**DEAKIN UNIVERSITY**

**SCHOOL OF LAW RESEARCH REPORT No 23**

**13/12/2013**

**RECENT PUBLICATIONS**

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

* 1. **Hayward Benjamin**, ‘Pro-arbitration policy in the Australian courts: the end of Eisenwerk?’ (2013) 41 *Federal Law Review* 299-332 [C1] [http://dro.deakin.edu.au/view/DU:30057990](http://dro.deakin.edu.au/view/DU%3A30057990)
	2. **Farrell James**, ‘Social media for social change lawyers: an Australian housing rights lawyer's experience’ (2013) *International Journal of the Legal Profession*, pp. 1-13, Taylor & Francis, Abingdon, England [C1] [http://hdl.handle.net/10536/DRO/DU:30057848](http://hdl.handle.net/10536/DRO/DU%3A30057848)
	3. **Roos Oscar I**, 'Accepted Doctrine at the Time of Federation and Kirk v Industrial Court of New South Wales' (2013) 35(4) *Sydney Law Review* 781**-807 [C1]**
	4. **2013 GRANTS SUCCESS**
	5. **Belated congratulations to** **Christoph Antons** **on his ARC grants**
	6. Project on 'IP in Asia' within the **ARC Centre of Excellence for Creative Industries and Innovation**: $30,000 in 2013.
	7. **ARC Discovery project 'Intangible Cultural Heritage Accross Borders: Laws**. Structures and Strategies in China and its ASEAN Neighbours' (with Prof. Logan (Deakin), A/Prof. Warren (Murdoch) and Prof. Chen (La Trobe): $100,000 in 2013.
	8. **RESEARCH IMPACT & ENGAGEMENT WITH OTHER RESEARCH INSTITUTIONS**

**Rachel Carter** is participating in the project on “Governance models for adaptation and natural disaster risk management: legal, regulatory, institutional and financial assessment” by the Victorian Centre for Climate Change Adaptation Research. This project is investigating institutional decision-making under the uncertainty introduced by climate risk:  <http://www.vcccar.org.au/governance-models-for-adaptation-and-natural-disaster-risk-management-legal-regulatory-institutional>

**Symplectic Elements (Research Information Management System)**

During 2014 the University will be implementing Symplectic Elements <http://www.symplectic.co.uk/Research-Information-Management-System.html> as the first stage of the research publications collection. (In brief: Symplectic will search for new publications to assist authors in reporting their publications quickly and accurately and will be integrated with DRO so that the repository of full text material is also maintained.)

**CONFERENCES OF INTEREST**

3RD Annual International Conference on Law, Regulation & Public Policy: <http://www.law-conference.org/>

**Congratulations to the Centre for Rural Regional Law and Justice on its stellar 2013 Report:**

**Centre for Rural Regional Law and Justice – Annual Progress Report 2013**

* 1. A report to the Associate Dean (Research) and (International Development)
	2. **Office of the General Manager, Faculty of Business & Law**
	3. **Highlights and Developments**
	4. **Achievements resulting from the central funds used to support the area, including research student support and salary support**
	5. Centre funds have been specifically used to appoint a casual Research Fellow position, support limited conference presentations and travel costs.
	6. A Research Fellow was appointed to scope and develop research opportunities around rural regional disability justice issues, particularly in light of the establishment of the National Disability Insurance Scheme in the Barwon region and the lack of research undertaken to date in relation to disability and regional access to law and justice.
	7. Three research proposals have been developed and a small cross disciplinary advisory committee formed. The Research proposals have only recently been lodged and the outcome of these proposals is yet to be confirmed.
	8. **Research project submissions include:**
	9. *Acquired Brain Injury and Criminal Justice in the NDIS Barwon Launch Site* (Office of the Public Advocate $80K per annum over 3 years - $270k)
	10. *Mental Impairment and Access to Justice in Regional Victoria* (Legal Services Board $60K)
	11. *Impacts of the Justice System on Young Offenders with and Intellectual Disability Living in Regional Victoria(Department of Human Services Donations Trust research Grants* $50,000)
	12. A fourth project which includes collaboration with Disability Advocacy Services nationally, seeks to assist those organisations to undertake a Disability Advocacy Review in light of the introduction of the National Disability Insurance Scheme - seeding funds are currently being sought to commence a formal advocacy review. The Research Fellow has presented to a recent Australian Disability Advocacy Network Conference on this topic *Collecting data on advocacy for people using the NDIS*

**Funds have also been used to investigate and develop other research proposals and support the day to day activities of the Centre, including:**

* The development of a journal article on findings of a recent research report *Conflict of Interest in Regional Legal Practice in Victoria*
* Delivery of a research paper on the *Conflict of Interest* researchto the *Australian and New Zealand Legal Ethics Conference* – Flinders University, Adelaide.
	1. **Undertaking submissions to relevant inquiries , including:**
	2. *A submission and presentation to the Productivity Commission: Inquiry into Access to (Civil) Justice Arrangements*
	3. *Victorian Parliamentary Committee: Inquiry into Local Economic Development Initiatives in Victoria*
	4. *Victorian Government Inquiry: Practical Lessons, Fair Consequences -Improving Diversion for Young People in Victoria*
	5. **Details of any external advisory group and when they have met**.
	6. The **Centre has an Advisory Committee** comprised of the Law Institute of Victoria, Victoria Legal Aid, Public Interest Law Clearing House, Federation of Community Legal Centres, Mental Illness Awareness Council, Youth Affairs Council of Victoria, Drug and Alcohol Council of Victoria, Murray Mallee Family Care.
	7. Each current research project of the Centre includes a Reference Group. The Advisory Committee meets twice a year however individual members are called on as required. Patron of the Centre is County Court Judge Gerrard Mullaly.
	8. The **Conflict of Interest Research Project** has a Reference Group comprised of the Law Institute of Victoria, Victoria Legal Aid, National Association of Community Legal Centres, ANU and University of Wollongong. Meets approximately 6 times during the course of the project.
	9. The **Family Violence Project** is comprised of staff within family Violence Services in the Geelong and Barwon Region. Meets approximately 4 times during the course of the project.
	10. The **Disability Advocacy/NDIS Project** includes members of the Deakin University Faculty of Health and Faculty of Business and Law. A committee supporting the project includes members of Legal Aid Victoria, Barwon Community Legal Service and others who represent the Barwon Disability Advocacy Network. The Advisory Group meets monthly.
	11. The broadest network with which the Centre is associated is the **National Rural Law and Justice Alliance**, which is currently under the auspice of the Centre. The Alliance includes a Board of Management of 8 and a Council of 20 members representing peak law, human service and industry bodies from all States and Territories. Patron of the Alliance is Chief Justice of South Australia, Chief Justice Chris Kourakis. The Board meets monthly and Council meets 4 times per year – Secretary of the Board of the Alliance is the Director of the Centre for Rural Regional Law and Justice.
	12. **Output and successes over the past year, including activities of note, success in grant and other applications, and publications from the area.**
	13. **Current Research Activities**
	14. *Conflict of Interest in Regional Legal Practice* – State-wide research project examining variations in interpretation and consequences of conflict of interest in rural and regional legal practice. (Victoria Law Foundation $48K)
	15. *Barwon Region Family Violence Project* – Examination of the application of intervention orders at Geelong regional courts. (Geelong Community Foundation $25K)
	16. *Family Violence and the role of Victorian regional courts* – Comparative analysis between metro and regional courts and the impact of reduced court and community based services in regional locations. (Felton Bequest $36K)
	17. *Learning and Development Project* – review of current legal information priorities within regional Victoria and the remote delivery of information and training forums via video conferencing using 14 regional locations. (Legal Services Board $180K over 3 years)
	18. *Best Practice ICT delivery of legal information* – This research project reviews various ITC delivery methods of legal information to regional communities, industry and professional bodies. (Telematics Trust $30K)
	19. *National Disability Scheme Advocacy Review* - A seeding grant to explore funding options and initiate collaborations with disability organisations to assist in the development of a formal advocacy review process in light of the introduction of the National Disability Insurance Scheme. (Faculty Research Grant $10K)
	20. **Other successes**
	21. **Establishment of the National Rural Law and Justice Alliance** – Arising from the 1st National Rural Law and Justice Conference in 2010, convened by Deakin Law School, the Alliance has been formally established and incorporated. The Alliance Board and Council are comprised of representatives across Australia’s law, human service and agricultural industry sectors. A first year grant of $120,000 was provided by the Federal Attorney Generals’ Department. The Alliance is currently hosted by the Centre and is based at the Deakin Waterfront Campus. The breadth of issues arising from the Alliance membership and the key positions held around Australia by many of the Alliance members, provides a strong basis for the generation of joint Alliance and Centre research activities. A proposal is attached seeking the financial support of the Faculty for the Alliance. See the Alliance website at [www.nrlja.org.au](http://www.nrlja.org.au/)
	22. **Centre**’**s Learning and Development role**
	23. Under **Maureen O’Keeffe**, the Centre**’**s Learning and Development Co-ordinator, a 3 year project funded by the Legal Services Board has seen the development and delivery of 7 topic Forums across 14 regional Victorian locations utilising both the Deakin-at-Your-Doorstep facilities, regional Legal Aid venues and other regional video conferencing facilities. The Forums have largely used a panel discussions format, with key players from peak industry, government and community organisations across a diverse range of topics from Cyber Security for Small Business to Youth Law in regional communities. Over 670 participants have been involved in the first year of the Forums. See table below The forums provide an excellent platform for highlighting current research, areas of new research and collaborations/partnerships. For further details on these forums see [www.deakin.edu.au/buslaw/law/crrlj/events](http://www.deakin.edu.au/buslaw/law/crrlj/events)

 

**Publications by members of the Centre for Rural Regional Law and Justice**

* 1. **Coverdale, Richard, Jordan, Lucinda** and **du Plessis, Jean** (2013) Providing legal services to rural and regional small business : gaps and opportunities, *Deakin law review*, vol. 17, no. 2, pp. 283-306, Deakin University, School of Law, Burwood, Vic. ERA journal ID: 33243
	2. **Coverdale, Richard, Jordan, Lucinda** and **du Plessis, Jean** (2013) An untapped resource : promoting regional legal practice, *Law institute journal*, vol. 87, no. 9, pp. 41-43, Law Institute of Victoria, Melbourne, Vic. ERA journal ID: 40182
	3. **Jordan, Lucinda and Farrell, James** (2013) Juvenile justice diversion in Victoria : a blank canvas?, *Current issues in criminal justice*, vol. 24, no. 3, pp. 419-437, University of Sydney, Law School Institute of Criminology, Sydney, N. S. W. ERA journal ID: 17091

**Specific objectives for 2014**

**Submitted Research Proposal Currently Under Consideration for 2014**

* 1. *Mental impairment and Access to Justice in Regional Victoria* (Legal Services Board $60K)
	2. *Acquired Brain Injury and Criminal Justice in the NDIS Barwon Launch Site* (Office of the Public Advocate $80K over 3 years - $270k)
	3. *A seeding grant for Rural Law Online*, a plain language law website for regional Victoria (Victoria Law Foundation $42K)
	4. *Work Safety Laws for Primary Industry*. A joint proposal with the National Centre for Farmer Health (Rural Industries Research and Development Corporation $80K)
	5. *A seeding grant to examine the effective delivery of Work Integrated Learning within Law Schools*, with a primary focus on preparing undergraduates for regional legal practice (Office of Learning and Teaching $50K)
	6. A proposal to the Department of Human Services Donations Trust, *Investigating the effectiveness of criminal law processes on regional/rural young people with an intellectual disability*
	7. **A number of other projects are also being considered including for example:**
	8. An ARC Linkage project with the Sentencing Advisory Council in relation to family violence in regional communities. (An approach has been made to us by the Sentencing Advisory Council)
	9. International research examining cultural impacts on /perceptions of conflict of interest in legal practice. Possible OECD, World Bank funding
	10. A 3rd National Rural Law and Justice Conference is proposed to be held in the first half of 2015. The Conference, is an initiative of the National Rural Law and Justice Alliance following the success of the past two Warrnambool and Coffs Harbour conferences. Through the Centre, Deakin will take an active role in the organisation of the conference which is proposed to be hosted by James Cook University in Cairns.
	11. **Publication plans**
1. Articles to be produced in 2014 on the basis of the findings of several current research projects, which will be completed in the next few months. The Conflict of Interest research project, the Family Violence research project, the Best Practice ICT delivery project.
2. A chapter is proposed to be included by the end of March 2014 in an international publication on *Access to Justice* headed by Professor Leslie S. Ferraz PUC Rio - Pontifícia Universidade Católica, Rio de Janeiro, Brazil, funded by the Brazilian - Institute for Applied Economic Research (IPEA).
3. Discussions are also underway regarding collaboration in producing a research publication with the Victorian Sentencing Advisory Committee exploring issues in relation to sentencing and domestic violence in regional Victoria.
4. The ability to publish within peer review journals has to date been limited due largely to the limited funds available to the Centre. Most research is undertaken on the basis of competitive funding grants. These grants are provided on the basis of undertaking largely applied empirical research and research staff positions are appointed on a project by project basis. Much of the current contract staff time is taken up in coordinating those research activities and pursuing further research opportunities. Little time is available to enable the Centre to develop a publication profile.
	1. **Recruitment plans for staff and students**
	2. The Law School has recently agreed to provide funds to appoint a full time Research Fellow position to the Centre. This will provide an opportunity to consolidate our activities, including:
	3. Conceptualising, developing and making application for competitive research grants.
	4. Undertaking research, supervising research staff, authoring research reports and relating journal articles
	5. **Engagement with relevant community, professional and industry sectors and participation in policy and law reform activities.**
	6. With the growth in the Centres activities over the past 12 months and increased staffing, it is essential that administrative support is available. Funds provided by Faculty Research together with Law School funds enabled the appointment of a one day a week administrative position in 2013, to assist with activities around:
	7. Supporting the administration of research projects.
	8. Maintaining a Centre web presence and other Centre and research promotional activities.
	9. Facilitating Centre Advisory Group meetings and research Reference Groups.
	10. Administrative support to research grant applications
	11. Support, and where appropriate supervise, honours and postgraduate students
	12. Funds provided by Faculty Research have also enabled the Centre to appoint Casual Research Fellows with specialist expertise to assist in the development of competitive research proposals and liaise with potential funders.
	13. **Research Impact**
	14. In assisting Deakin to prepare for the possible implementation of the inclusion of impact in the next ERA round, utilising the attached template please identify and complete 1 or 2 case studies for which your research can demonstrate impact. In completing these case studies please use the case study template provided.
	15. The case studies will also be utilised in the “Research Showcase” as well as being aggregated to provide Council with an overview of the impact of our research.
	16. **Research Infrastructure / Accommodation Planning**
	17. In 2014 the Centre will host 5 contract positions, the Director, 2 Research Fellows, the Learning and Development Position and the National Rural Law and Justice Alliance Executive Officer and up to 5 Causal Research and Administrative positions - ten positions within a space allocation for seven positions. While a number of positions are part-time, space allocations will at times present some difficultly in accommodating all staff.
	18. The availability of administrative support is critical to the Centre’s capacity to manage projects, budgets and reporting requirements. The Centre also has a web presence and Twitter account, promoting our activities to academics, industry and regional communities, which requires frequent updating and additions [www.deakin.edu.au/crrlj](http://www.deakin.edu.au/crrlj). Without dedicated staff to manage this role, the Centre capacity to effectively communicate with its constituents, regional communities and stakeholders is limited.