Australasian Law Teachers Association Conference
5 July 2011

Assuring Legal Research Standards

Professor Margaret Sheil
CEO, Australian Research Council
Assuring legal research standards – the Government’s innovation agenda

The Government’s innovation agenda

Research Standards

Excellence in Research for Australia

Teaching Standards

TEQSA

Legal Profession Standards
The ARC

National Competitive Grants Program
$810M in 11-12

- Discovery & Fellowships
  $502 M

- Linkage & Centres
  $308 M

Evaluation and Policy

Excellence in Research for Australia

- Support research excellence
- Funding for facilities and equipment that researchers need to be internationally competitive
- Support future researchers
- Provide incentives for partnerships and collaboration nationally and internationally
Government Investment in Research

2011-12

- Business & Innovation: 24%
- Universities: 21%
- ARC: 9%
- NHMRC: 8%
- CRCs: 2%
- Investigator Driven: 4.5%
- Other Government: 11%
- Other Science: 4%
- Energy and the Environment: 5%
- Rural: 2%
- Other Health: 6%
Total number of Law ARC proposals received and funding awarded since commencement year 2002
Success rate of law and legal studies applications in *Discovery Projects*, by submit year

[Graph showing the number of proposals received and the success rate from 2001 to 2010.]
Number of applicants on *Discovery Projects*

![Graph showing the number of applicants on Discovery Projects from 2001 to 2010 for both total female and total male applicants.](image-url)
The ARC aims to:

- Provide opportunities for researchers at every career stage
- Foster a range of different cohorts

Researchers in industry
Teaching and research
Women
Research-only
Indigenous
Research Quality

Research Strengths

Research Gaps
Quality assessment exercises overseas

1986—The United Kingdom
1993—Hong Kong
1997—Germany
1998—Ireland
2002—The Netherlands
2003—New Zealand
2005—France
What problem were we trying to solve?

- Demonstrate quality/value of investment in university research to government
- Raise the quality of Australian research effort
Australian academic publishing practices

Year that publications measure was introduced

Quartile 1 highest impact

Quartile 4 below median impact

Source: Butler 2002
Scale of ERA 2010

• All 41 eligible institutions submitted data
• Over 330,000 unique research outputs
• 55,000+ researchers represented
• 2,435 units of evaluation assessed at 2 and 4-digit level
• 149 Research Evaluation Committee (REC) members
• 500+ Peer Reviewers
• All aggregated data in the *ERA 2010 National Report*. 
ERA Process Overview

- Volume and Activity
- Journal Quality
- Citation analysis or peer review
- Research Income
- Applied Measures
- Esteem

Please note – no weightings

Research Evaluation Committee
Law in ERA 2010

• 18 Law and Legal studies
  • Assessed UoE = 35
  • FTE = 1313
  • Research outputs = 8,366
  • Weighted research outputs = 9,861
  • Research Income = $46,162,580

• 1801 Law
  • Assessed UoE = 35
  • FTE = 1193
  • Research outputs = 8,341
  • Weighted research outputs = 9,822
  • Research Income = $45,739,080
## Research Excellence in Law

### 1801 Law

<table>
<thead>
<tr>
<th>% assessed UoEs rated at or above world standard</th>
<th>FTEs</th>
<th>Research outputs</th>
<th>Research income ($)</th>
<th>Esteem count(s)</th>
<th>Patent(s)</th>
<th>Res. comm. income ($)</th>
<th>Average National Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>49%</td>
<td>1,193</td>
<td>8,341</td>
<td>45,739,080</td>
<td>54</td>
<td>-</td>
<td>-</td>
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</table>

<table>
<thead>
<tr>
<th>Rating</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Total</th>
</tr>
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<tbody>
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<td>Distribution</td>
<td>3</td>
<td>15</td>
<td>9</td>
<td>6</td>
<td>2</td>
<td>35</td>
</tr>
</tbody>
</table>

### Research outputs by type

- Book: 4%
- Book chapter: 23%
- Conf. paper: 67%
- Journal article: 5%
- NTRO: 1%

### FoR rating distribution

- Rating 1: 17%
- Rating 2: 26%
- Rating 3: 43%
- Rating 4: 6%
- Rating 5: 9%
# Research Excellence in Criminology

## 1602 Criminology

<table>
<thead>
<tr>
<th></th>
<th>% assessed UoEs rated at or above world standard</th>
<th>FTEs</th>
<th>Research outputs</th>
<th>Research income ($)</th>
<th>Esteem count(s)</th>
<th>Patent(s)</th>
<th>Res. comm. income ($)</th>
<th>Average National Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>46%</td>
<td>132</td>
<td>892</td>
<td>15,731,346</td>
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<tr>
<td>UoEs assessed</td>
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<td>13</td>
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<td>3</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>13</td>
<td></td>
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</tr>
</tbody>
</table>

## Research outputs by type

- Book: 32%
- Book chapter: 53%
- Conf. paper: 10%
- Journal article: 5%
- NTRO: 5%

## FoR rating distribution

- 1: 31%
- 2: 31%
- 3: 15%
- 4: 23%
- 5: 0%
ERA 2010 outcomes: context

• ERA is a retrospective evaluation of research performance: 2003-2008 for research outputs, 2006-2008 for other data

• The ERA unit of evaluation is the discipline within the institution, not individual researchers or institutional units

• ERA does not rank institutions or units; each UoE is evaluated on its merits against the rating scale
Changes for 2012

- Changes to the ranked journals and conferences
- Interdisciplinary Research
- Raising the Threshold
- Capturing Applied Research
- Eligibility for fractional staff
Unintended consequences - journal rankings

- Journals only easily accessible information
- Rapid response time
- Codified existing behaviour/practice
- Simplified application
# The refined journal indicator

## Example of the draft refined journal indicator for FoR 1801 for University X

<table>
<thead>
<tr>
<th>University of X</th>
<th>FoR 1801</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Journal title</strong></td>
<td><strong>Papers</strong></td>
<td><strong>Contribution</strong></td>
</tr>
<tr>
<td>1. Journal of Law and Medicine</td>
<td>27</td>
<td>6%</td>
</tr>
<tr>
<td>2. Public Law Review</td>
<td>27</td>
<td>6%</td>
</tr>
<tr>
<td>3. Australian Journal of Administrative Law</td>
<td>24</td>
<td>5%</td>
</tr>
<tr>
<td>4. Law in Context</td>
<td>18</td>
<td>4%</td>
</tr>
<tr>
<td>5. Australian Journal of Family Law</td>
<td>15</td>
<td>3%</td>
</tr>
<tr>
<td>6. Company and Securities Law Journal</td>
<td>12</td>
<td>3%</td>
</tr>
<tr>
<td>7. Torts Law Journal</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>8. Contemporary Issues in Law</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>9. Law and Policy</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>10. International Journal of the Legal Profession</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>11. Australian Journal of Corporate Law</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>12. Australian Journal of Labour Law</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>13. Journal of Judicial Administration</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>14. Federal Law Review</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>15. Australian Journal of Legal Philosophy</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>16. Forensic Science International</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>17. Legal Theory</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>18. Revenue Law Journal</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>19. AIAL National Lecture Series on Administrative Law</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>20. Intertax: international tax review</td>
<td>6</td>
<td>1%</td>
</tr>
</tbody>
</table>

**Total** | **465** |

*Please note that this is not based on any university’s submission to ERA 2010*
ERA 2012 – still to do

- Expanding peer reviewer pool
- Making peer review more robust (selection of outputs, reviewers)
- Finalising Citation Tender
- Draft Submission Guidelines to be issued to the sector in July 2011 for comment
- System development and testing
Summary

• ERA 2010 and forthcoming 2012 will provide further information on research quality

• NCGP continues to fund excellent research in Law and Legal Studies

• ARC and DIISR have commenced preliminary work on research standards for TESQA
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