



LAWS11059 *Statutory Interpretation*

Term 3 - 2023

Profile information current as at 09/05/2024 12:29 pm

All details in this unit profile for LAWS11059 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

LAWS11059 Statutory interpretation has a specific focus on locating and using legislation, aids to interpretation, and deployment of interpretative techniques. In this unit you will learn how to determine whether the exercise of a statutory power is invalid if a condition or procedure regulating its exercise, is breached; whether a law has a retrospective operation; whether a statutory offence contains a mental ingredient to be proved by the prosecution (*mens rea*), and if so, what that ingredient is; the scope of a statutory power to make delegated legislation in the light of delegated legislation, which has purportedly been made under a power; and the application of a rule in any applicable charter of human rights. A law graduate should be able to give a reasoned opinion as to the appropriate meaning of a legislative provision which takes adequate account of the law of statutory interpretation. This unit meets the LPAB requirements for statutory interpretation.

Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 3 - 2023

- Online

Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Written Assessment**

Weighting: 20%

2. **Written Assessment**

Weighting: 20%

3. **Written Assessment**

Weighting: 60%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Student evaluations.

Feedback

Study guides need a 'freshen up', and expanded content.

Recommendation

Review and update study guides.

Feedback from Student evaluations.

Feedback

Lecture videos could be made 'more engaging', with lecturer and slides on screen.

Recommendation

Review and update lecture videos.

Feedback from Student evaluations.

Feedback

'The selected textbook was good. I found it to be a decent read as far as textbooks go.'

Recommendation

Textbook to be retained.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Locate and interpret legislation, legislative instruments and related materials and apply them to practical scenarios.
2. Analyse, evaluate and apply the statutory interpretation principles from the decisions of the High Court to factual problems.
3. Communicate effectively in writing the theoretical concepts underpinning approaches to statutory interpretation.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes		
	1	2	3
1 - Written Assessment - 20%	•		•
2 - Written Assessment - 20%	•	•	•
3 - Written Assessment - 60%		•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
1 - Communication	•	•	•
2 - Problem Solving		•	•
3 - Critical Thinking		•	•
4 - Information Literacy	•		•
5 - Team Work			
6 - Information Technology Competence	•		
7 - Cross Cultural Competence			
8 - Ethical practice			
9 - Social Innovation			
10 - Aboriginal and Torres Strait Islander Cultures			

Textbooks and Resources

Textbooks

LAWS11059

Prescribed

Statutory Interpretation Principles

Edition: 2 (2020)

Authors: Perry Herzfeld, Thomas Prince

Lawbook Co., AUSTRALIA (Thomson Reuters)

Australia

ISBN: 978-0455243603

Binding: Paperback

LAWS11059

Supplementary

Effective Legal Writing

Edition: 3 (2020)

Authors: Corbett-Jarvis and Grigg

Lexis Nexis Australia

ISBN: 9780409351484

Binding: eBook

LAWS11059

Supplementary

eLearn: Statutory Interpretation - An Introduction

Edition: 1 (2020)

Authors: Sharon Szeta and Lisa Sylvester

Lexisnexis

Sydney , NSW , Australia

ISBN: 9780001562080

Binding: eBook

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- MS Teams

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Malcolm Barrett Unit Coordinator

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AJ George Unit Coordinator

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Schedule

Week 1: Introduction to Statutory Interpretation - 06 Nov 2023

Module/Topic	Chapter	Events and Submissions/Topic
Overview of the unit - an introduction to statutory interpretation.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Para 1.10-180 and 1.140-1.220 Michelle Sanson, <i>Statutory Interpretation</i> Chapters 1	Weekly zoom sessions.

Week 2: Creation of Legislation - 13 Nov 2023

Module/Topic	Chapter	Events and Submissions/Topic
Enactment of legislation.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Chapters 11 and 12 Michelle Sanson, <i>Statutory Interpretation</i> Chapter 2	Weekly zoom sessions.

Week 3: Interpretation Legislation - 20 Nov 2023

Module/Topic	Chapter	Events and Submissions/Topic
Interpretation of legislation: Meaning of Words.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Para 1.160-1.210 and Chapters 2,3 and 4.	Weekly zoom sessions.

Week 4: Context and Purpose - 27 Nov 2023

Module/Topic	Chapter	Events and Submissions/Topic
Context and purpose of legislation.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Para 5.10-5.20 and Chapter 7	Weekly zoom sessions. Research and Case Note Due: Week 4 Friday (1 Dec 2023) 11:45 pm AEST

Vacation Week - 04 Dec 2023

Module/Topic	Chapter	Events and Submissions/Topic
		No weekly zoom sessions.

Week 5: Intention and Interpretive Techniques - 11 Dec 2023

Module/Topic	Chapter	Events and Submissions/Topic
Intention and interpretive techniques.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Para 1.30-1.80 Michelle Sanson, <i>Statutory Interpretation</i> Chapter 5	Weekly zoom sessions.

Week 6: Intrinsic Materials I (Statutory Components) - 18 Dec 2023

Module/Topic	Chapter	Events and Submissions/Topic
Intrinsic material and the seminal case of <i>Project Blue Sky v Australian Broadcasting Authority</i> 194 CLR 355.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Para 5.10-5.150 Michelle Sanson, <i>Statutory Interpretation</i> Chapter 6	Weekly zoom sessions.

Vacation Week - 25 Dec 2023

Module/Topic	Chapter	Events and Submissions/Topic
		No weekly zoom sessions.

Week 7 Intrinsic Materials II (The Text) - 01 Jan 2024

Module/Topic	Chapter	Events and Submissions/Topic

Intrinsic materials: part two.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Para 5.10-5150 Michelle Sanson, <i>Statutory Interpretation</i> Chapter 7	Weekly zoom sessions.
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Week 8: Extrinsic Materials - 08 Jan 2024

Module/Topic	Chapter	Events and Submissions/Topic
Extrinsic materials.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Chapter 8	Weekly zoom sessions.

Week 9: Traditional Common Law Approaches - 15 Jan 2024

Module/Topic	Chapter	Events and Submissions/Topic
Traditional common law approaches to interpretation.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Chapter 6 and Para 1.90-1.130.	Weekly zoom sessions. Solve a statutory interpretation problem Due: Week 9 Friday (19 Jan 2024) 11:45 pm AEST

Week 10: Statutory Presumptions - 22 Jan 2024

Module/Topic	Chapter	Events and Submissions/Topic
The common law rules of statutory interpretation: part two.	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Chapter 9	Weekly zoom sessions.

Week 11: Codes, Penal and Taxation Statutes, Human Rights and International Law - 29 Jan 2024

Module/Topic	Chapter	Events and Submissions/Topic
Interpreting specific types of legislation and the influence of rights concepts and international law on statutory interpretation	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Chapter 10	Weekly zoom sessions.

Week 12: Subordinate Legislation - 05 Feb 2024

Module/Topic	Chapter	Events and Submissions/Topic
The interpretation of subordinate legislation	Perry Herzfeld and Thomas Prince, <i>Statutory Interpretation Principles</i> Chapters 13 and 14	Weekly zoom sessions.

Exam Week - 12 Feb 2024

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Research and Case Note

Assessment Type

Written Assessment

Task Description

This assessment will be presented in two parts, and you will need to answer both parts, with 10 marks allocated for each part (Total weighting: 20% of grade).

Part 1 A research task which relates to the creation and/or understanding of legislation, in short response/paragraph format.

Part 2 A short summary in the case note format.

Full details of the assessment task will be provided on the Moodle site for this unit after the commencement of term.

Total word count: 2,000 words

Assessment Due Date

Week 4 Friday (1 Dec 2023) 11:45 pm AEST

Extension requests must be made via Moodle with valid supporting documentation.

Return Date to Students

Marked assignments will be returned via the Moodle site approx. 2-3 weeks after submission.

Weighting

20%

Assessment Criteria

Assessment Criteria

Criteria	Excellent	Good	Poor
Basic goals (15%):			
Identification of primary issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Demonstrated understanding of the subject matter	Excellent demonstrated understanding of the subject matter.	Good / Some understanding of the subject matter.	Lacks understanding of the subject matter.
Structured argument	Well-structured arguments.	Reasonably structured argument.	Poorly structured argument.
Higher order goal (2.5%):			
Analytical ability	Demonstrated high level of analysis.	Some analytical skills demonstrated	Numerous analytical errors or omissions - limited to no analysis.
Skills (2.5%):			
Demonstrated clear and concise written expression	Clear and concise written expression.	Some unclear or verbose written expression.	Numerous examples of unclear or verbose written expression.
Spelling and grammar	No identifiable spelling or grammatical issues.	Minor spelling or grammatical issues.	Numerous spelling or grammatical issues.
Plain English drafting	No Plain English drafting errors.	Some Plain English drafting errors.	Numerous Plain English drafting errors.

Students should familiarise themselves with the University policy on assessment which sets out the criteria for high distinctions, distinctions, credit and pass marks in some detail.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

I will only accept online submission of your work. Upload your work in a Word doc. (NOT PDF) in the following format: LastName_FirstName (unit name) Assessment 1.docx. I expect students to present their assessment work on time. Late penalties of 5% per day or part thereof apply.

Learning Outcomes Assessed

- Locate and interpret legislation, legislative instruments and related materials and apply them to practical scenarios.
- Communicate effectively in writing the theoretical concepts underpinning approaches to statutory interpretation.

2 Solve a statutory interpretation problem

Assessment Type

Written Assessment

Task Description

In this assessment, you will be given a statutory interpretation problem question, which will require you to advise a character based on the material covered throughout the module.

Full details of the assessment task will be provided on the Statutory Interpretation Moodle site after the commencement of the term.

2,000 words (maximum)

Assessment Due Date

Week 9 Friday (19 Jan 2024) 11:45 pm AEST

I will only accept online submission of your work. Upload your work in a Word doc. (NOT PDF) in the following format: LastName_FirstName (unit name) Assessment 1.docx. I expect students to present their assessment work on time. Late penalties of 5% per day or part thereof apply.

Return Date to Students

Marked assignments will be returned via the Moodle site in approx. 2-3 weeks after submission.

Weighting

20%

Assessment Criteria

Assessment criteria

Students will be assessed on their ability to demonstrate high-level thinking and writing skills, comprehend and process the material, and provide a critical analysis and logical discussion of the law. Students are required to communicate clearly, logically and in a concise manner. Your paper must be presented in a professional manner. Please paginate your paper and use correct spelling and grammar. You must appropriately reference and attribute the work of others.

Criteria	Standards				
	HD High Distinction	D Distinction	C Credit	P Pass	N Fail
Your ability to identify issues	All issues are identified coherently with alternative issues addressed where relevant.	Most issues are identified in a logical and coherent manner.	Most issues are identified.	Attempts to identify issues. Some are missed or confused.	Understanding of the task not apparent. Limited or no attempt to identify issues.
Your knowledge of content including rules of statutory interpretation	Comprehensive/detailed knowledge of relevant content and rules. Legal authority used consistently to support and develop argument.	In-depth knowledge of relevant content and rules. Legal authority mainly used to support and develop argument.	Reasonable knowledge of relevant content and rules. Reasonable use of legal authority to support and develop argument.	Evidence of limited knowledge of relevant content and rules. Some use of legal authority to support and develop argument.	Lacks evidence of knowledge of relevant content and rules. Little or no use of legal authority to support and develop argument.
Your ability to apply relevant law to issues	Clear application of relevant rules to issues and can transform concepts towards a novel conclusion.	Clear application of relevant rules to issues through critical analysis/thought.	Application of relevant rules to issues. Can categorise ideas and information in a predictable and standard format.	Attempts to apply rules to issues in a structured format.	Little or no attempt to apply relevant rules to issues. Understanding of task not apparent.
Your conclusions	Analytical and clear conclusions well grounded in relevant content and rules.	Good development shown in summary of arguments based in relevant content and rules.	Evidence of findings and conclusions grounded in relevant content and rules.	Limited evidence of findings and conclusions supported by relevant content and rules.	Unsubstantiated/invalid conclusions based on generalisation only or no conclusions at all.

Your clarity of expression (spelling, grammar, punctuation); use of appropriate terminology; and overall structure	Fluent writing style and terminology appropriate to document. Grammar and spelling accurate. Appropriate and clear structure.	Language mainly fluent. Grammar and spelling mainly accurate. Mainly appropriate and clear structure.	Language reasonably fluent. Grammar and spelling reasonably accurate. Structure apparent.	Meaning apparent but language not always fluent. Grammar and/or spelling contain errors. Some structure.	Meaning unclear and/or grammar and/or spelling contain frequent errors. Lack of structure.
Your referencing in accordance with the AGLC	Referencing consistently accurate.	Referencing mainly accurate.	Referencing reasonably accurate.	Some attempt at referencing	Almost all referencing is incorrect or no attempt at referencing at all.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

I will only accept online submission of your work. Upload your work in a Word document (NOT PDF) in the following format: LastName_FirstName (unit name) Assessment 2.docx. I expect students to present their assessment work on time. Late penalties of 5% per day or part thereof apply. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that your name is included in the name of the saved document.

Learning Outcomes Assessed

- Locate and interpret legislation, legislative instruments and related materials and apply them to practical scenarios.
- Analyse, evaluate and apply the statutory interpretation principles from the decisions of the High Court to factual problems.
- Communicate effectively in writing the theoretical concepts underpinning approaches to statutory interpretation.

3 Take Home Examination

Assessment Type

Written Assessment

Task Description

The date for the take-home examination will be determined by central administration, but it will take place in the CQU official exam period (week 13).

- This subject has an invigilated take-home examination of 2.5 hours (150 minutes) duration. Students should consult the Invigilated Take-Home Examination Guidelines, College of Law Criminology and Justice, available from the Laws Moodle site. A requirement of these guidelines is that students must obtain a student card for verification purposes- see https://sportal.cqu.edu.au/_data/assets/pdf_file/0006/113/Information-Sheet-Student-ID-Card-2017.pdf.
- Students must also have access to a reliable and adequate internet connection, and a computer, tablet, or laptop equipped with a working webcam, working microphone, Zoom installed and access to the unit Moodle Site via an internet browser.
- **Submissions after the deadline will not be accepted.**
- **Failure to submit by the deadline will result in a mark of zero for this assessment as the exam will not be marked.**
- **Extensions are not available for this take-home exam.**
- **Exam conditions apply to all take-home exams.**
- The final take home exam will not be released to students - results for this assessment must be withheld until the Certification of Grades date. Individual feedback will not be provided.
- Response must be submitted on Moodle. Submit your entire answer in a single Word (NOT PDF) document in the following format: LastName_FirstName (unit name)_Assessment 3.docx. Do not submit in multiple parts.
- You must not share your work with others or assist others with their work. You must not receive assistance from others, copy from others, or work with others on your exam paper.
- You must not plagiarise the work of others. Where you use another's work or idea, you must acknowledge the source of that work or idea. Where the text is a direct quote from the original source, this must be indicated in your work.
- Your answer must provide references for all sources relied upon in your work.

Assessment Due Date

The take home exam is scheduled by University Central Administration and to be advised. You will need to ensure that you avoid other commitments on that day.

Return Date to Students

Normal exam conditions apply. The final take home exam is not returned to students. Results must be withheld until the Certification of Grades date. I will not provide personalised feedback. Your mark forms part of your grade for this unit. However, feedback is provided to the whole class in the form of an exam feedback report on the Certification of Grades date in accordance with the University Assessment Policy.

Weighting

60%

Assessment Criteria

Students will be assessed on their ability to demonstrate high-level thinking and writing skills, comprehend and process the material, and provide a critical analysis and logical discussion of the law. Students are required to communicate clearly, logically and in a concise manner. Your paper must be presented in a professional manner. Please paginate your paper and use correct spelling and grammar. You must appropriately reference and attribute the work of others.

Fail

Evidence of the following:

- written expression is poor and difficult to understand
- the answer is poorly organised
- referencing is generally inadequate
- lack of familiarity with the legislation and its application
- failure to identify and address the issues in the question
- reasoning and application demonstrated is poor

Pass

Evidence of the following:

- A conscientious attempt to address the topic and/or answer the question
- Some indication of having done the required reading and of having understood the reading
- presented a reasonable argument to back up your conclusions
- demonstrated a reasonable level of spelling and grammatical usage
- used referencing but this may need improvement
- issues that may need to be identified and addressed in more depth

Credit

Evidence of the following:

- addressed the topic and/or answered the question directly
- presented soundly based arguments and backed these up with reasons
- gone beyond description to analysis of key issues
- expressed the content well
- shown evidence of reading widely
- demonstrated understanding of the reading
- used referencing that is satisfactory

Distinction

Evidence of the following:

- met the above criteria for a credit
- demonstrated the attainment of a high degree of understanding of the concepts of the unit
- demonstrated deep insight into the application of knowledge and skills to complex theoretical and practical situations
- used referencing correctly
- referred to all appropriate legislation

High Distinction

Evidence of the following:

- met the above criteria for a distinction
- demonstrated the attainment of an outstanding level of achievement regarding the objectives of this unit
- demonstrated an interesting and/or original approach/idea/argument
- demonstrated mastery of the relevant referencing system
- Conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- Reference to appropriate legislation for all issues

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

Only online submission will be accepted. Upload your work in a Word document (NOT PDF) in the following format: LastName_FirstName_(Unit Code)_Take Home.docx.

Learning Outcomes Assessed

- Analyse, evaluate and apply the statutory interpretation principles from the decisions of the High Court to factual problems.
- Communicate effectively in writing the theoretical concepts underpinning approaches to statutory interpretation.

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem