LLB/LP HONOURS — POLICIES AND PROCEDURES

Revised January 2013

This policy applies only to students who have commenced their LLB or LLB/LP in 2010 or earlier

There are two ways for a student to obtain an LLB or LLB/LP with Honours, neither of which involves completing an extra year of studies (as is often required under other degree programmes).

The first depends on performance throughout the degree. A student who has a sufficiently high grade point average (GPA) for their law studies at Flinders will be eligible to graduate with an Honours degree without any additional requirements.

The second method is to enrol in the 9-unit elective LLAW 4042 Legal Research Paper, comprised of two 4.5 unit topics: LLAW4042A and LLAW4042B, and obtain a sufficiently high Honours score through a combination of the result in that topic and overall GPA (or just the GPA, if that is to the student’s advantage). There is therefore no guarantee that successful completion of LLAW 4042 Legal Research Paper will result in the award of an Honours LLB – that will also depend upon the Honours GPA. The topic requires the completion of a supervised research project.

There are three particular reasons why students may wish to undertake a legal research paper:

- to maximise their chances of obtaining Honours, or of obtaining Honours at a higher classification;
- to increase their chances of obtaining a scholarship for postgraduate study (some scholarships may be more difficult to obtain without previously undertaking a research project); or
- to have the opportunity to do an extended piece of legal research.

The information that follows sets out the current rules as to the scores needed to obtain Honours, and in particular how the Honours GPA is calculated. Information is also provided on how to apply to do the Legal Research Paper, what is involved, and how the research paper is assessed.

Eligibility for Honours

Eligibility for the award of a Bachelor of Laws (or Bachelor of Laws and Legal Practice) with Honours depends on a student’s Honours score, as follows:

<table>
<thead>
<tr>
<th>Score Range</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 +</td>
<td>Honours I</td>
</tr>
<tr>
<td>5.80 – 6.09</td>
<td>Honours 2A</td>
</tr>
<tr>
<td>5.50 – 5.79</td>
<td>Honours 2B</td>
</tr>
</tbody>
</table>

Procedure for Obtaining Honours

Subject to what is said below about applying to undertake the Legal Research Paper, students do not need to apply to obtain Honours. The necessary calculations will be made automatically and students who have completed their degree will be informed as soon as possible after their results have been finalised whether they have obtained Honours, and if so which classification they have been awarded.

Students who have not heard anything about Honours within a reasonable time of their results being finalised, or who believe their Honours results have been incorrectly calculated, should contact either the Honours Administrative Assistant or the Administrative Officer in the Faculty Office.

LLB Honours Rules and Policies — January 2013
Calculating the Honours Score

Unless they have completed LLAW 4042 Legal Research Paper, each student’s Honours score is their Honours GPA (see below).

For a student who has completed LLAW 4042 Legal Research Paper, their Honours score is the higher of the following:

(a) a score calculated by weighting the grade points obtained in that topic at 33\(\frac{1}{3}\)% and the student’s Honours GPA at 66\(\frac{2}{3}\)%; or

(b) the student’s Honours GPA.

Where (a) applies, the score is calculated to two decimal places, but without rounding up (in accordance with the rules in Appendix A for Honours GPA calculations).

The Honours Grade Point Average

A student’s Honours’ GPA is calculated according to the method set out in Appendix A. In summary, the Honours GPA is derived from the weighted average of all law topics counted towards the LLB (including officially cross-listed topics, but not Legal Practice (PLT) topics or topics for which status has been obtained), using a system of “grade points”. For a student who has completed at least 75% of their law degree (LLB or LLB/LP) at Flinders University, their worst grades up to a maximum of 24 units are disregarded.

The final calculation of the Honours GPA will be made in the year that the student completes all topics required for the degree, whether or not the student graduates in that year.

Students should note that although a GPA is printed at the bottom of academic transcripts, this GPA will not usually represent the Honours GPA, given the rules as to which topics count towards the latter figure and the possibility of disregarding up to 24 units.

Students may ask the Administrative Officer (Law) in the Faculty Office to calculate their GPA for them. However it will generally be quicker and more convenient for students to do their own calculations.

Applying to Undertake a Legal Research Paper

The topic LLAW 4042 Legal Research Paper is a full year LLB elective which counts for 9 units (comprised of two 4.5 unit topics: LLAW4042A and LLAW4042B). It provides students with an opportunity to undertake supervised research and write a dissertation of up to 10,000 words in length.

Students wishing to take this topic must have passed or be concurrently enrolled in LLAW3223 Evidence, and must apply for permission to enrol. Students are ordinarily expected to take the topic in (or as close as possible to) their final year of study. An application may be rejected if the Legal Research Paper Co-ordinator and the Associate Dean (Research) believe that it would be premature for the student to attempt a research paper.
The Legal Research Paper may only be taken as a Flinders topic: completion of comparable topics elsewhere will not be recognised for Honours purposes. The Legal Research Paper Co-ordinator and the Associate Dean (Research) may in appropriate cases permit a student enrolled in the Flinders topic to study away from Adelaide and be supervised by a person located at another institution, provided the supervisor is informed as to the Flinders requirements and the paper is assessed according to Flinders procedures and criteria.

An application for permission to enrol must be in writing and addressed to the Legal Research Paper Co-ordinator. It must be placed in the assignment box in the Student Services Area by 4.00pm on the closing date. The application form ‘Legal Research Paper proposal form’ is available on the web at http://www.flinders.edu.au/ehlt/law/info-for-students.cfm under ‘Forms’. The application must outline a topic proposal and nominate a supervisor. (For further details, see the section below on Developing a Proposal and Finding a Supervisor.) The application must also contain a copy of the student’s academic transcript. For students seeking to start their theses in S1 it must be submitted before the end of October of the year prior to the year in which they wish to undertake the topic. For students wishing to start in S2, proposals are due by the end of the second full week in May. The Legal Research Paper Co-ordinator and the Associate Dean (Research) may accept a late application, but only if the applicant can satisfy them that:

1. there were exceptional reasons for the application not being submitted on time;
2. the student is unable to start one semester later;
3. the student will be able to complete the research paper by the due date.

In addition, late applicants may not be invited to revise and resubmit a rejected application if, in the view of the Legal Research Paper Co-ordinator and the Associate Dean (Research), this would leave insufficient time for the research paper to be undertaken in a timely manner.

Applications will initially be considered for approval by the Honours Co-ordinator and the Associate Dean (Research) in mid-December for students wishing to start in first semester and at the end of May for students wishing to start in second semester. They will consult with potential supervisors before approving an application, and may give students an opportunity to amend their proposals or find an alternative supervisor.

A proposal must not be approved unless the Legal Research Paper Co-ordinator and the Associate Dean (Research) are satisfied that:

(a) the proposal is soundly based and appropriate for a 10,000 word dissertation;
(b) a suitable supervisor is available; and
(c) the student either —
   (i) has a GPA (calculated according to the rules for determining the Honours GPA, but without disregarding the worst 24 units) which meets the minimum GPA established for the year in question; or
   (ii) has, in the opinion of the Legal Research Paper Co-ordinator and the Associate Dean (Research), and based on evidence submitted by the student, the capacity to undertake the proposed research project and obtain at least a credit grade. Students would not normally be admitted under this provision without a GPA (calculated according to the rules for determining the Honours GPA, and disregarding the worst 24 units) of at least 5.0.

For the purpose of (c) (i), a minimum GPA for entry into the topic in the following year will be determined in each year. This figure will reflect the Law School’s total capacity to supervise students. The figure, which will not be available to students in advance of their application, can be expected to vary each year depending on the number of applications and availability of staff. A student may satisfy (c) (ii) by submitting details of research assignments for which a grade of credit or above was achieved.
Developing a Proposal and Finding a Supervisor

Students intending to do a Legal Research Paper should start to think seriously about a topic at least a semester before formally enrolling. Since the research paper is undertaken at the end of the course, there will have been opportunities to consider a range of topics from which a dissertation might be developed. Students may find it useful to talk through ideas with lecturers in areas that interest them. This will provide guidance in developing a proposal. Often, the lecturer will also offer to be the supervisor. This depends on whether or not they are available over the period of the enrolment. If not, it will be necessary to find another supervisor. The Legal Research Paper Co-ordinator can assist students who are having problems finding a supervisor.

Students should make their topic proposal succinct. It should clearly state the aims of the paper, the questions to be asked and the areas to be covered. It should also indicate a proposed methodology for the research and outline any ethical issues that may arise from the use of that methodology (see the section below on Ethics Approval.) Students should be clear why this is an important area of law and what they hope will be achieved by the investigation. For example, a study may add a new perspective to an area that has already been considered; it may try to resolve an area of dispute; or it may propose to consider an area that has not previously been analysed. The aim should be to contribute original ideas or fresh insights wherever possible.

It is important though not to be too ambitious. A succinct and narrow focus is generally easiest to manage. It is more likely to say something useful than a wide ranging study that seeks to address so many issues that it results in a research paper which is overly narrative and therefore lacking critical perspective. The most common cause of proposals being returned for reconsideration is that they are over-ambitious and unlikely to achieve any clear conclusions.

Once a proposal has been carefully prepared, it will generally also form the basis of an introduction and a clear plan for how the research paper is to proceed. Time spent on a good proposal is time saved in writing the paper.

Ethics Approval

Some proposals may need ethics approval. Generally, this will be the case if a study is intending to gather information through a survey or where people are to be formally interviewed and the information obtained is to be incorporated into the study. As a general guide, library based research will not require ethics approval, while a hands-on community based study that uses interview or client based data generally will. Students who think that their paper will need ethics approval should contact the Legal Research Paper Co-ordinator as soon as possible in order to discuss the ethical issues and to allow enough time to make an application to the relevant University ethics committee. Further information can be found at http://www.flinders.edu.au/research/info-for-researchers/ethics/ethics_home.cfm

Guidelines for Supervision

The following provides a brief framework to guide supervisors and students completing a Legal Research Paper. It sets out some general principles which we believe will:

- ensure that supervision occurs in a way that will best assist students to undertake successful research;
- ensure that as far as possible students receive equal assistance in the preparation of their research papers;
provide a realistic indication to students of the amount of supervision that they can reasonably expect; and

provide examiners with an indication of the level of supervision that a student could have expected.

Prior to the student submitting a proposal, the prospective supervisor should discuss the topic with the student, and preferably read and comment on the written proposal. The supervisor should also indicate their availability to act as a supervisor over the coming year and indicate the level of support and knowledge that he/she can offer the student.

If a student’s work appears to require ethics approval, the supervisor must alert both the student and the Legal Research Paper Co-ordinator to this fact as soon as possible. Supervisors should also advise students on any ethical issues associated with the work that become apparent to them.

Students and supervisors should agree on deadlines for completion of drafts and students should adhere to those agreed deadlines. Supervisors should make their students aware of their general availability over the year, particularly periods when they are likely to have heavy teaching or marking commitments or when they will be away from the University. Students should take these issues into account when planning their work and seeking assistance from supervisors. When providing material to supervisors for comment, students must ensure that supervisors have a reasonable opportunity to read and comment on their drafts.

There is an expectation that supervisors will be available to meet with students over the year. The frequency and duration of these meetings will vary from case to case, as will their format (they could involve exchanges of e-mail, telephone conversations or be face to face). But as a guide it is thought that a desirable level of supervision would be, on average, a monthly meeting lasting about an hour on each occasion, though possibly more frequent as the submission deadline becomes closer or if the supervisor considers it necessary. An initial meeting should be held prior to the commencement of the student’s first semester in the topic to plan the outline and progress of the paper. A final meeting should occur within the month prior to submission.

It is a student’s responsibility to keep in touch with a supervisor. However, supervisors may wish to take responsibility for following up their students if they “disappear” or seem not to be making satisfactory progress. Alternatively, they can raise their concerns with the Legal Research Paper Co-ordinator.

Where a student is concerned about the supervision they are receiving, they too can raise these concerns with the Legal Research Paper Co-ordinator.

Supervisors should be prepared to read and comment on drafts and work in progress. It is expected that they will have read and commented on at least one draft of the whole paper prior to its submission. Students should allow supervisors a reasonable amount of time to read the draft.

**Review of Progress**

All students enrolled in LLAW4042 Legal Research Paper are required to complete an interim review of progress by the end of the examination period in their first semester in the topic. Copies of the relevant form are available at http://www.flinders.edu.au/ehlt/law/info-for-students.cfm under ‘Forms’.

**Presentation and Submission of Legal Research Papers**

The presentation of a research paper should ordinarily comply with Law School requirements and citation rules set out in the *Australian Guide to Legal Citation* (2002), copies of which are on reserve...
in the Library or available for purchase from Unibooks. However where a supervisor and student agree that the nature of the paper is such that author-date citation would be appropriate, the student should follow the author-date style outlined in the Australian Government Style Manual published by AusInfo.

When completed, three copies of the paper must be submitted to the Honours Administrative Assistant. Two copies need not be bound, the library has requested that one should be bound rather than stapled, for example using simple coil soft binding. At least one copy must have attached to it the standard Law School cover sheet for assignments, including a signed declaration by the student.

The word limit of 10,000 words includes any text (but not citations) in footnotes, and excludes any preface, table of contents or bibliography. For students using author-date citation, the word limit of 10,000 words includes any text (but not citations) in footnotes, and excludes any preface, table of contents or bibliography. The length of each research paper will be checked on submission, prior to being sent out to examiners. Papers which exceed the word limit will not be accepted.

**Assessment Procedure for Legal Research Papers**

Papers will be assessed on their overall academic merit; reference will be made to structure, research, expression, originality, and coherence of argument. Appendix C contains further information about the criteria to be used in assessing a research paper.

Research papers must be marked by either the Legal Research Paper Co-ordinator or the Associate Dean (Research) and one other person. In selecting the second marker the Legal Research Paper Coordinator and the Associate Dean (Research) will consult with the supervisor during the decision making process, as far as is practicable. A supervisor will not usually be an examiner but may submit confidential comments relating to any specific issues that may have arisen concerning the supervision process.

The examiners mark independently and will prepare an examiners report. In the event of a significant discrepancy between their marks, the Legal Research Paper Co-ordinator or the Associate Dean (Research) (whichever has not been involved in marking the paper) may either:

(a) arrange for the examiners to receive a copy of each other’s reports and invite them to confer with a view to agreeing on a final mark, failing which the paper will be referred to a third examiner; or

(b) immediately refer the paper to a third examiner.

Where a third examiner is appointed, they will not as a general rule be given access to the original examiners’ reports. The third examiner’s report will be provided to the initial examiners and the examiners shall attempt to reach an agreement on the final mark. Should there fail to be an agreement, the Dean (or the Dean’s delegate) shall determine the final mark.

After the research paper has been examined, one copy is given to the supervisor, one to the Law Library, and one returned to the student. Copies of the examiners’ reports may be provided to students upon request.

Results for Legal Research Papers submitted in October will normally be available in December, and not before. In cases where the opinion of a third examiner is sought, it is possible that finalisation of the result will be delayed until January. Students who are relying on completion of the Legal Research Paper in order to complete their degree should not enter into negotiations with employers or potential employers on the basis that they will be able to gain admission to practice in November or December.
of the year in which their Legal Research Paper is submitted. Students who can illustrate that they have compelling and exceptional medical or compassionate grounds justifying certification that they have completed the topic prior to December may apply in writing to the Legal Research Paper Co-ordinator, outlining in full their circumstances. Such applications will be considered on their merits, however it will normally be a precondition for approval of an application that the student is in a position to submit the research paper at least four weeks in advance of the normal deadline. Similar constraints apply to theses being submitted in May. In that case, results will normally only be available in August.

Publication of Legal Research Papers

Students who receive high marks for their research paper are encouraged to consider submitting them for publication in the Flinders Journal of Law Reform.

To facilitate this, examiners will routinely be asked to provide a confidential recommendation as to whether the paper they are marking would be suitable for publication, and if so what revisions (if any) should be made to the paper for that purpose. (Examiners will also be informed, however, that their judgement as to the suitability of the paper for publication should in no way affect their assessment of it.) The Legal Research Paper Co-ordinator and the Associate Dean (Research) will then, in finalising the marks for each research paper, consider whether to contact the student and specifically recommend publication. Any such recommendations will also be communicated to the Editor of the Flinders Journal of Law Reform.
1. As a general rule, the topics to be included in the calculation are the law topics (including LLAW 4042 Legal Research Paper) undertaken by a student for the purpose of the LLB.

This includes not only topics offered by the School of Law, but also topics offered by other Schools or Faculties at Flinders which at the time of completion were officially cross-listed by the Law School Board as law topics for the purpose of the rules governing the LLB.

A list of such cross-listed topics is available in hard copy from the Director of Studies or the Administrative Officer (Law) in the Faculty Office, or on-line on the Intranet.

2. The following topics are not included in the calculations:
   (a) any topic for which a non-graded pass (NGP) has been obtained, including any Legal Practice (PLT) topics;
   (b) any topic (other than an officially cross-listed topic) taken outside the School of Law, for which status has been obtained;
   (c) any topic (other than LLAW 4042 Legal Research Paper) completed after the semester in which the student has completed the requirements for the LLB.

3. Where a student has completed at least 75% of their LLB at Flinders University, their lowest grades up to a maximum of 24 units are disregarded using the following procedure:
   (a) Identify the topics in which the student obtained their lowest grade.
   (b) If the total unit value of those topics exceeds 24 units, eliminate the topic with the highest unit value, then the topic with the next highest unit value, and so on until no more than 24 units of topics have been eliminated.
   (c) If the total does not exceed 24, eliminate all results at that grade from calculations, then identify the next lowest grade and proceed to eliminate topics at that or higher grades (using the method just described) until no more than 24 units of topics have been eliminated.
   (d) A topic may not be partially disregarded for this purpose: if its elimination would take the total of eliminated topics over 24 units, it must still be included in the GPA calculations even if this means less than 24 units are disregarded.

4. Grades obtained in each topic to be included in the GPA calculation are given points using the following formula:

   HD = 7  P1 = 4.5 (pre-1999 results)
   D  = 6  P2 = 4   (pre-1999 results)
   CR = 5  F  = 0
   P  = 4  WF = 0

(Note that for grades obtained prior to 1993, the points are as follows: A = 6.5, B = 5, C = 4, D = 3, F = 0.)
Any withdraw no fail (WN) results are disregarded for this purpose.

5. The grade points for each topic are then weighted by multiplying them by the unit value of the topic. These products are totalled for all subjects undertaken, and averaged by dividing by the total unit value. In other words:

\[
\text{GPA} = \frac{\text{sum of (points for each grade x unit value)}}{\text{total of units counted}}
\]

GPAs are calculated to two decimal places, but \textit{without} rounding up (ie, 5.225 does not become 5.23, and 5.99 does not become 6.0).

An example of these calculations is as follows:

<table>
<thead>
<tr>
<th>Weighting</th>
<th>Grade</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>LLAW 1001</td>
<td>9 units</td>
<td>CR 5</td>
</tr>
<tr>
<td>LLAW 2005</td>
<td>12 units</td>
<td>DN 6</td>
</tr>
<tr>
<td>LLAW 3057</td>
<td>6 units</td>
<td>HD 7</td>
</tr>
</tbody>
</table>

\[
\frac{9 \times 5 + 12 \times 6 + 6 \times 7}{9 + 12 + 6} = \frac{45 + 72 + 42}{27} = 5.88 \text{ GPA}
\]
APPENDIX B — TRANSITIONAL RULES

1. Any reference in this document to LLAW 4042 Legal Research Paper will be taken to include LLAW 4042 Research Paper B, as it was titled prior to 1999, and LLAW 4042 Honours Thesis, as it was titled prior to 2003.
APPENDIX C — ASSESSMENT CRITERIA FOR LLAW 4042 LEGAL RESEARCH PAPER

This Appendix should be read in conjunction with the University Schedule of Final Grades, which is reproduced in the Law School Assessment Policies and Procedures, and which may also be found on the Internet at http://www.flinders.edu.au/ehl/law/info-for-students.cfm under ‘School Policies’. The following criteria do not in any way replace the University Schedule of Final Grades: they merely set out an interpretation of those grades for a Legal Research Paper.

General Criteria

Expression
It is expected that all research papers will be written coherently and will follow the Australian Guide to Legal Citation. Poor presentation, expression, and citation practices affect the quality of the paper and will be reflected in the grade obtained. It is advisable to leave at least two weeks for final polishing and proofreading of the paper. Having an independent reader to assist with proofreading is ideal. (Proofreading is not the role of the supervisor).

Research
Since research is a core requirement of the Legal Research Paper, evidence of research is necessary even to obtain a P grade. This means that the central scholarly work relevant to the topic should have been identified and discussed. Normally this will include both primary and secondary materials, although secondary materials which are exactly on the point of the topic will not always be available. For instance, if the topic concerns an issue raised by a recent court decision, there may be no secondary literature on that precise question. However, there will ordinarily be literature which deals with the legal situation prior to the decision, and other contextual matters. It is expected that all research papers will demonstrate the core knowledge required to address the research topic. Utilisation of a particular theoretical framework (postmodernism, feminism etc) is not necessarily a requirement of any Legal Research Paper. However, some topics will require the adoption of such a theoretical framework and – where this is the case – the extent to which this is achieved will be taken into account in awarding a grade.

Originality
Originality is a general criterion for assessment in the Legal Research Paper. Lack of originality will not necessarily result in a failure in the topic: it is in fact possible to obtain a good grade without a high level of originality, depending on the extent to which other criteria are met. Originality is difficult to define in the abstract, but it may be demonstrated in a number of ways, such as: identification of a novel research question or issue; analysis of an existing issue which is different from existing analyses; original synthesis of two or more different areas of inquiry; an original contribution to scholarly debate.

Coherence of Argument
The research paper should focus upon a particular issue or research question. At the outset, it should clearly state its major focus, the general approach to be taken, and the order in which parts of the argument are to be considered. The argument should be situated within the context of scholarly debate, and will offer a convincing explanation of why some issues are dealt with while others are not. A coherent argument will be logical, with no unexplained gaps, and sustained throughout the paper. Different sections of the paper should be located within the context of the overall argument.

Structure
A good structure assists in the communication of a coherent argument. The research paper should have a clear introduction and conclusion, stating the main aims, approach, and achievement of the paper. It should also be organised internally in a way that can be easily followed by the reader, and which supports the argument.

Grades

Pass Level (P) – the grade signifies that the base level of achievement has been reached. To obtain a P grade it is necessary to illustrate a reasonable understanding of core issues related to the topic, and adequate knowledge to address those issues. Major debates arising from the literature should be identified and discussed. As the Legal Research Paper is a final year topic, a P grade also indicates expertise in techniques of legal analysis appropriate to a final-year student.

Credit (CR) – it is expected that all students accepted into the Legal Research Paper will have a demonstrated ability to achieve at least a Credit. (Of course, this does not mean that at least a Credit will be achieved.) This grade signifies that the paper has demonstrated everything expected of a P grade, but that the it achieves more than the minimum requirements in at least one of the criteria outlined above. A paper which obtains a Credit will normally demonstrate wide research and a very good grasp of the core issues and problems raised by the topic. It will canvass major scholarly debates in the field, and make a coherent argument in relation to the central point of the topic.

Distinction (DN) – a research paper which obtains this grade will demonstrate an advanced understanding of the topic, meaning that it will be based upon extensive research and an excellent knowledge of scholarship in the area. The DN grade indicates work which is of a very high quality, and will normally be awarded only where there is evidence of a degree of original thought or analysis.

High Distinction (HD) – research papers will only be awarded the grade of High Distinction where all of the criteria mentioned above are demonstrated to a very high level. A paper which obtains a High Distinction, will be based upon extensive, thorough, and in-depth research, an advanced knowledge of scholarly debate, and the construction of a sound argument, in combination with original thought concerning the topic. An extremely high standard of expression and referencing will be expected.