# **DEAKIN UNIVERSITY**

# **SCHOOL OF LAW RESEARCH REPORT No 20**

# **1/11/2013**

**RECENT PUBLICATIONS**

* 1. **Congratulations to the authors of the following recent publications:**
  2. **Elizabeth Adeney**, ‘Moral rights in Australia – 2012’ (2013) 25 *Les cahiers de propriete intellectuelle*, 75-90. C1 <http://dro.deakin.edu.au/view/DU:30056858>
  3. **Mui Kim Teh**, ‘Educational negligence – Comparative Cases and Trends’ (2013) 14(3) *Education Law Journal* 200-216. C1 <http://dro.deakin.edu.au/view/DU:30055478>

1. **Cindy Davids** and **Dilan Thampapillai**, ‘Fear and loathing: the threat of asylum seekers and terrorism’ in D Baldino (ed) 'Spooked' (2013) NewSouth Publishing. B1
2. **Julie Clarke:**
3. Philip Clarke and **Julie Clarke**, ‘Resale Price: Australian Experience and Perspectives’ (*CPI Antitrust Chronicle*, October 2013)
4. **Julie Clarke**, 'The Australian Competition and Consumer Commission releases new Authorisation Guidelines' (12 September 2013, e-Competitions*)*
5. **Julie Clarke**, 'The Federal Court of Australia hands down its first decision involving a bid rigging case after the entry into force of new cartel laws (Norcast v Braken)' (6 May 2013, e-Competitions*)*
6. **Julie Clarke**, ‘The AustralianCompetition Tribunal ‘undeclares’ third party access for rail lines company applying ‘private profitability’ test to 44H(4)(b) *(Pilbara Infrastructure Pty*).’ (e-Competitions, 14 March 2013)
7. **Julie Clarke**, 'Fortune Telling: Australian Competition Law in 2013' (*CPI Antitrust Chronicle*, 15 January 2013)
8. **JOURNAL LISTS**
9. As you would have read in the *Research Report* No 19 (18 October 2013), the Australian Research Council uses Scopus and Thomson Reuters (ISI Web of Knowledge) to trace the research performance of Australian Law Schools. Consequently, it is essential that we endeavour to publish in journals listed in these data-bases.
10. You shall also notice that journals are ranked according to their citation and impact numbers. The higher the citation and impact index, the higher the ranking. There is also citation data for individual articles and authors.
11. I assume that the ARC has developed algorithms to keep track of each Law School (hence the comparative data reproduced in the *Research Report* No 19. It’s an efficient and objective way to assess research performance.
12. Consequently, we need to publish in journals listed in the two data-bases. Linlin Zhao, our Law Librarian, and Josipa Crinc have kindly offered to provide a combined list of journals, which will be placed on the Law School’s Research website.
13. Linlin has also provided Scopus and Thomson Reuters' journal ranking lists for the category of Law. They can be accessed online by following the links:
14. **Scopus (SCImago Journal Ranking)– journal ranking list-law–2012**
15. <http://www.scimagojr.com/journalrank.php?area=0&category=3308&country=all&year=2012&order=sjr&min=0&min_type=cd>
16. **Thomson Reuters (ISI Web of Knowledge-Journal Citation Reports-Social Science Edition) - journal ranking list-law-2012**
17. <http://ezproxy.deakin.edu.au/login?url=http://admin-apps.webofknowledge.com/JCR/JCR?RQ=LIST_MARKED>
18. At its October3013 meeting, the Faculty Research Committee has expressed concern about researchers publishing in ‘predatory’ journals or with ‘predatory’ publishers (see *Deakin Law School* *Research Report* No 10/30 May 2013). Publishing in one of these outlets can ruin your reputation while being very costly financially. These risks are nullified if you publish in journals recognized by Scopus and Thompson Reuters.
19. See the list of Thompson’s suppressed journals at:

# **http://admin-apps.webofknowledge.com.ezproxy-m.deakin.edu.au/JCR/static\_html/notices/notices.htm**

1. If you intend to publish a book/monograph, please consider only well known, reputable publishers.

**RESEARCH IMPACT**

* 1. **Ben Hayward** (1)was an invited speaker at the workshop hosted jointly by the United Nations Commission on International Trade Law and the Department of Justice of the Philippines, to speak on Australia’s experience with the Vienna Sales Convention, in Manila, Philippines (16-17 October 2013). One day of the workshop was devoted to the Vienna Sales Convention, and the second day to the UNCITRAL e-commerce texts
  2. (2) **Ben** has been invited to present at the 6th Annual MAA Schlechtriem Conference in Hong Kong (2014) to speak on the Vienna Sales Convention (again); and
  3. (3) has received an invitation from the CEO of the Institute of Arbitrators and Mediators Australia to present at the IAMA Annual Conference (2014).
  4. **Dr Sonia Allan**
  5. (1) was quoted in Sarah Elks, 'When two become three: couple sues IVF clinic over 'extra' child ', *The Australian*, 12 October 2013 (available at [http://www.theaustralian.com.au/news/health-science/when-two-become-three-couple-sues-ivf-clinic-over-extra-child/story-e6frg8y6-1226738652569#](http://www.theaustralian.com.au/news/health-science/when-two-become-three-couple-sues-ivf-clinic-over-extra-child/story-e6frg8y6-1226738652569));
  6. (2) Dr Allan was quoted extensively by NSW Law and Safety Committee, Final Report, *Managing Donor Conception Information* (2013) (available at <http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/521B455110CADCB0CA257C0700174DB4?open&refnavid=CO3_1>)
  7. (3)Sonia also appeared on an episode of SBS Insight on donor conception SBS Insight, 'Sperm Donation: Whose Rights Prevail?', aired 22 October 2013, (available at <http://www.sbs.com.au/insight/>)
  8. (4) presented the Louis Waller Public Lecture at the invitation of the Victorian Assisted Reproductive Authority, on Thursday 31 October, 6pm to 7.30pm at Russell Kennedy Pty Ltd, level 12, 469 La Trobe Street, Melbourne. She explored the contentious issue of remuneration for donors and surrogates.
  9. **Cindy Davids**, recipient of the 2013-2014 International Teaching and Learning Fellowship:
  10. (1) has become an associate of  Rutgers Institute on Anti-Corruption Studies (RIACS) based in the School of Public Affairs and Administration at Rutgers University, Newark.
  11. (2 has been invited to present at the 3rd National Forum on Integrity in Government: ‘Public Office, Public Trust and the Public Interest’ to be held at Melbourne University 2-3 Dec 2013. The Conference is co-chaired by Prof John Uhr (ANU) and Howard Whitton (ANSOG  Institute for Governance ,U of Canberra).

**LAW SCHOOL RESEARCH SEMINAR SCHEDULE**

* 1. **Venues**:
  2. **The Waterfront**: F BL Mtg Room AD Level 2 ad2.308 (All Deakin Staff)
  3. **Burwood**: Moot Court: C 4.05
  4. **Warrnambool**: Meeting Room J.2.22
  5. **VMP**: 52239323 to which all parties are to dial into.

1. **FRIDAY, 1 NOVEMBER**
2. **Michael D’Rosario**
3. 'Empirical methods in Legal Research', focusing the use of non linear models for the prediction of judicial outcomes.
4. He has employed US court data to measure the impact of litigant background, amicus curiae, and attorney experience before the Supreme Court on judicial outcomes.’
5. **FRIDAY, 8 NOVEMBER**
6. **Rachel Carter**
7. "Catastrophic Risk Exposure and the Key to Managing Insurance Systems: An International Comparative".
8. **FRIDAY, 15 or 22 NOVEMBER**
9. **Oscar Roos**
10. 'Section 73 of the Australian Constitution and *Kirk v Industrial Court (NSW)* [2010] HCA 1'.
11. **FRIDAY, 15 or 22 NOVEMBER**
12. **Dr George Raitt**
13. **FRIDAY, 13 DECEMBER**
14. **Giuseppe Carabetta**
15. ‘Police and Industrial Relations’
16. Warrnambool:J2.22.
17. **RESEARCH HUBS**
18. **Torts, Jurisprudence, Economics, etc Research Hub Meeting**
19. **Wednesday, 6 November 2013 at 5pm**
20. **Danuta Mendelson will discuss**
    1. **Minors: decision-making capacity to refuse life-saving and life-sustaining treatment & the law**
21. **Venues:**
22. **Deakin City Campus** (550 Burke Street, Level 3): the Boardroom
    1. **The Waterfront**: F BL Mtg Room AD Level 2 ad2.308 (All Deakin Staff)
    2. **Burwood**: Moot Court: C 4.05
    3. **Warrnambool**: Meeting Room J.2.22
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    1. **FORTHCOMING CONFERENCES**
24. **The Promised Land: The Future of Coal Seam Gas Regulation in Victoria.**
25. **6 November 2013, 8.30 am-5.45 pm**
26. **Victoria Suites, Sofitel on Collins, Melbourne**
27. 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. (see attached flyer)
28. **GRANTS/FUNDING OPPORTUNITIES**
29. **Law School Admission Council (LSAC)**
30. <http://www.lsac.org/lsacresources/grants/lsac-research>
31. Projects will be funded for amounts up to $US200,000.
32. Deadline:
33. **February 1, 2014**
34. LSAC will include a faculty salary budget component only if the faculty member's home institution has granted release time for the project, and only to the extent that the amount of release time granted is appropriate to the project. For summer salaries, LSAC will approve a maximum amount of two ninths of the faculty member's nine-month salary. **Requirements**
35. Academic Institution
36. Ph.D./M.D./Other Professional
37. **Citizenship or Residency**
38. Unrestricted
39. **Activity location**
40. United States
41. Canada
42. Australia
43. The program funds research on a wide variety of topics related to the mission of LSAC. Specifically included in the program's scope are projects investigating precursors to legal training, selection into law schools, Legal education, and the legal profession. To be eligible for funding, a research project must inform either the process of selecting law students or legal education itself in a demonstrable way.
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45. The program welcomes proposals for research proceeding from any of a variety of methodologies, a potentially broad range of topics, and varying time frames. Proposals will be judged on the importance of the questions addressed, their relevance to the mission of LSAC, the quality of the research designs, and the capacity of the researchers to carry out the project. LSAC's membership includes law schools in the United States, Canada, and Australia. Comparative proposals about topics outside the United States, Canada, and Australia are welcome, but they must include some explicit connection to legal education or the legal profession within those countries.Possible topics can address a broad range of issues. Although the program welcomes research on a variety of topics, three topics are of particular interest: 1. Research on Pipeline Issues and Access to Law Schools for Minority Populations 2. Research on Access to Law School for Students With Disabilities 3. Research on Law School Academic Assistance Programs Grants must be made to an institution or organization, not to individuals. Entities outside the United States, Canada, and Australia are encouraged to collaborate with an institution within those countries to satisfy issues such as concern about humans as research subjects (e.g., institutional review boards).**Eligibility**
46. The program is open to applicants from all countries. Principal investigators need not be based in law schools; proposals are welcome from social, behavioral, and educational researchers of all kinds.
47. **Churchill Fellowships - Sponsored Fellowships - Donald Mackay**
48. <http://www.churchilltrust.com.au/sponsors/fellowships/>
49. **Sponsor**
50. Churchill Memorial Trust, Winston - Australia
51. **Amount**
52. **$20,000AUD**
53. **Deadline:**
54. **February 19, 2014**
55. The amount of money awarded for a fellowship is calculated based on the number of countries visited, the duration of the approved fellowship and an estimated airfare. The average is currently well in excess of $20,000. The duration of a Churchill Fellowship is determined by the project aim and the length of time needed overseas to achieve this aim. A Fellowship is a minimum of 4 weeks and a maximum of approximately 8 weeks. A longer itinerary can be applied for provided this is necessary to achieve the project aim. If called for interview applicants will be expected to justify the additional time needed overseas. Additional time outside of the approved Fellowship itinerary will be at the Fellow's own expense. The fellow must depart on his or her Fellowship between September 1, 2014, and August 31, 2015
56. **Requirements**
57. Graduate Student
58. Ph.D./M.D./Other Professional
59. **Citizenship or Residency**
60. Australia
61. **Activity location**
62. Unrestricted
63. The Donald Mackay Churchill Fellowship is given for the study of countering organised crime. The aim of The Winston Churchill Memorial Trust is to provide an opportunity for Australians to travel overseas to conduct research in their chosen field that is not readily available in Australia. No prescribed qualifications are required and the subject of the proposed project is limitless provided a benefit to Australia is evident.
64. **Eligibility**
65. To be eligible to apply for a Churchill Fellowship an applicant must: - be an Australian Citizen over the age of 18 - not be enrolled in tertiary studies directly related to the topic of the proposed project