

Council of Australian Law Deans- Chair's Report



One of the main issues facing us as a discipline is responding to the government agenda on assessing the research performance of Australian universities. Under the arrangements that have been announced, termed The Excellence in Research Australia Initiative (ERA), it is proposed that Law will be assessed as part of a wider 'humanities' category during the first half of 2009. The government's advisors, including the Australian Research Council (ARC) and the Department of Employment, Education and Workplace Relations have recommended the use of various 'proxies' for research quality. One of the most important of the proposed proxies is the title of the journal in which any refereed legal article submitted for assessment is published.

The ARC has required academic disciplines to provide them with a ranking – or more accurately a banding – of all relevant journals in the discipline. This banding exercise involved placing relevant journals into one of four ranked categories reflecting the disciplines judgement of the quality and reputation of the journal concerned.

The four bands are:

A* = top 5% of law journals

A = next 15% of law journals

B = next 30% of law journals

C = next 50% of law journals

CALD was required by the ARC to develop our law list using a list first produced by the ARC. This first list was based on a ranking done by a United States university, namely the Washington and Lee University. That list was heavily tilted towards US journals, whilst Australian and UK journals did not rank highly. As might be expected in the circumstances, the judgements of quality on which the Washington and Lee list was constructed reflect the interests and concerns of courts, of practitioners and legal academics writing on United States law. Those judgements have little if any connection with law or legal writing in Australia or even the United Kingdom. For this reason alone the ranking suggested by the ARC would have been completely inappropriate as a means of measure of the quality of Australian legal research. The ARC gave CALD a very short time frame to propose alterations or additions to the (provisional) ranked list of journals. Fortunately we now have a vastly improved list prepared through a five-stage process involving consultation with law faculties across Australia and national and international specialist academics and bodies.

Following a call to all law schools to send representatives, a meeting of Associate Deans or Directors of Research was held at UTS on Friday 1 August. Those present were: Kathy Bowrey (UNSW), Lesley Hitchens (UTS), Kit Barker (UQ), Dan Svantesson (Bond), Kylie Burns (Griffith), and Marilyn Pittard (Monash - by phone). This group, with help from others including Professors Brad Sherman (UQ) and Richard Johnstone (Griffith), constituted a Steering Committee which oversaw the process of gathering data and the various stages of consulting widely with Australian law schools and international experts.

The CALD Executive agreed that this represented a good cross section for the Steering Committee, consisting of a mix of universities: 3 GO8s, 1 Australian Technology Network, 1 Research Intensive and 1 private sector. Hilary Charlesworth kindly agreed to come on board as an expert advisor to assist the steering Committee as required. Although the CALD list will still be influenced by its origins, the consultation process has helped to achieve a better spread. The consultation exercise also tried to ensure that specialist journals were not disadvantaged compared with generalist journals.

The journal ranking list will be a key component of the ERA exercise. How ERA will operate is gradually becoming clearer, although at this stage, the ARC is still only producing documentation in draft form. During March the Chair and Deputy Chair of CALD will meet ARC representatives in Canberra to discuss the intended process of the Government's quality assessment of legal research.

**Professor Bill Ford,
Chair, Council of Australian Law Deans**