



ANU COLLEGE OF LAW

COURSE OUTLINE

HONOURS THESIS

LAWS3202

SEMESTER 1 2009

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COURSE INFORMATION

Course Convenor

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Consultation Times:	Anytime by appointment except Monday and Friday

Course Objectives

The Honours Thesis makes up Part B of the degree of Bachelor of Law with honours. The course objectives are:

- To test the ability of a student to undertake a limited but systematic study of an issue in the law of the student's own choosing, and to present the results of that study in a written form which is accessible to an interested, but not necessarily informed, legal reader;
- To facilitate the development of legal research and writing skills; and
- To assist the student to educate himself or herself further in the law, its methods and limits.

Method of Teaching

For this course a student must complete an honours thesis on a topic of their choice, under the supervision of a member of the academic staff or a person approved by the Course Convenor. The requirements for the honours thesis are explained in more detail below but, in summary, require completion of an honours thesis of between 11,000 and 13,000 words (including footnotes).

Prerequisites for enrolment (including the Thesis Outline)

Eligibility for enrolment in Honours Thesis is set out in the ANU College of Law Policy, which was revised in late 2004 (see Part III of this Course Outline for the complete policy). The relevant requirements are:

A candidate shall be eligible to be enrolled in *Honours Thesis* in the following circumstances:

- (a) the candidate, at the time of completion of his or her studies in the ANU College of Law, will have completed 14 or more eligible law courses;
- (b) the candidate has, by the end of the first week of the semester in which they will undertake *Honours Thesis*, submitted to the Law School Office a form signed by their supervisor and counter-signed by the convenor of *Honours Thesis*, indicating that the supervisor has read and approved a detailed research proposal prepared in accordance with issued guidelines,** and has agreed to supervise the student; **[THESE FORMS ARE DUE ON TUESDAY 24 FEBRUARY - SEE BELOW]** and
- (c) the candidate is in a position to complete the requirements for admission to the degree in a period of one year or less as a full-time student; and
- (d) at the time that the candidate qualifies under paragraph (c), the candidate has an Honours mark of 4.5 in the eligible law courses completed by the candidate, after

disregarding the three courses (or less, if this policy otherwise requires) in which the candidate has scored the lowest marks.

It is no longer a requirement that students take another law course or courses alongside Honours Thesis (although most students will continue to do so).

You will need to obtain a permission number to enrol in LAWS3202 Honours Thesis by emailing enquiries.law@anu.edu.au indicating your intention to enrol in the course. Your record will then be checked for eligibility. Please note you will not be given a permission number until the results are available for the preceding semester.

THESIS OUTLINE: students enrolled in Honours Thesis must submit to the Law School Office by **5pm, Tuesday 24 February 2009** a form signed by the student and supervisor indicating that the supervisor has read and approved a detailed research proposal (the “**Thesis Outline**”) and that the supervisor has agreed to supervise the student. The thesis outline will be read by the course convenor who will then counter-sign the form. A copy of the form is included in Part III of this Course Outline.

The Thesis Outline must:

- clearly explain the proposed topic and its boundaries;
- identify the approach(es) to be taken;
- explain how the research will contribute to the legal literature or legal scholarship;
- focus on the issues for consideration (including stating the central research question, problem or theory that the proposed research will address);
- include a preliminary review of the literature and a bibliography;
- describe the research strategy and methods;
- if empirical research is to be carried out (for example, any interviews) the outline must indicate that ethics approval has been sought;
- propose a timetable for writing the thesis.

The Thesis Outline must be such as to convince a supervisor that the topic is sufficiently developed and refined and that the thesis can be successfully completed within the semester. There is no word limit, but the expectation is that the Outline will be several pages long.

The supervision relationship

The ANU College of Law Guidelines on Supervision and Examination of Honours Thesis (see Part III of this Course Outline) set out in detail the process for arranging supervision and the responsibilities of supervisors. Students should read the Guidelines in addition to the following advice.

Honours Thesis offers a unique and valuable opportunity for students to work closely with individual members of staff and to receive mentoring that may have long lasting career benefits. The nature of the supervision relationship will vary according to the individuals involved. The student and staff body have a complex mixture of academic backgrounds, research approaches, personalities, experience, writing styles, and work habits. The foundation principle is that the quality of the research paper is the responsibility of the student. This is made clear in the ANU College of Law guidelines regarding supervision. The thesis will thus be the result of the student's own independent work and attention to the task.

The onus is on the student to seek assistance from the supervisor. Desirably the student will maintain regular contact with, and use the skills and knowledge of, the supervisor. At the commencement of the semester, the supervisor and student should establish the parameters

of the contact regime. The frequency of contact may need to be varied during the semester. It is courteous (given the supervisor's other commitments) for the student to make an appointment before a session with the supervisor.

The supervisor, as a minimum, should read and comment upon a draft of the student's thesis at an advanced stage although most supervisors will be willing to comment on interim drafts. Other members of staff should not comment upon drafts but may be willing to have informal discussions with students about their thesis. Feedback from supervisors should be provided within a reasonable time. Students can also expect that supervisors will suggest other people who might be able to make a contribution to the paper, including the Academic Skills and Learning Centre, as well as articles and cases which the student should be aware of, and texts to help with the research and writing tasks.

A student who is experiencing difficulties with his or her supervision arrangements is encouraged to contact the Honours Thesis Convenor for assistance at an early stage.

Requirements and meetings during semester:

There are no regular classes in this course. An information meeting with Molly O'Brien and Debbie Forbes (Law Library) will be held on Friday 6 March 2009 (week 2) at 1pm (time and venue will be confirmed by email and notice on course homepage). The purpose of this meeting is to further explain the course requirements, provide an update on database research skills, answer questions, and provide students with an opportunity to informally meet each other. The session is **optional** and will not be recorded.

There are no other formal meetings in this course; however all students must submit a one page up to date synopsis of their topic using the pro forma attached to this outline at page 23 by 5pm, Friday 8 May (end of week 9) – submit via the essay chute, ANU College of Law Services Office. This synopsis will be used for the purpose of appointing second examiners.

There will be a social function for all 2009 honours students, their supervisors and other academic staff at the beginning of Semester 2. Students will receive a letter of invitation.

Students should regularly check the course home page for important notices.

Library Research Skills

Debbie Forbes, Law Library, will provide a short refresher on database research skills at the information meeting on 6 March (see above for details).

For more information and assistance with research skills contact Debbie Forbes on 54564 (6125 4564); email: Debbie.Forbes@anu.edu.au

Ethics Approval

Research at the ANU, including Honours research, is subject to the *National Statement on Ethical Conduct in Human Research (2007)*. ANY research that involves human subjects (for example, ALL interviews and surveys) requires approval by the ANU Human Research Ethics Committee.

An on-line approval application procedure was introduced in September 2007. The Office of Research Integrity provides comprehensive training and assistance to all members of the University with respect to ethics applications and it is strongly recommended that students contact the Office if experiencing any difficulty. For more information, see <http://www.anu.edu.au/ro/ORI/human.php>.

In practice, researchers should submit their application 6 to 8 weeks before the research is scheduled to occur. Thus, a student proposing to undertake empirical research should give close consideration to the feasibility of completing the research in time to enable completion of the Honours Thesis by the due date.

Library Privileges

Following receipt by the Law School Office of the Approval of Thesis Outline and Agreement to Supervise Honours Thesis form, a final list of students in the course will be drawn up. This list will be submitted to the Library as evidence of those undertaking the course. There are borrowing privileges for those undertaking *Honours Thesis*. The borrowing privileges agreed to by the Law Librarian and the Course Convenor are:

- borrowing 35 items
- borrowing bound serials
- free standard inter library loans

Borrowing privileges apply until the end of the exam period for the semester enrolled. All research students borrowing records are annotated noting the extra privileges and end date. These privileges apply only to the Law Library.

Submission Date

The submission date for Honours Thesis is generally 1pm on the Monday immediately following the end of the teaching period; however, as that date is a public holiday, the thesis is due at 1pm, **Tuesday 9 June**. The submission date is a firm deadline. A student may be granted an extension of time upon application to the convenor of Honours Thesis, who shall consult with the student's supervisor. Extensions will be granted only in exceptional circumstances. This is because the student has had a semester in which to complete the thesis. Late submission not covered by an approved extension attracts the default penalty set out in the ANU College of Law's Assessment Policy, ie 5% of the mark awarded for each day or part thereof (including weekends) that it is submitted late.

In particular, students are advised that illness or other vicissitudes during the semester, and computing, printing and binding problems during the final stages of preparation of the paper, are not regarded as acceptable reasons for granting an extension. Special consideration may, however, be available. It is important accordingly that the student develop a research timetable that takes account of the possibility of problems occurring. Students encountering difficulty in meeting the deadline are encouraged to consult the convenor. **It is prudent to aim at final completion of the research paper at least one week before the date for submission. Remember: the penalty for late submission without an extension is 5% of the mark awarded for each day or part thereof (including weekends) that it is submitted late.**

Word limit

The word length for the Honours Thesis is between 11,000 and 13,000 words (including headings and footnotes).

(a) Method for Calculating the Word Length

- The total word length (excluding cover page, table of contents, acknowledgments and bibliography) must be recorded on the cover page of the thesis and, in addition, the word length for each page must be recorded at the bottom of each page.
- The word length must be calculated by the student using a word processing program applied to the text (including headings) **and** footnotes (including citations); that is, **all** words are to be counted.

- Appendices will be treated as part of the text unless they merely reproduce primary materials for the aid of the examiners.
- The Convenor may ask an individual student to submit their piece of work electronically, so as to enable a check of the word count.

(b) Default penalties for excess word length

The default position on penalties for exceeding the word count, as set out in the ANU College of Law's Assessment Policy, applies.

The Policy states:

'Unless a statement of assessment provides otherwise, the following penalties shall apply:

- Excess word-length: the mark which is awarded initially will be reduced by half the proportion by which the word limit has been exceeded, eg if the word limit is 2,000 words, and the paper submitted is 3,000 words long, then the initial mark would be reduced by 25%'.

Students are responsible for ensuring that their thesis complies with the word length.

Examination

The ANU College of Law Guidelines on Supervision and Examination of Honours Thesis (see Part III of this Course Outline) set out in detail the examination process. What follows is a summary only.

Two examiners are appointed for each thesis, one of whom is the supervisor. Where possible the supervisor and the second examiner will have special knowledge in the topic area of the thesis they are supervising /or examining. However, there is no rule to this effect and students should be aware that either or both examiners may not be an expert in the legal area of the thesis. **With that in mind the thesis should be written for a legally trained generalist not a specialist audience.** Students are entitled to know the names of their examiners but should bear in mind that generally this information will not be available until the end of semester.

The examiners read the thesis and form a view as to the mark before consulting with each other. The examiner who is not the supervisor will prepare a report commenting on the strengths and weaknesses of the thesis and recommending a mark. The report must comment on the following matters in addition to any other relevant matters:

1. quality of the arguments and reasoning (how persuasive was the thesis?);
2. degree of originality in the thesis;
3. depth and breadth of research and range of research methods used;
4. degree of difficulty in the topic and/or research methods used;
5. whether the thesis makes a useful contribution, and in what ways;
6. structure and organisation of the thesis;
7. consistency and accuracy of referencing and citations;
8. literary style (including accuracy of spelling and grammar).

The supervisor may indicate agreement with this report, may attach additional comments or may prepare a separate report recommending the same or a different mark.

The marks recommended by the examiners for all papers are forwarded to the Honours Thesis Review Committee. The task of that Committee is to ensure vertical and horizontal

consistency of marking standards across all the research papers. The Committee confirms or varies the recommended marks after consultation with the examiners. The moderated marks are then reported to the Examiners Meeting of the ANU College of Law. The reports of the examiners generally are available for inspection and collection at the ANU College of Law Office ten days after the publication of examination results by the University.

Subsequent Publication of Theses

Copies of theses that receive a High Distinction mark will be printed, bound and sent to the Law Library. In addition, there are mutual benefits to the ANU College of Law and to students if honours theses are subsequently published. To that end, the ANU College of Law offers students whose theses are of high quality, and/or whose examiners note the potential for publication, assistance with revision for submission to an academic journal or similar publication.

In the first instance, an option offered in relation to these theses is to post them as works in progress in the ANU College of Law's SSRN (Social Sciences Research Network) Legal Studies Research Paper Series. The first special edition of ANU College of Law honours papers was launched on SSRN in May 2008 with great success.

Further Information about the Course

Further information about this course may be gained from the course homepage: go to the College homepage <http://law.anu.edu.au/> and follow the links.

Academic dishonesty (including plagiarism)

In work that is submitted for assessment, all use of the work of others, whether an actual quotation, a summary or a paraphrase, must be acknowledged. The acknowledgement must identify author and publication, and the particular page or paragraph where relevant. Where web sites are the source, that should be clearly acknowledged. Quotations must be both acknowledged and put either in quotation marks or, for longer passages, indented as a separate paragraph. Words omitted from the passage should be represented by an ellipsis (a series of three periods). Words added should be put in square brackets.

Where students have doubts as to how to deal with or acknowledge source materials in essays and assignments, they should consult their lecturer.

The University has a *Code of Practice for Student Academic Honesty*. The code can be found at:

http://info.anu.edu.au/Policies/_DVC/Policies/Code_Practice_Student_Academic_Honesty.asp?tab=1

It provides in section 5 that:

It is the responsibility of each individual student to ensure that:

- they are familiar with the expectations for academic honesty both in general, and in the specific context of particular disciplines or courses
- work submitted for assessment is genuine and original
- appropriate acknowledgement and citation is given to the work of others
- they declare their understanding of and compliance with the principles of academic honesty on appropriate *proformas* and cover sheets as required by the academic area, or by a statement prefacing or attached to a thesis
- they do not knowingly assist other students in academically dishonest practice.

The Code defines "academic honesty" as "the principle that students' work is genuine and original, completed only with the assistance allowed according to the rules, policies and guidelines of the University. In particular, the words, ideas, scholarship and intellectual property of others used in the work must be appropriately acknowledged."

Plagiarism is an example of academic dishonesty, and is defined in the Code as "copying, paraphrasing or summarising, without appropriate acknowledgement, the words, ideas, scholarship and intellectual property of another person. This remains plagiarism whether or not it is with the knowledge or consent of that other person. Plagiarism has also taken place when direct use of others' words is not indicated, for example by inverted commas or indentation, in addition to appropriate citation of the source."

Other forms of academic dishonesty are "collusion, the fabrication or deliberate misrepresentation of data, and failure to adhere to the rules regarding examinations in such a way as to gain unfair academic advantage."

The Code also applies to recycling, that is, "the submission for assessment of work which, wholly or in large part, has been previously presented by the same student for another assessment, either at the Australian National University or elsewhere. In some cases, lecturers will specifically allow this practice. If no specific provision to the contrary is made, submission of work for assessment a second or subsequent time constitutes a breach of this Code."

The Code provides that "[a]ll breaches will be addressed" and that "[t]he nature of any further action will depend upon whether the instance is judged to have arisen through carelessness or deliberate dishonesty (i.e. with intent to deceive). The course convener, in consultation with relevant teaching staff (for example tutors) and the Head of School (or their delegate), will make a judgment on whether the breach is as a result of carelessness or a more deliberate act." The Code provides guidance on what constitutes a careless breach and a deliberate breach.

If the breach is judged to be deliberate the consequences include a record of the breach being added to the student's central file. Further, the conduct will be referred to the Prescribed Authority for consideration of appropriate action to be taken under the Discipline Rules of the University (available on the web at <http://www.anu.edu.au/cabs/rules/DisciplineRules.pdf>).

Misconduct can have serious consequences for a student, including termination of a candidate's enrolment. A case of misconduct may jeopardise a student's admission to legal practice.

Students may be asked to submit work electronically so that it can be checked for plagiarism. Students should ensure that they keep an electronic copy of their work which can be readily accessed.

Information about the College's Rules and Policies

The LLB & JD Handbook 2008 is available in hard copy from the Law School Office or online at <http://law.anu.edu.au> and contains College policies relevant to students. The ANU Handbook for students can be found at <http://students.anu.edu.au/>

Library Timetable

Information about the law library can be found at <http://anulib.anu.edu.au/subjects/law/collection/building.html>

Opening hours for the Law Library can be accessed at <http://anulib.anu.edu.au/about/open/>

Contact Details to Student Support Services

Academic and Personal Support

Students experiencing academic or personal problems are welcome to discuss these with any member of the academic staff, the Sub Dean (make an appointment at the Law School Office), or to utilise the ANU's student support services links to which can be found at <http://students.anu.edu.au/> (including the Academic Skills and Learning Centre at <http://www.anu.edu.au/academicskills/>, the Counselling Centre at <http://www.anu.edu.au/counsel/> and the Disability Services Unit at <http://www.anu.edu.au/disabilities/>).

A MESSAGE FROM THE ACADEMIC SKILLS AND LEARNING CENTRE

Honours is a major transition year for most students. It is the year when students are asked to

- shift from being a recipient to being also a generator of knowledge
- begin to establish their claim to join the discipline community
- decide whether or not they will proceed to postgraduate study.

While supervisors and coordinators are responsible for inducting students into the content areas of the discipline, they may not always have time to deal with the advanced time management, reading, writing and oral presentation skills involved in 'doing honours'. Even very good students can be daunted by the prospect of writing a research paper, and often experience writer's block due to their unfamiliarity with the format and purpose of the research paper.

The Academic Skills and Learning Centre offers academic skills to students in all the disciplines, both individually and in groups, in the following areas:

- time management
- writing project proposals
- seminar presentations
- research paper writing
- learning from past honours theses
- getting started/writer's block
- introductions
- literature review
- tables and figures
- discussions
- general strategies to help generate ideas
- argumentation
- structure, coherence and flow of the text
- paragraphing
- sentence structure
- style

Students can come for individual consultations at any time during the honours year. We recommend that students with particular issues to discuss or resolve come to the Centre as early as possible. Likewise, supervisors may suggest to students that they seek our assistance. The Centre also offers specific courses for honours students.

To make an appointment, drop into the ASLC or phone 02 6125 2972 (x 5 2972). The ASLC's website is available at www.anu.edu.au/academicskills

II. GUIDELINES FOR PRESENTATION OF THE HONOURS THESIS

Form of the Thesis

Please note that the formal requirements for submission have changed for Semester 2, 2008:

Two copies of the thesis, with **SPIRAL binding only**, must be lodged with the ANU College of Law Office by the due date. In addition, an electronic copy of the thesis must be submitted to an email address set up by the College for this purpose (further details to be provided). Students will receive an automated acknowledgment of electronic submission.

Where a thesis receives a High Distinction mark, a fresh copy will be printed from the electronic version and will be permanently book bound at the expense of the ANU College of Law. This copy will be held by the Law Library.

The thesis must record the **total word count** on the cover page of the thesis. It is not necessary to put a word count on each individual page. The electronic copy may be checked for word length compliance.

The text of the thesis must be double spaced and must comply with the Australian Guide to Legal Citation (see below). The text may be printed using 2-sided printing.

Cover Page

The cover page should include the title of the paper and the author's name. A sample cover page follows:

SAMPLE COVER PAGE

AN ARGUMENT REGARDING THE LAW OF EVERYTHING

A. STUDENT

**A paper submitted for Honours Thesis
ANU College of Law, The Australian National University**

30 October 2007

Word length: [insert total actual number of words]

Table of Contents

At the beginning of the paper there should be a Table of Contents setting out the chapters or parts with page numbers.

Acknowledgments

It is not necessary but may be appropriate to make a formal acknowledgment of the assistance provided by a supervisor, library staff, and family and friends. This is a matter of personal taste.

Footnotes and Citation Style

Students should follow the Melbourne University Law Review, *Australian Guide to Legal Citation* (2nd ed, 2002) unless that style guide is not appropriate (if, for example, there is considerable citation of international material). Check with your supervisor if in doubt. A copy of the *AGLC* can be purchased at the bookshop and it is available electronically via the Law Library homepage

Bibliography

A bibliography provides a list of sources or references used in research, not just the text, of the paper and is essential. In addition, it may be appropriate to include in the Introduction of the paper a description of the sources and research methodology eg "British and Canadian as well as Australian case law was surveyed, as were parliamentary debates and newspaper reports for public discussion of the relevant legislation. Annual reports of the Commission for Legal Research and Writing were a valuable source on implementation of the legislative standards".

The bibliography is not included in the word count.

Return of Theses

One copy of each submitted thesis will be returned to the student. Where the examiners have annotated the thesis copies the student may take both copies upon providing a substitute copy. The student will also receive a copy of the examiners' report/s. Students should check the homepage as to when thesis copies and reports are available for collection as there are administration requirements to be completed after results are published and, hence, some delay.

III. RELEVANT ANU COLLEGE OF LAW POLICIES, GUIDELINES AND FORMS

THE AUSTRALIAN NATIONAL UNIVERSITY

ANU COLLEGE OF LAW

GUIDELINES ON SUPERVISION AND EXAMINATION OF HONOURS THESIS

1. Supervision

- 1.1 In order to be eligible to enrol in Honours Thesis students must submit to the Faculty Office, by 5pm on the Tuesday of the first week of semester, a Thesis Outline and the form "Approval of Thesis Outline and Agreement to Supervise Honours" signed by their supervisor and counter-signed by the convenor of Honours Thesis, indicating that the supervisor has read and approved the Thesis Outline and is prepared to supervise the student in that semester.
- 1.2 To ensure that they are able to comply with this requirement, students must approach members of staff to discuss the possibility of supervision in the semester prior to their planned enrolment in Honours Thesis. Students must have done some background reading and have identified areas of interest and possible topics prior to this discussion. Where staff are absent from the University such discussions may need to take place by email.
- 1.3 The main responsibility for ensuring that the chosen topic can be adequately dealt with in under 11,000 words rests with supervisors. Staff should stress to students that the topic selected should be one suited to the development of a thesis (or supported argument). Students should be discouraged from attempting a thesis in an area which is taught in the Faculty but which the student has not studied. Staff approving topics should also bear in the mind the need for an appropriate second examiner.
- 1.4 A staff member should normally agree to supervise a student who approaches them provided that the student is proposing to undertake a topic which is both appropriate (given the guidelines in paragraph 3) and which it is within the staff member's reasonable capability to supervise. A staff member is not required, however, to supervise more than three Honours Theses during the calendar year, nor to supervise any students in a semester during which they will be on leave for a significant time. The figure is pro-rated for part-time staff.
- 1.5 Staff should indicate whether or not they are available to supervise students in a particular semester by email within a reasonable time of receiving a request. This agreement to supervise will be conditional on

the student meeting the requirements in relation to the timely submission and approval of an adequate thesis outline.

- 1.6 A candidate will not be permitted to undertake an honours thesis on a topic which no member of staff is prepared to supervise unless, in exceptional circumstances, the convenor of Honours Thesis approves an arrangement for outside supervision. Such arrangements must be finalised in the semester prior to enrolment in Honours Thesis.
- 1.7 Students who are having difficulties finding a supervisor should contact the convenor of Honours Thesis for advice and assistance.
- 1.8 In supervising a student, a member of staff should be prepared to indicate-
- (i) important primary and secondary sources relevant to the topic;
 - (ii) matters that should be emphasised in the thesis.
- The supervisor is not required to undertake independent research upon the topic simply for the purpose of assisting the student.
- 1.9 Within reasonable limits, a supervisor should be available to students for discussion of problems encountered by the student in the preparation of the thesis.
- 1.10 The supervisor should, as a minimum, read and comment upon a draft of the student's thesis at an advanced stage. Any additional reading or commenting upon working drafts or parts thereof will be in the discretion of the supervisor. Other members of staff should not read or comment upon drafts, but may make themselves available for informal discussions with students about their thesis.
- 1.11 The supervisor will provide feedback within a reasonable time (which might be several days for an advanced draft). Staff should tell students when they can expect feedback.
- 1.12 It is not the function of a supervisor to seek out students for the purpose of assisting them in any way in the preparation of their honours thesis. If a student wishes to take advantage of the supervision facilities outlined above, the onus is upon the student to consult with the supervisor.
- 1.13 The quality of the thesis is the student's responsibility, and the supervisor must not in any way undertake the writing of any part of the thesis.
- 1.14 A student who is dissatisfied with the supervision arrangements should consult with the convenor of Honours Thesis at an early stage.

2. Examination

- 2.1 Two examiners for each thesis will be appointed by the Dean on the advice of the convenor of Honours Thesis. Students are entitled to know the names of their examiners when they are appointed.
- 2.2 One of the examiners so appointed will usually be the member of staff who has supervised the preparation of the thesis. The other examiner will, whenever possible, be a member of the staff of the Faculty but will not necessarily have expertise in the topic of the thesis. In exceptional circumstances, where no member of the staff other than the supervisor is competent to examine the thesis, an outside examiner may be appointed. If possible, this will be a member of the staff of the University.
- 2.3 Examiners should read the thesis independently and form a preliminary view about an appropriate mark or mark range before consulting with the other examiner on the mark that is to be recommended.
- 2.4 The marks for the Honours Thesis are graded on the normal scale of High Distinction, Distinction, Credit, Pass, Fail. Under the Faculty's Honours Policy, a student who obtains a mark less than 60 in their Honours Thesis cannot be awarded an honours degree in law. Another relevant scale is the Honours Mark scale under which students are awarded an Honours Mark between 0-10 based on their mark for the Honours Thesis. This is then fed into the formula to calculate the final honours result (see the Policy on Award of Honours in the Law Faculty)
- 2.5 Examiners must comment on the following matters, the importance of which will vary depending on the type of thesis, in addition to any other comments they may wish to make:
1. quality of the arguments and reasoning (how persuasive was the thesis?);
 2. degree of originality in the thesis;
 3. depth and breadth of research and range of research methods used;
 4. degree of difficulty in the topic and/or research methods used;
 5. whether the thesis makes a useful contribution, and in what ways;
 6. structure and organisation of the thesis;
 7. consistency and accuracy of referencing and citations;
 8. literary style (including accuracy of spelling and grammar).
- 2.6 The examiner of the honours thesis who has not been the supervisor should prepare a report commenting on the above matters and recommending a mark. The other examiner may indicate agreement with that report and mark, may attach additional comments to the report, or may prepare a separate report recommending the same or a different mark.
- 2.7 The comments should be sufficiently detailed to enable the Honours Thesis Review Committee to use the report as a basis for comparing the recommended mark with marks recommended for other theses.

- 2.8 When preparing reports, examiners should bear in mind that reports are also made available to students. Feedback should be constructive and supportive. In addition, it will not be appropriate to refer by name or identifying information to another student's thesis.
- 2.9 Co-ordination and moderation of the marking of Honours Thesis will be the responsibility of the Honours Thesis Review Committee. Its task will be to promote the application of uniform standards of examining. Where a difference arises between the examiners or between the Review Committee and the examiners, the mark submitted to Faculty will be arrived at by the Committee in consultation with the examiners. If the mark submitted to Faculty differs from that proposed by an examiner, the difference will be recorded on the examiners' report(s).
- 2.10 After the results of Honours Thesis have been published, students will be notified of the final mark awarded by the Faculty. On request to the Faculty Office students are entitled to have a copy of the calculation sheet for their Honours mark, a copy of their examiners' reports, and to receive one of the copies of the thesis back. Staff should bear this in mind if they wish to annotate the thesis. The other copy of the thesis is kept by the Faculty. Copies of theses awarded an HD grade, and theses by students who have an overall first class honours degree in law, are kept in the Law Library.
- 2.11 For the purposes of the *Examinations (The Faculties) Rules*, the members of the Honours Thesis Review Committee will be appointed as the examiners for Honours Thesis, and the Chair of that Committee will be the Chair of Examiners for the course.

February 2005

HONOURS

LLB Honours Policy

1 Requirements for honours degree

The degree of Bachelor of Law with honours shall consist of two parts:

Part A, which shall consist of a mark derived by applying the **Honours scale** to the eligible law courses. The mark for Part A shall constitute 70% of the mark for the final honours examination.

Part B, which shall consist of a mark derived by applying the **Honours scale** to the candidate's result in Honours Thesis. The mark for Part B shall constitute 30% of the mark for the final honours examination.

A candidate shall not qualify for the degree with honours unless the candidate has completed 14 or more eligible law courses and *Honours Thesis*.

The ANU College of Law may decide not to award the degree with honours to a candidate who has failed an eligible law course or *Honours Thesis*.

2 Eligible law courses

The eligible law courses for the purposes of **Part A** shall be the law courses completed by a candidate in the ANU College of Law at the Australian National University as part of the Bachelor of Laws.

The eligible law courses shall not include:

- a) Honours Thesis;
- b) a course completed by a candidate at another university for which the candidate has been given status in the Bachelor of Laws at the Australian National University, whether the course was completed by the candidate before being enrolled in the Bachelor of Laws, as an approved cross-institutional course, or as a course completed as part of an approved program at a foreign university;
- c) a course completed by a candidate in the postgraduate law program in the ANU College of Law at the Australian National University;
- d) a course which the candidate has taken for a second or further time, having failed the course at the first attempt (whether the first recorded failure was in a course taken in the ANU College of Law at the Australian National University or in a comparable course at another university);
- e) if the candidate has completed at least 114 units in the ANU College of Law at the Australian National University – the three courses in which the candidate obtained the lowest mark;
- f) if the candidate has completed 108 units in the ANU College of Law at the Australian National University – the two courses in which the candidate obtained the lowest mark;
- g) if the candidate has completed 102 units in the ANU College of Law at the Australian National University – the course in which the candidate obtained the lowest mark.

3 Honours scale

The following grade point scale shall be applied to the eligible law courses and Honours Thesis. Each eligible law course and Honours Thesis will be attributed an Honours mark that is equivalent to the candidate's Course result in the course. The mark for Part A shall be the average of the Honours marks for all of the eligible law courses completed by the candidate. The mark for Part B shall be the Honours mark for the candidate's result in Honours Thesis. A candidate's mark for the final honours examination shall comprise 70% of the mark for Part A and 30% of the mark for Part B.

Course Result (0-100%)	Honours Mark (0-10)
0-49	0
50-52	1
53-56	2

57-59	3
60-62	4
63-66	5
67-69	6
70-72	7
73-76	8
77-79	9
80-100	10

4 Eligibility to enrol in Honours Thesis

A candidate shall be eligible to be enrolled in *Honours Thesis* in the following circumstances:

- (a) the candidate, at the time of completion of his or her studies in the ANU College of Law, will have completed 84 units or more in eligible law courses;
- (b) the candidate has, by the end of the first week of the semester in which they will undertake *Honours Thesis*, submitted to the Law School Office a form signed by their supervisor and counter-signed by the convenor of *Honours Thesis*, indicating that the supervisor has read and approved a detailed research proposal prepared in accordance with issued guidelines,** and has agreed to supervise the student; and
- (c) the candidate is in a position to complete the requirements for admission to the degree in a period of one year or less as a full-time student; and
- (d) at the time that the candidate qualifies under paragraph (c), the candidate has an Honours mark of 4.5 in the eligible law courses completed by the candidate, after disregarding the three courses (or less, if this policy otherwise requires) in which the candidate has scored the lowest marks.

5 Failure in a law course

Where a student has failed a law course, the following rules will apply.

- (a) One failure in a law course will not result in exclusion from enrolling in Honours Thesis, nor will it make a student ineligible for an award of Honours.
- (a) Two or more failures in a law course or law courses will result in a student being excluded from enrolling in Honours Thesis, and hence ineligible for an award of Honours. This rule is subject to the discretion of the Sub-Dean who can allow such a student to enrol in Honours Thesis in exceptional circumstances. The Sub-Dean will take account of any written submission from the student as to the circumstances of the failures, and any other relevant matters. If the Sub-Dean exercises the discretion and allows the student to enrol in Honours Thesis, then the fact of those failures will not make the student ineligible for an award of Honours.
- (b) One or more failure in a law course at the point of enrolment in Honours Thesis, with a subsequent failure or failures in a law course or courses will result in the student being ineligible for an award of Honours. This rule is subject to the discretion of the Dean, who can decide that such a student should be awarded Honours in exceptional circumstances. The Dean will take advice from the examiners' meeting and will take account of any written submission from the student as to the circumstances of the failures, and any other relevant matters.

** Honours Thesis workshops will be offered by the College during the year to assist students to prepare the detailed research proposal which will be required for eligibility to enrol in Honours Thesis. Guidelines for the preparation of the detailed research proposal are available in the course outline for Honours Thesis.

6 Part B (Honours Thesis)

The College shall arrange for a member of the academic staff of the ANU College of Law, or some other person who in the opinion of the College is able to provide adequate supervision at the appropriate level, to be appointed to supervise a candidate enrolled in *Honours Thesis*.

For the purposes of *Honours Thesis*, a thesis of between 11,000-13,000 words* shall be submitted by a candidate by a date specified by the College.

7 Grade of honours

The honours result of a candidate shall be classified in the following manner:

- **Honours (first class):** if the candidate obtains an Honours mark of 4.25 or more in Part A, and a mark of 4.00 or more in Part B, and an Honours mark of 7.25 or more in the final honours examination;
- **Honours (second class, division A):** if the candidate obtains an Honours mark of 4.25 or more in Part A, and a mark of 4.00 or more in Part B, and an Honours mark of 5.75 or more (but less than 7.25) in the final honours examination;
- **Honours (second class, division B):** if the candidate obtains an Honours mark of 4.25 or more in Part A, and a mark of 4.00 or more in Part B, and an Honours mark of 4.25 or more (but less than 5.75) in the final honours examination, provided that the ANU College of Law may make an award of honours where the student has an Honours mark of 4.25 or more in the final honours examination and there is a marginal shortfall in Part A which may be seen to be compensated for by the result in Part B.

8 Transitional

- (a) In identifying for the purposes of this policy the law courses in which a candidate obtained the lowest mark, a course completed by the candidate in the ANU College of Law prior to 1999 that was an annual course shall be treated as being two courses each with an identical result.
- (b) A candidate who, at the time the changes to this policy commence operating (1 March 2002), has already completed one or more courses at a foreign university as part of an approved program at that university, or who has already been given approval by the ANU College of Law to take any such courses, may elect to have all of those courses (but not some only of those courses) treated as eligible law courses, and to have the Honours marks for those courses calculated in accordance with the policy operating prior to the commencement of these changes.
- (c) A candidate who, at the time the changes to this policy commence operating (1 March 2002), has already completed one or more courses at another university as approved cross-institutional courses, or who has already been given approval by the College to take any such courses, may elect to have all of those courses (but not some only of those courses) treated as eligible law courses, and to have the Honours marks for those courses calculated in accordance with the policy operating prior to the commencement of these changes.
- (d) In respect of any candidate who was enrolled in the Bachelor of Laws at the Australian National University prior to 2002, any law courses undertaken by the candidate at another university prior to being enrolled at the Australian National University and for which the candidate was given status upon enrolment at the Australian National University, shall be counted as an eligible law course under this policy. The Honours marks for those courses shall be calculated in accordance with the policy operating prior to the commencement of these changes.

JD Honours Policy

The JD may be awarded at H1, H2A or H2B under conditions essentially similar to those applying to LLB students (see section above). JD students will be required to meet the same eligibility criteria and enrol in the Honours Thesis even if they have completed a Graduate Research Unit (GRU).

* Honours Thesis word length has increased to 11,000-13,000 words but the method of counting the words has changed. See the course outline for more details.

Please note that paragraph (c) under the heading 'Eligible law courses' above, which excludes courses in the postgraduate law program, does not apply to JD students.

**HONOURS THESIS
LAWS 3202
Confirmation of Topic Form
Week 9
(submit via essay chute, Services Office)**

Student number and name:

Name of Supervisor:

Title of research paper:

Subject area/s covered in research paper:

Methodology/approach used:

Has your thesis topic changed significantly from the thesis outline you handed in Week 1 of this semester? If so, how?

Please either write on the back of this sheet, or attach, a brief description of your research paper



APPROVAL OF THESIS OUTLINE AND AGREEMENT TO SUPERVISE HONOURS THESIS

PLEASE NOTE

- You must submit this form to the Law School Office no later than 5pm on the Tuesday of Week 1 of the semester in which you are enrolled.
- Failure to submit this form on time will result in your withdrawal from *Honours Thesis*.
- The signing and submission of this form is essential for the confirmation of the supervision arrangement for *Honours Thesis*. This form has no effect unless it is signed by the student and the supervisor and lodged with the Law School Office.
- This form does **not** constitute enrolment in *Honours Thesis* – it is merely to confirm a staff/student supervision arrangement. Enrolment in the course should be undertaken in accordance with other relevant University and Faculty requirements.

STUDENT

Name..... ID

Have you completed an Honours Workshop? Yes No (not compulsory but advised)

Thesis Topic.....

.....

.....

Signature of Student Date

STAFF MEMBER SUPERVISOR

I confirm that I have read and approved the attached detailed Thesis Outline (see reverse for guidance) and that I am prepared to supervise this student in *Honours Thesis* in Semester 200....

Name of Staff Member

Signature of Staff Member Date

Office Use Only

HONOURS THESIS CONVENOR

Countersigned Date

Thesis Outline

The detailed Thesis Outline must:

- Clearly explain the proposed topic and its boundaries;
- Identify the approach(es) to be taken;
- Explain how the research will contribute to the legal literature or legal scholarship;
- Focus on the issues for consideration (including stating the central research question, problem or theory that the proposed research will address);
- Include a preliminary review of the literature and a bibliography;
- Describe the research strategy and methods;
- If empirical research is to be carried out, indicate that any relevant ethics approval has been sought (see below);
- Propose a timetable for writing the thesis.

The Thesis Outline must be such as to convince a supervisor that the topic is sufficiently developed and refined and that the thesis can be successfully completed within the semester. There is no word limit, but the expectation is that the Outline will be several pages long.

Ethics Approval

Research at the ANU, including Honours research, is subject to the *National Statement on Ethical Conduct in Human Research (2007)*. Any research that involves human subjects (eg ALL interviews and surveys) requires approval by the ANU Human Research Ethics Committee.

An on-line approval application procedure was introduced in September 2007. The Office of Research Integrity provides comprehensive training and assistance to all members of the University with respect to ethics applications and it is strongly recommended that students contact the Office if experiencing any difficulty. For more information, see <http://www.anu.edu.au/ro/ORI/human.php>.

In practice, researchers should submit their application 6 to 8 weeks before the research is scheduled to occur. Thus, a student proposing to undertake empirical research should give close consideration to the feasibility of completing the research in time to enable completion of the Honours Thesis by the due date.