



LAWS12063 Legal Drafting

Term 2 - 2020

Profile information current as at 03/09/2025 09:43 am

All details in this unit profile for LAWS12063 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

Legal practitioners engage in legal drafting on a daily basis and effective written communication skills are essential for legal practice. This unit aims to enhance your legal drafting skills by providing you with an authentic practical learning experience. You will complete a variety of practical drafting tasks that newly qualified lawyers are likely to undertake in practice, including: - drafting legal documents, such as pleadings and affidavits; - drafting contracts in accordance with a client's instructions; - preparing letters of advice; and - preparing persuasive arguments, such as outlines of argument. This unit will analyse a range of drafting techniques and explore how to convey complex information using clear and simple language. You will also consider how to draft a document in accordance with its purpose, the needs of the audience and the client's instructions. You will further refine their drafting skills by engaging in reflective practice and through a process of critically analysing and redrafting existing documents. Topics of focus include: - drafting techniques and plain English drafting; - grammar, syntax and punctuation in legal drafting; - the art of persuasive writing; - common sources of ambiguity in the drafting of documents; and - devising solutions to drafting issues. Note that a comprehensive coverage of drafting convention relevant to specialised substantive areas of the law is not possible in this unit. Instead, the unit focuses on the foundational principles for drafting legal documents to prepare students for the significant and diverse range of tasks they may face as a legal practitioner.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Prerequisite:- LAWS11057 Introduction to Law.

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 2 - 2020

- 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. **Online Quiz(zes)**

Weighting: 20%

2. **Written Assessment**

Weighting: 60%

3. **Reflective Practice Assignment**

Weighting: 20%

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 John Milburn

Feedback

In term 2, 2019 for LAWS12063, I continued with a curriculum that has a major emphasis on legislative drafting. While that is a useful methodology for teaching statutory interpretation, greater emphasis could be placed on teaching statutory interpretation by reference to decided cases.

Recommendation

Modify the focus of the unit to teach statutory interpretation by greater reference to decided cases. This will be catered for in the rebranding of the unit to Legal Drafting.

Feedback from John Milburn

Feedback

In term 2, 2019 for LAWS12063, I considered the drafting aspect of the unit primarily in weeks 10 and 11.

Recommendation

Decrease the statutory interpretation component of the unit and increase the drafting skills component of the unit. This will be catered for in the rebranding of the unit to Legal Drafting.

Feedback from John Milburn

Feedback

Alter the assessment regime to remove the participation component.

Recommendation

Given that an assessment based on participation is against policy, the assessment regime must be changed to ensure that assessments relate to the ULO or CLO. This will be catered for in the rebranding of the unit to Legal Drafting.

Unit Learning Outcomes

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

1. Communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation
2. Evaluate and debate issues affecting the drafting of documents and redraft any provisions requiring amendment
3. Apply principles of plain English drafting and drafting conventions to create legal documents that comply with the client's instructions and the objectives of the document
4. Analyse a variety of approaches to the interpretation of documents and utilise these approaches and legal principles to inform the drafting of a document
5. Reflect critically on their own written work and provide comprehensive feedback to others through a peer review process.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

■ N/A Level ■ Introductory Level ■ Intermediate Level ■ Graduate Level ■ Professional Level ■ Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
1 - Online Quiz(zes) - 20%		•			

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
2 - Reflective Practice Assignment - 20%	•	•		•	•
3 - Written Assessment - 60%	•	•	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
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					

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Online Quiz(zes) - 20%	•			•						
2 - Reflective Practice Assignment - 20%	•		•	•						
3 - Written Assessment - 60%	•	•		•						

Textbooks and Resources

Textbooks

LAWS12063

Prescribed

Effective Legal Writing: A Practical Guide

Edition: 2 (2017)

Authors: Nichola Corbett-Jarvis and Brendan Grigg

LexisNexis Butterworths

NSW , Australia

ISBN: 978-0-409-34320-5

Binding: Paperback

Additional Textbook Information

If you prefer to study with a paper copy, they are available at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code). eBooks are available at the publisher's website.

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom app on your smart phone or access to Zoom on your laptop

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

Nichola Corbett-Jarvis Unit Coordinator
n.corbett-jarvis@cqu.edu.au

Schedule

Week 1: Introduction Legal Drafting - 13 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Legal Drafting.	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), 6.194 - 6.223 (inclusive).	Weekly online Zoom workshop.

Week 2: Grammar Matters (Part 1) - 20 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Grammar Matters (Part 1)	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), 2 - 2.65 (inclusive).	Weekly online Zoom workshop.

Week 3: Grammar Matters (Part 2) - 27 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
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Grammar Matters (Part 2)	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), 2.66 - 2.93 (inclusive). Daniel Victor, 'Oxford Comma Dispute is Settled as Maine Drivers Get \$5 Million', <i>The New York Times</i> (8 February 2018), available at < https://www.nytimes.com/2018/02/09/us/oxford-comma-maine.html >	Weekly online Zoom workshop.
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Week 4: Plain English Drafting - 03 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Plain English Drafting	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), Ch 3.	Weekly online Zoom workshop.

Week 5: Correspondence - 10 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Correspondence.	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), 6 - 6.91 (inclusive).	Weekly online Zoom workshop. Online Quiz Due: Week 5 Tuesday (11 Aug 2020) 5:00 pm AEST

Vacation Week - 17 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
		No Zoom workshop this week.

Week 6: Outlines of Argument - 24 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Outlines of Argument.	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), 6.114 - 6.146 (inclusive). The Honourable Justice K M Hayne, 'Written Advocacy' (Speech delivered at the Legal Education Program of the Victorian Bar, 5 and 26 March 2007) - available at: < https://www.hcourt.gov.au/assets/publications/speeches/current-justices/haynej/haynej_05mar07.pdf >	Weekly online Zoom workshop. Drafting Portfolio (no 1 - workshop activities for weeks 1 - 5) Due: Week 6 Thursday (27 August 2020) 11:59 pm AEST.

Week 7: Contracts - 31 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Contracts.	Mark Cohen, 'How to Draft a Bad Contract' (2016-2017) 17 <i>Scribes Journal of Legal Writing</i> 79.	Weekly online Zoom workshop. Drafting Portfolio (no 2 - letter of advice) Due: Week 7 Thursday (3 September 2020) 11:59 pm AEST.

Week 8: Affidavits - 07 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
Affidavits.	The Honourable Justice James Henry, 'The Affidavit as a Tool of Persuasion: Drafting an Effective Affidavit and Using an Affidavit Effectively' (Paper delivered at the Cairns Judiciary CPD Series, Cairns) [2015] <i>Queensland Judicial Scholarship</i> 40. Family Court of Australia <i>Fact Sheet - Preparing an Affidavit</i> - available at: < http://www.familycourt.gov.au/wps/wcm/connect/foaweb/reports-and-publications/publications/affidavits/preparing-an-affidavit >	Weekly online Zoom workshop.

Week 9: Pleadings - 14 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
Pleadings.	The Honourable Justice James Henry, 'The Agreement and the Pleadings: The Foundations of Successful Commercial Litigation' (Paper delivered to the NQLA Conference, Cairns) [2014] <i>Queensland Judicial Scholarship</i> 46.	Weekly online Zoom workshop. Drafting Portfolio (no 3 - outline of argument) Due: Week 9 Thursday (17 September 2020) 11:59 pm AEST.

Week 10: Wills - 21 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
Wills.	Thomas Word 'A Brief for Plain English in Wills and Trusts' (1980) 14(3) <i>University of Richmond Law Review</i> 471.	Weekly online Zoom workshop.

Week 11: Professional and Reflective Practice - 28 Sep 2020

Module/Topic	Chapter	Events and Submissions/Topic
Professional and Reflective Practice.	Nickolas James and Rachael Field, <i>The New Lawyer</i> (Wiley, 2013), 354 - 362. Mandy Wintink, 'Receiving Constructive Feedback', available at < https://www.ultimaterob.com/2011/09/14/receiving-constructive-feedback/ >	Weekly online Zoom workshop. Drafting Portfolio (no 4 - workshop activities for weeks 6 - 10) Due: Week 11 Thursday (1 October 2020) 11:59 pm AEST.

Week 12 - 05 Oct 2020

Module/Topic	Chapter	Events and Submissions/Topic
		Reflection Due: Week 12 Friday (9 Oct 2020) 11:59 pm AEST

Assessment Tasks

1 Online Quiz

Assessment Type

Online Quiz(zes)

Task Description

Lawyers are professional users of language. Language is an essential tool to persuade others on behalf of their clients. It is also used to define relationships and create rights and obligations. Poorly drafted documents can create ambiguity or produce an outcome the client does not want. Inevitably, this means lawyers must understand the rules of grammar and punctuation, the principles of plain English drafting, and the foundational principles of legal drafting. This Quiz will focus on the content covered in Modules 1- 4. This Quiz may include multiple choice and short answer questions.

- 1) This Quiz is worth 20% of the overall assessment for this unit.
- 2) This Quiz will be made available at 10:00 am on Friday 7 August 2020. You may be required to answer multiple choice questions and short answer questions.
- 3) You must complete the test by submitting your answers to all questions online. You have one attempt to complete and submit your answers. You must therefore submit your answers online in one sitting (you cannot save your answers and return to them or amend them at a later date). You will have 90 minutes to submit your answers online once you commence the Quiz.
- 4) You must complete your submission online by 5:00 pm on Tuesday 11 August 2020 (answers must be submitted by this time). Answers that are received after the due date will attract a late penalty. Any late penalty will continue to apply until all your answers have been submitted online.
- 5) Submission online is the only form of submission that is acceptable. You are advised to submit your answers well in advance of the submission due date to allow time for technical issues. If you experience any technical issues, you should notify the unit coordinator via email immediately.
- 6) If you have a genuine reason for late submission of your assignment (i.e. medical illness) you should contact your lecturer as soon as possible (and where possible before the due date) to seek an extension.

Number of Quizzes

1

Frequency of Quizzes

Other

Assessment Due Date

Week 5 Tuesday (11 Aug 2020) 5:00 pm AEST

Return Date to Students

Grades will be returned within 2 weeks

Weighting

20%

Assessment Criteria

The Quiz will assess:

- your ability to communicate using appropriate grammar, syntax and punctuation;
- your ability to draft provisions that comply with the needs of the audience and the objectives;
- your ability to explain which provisions require amendment and why;
- your understanding of, and ability to apply, the principles of plain English drafting; and

- the principles relevant to the interpretation of documents and utilise these to inform the drafting of a document

Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Evaluate and debate issues affecting the drafting of documents and redraft any provisions requiring amendment

Graduate Attributes

- Communication
- Information Literacy

2 Drafting Portfolio

Assessment Type

Written Assessment

Task Description

The Drafting Portfolio consists of authentic drafting exercises of the kind you would be expected to undertake as a trainee or newly qualified lawyer. It is submitted incrementally so that you not only receive feedback regularly on your work but also so that you identify improvement and areas on which you need to focus as the Term progresses. The Drafting Portfolio is compiled over the duration of the Term and consists of three parts:

- (i) a letter of advice to a client (due in week 7) - 20%
 - (ii) an outline of argument (due in week 9) - 20%
 - (iii) a portfolio of the workshop exercises for weeks 1 to 10 (including feedback provided to and received from a peer as part of the peer review process) - weeks 1 - 5 submitted in week 6 and weeks 6 - 10 submitted in week 11 - 20%
- Further guidance on how to compile and submit your Drafting Portfolio will be made available on the unit site in Moodle.

Assessment Due Date

Students must submit their work incrementally as detailed above.

Return Date to Students

Students will receive feedback within 2 weeks of submission

Weighting

60%

Assessment Criteria

This Drafting Portfolio will assess your ability to:

- communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation;
- evaluate issues affecting the drafting of documents and redraft any provisions requiring amendment;
- apply the principles of plain English drafting and drafting conventions to create legal documents that comply with the client's instructions and the objectives of the document;
- analyse a variety of approaches to the interpretation of documents and utilise these approaches and legal principles to inform the drafting of a document; and
- provide comprehensive and constructive feedback to a peer with reference to the marking rubric.

Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation
- Evaluate and debate issues affecting the drafting of documents and redraft any provisions requiring amendment
- Apply principles of plain English drafting and drafting conventions to create legal documents that comply with the

client's instructions and the objectives of the document

- Analyse a variety of approaches to the interpretation of documents and utilise these approaches and legal principles to inform the drafting of a document
- Reflect critically on their own written work and provide comprehensive feedback to others through a peer review process.

Graduate Attributes

- Communication
- Problem Solving
- Information Literacy

3 Reflection

Assessment Type

Reflective Practice Assignment

Task Description

Lawyers never stop refining their legal skills and knowledge. As a condition of their practising certificate, lawyers are required to engage in professional development training and activities each year. To ensure their skills and knowledge advance, lawyers must engage in reflection as part of their professional practice. To assist students in becoming reflective legal practitioners, this assessment requires students to reflect on their drafting portfolio, the feedback received from their tutor and the feedback received from peers through the peer review process. As part of the reflection process, students will self-grade their work and identify their areas of strength. Students must also identify areas for improvement and identify how they intend to improve their work.

Word limit: 1,000 words (including footnotes).

Further guidance on how to draft a reflection will be made available on the unit site in Moodle.

Assessment Due Date

Week 12 Friday (9 Oct 2020) 11:59 pm AEST

Return Date to Students

We will endeavour to return grades within 2 weeks.

Weighting

20%

Assessment Criteria

This Reflection will assess your ability to:

- describe the learning experience and your performance;
- analyse the learning experience and your work with reference to the assessment criteria;
- reflect upon the feedback you received;
- provide comprehensive and constructive feedback to a peer;
- identify methods by which you can improve your work in the future; and
- communicate effectively in writing.

Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation
- Evaluate and debate issues affecting the drafting of documents and redraft any provisions requiring amendment
- Analyse a variety of approaches to the interpretation of documents and utilise these approaches and legal principles to inform the drafting of a document
- Reflect critically on their own written work and provide comprehensive feedback to others through a peer review process.

Graduate Attributes

- Communication

- Critical Thinking
- Information Literacy

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