 1979 CA state eugenic laws led to more than 20,000 people with disabilities, Latina/os and poor people being sterilized, with the average age of sterilization being 17. The Bill proposes laws to compensate survivors of CA state-coerced sterilization amongst other things, and will be heard in the Senate Health Committee (CA) on 11 April 2018.

Neera Bhatia presented a seminar titled: '*Cryonics: Our frozen future or this century's snake oil?*' at Sydney School of Public Health, (Sydney Health Ethics Centre) on Thursday, 29 March 2018 as an invited speaker at the Centre's 'Conversation' series.
<https://wordvine.sydney.edu.au/files/2456/20162/>.

Amir Pichhadze presented at the LSE Taxation seminar series on "The non-recognition and reconstruction of transactions in transfer pricing: applying the presumption of legality to interpret domestic legislation" on 15 March 2018.

Upcoming Research Activities

16 March 2018 – 13 April 2018

Call for Papers Due Date

University of Tasmania Law Review

The *University of Tasmania Law Review* is calling for the submission of articles for Volume 37. Articles received by 16 March 2018 will be given priority for publication in Volume 37(1). No article received after 13 April 2018 will be considered for publication in Volume 37(1).

If you have any questions about submitting to the *Review* then please contact the Editors, Rose Mackie and Kathryn Ellis, at Law.Review@utas.edu.au.

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.

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.