

# MASTER OF INTERNATIONAL COMMERCIAL LAW

SEMESTER 1, 2024



## CONTACTS

<p><b>Mr Daniel Lim</b>  <b>Coordinator, Academic Programs</b>  <a href="mailto:pglaw@law.uq.edu.au">pglaw@law.uq.edu.au</a>  <b>Ph: 3365 4192</b></p>	<p>Refer to Daniel for administrative aspects of your study such as:</p> <ul style="list-style-type: none"> <li>• Program rules</li> <li>• Problems enrolling</li> <li>• Credit transfer queries</li> <li>• Eligibility to graduate</li> <li>• Cross-Institutional study</li> </ul> <p>Email <a href="mailto:pglaw@law.uq.edu.au">pglaw@law.uq.edu.au</a> with your query or if you wish to arrange a meeting.</p> <p>Please quote your student ID number in all your written correspondence with the University.</p>
<p><b>Student Central</b>  <b>Building 42</b></p> <p><b>8:30am – 5:00pm AEST; or</b>  <b>Live chat: Mon – Fri (9:00 am – 5:00pm AEST)</b></p> <p><a href="https://my.uq.edu.au/contact/student-central">https://my.uq.edu.au/contact/student-central</a></p> <p><b>Note: All times displaying above are in Australian Eastern Standard Time (AEST).</b></p>	<p>Contact the Student Central for queries regarding fees, visa, general student administration matters, University rules, &amp; services available on campus.</p> <p>If you are unsure who to contact at UQ for advice regarding a particular matter, the Student Central is a good place to start – they will connect you to the appropriate area if they cannot resolve your query.</p>
<p><b>my.UQ website –</b>  <a href="https://student.my.uq.edu.au/">https://student.my.uq.edu.au/</a>  <b>Click on ‘Dashboard’ to login using your UQ username &amp; password</b></p>	<p>Access my.UQ website for important information including information regarding support services &amp; University policies &amp; procedures.</p> <p>We particularly draw your attention to the information available under ‘Manage my program’.</p> <p>Click on ‘Dashboard’ (top right) for your timetable, <b>student email account</b>, <b>applications/requests</b>, <b>myTimetable</b>, <b>Learn.UQ</b> (Blackboard) site for each of your courses, <b>Library</b> and <b>mySI-net</b> (to add &amp; drop courses or pay fees).</p>

## IMPORTANT THINGS TO NOTE

### Enrolling in Courses

- **mySI-net will allow you to add & drop approved courses until Friday of Week 2 (Friday, 1 March).**
- mySI-net will allow you to drop courses up to the **Semester 1 Census Date (31 March)** *without academic and financial penalty*; and drop courses up to 30 April *without academic penalty but financial liability will apply*. Teaching period courses are displayed differently in mySI-net enrolment record. For more information on teaching periods, go to – [https://my.uq.edu.au/information-and-services/manage-my-program/classes-timetables-and-coursework/about-your-timetable/teaching-period-calendar?qt-field\\_uq\\_structured\\_content=2#qt-field\\_uq\\_structured\\_content](https://my.uq.edu.au/information-and-services/manage-my-program/classes-timetables-and-coursework/about-your-timetable/teaching-period-calendar?qt-field_uq_structured_content=2#qt-field_uq_structured_content)
- Please enrol in a course as soon as possible via mySI-net. If you have not already done so. Please access mySI-net via the myUQ dashboard (available at <https://my.uq.edu.au>). You can add & drop courses from mySI-net. You may select your courses from the 2024 course list available on our school website:
  - For Master of International Commercial Law:  
<https://law.uq.edu.au/study/postgraduate/miclaw-courses-2024-for-students-commenced-2021-onwards>
- If you select courses that do not appear on your program course list, you will not receive credit for the course. Be careful because mySI-net allows enrolment in courses you are not eligible for. Sometimes mySI-net will **not** let you enrol in courses you are permitted to enrol in. If this happens, email [pqlaw@law.uq.edu.au](mailto:pqlaw@law.uq.edu.au) with your student number and the course you are attempting to add.
- In your second semester of study, provided you meet the GPA requirement, you may choose to enrol in a supervised research project or dissertation. If you wish to apply, you must complete an application form for these courses, mySI-net will not allow you to enrol automatically. The application form is available on the Law School website here: <https://law.uq.edu.au/files/90639/Application%20for%20PG%20Research%20Project%20or%20Dissertation%20Form.pdf>  
The form must be submitted **2 weeks before** the start of the semester in which you plan to enrol in the course. You cannot complete a supervised research project/dissertation course in your first semester of study.

### Contact Details

- Please check your contact details on mySI-net are up to date. Ensure your phone number/s are current in case we need to contact you regarding urgent matters.
- **CHECK YOUR STUDENT EMAIL REGULARLY.** This is a condition of your enrolment at UQ. It is not an excuse to say you didn't know about something if you haven't been checking your emails. If you wish, you can forward your student emails to your personal email account. For instructions on how to do this refer to <https://its.uq.edu.au/forward-student-email>, email [help@its.uq.edu.au](mailto:help@its.uq.edu.au) or phone 3365 6000 for assistance.

### Contacting the Law School

If possible, please contact the Law School by email [pglaw@law.uq.edu.au](mailto:pglaw@law.uq.edu.au), rather than by phone. **Quote your student number** in all your correspondence with the University. Please be patient when waiting for a reply. We aim to respond to all queries within 48 hours.

### Due Dates for Assessment

Once you have printed out your Course Profiles you should look at the due dates for all of your assessment items. Assessment for different courses may be due at the same time. You must make sure you plan for these clashes as having more than one piece of assessment due at the same time is **not** an acceptable reason to apply for an extension.

The Law School has a **VERY** strict policy in relation to handing in assessment after the due date. You **MUST** submit your assignments by the due date unless an extension to the due date has been approved by the Law School.

If a sickness or extraordinary circumstances prevent you being able to submit assessment by the due date, you must apply for an extension to the due date by applying for an extension through my.UQ. Details on applying for an extension (including an 'overview', 'acceptable reasons for and extension' and 'how to apply') can be found on the following link.

<https://my.uq.edu.au/information-and-services/manage-my-program/exams-and-assessment/applying-extension>

Please note that Course Coordinators do **NOT** have the authority to grant extensions. You must follow the procedure (above) to lodge an extension request. Your Course Coordinator will be advised if you have been granted an extension, to ensure you do not get penalised for late submission.

## Plagiarism

**PLAGIARISM IS A VERY SERIOUS MATTER.** Intentional plagiarism will be treated as misconduct. If you are confused about what plagiarism means, please ask questions.

For more details, please refer to the information which has been attached to this document. Here are some useful links which provide further information:

- Reference correctly to avoid plagiarism – [web.library.uq.edu.au/research-tools-techniques/referencing-style-guides/avoiding-plagiarism](http://web.library.uq.edu.au/research-tools-techniques/referencing-style-guides/avoiding-plagiarism)
- Academic integrity and student conduct – [my.uq.edu.au/information-and-services/manage-my-program/student-integrity-and-conduct/academic-integrity-and-student-conduct](http://my.uq.edu.au/information-and-services/manage-my-program/student-integrity-and-conduct/academic-integrity-and-student-conduct)
- Student Integrity and Misconduct – [ppl.app.uq.edu.au/content/3.60.04-student-integrity-and-misconduct](http://ppl.app.uq.edu.au/content/3.60.04-student-integrity-and-misconduct)
- Avoiding Plagiarism when conducting Legal Research - <https://law.uq.edu.au/files/8457/Avoiding-plagiarism.pdf>

There is a link in mySI-net which prompts all students to complete an online Academic Integrity Online Tutorial. This tutorial is compulsory for all students.

*Student Services* hold free online workshops on workshops and sessions aimed at helping you improve your academic, life and wellbeing skills. Refer to the information available at <https://my.uq.edu.au/information-and-services/student-support/workshops> under the heading **Study Skills Workshops** for a full list of offerings.

## Introduction to legal referencing using AGLC4

The School strongly encourages you to complete the online module for ***Introduction to legal referencing using AGLC4***. You will find this information vital to your studies. The module will introduce students to the ***Australian Guide to Legal Citation (AGLC4)***, the referencing system used in Australian law schools.

The online module is available through the UQ Library: <https://web.library.uq.edu.au/library-services/training/legal-research-essentials/introduction?p=6#6>

The UQ Library have also developed an introduction to legal referencing YouTube video: <https://www.youtube.com/watch?v=zCnMAXAuxV0&t=277s>

The UQ Library can assist with any queries you have on legal referencing: [librarians@library.uq.edu.au](mailto:librarians@library.uq.edu.au)

### Free 'English for Academic Communication: Law' Course (EAC: Law)

UQ College, in conjunction with the Law School, has created a dedicated English course for international law students, specifically those enrolled in LAWS7936. The course will be conducted jointly by UQ College staff and the School of Law. All international students are welcome to join. It is not just for students enrolled in LAWS7936.

There are 7 sessions scheduled from 9am to 12pm every Wednesday (weeks 1-8). The first class will be on Wednesday 21 February, 9am AEST.

Register for English for Academic Communication here: <https://uqcollege.uq.edu.au/register-%E2%80%93-eac-discipline-specific>

### Peer Writing Support

The School of Law will provide **Peer writing support**. This provides individual consultations to international students enrolled in a law program. The consultations are restricted to checking the use of English grammar, sentence structure, spelling and general advice on the use of the appropriate referencing style (i.e. Australian Guide for Legal Citations, 4th ed.). **No advice** will be provided on the content of the written assessment. One-to-one peer writing support is an effective way of identifying common grammar and spelling errors, and providing feedback on one's writing.

Peer Writing Support Leaders also play an important role in providing information and directing international students to other support programs offered at the UQ, such as learning consultations offered by the student services.

To book an appointment email [lawlife@uq.edu.au](mailto:lawlife@uq.edu.au) with the subject 'Book Peer Writing Support'. Please include your student number, name and two preferred session times from the timetable below.

Find out more here: <https://law.uq.edu.au/current-students/course-information-and-support/writing-support-international-students>

### Study Skills Workshops – Student Services

Student Services run free workshops designed to help students develop academic skills. The following workshops may be useful to you:

- [Reading strategies for university](#)
- [Referencing well and avoiding plagiarism](#)
- [Studying effectively at University](#)
- [Ten steps to better assignments](#)
- [Effective listening and note-taking skills](#)
- [Managing your time and study at university](#)
- [Skills for study: Postgraduate Coursework](#)

## Research Papers

Many of the courses you enrol in will have a research paper as the major piece of assessment. If you are not used to writing research papers you will find the Research Guide for Postgraduate Students useful. The guide is attached to this document.

There is also a School '*Guide to Citation of Sources in Assignments*' on the School website: [https://law.uq.edu.au/files/8451/Guide\\_to\\_Citation\\_of\\_Sources\\_Writing\\_Style\\_in\\_Assignments.pdf](https://law.uq.edu.au/files/8451/Guide_to_Citation_of_Sources_Writing_Style_in_Assignments.pdf)

## MASTER OF INTERNATIONAL COMMERCIAL LAW – Program Requirements

The **Master of International Commercial Law** (MICLaw) requires students to obtain #24 units comprising -

- 14 units from Core Courses, and
- 2 to 4 units from Flexible Core Courses, and
- 6 to 8 units from Elective Courses

**Note:** Students in the **Master of International Commercial Law/Master of Commerce** will be required to complete #16 units from the MICLaw (#24) course list, comprising -

- 14 units for all MICLaw Core Courses, and
- 2 units from MICLaw Flexible Core Courses

**Note:** Students with a law degree from a common law jurisdiction will be exempted from the requirement to complete LAWS7021 and LAWS7025.

## WEEK TO WEEK COURSES vs INTENSIVE COURSES

Some courses are offered week to week across the semester. Week to week courses have a 2 or 3 hour lecture every week for the whole semester. This format of teaching gives students a much greater opportunity to consolidate their learning because they have a week in between each lecture. It is the preferred teaching format for students who have little background in a subject area and for whom English is their second language.

Most courses are taught intensively over a four day period. This format of teaching is very intense and international students who are struggling with their English may encounter difficulties if they enrol in too many courses taught in this format.

You will find the intensive course timetable attached to this booklet. The timetable is also available on the Law School website:

1. [www.law.uq.edu.au](http://www.law.uq.edu.au)
2. Go to the menu bar 'Current students'
3. Click on 'Course information and support'
4. Postgraduate intensive timetable



## MASTER OF INTERNATIONAL COMMERCIAL LAW - COURSES OFFERED EACH SEMESTER

An up to date list of courses offered this semester is available at <https://law.uq.edu.au/masters>

- For Master of International Commercial Law:  
<https://law.uq.edu.au/study/postgraduate/miclaw-courses-2024-for-students-commenced-2021-onwards>

Course offerings may change due to unforeseen circumstances.

Additionally, the School of Law reserves the right to cancel any of the courses on the basis of low enrolment. Students who have enrolled in cancelled courses prior to the date of cancellation will be notified by email.

## WHERE TO FIND INFORMATION

### School of Law Website

Most information about your program and courses is available from the Law School website. For information regarding your program:

1. [www.law.uq.edu.au](http://www.law.uq.edu.au)
2. Go to 'Study' on the menu bar
3. Select 'Masters Guide' from the dropdown menu.
4. Select the options under the 'Master of International Commercial Law' section

Information regarding referencing, intensive timetable, dissertation application form & law life and wellbeing is available in 'Student Support':

1. [www.law.uq.edu.au](http://www.law.uq.edu.au)
2. Go to *Current Students* on the menu bar and click on *Course information and support*.

### UQ Student Support <https://my.uq.edu.au/student-support>

Students are strongly encouraged to take advantage of the free workshops offered by Student Support throughout semester designed to improve your academic performance. Information is available at <https://my.uq.edu.au/information-and-services/student-support/workshops>

As a UQ student you are entitled to free advisory services offered by Student Support. In particular, you may be interested in the free consultations with Student Advisors. Visit <https://my.uq.edu.au/information-and-services/student-support/international-interstate-students> Email [student.services@uq.edu.au](mailto:student.services@uq.edu.au) or phone 1300 275 870 to make an appointment to meet with a Student Advisor. Whether you are feeling overwhelmed, or just wish to seek guidance while you're adjusting to Australia, we encourage you to use Student Support.

Information on settling into UQ using Get Set program or clubs & societies is available at <https://my.uq.edu.au/information-and-services/student-support/settling-in>

Student counselling services are available free of charge. If you experience personal circumstances interfering with your academic performance we strongly encourage you to contact Student Services. Please contact Student Services as soon as you begin to feel



overwhelmed or start to experience difficulties. **Seek assistance as early as possible.** It will make a difference to seek support early.

**If you are in crises and need to speak to a counsellor urgently, call the UQ Counselling and Crises Line on 1300 851 998.** Face-to-face, phone and online appointments are available, book at

<https://my.uq.edu.au/information-and-services/student-support/health-and-wellbeing/crisis-support#:~:text=If%20you're%20experiencing%20a,touch%20any%20time%20for%20support.&text=If%20you%20call%201300%20851,the%20phone%20and%20provide%20support>

This is a confidential service that is not recorded on your student record.

<b>my.UQ Website</b>
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<a href="https://my.uq.edu.au">https://my.uq.edu.au</a>
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The **Manage my program** section in myUQ contains important information regarding enrolment, assessment, fees and University policies and rules. Find links to important dates and information here.

Click on **Go to my.UQ dashboard** to access:

- **Learn.UQ (Blackboard):** you will find a **Learn.UQ site for each course** that you have enrolled in. This is where you will submit assessment items. You will also find helpful resources, library links to readings for that particular course and a copy of the Course Profile (ECP) for the course. All Learn.UQ sites should be available by Orientation Week.
- **mySI-net:** enrol by adding courses, drop courses, pay your fees.
- **Email:** your student email account
- **myRequests:** lodge an extension request for an assignment if you have the required supporting document/s
- **myTimetable:** select tutorial/seminar group, if a course has multiple options available.

<b>eCourse Profiles (ECP)</b>
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Each course at UQ has an eCourse Profile (ECP). The ECP will outline the topics covered in the course, assessment items, marking criteria, due dates and the Course Coordinator's details.

Find the ECP for each of your enrolled courses in *Learn.UQ* via *my.UQ* (see above). *Learn.UQ* (also known as *Blackboard*) is the learning management system used at UQ.

ECP's for courses you are not enrolled in can be accessed via myUQ at <https://my.uq.edu.au/programs-courses/>. Type in the course code and click *Search*. Click on the course name, and then this semester.

<p style="text-align: center;">CHECKLIST for you to complete this week</p>
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- ☐ Have you enrolled in courses? Email [pglaw@law.uq.edu.au](mailto:pglaw@law.uq.edu.au) if you experience problems adding course/s.
- ☐ Have you completed the introduction to legal referencing module at <https://web.library.uq.edu.au/library-services/training/legal-research-essentials/introduction?p=6#6>
- ☐ Have you logged into my.UQ Dashboard? You can arrange to forward your student emails to your personal email if you wish. You can access mySI-net here to add courses. You can access the eCourse Profile (ECP) for each course you are enrolled in at the Learn.UQ (Blackboard) site.
- ☐ Complete the series of online modules **Digital Essentials** available at <https://web.library.uq.edu.au/research-tools-techniques/digital-essentials>  
These modules are designed to quickly build your digital skills to succeed in your study.
- ☐ Have you checked your timetable, accessed Blackboard (Learn.UQ) and read the eCourse profile (ECP) for all your courses?

## **MICLaw - 2024 Course Offerings for Semester 1**

### **Core Courses**

Course code	Units	Course name	Dates
LAWS7023	2	<a href="#">Business and Corporate Law</a>	TBC
LAWS7025*	2	<a href="#">Private Law</a>	Wks 1-12 Tues (6-8pm)
LAWS7027	2	<a href="#">International Trade Law and Technology</a>	Wks 2-8, 10 Tues (11am-2pm)
LAWS7028	2	<a href="#">International Commercial Dispute Resolution</a>	Wks 1-12 Tues (3-5pm)

### **Flexible Core Courses**

Course code	Units	Course name	Dates
LAWS7012^	2	Business Taxation	TBC

### **Elective Courses**

Course code	Units	Course name	Dates
LAWS7710	2	<a href="#">Principles of International Law</a>	Wks 1-4, 7-10 Wed (11am-2pm)
LAWS7853	2	<a href="#">Law of the World Trade Organisation</a>	Wks 5 & 8 Sat & Sun (9am-5pm)

### **Elective Courses (Dissertation/research project courses)**

Course code	Units	Course name	Dates
LAWS7825	2	Supervised Research Project	Semester long
LAWS7944	4	Dissertation A	Semester long
LAWS7701	8	Major Dissertation A	Semester long
LAWS7716	4	Dissertation B	Year long
LAWS7718	8	Major Dissertation B	Year long

Download the [Research project/dissertation application form](#).

*Note: You are not restricted to the topics on the list. You may contact any academic from [our school](#) to discuss a topic that you prefer.*

\* Students with a law degree from a common law jurisdiction are exempted from the requirement to complete LAWS7025.

^ Students can choose to complete LAWS7855 in lieu of LAWS7012.

# AVOIDING PLAGIARISM

## WHEN CONDUCTING LEGAL RESEARCH

### What is plagiarism?

Plagiarism is the act of using of another person's work without appropriate acknowledgement. If you have presented another person's work as your own, you will have committed plagiarism *even if you did not intend to do so*.

Plagiarism includes (but is not limited to) presenting as your own work material that you have:

- (a) copied verbatim;
- (b) paraphrased, summarised or the wording of which you have simply rearranged;
- (c) expressed in your own words but which contains another person's idea or interpretation; or
- (d) 'cut and pasted' from multiple sources.

The plagiarism can relate to a paragraph, a series of sentences, a single sentence or even part of a sentence.

You also commit plagiarism if you present as your own independent work any work that you have in fact done in collaboration with other students. This form of plagiarism is known as 'collusion'.

### What are the consequences of committing plagiarism?

Plagiarism constitutes academic misconduct. A finding of academic misconduct carries with it a range of penalties from zero marks for the piece of assessment in question through to expulsion from the University, and the finding will be noted on your academic record.

Since a finding of academic misconduct relates to your personal character, it must be disclosed if you are seeking admission as a legal practitioner, and it can be the basis for an objection to your admission. *The consequences for law students of a finding of academic misconduct are therefore extremely serious.*

### How do I avoid committing plagiarism?

It is certainly not the case that you cannot include the words or ideas of others when you conduct legal research – in fact, it is unavoidable. What you are not permitted to do is present those words or ideas without identifying them as the words or ideas of others.

If you include another person's idea or interpretation in your work, you must indicate the original source of that idea or interpretation by including a 'reference'. Here in the Law School, the correct citation style is that set out in the third edition of the *Australian Guide to Legal Citation*. It is extremely important that you familiarise yourself with the many rules relating to legal referencing set out in the Guide. The fact that a particular rule within the Guide was not explicitly drawn to your attention is not an excuse for non-compliance.

If in addition to including the other person's idea or interpretation you use their actual words, then in addition to including a reference you must clearly indicate that the words are not your own by either putting them in inverted commas (for shorter extracts) or by putting the extract in a separate paragraph which is indented and in a smaller font.

## Direct quotes

You directly quote a source if you repeat exactly the words used in the source. For example, consider the following extract from Neil MacCormick, *Practical Reason in Law and Morality* (OUP, 2008) 186-7:

The highly technical legal aspect of the reasoning in the case shines clearly in all the Lords' speeches. Much of the discussion concerns the interpretation and evaluation of precedents. Such discussions include attempts to expound and clarify underlying principles that help unify the precedents into a coherent body of law. This has always to be done while allowing that some may appear anomalous in the light of whatever is the favoured principle, and will be to that extent disapproved and weakened as significant precedents for the future. Unsurprisingly, the precedents that the majority treated as anomalous were treated by the minority as the favoured ones, and vice versa.

The following work submitted by a student contains a direct quote from the above source:

Each judge when referring to the precedents identified some as favoured and others as anomalous. Unsurprisingly, the precedents that the majority treated as anomalous were treated by the minority as the favoured ones, and vice versa.

Because the direct quote has not been attributed to another source, it is being presented as the student's own work. *This is plagiarism.*

Now consider this work submitted by a student:

Each judge when referring to the precedents identified some as favoured and others as anomalous. Unsurprisingly, the precedents that the majority treated as anomalous were treated by the minority as the favoured ones, and vice versa.<sup>1</sup>

The direct quote has now been attributed to MacCormick. However the student has not made it clear that they are using MacCormick's own words, and is therefore presenting this particular expression of MacCormick's idea as if it is their own expression. *This is still plagiarism.*

This is what the student should have done:

Each judge when referring to the precedents identified some as favoured and others as anomalous. As MacCormick observed, '[u]nsurprisingly, the precedents that the majority treated as anomalous were treated by the minority as the favoured ones, and vice versa'.<sup>2</sup>

Alternatively, the student could have paraphrased or summarised the original source.

## Paraphrasing

Paraphrasing involves using your own words to express the ideas of another person in the same or a similar level of detail. In the following, the student has paraphrased the MacCormick extract above:

The reasoning in all of the judgments in *Donoghue v Stevenson* [1932] AC 562 is very technical and involves consideration of how precedents should be interpreted and evaluated in a novel case in an attempt to identify underlying principles. Identification of these underlying principles forms an essential aspect of the reasoning process whereby coherence in the law is achieved through unification of the relevant precedents. This is consistent with common law reasoning but the judgments in this case provide an excellent illustration of the manner in which precedents are considered by the majority and dissenting judges in deciding a novel issue before the court.

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<sup>1</sup> Neil MacCormick, *Practical Reason in Law and Morality* (OUP, 2008) 187.

<sup>2</sup> Neil MacCormick, *Practical Reason in Law and Morality* (OUP, 2008) 187.

As a general rule it is not necessary to provide inverted commas or indenting when paraphrasing. However, in the above example, the student's failure to provide a reference means that the student is presenting MacCormick's ideas as their own. *This is plagiarism.*

## Summarising

A summary is a brief statement of the ideas of another person. In the following, the student has summarised the MacCormick extract above:

The very technical reasoning in *Donoghue v Stevenson* [1932] AC 562 provides an illustration of the use of underlying principles to organise relevant precedents into a coherent body, and the way in which majority and dissenting judges will have different views about which precedents are to be favoured.

Even though the actual wording is very different to the original source, the student's failure to provide a reference means that the student is still presenting MacCormick's ideas as their own. *This is plagiarism.*

## Substituting words

Using a form of words that is substantially the same as those used in the original version but with only a few words changed in an attempt to avoid the need for direct quotation marks or indenting is not a paraphrase or summary of the original version. Rather it is equivalent to a direct quotation.

Consider the following work submitted by a student:

The very technical legal aspect of the reasoning in the case shines clearly in all the Lords' judgments. Much of the discussion concerns the interpretation and evaluation of precedents. Such discussions include attempts to expound and clarify underlying principles that help unify the precedents into a coherent body of law. This has always to be done while allowing that some may appear anomalous in view of whatever is the favoured principle, and will be to that extent weakened as important precedents for the future. Unsurprisingly, the precedents that the majority treated as anomalous were treated by the minority as the favoured ones, and vice versa.<sup>3</sup>

The student has changed only a few words (the parts underlined) in an attempt to avoid the need for direct quotation marks or indenting. Even though the original source has been referenced, the student is still presenting the words of MacCormick as their own words. *This is still plagiarism.* The student should have either (a) used all of the original words and shown them to be a direct quote, or (b) paraphrased or summarised the original words.

## Do I have to attribute everything?

There are some rules of law that are so elementary and uncontroversial that any person who has any level of legal education is able to assert them without citing authority. For example, if you were to state that a contract is a legally enforceable agreement, you would not need to cite the source of that idea. As long as you are using your own words to state such a proposition, there is no need to cite a source. Of course, if you are directly quoting another source, then the words must be properly referenced.

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<sup>3</sup> Neil MacCormick, *Practical Reason in Law and Morality* (OUP, 2008) 186-7.

## Research Guide for Postgraduate Coursework Law Students

This Guide is intended to provide assistance to postgraduate students undertaking written assessment in courses whilst enrolled at the TC Beirne School of Law. This Guide may also be of assistance for students undertaking either a supervised research project or dissertation.<sup>1</sup>

This Guide is designed to assist you in drafting the initial research proposal for your research assignment or dissertation, and provide suggestions for the completion of the research project.

It is important to note that this is a Guide only and you may deviate from it if appropriate.

### What is legal research?

In your course work, you may be given a research topic, or be asked to choose a topic yourself. In either case, the importance of the assignment lies in the RESEARCH task. This is not merely the repetition of information found in textbooks, legislation or cases, but requires that you make an original contribution to the existing understanding of the law. As such your research ought to be both DESCRIPTIVE and ANALYTICAL.

DESCRIPTIVE research aims to describe, in detail, a situation or set of circumstances. It answers questions like 'what is the current law', 'how many cases have arisen', 'who is involved', and 'what is happening'? Research that seeks to explain why things are the way they are, and seeks to find answers to a problem, is ANALYTICAL in nature. It looks for explanations, relationships, comparisons, predictions and theories.

In summary, your research assignment or dissertation should not only be accurate, in that it describes the current law and its operation, but should also attempt to explain. A good research assignment or dissertation should therefore exhibit the following:

- a good command of the subject matter – accurate identification of the law;
- an evaluation of the existing state of knowledge and an awareness of current research being undertaken in the field;
- an effective form of written communication – grammatically correct, well structured and convincingly argued; and
- a contribution to the existing state of knowledge.

Elphingstone and Scheitzer, for example, suggest that the assignment or dissertation should contain:

1. Evidence of an **original** investigation or the testing of ideas.
2. Competence in independent work or experimentation.
3. Ability to make critical use of published work and source material.
4. Appreciation of the relationship of the special theme to the wider field of knowledge.
5. Material worthy of publication.

Leonie Elphingstone and Richard Schweitzer, *How to Get a Research Degree: A Survival Guide*, (Allen & Unwin, St. Leonards, 1998).

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<sup>1</sup> Please note: these courses require completion of an application form – [www.law.uq.edu.au/documents/students/application-for-postgraduate-research-project-or-dissertation-2011.pdf](http://www.law.uq.edu.au/documents/students/application-for-postgraduate-research-project-or-dissertation-2011.pdf).



## Choosing a research topic

If you are required to choose your own research topic, the following process might assist you.

1. Identify an area of the law for your topic. You will need to stay motivated for the duration of the research so you should choose a topic in which you have a genuine interest. You may want to consider the following in identifying broadly an interesting topic:
  - Your previous experience – is there anything in this area of law which you have addressed in the past, either in earlier studies or perhaps in your work or general life experience?
  - Importance – is there an area which you consider important and which might have some value for others?
  - Professional development – will this open new avenues for future professional development?
  - Has the area been overworked or perhaps been so exploratory that there is a risk that it may never develop further?
2. Once you have decided that there is a specific area that you might be interested in, you then need to do some more detailed reading (textbooks, journals, legislation and cases). You ought to be looking for some aspect or issue which might require reconsideration. For example, has there been any recent legislation introducing new law? Have there been any new cases which have raised new issues not previously addressed? Has some new technology or new circumstance or event arisen which has not been addressed by existing law?

If your initial reading suggests that any of these possibilities arise, then this may be a viable research topic.

## The literature review

Once you have chosen your general research topic, the next step is to undertake a literature review.

You will need to do considerable reading around your chosen research topic before you can clarify the problem you are investigating and focus your research questions. You will need to spend time in the library, reading through journals, books and perhaps cases in your chosen area, to get an in-depth idea of what has already been done, and what might be an interesting and fruitful area for you to research.

A literature survey requires you, amongst other things, to

1. define the problem and your research question;
2. identify what has been already written relevant to the problem;
3. consider and explain the deficiencies in the existing literature; and
4. show how your approach and work will make a difference to the state of knowledge.

Your literature review will enable you to relate your research to the work of others in the same or in related areas. It will usually seek to demonstrate that there is a weakness or a 'gap' in existing knowledge and understanding of your area of research, a gap which you intend to fill during the course of your research. Your review might also reveal that there are conflicting schools of thought in the area you are exploring, or might inform you as to theoretical frameworks or methodologies that you might adopt in your work. It might outline the current knowledge in your area, and enable

you to build upon this work, by exploring and developing some of the ideas or concepts outlined by previous researchers.

Remember that your review of the literature does not end when you have explored the literature to help you formulate your research question. It is likely to be a continuing task, so you will need to develop a system for updating your work as your dissertation unfolds.

### **The research questions**

Your research topic should be one which is designed to address an important issue in law, and will often require you to make an argument. This might be, for example, that you argue for a legislative amendment, or that a certain decision is, for some reason, wrong, or that particular commentators' views on a topic are incorrect etc. To assist you in addressing this research aim, you will need to draft the research questions.

The research questions are those questions which, once answered, will assist you in building the original contribution to knowledge – that is, answering these questions will contribute directly to addressing the research aim posed. While the literature review might (and usually does) provide a number of research questions that will require answering in the course of the research project, some further techniques might be used, such as the guiding questions technique.

This technique poses questions which assist not only in identifying the research questions but also in structuring the assignment or dissertation.

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| • Why am I doing it?                             | Introduction/significance                |
| • What is known? What is unknown?                | Literature review                        |
| • What do I hope to discover?                    | Aims                                     |
| • How am I going to discover it?                 | Methodology                              |
| • What have I found?                             | Results                                  |
| • What does it mean?                             | Critical analysis/discussion             |
| • So what? What are:                             |  |
| ○ the possible applications or recommendations?  | Critical analysis/discussion/conclusions |
| ○ What contribution does this make to knowledge? | Critical analysis/discussion/conclusions |
| ○ What next?                                     | Conclusions                              |

These are comprehensively dealt with by Terry Hutchinson in *Researching and Writing in Law*, (2<sup>nd</sup> ed. Lawbook Co., Pyrmont, 2006). You are STRONGLY encouraged to consider this text.

### **Writing the research proposal**

You should now be in a position to draft your research proposal. It should, at the very least, contain detailed information on the following:

- draft aims (and draft title);
- draft research questions;
- literature review;
- why you think the research questions are important/significant;
- a brief summary of the argument you expect to unfold in your thesis; and
- the contribution the research makes to the existing body of knowledge (ie originality).

## Advanced legal writing

Finally, when writing your proposal and subsequently when you write up your assignment or dissertation, you should bear the following in mind:

- keep your reader in mind – assume your reader is someone who is familiar with the conventions of your discipline, but who does not know your field, and try to enable this reader to follow your argument without undue effort;
- use simple wording;
- avoid over-use of abbreviations;
- vary sentence lengths, bearing in mind that shorter sentences are easier to understand than longer ones;
- use short paragraphs;
- avoid negatives, especially double negatives;
- make sure your presentation has a clear and logical order;
- use structural devices to make the organisation clear (headings, sub-headings, beginning, interim and end summaries);
- to check whether the text flows, read it out loud; and
- ask other people to read your drafts.

You must also take care to use a consistent form of citation. The Law School's accepted style guide is set out in *A Guide to Citation of Sources and Writing Style in Assignments*; available at: [www.law.uq.edu.au/announcements-and-policies](http://www.law.uq.edu.au/announcements-and-policies).

## Further reading

For further reading on drafting a research proposal AND on advanced legal research see the following:

- Eamon Murphy, *You can write: a do-it-yourself manual* (Longman Cheshire, Melbourne, 1985)
- David Evans, *How to write a better thesis* (2<sup>nd</sup> ed, Melbourne University Press, Carlton South, 2002)
- Bryan Garner, *The Elements of Legal Style* (2<sup>nd</sup> ed, Oxford University Press, New York, 2002)
- William Strunk, *The Elements of Style* (4<sup>th</sup> ed, BN Publishing, Thousand Oaks, 2006)
- Estelle Phillips and Derek Pugh, *How to get a PhD: a handbook for PhD students and their supervisors* (4<sup>th</sup> ed, Open University Press, Maidenhead, 2005)
- Kjell E Rudestam and R R Newton, *Surviving Your Dissertation: A Comprehensive Guide to Content and Process* (3<sup>rd</sup> ed, SAGE Publications, Los Angeles, 2007)
- John W Creswell, *Research Design: Qualitative and Quantitative and Mixed Methods Approaches* (23<sup>rd</sup> ed, Sage Publications, Thousand Oaks, 2009)
- Gary D Bouma, *The Research Process* (5<sup>th</sup> ed, Oxford University Press, Melbourne, 2004)
- Robert Murray Thomas, *Blending Qualitative and Quantitative Research Methods in Theses and Dissertations* (Corwin Press, Thousand Oaks, 2003)
- Chris Hart, *Doing a Literature Review* (Sage Publications, London, 1998)
- Irvin M Copi and Carl Cohen, *Introduction of Logic* (10<sup>th</sup> ed, Prentice-Hall International, London, 1998)