**DEAKIN UNIVERSITY**

**SCHOOL OF LAW RESEARCH REPORT No 4**

**28/2/2014**

**RECENT PUBLICATIONS**

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

**Oscar Roos**, ‘Accepted Doctrine at the Time of Federation and Kirk v Industrial Court of New South Wales’ (2013) 35 *Sydney Law Review* pp. 781-807. <http://dro.deakin.edu.au/view/DU:30060438>

**Samantha Hepburn**, 'Does Unconventional Gas Require Unconventional Ownership: An Analysis of the Functionality of Ownership Frameworks for Unconventional Gas Development’ (2013) 8 *Pittsburgh Journal of Environmental and Public Health Law* 1-57 <http://dro.deakin.edu.au/view/DU:30060477>

**Samantha Hepburn**, ‘The Implications of the Victorian Gas Market Taskforce Report on Unconventional Gas Development in Victoria’ (2014) 29 *Australian Environment Review* 3-11

**Louis de Koker**, 2013, ‘The 2012 Revised FATF Recommendations: Assessing and Mitigating Mobile Money Integrity Risks Within the New Standards Framework’ (2013) 8 *Washington Journal of Law, Technology & Arts* 165-196. <http://dro.deakin.edu.au/view/DU:30060694>

**Louis de Koker**, *South African money Laundering and Terror Financing Law* , 2014 3rd ed., Lexis, South Africa. <http://dro.deakin.edu.au/view/DU:30060698>

**PJ Badenhorst**, “Security of Mineral Tenure in South Africa: Carrot or Stick?” 2014 (32.1) *Journal of Energy & Natural Resources Law* 5-35 (International Bar Association).

**Special congratulations**

to

**Neera Bhatia**

for

fulfilling all of the requirements of the **PhD degree**. Neera’s thesis entitled *Medico-legal Decision Making Regarding Incapacitated Neonates* is available online

**External Grants**

Congratulations to **Louis de Koker** and **Danuta Mendelson** who are partners in the successful bid for **Cooperative Research Centre**, the **Data to Decisions CRC** (D2D CRC). The Data to Decisions was one of three new Cooperative Research Centres to win the 16th CRC (2013) program selection round. <file:///C:/Users/Home/Downloads/D2DCRC%20public%20version.pdf>

The Federal government has provided a with a $25 million grant over the next 5 years with total investment of $87 million to create and fund the Data to Decisions CRC (D2D CRC) as new Cooperative Research Centre with national headquarters at the University of South Australia. The Data to Decisions is one of three new Cooperative Research Centres to win the 16th CRC (2013) competitive program selection round.

The Data to Decisions CRC comprises of three research programs: Data Management and Analysis; Image Recognition; and Law and Policy aiming to ‘develop robust tools to maximise the benefits that Australia’s defence and national security sector can extract from big data to reduce national security threats’.

The Deakin School of Law will play a leading role in the new CRC, with **Prof Louis de Koker** as Program Leader of the Law and Policy research project. Deakin will collaborate with the University of New South Wales Faculty of Law (Prof Janet Chan as the Project leader), and with the Attorney-General’s Division and the Australian Federal Police. The Key Researchers include **Prof Danuta Mendelson** from the Deakin Law School, and three academics from the Faculty of Law, University of New South Wales.

**What is a Cooperative Research Centre?**

The Cooperative Research Centres (CRC) program is an Australian Government Initiative administered by AusIndustry, a division within the Department of Industry. The CRC program supports medium to long-term end user driven research collaborations to address major challenges facing Australia. CRCs pursue solutions to these challenges that are innovative, of high impact and capable of being effectively deployed by the end users. CRCs combine the different research strengths of universities, government agencies and private sector stakeholders.

**What will the Data to Decisions CRC Centre do?**

The D2D CRC is focused on Australia's Defence and National community and aims to assist them to meet imminent and complex Big Data challenges. The Defence and National Security community is often faced with a daunting challenge: to seek the proverbial needle in the haystack. They attempt to find connections in vast, disparate volumes of data that are imperceptible to humans, but which can be discovered with smart analytics and machine enablement. This challenge is made greater by the wide variety of data sources, and the ever increasing size and scale of the data that is being collected by Defence and National Security agencies.

The Data to Decisions Cooperative Research Centre (D2D CRC) will bring together world-class capabilities and establish a research collaboration framework across academia, industry and Government to collectively tackle Defence and National Security Big Data challenges and grow Australia's broader capacity for data innovation.

The D2D CRC secured 12 industry partners including SAS (Business Analytics software), PwC (PricewaterhouseCoopers), Genix (management consulting, risk management, process optimization), and the Institute of Analytics Professionals of Australia. Government partners of the CRC include the Australian Federal Police, Attorney-General’s department, and the Department of Defence.

Five universities are involved: Deakin, UniSA, UNSW, University of Adelaide and Carnegie Mellon (Australia).

The CRC will be based in Adelaide, and Deakin School of Law and the School of Information and Business Analytics will be key partners. The School of Information and Business Analytics will play a key role in the D2D CRC’s Education and Training program. The education and training program plans to train 50 PhD students and 1000 data scientists.

**The School of Law and the D2D CRC**

One research project in the Law and Policy program will focus for example on the Big Data Technology and National Security: Comparative International Perspectives on Strategy, Policy and Law research project. The research team will examine the policies, regulatory approaches, processes and strategies used by several countries to balance the management and exploitation of Big Data for law enforcement and national security purposes, while safeguarding confidentiality and security of sensitive personal information, as well as the accuracy of data sets. The research will aim to maximise benefits of Big Data technology for Australia while avoiding potential risks and maintaining the trust of the Australian population in our democratic institutions.

**Implications for the Deakin Law School**

The CRC research will put the Deakin School of Law at the head of a high profile research program. It will deepen the School’s research collaboration with other universities and with government.

Being funded as the essential partner in the Cooperative Research Centre is a major step towards lifting the research profile of the Law School at Deakin University, in Australia, and globally.

Within Deakin it will also provide space for increased cooperation between the School of Law and the School for Information and Business Analytics. We will receive funding for a number of doctoral candidates and may also be able to engage additional researchers. The research program of the CRC will crystallise over the next few months. Interesting opportunities for involvement may arise for other members of the School and we will keep you informed of developments. Anyone who is interested in this research program is welcome to contact **Louis**.

**RESEARCH IMPACT**

**Samantha Hepburn**’s article 'Does Unconventional Gas Require Unconventional Ownership: An Analysis of the Functionality of Ownership Frameworks for Unconventional Gas Development’ will be presented as a seminar for the New York University Law School with Professor Katrina Wyman, Sarah Herring Sorin Professor of Law Director, Environmental Law LL.M Program, on Friday April 25th, 2014.

**Samantha Hepburn** has been appointed as the new Natural Resources Section editor for the *Property Law Review*.

**Samantha Hepburn** has been asked to give the Kirby Seminar at the UNE on 14th May, 2014 on 'Moving Forward: The Strategic Development of Natural Resources in Australia in an Era of Energy Revolution'. The seminar will be podcast; however, Samantha will be happy to have it made available to the Deakin Law School also.

**Danuta Mendelson** has been invited to join the International Scientific Committee for the XXXIVth International Congress on Law and Mental Health will take place in Vienna (July 12-17, 2015). <http://www.ialmh.org/template.cgi> Those interested in presenting papers at the Congress are encouraged to submit abstracts in accordance with the guidance provided on the website.

**DEAKIN LAW SCHOOL RESEARCH SEMINARS**

**Please let me know if you would like to present a research seminar: topic and date**

In March 2014, some of the Research Seminars will be informal, workshop-like discussions and hands-on teaching sessions focused on practical aspects of research. We shall discuss choosing the appropriate journals and book publishers; funding opportunities and progressing grant projects/ideas (in our quest for making the Law School attain ERA Level 4 we need more research grants. Research grants are also becoming a prerequisite to promotions); uploading our publications on Google Scholar to enhance our research profiles.

**FRIDAY, 7 March 2014 at 12 pm**

**How to distinguish between good and dodgy/predatory publishers of journals and books**

Proliferation of predatory publishers of both journals and books is posing risks to many academics. Publication in any one of these may not only affect your pocket, but more importantly, be detrimental to your scholarly reputation and advancement. Academics of all levels have been caught; so it is imperative that we are all aware of the journals and publishers to avoid, while knowing how to recognise and publish in reputable foreign journals.

Our excellent team of Law Librarians has been working on this project, and will provide us with their findings.

**FRIDAY, 14 MARCH 2014 at 12 pm**

**Richard Coverdale, Director, Centre for Rural Regional Law and Justice**

The Centre for Rural Regional Law and Justice will facilitate a workshop session, inviting law school staff to discuss your preliminary research ideas with a view to exploring how to move from a conceptual stage to initiating a competitive research grant proposal:

Discussions will include:

* Targeting potential funding sources – how to find appropriate grant programs
* Utilising Deakin resources
* Framing proposals which reflect funding criteria
* When and with whom collaborations/partnerships should be considered
* Designing and managing methodologies.

**Bring along your research ideas to explore!**

**FRIDAY, 21 MARCH 2014 at 12pm**

**Ann Wollner**

**International Parental Children Abduction-Legal/ Social Work/ Mediation- Towards a holistic approach - About time!**

The world is becoming a smaller and smaller place. Voluntarily or involuntarily, families scatter and lives are disrupted. More and more children's lives are challenged by parental abduction. The United Nations and many of its member countries have recognised the need to protect and defend vulnerable children. The Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention) came into force in 1983 to facilitate this protection. However, the outcomes of the Hague Convention with its strictly legal focus are limited. Rather what is needed is an international organisation with members worldwide which can offer a raft of services, legal, social and psychological. The International Social Service (ISS) was established in 1924 after World War 1 in response to the migration of displaced persons. Unfortunately the need to protect children and support families has only increased since then. ISS has grown into an organisation with over a 100 offices worldwide. ISS Australia understands that assistance is required at different levels. It has expanded its services to meet the various needs. The presentation will explain the ISS global organisation; ISS Australia's set of services (social work; legal and family mediation); an overview of the relevant law regarding Hague Convention abduction cases and the obstacles (both legal and otherwise) to satisfactory outcomes.

**Biography**

Dr Ann Wollner is the manager of the legal team at ISS Australia. She has a Doctorate in child clinical psychology from Melbourne University and a Masters of Comparative Law from George Washington University, Washington DC. She is experienced in family, commercial and property law, with a particular interest in international children’s matters and family violence. She is a trained collaborative lawyer and mediator and was appointed to establish the legal department in the National Office of ISS Australia.

Ann has lectured at the University of Melbourne in law and has practised psychology in the private and public sectors. She has worked in a number of government Child & Adolescent Mental Health Services, and at the Centre for Adolescent Health in the Royal Children’s Hospital. Ann has published articles and given presentations relating to family violence and child abuse.

**FRIDAY, 28 MARCH 2014**

**Louis de Koker**

Google Scholar profile

**FRIDAY, 11 APRIL 2014**

**Pieter Badenhorst**

“A Tale of two Expropriations: Newcrestia and Agrizania”

**FRIDAY, 2 MAY 2014**

**T. Leigh Anenson, J.D., LL.M.**

Associate Professor of Business Law, Department of Logistics, Business and Public Policy

Robert H. Smith School of Business, University of Maryland

**TORTS, JURISPRUDENCE, ECONOMICS, ETC RESEARCH HUB**

**Meetings are held on the first Wednesday of each month at 5pm**

**Venues:**

Melbourne: Boardroom, Level 3, Deakin City Center, 550 Bourke Street

The Waterfront: F BL Mtg Room AD Level 2 ad2.308 (all Deakin Staff)

Burwood: Moot Court: C 4.05

The VPN telephone number, to which *all* parties must, dial is: **5223 6933**

**SCHEDULE OF FORTHCOMING SEMINARS**

**WEDNESDAY, 5 MARCH 2014**

Danuta Mendelson & Dr Ian Haywood, Consultant Child Psychiatrist

More on development of brain and refusal of life-saving treatment by minors

**WEDNESDAY, 2 APRIL 2014**

Sandeep Gopalan

Dean of the Newcastle Law School

**WEDNESDAY, 7 MAY 2014**

Sharon Erbacher

Illegality Defence and Duty of Care

**WEDNESDAY, 4 June 2014**

John Morss

**WEDNESDAY, 6 August 2014**

Richard Polikinghorn

**Centre for Rural Regional Law and Justice**

**New Appointments Centre for Rural Regional Law and Justice**

**Ian Parson** has been appointed to the position of Research Fellow with the Centre. Ian’s background includes Advisor to the State Minister for Community Services and Researcher with the Victorian Law Reform Commission. He has a worked extensively in the disability field and has authored several books.

**Dr Bridget Harris** has also recently been appointed to replace Dr Lucinda Jordan while Lucinda is on 6 months leave. Bridget has a background in criminology and was previously Researcher and Teaching Associate with the Department of Criminal Justice, Monash University.

**The Centre has also provided detailed submissions to a number of recent Federal and State Inquiries, including:**

• The Productivity Commission Inquiry into Access to Civil Justice

• The Australian Law Reform Commission Inquiry into Legal Barriers for People with Disability

• Victorian Parliament Family and Community Development Committee Inquiry into Social Inclusion of People with a Disability.

Two research projects have been recently completed by the Centre:

• **Women's Experience of surviving family violence and accessing the Magistrates' Court in Geelong, Victoria**

• **Conflict of Interest in Victorian Regional Legal Practice**

Inquiry submissions and research reports are available on the Centre website at http://www.deakin.edu.au/buslaw/law/crrlj/research.php

A research proposal has recently been made to the Department of Human Services Disability Donations Trust to undertake a research project titled:

**Young people with intellectual disability and their interactions with youth justice system in Barwon National Disability Insurance Scheme (NDIS) launch site.**

**HDR SUPERVISOR TRAINING WORKSHOPS**

Attached please find the 2014 program of HDR supervisor training workshops. These are primarily aimed at new or prospective supervisors, who can qualify to become principal supervisors through the ‘Fast-Track’ program as described in the second attachment.

For current supervisors, web-based materials are currently being developed to support ongoing training and professional development – we’ll be sending out information on this in the next few months.

Professor Roger Horn

Dean of Research Training T: +61 (0)3 9244 6271

E:  [roger.horn@deakin.edu.au](mailto:roger.horn@deakin.edu.au)

**HDR CANDIDATES**

**HIGHER DEGREES BY RESEARCH (HDR) CANDIDATE SUPPORTS**

**OFFICE OF THE DEPUTY VICE-CHANCELLOR (RESEARCH)**

At present, support services for HDR candidates are provided from several organisational units within the University, including:

• for all candidates centrally through Deakin Research;

• discipline or program-specific supports locally through faculties, schools, etc., and

• relevant supports through the Library and other divisions within the University targeted to the high-level research needs of HDR students.

**CENTRAL SUPPORT FROM/THROUGH DEAKIN RESEARCH**

Either directly or indirectly, Deakin Research provides a wide array of supports for HDR candidates within the University. Some of the support provided by Deakin Research is quite ‘invisible’. For all of the almost 1,500 HDR candidates, all elements of their candidature is monitored from the point of admission/enrolment through to completion. Supervisor training and quality assurance is provided. Annual progress reports are administered, and at-risk candidates receive additional support. Deakin Research also manages human and animal ethics approvals and research conduct, deals with any complaints on behalf of HDR candidates, implements university research policy and procedures relevant to the HDR program, and administers the University’s scholarships and awards. A suite of online and face-to-face skills and career development workshops for HDR candidates is offered as well as a means of preparing HDR graduates for success post-completion.

**Scholarships and awards**

University-wide scholarships and awards include:

• Australian Postgraduate Awards (APA)

• Deakin Postgraduate Research Scholarships (DUPRS)

• International Postgraduate Research Scholarships (IPRS)

• Publication Scholarships (post-completion)

• Endeavour Awards, Fulbright Scholarships, other external awards

• Elite Editing Thesis Scholarships

• Neil Archibold Memorial Travel Award and Medal.

**Career and skill development workshops**

A set of 22 workshop topics is provided or facilitated by Deakin Research, with contributions from the Library and other divisions, for the benefit of higher degree by research candidates and their supervisors at all campuses. Topics include the following, with the presenters shown in brackets (DR = Deakin Research; Lib = Library; DSL = Division of Student Life; IFM = Institute for Frontier Materials):

• Induction 1 (Procedures and support) (DR/DSL)

• Induction 2 (Life as a research student) (DR)

• Information discovery and management (Lib)

• Managing references and sources (Lib)

• Tracking authors and papers (Lib)

• Where to publish?: quality, reputation, impact (Lib)

• Planning your research (and your time) (DR)

• Reading and note-taking (DSL)

• Preparing for Confirmation of Candidature (DR)

• Human Research Ethics seminar (DR)

• Human Research Ethics low- risk research form (DR)

• National Ethics Application Form (NEAF) workshop (DR)

• Research Integrity (DR)

• Biosafety induction (PC1/PC2) (IFM)

• Use of a Class II Biological Safety Cabinet (IFM)

• Writing a literature review (DSL)

• Academic writing (DSL)

• Specialist seminars on scholarly communication and publishing, for example The Inside Guide to getting published (Lib/DR)

• Presentation skills (DR)

• Networking skills (DR)

• Introduction to statistics and SPSS (DR)

• Approaching completion (DR)

• Career planning (DR)

• Chapter writing retreat (DR)

• Thesis writing circle (DSL)

**Academic support**

Standard forms of support are provided for HDR candidates:

• workspace and work station;

• school or program-specific induction;

• research equipment, facility, materials;

• technical support such as lab technician and/or statistician (as examples);

• administrative and sometimes pastoral support and advice;

• some funding for the thesis project;

• conference support; and

• employment opportunities (teaching or research assistance).

The main source of support is through supervision. The supervisory team, particularly the principal supervisor, provides direction and advice to the thesis project as well as professional career development advice. Supervisors also often assist with conference and funding applications. Importantly, local support also includes the (sometimes intangible) provision of a stimulating research environment, including seminars, colloquia, research visits, discussion groups, etc.

**Scholarships, awards and employment opportunities**

In addition to the scholarships and awards that are available from or with the assistance of Deakin Research, each faculty has its own array of scholarships which are available from various government, industry, and philanthropic organisations.

**Deakin University Library**

The Library meets the high level disciplinary demands and research skill needs of higher degree candidates through an extensive program, utilising library expertise in scholarly communication, publishing and open access; information discovery and curation. The program includes:

• a series of workshops run as part of an integrated annual program with the Institute of Research Training

• personalised assistance from specialist Liaison or Research Librarians who guide students to develop systematic approaches to information discovery, management and dissemination

• information sessions and workshops on scholarly research and communication, contextualised within disciplinary practices, as requested by Faculties and Research Centres.

**GENERIC SUPPORT SERVICES**

**Deakin eSolutions**

Deakin eSolutions (DeS) provides core information and communication technology (ICT) services and support to the Deakin University Community. The ‘HDR top tips’ webpage provides useful IT information for HDR students. Direct IT assistance is also provided by DeS.

**Division of Student Life**

The Division of Student Life (DSL) supports students in a number of ways, including:

• writing in English

• study support

• career support

• counseling and personal support

• medical services

• financial support

• religious services

• disability support

• student equity.

**Equity and Diversity Unit**

Staff in the Equity and Diversity Unit can provide advice and information about concerns relating to equity, and resolving complaints about discrimination, harassment and bullying.

**Division of Student Administration**

The Division of Student Administration is the central administrative division of the University, with responsibility for admissions, enrolments and records, fees, assessments, graduations, and customer service.

**FUNDING OPPORTUNITIES**

The Australian Academy of the Humanities is pleased to announce that 2014 applications for the Academy's award schemes are now open. In particular we wish to draw your attention to a new funding opportunity, the Ernst and Rosemarie Keller Award made possible by the generosity of  the late Academy Fellow, Ernst Keller FAHA and Mrs Rosemarie Keller. It would be appreciated if you could forward these details to your colleagues and networks.

[Humanities Travelling Fellowships Scheme](http://www.humanities.org.au/Grants/InternationalProgrammes/HumanitiesTravellingFellowships.aspx)

 The Humanities Travelling Fellowship Scheme offers grants of up to $4000 to support Australian humanities early career researchers to undertake research overseas,

including accessing archives and other research materials and connecting with international researchers and networks.

[Publication Subsidy Scheme](http://www.humanities.org.au/Grants/PublicationSubsidyScheme.aspx)

 The Publication Subsidy Schemes offers grants of up to $3000 to support the publication of scholarly works of high quality in the Humanities.

The scheme is designed to assist Humanities scholars based in Australia.  This year, an additional $500 is available to one applicant publishing in the field of archaeology through the Sir Frederick and Peter White Fund.

[The Ernst and Rosemarie Keller Award](http://www.humanities.org.au/Grants/InternationalProgrammes/ErnstandRosemarieKellerAward.aspx)

The *new* Ernst and Rosemarie Keller Award supports the research activities of Australian humanities scholars whose research is concerned with:

German history, literature, language, politics or culture, or

German contributions to the history, literature, languages, politics or culture of either Australia or the Asia-Pacific region.

One award of $5,000.00 is available.  Applicants may apply for one of the following research activities:

Workshops

Travelling fellowships for travel within Australia and internationally

Masterclasses featuring an internationally renowned research scholar

**How to apply**

Please click on the above links to access the Academy website and information regarding the application process for each scheme.

Applications for all awards must be submitted by **5:00pm AEST on Thursday 10 April 2014**.

 Questions concerning these awards should be directed to the Grants Manager: [grants@humanities.org.au](mailto:grants@humanities.org.au)

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