



## COURSE PROFILE

# LAWS7877

## NAVAL OPERATIONS LAW COURSE

Summer Semester: 3, 2004/05

Course Co-ordinator: Dr Michael White QC

T.C. Beirne School of Law

UNIVERSITY OF QUEENSLAND

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## COURSE DETAILS

<b>Course title</b>	LAWS7877 – Naval Operations Law
<b>Unit value</b>	#2
<b>Class contact hours</b>	The Course will be held over the 4 day period from 9:00am Monday 7 February 2005 to 5:00pm Thursday 10 February 2005. Daily lectures and syndicated problems will be conducted from 9:00am to 5:00pm.
<b>Prerequisites and Incompatibles</b>	<b>Restricted</b> - GAppLaw; GDipAppLaw; MAppLaw; GDipLaw; LLM; LLM(Adv) <b>Incompatible</b> - LW811
<b>Who May Register</b>	The course is open to registrants who wish assessment for a university degree. It is also open to registrants as part of the T.C. Beirne School of Law Executive Education and Program Development (EEDP), for whom, of course, there is no assessment. The course is open to graduates of any discipline from any recognized university.
<b>Course description</b>	This course aims to develop an understanding of the international and Australian domestic law which affects the conduct of naval operations. This includes the international law principles applicable to naval operations and the historical development of the laws of naval warfare, the 1982 United Nations Law of the Sea Convention (UNCLOS) and other public international law instruments including the United Nations Charter. It will also address the law and acceptable practise concerning arrest of civilian vessels for infringement of fishing and other laws and conventions as well as the Commonwealth and State marine environment protection legislation which will often apply to peacetime naval operations.
<b>Objectives and goals</b>	At the completion of the subject students should be able to: <ul style="list-style-type: none"><li>• Demonstrate an understanding and a general knowledge of the fundamental principles, rules of law, applicable international conventions and Australian statutory provisions and decisions, and relevant naval practices in each of the topics discussed;</li><li>• Apply the understanding and knowledge of these legal principles, rules, conventions and statutory provisions and decisions in extrapolating from specific contexts to an appropriate level of generality; and</li><li>• Analyse and interpret the law in the context of the facts and explore the possibilities for any appropriate reform of the law or practice in each of the topics.</li></ul>
<b>Workload</b>	This subject has been allotted 2 credit points. The credit point system is used by the University of Queensland to define its degree requirements. The workload associated with this subject will depend on the abilities of the student and the rating result that the student seeks. (The ratings are from "1", which is the bottom rating, to "4", which is a pass, to "7", which

is a high distinction and the top rating which is available.) Students will need to devote a considerable time to achieve a workload which is commensurate with a sound understanding of the subject.

### Graduate attributes developed

Attribute	How developed
In-depth knowledge of field of study	Class attendance and participation, independent study, written paper, final examination.
Effective communication	Class participation, online activities, written paper.
Independence and creativity	Independent study, written paper.
Critical judgement	Class participation, independent study, written paper.
Ethical and social understanding	Class attendance and participation, online activities.

### Disability support

Any student with a disability who may require alternative academic arrangements in the course is encouraged to seek advice at the commencement of the semester from a Disability Adviser at Student Support Services. The University Health Service can arrange advice and assistance on professional accreditation/registration issues that might arise as a result of alternative arrangements.

### Further Information

For those who wish to enrol as a seminar registrant or as a Masters student the administrative details may be arranged with Andrea Peirce, phone (07) 3365.3498; email: [a.peirce@law.uq.edu.au](mailto:a.peirce@law.uq.edu.au); T.C. Beirne School of Law, University of Queensland.

For details about the course contact may be made with the Course Coordinator, Dr Michael White QC, phone (07) 3365.2120; email: [m.white@law.uq.edu.au](mailto:m.white@law.uq.edu.au).

## CONTACT DETAILS

### Course co-ordinator

Name Dr Michael White QC  
 Office W334A, Forgan Smith Building  
 Centre for Maritime Law, TC Beirne School of Law,  
 University of Queensland, Qld. 4072  
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 Fax (07) 3365 1454  
 Email [m.white@law.uq.edu.au](mailto:m.white@law.uq.edu.au)  
 Consultation TBA

### Lecturer(s)

Name Lieutenant Commander Cameron Moore  
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## TEACHING AND LEARNING

### Approach to learning

To study each Topic, you should:

- work independently through the learning guide, referring to the prescribed texts;
- access the resources on the course website; and
- prepare for, attend and participate in classes.

### Learning guide

The learning guide will be available to be downloaded from the course Blackboard site or can be purchased from uni copying/POD. You should bring a copy of the learning guide to each class.

### Class structure

Classes in this course will be presented in lectures of 1.15 hours long, as follows:

DAY ONE	
08:45	Registration
09:00 – 10:15	Law of the Sea Framework (MW)
10:15 – 10:30	<i>Morning Tea</i>
10:30 – 11:45	Maritime Law Enforcement (CM)
11:45 – 13:00	Maritime Law Enforcement (cont.) (CM)
13:00 – 14:00	<i>Lunch</i>
14:00 – 15:15	Fisheries Enforcement Operations (MW)
15:15 – 15:30	<i>Afternoon Tea</i>
15:30 – 17:00	Case Study: The Volga & Maya V Cases (MW)

DAY TWO	
09:00 – 10:15	Border Protection Operations – Illegal Immigration, Customs & Quarantine (CM)
10:15 – 10:30	<i>Morning Tea</i>
10:30 – 11:45	Border Protection Operations – cont. (CM)
11:45 – 13:00	Case Study: The M.V. Tampa Incident (MW)
13:00 – 14:00	<i>Lunch</i>
14:00 – 15:15	Marine Environmental Law (MW)
15:15 – 15:30	<i>Afternoon Tea</i>
15:30 – 17:00	Marine Environment Law...cont (MW)

DAY THREE	
09:00 – 10:15	Problem 1 – Ethical Problem Concerning Unlawful Conduct/Orders (MW; CM; CMcC)
10:15 – 10:30	<i>Morning Tea</i>
10:30 – 11:45	Great Barrier Reef Area (MW)
11:45 – 13:00	Naval Operations; San Remo Manual (CM)
13:00 – 14:00	<i>Lunch</i>
14:00 – 15:15	Naval Operations...cont (CM)
15:15 – 15:30	<i>Afternoon Tea</i>
15:30 – 17:00	Case Study (Maritime Boundaries & Zones Issues) (MW)

<b>DAY FOUR</b>	
09:00 – 10:15	Command Responsibility (CMcC)
10:15 – 10:30	<i>Morning Tea</i>
10:30 – 11:45	International Criminal Law (CMcC)
11:45 – 13:00	Coalition Naval Operations (CM)
13:00 – 14:00	<i>Lunch</i>
14:00 – 15:15	Case Study (USS <i>Vincennes</i> documentary & discussion) (CM; MW)
15:15 – 15:30	<i>Afternoon Tea</i>
15:30 – 17:00	Problem 2 – Contraband Boarding Problem (MW)
17:00	<i>Course Concludes</i>

You should attend every class. Before each class you should work through the relevant Topic in the Learning Guide.

## Recommended Reading

### 1. Laws of Armed Conflict at Sea

#### (a) Conventions

Declaration Respecting Maritime Law. Signed at Paris, 16 April 1856.

Convention relating to the Status of Enemy Merchant Ships at the Outbreak of Hostilities. Signed at the Hague, 18 October 1907.

Convention relating to the Conversion of Merchant Ships into Warships. Signed at the Hague, 18 October 1907

Convention relative to the Laying of Automatic Submarine Contact Mines. Signed at the Hague, 18 October 1907.

Convention concerning Bombardment by Naval Forces in Time of War. Signed at the Hague, 18 October 1907.

Convention relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War. Signed at the Hague, 18 October 1907.

Convention relative to the Creation of an International Prize Court. Signed at the Hague, 18 October 1907.

Convention concerning the Rights and Duties of Neutral Powers in Naval War. Signed at the Hague, 18 October 1907. Additional Protocol to the Convention relative to the Establishment of an International Prize Court. Signed at the Hague, 19 September 1910.

Naval Conference of London

1. Final Protocol. Signed at London, 26 February, 1909.

2. Declaration concerning the Laws of Naval War. Signed at London, 26

February 1909.

The Laws of Naval War Governing the Relations between Belligerents, Manual adopted by the Institute of International Law at Oxford, 9 August 1913.

Treaty Relating to the Use of Submarines and Noxious Gases in Warfare. Signed at Washington, 6 February 1922.

Convention on Maritime Neutrality. Signed at Havana, 20 February 1928.

Treaty for the Limitation and Reduction of Naval Armaments. (Part IV, Article 22 relating to Submarine Warfare). Signed at London, 22 April 1930.

Proces-Verbal relating to the Rules of Submarine Warfare set forth in Part IV of the Treaty of London of 22 April 1930. Signed at London, 6 November 1936.

The Nyon Agreement. Signed at Nyon, 14 September 1937.

The above conventions are collected in:

Schindler D. & Toman J. The Laws of Armed Conflicts, Martinus Nijhoff, 1988.

Geneva Convention for the Amelioration of the Condition of Wounded sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949

1982 United Nations Convention on the Law of the Sea

### **(b) Books and Articles**

Annotated Supplement to the Commanders Handbook on the Law of Naval Operations, US Naval War College, Newport R.I., 1997

Busuttil JJ "Naval Weapon Systems and the Contemporary Law of War", Clarendon Press, Oxford, 1998

Churchill RR & Lowe V "The Law of the Sea", 3<sup>rd</sup> ed., Jura Press, Manchester, 1999

Doswald-Beck L. (eds.) The San Remo Manual on International Law Applicable to Armed Conflicts at Sea, Cambridge University Press, 1995

Fenrick W.J "Legal Aspects of the Falklands Naval Conflict", Department of National Defence, Ottawa (unpublished)

Fenrick W. J. "Military Objectives in the Law of Naval Warfare", Department of National Defence, Ottawa (unpublished)

Fleck Dieter (ed) "The Handbook of the Law of Visiting Forces", Oxford

University Press, 2001 ISBN 0198268947

Gardam J. G. & Jarvis M. "Women, Armed Conflict, and International Law", Kluwer International Law, The Hague, 2001

Gray Christine "International Law and the Use of Force", Oxford University Press, 2001 ISBN 0198765274

Greenwood C. "Command and the Laws of Armed Conflict", Strategic and Combat Studies Occasional Paper No. 4, 1993

Jones T D. "The International Law of Maritime Blockade – A Measure of Naval Economic Interdiction", Harvard Law Journal, Vol 26, 1983

Lowe A.V. "The Gulf Conflict and the Law of War at Sea", Thessaloniki Institute of International Public Law and International Relations, 1989

Lowe A.V. "The Impact of the Law of the Sea on Naval Warfare", Syracuse Journal of International Law and Commerce, Vol 14, No. 4, 1988

O'Connell D.P. The Influence of Law on Seapower, Manchester University Press, 1975

O'Connell D.P. The International Law of the Sea, Vols. 1 & 2, Clarendon Press, 1984

Ronzitti N. The Law of Naval Warfare, Dordrecht, 1988

Shearer I.A. "Rules of Engagement and the Implementation of the Law of Naval Warfare", Syracuse Journal of International Law and Commerce, Vol 14 No. 4, 1988

## **2. Naval Operations Pursuant to United Nations Charter**

### **(a) Conventions and Documents**

Charter of the United Nations, Department of Public Information, United Nations, New York, 26 June 1945

Lauterpacht E., Greenwood C. J., Weller M. & Bethlehem D (eds) The Kuwait Crisis: Basic Documents, Cambridge, Grotius Publications Ltd., 1991

### **(b) Books and Articles**

Bayliss J.F.T. "The Law and Practice of the Maintenance of Maritime Embargoes and Blockades in the Context of UN Security Council Enforcement Measures", 1996 (unpublished – copy available)

## **3. Impact of International and Domestic Marine Environmental Regimes on Military Activities**

**(a) Conventions**

1982 UN Convention on the Law of the Sea  
United Nations Convention for Environment and Development and Agenda 21  
International Convention for the Prevention of Pollution from Ships and its 1973/1978 Protocols (MARPOL)  
London Convention and its 1996 Protocol  
Civil Liability Convention 1969 & 1992 Protocol  
Oil Pollution Compensation Fund Convention 1971 & 1992 Protocol  
OPRC  
HNS Convention  
Bunkers Convention  
Intervention Convention

**(b) Commonwealth Legislation**

Offshore Constitutional Settlement 1979  
Protection of the Sea (Civil Liability) Act 1981  
Protection of the Sea (Oil Pollution Compensation Fund) Act 1993  
Protection of the Sea (Shipping Levy Act) 1981  
Protection of the Sea (Powers of Intervention) Act 1981  
  
Protection of the Sea (Prevention of Pollution from Ships) Act 1983  
  
Navigation Act 1912  
Environment Protection (Sea Dumping) Act 1981  
Hazardous Waste (Regulation of Exports and Imports) Act 1989  
Environment Protection and Biodiversity Conservation Act 1999  
  
Great Barrier Reef Marine Park Act 1975

**(c) NSW Legislation**

Jervis Bay Marine Park Regulations

**(d) Books and Articles**

Grunawalt, King & McClain (eds) Protection of the Environment During Armed Conflict, US Naval War College International Law Studies, Vol 69

Hamzah B.A. "Navigational Safety and Environmental Protection in the Straits of Malacca: The Need for Global Funding", Paper presented at the Law of the Sea Institute Meeting on Sustainable Development and Preservation of the Oceans; The Challenges of UNCLOS and Agenda 21 at Bali, June 18-23, 1995

Momtaz D. "Legal Protection of the Environment under the Hague and Geneva Conventions" Paper presented at the 30th Law of the Sea Institute Meeting at Al Ain, UAE, 19-22 May 1996

Plant G. "Beyond the Hague and Geneva Conventions; Legal Protection of

the Environment under Customary International Law” paper presented to the 30<sup>th</sup> Law of the Sea Institute Meeting, UAE, 19-22 May 1996

Tsamenyi M. & Herriman M. (eds.) Rights and Responsibilities in the Maritime Environment, Wollongong Papers on Maritime Policy No.3, Centre for Maritime Policy, 1996

White M “Marine Pollution Laws of the Australasian Region”, Federation Press, 1994

White M “Navigational Rights in Sensitive Marine Environments: The Great Barrier Reef”, *Navigational Rights and Freedoms and the New Law of the Sea*, ed. D. Rothwell, S. Bateman, The Netherlands, Kluwer Law International, 1, pp. 230-262.

White M “.....”, Chap. .. in ... & Bates .....

#### **4. Maritime Law Enforcement**

##### **(a) Conventions**

United Nations Convention on the Law of the Sea, 1982

[esp. articles 21-28, 211(4) (territorial sea), 33 (contiguous zone), 42-44 (straits), 49 (archipelagic waters), 54 (archipelagic sealanes), 56, 62(4)(k), 66(3)(d), 73, 211(5) (exclusive economic zone), 77-78 (continental shelf), 97, 108-110 (high seas), 111 (high seas - hot pursuit), 101-107 (high seas - piracy), 215 (the Area), 213-234 (pollution of the marine environment), 298(1)(b) (dispute settlement), 292 (prompt release of vessels and crews).]

Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region, Honiara, 9 July 1992. (1993) 32 International Legal Materials 136.

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 4 August 1995. (1995) 34 International Legal Materials 1542.

United Kingdom-USA, Agreement to Facilitate the Interdiction by the US of Vessels of the UK Suspected of being Engaged in the Trafficking in Drugs, London, 13 November 1981. 1982 UKTS 8.

United Nations Convention against Illicit Traffic in Drugs and Psychotropic Substances, Vienna, 20 December 1988.

International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties, Brussels, 29 November 1969. (1969) 9 International Legal Materials 25. Protocol relating to Intervention on the High Seas in cases of Marine Pollution by Substances other than Oil, London, 2 November 1973. 1313 UNTS 3.

##### **(b) Australian Legislation**

Fisheries Management Act, 1991  
Crimes at Sea Act, 1999  
Border Protection Legislation .....  
Security Legislation .....

**(c) Books and Articles**

MacKinnon D. and Sherwood D. (eds), Policing Australia's Offshore Zones, Wollongong Papers on Maritime Policy No.9 (1997).

Fenrick W. J., "Legal Limits on the Use of Force by Canadian Warships Engaged in Law Enforcement", (1980) 18 Canadian Yearbook of International Law 113-145.

Shearer I. A., "Problems of Jurisdiction and Law Enforcement against Delinquent Vessels", (1986) 53 International and Comparative Law Quarterly 320-343.

**5. International Law Principles Applicable to Peacetime Naval Operations.**

**(a) Conventions**

United Nations Convention on the Law of the Sea, 1982 [esp. articles 29-32, 95-96 (sovereign immunity), 91-92 (nationality of ships), 19(2) (military activities in foreign territorial seas), 25(3) (security measures and military exercises in own territorial sea), 17-26 (innocent passage in territorial seas), 37-44 (transit passage through and over international straits), 52 (innocent passage through archipelagic waters), 53-54 (archipelagic sealanes passage and overflight), 58(2) (applying high seas navigation freedoms in the exclusive economic zone), 87, 90, 110 (high seas navigation freedoms), 238-240, 245-253 (marine scientific research), 298(1)(b) (disputes relating to military exercises).]

**(b) Books and Articles**

Churchill R.R. and Lowe A.V., The Law of the Sea (3rd ed., 1999).

Kwiatowska B., "The Archipelagic Regime in the Practice of the Philippines and Indonesia", (1991) 6 International Journal of Estuarine and Coastal Law 1-32.

Shearer I.A., "The Development of International Law with respect to the Law Enforcement Roles of Navies and Coast Guards in Peacetime", in Schmitt M.N. and Green, L.C. (eds), The Law of Armed Conflict: Into the Next Millennium, Naval War College, Newport Rhode Island, International Law Studies Vol.71 (1998), 429-453.

*Note: A Course Booklet of documents will be supplied to students containing some of the major documents.*

# ASSESSMENT

## Assessment overview

The Assessment for postgraduate students will be on one dissertation research paper on a subject chosen by the student and agreed to by the Course Co-ordinator of a length of about 10,000 words, excluding footnotes, to be submitted two months after the course ends.

The research paper should be typed, double-spaced on A4 paper. Its form and presentation should comply with the conventions regarding presentation of written material within the Law School, see under in 'Footnoting'. (As a guide students may follow the style of articles appearing in leading Australian legal journals).

Each student's research paper should be delivered, in hard copy or in electronic form or both, to the Course Coordinator, no later than the close of business (usually 5.00pm) on the due date. It is to be in Microsoft Word format. A late submission penalty will apply, in fairness to students who submit papers by the due date, of a deduction of 5% for each day or part of a day late. Extensions of time will require an application in writing, email is preferred, setting out the reasons, before the due date.

Submission of the research paper in electronic form will be evidence of agreement that the paper may be saved in the CML computer base and be made available, if requested, for research by others.

Attendance at all lectures is expected and attendance at more than 75% of the lectures will be a criterion for being assessed for the course.

## Criteria for Assessment of Research Paper

Students should aim to produce a research paper that is worthy of publication as a contribution to a law school journal. Consequently, the paper should:

1. demonstrate an understanding of the legal issues raised by the topic;
2. demonstrate research which extends beyond textbooks and materials provided by the lecturers in class;
3. demonstrate an ability to relate pertinent material to the issues and to analyse the issues in light of that material;
4. demonstrate an ability to argue a point of view in a logical and coherent fashion supported by primary and secondary source material;
5. demonstrate a command of the English language and an ability to appropriately present and reference a paper which is commensurate with the standard expected for the publication of legal articles.

A student who produces a paper that is considered worthy of publication with little or no amendment will receive a grade of 7.

A student who produces a paper which deals well with the legal issues in the problem but which is not presented to a high enough standard for publication will receive a grade of 6.

A student who produces a paper which deals with the legal issues adequately and which is adequately written and referenced will receive a grade of 5.

A student who produces a paper which is well written but which does not demonstrate any real legal analysis will receive a grade of 4.

A student who produces a paper which is neither well researched nor written and which does not demonstrate any real understanding of the issues involved will fail (grades of 1,2 or 3).

## Footnoting

For style and referencing Melbourne University Law Review *Australian Guide to Legal Citation*, 2<sup>nd</sup> ed, 2002, has been adopted by the School of Law as the prescribed text for style and referencing for all written submissions in the School (its URL is [www.law.unimelb.edu.au/mulr](http://www.law.unimelb.edu.au/mulr)). The assignments in this course must be submitted in conformity with the style and referencing suggested in this text. (Basically, assignments should follow the format of the leading legal journals, but use footnotes and not endnotes).

Final grade	Grade	%	Criteria
A grade of 3 in a postgraduate course is not recognised as a pass. Postgraduate must obtain a grade of 4 or above to successfully complete the course.	1	1+	Serious Fail: You failed to satisfy most or all of the basic requirements of the course.
	2	20+	Fail: You failed to satisfy some of the basic requirements of the course.
	3	48+	Pass Conceded: You fell short of satisfying all of the basic requirements for Pass but you were granted a concession for the deficiencies through: being close to satisfactory overall, or having compensating strengths in some aspects of the course, or having compensating strengths in other courses, or other mitigating considerations.
	4	50+	Pass: You satisfied all of the basic learning requirements for the course, such as knowledge of fundamental concepts and performance of basic skills; and you demonstrated sufficient quality of performance to be considered satisfactory or adequate or competent or capable in the course.
	5	65+	Credit: You demonstrated an ability to use and apply fundamental concepts and skills of the course, going beyond mere replication of content knowledge or skill to show an understanding of key ideas, awareness of their relevance, some use of analytical skills, and some originality or insight.
	6	75+	Distinction: You demonstrated awareness and understanding of the deeper and subtler aspects of the course, such as the ability to identify and debate critical issues or problems, the ability to solve non-routine problems, the ability to adapt and apply ideas to new situations, and the ability to invent and evaluate new ideas.
	7	85+	High Distinction: You demonstrated imagination, originality or flair, based on proficiency in all of the learning objectives for the course; your work was

			interesting or surprising or exciting or challenging or erudite.
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### **Waivers and extensions**

A waiver or an extension will only be granted by the Co-ordinator if your request is due to medical reasons and the request is accompanied by a medical certificate; personal tragedy; or circumstances of extreme hardship. A waiver or an extension will not be granted for any other reason, including transport problems; computer problems; work or sporting commitments; or contemporaneous assessment requirements in other courses being studied.

### **Review of Assessment**

After the publication of examination results, a student may consult with a course co-ordinator for the purposes of obtaining feedback about his/her examination performance, to assist the student to improve his/her examination technique and to better understand the methodology involved in the allocation of marks. Such sessions are not held for the purpose of improving a student's mark or grade in a course, except that such an adjustment may be made but only where it is revealed that there has been a mathematical error in marking or where some assessable material was not taken into account.

As soon as practicable after the publication of results, a copy of the mark sheet for the course (identifying students only by student number), a copy of the distribution of grades and a marking guide for each question will be available in the law school office and in the law library.

After perusing the above-noted material, a student may request a review session with the co-ordinator which will be held at a time or in one of the time periods specified by the co-ordinator. Review sessions will not be held in the week following the publication of results and will be completed before the end of the third week of the succeeding semester. Feedback will be provided either in oral session or in written form.

Remarking is done only under exceptional circumstances and is only considered if the student has sought and received feedback about performance from the course coordinator and the student, after receiving feedback, provides in writing a substantial case to show how the mark awarded does not reflect their performance with respect to the published assessment criteria for that assessment. For relevant procedures, see HUPP 3.30.2.

### **Plagiarism and cheating**

The University defines plagiarism as "the action or practice of taking and using as one's own the thoughts or writings of another, without acknowledgment". The following practices constitute acts of plagiarism and are a major infringement of the University's academic values:

- where paragraphs, sentences, a single sentence or significant parts of a sentence are copied directly, and are not enclosed in quotation marks and appropriately footnoted;
- where direct quotations are not used, but are paraphrased or summarised, and the source of the material is not acknowledged either by footnoting or other simple reference within the text of the paper; and
- where an idea which appears elsewhere in printed, electronic or audio-visual material is used or developed without reference being made to the

author or the source of that material."

Plagiarism also includes using any material written by someone else which you then pass off as your own. It includes having other people write (or substantially assist with) your assignments. The policy on plagiarism applies to all forms of assessment including assignments and take-home exams.

Students should submit only work which is their own, or which properly acknowledges the ideas or words of others; avoid lending original work to others; be clear about assessment conditions for assessment items; be clear about what is appropriate referencing and assessment practice in their field of study; and discourage others from plagiarising by observing the practices above.

In the case of suspected plagiarism, the staff member will report the incident, in the first instance, to the Head of School. If, on initial investigation, a case of misconduct, based on the allegation of plagiarism, is confirmed, the Head of School as the decision-maker will issue an appropriate penalty. If, on initial investigation, the Head of School uncovers a greater level of misconduct than was at first reported, the Head may refer the matter to a higher level of jurisdiction. The jurisdiction and penalty powers of each decision-maker may be found in section 10 of Statute No. 4.