AGLC Sample Essay

AUSTRALIAN LAW STUDENTS AND PLAGIARISM

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A Introduction

It is important for all law students to understand plagiarism during their time at law school. At university the lack of understanding about what constitutes plagiarism could affect a student’s academic record and may even prevent graduates from being admitted to practice law. This essay will explore the definition of plagiarism and consequences of committing plagiarism in the context of Australian law students.

B What is Plagiarism?

Plagiarism is taking another person’s ideas and passing them off as your own In legal writing it is vital to support your legal arguments with evidence. This material must then be acknowledged through correct referencing.1

Plagiarism can be intentional or unintentional. Intentional plagiarism may include a student paying another to complete their work or reuse another’s work without acknowledgment among other ways. 2 Unintentional plagiarism can occur when a student lacks the proper knowledge of the rules of correct citation, or is careless with academic skills, such as poor note taking.3 It is therefore imperative that students are aware that both intentional and unintentional plagiarism have serious consequences academically and professionally.

C Academic Integrity at University

Avoiding plagiarism is important to developing academic integrity. Academic integrity is the ‘uprightness and honesty in the pursuit of scholarly activities’.4 At Charles Darwin University (CDU) there are very specific guidelines. If students breach academic integrity there are some very serious consequences: students could receive a zero mark for their work; students could receive a fail grade for a whole unit; students could be excluded from the university for 12 months; students could be expelled from the university; and any degree or award could be rescinded.5 Many students feel pressure to achieve good academic results, however, the consequences of plagiarism far outweigh the benefits of a higher or passing grade.

An interesting article from Steel goes further.6 Steel states that ‘contract’ cheating, whereby student pays another to complete their assignment, could lead to serious criminal charges.7 Not only can there be serious consequences for undertaking plagiarism, it is getting easier to detect. Universities continue to use increasingly sophisticated technology to screen and detect plagiarism, as McClaran explains, ‘academic achievement is a currency and we have to keep the value of that currency sound’.8

D Professional Practice and Plagiarism

Academic misconduct, such as plagiarism, must be disclosed when applying for admission to practice law.9 The Legal Profession Admission Rules 2007 (NSW) states in the interests of the public, applicants must have the values, knowledge and skills

1 Macquarie Dictionary (online at 14 February 2019) ‘plagiarism’.
3 Robert A Harris, Using Sources Effectively: Strengthening Your Writing and Avoiding Plagiarism (Routledge, 2017), 100.
4 Ibid.
6 Ibid.
9 Ibid.
mInfoRefDocId¼00424>.
11 Halsbury’s Laws of Australia (online at 20 February 2019) 250 Legal Practitioners, ‘1 Admission and Practice Requirements for Legal Practitioners’ (55).
required to practice law competently, which include ethical values such as academic honesty. This principle is repeated across other jurisdictions in Australia. 52

The admission bodies and courts are aware of these problems and have refused admission based on issues of poor referencing, plagiarism and on academic integrity. 53 As noted by the High Court of Australia in Wentworth v NSW Bar Association the right to practice in the courts is such that, on application for admission, the court concerned must ensure, so far as possible, that the public is protected from those who are not properly qualified; this includes students that failed to understand academic integrity. 54 This can occur both for intentional and unintentional plagiarism. For example, in a recent case in the Northern Territory, a student noted that they were awarded a zero mark for their assignment. This was because the assignment was based on the original Author’s work, incorrect paraphrasing, use of long quotations and failure to use quotation marks. 55 In the same case Kelly explained that ‘correct referencing is essential to the ability of courts and academic institutions to test arguments and verify sources... courts must guard against those who do not demonstrate that they can appropriately and honestly reference their sources’. 56 Legal practitioners have even been struck off the roll after being admitted, after evidence of plagiarism, not even committed in their law degree, came to light. 57

Similarly, no one wants to employ a cheat, a fraudster or a person that cannot competently and ethically do their work. As Harris points out, many people live by the Golden Rule that you should treat people how you would like to be treated. 58 Would you really like to be represented in court by a lawyer who cheated or had such poor academic practices that they failed to understand the fundamentals of academic integrity?

F Conclusion

Law students can avoid plagiarism by undertaking their own research, writing, and using good practices when citing resources. For example, when taking notes during the research process, students should take care to note which parts are copied exactly from the work, which parts are paraphrased, and include enough citation details to cite them correctly using the AGLC. If students take parts of sentences or paragraphs from another person’s work, students must place them in quotation marks, or explain the main idea in their own words. 59 One useful document that students can use is the Assignment Do’s and Don’ts that give practical examples of how students can avoid plagiarism when they are researching and preparing their assignments. 60

If students need support or further assistance with developing skills to avoid plagiarism, assistance is provided by CDU. The library can assist students with finding high quality academic information and with using the AGLC correctly, and the Academic Learning and Success Program (ALLSP) can assist in developing academic skills.

52 Court Procedures Rules 2006 (ACT); Legal Profession Uniform Admission Rules 2015 (NSW); Supreme Court (Admission) Rules 2015 (QLD);
Rules of the Legal Practitioners Education and Admission Council 2018 (SA); legal Profession (Board of Legal Education) Rules 2010 (TAS); Legal Profession Uniform Admission Rules (VIC); Legal Profession (Admission) Rules 2009 (WA).
53 This includes honesty about your academic record, see Bohari v Legal Practitioners Admission Board (2013) QCA 14; this is where the applicant stated incorrectly that they had graduated with First Class Honours. This student was refused admission.
55 Re Application by Onyeleo (2015) NTSC 60, 1-21. Note that the student was subsequently admitted after completing further academic work in Re Onyelleda (No 2) (2016) NTSC 68.
56 Ibid.
57 Re GS (A Lawyer) (2008) 18 VR 205, [129]
58 Harris [n 1] 153.
BIBLIOGRAPHY

A Articles/Books/Reports

Creyke, Robin et al, Laying Down the Law (LexisNexis, 10th ed, 2017)
Harris, Robert A, Using Sources Effectively: Strengthening Your Writing and Avoiding Plagiarism (Routledge, 2017)

B Cases

Bohani v Legal Practitioners Admission Board [2013] QCA 14
Re AIG [2004] QCA 88
Re B [1981] 2 NSWLR
Re DG (A Lawyer) (2008) 18 VR 205
Re Onyeledo (No 2) [2016] NTSC 68
Re Onyeledo [2015] NTSC 60
Wentworth v NSW Bar Association (1992) 176 CLR 239

C Legislation

Australian Constitution

Court Procedures Rules 2006 (NCT)
Legal Profession (Admission) Rules 2009 (WA)
Legal Profession (Board of Legal Education) Rules 2010 (TAS)
Legal Profession Admission Rules 2007 (NT)
Legal Profession Uniform Admission Rules (VIC)
Legal Profession Uniform Admission Rules 2015 (NSW)
Rules of the Legal Practitioners Education and Admission Council 2018 (SA)
Supreme Court (Admission) Rules 2015 (QLD)

D Other

LexisNexis, Halsbury’s Laws of Australia (online at 20 February 2019) 250 Legal Practitioners, ‘1 Admission and Practice Requirements for Legal Practitioners’ Masquerine Dictionary (online at 14 February 2019)