

## 2.4 Assessment Details

### 2.4.1 Essay - (Draft)

<b>Weight:</b>	S/U
<b>Type of Collaboration:</b>	Individual
<b>Due:</b>	16th August 2021 12:00 noon
<b>Submission:</b>	Turnitin Link on vUWS
<b>Format:</b>	
<b>Length:</b>	1,500 words
<b>Curriculum Mode:</b>	Essay

#### Essay question

English law is said to have been 'received' on the territory now known as Australia on 26 January 1788. What were the implications of that reception for Aboriginal and Torres Strait Islander peoples' law? What role could a treaty play in reversing those implications, and what limits might still exist on that reversal, given fundamental aspects of the Australian governmental system such as parliamentary sovereignty and the rule of law?

#### Essay instructions

Students are to write a 1,500 word draft essay answering the above question. This will require research in primary and secondary sources. The Research Skills Workshop in Week 3 will be of assistance with this. In the meantime you may wish to look up the material footnoted in the relevant chapters of Appleby et al.

This essay, while not marked, should be undertaken as if it is to be marked. Students who have obviously not made an honest attempt at the essay will not meet the satisfactory requirement of the task.

Please note you will not get individual feedback for this assessment. The second assessment will show general feedback to enable you to build your skills at self-review. Your final essay will be marked in the usual way.

Please also note failure to submit a draft essay will result in an FNS grade. Plagiarism and other misconduct will be taken very seriously so please familiarise yourself with the Student Misconduct Rule and consequences before submitting.

#### Word length

The word limit of 1,500 words excludes footnotes, titles and headings. Failure to meet the word count by over 10% will result in an unsatisfactory grade. An unsatisfactory grade will result in an inability to pass the unit (see 2.3 Assessment Summary for requirements to pass the unit).

#### Format

There are strict formatting requirements with which students are required to comply. The Unit Coordinator reserves the right to refuse to accept assignments that are not submitted in accordance with these requirements:

- Do not manipulate the margins of the page
- Conform to a 12 point font in Arial
- Assignments must have 1.5 or double line spacing
- Ensure your full name and student number appear on the footer of each page
- Number all pages consecutively
- Use footnotes in accordance with the *Australian Guide to Legal Citation* (AGLC)
- Do not provide a bibliography
- Do not provide a cover sheet (Turnitin generates one automatically)

#### Referencing

Assignments must be referenced in accordance with the Melbourne University Law Review Association, *Australian*

*Guide to Legal Citation* (Melbourne University Law Review Association Inc., 4th ed, 2018). Students should familiarise themselves with the Student Misconduct Rule regarding plagiarism prior to submission.

### **Electronic submission**

Students are required to keep a hard copy and electronic copy of all written work, which is submitted. The assignment must be submitted electronically via the Assignment Turnitin link on the vUWS site for this unit. Please read the Turnitin Instruction Manual prior to submission. Students may not hand in hard copies. No other method of assignment submission will be accepted. Note: Check whether you are permitted to submit your assignment multiple times or only once. Late assignments may be submitted only once. Please do not attach an assignment cover sheet.

### **Late submission**

Late assignments must be submitted to the Late Assignment Turnitin link on the vUWS site for this unit. No other method of late assignment submission will be accepted. Assessments will not be accepted once the exemplar for the Critical Report (Assessment 2) has been provided to students.

### **Extension of due date for submission**

The assignment is to be submitted via Turnitin by the due date and appointed time. Extensions will be granted only in the event of serious illness or serious misadventure (proved to the satisfaction of the Unit Coordinator) that prevents you from completing the assessment by the due date. If you need to apply for a short extension of time to complete an assessment item, you should email the unit Coordinator requesting an extension and attach to their request all appropriate supporting documentation. In accordance with university policy, extensions will only be granted for unforeseen and/or grave illness, misadventure, accident or other extenuating circumstances. An application for an extension does not automatically mean that an extension will be approved. Where special consideration is sought for circumstances involving more than three consecutive days or more than five days within a teaching period, students should complete a 'Special Consideration During Teaching Session' application available through eForms via MyUWS.

### **Resubmission**

Students who do not achieve a Satisfactory grade on their first attempt at the draft essay will have the opportunity to resubmit it. You will be notified of your grade by 23 August, or within a week of the submission date if for any reason you submitted your draft essay later than 16 August. The due date for resubmission is 30 August at 12:00 noon, or two weeks from your original submission date if you had an extension, always at 12:00 noon. Student whose original submission is late, without an extension, must observe the standard resubmission deadline of 30 August.

## Marking Criteria:

### Satisfactory:

- Meets the word requirement
- Meets the formatting requirements (as outlined in the Learning guide)
- Meets the referencing requirements
- Honest attempt at the essay question

### Unsatisfactory:

- Does not meet the word requirements or
- Incorrect formatting or
- Incorrect referencing, no references or plagiarism or
- Is not an honest attempt at the essay question

Please note this is a draft essay only. You will get the opportunity to edit the essay later in the semester. The following marking criteria is for the final essay but may help you in planning your essay.

Criteria	HD	D	C	P	F
Apply understanding of the history and operation of government in Australia to a key issue. (ULO 1, 2)	Student has demonstrated a sophisticated understanding of the underlying ideology behind representative and responsible government. Student has demonstrated knowledge of how the National Cabinet was formed and how it works. Student has engaged with the theory behind representative and responsible government and demonstrated its extent in an Australian context in a persuasive manner.	Student has demonstrated a good understanding of the underlying ideology behind representative and responsible government. Student has demonstrated knowledge of how the National Cabinet was formed and how it works.  Student has engaged with the theory behind representative and responsible government and demonstrated its extent in an Australian context.	Student has demonstrated a good understanding of what representative and responsible government is. Student has demonstrated knowledge of how the National Cabinet was formed and how it works.  Student has engaged with the theory behind representative and responsible government but has NOT demonstrated its extent in an Australian context.	Student has shown an understanding of what representative and responsible government is but it is not clearly discussed and/or is quite superficial. Student has demonstrated knowledge of how the National Cabinet was formed and how it works. Student has NOT engaged with the theory behind representative and responsible government but has looked at the extent of its application in Australia.	Student has shown NOT shown an understanding of what representative and responsible government is nor the ideology behind it. Student has NOT demonstrated knowledge of how the National Cabinet was formed and how it works. Student has NOT engaged with the theory behind representative and responsible government. Student has NOT discussed the extent of the doctrine in Australia.
Has identified the main issue in the essay question, has critically discussed the issue and has explained its relevance to public law in Australia. (ULO 2, 4)	Student has constructed one or more sophisticated arguments in relation to the main issue. Has identified the arguments in the sources relied on and applied them to the main issue in an engaging manner.	Student has constructed one or more sophisticated arguments in relation to the main issue. Has identified the arguments in the sources relied on and applied them to the main issue.	Student has identified the main issue but the arguments lack sophistication. Some key principles and concepts have not been considered.	Student has identified the main issue and has developed one or more arguments. The arguments however are not well supported by sources. Essay is more descriptive than analytical and evaluative.	Student has not presented arguments. The work is mostly descriptive and demonstrates little understanding of the relevant issues. The student has not identified sufficiently the issues raised by the question. The student has not accurately answered the essay question.
Use quality, current and relevant primary and secondary information. Has correctly and ethically referenced information from a range of primary and secondary sources. (ULO 4).	Has identified the main argument in each source and discussed its merits as well as alternative arguments. Demonstrated extensive research. Legislation, case law and at least 4 scholarly journal articles referred to in essay. All sources are cited and references comply with AGLC guidelines.	Has identified the main argument in each source and discussed its merits. Demonstrated extensive research. Legislation, case law and at least 3 scholarly journal articles referred to in essay. All sources are cited and references comply with AGLC guidelines.	Has identified the main argument in each source. Legislation, case law and at least 2 scholarly journal article referred to in essay. All sources are cited and references comply with AGLC guidelines.	Has identified some of the main arguments in some of the sources. Legislation and case law both referred to. Has not gone further than the required texts for research. Too much reliance upon direct quotes. Cited sources contain some minor errors in formatting but no important content is missing.	Hasn't identified the main arguments in the sources. Has not referred to legislation or case law in essay. Has not gone further than the required text for research or has not supported arguments with sources. Use of non-academic or poor quality academic sources such as law firm websites, blogs or law summary texts. Not all sources are cited.

Criteria	HD	D	C	P	F
Write effectively and appropriately, displaying clear and logical structure and using accurate grammar and punctuation. (ULO 4).	You can clearly see what argument is being made and the arguments are highly persuasive. There is a logical well-constructed structure. There are no grammatical errors or punctuation errors.	You can clearly see what argument is being made and the arguments are persuasive. You can see a structure to the essay that is logical and well-constructed There are no grammatical errors or punctuation errors.	You can clearly see what argument is being made. Some paragraphs are poorly structured and/or it is unclear how they relate to the arguments put forward in essay. There are only minor grammatical or punctuation errors.	Some arguments do not make sense. Arguments are not structured in a logical manner. Many grammatical errors and punctuation errors. Needs proof-reading.	No arguments have been made. Essay lacks logical coherence. There is incomplete sentence structure and unclear grammar.