MONASH University

MONASH LAW

HIGHER DEGREES BY RESEARCH GUIDE

2021

CONTENTS

Welcome message from the Director, Higher Degrees by Research (HDR)

At Monash Law, we are committed to excellence in both legal research and legal education. In the case of Higher Degree by Research students, these two commitments coincide. We take great pride in our record of contributions to legal research, which include the work of our graduate research students as well as our academic staff. Whether your future lies in academia, legal practice, public service, or elsewhere, as one of our HDR students you are an important member of our academic community. Graduate researchers are scholars in their own right and are the future leaders of the discipline.

In addition to providing you with first rate training in legal research, we will endeavour to ensure that your studies with us are enjoyable and fulfilling. To that end, we have adopted many policies to provide support for all aspects of your work. You will gain most from your studies if, at the outset, you become familiar with the wide range of academic, administrative and social support that is available to you within the Faculty and the University. In particular, a lively Graduate Research Student Group plays an active role in supporting graduate research students' research and building social networks. Details of the Group's meetings can be found on the Law Graduate Research webpage.

Law HDR students participate actively in the academic life of the Faculty. Our academic program includes HDR reporting seminars which are held during the year. These sessions provide a stimulating and supportive intellectual environment, and enable HDR students and their supervisors as well as other members of the Faculty to meet as a group. As part of the Monash PhD, all doctoral students take part in Professional Development modules which focus on developing discipline-specific knowledge, as well as developing professional skills to support your career ambitions.

We invite you at any time to contact your supervisor, the Research Services Team, or me for more detailed information or advice during the course of your studies. We welcome the opportunity to support you during the time you spend with us.

I look forward to meeting all of you in the near future.

**Associate Professor
Julie Debeljak**
Director,
Higher Degrees by Research

1.1
SUPPORT WITHIN THE FACULTY

RESEARCH

Associate Dean (Research)
Professor Andrew Mitchell
Tel: (+61 3) 9905 8034
Email: andrew.mitchell@monash.edu

Director,
Higher Degrees by Research
Associate Professor Julie Debeljak
Tel: (+61 3) 9905 5876
Email: julie.debeljak@monash.edu

Senior Lecturer
Dr Lisa Spagnolo
Tel: (+61 3) 9905 3349
Email: lisa.spagnolo@monash.edu

Research Services contacts

Mr John Rabling
Tel: (+61 3) 9903 8625
Email: john.rabling@monash.edu

Ms Bridget Sadler
Tel: (+61 3) 9905 3354
Email: bridget.sadler@monash.edu

Ms Katharine Cox
Tel: (+61 3) 9905 5609
Email: katharine.cox@monash.edu

RESEARCH CENTRES

Australian Centre for Justice and Innovation (ACJI)
Director, A/Prof Genevieve Grant
Tel: (+61 3) 9905 3341
Email: genevieve.grant@monash.edu

monash.edu/law/research/
excellence/acji

Castan Centre for Human Rights
Director,
The Honourable Prof Kevin Bell
Email: castan.centre@monash.edu

monash.edu/law/research/centres/
castancentre

Centre for Commercial Law and Regulatory Studies (CLARS)
Director, Prof Jennifer Hill
Tel: (+61 3) 9905 3838
Email: jennifer.hill@monash.edu
or clars@monash.edu

monash.edu/law/research/
excellence/clars

Research Centres Administrator
Ms Janice Hugo
Tel: (+61 3) 9905 3327
Email: janice.hugo@monash.edu

COMPUTERS

eSolutions Service Desk

For all enquiries related to IT access and support.

Tel: 9903 2777
Email: servicedesk@monash.edu

More details at https://www.monash.edu/esolutions/contact-us

LAW LIBRARY

Library and Research Enquiries
Loans: (+61 3) 9905 2601

Librarians for help with research:
Please contact the team at:
lib-lawteam-l@monash.edu

Or, come to our Research skills drop-ins via Zoom

FACULTY RESEARCH COMMITTEE (FRC)

FRC deals with policy on research and research candidature matters. Students may raise any concerns which they would like the Research Committee to consider via the Director, Higher Degrees by Research or via the student representative on the Research Committee.

Director,
Higher Degrees by Research
Associate Professor Julie Debeljak
Tel: (+61 3) 9905 5876
Email: julie.debeljak@monash.edu

Student representative:
Ms Estelle Wallingford
Email: estelle.wallingford@monash.edu

LAW GRADUATE RESEARCH STUDENTS GROUP

The Graduate Research Student Group was established in 2001 to:

- Discuss issues relevant to the research interests of graduate research students;

- Foster a collegiate spirit amongst graduate research students; and

- Represent the research interests of graduate research students in appropriate forums.

The Group web page is available at monash.edu/law/research/hdr/hdr-student-group

1.2
SUPPORT BY THE MONASH GRADUATE RESEARCH OFFICE

GRADUATE RESEARCHER DEVELOPMENT ACTIVITIES

The Monash Graduate Research Office organises workshops and seminars for graduate research students throughout the year.

monash.edu/graduate-research

Access to view activities for 2021 and booking system are via an online system "myDevelopment":

- Go to https://my.monash/

- Select "Research" tile and then select myDevelopment

PHD HUB

The PhD Hub is a facility located on the ground floor of Building 88, 27 Sports Walk, Clayton Campus. It offers graduate research students a wide range of facilities and managed by the Monash Graduate Research Office for the benefit of graduate research students. Information on opening hours, booking and access, etc is at intranet.monash/graduate-education/about/spaces

MONASH GRADUATE ASSOCIATION (MGA)

The Monash Graduate Association represents students enrolled in doctoral, masters, and postgraduate diploma courses at Monash University. It is advisable for students to keep abreast of the MGA activities which are organised for postgraduate students throughout the year.

Please see detailed activities at mpa.monash.edu.au/

RESEARCH AND LEARNING ONLINE

monash.edu/rlo

Graduate Research and Writing monash.edu/rlo/graduate-research-writing

1.3
FACILITIES & SERVICES

Many services and facilities are available to students in the faculty. Further services and facilities, such as the Matheson Library, sports centre and health services are provided by the wider university.

STUDENT SERVICES

The University provides many different kinds of services to help you gain the most from your studies. Further information is available at monash.edu/students

LAW LIBRARY

Please refer to the Library Supplement at the back of this handbook or at: monash.edu/library/libraries/australia/law

LEGAL DATABASES

One-on-one training sessions are available through the Law Library. Email the team at lib-lawteam-l@monash.edu

REFERENCE MANAGEMENT

There are various options available to help you manage your references, including EndNote and Zotero. See the Law Library's Citing and Referencing Guide or contact the Law Library team for help at lib-lawteam-l@monash.edu

MONASH UNIVERSITY LIBRARY

For the system of libraries please refer to the Services and facilities at: monash.edu/library/services

Support for Researchers: https://www.monash.edu/library/researchers

HEALTH AND WELLBEING
monash.edu/health

HEALTH AND FITNESS
monash.edu/sport/health-fitness

DETAILS OF OTHER FACILITIES AND SERVICES

Information on campus services, for example, purchase of parking permit for students, shuttle bus between campuses, is available at intranet.monash/bpd

BUILDING SERVICES

All building issues in the Faculty of Law, Clayton Campus should be referred to:

Mr Chris Hinchliffe
Operations Manager
– Finance & Resources
Tel: (+61 3) 9905 0889
Email: chris.hinchliffe@monash.edu

1.4
BUILDING ACCESS

There are several areas within the Faculty of Law which require authorised access. The access can be given to graduate research students via their student cards. Please contact the Research Services Team on **law-graduate-research@ monash.edu**

TO OBTAIN STUDENT ID CARDS

To obtain a student ID card (M-Pass Card), you are required to show one form of photo ID, e.g. driver's license, passport at the Student Services counter in the Campus Centre (Building 21), Clayton Campus.

If you are unable to attend campus to obtain your student ID card, please contact Monash Connect at 1800 666 274.

1.5
WORKSPACE FOR GRADUATE RESEARCH STUDENTS

Graduate research students, who do not occupy a work station for sole use within the Faculty, can use any computer which is available in the law library.

Individual lockable carrels located in the Law Library at Clayton campus are provided for some graduate research students. The carrels are allocated in priority order as follows:

a) Full time PhD international students (scholarship holders)
b) Full time PhD international students
c) Full-time PhD local students
d) Other full-time graduate research students

This accommodation is arranged through the Faculty Graduate Research Student Coordinator. The carrels have storage space for books and personal items.

The Faculty has allocated some carrels in the Law Library for graduate research part-time and external students who occasionally come to the Faculty to see their supervisors or other purposes. Please contact the Research Services Team on **law-graduate-research@monash.edu** to book this facility in advance.

Full-time students who have been allocated work space for sole use will be required to vacate their space if:

- Ceased to enrol on a full-time basis
- Take leave of absence for more than 3 months
- Misused the workspace or computing facilities
- Do not consistently utilised the workspace allocated.

Some hot desks at the Monash University Law Chambers (MULC), 555 Lonsdale Street, Melbourne are available for HDR students. Please contact the 9903 8625 for information.

COMPUTER USAGE IN CARRELS

Students must comply with the policy on the use of University's information technology facilities.

This information is available at: **monash.edu/policy-bank/ management/its**

All computers in carrels have been set up by the University eSolutions. For assistance or enquiries regarding your computer, students are requested to contact the eSolutions Service Desk directly at 990 32777 or email **servicedesk@monash.edu**

1.6
MONASH EMAIL ACCOUNT REGISTRATION

Students of Monash University are all provided with a Monash e-mail account. Monash uses web-based email systems, which allows you to access your Monash emails from anywhere in the world.

In order to have IT access at Monash, new students are required to register for a new student email account. Please follow the instructions below.

- After you accept your course offer, please register for a Monash student email account at **account-registration.monash. edu**

- When the registration is complete, you will receive an email verification via your nominated personal email that your Monash student email account has been registered with instructions for setting your password.

- You can then login to my.monash portal using your student email account at **my.monash.edu.au/**

Please contact the University e-Solutions Service Desk if you are experiencing problems.

Tel: 9903 2777
Email: **servicedesk@monash.edu**

1.7
ACCEPTABLE USE OF INFORMATION TECHNOLOGY FACILITIES BY STUDENTS

The Acceptable Use of Information Technology Facilities by Students governs all computers, computing laboratories, lecture theatres and video conferencing rooms across the University together with use of all associated networks, internet access, email, hardware, dial-in access, data storage, computer accounts, software (both proprietary and those developed by the University), telephone services and voicemail.

Students are requested to refer to the policy on the use of University's information technology facilities at monash.edu/policy-bank/management/its

1.8
PHOTOCOPYING

Enrolled law graduate research students have access to use the photocopier in room 341, Faculty of Law, Clayton campus via their M-pass Card.

1.9
MAIL BOXES

Graduate research students share a letterbox in the mail room (room number 451a) on the fourth floor of the Law Building at Clayton Campus. Please check your mails at regular intervals. This letterbox receives external as well as internal (university) mail.

The address for inward mail should include:

> Name of student
> **HDR Student**
> Faculty of Law
> Monash University
> 15 Ancora Imparo Way,
> Monash University VIC 3800
> Australia

Unclaimed mail will be returned to sender or shredded as appropriate.

1.10
FACULTY INDUCTION

Completing the Faculty induction is compulsory for all new HDR students. This is to ensure that new students are aware of various important issues during their candidature. The Faculty induction involves the following:

- Meeting with supervisor(s) to go through the checklist for new HDR candidature, i.e. academic milestones, etc.

- Meeting with Faculty Research Services for administrative issues related to the candidature, i.e. overview of on-line systems, facilities, safety, wellbeing, etc.

- Meeting with Law Library staff for an introduction of law databases and tour of the law library.

- Meeting with the HDR Director for an introduction to the Faculty's academic program and the PhD experience.

- Attend a seminar on "What's in a law thesis?". This is one hour seminar to introduce students to the structure and style of a law thesis. This seminar is held once every semester.

1.11
STATISTICAL CONSULTING SERVICE

The Monash Statistical Consulting Platform provides a free statistical consulting service, limited to a certain number of hours, to Monash graduate research students to underpin excellent research projects. Advisers can provide help with questionnaire design, data analysis, testing the significance of the results, visualisation and much more.

Further information:
monash.edu/research/infrastructure/platforms-pages/statistical-consulting

Email: StatisticalConsulting@monash.edu

1.12
ATTENDING COURSEWORK UNITS ON A NOT-FOR-CREDIT BASIS

Graduate research students who are enrolled in the Faculty of Law and may need to attend some coursework units offered by the Faculty are requested to consult with their supervisor(s) in the first instance. If the reasons for attending those units are justified and it will contribute towards completion of the thesis, the supervisor will contact the relevant Course Director to seek permission.

If the permission is granted, students will attend lectures of those units without having to officially enrol. They will not have to pay the tuition fee. Online access to teaching materials of those units is restricted to enrolled students and therefore students in this case will have to contact the administrator of the program to arrange to have access to teaching materials offline. Students who wish to attend coursework units offered by other academic units within Monash or other universities have to meet the cost of tuition fee by themselves.

General subjects of interest might include:

LAW5443
Language, communication and legal process
monash.edu.au/pubs/handbooks/units/LAW5443.html

LAW 5080
Australian legal system
monash.edu.au/pubs/handbooks/units/LAW5080.html

NAME	Madeleine Hale
START DATE	2021
TOPIC	Whether freedom of speech should apply to social media companies
FUN FACT	I am a lawyer and a teaching associate in the Monash Law Faculty. I have also worked in film, tv and musical theatre – I wrote and produced a musical

1.13
SAFETY AND EMERGENCY

POLICY & PROCEDURE INFORMATION

The Monash University *Occupational Health & Safety intranet site* (**monash.edu/ohs**) provides a wealth of information relating to the University's OHS policies and practices. Specific policy and other OHS documentation can be found at **monash.edu/ohs/info-docs**.

MANDATORY COMPLIANCE TRAINING

All new staff and students are required to complete the Occupational Health & Safety induction as part of their online mandatory compliance training, available in MyDevelopment.

The *OHS Training Requirement Matrix* (**monash.edu/data/assets/pdf_file/0004/496030/ohs-training-guide.pdf**) shows the mandatory and recommended training requirements of all staff and students, including those appointed to specific safety and emergency roles.

ROLES & RESPONSIBILITIES

General

The Monash University *OHS Roles, Responsibilities and Committees Procedure* (**monash.edu/__data/assets/pdf_file/0005/129614/OHS-Roles-Responsibilities-and-Committees-Procedure.pdf**) sets out the OHS structure, roles and responsibilities at each function and level within the University. It ensures that the requirements of Victorian OHS legislation and relevant Australian standards and the Monash University Occupational Health and Safety Policy are met.

OHS Committee

The Faculty of Law OHS Committee provides a consultative forum for the discussion and resolution of OHS matters, implementation of appropriate controls designed to safeguard the health and safety of all staff and students, driving a consistent approach to OHS across the Faculty and ensuring that OHS responsibilities are appropriately discharged in accordance with applicable University policies and procedures.

The following table shows the composition of the Committee for 2021:

Incumbent	Role
Caroline Henckels	Committee Chair
Fiona Bygraves	Faculty General Manager
Chris Hinchliffe	Safety Officer / Committee Secretary
Natalia Antolak-Saper	Health & Safety Representative
Weiping He	Academic Staff Representative
Katharine Cox	Professional Staff Representative
Kay Jamieson	Monash Law Clinics Representative
Neerav Srivastava	HDR Student Representative
Karla Contreras	MU OHS Consultant & Advisor to the Committee
Kelsey Van Rheenen	MU Buildings & Property Consultant & Advisor to the Committee

The Committee meets quarterly in February, May, August and November, with minutes of meetings available on the Faculty intranet and OHS noticeboards. Staff and students are able to request items be added to the agenda of any meeting. The Committee's Terms of Reference are also available on the Faculty intranet site.

SECURITY AND EMERGENCY RESPONSE

Monash Security

The Monash Security control room monitors surveillance cameras, electronic access points and alarms on our campuses. They are available to respond to a security emergency or other security enquiries 24 hours a day, 7 days a week.

In the event of an emergency (security incident or injury/illness) on a Monash University site, you should contact:

Life-Threatening Emergency	1) Telephone **000** (for Ambulance / Fire / Police) 2) Telephone **9905 3333** (or dial **333** from an emergency Red phone (if available) or any Monash phone).
Non-life-threatening Emergency	1) Telephone **9905 3333** (or dial **333** from an emergency Red phone (if available) or any Monash phone). 2) Telephone **000** (for Ambulance / Fire / Police).
General Security inquiries	Tel: 9902 7777 (or dial 27777 from a Monash phone).

Evacuation Procedures

Take the time to familiarise yourself with the emergency information and other resources in the Faculty of Law location you are working in including emergency evacuation maps, assembly points, fire extinguishers/ blankets, break glass alarms, fire exits and emergency (red) phones.

In case of an emergency necessitating a building evacuation, floor wardens (distinguished by their high visibility vests) will assist staff and students to exit the building. Please refer to the OHS noticeboards at Clayton and the Monash Law Chambers for up-to-date names and contact details of appointed building and floor wardens.

If, during an emergency, you do not believe that you can promptly evacuate the building unaided, you will need to develop a in a Personal Emergency Evacuation Plan (PEEP) (**monash.edu/ohs/info-docs/safety-topics/emergency-and-fire-safety**). A PEEP may be required for anyone with mobility impairments, visual impairments, hearing impairments, cognitive impairments or other circumstance. A temporary PEEP may be required for short term injuries, temporary medical conditions or pregnancy.

If you feel as though you require a PEEP to be established, contact the Faculty's Safety Officer at **Law-operations@monash.edu**.

First Aid

In the event you require first aid you should **familiarise yourself** with the list of first aiders for your building located on the OHS noticeboard. Health Services are also available at the Campus Centre of the Clayton campus (telephone 9905 3175).

RISK MANAGEMENT

The Monash University *OHS Risk Management Procedure* (**monash.edu/__data/assets/pdf_file/0020/147152/risk-management.pdf**) defines the processes that Monash University uses for the identification, assessment, control and review of OHS hazards and their associated risks.

OHS Risk Assessments are required to be approved prior to undertaking any potentially new hazardous activity or implementing changes to an existing hazardous activity. If you have any questions regarding risk management or appropriate procedures for conducting workplace activities, please contact your supervisor.

Manual Handling, Ergonomics, and Pregnancy

Click on the embedded links to be provided with useful information and tools relating to the risks associated with *Manual handling* (**monash.edu/ohs/info-docs/safety-topics/ergonomics/manual-handling**), *Ergonomics* (**https://www.monash.edu/ohs/info-docs/safety-topics/ergonomics**) and *Pregnancy* (**monash.edu/ohs/info-docs/safety-topics/events-and-people/pregnancy-and-work**).

Working outside of business hours

The requirements of the Faculty of Law *After Hours Guideline* [insert link] should be adopted for any staff or students wishing to conduct solo working outside of standard business hours.

HAZARD AND INCIDENT REPORTING

All hazards and incidents, including injuries and near misses must be reported via the online Safety And Risk Analysis Hub (S.A.R.A.H) (**monash.edu/ohs/sarah/report-incident-hazard**). It is also advised that you notify your supervisor and the Operations Team (**Law-Operations@monash.edu**).

All hazards and incidents must be reported **within 24 hours** of being identified.

OHS Hazard Issue Resolution Procedure

The process for the timely and effective resolution of unresolved or outstanding OHS Issues can be found in the *OHS Issue Resolution Procedure* (**monash.edu/__data/assets/pdf_file/0017/147122/issue-resolution.pdf**).

SIGN-OFF

Please fill in and sign the Local Area OHS Induction Checklist and email a completed copy to **Law-Operations@monash.edu** to confirm that you are comfortable with all information covered above.

Please also feel free to email if with any questions regarding OHS and Safety at the Faculty of Law.

NAME	Lea Domingo-Cabarrubias
START DATE	2019 and expect to complete in 2022
TOPIC	The human rights obligations of international finance institutions, focusing on women's right to food in the context of the work of the Asian Development Bank. I am passionate about social justice, gender equality, and human rights
FUN FACT	I also write essays about surviving depression and generally about life, love, faith, hope, and finding one's self. I publish these on my blog The Happy Things Notebook

1.14
GRANTS AND AWARDS

There are some grants and awards available to HDR students in order to assist them to conduct research related to their thesis.

FACULTY HDR SUPPORT FUND

The HDR Research Support Fund is to support eligible HDR students in the Faculty of Law by providing funding related to their research which will support the completion of their thesis. Please see funding guidelines at monash.edu/law/research/hdr/hdr-support-fund

MONASH POSTGRADUATE TRAVEL GRANTS

Due to COVID-19 travel restrictions, the University Postgraduate Travel Grant and Intercampus Travel Grant are not available to students in 2021.

THE VICE-CHANCELLOR'S INTERCAMPUS TRAVEL GRANT

Due to COVID-19 travel restrictions, the University Postgraduate Travel Grant and Intercampus Travel Grant are not available to students in 2021.

POSTGRADUATE PUBLICATIONS AWARD

The Postgraduate Publications Awards scheme is designed to encourage graduate research students to disseminate their research findings to a wider public through publication in professional journals or books.

The scheme provides a modest income to authors during the preparation of articles and books which are based on their theses submitted for a research degree. The scheme aims to discourage delays in thesis completion that may arise when research students take time out during their candidature to prepare papers for publication.

The Postgraduate Publications Award provides support for students who, having submitted their thesis, wish to write up some of their research for publication while they await the result of their examination. Thus the award is explicitly targeted at graduate research students whose thesis is under examination.

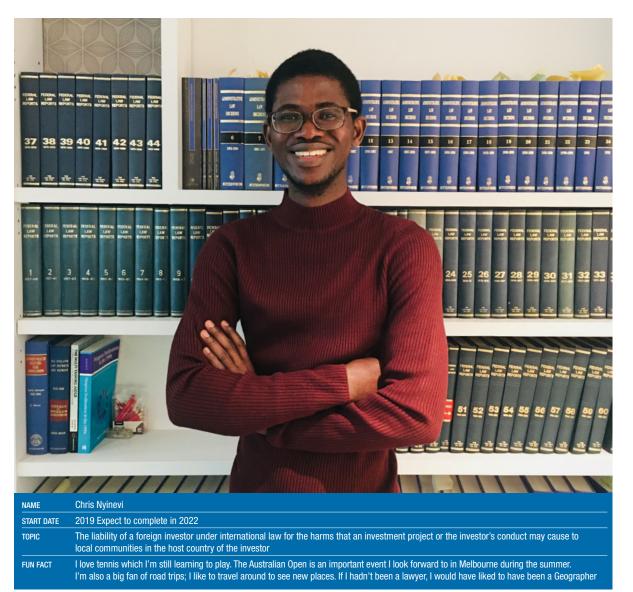The maximum tenure of an award is twelve weeks.

Eligibility

Graduate research students who have submitted, or are about to submit, their thesis.

Eligible students are required to apply in the selection round which coincides with the submission date of their thesis.

Further information and related forms are available at intranet.monash/graduate-education/admissions-scholarships/scholarships/grants/ppa

MONASH LAW SCHOOL STUDENTS' PUBLICATION PRIZE

This award is to recognise the best research publication of students each year. The awarding of the prize will be considered by a subcommittee of the Research Committee. Guidelines and nomination form are available at monash.edu/law/research/hdr/publication-prize

NAME	Chris Nyinevi
START DATE	2019 Expect to complete in 2022
TOPIC	The liability of a foreign investor under international law for the harms that an investment project or the investor's conduct may cause to local communities in the host country of the investor
FUN FACT	I love tennis which I'm still learning to play. The Australian Open is an important event I look forward to in Melbourne during the summer. I'm also a big fan of road trips; I like to travel around to see new places. If I hadn't been a lawyer, I would have liked to have been a Geographer

2.1
CHARACTERISTICS OF MASTERS AND DOCTORAL THESES

The Faculty offers two graduate research courses.

DOCTOR OF PHILOSOPHY (PHD)

From 2015, the Doctor of Philosophy (PhD) in Law requires students to complete a Graduate Research Professional Development component in addition to the thesis component.

The Graduate Research Professional Development component will require students to complete research skills training activities totalling 120 hours spread throughout the enrolment: 60 hours (minimum) from the 'Excellence in research and teaching' category and 60 hours (minimum) from the 'Professionalism, innovation and career' category.

Out of the 120 hours in the graduate research professional development activities, Law PhD students must complete 38 hours of mandated activities related to the discipline, delivered through the Faculty of Law.

The expected word length for a PhD thesis in law for students who are enrolled prior to 2015 is 100,000 words. Students who are enrolled from 2015 are required to submit a thesis of up to 80,000 words.

A PhD thesis in law should represent "a significant contribution to the knowledge or understanding" in the field and demonstrate "the capacity of the student to carry out independent research".

The word length for a PhD thesis does not include footnotes, references, appendices, nor does it include equations, tables, diagrams and other illustrations.

Where it is proposed that a thesis will exceed the specified maximum length, a request must be submitted to the Graduate Research Committee. Requests of this nature must be made in advance of the thesis being submitted for examination.

Please consult the University Handbook for Doctoral Degrees at http://www.monash.edu/graduate-research/faqs-and-resources/content

MASTER OF PHILOSOPHY (MPHIL)

The expected length for an MPhil thesis is 35,000 words. Its standard should be comparable to legal writings found in learned law journals and must demonstrate the student's ability to carry out independent research and to analyse and synthesize legal concepts.

Other details are available at http://www.monash.edu/graduate-research/faqs-and-resources/masters

2.2
LENGTH OF ENROLMENT

PHD

See Section 3.1 of the Handbook for Doctoral Degrees at http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-three/3-1

MPHIL

See Section 3.1 of Handbook for Research Master's Degrees at http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-three/3-1

2.3
TRANSFER FROM MPHIL TO PHD

If you are enrolled in MPhil and you believe that the scope, depth and originality of your work might be suitable for a doctoral thesis, you may apply to transfer to PhD candidature.

An application to transfer from Masters to PhD must be considered and approved in the same manner as any new PhD application, i.e. it must be recommended for approval by a Faculty Review Panel to the Monash Graduate Research Office. Before the Faculty Review Panel will consider your request to transfer, you must be able to demonstrate the following:

- that you have been enrolled for a minimum period of 9 months of full time candidature (or equivalent of part time)

- that you have completed a substantial amount of written work, in the form of a detailed proposal or draft chapters in the order of 10,000 words

- that you have orally presented a research proposal to a review panel for such a transfer

- that you have obtained the written support of your supervisor and the review panel for such a transfer.

Transfer from M.Phil to a PhD in Law before the 12th equivalent full-time month of enrolment will be on a probationary basis. Transfer on a firm basis must occur between the 12th to the 15th equivalent full-time month of enrolment.

Please see details in Section 2.4.1 of the Handbook for Research Master's Degrees at
http://www.monash.edu/graduate-research/faqs-and-resources/masters/chapter-two/2-4

2.4
ACADEMIC MILESTONES

All PhD, SJD and MPhil students are required to achieve academic milestones during their enrolment.

Doctoral students are required to achieve three academic milestones: confirmation, mid-candidature (progress review) and pre-submission seminar (final review).

M.Phil students are required to achieve two academic milestones: confirmation and progress review.

Please see Sections 1 and 2 of the Graduate Research Progress Management Procedures related to the due date and purposes of each milestone at
https://www.monash.edu/__data/assets/pdf_file/0009/797157/Graduate-Research-Progress-Management-Procedures.pdf

CONFIRMATION

It is the University policy that all graduate research students are initially enrolled on a probationary basis. The probationary period of PhD and SJD students is 12 equivalent full-time months and that of MPhil students is 8 equivalent full-time months.

All students are required to present their work in progress to a review panel and submit a confirmation report at the end of their probationary period. For specific requirements for Law students, please see
http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-three/3-10

MID-CANDIDATURE REVIEW/PROGRESS REVIEW

The mid-candidature review for PhD students who commence from January 2015 will take place at the 24th equivalent full-time month.

The mid-candidature review for PhD students who commenced prior to January 2015 and SJD students will take place between the 21st and the 27th equivalent full-time month.

PhD and SJD students are required to submit some written work to a review panel and to meet with this panel in a closed session to review the progress. They are also required to present a seminar for 20 minutes to an audience within the Faculty at the Faculty HDR Reporting Seminar. Please see specific requirements of the Faculty of Law for this milestone at
http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-three/3-11

PRE-SUBMISSION REVIEW/ FINAL REVIEW

The pre-submission review for PhD students who commence from January 2015 will take place at the 36th equivalent full-time month.

The pre-submission review for PhD students who commenced prior to January 2015 and SJD students will take place no later than six months prior to the enrolment end date.

PhD and SJD students are required to submit some written work to a review panel and to meet with this panel in a closed session to review the progress. They are also required to present a seminar for 20 minutes to an audience within the Faculty at the Faculty HDR Reporting Seminar. Please see specific requirements of the Faculty of Law for this milestone at http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-three/3-12

2.5
CODE OF PRACTICE FOR SUPERVISION OF DOCTORAL AND RESEARCH MASTER'S STUDENTS

It is the responsibility of the student to maintain a professional relationship at all times with the supervisor and other university staff and in relation to

- Regulations and guidelines
- Use of resources and facilities
- Faculty activities and meeting with other researchers
- Safe working practices
- Adherence to ethical practices
- Retention of data
- Meetings/communications with supervisor(s)
- Meetings/communications with supervisor(s) in the case of external candidature
- Grievance procedures
- Documentation of progress
- Examination.

Graduate research students are requested to refer to the roles and responsibilities of supervisors and students in the context of the supervisory arrangement.

https://www.monash.edu/__data/assets/pdf_file/0009/1583226/Graduate-Research-Supervision-Policy.pdf

Attendance

Whether you are a full-time or part-time student, you are expected to attend your campus regularly to consult with your supervisor, attend colloquia, and to use the library. It may be possible, in exceptional situations, for arrangements to be made which allow a student to work away from the university.

If you are a part-time student, it is recommended that you have contact with your supervisor for the equivalent of approximately one hour per week, no less than once a month. If you are a full-time student, it is recommended that you have contact with your supervisor for the equivalent of approximately one hour per week, no less than once a fortnight. It is your responsibility as well as that of your supervisor to arrange such contact time.

Graduate Research Students' expectation of their supervisors

The following are what students can expect from their supervisors:

1. Guidance about the nature of research and about the standard of work expected in the thesis.

2. Guidance about the organisation of the student's research and writing program, e.g. about the order in which different aspects of the programme should be undertaken, about lines of inquiry to be pursued, and about when to begin writing-up.

3. Ensuring that the student understands the procedures which will need to be followed in order to discover relevant source materials and is able to use the appropriate finding-aids efficiently and effectively.

4. Maintaining regular contact with the student.

5. Being accessible to the student at appropriate times, when advice may be needed.

6. Giving advice on the necessary completion dates of successive stages of the work so that the thesis may be submitted on the due date.

7. Requesting drafts of sections of the thesis and returning such drafts with constructive criticism, within reasonable time.

8. Ensuring that the student is made aware of inadequate progress or of standards of work below that generally accepted, identifying the shortcomings and suggesting ways in which they might be overcome.

The function of the supervisor is not to plan the work that the research student should undertake, but rather to provide a trained mind upon which the student may test his/her ideas and so be led to develop his/her own critical faculties. The student should nevertheless be able to look to the supervisor for guidance on the methodology, and for assistance, if need be in defining, redefining or revising the topic of research. The thesis itself should represent largely the student's unaided work assisted only by the general aid obtained by discussion with the supervisor as to the most satisfactory method of developing and presenting his material. Ultimate responsibility for the thesis rests with its author. For a student whose mother tongue is not English, some help with the syntax may be given with the approval of the supervisor.

2.6 PARTICIPATING IN ACADEMIC LIFE

Understandably, your main priority during your enrolment will be to complete your thesis. However, academic life should not be regarded as an entirely self-centred experience. The faculty hopes that you would contribute towards the building of a research community, by participating in faculty committees, meetings and seminars, attending and offering papers at research conferences, and submitting papers on your work for publication in research journals. Sharing of ideas and progress is an essential and rewarding part of the process of becoming a skilled researcher.

The Faculty holds a series of lunch-time seminars during semester weeks in the staff lounge, Clayton campus. Graduate research students are notified by the Faculty when each seminar will take place.

2.7 HDR REPORTING SEMINAR

The HDR reporting seminar is a forum for graduate research students in the Faculty of Law to present the work of their thesis to an audience. This is an opportunity for students to obtain feedback and constructive input from scholars other than their supervisors and to give them practice at presenting their ideas before an audience, and dealing with questions from the floor.

Doctoral students can use this forum to present their seminars to fulfil the Faculty's specific requirements of the mid-candidature review and pre-submission review.

The HDR annual reporting seminar is held a few times a year.

The final program will be notified to students closer to the date. Each student will have a 20-minute presentation. This includes time for questions and discussion.

2.8 ETHICS & COMPLIANCE

Monash University requires researchers to obtain a clearance for any research in which humans are involved. This responsibility includes work which goes beyond the field of medical experimentation. Students undertaking research should note that an ethical clearance will be required if the work involves:

- Interviewing;
- The circulation of a questionnaire;
- The conduct of a survey involving a volunteer sample; and
- Observation of human behaviour.

All research involving human participants must be considered by the Monash University Human Research Ethics Committee (MUHREC), whose primary role is to protect the welfare and rights of the research participants. The level of risk of your project determines the review process.

The process of how to apply to MUHREC is at https://www.monash.edu/myresearch/ethics/human-ethics

If you are applying to the University Human Research Ethics Committee, please ensure that you have spoken to a Faculty staff member with some experience on this Committee or as a researcher conducting empirical research (as well as your supervisor) before you finalise your application.

The application should usually be discussed with a member of the Faculty Advisory Panel (see list below) early in the process of development to ensure compliance with the NH&MRC Guidelines.

The following Faculty staff have had experience as the lawyer member of the University Human Ethics Committee and/or as a researcher conducting empirical research:

Faculty of Law Advisory Panel members for Empirical Research

A/Prof Genevieve Grant
genevieve.grant@monash.edu

A/Prof Becky Batagol
becky.batagol@monash.edu

Dr Katie O'Bryan
katie.o'bryan@monash.edu

The above staff are able to assist students and their supervisors in the initial stages of the design of their empirical research.

It is advisable to make your application early. Your empirical research cannot commence without ethics approval. You must include in the front page of your completed thesis a statement that ethics requirements have been met.

POLICY ON DATA STORAGE AND RETENTION

Students who conduct empirical research or research involving interviews of humans are advised to strictly follow the University's policy of data storage and retention. All data should be retained at least for 5 years.

Please refer to Section 2 "Management of research data and primary materials" of *The Australian Code for the Responsible Conduct of Research, 2007* (the 2007 Code) https://nhmrc.gov.au/sites/default/files/documents/reports/australian-code-responsible-conduct-research.pdf

Students are also requested to read "Research Data Management: HDR Candidates Procedures" under the Data Management Policy of Monash University at https://www.monash.edu/__data/assets/pdf_file/0003/1196292/Research-Data-Management-Procedures-GRS-Candidates.pdf

2.9 PLAGIARISM

Plagiarism occurs when writers use ideas that are not their own but have been borrowed from someone else, without acknowledgment. To avoid the charge of plagiarism in your thesis, you should distinguish between your ideas and those of other authors. Place quotation marks around all material taken directly from other text material and provide full reference details, including page numbers. Acknowledge another writer's ideas by citing the author and providing reference details.

It is also considered a form of plagiarism if you submit as part of your thesis, without explanation, any substantial piece of work which has already formed part of the assessment for an earlier degree. You should consult your supervisor if you have any doubts at all as to what exactly would constitute plagiarism.

Plagiarism is regarded as serious academic misconduct. Students suspected of it will be given an opportunity to explain their actions to the Research Committee. Serious cases of deliberate plagiarism will be dealt with in accordance with the University's disciplinary regulations.

Please refer to the University's resources at https://www.monash.edu/__data/assets/pdf_file/0008/801845/Student-Academic-Integrity_Managing-Plagiarism-and-Collusion-Procedures.pdf

2.10 INTELLECTUAL PROPERTY

Graduate research students are required to be fully informed of their intellectual property rights before enrolment begins and you should discuss this with your supervisor.

Completion of the online IP and Ethics forms by the new graduate research student and the main supervisor is compulsory. This has to take place prior to enrolment. The forms are available at https://gradresearchforms.apps.monash.edu/ip-ethics

The purpose is to ensure that

- students and supervisors are aware of their rights, responsibilities and obligations under the University's intellectual property statute and regulations.

- research students are aware of the university guidelines on ethical research practices.

Students are requested to read Chapter 6 of the Handbook for Doctoral Degrees for further information.

https://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-six/6-1

2.11
COPYRIGHT ADVISERS

If you have any questions related to copyright issues arising from your thesis, please contact the University Copyright Advisers at

Tel: 990 55732
email: university.copyright@monash.edu

Please also see Copyright at Monash University.
https://www.monash.edu/copyright

2.12
AUTHORSHIP

Graduate research students whose research output is published with another researcher as a co-author should note that authorship of a research output is a matter that should be discussed between researchers at an early stage in a research project, and reviewed whenever there are changes in participation.

Please refer to Section 5 "Authorships" of the Australian Code for the Responsible Conduct of Research, 2007 (the 2007 Code) https://nhmrc.gov.au/sites/default/files/documents/reports/australian-code-responsible-conduct-research.pdf

SCENARIOS FOR AUTHORSHIP

The Faculty Research Committee has provided a number of scenarios to demonstrate when co-authorship would be appropriate. Please see **Appendix 2** at the back of this Guide.

NAME	Paige Darby
START DATE	2021
TOPIC	An evaluation of mechanisms to build public confidence in sentencing in Victoria, with a hopeful outcome of building a model of law reform that can appropriately harness community views
SUPERVISORS	Professor Jonathan Clough and Emeritus Professor Arie Freiberg AM
FUN FACT	I ride a blue Vespa called Esther to campus, so you might spot me on the road or in my Library carrel on Level 2 of the Law Library

3.1
PREPARING A THESIS PROPOSAL

Formulation of a research project intended to lead to a thesis is not an easy task and you should not underestimate the time it is likely to take to develop a satisfactory proposal.

Students are expected to take the initiative in identifying the subject of the proposed research and in preparing a proposal. Supervisors are not expected to provide 'ready-made' proposals but their advice should be sought once the student has identified a possible topic or topics.

monash.edu/law/research/
graduate-research/preparing-
research-proposal

3.2
STEPS IN PREPARING THE THESIS PROPOSAL

1. Identification of a general field or fields in which the research might be undertaken, e.g. the criminal justice system, administrative law, taxation.

2. Preparation of a short list of possible topics (up to four).

3. Preliminary research to determine the feasibility of the short listed topics, and to determine which of them (modified or unmodified) is to be proposed.

4. Formulation of the proposal in consultation with your supervisor.

3.3
FORM OF THE THESIS PROPOSAL

The statement of your thesis proposal should be structured as follows:

1. A short descriptive title of the project. (This does not have to be exactly the same as the title eventually given to the thesis)

2. A statement of the broad goal or goals of the project, i.e. of the general ideas) to be explored/ discussed

3. A statement of particular objectives and tasks to be undertaken. This may take the form of a statement of issues and/or matters to be investigated. The statement should indicate the directions the project will take

4. A statement indicating why you think the project is worth undertaking. (This statement might include reference to existing literature on the subject and an explanation of why you think if deficient.)

3.4
LENGTH OF THESIS AND TIME FOR COMPLETION

In selecting a topic for a thesis it is important to consider whether the topic can be satisfactorily dealt with in a thesis of the prescribed length.

It is equally important to consider whether the work entailed could be completed within the time within which the thesis must be completed.

AVAILABILITY OF RESOURCES

Resources, i.e. law reports, legislation, books, journals, government documents, etc. are available in the Monash University Library.

3.5
ADEQUACY OF PREPARATION

Students are strongly advised to confine their research projects to matters within fields of law with which they are already familiar. A student, would, for example, be ill advised to attempt a project to do with company law or taxation or evidence or international law without first having completed a general course of instruction in the relevant field.

In deciding whether to approve a thesis proposal the advisory panel also has regard to whether the carrying out of the proposal requires special skills and, if so, whether the student has sufficient mastery of those skills.

The special skills might be:

• Proficiency in a foreign language

• Proficiency in statistical analysis

• Proficiency in historical research involving use of material held in public archives

• Proficiency in use of international legal materials.

3.6
LEGAL CONTENT

A thesis for a higher degree in law must be capable of being characterised as a thesis in or about law. It is meant to provide a basis for assessing the author's performance in the carrying out of legal research.

This is not to say that a thesis in law has to be by way of exposition and analysis of legal doctrine, drawing solely on authoritative sources of 'the law'. Such a thesis by practitioners of other academic disciplines and/or involves application of methodologies other than those peculiar to the discipline of law.

• Law and computer science

• Law and economics

• Law and history

• Law and moral philosophy (ethics)

• Law and political philosophy

• Law and sociology

• Law and linguistics

• Law and anthropology

• Or a combination of these.

Students who have a first or higher degree in a discipline other than law, may well wish to undertake a research project which offers scope for utilisation of the knowledge and skills they have acquired as students in the other discipline, as well as the knowledge and skills they have acquired (and hope to develop) as lawyers.

3.7
WHAT IS EXPECTED IN A THESIS

A thesis for a university degree is commonly understood to mean a structured and coherent written composition which deals with a particular topic or question and does so by relating identified data (or evidence) to the theory or conclusions the author advances. Mere description of data does not constitute a thesis.

Production of a thesis entails gathering of data relevant to the subject of investigation, the sifting and analysis of that data, the building up of connections between the data (including classifications) and the generalisations and/or conclusions being advanced.

Typically a good thesis will have a beginning, middle and end. The beginning or introduction will include a statement about the nature of the question or questions to be investigated and about the purpose and significance of the investigation. The middle will be by way of exposition and analysis of the data, and the end will draw the threads together and state the author's conclusions.

3.8
USE OF WORK ALREADY PRESENTED FOR A DEGREE/DIPLOMA

All Faculty graduate research students should bear in mind that your thesis contains no material which has previously been submitted or accepted for the award of any other degree at Monash University or another University.

A student must submit with a thesis – a signed statement affirming that, to the best of the student's knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis.

3.9
TYPE OF LEGAL RESEARCH AND RESEARCH METHODOLOGY

Before you decide what it is you want to write about in your thesis and from what angle(s), it is worth giving some thought to the kinds of research which qualify as research in or about law. You might also consider whether there are any particular characteristics of published research in the field of law or legal scholarship which is of most interest to you and whether there are any deficiencies in the types of research which have been undertaken in that field.

Students are advised to consult their supervisor(s) and refer to:

Terry C. M. Hutchinson, *Researching and Writing in Law* (4th ed, Lawbook Co, Pyrmont, 2018).

Chap 7: Formulating a research topic

Chap 8: Refining the Topic and Writing the Research Proposal

Law Library Call Number: F42 H978R 2018

3.10
SOURCES OF IDEAS FOR RESEARCH PROJECTS

Finding a suitable topic for a thesis takes time, requires some preliminary research and also the exercise of imagination. What the student should be looking for is a topic which is manageable (given word and time limits), which is within his or her general competence, which is likely to sustain his or her interest, which presents a challenge, and which offers scope for originality.

As a first step in preparing a short list of possible topics, you might scan the material you have collected for the law subjects you have already completed. As you do so, you might jot down questions and problems which cropped up in those subjects which appear to you to be worthy of further investigation and analysis.

Other sources you might consult in order to provide you with ideas are:

- Works indicative of present and past concerns of law reform agencies

- Recent articles indexed in databases such as LegalTrac, AGIS, Westlaw, Lexis Advance (see the law databases page on the Law Resources Library guide for further resources at **https://guides.lib.monash.edu/law-databases**

- The Legal Scholarship Network (via databases page)

- Published registers of legal research in progress elsewhere

- Theses listings e.g., *Monash University Research Repository, Index to Theses (UK)* and *ProQuest Dissertations & theses* (See more at the Theses guide at **http://guides.lib.monash.edu/theses**)

3.11
FEASIBILITY STUDY

Once you have identified a possible topic or topics for your thesis, you need to undertake some preliminary research, primarily to determine the feasibility of the projects but also to help you formulate a concrete proposal and, ideally, one in the form of an outline of the thesis.

(a) What does a feasibility study involve?

1. identification of the matters/issues to be explored;

2. assessment of whether the project has enough in it for a thesis of the prescribed word limit, or too much;

3. identification of the resources needed to carry out the project and ascertainment of their availability; and

4. ascertainment of what has already been written on the subject and review of the relevant literature to determine whether it is pre-emptive. (Is there anything left to be discovered? Is there anything to be said that has not been said before etc?)

(b) Time

Do not under-estimate the time it takes to conduct a feasibility study. The amount of time you will need to devote to this aspect of your work will obviously vary according to the extent of the background knowledge which has informed your choice of possible topics.

(c) Literature search

By a literature search is meant a search to find out what has already been written about the subject which is being considered as a possible subject for the thesis. This search should extend to published works such as books, chapters in books, contributions to books of essays, articles in journals, dissertations, published conference papers, academic publications in electronic repositories of research organizations and reports of governmental agencies. Consult Law Library reference staff (see Library Supplement) about the range of research tools, both print and electronic, for law and law-related subjects.

(d) Outcome of feasibility study

The outcome should be an informed assessment by you that you have a research project which is worthwhile, one which you can reasonably hope to complete in the time available, and one which will result in a thesis of the prescribed length. The feasibility study should also indicate whether the materials you will need for the project are readily available.

Together the work entailed in undertaking preliminary research for the purpose of determining what your research project is to be about and in formulating an outline of that project is likely to take more time than you may have expected.

3.12 RESEARCH MANAGEMENT

PLANNING THE PROGRAMME OF WORK

How to organise and manage your research programme? The first thing you will need to do is to draw up a plan of the particular tasks to be undertaken and in what order. (The order need not correspond precisely with that set out in your thesis proposal). You might, at the same time, prepare a time-table setting out when you hope to complete the identified tasks.

As part of the planning process you should compile a list of the kinds of documentary sources (including finding-aids such as digests of case-law, indexes, bibliographies) you propose to search and in what order. This list might include titles and headings in catalogues, indexes and digests which you think may be relevant.

Once you have drawn up your plan of action, you would be well advised to present it to your supervisor for comment.

RECORDS AND FILES

Another important element in the successful management of a programme of research is an appropriate and efficient system of recording and filing. The system should be one which:

- Enables you to discover, fairly quickly, what sources you have already checked, and which remain to be checked

- Facilitates ready retrieval of the material you will be drawing upon when you come to write drafts of the thesis

- Will save you time when it comes to providing citations, compiling tables of cases and legislation, compiling a bibliography, checking accuracy of citations and quotations, and ensuring that the thesis is presented according to the prescribed style.

Elements in an efficient filing and recording system might include:

a. A system in which you record keywords, titles and headings in databases and sources which you have found to be relevant

b. A practice of recording the full citation of each item that you save or read, in the form in which the document will be cited (if cited at all) in the thesis

c. A practice of writing notes on documentary material (published or unpublished) which clearly distinguish between paraphrase and direct quotation

d. Cards, or online recoding system, which record discrete items such as reports of judicial decisions, books, journal articles, official reports which may be cited in the thesis (including in tables and bibliography). Items recorded may be accompanied by annotations which indicate whether an item has been consulted and found relevant or irrelevant, where "fuller and better particulars" of the same are to be found elsewhere in the filing system, or cross-references to other items in the system.

e. Use of word-processing technology

f. EndNote (free software for Monash students) to organise and create citations and bibliographies. The Law Library conducts training sessions (see Library Supplement in Appendix 1).

3.13
SOME GUIDES TO LEGAL RESEARCH AND WRITING

It is assumed that students undertaking graduate theses in law are familiar with standard procedures for locating the kinds of materials which lawyers commonly have to consult for professional legal purposes. Undertaking research for a graduate thesis in law does, however, involve development and refinement of research skills. To a large extent this development comes through self-education and experience. Moreover, using these sources in thesis writing requires specialised writing skills.

Bruce Bott and RuthTalbot-Stokes, *Nemes and Coss' Effective Legal Research* (LexisNexis Butterworths, 7th ed, 2018).
Law Library Call Number: F42 B751E 2018

Norman Brand and John O. White, *Legal Writing: The Strategy of Persuasion* (St. Martin's Press, 3rd ed, 1994).
Law Library Call Number for 1976 ed: F15 B817L

Enid Mona Campbell, Poh York Lee, and Joycey G. Tooher, *Legal Research: Materials and Methods* (LBC Information Services, 4th ed, 1996).
Law Library Call Number: F42 C187L 1996

Surendra Dayal, *E-law Research* (Butterworths, 2000).
Law Library Call Number: F42 D275L 2000

Christopher Enright, *Legal Research Technique* (Branxton Press, 2002).
Law Library Call Number: F42 E59L 2002

Lee Epstein, *An Introduction to Empirical Legal Research* (Oxford University Press, 2014).
Law Library Call Number: F42 E64.I 2014
E-book accessible via Search (Library Catalogue)

Emily Finch, *Legal Skills* (Oxford University Press, 6th ed, 2017).
Law Library Call Number; F5 F492L 2017

Steve Foster, *How to write better law essays: tools and techniques for success in exams and assignments* (Pearson Education, 4th ed, 2016).
E-book accessible via Search (Library Catalogue)

George Washington International Law Review (eds), *Guide to International Legal Research*, (LexisNexis, 3rd ed, 1998).
Law Library Call Number for 3rd ed F42 G347G 1998

T. R. Halvorson, *Law of the Super Searchers: The Online Secrets of Top Legal Researchers* (CyberAge Books, 2000).
Law Library Call Number: F42 H197L 2000

Terry C. M. Hutchinson, *Researching and Writing in Law* (4th ed, Lawbook Co, Pyrmont, 2018).
Chap 7: Formulating a research topic
Chap 8: Refining the Topic and Writing the Research Proposal
Law Library Call Number: F42 H978R 2018, ebook available

Sue Milne and Kay Tucker, *A Practical Guide to Legal Research* (Lawbook Co, 2nd ed, 2010).
Law Library Call Number: F42 M659P 2010
4th edition e-book accessible via Search (Library Catalogue)

Caroline Morris and Cian Murphy, *Getting a PhD in Law* (Hart Publishing, 2011).
Law Library Call Number: F40 M875G

William Putman and Jennifer Albright, *Legal Research, Analysis, and Writing* (Cengage Learning, 4th ed, 2018).
Law Library Call Number F42 P988L 2018

Michael Salter and Julie Mason, *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research* (Longman, 2007).
Law Library Call Number: F15 S177W 2007

Jay Sanderson and Kim Kelly, *A Practical Guide to Legal Research* (Thomson Reuters Professional, 4th ed, 2017.
Law Library Call Number: F42 S216P 2017
E-book accessible via Search (Library Catalogue)

Amy E. Sloan, *Basic Legal Research: Tools and Strategies* (Aspen, 5th ed, 2012).
Law Library Call Number: F42 S634B 2012

Philip A. Thomas and John Knowles, *How to Use a Law Library: an Introduction to Legal Skills* (Sweet and Maxwell, 4th ed, 2001).
Law Library Call Number: F42 D179H 2001

Dawn Watkins and Mandy Burton, *Research Methods in Law* (Routledge, 2nd ed, 2018).
E-book accessible via Search (Library Catalogue)

John A. Yogis and I. M. Christie, *Legal Writing and Research Manual* (LexisNexis, 6th ed, 2004).
Law Library Call Number: A101 Y54L 2004

Marnix Snel and Janaina De Moraes, *Doing a systematic literature review in legal scholarship* (The Hague: Eleven International publishing, 2018).
Law Library Call Number: F42 S671D 2018

3.14
OTHER GUIDES TO RESEARCH AND WRITING

Check the Library catalogue (Search) to locate these items.

Jonathan Anderson and Millicent E Poole, *Assignment and Thesis Writing* (Wiley, 4th ed, 2001).

Stephen Bailey, *Academic Writing: A Handbook for International Students* (Routledge, 5th ed, 2018).

Wayne C. Booth et al, *The Craft of Research* (University of Chicago Press, 4th ed, 2016).

Rita S. Brause, *Writing your Doctoral Dissertation: Invisible Rules for Success* (Routledge Falmer, 2003).

Gail Craswell and Megan Poore, *Writing for Academic Success: A Postgraduate Guide* (SAGE, 2nd ed, 2012).

Dunleavy, P, *Authoring a PhD* (Palgrave Macmillan, 2003).

David Evans, Paul Gruba and Justin Zobel, *How to Write a Better Thesis* (Melbourne University Press, 3rd ed, 2011).

Eleanor Harman et al (eds), *The Thesis and the Book: a Guide for First Time Academic Authors* (University of Toronto Press, 2nd ed, 2003).

James D. Lester Sr, *Writing Research Papers: a Complete Guide* (Pearson Education, 15th ed, 2012).

James E. Mauch and Namgi Park, *Guide to the Successful Thesis and Dissertation: A Handbook for Students and Faculty* (M. Dekker, 5th ed, 2003).

Rowena Murray, *How to Write a Thesis* (McGraw Hill Education, 4th ed, 2017).

Phillip Neumann, *Legal reasoning and legal writing* (Wolters Kluwer, 8th ed, 2017).

Estelle Phillips, Derek Salman and Colin Johnson, *How to Get a PhD: A Handbook for Students and their Supervisors* (Open University Press, 6th ed, 2015).

Stephen Potter (ed), *Doing Postgraduate Research*, (Open University in association with SAGE, 2nd ed, 2006).

Kjell Erik. Rudestam and Rae R Newton, *Surviving Your Dissertation: A Comprehensive Guide to Content and Process*, (SAGE, 4th ed, 2015).

John M. Swales and Christine B Feak, *Academic Writing for Graduate Students* (University of Michigan Press, 3rd ed, 2012).

Gordon Taylor, *The Student's Writing Guide: How to Plan and Write Successful Essays*, (Cambridge University Press, 2009).

Mike Wallace and Alison Wray, *Critical Reading and Writing for Postgraduates* (Sage Pub, 3rd ed, 2016).

Please check Search, the Library Catalogue for further resources.

3.15
CITATION AND STYLE GUIDES

- *Australian Guide to Legal Citation*. (Melbourne University Law Review Association, 4th ed, 2018).

  Print copy at Call no F15 M517A 2018

  AGLC4 can be viewed via the link from the Monash Law Library site at **http://guides.lib.monash.edu/law/citingandreferencing**

- *The Bluebook: A Uniform System of Citation* (Harvard Law Review Association, 20th ed, 2015)

- Association of Legal Writing Directors, *ALWD Citation Manual: A Professional System of Citation* (Aspen, 3rd ed, 2006).

  Web site **www.alwd.org/** includes links to legal writing.

- Joseph Gibaldi, *MLA Style Manual and Guide to Scholarly Publishing* (Modern Language Association of America, 3rd ed, 2008).

- Pam Peters, *The Cambridge Guide to Australian English Usage* (Cambridge University Press, 2nd ed, 2007).

- Anita Stuhmcke, *Legal Referencing* (LexisNexis Butterworths, 4th ed, 2012) .

3.16
ACKNOWLEDGEMENT OF SOURCES

All sources, published or unpublished, which have been drawn on the preparation of the thesis must be appropriately acknowledged. Direct quotations from other works must be shown as such and their source indicated. If passages from other works are paraphrased, again the source must be indicated.

Students should bear in mind that plagiarism is a form of misconduct which is viewed very seriously by the Faculty of Law. It may lead to proceedings under the University Discipline or revocation of a degree. Please see Part 7 of Monash University (Council) Regulations at https://www.monash.edu/__data/assets/pdf_file/0003/2045469/Monash-University-Council-Regulations-as-at-1-December-2019.pdf

Plagiarism: To take and use another person's ideas and or manner of expressing them and to pass them off as one's own by failing to give appropriate acknowledgement. This includes material from any source, staff, students or the Internet – published and un-published works.

Further information please see "Student Academic Integrity Policy" at http://www.policy.monash.edu/policy-bank/academic/education/conduct/student-academic-integrity-policy.html

To avoid unintentional plagiarism, extreme care must be taken when making notes from sources consulted. Direct transcriptions of passages drawn from another person's work should be indicated by using quotation marks, whilst notes in the form of paraphrasing should be clearly delineated and distinguished from the writer's own thoughts.

3.17
FORMAT OF THESIS

MATERIAL TO BE INCORPORATED IN THESIS

The thesis should incorporate in the following order:

Preliminary pages
1. Title page
2. Copyright notice
3. Abstract
4. Declaration
5. Publications
6. Acknowledgement.

Template of the preliminary pages can be downloaded from http://intranet.monash/graduate-education/assets/pdf/template-thesis-preliminary-pages.docx

Main text of the thesis
7. A table of contents
8. Table of Cases (optional). If there are a substantial number of cases in the thesis, a table of cases should be included.
9. Text of the thesis
10. Bibliography (of books, articles, etc. Cited in the text, but not cases and legislation)
11. Appendices (if any).

TYPING AND BINDING

Margins should not be less than 2.5 centimetres on the binding edge and 1.5 centimetres on the other outer edges to allow for binding and trimming.

Wider margins are recommended to allow for binding and trimming if hard copies are required. A font not less than 10 points must be used for the main text.

From 2019 the Monash Graduate Research Office (MGRO) does not require students to submit hard copies for examination. However if an examiner requires a hard copy, students will be notified by MGRO to provide a copy (can be thermally bound).

For binding services:

Whites Law Bindery
802-804 Glen Huntly Road, Caulfield South, Vic 3162
Tel: (03) 9523 6026

http://www.whiteslaw.com.au or email production@whiteslaw.com.au

International students who may have to finalise their thesis in their home country may consider using the services provided by "Whites Law Bindery". This company provides facilities enabling students to send an electronic version of a thesis from anywhere in the world and have it bound. The payment can be arranged by Credit Card.

Doncaster Book Binders
Factory 1, 33 Ebden Street, Moorabbin, Vic 3189
Tel: (03) 9555 4633
http://www.doncasterbookbinders.com.au

NAME	Yohannes Eneyew Ayalew
START DATE	2020 and expect to complete it in 2023
TOPIC	Looking at balancing freedom of expression and privacy in the digital age under the African human rights law – and is focusing on two specific contexts in the continent: publication of personal information and the right to be forgotten
FUN FACT	I love to play soccer and ride my bike in my leisure time. After my studies, I am looking forward to continuing my career in academia and research

3.18
EXAMINATION OF THESES

Please refer to Section 4 of the Graduate Research Thesis Examination Procedures at https://www.monash.edu/__data/assets/pdf_file/0011/911882/Graduate-Research-Thesis-Examination-Procedures.pdf

APPOINTMENT OF EXAMINERS

Two examiners are appointed by the Monash Graduate Research Office on the recommendation/nomination of the Faculty. They must be external to Monash University and at least one must be from outside Victoria.

Each examiner reports separately on the thesis (and any supporting publications). Before completing the report an examiner may request, through the Graduate Research Committee, written clarification from the student of specific points in the thesis and any supporting publications.

Information on Chair of Examiners (CoE), General Eligibility of Examiners, Selection of Examiners and Contacting Prospective Examiners are available in Sections 4.1 to 4.4 of the Graduate Research Thesis Examination Procedures at https://www.monash.edu/__data/assets/pdf_file/0011/911882/Graduate-Research-Thesis-Examination-Procedures.pdf

Students and supervisors are advised to read the Guidelines to apply on conflict of interest for examination of higher degree by research thesis at http://www.monash.edu.au/migr/research-degrees/handbook/chapter-twelve/i.html

EXAMINERS' REPORTS

Copies of examiner's reports are made available to students. The copies supplied will not however include material which an examiner has requested to be kept confidential.

3.19
SUBMISSION OF THESIS

The thesis must be submitted electronically via the Monash Graduate Research Office Thesis Submission dashboard.

Further details of thesis submission are available at http://www.intranet.monash/graduate-education/exams/thesis-submission

At the conclusion of thesis examination, hard copies of the final version of the thesis are not required by the Monash Graduate Research Office. However, the final pdf file must be deposited to the Monash University Research Repository. Students will be notified by the Monash Graduate Research Office at the conclusion of the thesis examination.

E-THESIS SUBMISSION AT THE CONCLUSION OF EXAMINATION

At the conclusion of the thesis examination, graduate research students are required to deposit the final copy of their thesis in pdf format to the Monash University Research Repository. It will be available to the worldwide research community, including through Google searches and other resource discovery mechanisms.

Options

Students have two options for complying with the requirement to submit an e-Thesis:

- to publish the full text of the thesis online; or
- to place an embargo on the publication of the full text of the thesis.

Students who choose to publish the full text of their thesis online must grant a non-exclusive copyright licence to Monash University to publish the e-Thesis via the Monash University Research Repository. Where a student chooses to place an embargo on publication of the full text of the thesis, the abstract and thesis title will be made available online via the Monash University Research Repository, but not the full text.
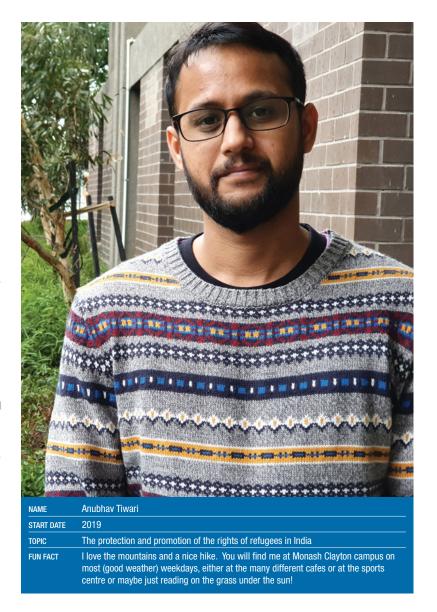
If choosing to place an embargo on your publication, students can choose between one to three years duration.

After the embargo ends, the thesis will be made available for public access. However, if students choose "restricted access" to their thesis in the Author Agreement, only the abstract will be published and "document delivery" requests via libraries are allowed (this is not allowed with an embargo).

Advice to Students

The decision about which option to choose in complying with the requirement to submit an e-Thesis is an important one, which should only be made after carefully considering the implications of the decision. In particular, students should be aware that academic journals and publishers may well refuse to publish material where it has already been published. Students should also note that the Law Faculty strongly supports the publication of material arising from a completed thesis, whether as a book or as articles in academic journals. The publication of material from your thesis, whether as a book or in journal articles, may well be critical to your future career prospects.

If you have any questions or concerns about the options available to you in submitting an e-Thesis, the Law Faculty encourages you to contact either your supervisor or the Director, Higher Degrees by Research.

NAME	Anubhav Tiwari
START DATE	2019
TOPIC	The protection and promotion of the rights of refugees in India
FUN FACT	I love the mountains and a nice hike. You will find me at Monash Clayton campus on most (good weather) weekdays, either at the many different cafes or at the sports centre or maybe just reading on the grass under the sun!

During the course of your enrolment, you may encounter some problems that might hinder the timely completion of your thesis. It is important for you to know how to deal with them. There are some rules in place that might be of help to you.

4.1
SUPERVISORS

It is important for you to establish a good working relationship with your supervisor(s). If, however, problems emerge which are either directly related to your research or which may indirectly affect your ability to continue, it is essential that you contact the Faculty HDR Director for advice.

If your supervisor goes on leave, it is your supervisor's responsibility to organise for another supervisor for you to consult with during his/her absence. Your supervisor will have to inform you in advance.

If your supervisor resigns or retires, the Faculty will have to find a new supervisor for you. In some cases, supervisors who have resigned or retired are able to continue supervising.

When there is a change of supervisor(s), the student will be consulted about the change. The form to change the supervisor(s) has to be generated by the student. This online form is at
https://gradresearchforms.apps. monash.edu/

4.2
LEAVE OF ABSENCE

Students can apply for up to a total of 12 months leave during enrolment where they:

- are sick or have family carer's responsibilities for more than 10 working days at any one time in a year; and/or

- have been empanelled for jury service for a period longer than 5 working days; and/or

- need to take leave of absence from their research for any other personal or work-related reason.

In addition, students can apply for up to 12 months parental leave, including maternity leave, adoption leave or spouse/domestic partner leave where they are the primary carer or the partner of the primary carer of a newborn/s or adopted child/ren. Parental leave of up to 12 months is available for subsequent births or adoptions.

Any requests for leave beyond these maximum entitlements will only be considered where compassionate or compelling circumstances can be demonstrated.

Further details are in Section 4.1 of the Handbook for Doctoral Degrees at
http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-four/4-1

The online application is at
https://gradresearchforms.apps. monash.edu/

4.3
EXTENSION TO THESIS SUBMISSION DATE

Requests by a student for an extension to their thesis submission date will be considered only in exceptional circumstances where the student's research has been delayed by circumstances beyond their control (e.g. equipment breakdown, delays in ethical approval of research, etc.) and there is clear evidence that the student is committed and actively progressing towards completion.
A request for extension should be accompanied by a timetable for completion.

Further information is available at
http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-four/4-2

The online application is at
https://gradresearchforms.apps. monash.edu/

4.4
WORKING ON YOUR THESIS AWAY FROM THE UNIVERSITY

INTERSTATE/OVERSEAS APPROVED STUDY AWAY FROM THE UNIVERSITY

Graduate research students often find that they need to spend some time studying away from the University due to the need to collect data, undertake field work or make use of research facilities etc. in another locations. Study away includes any travel interstate or overseas as part of a postgraduate research program.

Research students who need to study away from the University need to obtain the approval of the Monash Graduate Research Office. Students are required to complete "Study Away Application" form which is available at
https://gradresearchforms.apps. monash.edu/

Research students should note that study away will not normally be approved during the first six months of full time candidature.

International students are required to consult with Monash Connect (located on the ground floor, Campus Centre, Clayton campus) with regard to the visa implications for study away overseas. International students should not leave Australia prior to an application for study away being approved by the Monash Graduate Research Office.

WRITING-UP AWAY FROM THE UNIVERSITY

Normally the thesis should be written and submitted before the student leaves the university. However, a graduate research student may apply for "writing-up away" status provided that the supervisor and the HDR Director certify in writing to the Monash Graduate Research Office that the student has completed a satisfactory first full draft of the thesis, all research skills training activities and the pre-submission review.

Students granted writing-up away status are required to maintain their enrolment at the university until the thesis is submitted. Since students will be in the very final stages of thesis writing, the period for which writing-up away status will be granted in strictly limited to 3 months in the first instance, with a further 3 months extension in exceptional circumstances.

If a student has not yet completed a satisfactory first full draft of the thesis, an application to transfer to external enrolment may be appropriate.

Special rules apply to international students on a student visa. International students must seek advice from Monash Connect (located on the ground floor, Campus Centre, Clayton campus) prior to lodging an application for writing-up away.

Please see further details at http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-four/4-6

4.5
CESSATION OF ENROLMENT WITHOUT OBTAINING YOUR DEGREE

For students who do not submit a thesis, enrolment may be ended in one of the following ways:

WITHDRAWAL

Students who wish to withdraw in good standing are required to complete the withdrawal form which is available at https://gradresearchforms.apps.monash.edu/

Please also refer to Section 4.5 of the Doctoral Handbook at http://www.monash.edu/graduate-research/faqs-and-resources/content/chapter-four/4-5

Scholarship holders who withdraw from enrolment must surrender their scholarship/s and will have their scholarship/s automatically terminated following the final day of enrolment.

TERMINATION OF ENROLMENT

A recommendation for termination might occur either in cases of unsatisfactory progress or non-compliance with the university's procedures or regulations pertaining to the student's work.

If the Faculty Research Committee regards a student's progress as unsatisfactory, student may be terminated by the Monash Graduate Research Office. In such a case the student is informed in writing that termination has been recommended and of the reasons for that recommendation. The student may submit written evidence appealing against the recommendation.

Students are requested to refer to the Graduate Research Termination Procedures at https://www.monash.edu/__data/assets/pdf_file/0004/787315/Graduate-Research-Termination-Procedures.pdf

4.6
READMISSION AFTER WITHDRAWAL IN GOOD STANDING

Students who wish to be re-admitted into the course of study from which they withdraw in good standing at a later date are to refer to the current Graduate Research Re-admission Procedures at https://www.monash.edu/__data/assets/pdf_file/0004/787315/Graduate-Research-Termination-Procedures.pdf

The Monash Graduate Research Office will only approve re-admission following withdrawal where suitable facilities and effective supervision are available to support the enrolment and where the committee is satisfied that the student is now in a position to undertake research towards a successful thesis completion.

4.7
GRIEVANCE AND APPEAL PROCEDURES

Graduate research students who have general complaints or individual academic complaints are requested to refer to the Faculty grievance and appeal procedures at https://www.monash.edu/law/home/equity/grievance-procedures-hdr

4.8
RESUMPTION OF ENROLMENT OR AWARD FOLLOWING LEAVE OF ABSENCE

On the day the leave of absence ends, students will receive an email from the system to confirm the return to study. Failure to confirm the return to study will affect the continuation of candidature and scholarships.

APPENDIX 1: Resources and services in the Monash Law Library

The purpose of this Guide is to highlight the main resources and services in the Monash University Law Library which will assist you in your studies. There are a vast number of resources, both print and electronic, in the collections of the Monash library as a whole. For detailed and up-to-date information we recommend that you visit the following web sites:

- Law Resources Library Guide guides.lib.monash.edu/law

- Monash University Library www.monash.edu.au/library/

A team of skilled professional staff are available to assist you. Their contact details are on the following page.

USEFUL CONTACTS FOR POSTGRADUATES

Web site:
www.monash.edu/library/libraries/australia/law

Research advice:

Kay Tucker, Law Library Manager
Tel: 9905 1516
email: kay.tucker@monash.edu

Caroline Knaggs, Subject Librarian
Tel: 9905 2604
email: caroline.knaggs@monash.edu

Katie Lang, Subject Librarian
Tues, Thurs, Fri
Tel: 9902 4384
email: katherine.lang@monash.edu

Contact the team on
lib-lawteam-l@monash.edu

Loans inquiries: 9905 2601

Document Delivery Services obtains books and journal articles not held by Monash

Details at www.monash.edu/library/services/docdel/

Alert services assist you to keep up-to-date

Details through the Law Resources Library guide at guides.lib.monash.edu/law

Check under each tab for alert services relevant to cases, legislation, articles etc. or contact Law Library staff.

RESOURCES AND SERVICES IN THE MONASH LAW LIBRARY

Law Resources Library Guide at guides.lib.monash.edu/law

Provides paths into resources for legal research and writing, including guides to broad areas of law.

Search: www.monash.edu/library/ searches across the Monash University Library Catalogue and provides information about the library's collections and access to electronic resources and web sites.

Law Databases: guides.lib.monash.edu/law-databases

Library Guides: multidisciplinary at guides.lib.monash.edu/

Area of Law library guides: guides.lib.monash.edu/areaoflaw

Legal Abbreviations can be accessed at guides.lib.monash.edu/legal-abbreviations

EndNote, a software program for organising citations, is free for Monash students. Contact the Law Library team for advice. Information about EndNote and access to the software is at guides.lib.monash.edu/endnote.

Zotero is an alternative, freely available software. See more on the Law Library's Citing and Referencing guide.

What are the requirements for accessing electronic databases?

A Monash Authcate username and password are required.

Are there recommended style guides?

The Law Faculty recommends *Australian Guide to Legal Citation (AGLC4)*. This is freely available at law.unimelb.edu.au/mulr/aglc/about

See also the Citing and Referencing page in the Law Resources Library guide guides.lib.monash.edu/law

How do I obtain materials?

Borrowing: your ID card enables you to borrow from any of the Monash campus libraries.

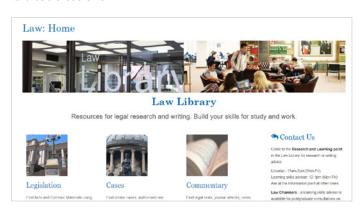See www.monash.edu/library/services/loans/

Borrowing personally from other Victorian academic libraries (CAVAL): take your Monash ID to any Victorian academic library to use this free facility.

Document Delivery Services will obtain books and journal articles not held by Monash. Details are at https://www.monash.edu/library/services/docdel

Ask the Law Library staff first if you can't find a resource that you need. You are also welcome to recommend items for purchase by the Library.

APPENDIX 2: Guidelines for Graduate Research Students on Joint Authorship

BACKGROUND

Section 5 of the *Australian Code for the Responsible Conduct of Research, 2007 (the 2007 Code)* refers to code of conduct for "Authorship". It requires all institutions to have a policy in place on the criteria for authorship to be consistent with this Code.

The Code is summarised as "Attribution of authorship depends to some extent on the discipline, but in all cases, authorship must be based on substantial contributions in a combination of:

- Conception and design of the project
- Analysis and interpretation of research data
- Drafting significant parts of the work or critically revising it so as to contribute to the interpretation

The right to authorship is not tied to position or profession and does not depend on whether the contribution was paid for or voluntary. It is not enough to have provided materials or routine technical support, or to have made the measurements on which the publication is based. Substantial intellectual involvement is required. A person who qualifies as an author must not be included or excluded as an author without their permission. This should be in writing, and include a brief description of their contribution to the work."

Full version of the *Australian Code for the Responsible Conduct of Research, 2007 (the 2007 Code)* is available at https://nhmrc.gov.au/sites/default/files/documents/reports/australian-code-responsible-conduct-research.pdf

MONASH UNIVERSITY'S POLICY ON RESEARCH OUTPUTS AND AUTHORSHIP

In complying with the Australian Code for the Responsible Conduct of Research, Monash University has a policy in place on Research Outputs and Authorship. The scope of this policy covers (i) all research outputs, including traditional publications, such as journal articles, books, chapters and conference papers, as well as web-based publications, multi-media, works of art, performances, software and compositions; (ii) all Monash staff (including academic, adjunct and professional staff) and students.

Details are available at https://www.monash.edu/policy-bank/policies-and-procedures/academic/research

https://www.monash.edu/__data/assets/pdf_file/0006/797253/Authorship-Policy.pdf

If your thesis includes "published work" with joint authorship, each conjointly authored publications has to be declared at the front section of your thesis. Please see "declaration" section at http://www.monash.edu/graduate-research/supervisors-and-examiners/examiners/publication

In brief, a declaration form has to be completed for each conjointly authored publication and to be placed at the start of the thesis (see Part B of Appendix 3).

ADVICE TO GRADUATE RESEARCH STUDENTS IN THE FACULTY OF LAW

Students whose research output is published with other researcher as a co-author should note that authorship of a research output is a matter that should be discussed between researchers at an early stage in a research project, and reviewed whenever there are changes in participation.

The Faculty Research committee has provided a number of scenarios to demonstrate when co-authorship would be appropriate.

Scenario 1 – an example of co-authorship

Student A completes an assignment in Unit X on a topic which the responsible lecturer has set, and which lecturer B considers is of sufficiently high standard to be published, subject to modifications. The lecturer gives the student substantial advice on how to structure the paper for publication, and then assists by substantial editing of the next draft, which includes rewriting some sections of the paper to include material with which the student is not familiar. The lecturer also makes some suggestions for lines of inquiry and material to be added to the draft. The final version of the article is thus a combined effort of both student and lecturer in terms of:

- Conception and design of the project
- Analysis and interpretation of research data
- Drafting/significantly revising it.

The article is published under the joint names of both student A (first name) and lecturer B.

Scenario 2 – an example where co-authorship is not appropriate

Lecturer B asks research assistant C (RA C) to collect material for a research project and to summarise the material under particular headings. Lecturer B gives RA C detailed instructions about the issues to be covered. Lecturer B and RA C discuss the progress of the research as it proceeds. Lecturer B guides RA C about the detail and direction of the report as it progresses. RA C collects information and produces a very detailed summary of the issues as requested by Lecturer B. Some parts of the summary include RA C's views on the issues.

Lecturer B subsequently uses the summaries prepared by RA C as the basis of an article, in which the material is re-ordered in a conceptual framework devised by Lecturer B. This involves substantial rewriting of the summaries to put the material into appropriate language, as well as the linking of ideas between sections of the paper. Additionally Lecturer B includes a substantial amount of new material. Lecturer B does not adopt many of RA C's evaluative views.

In this scenario, co- authorship is not appropriate as Lecturer B was responsible for:

- Conception and design of the project

- Analysis and interpretation of most of the research data

- Significantly revising the report prepared by RA C.

The contribution of RA C is in the nature of technical support rather than substantial intellectual involvement.

Scenario 3 – an example of co-authorship

Lecturer B and Lecturer D decide to write a joint paper for a conference. They discuss what is to be covered. It is agreed that each will deal with specific aspects of the topic. Lecturer B completes the first draft, and then hands over to Lecturer D who adds the relevant material and substantially edits the draft paper prepared by Lecturer B. Although in this scenario, Lecturer B has provided substantially more material than Lecturer D for the paper, co-authorship is appropriate as Lecturer D has significantly edited the paper.

The final version of the article is thus a combined effort of both lecturers in terms of:

- Conception and design of the project

- Analysis and interpretation of research data

- Drafting/significantly revising it.

Scenario 4 – an example where co-authorship is not appropriate

Postgraduate Student A is supervised by Professor B. Student A decides to write a paper for publication, and discusses its overall structure and content with Professor B. Student A prepares the initial draft. Professor B reviews the paper and suggests some modifications. Student A adopts most of Professor B's suggestions and also makes additional revisions on their own account. The significant ideas contained within the paper are those of Student A.

In this scenario, co- authorship is not appropriate as Student A was responsible for:

- Conception and design of the project

- Analysis and interpretation of most of the research data

- Drafting/significantly revising it.

APPENDIX 3: Thesis declarations

PART A: SAMPLE OF DECLARATION FOR THESIS WHICH INCLUDES SOLE-AUTHORED PUBLICATIONS.

RELATED PUBLICATIONS

Chapters Two, Three, Four, Five and Ten of this thesis incorporate material that the author published in the following book chapters:

- Kaempf, A., 'The UN Convention on the Rights of Persons with Disabilities and its Consequences for Mental Health Laws in Australia' in Bernadett McSherry (Eds.) *International Trends in Mental Health Laws. Law in Context Special Issue.* The Federation Press, Leichhardt NSW, (2008), 10-36

- Kaempf, A, 'Involuntary treatment decisions: using negotiated silence to facilitate change?' in Bernadette McSherry and Penelope Weller (eds), *Rethinking Rights-Based Mental Health Laws* (Hart Publishing Ltd, 1st ed, 2010), 129-150.

Student's Signature:

_____

Date:

_____

PART B: PUBLICATIONS DURING ENROLMENT

THESIS INCLUDING PUBLISHED WORKS DECLARATION

I hereby declare that this thesis contains no material which has been accepted for the award of any other degree or diploma at any university or equivalent institution and that, to the best of my knowledge and belief, this thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

This thesis includes *(insert number)* original papers published in peer reviewed journals and *(insert number)* unpublished publications. The core theme of the thesis is *(insert theme)*. The ideas, development and writing up of all the papers in the thesis were the principal responsibility of myself, the student, working within the *(insert name of academic unit)* under the supervision of *(insert name of supervisor)*.

(The inclusion of co-authors reflects the fact that the work came from active collaboration between researchers and acknowledges input into team-based research.) *Remove this paragraph for theses with sole-authored work*

In the case of *(insert chapter numbers)* my contribution to the work involved the following:

(If this is a laboratory-based discipline, a paragraph outlining the assistance given during the experiments, the nature of the experiments and an attribution to the contributors could follow.)

Thesis Chapter	Publication Title	Status (published, in press, accepted or returned for revision)	Nature and % of student contribution	Co-author name(s) Nature and % of Co-author's contribution*	Co-author(s), Monash student Y/N*
e.g. 2	*Waveforms in systemic arteries*	*Accepted*	*60%. Concept and collecting data and writing first draft*	1) *Albert Einstein, input into manuscript 25%*	*Yes*
				2) *Marie Curie, Data analysis, input into manuscript 15%*	*No*

*If no co-authors, leave fields blank

I have / have not renumbered sections of submitted or published papers in order to generate a consistent presentation within the thesis.

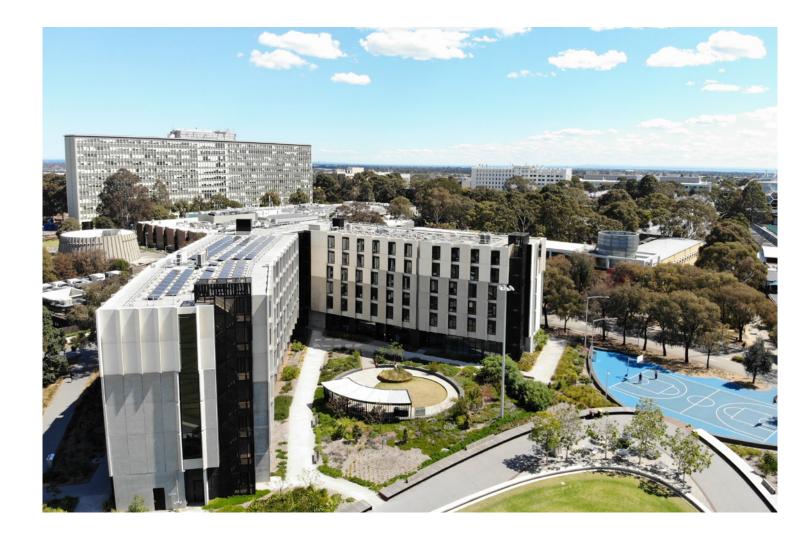Student signature: _____*(Insert electronic signature)*_____ Date: _____

The undersigned hereby certify that the above declaration correctly reflects the nature and extent of the student's and co-authors' contributions to this work. In instances where I am not the responsible author I have consulted with the responsible author to agree on the respective contributions of the authors.

Main Supervisor signature: _____*(Insert electronic signature)*_____ Date: _____

monash.edu/law