

**A GENERAL GUIDE TO PROPOSAL
WRITING**



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A GENERAL GUIDE TO PROPOSAL WRITING

Contents

Introduction	2
How to structure your research proposal.....	3
Title	3
Table of Contents	3
Assessment of the Proposal.....	3
Background	4
Statement of the Problem	5
Justification of the Study	6
Research Question	6
Research Methodology.....	7
Hypothesis.....	7
Statement of Objectives	7
Theoretical Framework.....	8
Limitations.....	9
Literature Review	10
Chapter Breakdown	11
Bibliography	11
Plagiarism.....	12
Planning your research timeline	15
Keeping a record of your supervisory meetings.....	16
Format.....	17



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Introduction

The Proposal

Rationale: The writing of a paper is intended to test your ability to: (a) demonstrate knowledge, understanding and critical evaluation of relevant legal documents, cases and publications; (b) to communicate information and ideas in writing, sustained by evidence and other supporting data; and (c) to complete a piece of written work in a given time.

Choice of Topic

Unless the supervisor has assigned a specific topic on which you should write your proposal you will be free to write on a topic of your choice. It is wise to choose a topic within the course subject that interests you. Do not attempt to write on something on which there is very little available literature or documentation. You should try and define the purpose and scope of your paper as soon as possible and, wherever necessary, in consultation with your supervisor.

Planning the Proposal

As soon as (a) you have the title of the proposal, or (b) you have agreed the title and scope of your proposal with the supervisor, try to allocate some time to thinking and planning the proposal. Try also to identify the specific problem that you intend to research by formulating an overall question. Allow yourself plenty of time (a) to search for information in paper-based resources, for example books, periodicals, reports, conference proceedings, etc. and in electronic resources, for example on the Internet, (b) to collect and analyse data, (c) to write your paper and to revise it. Make use of publications that are available in the University of Nairobi library, and also searching through the database on the library website/portal.

You should begin by framing your title treating it as the term of reference for the rest of your proposal. Once you have framed your title draw up a table of contents for the whole proposal.

How to structure your research proposal

MUST HAVES in your research proposal

- Title
- Table of Contents
- Background
- Statement of the Problem
- Justification of the Study
- Research Question
- Research Methodology
- Hypothesis
- Statement of Objectives
- Theoretical Framework
- Limitations
- Literature Review
- Chapter Breakdown
- Timeline/Duration
- Bibliography

Title

Provide a cover sheet that gives the title of your proposal, preferably in the middle of the page (state whether your proposal is “Draft” or “Final” underneath the title). Add (1) your name (2) the title of your degree course together with (3) your student number (4) the title of the course subject for which the paper is intended (5) the title of your supervisor and (6) the month and date.

Illustration:

“The problems faced by a state in the collection of zakat (tax)”

Table of Contents

The next page should include a table of contents that (1) lists the headings and (2) relates those headings to page numbers. A table of contents makes it easier for the reader to see at a glance how you have organised your proposal.

Illustration:

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CHAPTER ONE: INTRODUCTION

- 1.1 Background
- 1.2 Statement of the Problem
- 1.3 Justification of the Problem
- 1.4 Research Questions
- 1.5 Research Methodology
- 1.6 Hypothesis
- 1.7 Statement of Objectives
- 1.8 Theoretical Framework
- 1.9 Conceptual Framework
- 1.10 Limitations
- 1.11 Literature Review
- 1.12 Chapter Breakdown

Assessment of the Proposal

Before writing your proposal, you should find out exactly what is required of you and how the proposal will be assessed. Make sure that you can complete the task of researching

and writing the proposal in the time available, without neglecting your other subjects or interfering with your preparation for examinations. It is important to pace yourself!

Here are some of the criteria that a supervisor will use in the overall assessment of your proposal:

1. Identification of Statement of the Problem	5%
2. Identification of the Issues Arising	5%
3. Articulation of The Hypothesis/Arguments	5%
4. Identification and Articulation of the Theoretical Framework	5%
Sub Total	20%
5. Familiarity with literature on the subject	15%
6. Originality of ideas/contribution to knowledge in the area	15%
Sub Total	30%
7. Thoroughness in the use of citations	5%
8. Presentation (typographical errors, proper subdivisions, clarity in expression, compliance with word limit etc)	5%
9. Conduct during the preparation of the project paper (consultation with supervisor, independence in research etc)	10%
Sub- Total	20%
The Total marks for the written work	70%

30% of the remaining marks will be awarded during the oral defence of your thesis using the criteria below:

Statement of the Problem	2.5
Issues	2.5
Hypothesis	2.5
Theoretical Framework	2.5
Familiarity with Literature	7.5
Originality	7.5
Citation	2.5
Presentation	2.5
Total	30

As with all writing, it is important to remember the three “C’s” of good legal writing will apply. They are: (a) **clarity** of expression; (b) **conciseness** of argument; and (iii) **correctness** of use of language, grammar and spelling.

Background

The background is the crux of your proposal. It charts out the road map of your proposal explaining in detail what it is you set out to do, what informs your choice of topic and your argument structure. The background explains the context within which the study is carried out. It is an introduction to what you want to write about.

Illustration

Zakat is the obligation of almsgiving within Islam.¹ It is the third pillar² of Islam and is a requirement for all believers.³ It is the law of Allah (Arabic word for God) explained in the Qur'an (the Muslim scripture) and through the hadith (Arabic word describing the record of the sayings and customs) of Prophet Muhammad. This thesis concerns the collection of zakat by a state. In its study, the thesis is limited to two main concerns. One, that there is a lack of coherence in the legal philosophy utilized by states in their policy on zakat and two, that as a result of the philosophical differences there is limited settled discourse on how to administer zakat as a result of which different states are using very different methods in zakat collection. History has shown that the collection of zakat used to be done at the state level since the time of Prophet Muhammad⁴ (peace be on him)⁵, until the downfall of the Islamic rule through colonization⁶ during the 18th and 19th centuries.⁷ As a result of the colonization of Muslim lands, there has been a discontinuity in the collection of zakat by a Muslim state for centuries.⁸ However, this thesis has identified that some of the Muslim countries have begun to institutionalize the collection of zakat by choosing to implement the compulsory zakat collection system. This is a system where the government is responsible for the assessment, collection and distribution of zakat.⁹ Some examples of countries already operating this system are Pakistan¹⁰, Saudi Arabia¹¹, Sudan¹², and Yemen¹³.

In the extract above, see how the student has adequately referenced her sources of information. Ensure you footnote all your reference materials and sources of information.

Statement of the Problem

This is the important part of the proposal. It comprises of a succinct statement of the problem to be investigated. What do you want to research on is what you will describe here. This is where you show your reader what the originality of your work is.

Illustration

State controlled zakat collection is the most effective way of collecting zakat. However, this system is not without difficulties that inhibit the size of zakat revenue to be realized. Accordingly, the topic concerning the collection of zakat is wide since there are a number of problems that can be identified which affect the

¹ Monzer Kahf (1991), "Zakat: Unresolved Issues in Contemporary Fiqh", in *Development and Finance in Islam*, Sadeq et.al (eds.). International Islamic University Press, at p. 174.

² Islam has five primary obligations, or pillars of faith, that each Muslim must fulfill in his or her lifetime. They are as follows: *Shahadah*, profession of faith, is the first pillar of Islam, *Salah*, prayer, is the second pillar, *Zakat*, almsgiving, is the third pillar, *Sawm*, fasting during the holy month of *Ramadan*, is the fourth pillar of Islam and *Hajj*, the pilgrimage to Makkah, is the fifth pillar and the most significant manifestation of Islamic faith and unity in the world. The five pillars of Islam define the basic identity of Muslims - their faith, beliefs and practices and bind together a worldwide community of believers into a fellowship of shared values and concerns.

³ Hammudah Abdalati, "Islam in Focus," (Al Jumah Press, Riyadh, Saudi Arabia, 1999) at p. 5.

⁴ That is the time the Prophet emigrated to Medina from Mecca in 622 CE and established a state. This has been explained in Yetkin Yildirim, "Peace and Conflict Resolution in the Medina Charter," *Peace Review: A Journal of Social Justice*, 18:109-117 at p. 110.

⁵ *Peace be on him* is a phrase that practising Muslims often say after saying (or hearing) the name of one of the Prophets of Islam.

⁶ Ba-Yunus, Ilyas (1980) "A note on the Social Implication of Zakah in Modern Times" in Raquibuzzaman (ed.), *Some Aspects of The Economics of Zakah*, op. cit., pp. 179-183 at p. 179.

⁷ Thomas M. McDonnell, *The West's Colonization of Muslim Land and the Rise of Islamic Fundamentalism, in The United States, International Law, and the Struggle Against Terrorism* (2010) at p. 15.

⁸ Ba-Yunus, Ilyas (1980) "A note on the Social Implication of Zakah in Modern Times" supra note 6 at p. 3.

⁹ Fazlur Rahman, *Islam and Modernity: Transformation of An Intellectual Tradition* (University of Chicago Press 1982) at p. 32.

¹⁰ Islamic Republic of Pakistan, *Zakat and Ushr Ordinance 1980*.

¹¹ Saudi Basic Law, Article 21. ("Zakat shall be levied and dispensed to its legitimate beneficiaries."), Decree No. 61/51 Dated 5/1/1383 on Zakat. It is further elaborated by Ministerial Resolution No. 393 Dated 6/8/1370 (13/5/1950 CA).

¹² The Constitution of The Republic of The Sudan 1998, Art. 10, The Law of the Zakat Fund of Sudan 1980 and the Zakat Law of 1989 and The Zakat and Taxation Law of Sudan 1984.

¹³ Constitution of The Republic of Yemen 1994, Article 21 ("The state shall collect the zakat and shall spend it through its legal channels in accordance with the law.").

collection of zakat. However, despite the foregoing this thesis is confined in its study to examine two main difficulties that states face in the collection of zakat. These are problems in the administrative law of a state as well as in its legal philosophy on zakat. These two problems are interrelated and hence this thesis chose to cover them both. A number of publicists have written several books and articles on the collection of zakat by a state. However none of them have considered the fact that this system faces difficulties when it comes to the collection of zakat. This thesis, therefore, has attempted to add to the existing literature by identifying what these difficulties are that affect the collection of zakat by a state. As an example, one of the difficulties faced by a Muslim state in the collection of zakat is the lack of an efficient and effective administrative law on zakat collection. Also the number of scholars differing on zakat coverage and assessment contribute to a Muslim State leaving out of the zakat base wealth that would have attracted zakat on grounds that in their legal philosophy on zakat these states are guided by different scholars under different schools of thought who disagree among themselves on the law on zakat and as a result there is no uniformity in the methods that different states apply in their collection of zakat.

The thesis has also identified that Muslim scholars have consistently since the time of the Prophet (peace be on him) argued for the collection of zakat by a state, but have failed to discuss that this system may be facing problems that limit the revenue collected through zakat. These scholars were more concerned with the philosophies behind arguing a case for the collection of zakat by a state. Consequently, this thesis took upon the task of investigating through the case study approach what difficulties certain selected countries faced in the collection of zakat, and whether these difficulties were as a result of problems relating to a state's administrative law or arising out of its legal philosophy on zakat.

Justification of the Study

Explain why you picked this topic to research on. Why is it of interest to you? Justify your originality here as well.

Illustration

There are a number of problems that affect the collection of zakat by a state, which in turn limit the amount of revenue collected. The problems identified by this thesis concern the administrative law of a state relating to zakat collection and the legal philosophy that a state utilizes in its collection of zakat. The justification, therefore, of this thesis is to address these problems by coming up with several recommendations. Zakat is a method by which poverty can be alleviated and wealth can also be equitably distributed in a society. Hence, having a zakat collection system that is not affected by problems in the administrative law of zakat and in a state's legal philosophy on zakat is important in realising the objective of zakat as a method of poverty alleviation and equitable wealth distribution in a society.

Research Question

What are the questions that will be answered by your research? These provide a basis for laying out the study and may include questions such as:

Illustration

The research questions that this thesis examined were: one what are the difficulties faced by individual states in applying Islamic legal philosophies and two, is the administrative law that is utilized by an Islamic state effective and efficient in the collection of zakat?

Research Methodology

What methods will be used in collecting data for the study? These may include:

- Library research
- Internet searches
- Interviews with key informants
- Use of a questionnaire or focus group discussion guide and observation

If questionnaires and interview guides are used, you will need statistical analysis of the findings. You also want to tell us what sample of the population was interviewed and what informed your sampling process and how your field data was triangulated with your library research.

Illustration

This thesis is chiefly qualitative. The research methodology employed in carrying out the research for this thesis was the explanatory approach and the use of the library. The explanatory approach aided in selecting the states that collect zakat and describing the manner in which such states collect zakat to explaining the problems encountered by such states in the collection of zakat. The use of the library facilitated most of the research from whence a number of books and journal articles were considered and upon which the literature review is based.

In other words, this thesis adopted the descriptive, explanatory and exploratory approach by studying selected Muslim states collecting zakat and inquiring into the problems faced by these states by putting together and assessing the data that already exists hence ousting the need for quantitative research methods.

Hypothesis

What are your assumptions or hypotheses in carrying out the research? What do you want to test?

Illustration

This thesis affirmed its hypothesis that problems in the administrative law and legal philosophy of a state in its policy on zakat affect the efficient and effective collection of zakat. In defining its hypothesis, this thesis did not refer to or have in mind any particular country.

Statement of Objectives

What are the objectives of your research? You could have a main objective and specific objectives. Having your objectives will prevent you from straying in your research.

Illustration

The existence of problems in the administrative law of a state in the collection of zakat or in the legal philosophy utilized by a state in its policy on zakat affect and limit the amount of revenue collected in zakat and as such these problems defeat the objective of zakat as a method of poverty alleviation and equitable distribution of wealth. Hence, the general objective of this thesis was to identify and examine the reasons and circumstances that create these problems which in turn affect the optimal collection of zakat by a state. An examination of a number of Muslim states that collect zakat was carried out to examine this objective.

The subsidiary objectives of this thesis were to introduce the concept of zakat, to define it and to discuss the jurisprudence¹⁴ surrounding it, to introduce the Muslim scholars who have written about zakat, argued for its collection by a state and to highlight the philosophies that led to the development of the collection of zakat. A discussion of these philosophies aided this thesis in identifying the gap in the literature relating to the study of zakat collection by a state. A further objective of this thesis was to indicate a number of recommendations to address the problems identified in the collection of zakat by a state.

Theoretical Framework

Here you explain the philosophy behind your research. What is the theoretical basis of your research? Which theorist will you be using to support your research? Will you prefer Austin to Dworkin for example? Will you prefer the positive school of thought to the historical? What informs your choice in selecting the theorist or school of law? The aim here is to demarcate your area of research conceptually as a legal question, distinguishing it from other fields. You may use other disciplines to sharpen your argument but it is critical that your work be a legal piece of work since it is conducted in partial fulfillment of the requirements for a Master's degree in Law. Remember to do this well, since your will have to link your theories to your discussions at all times.

Illustration

This thesis is centred on the historic approach, in particular the Islamic school of thought. This thesis relied on this school in relation to the collection of zakat because the Islamic school of thought was useful in understanding the history and development of zakat and its collection by a state. Various theorists under this school have also supported the collection of zakat by a state. This thesis also supports the collection of zakat by a state and relies on the views of Al Bukhari and Muslim who continued the tradition of supporting the collection of zakat by a state. According to them the aim of collecting zakat was to cater for the welfare of the poor, needy and debtors among others and they therefore supported the view that there is a need to make mandatory payment of zakat to a state. The scholar Abu Hanifa also justified the concept of forcibly collecting zakat by a state. He emphasized the collection of zakat by a state for catering towards the welfare of the poor, needy, wayfarer and debtors within the Muslim community. The scholar Malik Ibn Anas also confirmed his support for the collection of zakat by a state. His view being that such collection must be in support of the poor. Imams Shafi and Al Ghazali speak of avoiding human discretion in the collection of zakat. This discretion is more common where charitable institutions exist to collect zakat

¹⁴ Jurisprudence has been defined as the theories or philosophies about law in D'Amato, Anthony, "The Relation of Theories of Jurisprudence to International Politics and Law" (2011). *Faculty Working Papers*. Paper 1, at p 1.

voluntarily paid to them by zakat payers. Their view, therefore, also gives support to the collection of zakat by a state.

However, neither of these theorists has considered that there may be problems affecting the collection of zakat by a state. Their concern has mainly been for the welfare of the poor and on the equitable distribution of wealth. Accordingly, in their opinion, a state ought to be the collector of zakat if the objective of catering for the welfare of the poor and equitably distributing wealth in the society is to be realized. This thesis in as much as it agrees with these theorists goes a step further to state that there are problems affecting the collection of zakat by a state. Accordingly, it goes ahead to identify these problems as difficulties in the administrative law of a state relating to zakat collection and problems in its legal philosophy on zakat as a result of differences in the opinions of scholars of the different schools of thought under Islamic jurisprudence to which states subscribe to. The thesis also addresses the extent to which these problems affect the collection of zakat by a state. Thus the historic approach was important since it is concerned with viewing events as they occurred by understanding the history and development of the collection of zakat and discussing actual the administrative law and legal philosophical problems that have arisen in the field of the collection of zakat by a state.

Limitations

If you are a Muslim and your study is about discussing the Islamic view on appointing women as kadhis, that is already a limitation, since being a Muslim and carrying out Islamic law research may make you biased. Limitations are the constraints on generalizing the findings of your study that are the result of the ways in which you chose to design the study and/or the method used to establish internal and external validity.

Illustration

There are three main limitations to this thesis, one being that the author is a Muslim and therefore the possibility of bias exists, two that the findings of this thesis are limited to Muslim states that collect zakat and three that this thesis only considers the collection of zakat by a state in particular the administrative law and legal philosophical problems faced by a state in zakat collection. The reason that this thesis chose Muslim states to study is because Muslim states to an extent apply Islamic law, which in Arabic is referred to as Shariah. Islamic law requires that Muslims pay the zakat and the historical school of thought has shown that the obligation to collect zakat has since the time of the Prophet been vested in the Muslim state. Secular states do not collect zakat, and therefore there was no need to include these states in the study.

Furthermore, in this thesis Kenya has not been used as a case study for reasons that Kenya is a non Islamic State and as such does not collect zakat. This thesis is specific to the collection of zakat by a Muslim state and the problems that affect a Muslim state in its collection of zakat. The findings of the study can only be disseminated to the Middle East, parts of Africa and Asia where the state enforces and applies Islamic law. In Kenya, Islamic law is enforced through the Kadhis Court. Such enforcement is limited only to personal law and the personal law as set out in the Kadhis Court Act and the Constitution of Kenya does not envisage the collection of zakat, it is only limited to issues relating to personal status, marriage, divorce and inheritance of consenting Muslim parties to the jurisdiction of the Kadhis Court. The Muslims in Kenya pay their zakat directly to their indigent and needy relatives, poor and needy persons, towards the maintenance of orphans or to charitable institutions that have been established such as the Maahad Daawah Group for the collection of zakat. This system is referred to as the voluntary zakat collection system and is excluded by the thesis whose concern is limited to discussing compulsory collection of zakat by a Muslim state.

Literature Review

The literature review looks at the work of other researchers that relates to your demarcated area of research with a view to curving out a niche for yourself. You are unlikely to be the first person to look at the issue you are researching into and your work needs to be informed by the work of others. The aim in reviewing the literature is to identify the gaps in that literature that your work seeks to fill. Remember to point out where your originality lies.

Illustration

Ilyas Ba-Yunus in his book titled "A Note on the Social Implication of Zakat in Modern Times" reviewed a number of articles that supported the fact that throughout the history of Islam, governments played an important role in the collection of zakat. Hasanuz Zaman on the other hand in his paper titled "Zakat and Ushr. Draft Examined" went a step further and identified that a government in the collection of zakat may decide to take either one of the two ways of collecting zakat. These methods are the compulsory zakat collection and the voluntary zakat collection. In the former, it is the government's responsibility to collect the zakat and zakat payers are under an obligation to make the payment to their government. In the latter, the government does not have the responsibility to collect the zakat, but instead zakat is collected by the various charitable institutions established in the countries where zakat is paid, such countries either being Muslim states or non Muslim states having a minority Muslim population.

In examining which of the two methods is most effective Abidin Ahmed Salama in his "Prospects of Poverty Elimination through the Institution of Zakat: A Case Study of OIC Member Countries" using the Sudan experience in the collection of zakat pointed out that when the zakat is collected properly and in the right way according to the Shariah by the government it can alleviate poverty. Accordingly, many researchers including Aidit Ghazali in his paper titled "The Phenomenon of Zakat Payment Through Unofficial Channels - An Empirical Analysis" are now investigating zakat collection for long-term rehabilitation programmes since it has emerged that a number of charitable institutions have also emerged that collect zakat and this has led to a sizeable amount of potential zakat revenue remaining outside the control of such institutions since there are no detailed rules on assessment, coverage and collection of zakat within which these institutions operate. Therefore the collection of zakat by a state is a live issue and its discourse is not complete without considering whether there are any problems that affect the effective and efficient collection of zakat. Jamil Othman in using Malaysia as his case study discussed in his paper titled "Zakat: A Case Study of Malaysia" the issue of the emergence of charitable institutions collecting zakat. Othman found that in Malaysia a large percentage of zakat is paid through charitable institutions, which according to this thesis is as a result of inefficiencies in the Malaysian governments' collection efforts and lack of confidence in the governments' collection of zakat among other reasons.

A number of countries operating the compulsory zakat collection system have their own rules in terms of the assessment, coverage, methods of collection of zakat and so on, which according to Abdallah Al Tahir means that there is no uniform way in which zakat is collected since each government can decide to assess zakat on a particular category of items which another government does not consider and this according to the thesis has the effect of limiting the amount collected through zakat. This thesis in reviewing the existing literature concerning the collection of zakat noted that despite literature supporting the collection of zakat by a state there is no discussion on the fact that a state may be facing problems in its administrative law and legal philosophy on zakat that inhibit the collection of zakat and prevent it from realizing its full potential. Hence, this thesis investigates whether there are any obstacles that limit the effectiveness of the collection of zakat by a state.

Chapter Breakdown

Here you lay out the sequence in which your chapters will run. You ordinarily start with an introduction and build up the work to a conclusion and recommendations.

Illustration of a chapter breakdown summary

There are five chapters to this thesis:

❖ **Chapter One is on the Introduction**

This chapter gives an overview of the thesis. It introduces the reader to the theme of the thesis and its research question. It highlights the limitations of this thesis and also examines and reviews the literature relating to the collection of zakat. Further, it sets out the various objectives of this thesis and identifies the research methodology employed in gathering the data in support of this thesis.

❖ **Chapter Two is on the Theoretical Framework**

This chapter discusses the theories and theorists supporting the collection of zakat by a state. It highlights the philosophies informing the decision of a state to collect zakat. Further, it traces the historical experiences and development of zakat and its collection and provides the foundation and legality of a state imposing zakat and collecting it. This chapter also points out the gaps in the collection of zakat by a state that have not been discussed in the existing literature. It is in this chapter that the theme of the thesis is properly introduced and framed for investigation in the next chapter.

❖ **Chapter Three is on Zakat Collection and Its Legal Challenges**

This chapter identifies the main methods by which zakat is collected. However it focuses primarily on the collection of zakat by a state. The chapter also discusses the different ways by which the Muslim states engaged in this system collect zakat. Finally it explores and explains through the case study approach the problems certain selected countries face in the collection of zakat and the effect of these administrative law and legal philosophical problems in the collection of zakat.

❖ **Chapter Four contains the Recommendations**

This chapter points out several recommendations that would aid in overcoming the problems identified in chapter three. The recommendations made in this chapter can only be generalized to those Muslim states that collect zakat.

❖ **Chapter Five is the Conclusion**

This chapter concludes the thesis. It highlights in summary the research question and the objectives that the thesis aimed to investigate and concludes whether the research question was proved or disproved and whether and to what extent the objectives of the thesis were met.

Bibliography

A research paper bibliography is the section of a document in which you will include all relevant resources that you have used in order to create the document. Research paper bibliographies can include a few resources to many dozens of resources, depending on the level of information you have used during your. The minimum recommended number of resources is usually about eleven. In order to write a research paper bibliography, you will need to include the name of the publication that you have used for the research, its author(s), publication date, publisher, and any page numbers that you referenced. A bibliography can include sources for books, periodicals, journals, magazines, Web pages, and more.

There are specific formats that you should use for the document bibliographies. The university recognises the APA format. It is important for you to be aware that when you include a bibliography in your documents, the bibliography should refer to a specific resource that you used. Research paper bibliographies also only include those materials that you used first-hand. In some cases, if you have used another report or resource that has its own set of resources, you will mistakenly copy his or her resources bibliography. For example, if you used another person's dissertation as a resource, then you may copy all of the references from that dissertation bibliography to use in your own study. However, you should only include references that you used directly - not second-hand resources. **Having a bibliography shows intense research on your part and aid in avoiding plagiarism.**

Illustration

- Awan, M. Mahmoud (1980) "Economic Policy for Development - A Treaties on Zakah", in Raquibuzzaman (ed.), *Some Aspects of The Economics of Zakah*, op. cit., pp. 185-207.
- Bernard Freamon, "Slavery, Freedom, and the Doctrine of Consensus in Islamic Jurisprudence," 11 HARV. HUM. RTS. J. 1, 43 (1998).
- *Encyclopaedia of Islam, Zakat* (C.E. Bosworth ed., Brill 2004)
- Grace Clark, *Pakistan's Zakat and Ushr System From 1979-1000*, 141 (Charles H. Kennedy & Craig Baxter eds., Pakistan 2000).
- Ghazali, Aidit (1988) "The Phenomenon of Zakah Payment Through Unofficial Channels - An Empirical Analysis", *Kulliyah of Economics, International Islamic University, Malaysia*.
- Hasan, Najmul (1984) *Social Security System of Islam with Special Reference to Zakah*, International Centre for Research in Islamic Economics, King Abdulaziz University, Jeddah, 1984.
- Hussain, M. and Nasim Shah Shirazi (1994). *Role of Zakat and Ushr in Rural Development. Paper Presented at the Seminar on Rural Development in Islamic Perspective, Islamabad, International Institute of Islamic Economics, June 4-8.*
- John L. Esposito, *Islam: The Straight Path* 92 (Oxford 1988)
- Kahf, Monzer (1999), "Zakah: Performance in Theory and Practice", paper presented at the "International Conference on Islamic Economics Towards the 21st Century", Kuala Lumpur, August 1999.

Plagiarism

Plagiarism is the act of taking another person's writing, or idea and passing it off as your own. This includes information from web pages, books, interviews, articles or any other medium. Whenever you paraphrase, summarize, or take words, phrases, or sentences from another person's work, it is necessary to indicate the source of the information within your paper, specifically in the footnotes. It is not enough to just list the source in a bibliography at the end of your paper. Failing to properly quote, cite or acknowledge someone else's words or ideas is plagiarism.

Here's the ORIGINAL text, from page 1 of *Lizzie Borden: A Case Book of Family and Crime in the 1890s* by Joyce Williams et al.:

The rise of industry, the growth of cities, and the expansion of the population were the three great developments of late nineteenth century American history. As new, larger, steam-powered factories became a feature of the American landscape in the East, they transformed farm hands into industrial laborers, and provided jobs for a rising tide of immigrants. With industry came urbanization the growth of large cities (like Fall River, Massachusetts, where the Bordens lived) which became the centers of production as well as of commerce and trade.

Here's an UNACCEPTABLE paraphrase that is **plagiarism**:

The increase of industry, the growth of cities, and the explosion of the population were three large factors of nineteenth century America. As steam-driven companies became more visible in the eastern part of the country, they changed farm hands into factory workers and provided jobs for the large wave of immigrants. With industry came the growth of large cities like Fall River where the Bordens lived which turned into centers of commerce and trade as well as production.

What makes this passage plagiarism?

The preceding passage is considered plagiarism for two reasons:

- the writer has only changed around a few words and phrases, or changed the order of the original's sentences; and
- the writer has failed to cite a source for any of the ideas or facts.

If you do either or both of these things, you are plagiarizing.

Here's an ACCEPTABLE paraphrase:

Fall River, where the Borden family lived, was typical of northeastern industrial cities of the nineteenth century. Steam-powered production had shifted labor from agriculture to manufacturing, and as immigrants arrived in the US, they found work in these new factories. As a result, populations grew, and large urban areas arose. Fall River was one of these manufacturing and commercial centers (Williams 1).

Why is this passage acceptable?

This is acceptable paraphrasing because the writer:

- accurately relays the information in the original uses her own words; and
- lets her reader know the source of her information.

Here's an example of quotation and paraphrase used together, which is also ACCEPTABLE:

Fall River, where the Borden family lived, was typical of northeastern industrial cities of the nineteenth century. As steam-powered production shifted labor from agriculture to manufacturing, the demand for workers "transformed farm hands into industrial laborers," and created jobs for immigrants. In turn, growing populations increased the size of urban areas. Fall River was one of these hubs "which became the centers of production as well as of commerce and trade" (Williams 1).

Why is this passage acceptable?

This is acceptable paraphrasing because the writer:

- records the information in the original passage accurately;
- gives credit for the ideas in this passage; and has
- indicated which part is taken directly from her source by putting the passage in quotation marks and citing the page number.

Strategies for Avoiding Plagiarism

1. Put in **quotations** everything that comes directly from the text especially when taking notes.
2. **Paraphrase**, but be sure you are not just rearranging or replacing a few words. Instead, read over what you want to paraphrase carefully; cover up the text with your hand, or close the text so you can't see any of it (and so aren't tempted to use the text as a "guide"). Write out the idea in your own words without peeking.
3. **Check your paraphrase** against the original text to be sure you have not accidentally used the same phrases or words, and that the information is accurate.

What You Need to Know (or What is Common Knowledge?)

Common knowledge: facts that can be found in numerous places and are likely to be known by a lot of people.

Example: Mwai Kibaki was elected President of the Republic of Kenya in 2002.

This is generally known information. **You do not need to document this fact.**

Quotation: using someone's words. When you quote, place the passage you are using in quotation marks, and document the source according to a standard documentation style.

Paraphrase: using someone's ideas, but putting them in your own words. This is probably the skill you will use most when incorporating sources into your writing. Although you use your own words to paraphrase, you must still acknowledge the source of the information.

You must have at least a minimum of six meetings with your supervisor. Also, you must keep a record of your meetings with your supervisor. A form has been attached (see Appendix A) for your ease and reference. Ensure both you and your supervisor sign the form after every meeting. This is very important.

Planning your research timeline


You must draft an outline of your timeline. Your timeline will inform you of (a) the number of meetings you will be having with your supervisor. This will also assist your supervisor in keeping a note of his/her meetings with you. The dates and timing of your meetings you will agree on during your first meeting with your supervisor and (b) the time frame within which you are to complete your proposal and chapters.

THESIS TIMELINE

PART ONE: RESEARCH PROPOSAL – NOV-JAN	PART TWO: CHAPTER WRITING – FEB-JULY
<p>FIRST MONTH (November) Step 1: Write your proposal Step 2: Submit it Step 3: Supervisor allocated (check notice board)</p>	<p>FIRST MONTH (February) Step 1: Write your chapter one Step 2: Submit it Step 3: Meet with supervisor regularly to discuss chapter Step 4: Make changes following discussion with supervisor, if any</p>
<p>SECOND AND THIRD MONTH (November-December) Step 4: Meet with supervisor Step 5: Discuss research proposal Step 6: Submit revised proposal to supervisor Step 7: Meet with supervisor regularly to further revisions</p>	<p>SECOND MONTH (March) Repeat Steps 1 to 4 for Chapter two</p>
<p>FOURTH MONTH (January) Step 8: Make final changes following discussion with supervisor, if any Step 9: Submit final proposal and start writing your chapter one</p>	<p>THIRD MONTH (April) Repeat Steps 1 to 4 for Chapter three FOURTH MONTH (May) Repeat Steps 1 to 4 for Chapter four</p>
	<p>FIFTH MONTH (June) Repeat Steps 1 to 4 for Chapter five SIXTH MONTH (July) Step 1: Compile all chapters Step 2: Submit to supervisor by 15/7 Step 3: Meet with supervisor to discuss completion Step 4: Print and bind three copies and ensure supervisor signs Step 5: Submit to Academic Programmes Office and follow up on your panel date</p>

Keeping a record of your supervisory meetings

Appendix A:
Record of Supervisory Meetings

Student's name:	
Date of meeting:	With
Main issues discussed/activities undertaken	
 <hr style="border: 1px solid yellow;"/> <h1 style="color: white; font-family: serif;">LAI'LATIF & CO</h1> <hr style="border: 1px solid yellow;"/>	
Agreed actions (with dates where appropriate)	
<p style="color: white; font-family: serif; letter-spacing: 0.5em;">TOP TIER LEGAL PRACTICE RESEARCH & TRAINING HUB</p>	
<p>Student Signed:..... Date:.....</p>	<p>Supervisor(s) Signed:..... Date:.....</p>

Format

STARTING YOU OFF

Many people assume that any literate person can write a research proposal.

This is not automatically true.

Writing is a difficult skill to master and one that requires practice and some dedication.

Here are some tips to help you in your writing:

- *Always structure your work in advance.*
- *Know what you want to say before trying to write it.*
- *Every sentence must contain one idea only.*
- *Each sentence must follow logically from the one before. A well written text is a "chain of ideas".*
- *While writing, keep your reader's needs in mind. This means providing a "verbal map" of your document so that your reader knows what to expect, and placing "verbal signposts" in your text to explain what is coming next. True ease in writing comes from art, not chance. Alexander Pope, 1688 - 1744.*

TIPS ON HOW TO FORMAT YOUR THESIS

❖ USE OF HEADINGS AND SUB-HEADINGS

Headings and sub-headings are essential.

They clarify the argument in three ways.

First, like paragraphs, they serve to identify how the building blocks of your argument fit together. If you like, they tell the reader whether this is a big, medium sized, or small component of the work.

Second, they also provide a 'bird's eye view' of the pattern of that argument.

Third, through the 'label' they provide, well chosen headings are an additional way of making the basic point conveyed in the text of that section of the work. It follows that headings and sub-headings should be organised consistently in a clear hierarchical style.

This format can look much more attractive and better convey the 'grading' of your argument and the structure of your analysis.

For example:

PROVOCATION

1. STATUTORY

2. COMMON LAW

A. Subject Test

- B. Objective Text*
i Gravity Characteristics.
ii Self-Control Characteristics.

❖ FOOTNOTES

These are references included in the text by inserting a numbered marker immediately after the punctuation, preferably in superscript.

Footnotes are numbered consecutively, with the footnote number often followed by a stop and 2 or more spaces or a tab space.

The note itself commences with a capital (upper case) letter. The footnote paragraphs normally use a hanging indent.

Footnotes should appear at the foot of each page.

For example:

1 The footnote is numbered in this instance and followed by a tab space with the footnote commencing with a capital (upper case) letter.

❖ FONT SIZE AND MARGINS

Manuscripts must be submitted in hard copy and on computer disk.

Note the following requirements:

Manuscripts should be typewritten in 12 point font size, using a True Type font that is easy to read.

The text should be double spaced and typed on one side of A4 size paper, leaving generous margins.

The margins should be as follows:

Left - 3.5 cm

Right - 3.5 cm

Top - 2.5 cm

Bottom - 2.5 cm

Computer disks should be formatted to one of the following specifications:

Double-sided, high-density formatted to 1.4 megabytes (3 ½ inch);

The computer disk should be generated using MS-DOS compatible software. The preferred software package is Microsoft Word.

❖ USE OF LANGUAGE

Non-Discriminatory Language

Authors and reviewers are referred to the use of gender neutral language.

As a general guide, consider the following:

1. Use 'he or she' instead of just 'he'
2. Write in the plural; eg 'when they consider' not 'when he considers'
3. Select neutral words; eg 'drafter' not 'draftsman'
4. Avoid stereotyping individuals either in negative or positive terms, on their racial or cultural origins; eg "All Irish are stupid" or "Black men jump higher"

❖ SPELLING

The Oxford Dictionary should be consulted to determine correct or preferred spelling and hyphenation.

Here are some guidelines:

1. use the suffix 'ise' not 'ize'; eg 'organise' not 'organize'
2. use 'our' not 'or'; eg 'colour' not 'color'

Some commonly misspelt words:

assessable judgment

by-law lodgement

centring/centred manoeuvre

focusing/focused occurred/occurring

Note the following:

'Foregone' means 'to go before' or 'to precede in place and time'.

'Forgone' means 'to go without' or 'to abstain from'.

'In so far' is three words, not one.

❖ GRAMMAR/ SYNTAX

When editing, ensure that the same tense and person is used throughout or consistently with the meaning of the text.

Check that all prepositions are correct; eg 'conform to'; 'compare with'; 'different from'.

Note the differences between the following terms:

1. effect/ affect
2. lend/ loan
3. practice/ practise
4. number/ amount



❖ PUNCTUATION

Full Stops

Do not use full stops within citations or abbreviations of any kind.
Do not use full stops between the initials of for name(s).
Leave a space between the initials instead.

The following words do not require full stops:

Co Ltd
Cth Mr
Dr Mrs
Hons Pty
Inc Prof
LLB Vic

Commas

The most difficult punctuation to insert and edit is the comma.

When editing and proofreading, the best method for checking accurate use of the comma is to read the text aloud to oneself or to a team member(s).

Ensure that the insertion or removal of commas do not affect the meanings or the emphasis in any sentence.

Capitals

When a word is being used adjectivally rather than to describe a specific entity, the lower case should be used.

Note the important distinction between descriptive geographical designations and specific ones; eg 'Western Europe' but not 'northern France'

Words to Capitalise:

The Act if referring to a specific act; eg Firearms Act 1936

The Kenyan Government but not the government

The Constitution but not constitutional

The High Court but not the court

The State of Victoria but not a state(s)

Commonwealth

Governor-General

Imperial

Premier, Prime Minister

Do not capitalise:

the common law

administrative law (or other general subject areas of law)

judge(s)

legislature

the press (or the media)

Italics

As a general rule, the use of italics should be minimised.

The following words should be italicised:

en ventre sa mere

jus cogens

non est factum

novus actus interveniens

quantum meruit

res ipsa loquitor

All other foreign words not found in the Oxford Dictionary should be placed in italics.

Any word that the author wishes to place special emphasis upon may also be italicised.

The following words are NOT italicised:

a fortiori inter alia
a priori ipso facto
ad hoc per se
bona fide prima facie
de facto pro rata
de jure pro tanto
de minimis raison d'être
de novo stare decisis
et al subpoena
habeas corpus ultra vires



Numerals

Figures should be used:

1. for dates, temperatures, addresses and mathematical calculations
2. for numbers of sections, clauses, paragraphs
3. for numbers 10 and over
4. for all percentages; eg '12 per cent' (Note the use of per cent, not %)

Figures should NOT be used:

1. for numbers below 10; eg one to nine
2. for money amounts over five figures; eg \$1000, \$10 000 but \$10 million

Dates

Use the following examples as a guide:

1 January 1991
1990s (note: no apostrophe)
1990-1
1987-97
20th century

Headings and Lists

Headings and lists should be organised consistently in the following style:

- 1.
2.
 - A.
 - B.
 - i.
 - ii.

❖ **MORE TIPS ON FOOTNOTES**

When referring to an Author or to a Title Note

A note to the article TITLE is represented by this symbol - [†]. These are usually used to insert the full citation for the case if it is mentioned in the title or to add a postscript providing information acquired after writing.

A note of the author is represented by an asterisk - [*]. Place the symbol after the author's name (which should appear below the title) and use it to include the author's full name, degree(s), qualifications(s), status and honours. The author note precedes the first footnote.

Please note: When the author is a JUDGE please be sure to list his/her title correctly.

For example: The Honourable J Mutunga Chief Justice of the Republic of Kenya.

Citing for the first time

All initial citations must appear in full in the footnotes.

A citation will usually follow immediately after every phrase, word or quotation to which it refers.

The footnote number should be inserted after the relevant punctuation, unless the footnote refers to a specific word.

Full stops [.] should appear at the end of footnotes.

Pinpoint Citation

Do not use "p" to denote a page number when citing a particular page or pages in a source.

Page numbers preceded by the word “at” will suffice; e.g. ‘at 671-691’ not ‘at ch 11’.

If referring to a range of pages, use a hyphen. Do not use ‘to’ e.g. Regina Graycar & Jenny Morgan, *The Hidden Gender of Law* (1990) at 12-16.

If referring to several specific pages from one source, separate the page numbers with commas: e.g. Regina Graycar & Jenny Morgan, *The Hidden Gender of Law* (1990) at 12, 16.

Multiple Citations

Where several citations appear in the same footnote, separate the citations by semi-colons [;], placing a full stop after the last one.

The works should be cited in descending order of persuasion.

Signals

If referring to a direct authority or source, do not use any prefixes.

The precise citation will be sufficient to support the argument or quotation.

If the sources provide general support for the argument, use “See” or “See, for example”. If additional sources or background information are being provided, use “See also” or “See generally”.

If citing works by way of comparison or contrast, use “Compare” or “Contrast”. Do not use ‘Cf’ or ‘Contra’.

Repeat Citations

Use ***ibid*** and ***Id***: *Ibid* is used if the reference is to exactly the same citation as that immediately preceding it: e.g.

1. *Koowarta v Bjelke-Petersen* (1982) 153 CLR 168 at 197.
2. *Ibid*.

Id is used if the reference is the same work previously cited, but on a different page: e.g.

1. *Koowarta v Bjelke-Petersen* (1982) 153 CLR 168 at 197.
2. *Id* at 195.

Do not italicise these terms or place a comma after them.

Do not use these terms for legislation.

Use **Above and Below** once the full citation has been established in an earlier footnote, subsequent references may be cited in shorthand form. In both the text and footnote citations, the words “above” and “below” should always be used in preference to their Latin words “*supra*” and “*infra*”.

If reference is being made to exactly the same work at the same place cited earlier in the document, simply refer to that earlier footnote in the manner indicated below: e.g.

1. *Koowarta v Bjelke-Petersen* (1982) 153 CLR 168.
2. ...
3. ...
4. *Above n1*.

Note: There is no comma after ‘Above’ and no hard space after ‘n’.

If reference is being made to the same work at a different place, insert ‘at’ and a page number in the manner indicated below: eg.

1. *Koowarta v Bjelke-Petersen* (1982) 153 CLR 168.
2. ...
3. ...
4. *Above n1 at 175*

If the initial footnote has multiple citations, subsequent reference to one source in that initial footnote should clearly indicate which source is being referred to, either in the text or in the subsequent footnote by:-

{1} including the author’s name or case name:

1. *Koowarta v Bjelke-Petersen* (1982) 153 CLR 168; *Colin Howard, “Two Problems in Excessive Defence”* (1968) 84 LQR 343.
2. ...
3. ...
4. *Howard, above n1 at 349*

{2} where this is not helpful, including both author and abbreviated title:

1. See for example *Ian Leader-Elliot, “Battered But Not Beaten: Women Who Kill in Self-Defence”* (1993) 15 Syd LR 403; *Ian Leader-Elliot, “Sex, Race and Provocation: In Defence of Stingel”* (1996) 20 Crim LJ 72.
2. ...
3. ...
4. *Leader-Elliot, “Battered But Not Beaten”, above n1 at 459.*
5. *Leader-Elliot, “Sex, Race and Provocation”, above n1.*

❖ USING QUOTATIONS

General Format

Any material which is taken word for word from a source must NOT be altered.

Single quotation marks are used for emphasis and actual short quotations.

Double quotation marks are reserved for quotes within quotes.

Short and Long Quotes

Short quotations use less than three lines.

These should be included in the text and enclosed by single quotation marks. Do not indent: e.g.

As Kirby J said, the Australian judge is 'a riddle, wrapped in a mystery inside an enigma.'

Note: this style applies to quotations in footnotes, regardless of their length. Long quotations exceed three lines.

Begin these on a new line and INDENT the whole paragraph.

Do not enclose them in quotation marks.

Type with a smaller font size (preferably 10 point).

Ensure to leave a line before and after the quoted passage: e.g.

According to Kirby J: Judges are important in our country. Their importance increasingly extends beyond the courtroom. For most, the Judge emerges in court, hears the case, gives judgment and disappears again behind the curtain. He is, like Churchill's Russia, a riddle, wrapped in a mystery inside an enigma. This issue should not be overlooked, as it highlights...

Edited Quotes

Any editorial additions or interpolations introduced by the author into quoted passages must be enclosed in square brackets.

Similarly, when capital letters opening quotes need to be added or removed to suit the sentence being quoted, use square brackets: e.g.

[T]he Judge emerges in court, hears the case, gives judgment and disappears again behind the curtain.

If added emphases are placed on particular words or phrases in a quoted passage or sentence by the author, these must be acknowledged in the following manner:

e.g.

No judge in England or Australia has yet written a revealing autobiography disclosing 'all' about his judicial life. Indeed, few have written anything beyond their judgments. As most disdain interviews...little is known about them or their ways. [Emphasis added.]

Note: the use of capital 'E' in 'Emphasis and the full stop inside the brackets.

Omissions from quotations

THREE dots (ellipses) are used to indicate an omission from a quotation when the omitted portion is short: '...'

FOUR dots are used if the portions omitted are long; for eg when the omission has run to the end of the sentence and includes at least part of the next sentence if not more: '....'

Judges are important in our country. Their importance increasingly extends beyond the courtroom For most, the Judge emerges in court, hears the case, gives judgment and disappears again behind the curtain. He is...a riddle, wrapped in a mystery inside an enigma.

Errors or discriminatory terms in quoted passages

Spelling errors or discriminatory terms do not need to be edited or altered if being directly quoted.

However, the error or affected term in question may be followed by the italicised word 'sic' enclosed in square brackets: e.g.

For most, the Judge emerges in court, hears the case, gives judgment and disappears again behind the curtain. He [sic] is...a riddle, wrapped in a mystery inside an enigma.

❖ CITING BOOKS

Order of Citation

a. Single Author

1. Author (either person(s) or organisation(s)) or editor. Cite the given name(s) followed by the surname of the author. Place a comma after the surname. If there is no author, begin with the book title.
2. Place a comma after the last surname.
3. The book title (using leading capitals) in italics. If there are subtitles, separate these from the main title by a colon [:].
4. Parentheses enclosing:

- i. the edition if it is not the first. Type this in numerals followed by 'st', 'rd' or 'th' as the case may be. Abbreviate edition to 'ed' and follow this with a comma;
 - ii. the year of publication.
5. If pinpoint citing, insert the word 'at' followed by the specific page numbers.
6. The citation concludes with a full stop.

EXAMPLE: Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (2nd ed, 1970).

Note: there is no comma after the title and before the parentheses.

b. Multiple Authors

All authors of the publication are to be listed.

Do not use 'et al' for INITIAL citations.

Use commas and an ampersand [&] to separate the names:

EXAMPLE: Tony Blackshield & George Williams, *Australian Constitutional Law and Theory: Commentary and Materials* (1998).

c. Institutional Authors

Treat government publications and institutional authors in the same manner as standard authors in citations:

EXAMPLE: Australian Chamber of Commerce, *Proposals for Taxation Reform* (1980).

d. Editors

If the book has an editor(s) as opposed to an author, indicate as such by inserting the abbreviation 'ed' or 'eds' in parentheses after the last name and before the comma:

EXAMPLE: Andrew Parkin, John Summers & Dennis Woodward (eds), *Government, Politics, Power and Policy in Australia* (5th ed, 1994).

e. Contributors

If the citation is concerned with an article contributed to a book, then the work should be cited in the same manner as journal articles. For details, see journals and periodical citation below:

EXAMPLE: Graham Davis, "Executive Government: Cabinet and the Prime Minister" in Andrew Parkin, John Summers & Dennis Woodward (eds), *Government, Politics, Power and Policy in Australia* (5th ed, 1994).

❖ CITING REPORTED CASES – AUSTRALIA/UK

Order of Citation

1. The name of the case in italics as it is reported. Note that the 'v' is also in italics and in lower case. Do not put a comma after the case name.
2. The year that the case was reported, surrounded by square or round brackets (see below).
3. The volume number, if available. Otherwise square brackets have been used.
4. The abbreviated case reporter. Do not separate the abbreviated letters with full stops. Check the last section on abbreviations if unsure or consult the World Dictionary of Legal Abbreviations or the Australian Case Citorator and other search tools for examples
5. The page number of the first page of the case.
6. In parentheses, the word 'hereinafter' followed by the popular or shortened name of the case, if any, in italics.
7. If pinpoint citing, insert the word 'at' followed by the specific pages and the judges' names in parentheses.
8. The citation concludes with a full stop.

EXAMPLES

Using round brackets

Mabo v Queensland (No 2) (1992) 175 CLR 1 (hereinafter *Mabo*) at 17 (Brennan CJ).

Using square brackets

MacShannon v Rockware [1977] 2 All ER 449.

❖ CITING JUDGES

When citing a particular judge from a reported judgment, place the name of the judge in parentheses following the page number:

EXAMPLE: Breen v Williams (1996) 186 CLR 71 at 77 (Brennan CJ).

If more than one judge is being cited, place a comma after each parentheses, followed by the page number and the next name in parentheses.

Do not use the word 'at' ever time:

EXAMPLE: Breen v Williams (1996) 186 CLR 71 at 77 (Brennan CJ), 84 (Dawson & Toohey JJ), 99 (Gaudron & McHugh JJ) and 115 (Gummow J).

Note: ampersands [&] are preferred to the word 'and' when judges have given joint judgments and the citation is completed with a full stop [.]

❖ CITATION OF PUBLISHED PAPERS

Order of Citation

1. Cite the given name(s) followed by the author's surname.
2. Place a comma after the last surname.
3. The title of the paper (using leading capitals) in single quotation marks. (If there are subtitles, separate these from the main title by a colon [:].)
4. Follow with the word 'in'.
5. The conference organisers, followed by a comma.
6. The conference title, in italics.
7. Parentheses enclosing:
 - (i) The place of publication (city only, otherwise the abbreviated state), followed by a comma;
 - (ii) Publisher if available, followed by a comma;
 - (iii) The year of publication.
8. Conclude the citation with a full stop.

EXAMPLE: Benjamin Brown, 'Family Disputes and Tax Planning' in Taxation Institute of Australia, Papers Presented at the Fifth National Convention (Sydney, 1980) at 43-46.

❖ CITATION OF UNPUBLISHED PAPERS

Order of Citation

1. Cite the given name(s) followed by the author's surname.
2. Place a comma after the last surname.
3. Name of the paper in single quotation marks, followed by a comma.
4. Description of the seminar or conference. This will usually include:

- i. what was presented (paper, demonstration);
 - ii. type of conference (seminar, conference, workshop, symposium);
 - iii. organisers;
 - iv. the date of the conference.
5. If there is a pinpoint citation, the word 'at' followed by the page number.

EXAMPLE: Nigel Douglas, 'Freedom of Expression Under the Australian Constitution', paper presented at the Western Australia Law Summer School, 19 Feb 1993 at 15.

❖ **CITATION OF GOVERNMENT AND PRIVATE PUBLICATIONS**

I. Discussion Papers / Reports

Order of Citation

1. Institutional author or jurisdiction and department responsible for the publication, followed by a comma.
2. The official title in italics. This usually includes the type of report ie interim or final report, discussion paper, working paper. If not, insert the type after the popular name.
3. In parentheses:
 - i. Place of publication, followed by a colon [:];
 - ii. Abbreviated publisher name, followed by a comma;
 - iii. Year of publication.
4. If there is a pinpoint citation, the word 'at' followed by the page number. If it is a chapter, use the first and last page of the chapter. Do not cite chapters.
5. The word 'hereinafter' followed by the popular name of the report, if any, in italics and in parentheses (these may also be the Chair's or the Commissioner's name).
6. The citation is concluded with a full stop.

EXAMPLE: Treasury, Financial System Inquiry: Final Report (Canberra: AGPS, 1997) At 1-12 (hereinafter Wallis Report).

II. Law Reform Commission Reports

Order of Citation

1. Jurisdiction (do not abbreviate) followed by 'Law Reform Commission' and a comma. (Note: for Federal reports, the jurisdiction is 'Australian'.)
2. The title of the report in italics.

3. The report number, if any.
4. The year the report was released.
5. If there is a pinpoint citation, the word 'at' followed by the page number. If it is a chapter, use the first and last page of the chapter. Do not cite chapters.
6. The citation is concluded with a full stop.

EXAMPLE Australian Law Reform Commission, *Complaints Against Police Report No 1* (1975).

❖ CITING NEWSPAPERS/ MAGAZINES

Order of citation

1. The author's given name and surname, if available, followed by a comma. If no author is shown, start with step 2.
2. The title, in single quotation marks, followed by a .
3. The name of the newspaper in italics. Give the full name of the newspaper in the first citation. Subsequent citations may use abbreviations such 'AFR' and 'SMH'.
4. In parentheses, the day, month and year of print. Do not place commas between these items.
5. The word 'at' followed by the page number(s) on which the article appears.
6. The citation concludes with a full stop.

EXAMPLE: Kerry Kissane, 'Rape's Rough Justice - Judges, Juries and the Public Struggle with the Meaning of Consent to Sex' *Time Australia* (25 Jan 1993) at 38-39.

❖ CITING PRESS RELEASES

Order of Citation

1. Person(s) and/or organisation responsible for issuing the press release. If citing government ministers who hold more than one portfolio, refer only to the portfolio pertaining to the press release.
2. Title of the press release in italics. This should include some indication that the document is a press release.
3. Date of the press release in parentheses, ie day, month and year.

❖ CITING ACTS / LEGISLATION / STATUTES

Essential elements for Australian and UK Acts:

1. The name of the Act - the short title, in italics.

2. The year the Act was passed. Do not place in italics. Do not include the year last amended.
3. The jurisdiction of the legislation, abbreviated and in parentheses.
4. If pinpoint citing, abbreviate 'section' to 's'. Do not place a full stop after 's', then insert the number.
5. For other abbreviations, see below.
6. The popular name in italics, inserted after the word 'hereinafter', all in parentheses.
7. The citation concludes with a full stop.

EXAMPLE: Community Protection Act 1994 (NSW) s27(2) (hereinafter Kable Act).

❖ **CITING BILLS**

Essential Elements:

1. Name of the Bill. Do not place in italics.
2. The year of introduction. Do not place in parentheses or in italics.
3. The jurisdiction of the Bill, abbreviated and in parentheses.
4. If the Bill has been amended during its passage through parliament, place the words 'as amended' or the reading of the Bill (First, Second or Third).
5. If pinpoint citing, insert the word 'clause', abbreviated to 'cl', followed by the number(s).
6. The citation concludes with a full stop.

EXAMPLE: Second Corporate Law Simplification Bill 1996 (Cth) (Third Reading), cl246A.

❖ **CITING PARLIAMENTARY DEBATES**

Essential elements:

1. If the speaker name is not included in the body of the text, place the speaker's name in the citation, followed by a comma. Otherwise, start at step 2.
2. The political jurisdiction, abbreviated, followed by a comma.
3. The House of Parliament in which the debate occurred, followed by a comma.
4. The title of the publication in italics; this can either be 'Parliamentary Debates (Hansard)' or 'Weekly Hansard' or 'Votes and Proceedings'.
5. The day, month and year.
6. If there is a pinpoint citation, the word 'at' followed by the page number.
7. The citation is concluded with a full stop.

EXAMPLE: Roger Croom, Tasmania, House of Assembly, Parliamentary Debates (Hansard), 11 November 1992 at 4838.

❖ CITING CD ROM DATABASES

Materials with Hard Copy Versions

Order of Citation

1. Give the citation to the hard copy, from information in the CD Rom, using the rules for hard copy referencing provided above, followed by a colon [:].
2. Title of the database, in italics.
3. The publication medium, ie the words 'CD ROM'.
4. Parentheses enclosing:
 - a. place of publication, followed by a colon;
 - b. name of publisher, followed by a comma;
 - c. electronic publication date, followed by a comma,
 - d. version number or identifier, if available (if not published periodically, skip this step.).
5. If pinpoint citing, cite electronic page to the extent possible.
6. The citation concludes with a full stop.

EXAMPLE: Stanley Surrey, Pathways to Reform: The Concept of Tax Expenditures (1973) Tax Books on Disc CD Rom (Location: Publisher, May 1996) at 59.

Materials with No Hard Copy Versions

Order of Citation

- a. Author details using hard copy methods (shown above), followed by a comma.
- b. Title of the material accessed, in single quotation marks.
- c. Date of the material (if given) followed by a colon [:].
- d. Title of the database in italics.
- e. Publication medium, ie 'CD ROM'.
- f. Parentheses enclosing:
 - i. Place of publication, followed by a colon;
 - ii. Name of the vendor or publisher;
 - iii. Electronic publication date;
 - iv. Version number or identifier, if available (if not published periodically, skip this step.)
- g. If pinpoint citing, cite electronic page to the extent possible.

h. The citation concludes with a full stop.

EXAMPLE: Computer Law Services, 'Family Law' Aug 1997: State Legislation CD ROM (Sydney: CLS Aug 1997).

❖ CITING FROM THE WORLD WIDE WEB (WWW) SITES

Materials with Hard Copy Versions

Order of Citation

1. Give the citation to the hard copy, from information in the site, using the rules for hard copy referencing, followed by a colon [:].
2. The URL, enclosed in angle brackets [< >].
3. Specific page or location (if required), to the extent possible.
4. The date of visit in parentheses.
5. Citation concludes with a full stop.
6. {a} Citing a report

EXAMPLE: Australian Law Reform Commission, The Recognition of Aboriginal Customary Laws Vol 2 Report No 31: <http://www.austlii.edu.au/au/special/rsjlibrary/alrc/custlaw22/2.htm> (10 Feb 1998).

Citing a case

The Commonwealth of Australia v Tasmania (1983) 158 CLR 1 (Tasmanian Dam Case) : <http://www.austlii.edu.au/au/cases/cth/high_ct/158clr1.html> (5 Sept 1997).

Materials with No Hard Copy Versions

Order of Citation

1. The author's name (if known or necessary), followed by a comma OR the full title of the document in quotation marks OR the title or name of the case or legislation as the case may be.
2. The title of the complete work if applicable, in italics.
3. The date of publication or last revision (if available).
4. The URL, enclosed in angle brackets [< >].
5. Specific page or location (if required), to the extent possible.
6. The date of visit in parentheses.

7. Citation concludes with a full stop.

EXAMPLE: News Ltd v Australian Rugby Football League et al 1 Oct 1996 (Full Federal Court, No. 96000870): <http://www.austlii.edu.au/cases/cth/federal_ct/96000870.html> (1 Oct 1996).

❖ TABLES AND FIGURES

Tables should be numbered consecutively and each should have a title which provides a brief explanation of what it refers to. Columns (vertical) and rows (horizontal) in tables should be labelled clearly to indicate both the variables (items, or concepts) included in the tables and the values that categories of those variables take.

It may be appropriate to include footnotes to a table to explain missing values, abbreviations used, the statistical significance of a given value, or otherwise to clarify data summarised in the table.

Such a footnote should appear immediately below the table, not at the bottom of the page. Footnotes to tables typically use the marks (a), (b), (c) and so on to avoid confusion with data or with other reference marks. Where the table is reproduced from another source, this should be indicated by including author, date and page number within parenthesis immediately following the table.

❖ FIGURES

They must be numbered consecutively (please note that figures and tables are numbered in separate series so that where a table is followed by a figure, you will number them Table 1 and Figure 1, not Table 1 and Figure 2).

Each must have a heading which provides a brief summary of what is addressed by the figure.

There are many possible forms which graphs and diagrams may take.

You should ensure that you label them carefully so that they are meaningful to the reader.

Please ensure that you use a key to aid interpretation where that might be helpful. Where the figure is reproduced from another source, this should be indicated by including author, date and page number within parentheses immediately following the figure.

❖ APPENDICES OR APPENDIXES

Appendices should be numbered consecutively, and each should have a heading which briefly described what it contains.

Appendices are typically located after the text but before the references.

❖ ABBREVIATIONS

Abbreviations in the text should be used sparingly, and usually confined to those in common usage.

Do not use forms such as etc, or eg in the text - spell them out in full. It may be appropriate to abbreviate the name of an organisation or concept which is lengthy, but always include the full name, and the abbreviated form in parentheses the first time it is used.

For example:

Australian Securities and Investments Commission (ASIC)

Battered Woman Syndrome (BWS)

Royal Commission into Aboriginal Deaths in Custody (RCADIC)

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