# **DEAKIN UNIVERSITY**

# **SCHOOL OF LAW RESEARCH REPORT No 17**

# **06/09 /2013**

## RECENT PUBLICATIONS

* 1. **Congratulations to the authors of the following recent publications:**
	2. **Mendelson Danuta,** Mendelson George, ‘Opioid regulation: Time to reconsider the nomenclature and approach’ (2013) 21 *Journal of Law and Medicine* 27-38

 **Mendelson Danuta**, **Bagaric Mirko**, ‘Assisted Suicide through the Prism of Right to Life’ (forthcoming, (2013) 36 (4) *International Journal of Law and Psychiatry*) <http://dx.doi.org/10.1016/j.ijlp.2013.06.012>

* 1. **Mendelson Danuta**, Freckelton Ian, 'The Interface of the Civil and Criminal Law of Suicide at Common Law (1194-1845), (2013) 36 (5) *International Journal of Law and Psychiatry*) <http://dx.doi.org/10.1016/j.ijlp.2013.06.005>

## RESEARCH IMPACT

**Elizabeth Adeney**’s article ‘Appropriation in the Name of Art: Is a Quotation Exception the Answer?’ (2013) 23(3) *Australian Intellectual Property Journal* 142, has been extensively discussed in the ALRC Report (DP 79) on *Copyright and the Digital Economy*:

<http://www.alrc.gov.au/publications/copyright-and-digital-economy-dp-79/10-transformative-use-and-quotation>

Chapter 10, Transformative Use and Quotation: [10.108] – [10.110]

**LAW SCHOOL RESEARCH SEMINAR SCHEDULE**

* 1. **Trimester 2**

**FRIDAY 27 SEPTEMBER**

**Dr Andros Kapardis**

Author of *Psychology and the Criminal Law* (Cambridge University Press)

1. **Trimester 3**
2. **FRIDAY 15 or 22 NOVEMBER**
3. **Oscar Roos**
4. 'Section 73 of the Australian Constitution and Kirk v Industrial Court (NSW) [2010] HCA 1'.
5. **FRIDAY, 13 DECEMBER**
6. **Giuseppe Carabetta**
7. ‘Police and Industrial Relations’
8. **RESEARCH HUBS**
9. **Torts, Jurisprudence, Economics, etc Research Hub Meeting**

**Wednesday, 11 September 2013 at noon**

**Dr Jason Taliadoros will present**

1. It will be a work-in-progress paper in preparation for my poster presentation at the Australasian Compensation Health Research Forum, 10-11 October 2013, Sydney: ‘Eligibility for Lifetime Care and Support under the NDIS Act: Lessons from Accident Compensation Schemes in Victoria’.
2. Background: Chapter 3, Part 1 of the National Disability Insurance Scheme Act 2013 (Cth) (‘NDIS Act’) sets out the requirements for eligibility under that scheme for lifetime care and support. The key provision in this part is s 24, which sets out five cumulative criteria that a person must satisfy if they are to ‘meet the disability requirements’, and be entitled to access to a ‘participant’ plan under s 32.
3. Objective: How similar are the five cumulative requirements of s 24 in their form and likely practical application to the ‘serious injury’ narrative tests that exist—exclusively among Australian jurisdictions—in s 134AB of the Accident Compensation Act 1985 (Vic) (‘AC Act’) and s 93 of the Transport Accident Act 1986 (Vic) (‘TA Act’)?
4. Method: By examining the legislative provisions of s 24 of the NDIS Act, and comparing them to s 134AB of the AC Act and s 93 of the TA Act, in light of current case law, it is possible to determine if there is possible overlap in coverage for injured persons that satisfy the ‘serious injury’ requirements and the ‘disability requirements’.
5. Principal findings/Discussion: The potential for overlap between the NDIS and State accident compensation schemes is significant in two ways that I wish to discuss: first, it means that the provisions for loss-shifting between the two schemes will be activated, and so there is a need for this process to operate optimally on a practical as well as scheme-design level; second, the overlap between the conception of ‘disability’ under the NDIS Act and ‘impairment’ under the Victorian compensation schemes means that case-law and precedents from the latter will influence understandings of the former.
6. Conclusion: There is a need for a study such as this to identify potential policy directions to determine the eligibility requirements for those with a disability seeking lifetime care and support.
7. The NDIS Act is available from <http://www.comlaw.gov.au/Browse/Results/ByTitle/Acts/Current/Na/0>.
8. The next **Torts, Jurisprudence, Economics, etc Research Hub Meeting** will be scheduled for late October 2013 with Michael D’Rosario presenting.

# **RESEARCH APPLICATIONS DEADLINES**

# **Central Research Grant Round for 2014**

# Friday 20 September – AHoSR to submit completed Assessment Scoresheet for CRGS applications to Aysun Alpyurek.

# Thursday 3 October – BL meeting to determine outcomes of the CRGS round for 2014.

# **Academic Study Leave Round 2, for ASL in Tri 2, 2014**

# Friday 20 September – deadline for HoS to submit full completed applications for ASL, with accompanying Head of School Recommendation form, to Bron Kelly for Faculty ASL Committee.

# Monday 30 September – meeting of Faculty ASL Committee to determine recommendations for ASL to be forwarded to the University ASL Committee.

# **ARC DECRA Nominations for 2015**

# Wednesday 18 September – Potential applicants to submit their nomination forms to Aysun Alpyurek by 5pm.

# **ARC Discovery Projects for 2015 and ARC Discovery Indigenous for 2015**

# Monday 30 September – NOIS due at Deakin Research. Note: NOIS for nationally competitive grants submitted via Deakin are now mandatory. Exceptions apply for new staff members – see Aysun Alpyurek for details.

* 1. **FORTHCOMING CONFERENCES**
1. **The Promised Land: The Future of Coal Seam Gas Regulation in Victoria.**
2. **November 2013, 8.30 am-5.45 pm**
3. **Victoria Suites, Sofitel on Collins, Melbourne**
4. The conference will examine how a future regulatory framework for unconventional gas might evolve in Victoria. **Samantha Hepburn** and **Lidia Xynas** have invited a number of high profile industry, government, science and agricultural stakeholders to discuss and evaluate the myriad of regulatory issues that are relevant to developing this industry.
5. See attached flyer