**DEAKIN UNIVERSITY**

**SCHOOL OF LAW RESEARCH REPORT No 7**

**9/5/2014**

**Recent Publications and Research Activities**

**Congratulations to the following staff:**

**Book:**

**Dr Julie Clarke:** *International Merger Policy: Applying Domestic Law to*

*International Markets*, Edward Elgar 2014

**Articles:**

**Victoria Lambropoulos:** ‘*Common Law and General Protections - The implied duty of trust and confidence: The trojan horse or a long-awaited revolution*?’ ‘Workplace Review (Volume 5 Part 1) Autumn 2014.

**Grants Awarded:**

**Richard Coverdale:** ‘*Building Advocacy Justice Alliances for offenders with mental impairment*

*in Victoria's Barwon South West region’*$46,428.00 (Helen McPherson Smith Trust)

**Reports:**

**Richard Coverdale, Louise Kyle and Tim Powers,** ‘*Conflicts of Interest in Victorian Rural*

*and Regional Legal Practice*’ Victoria Law Foundation, March 2014.

**Submissions:**

**Professor Samantha Hepburn: Submission to the Hazelwood Coal Mine Inquiry,** ‘*The Importance of Strengthening Regulation for Mining Rehabilitation Plans’* May 8th, 2014.

**Conference Presentations:**

**Dr Dominique Allen** presented a conference paper entitled 'Barking or Biting - What is the Role of the Equal Opportunity Commission in Tackling Discrimination?' at the Global Challenges and New Perspectives on Equality Law, Third Annual International Conference of the UC Berkeley Comparative Anti-discrimination Law Study Group, Université libre de Bruxelles, Belgium, 5-6 May 2014 (partially funded by DEST allocation).

**Appointments:**

**Dr Jane Fu:** appointment to the Panel of Arbitrators by the China International Economics and Trade Arbitration Commission (CIETAC) Jane’s appointment is the only one made from the Australian applicants and one of the 14 non-Chinese citizen new arbitrators in this round in the world.

**Forthcoming Forums/Speeches:**

**Coal seam Gas and Unconventional Gas:** **Wednesday 28 May 2014**, **6 PM with drinks, followed by a 6.30 – 8pm Q & A panel discussion**.

Winchelsea Hub, Winchelsea Business and Tourism Association. Panel Members: Rick Wilkinson (APPEA), CSIRO, Lock the Gate, Mark Ogge (The Australian Institute) and Professor Samantha Hepburn Deakin University with Jon Faine (ABC Radio) facilitating.

**Professor Samantha Hepburn: Kirby Lecture: ‘Towards a New Energy Future: Should Australia Follow the United States?’** Wednesday 14th May, 6-7pm, University of New England, NSW.

**Forthcoming Conferences**

**Professor Jean Du Plessis**

**Board Gender Diversity Forum: 20 October 2014 (Melbourne) and 24 October 2014 (Sydney)**

**“Is mandatory gender quota legislation also inevitable for Australia?”Significance and International Developments**

Gender diversity on boards is a hotly debated topic generally, but since 2003 it became even more prominent when Norway was the first country in the world to adopt legislation making it mandatory for certain Norwegian companies to appoint at least 40% women to their boards. At this Forum the presenters will debate the pros and cons of mandatory gender quota legislation and the practical realities of achieving these quotas. The focus will also be on whether enough progress has been made in some countries to appoint more women to boards, which may indicate that legislation is not required – the soft law approach versus the hard law approach will be a key theme of the Forum.

**Special Congratulations to Ben Haywood and the Winning Vienna Moot Team**

Huge congratulations to Ben Haywood and the Vienna Moot team for winning one of the world’s most prestigious law student competitions – the **Willem C. Vis International Commercial Arbitration Moot in Vienna**.  Deakin is now one of only three universities worldwide to have received the Frėdėric *Eisemann Award* twice, after first taking home the prize in 1999 (and we reached the grand finals in 2006 and 2010).  By way of example of just how tough the competition was – the prestigious Duke University (from North Carolina) Law School finished 2nd and Monash Law School came in 64th.

The Vis Moot is a highly prestigious event, with 290 law schools from around the world competing for the honour.  The Vis Moot requires students to prepare materials for a hypothetical international commercial law dispute and then argue that case against teams **from around the world**.  Our team comprised of 11 students, with four representing the team at the oral rounds – **Alex Garfinkel** and **Stephen Dyason** arguing the case in Hong Kong and **Tess Blackie** and **Sam Hall** putting the case in Vienna.

The team also  received two individual oralist Honourable Mention awards, placing in the top 16 teams of 99 in Hong Kong and winning the oral arguments overall out of nearly 300 teams in Vienna.

Congratulations to the team and to the dedication, enthusiasm and hard work of Ben Haywood who has coached the moot teams for five years. Well done!

**Activity Updates from the Centre for Rural and Regional Justice**

* The Centre has appointed Sally Nielsen who is taking over from Maureen O’Keefe as Learning and Development Co-ordinator. View the events page of the Centre website for a list of upcoming Forums [www.deakin.edu.au/crrlj](http://www.deakin.edu.au/crrlj" \t "_blank)
* The Centre has completed a comprehensive research report funded by the Victoria Law Foundation on *Conflict of Interest in Victorian Rural and Regional Legal Practice.* The report is being distributed broadly and is available on the Centre website.
* The Centre is making a submission to the Productivity Commission final report on Access to Justice (Civil Arrangements), following its submission to the initial report. Input from Law School staff is welcome. The draft report can be viewed at:  [www.pc.gov.au/projects/inquiry/access-justice/draft](http://www.pc.gov.au/projects/inquiry/access-justice/draft" \t "_blank)
* Richard is one of 13 foreign contributors to a Brazilian publication on the International Experience of Access to Justice and is also a chapter author together with Dr Bridget Harris (Casual Research Fellow with the Centre who is also one of the books editors) for an upcoming Federation Press publication *Locating crime in context and place: Rural and regional perspectives*.
* The Centre is currently awaiting responses to 6 research funding submissions to a number of grant bodies on a range of topics from Social action research on Effective delivery of court services to people with a mental impairment, Examining issues in the delivery of justice system services across state/territory border, Disabled Youth and Criminal Justice in regional communities, Mobile Money – Safeguarding consumer rights, and Work Integrated Learning for rural regional legal practice.
* The *National Rural Law and Justice Alliance*, hosted by the Centre had its first Annual General Meeting in April, attended by a range of peak law and justice organisation representatives and is seeking a second year of funding ($150,000) by the Federal Attorney Generals Department. Approximately 50 peak state and national bodies and individuals are now members of the Alliance and numbers are growing. To view activities of the Alliance go to [www.nrlja.org.au](http://www.nrlja.org.au" \t "_blank)

**Forthcoming Deakin Law School Research Seminar:**

**Friday 16th May, 12 noon – 1pm: Associate Professor Pieter Badenhorst:**

**‘A Tale of Two Expropriations: Newcrestia and Agrizania’**

Waterfront: F BL Mtg Room AD Level 2 ad2.308  
Burwood Moot Court C4.05  
Warnambool: W BL Training Room Teaching & Learning Centre J4.20

**External Conferences of Interest**

**Homicide Law Reform in Victoria (co-convened by Dr Kate Fitz-Gibbon (Deakin University) and Emeritus Professor Arie Frieberg (Monash University)**

For Further details see:  [http://www.law.monash.edu/about-us/events/homicide-law-reform/](http://www.law.monash.edu/about-us/events/homicide-law-reform/" \t "_blank)

**Excellence in Research for Australia ­ERA 2015 and your 2013 HERDC Research Publications**

The [Deakin University ERA](https://www.deakin.edu.au/research/era/" \t "_blank) webpage provides updates and access to important data for this exercise. It is vital that research publications for the census period of 2008 to 2013 are recorded, to facilitate ERA modelling and planning.

If you have not already done so, please forward your 2013 research publications as per the[instructions here](http://www.deakin.edu.au/buslaw/research/publications.php" \t "_blank), as a matter of urgency – Deakin Research has asked that the 2013 collection is finalised by 9 May – after that we cannot guarantee that late submissions can be accommodated. Please check the [publication reports online](http://www.deakin.edu.au/research/admin/pubs/reports/database/dynamic/output/search/index.php" \t "_blank) to ensure that your record is complete and correct.

If you are new to Deakin and have publications for 2008 to 2013 which are not yet recorded and may be required for inclusion in ERA 2015, please contact [katrina.fleming@deakin.edu.au](mailto:katrina.fleming@deakin.edu.au" \t "_blank) to arrange for these to be recorded as non-HERDC items.

**Items from the Faculty Research Committee: ARC Linkage Round**

The ARC Linkage Round:

* A call for expressions of interest has been issued
* Researchers need to start working with prospective partners now if they have not already done so.
* Partner funding should be on a 2:1 basis to increase the chances of success.
* Deakin Research Commercial (Melanie Randall) can provide advice and assistance in establishing partnerships.
* All Schools are expected to try and develop at least one competitive ARC application in the current round.
* The NCG review process applies to ARC applications
* A financial incentive will apply for those applications which proceed to a certain point of the review process in order to improve the likelihood of success (for pilot or seed projects).

**Faculty Research Grants Officer - Farewell**

Congratulations to Dr Aysun Alpyurek on her new appointment as Senior Research Grants Advisor in the College of Business at RMIT!

Aysun commenced in the Faculty in May 2010, and has made a considerable contribution, especially in the provision of advice and support to staff seeking external sources of funding for their research and preparing competitive applications for funding.  Aysun  coordinated the review processes for CRGS and National Competitive Grant schemes, which provide critical feedback for the development of applications.  Aysun has also provided terrific liaison with Deakin Research and DR Commercial and associated groups within and outside the University, in support of Business and Law researchers.  Over the period, the number of sources of research funding has grown markedly, which has supported the steady rise in research income generally.