

AUSTRALIAN GUIDE TO LEGAL CITATION

A QUICK GUIDE TO REFERENCING

REFERENCING IS NECESSARY TO AVOID PLAGIARISM, TO VERIFY QUOTATIONS AND TO ENABLE READERS TO IDENTIFY AND CONSULT ANY ITEM TO FOLLOW-UP A CITED AUTHOR'S ARGUMENTS

The *Australian Guide to Legal Citation* (AGLC) is recommended by Victoria University School of Law for preparing student assignments and research papers. It will help you with citing from the following: Case Law, Books, Legislation, Internet Materials, Journal Articles and Newspaper Articles. For more information check the following:

Australian Guide to Legal Citation (Melbourne University Law Review Association: 3rd ed, 2010)

Bott, Bruce, Jill Crowley and Lynette Falconer, *Nemes and Cross' Effective Legal Research* (LexisNexis: 3rd ed, 2007) [A guide to research]

USEFUL TIPS

- The most important principle in referencing is to be consistent
- All sources used in assignments, essays, reports and theses must be acknowledged in the text of your document by giving a footnote to identify the author's name (first name and surname) and publication details including date
- A 'reference list' or 'bibliography' at the end of your document contains the full details of all your references, arranged alphabetically by author's surname and grouped in specific sections
- Reference list and bibliography are terms often used interchangeably – a reference list only includes items you have cited in your assignment whereas a bibliography also includes items you used to prepare your assignment (check with your lecturer/tutor which they require)
- A 'pinpoint' reference is used to identify the page within a work that is being referred to

BOOK

The details required in order are: author - full first name (where possible) and surname (an author may also be editor/s, compiler/s or the institution responsible); title of publication and subtitle if any (as it appears on the title page - titles must be italicised with sentence style capitalisation as below); publisher (brief version of name); edition (if other than the first); publication year (in round brackets) and pinpoint page number (if applicable). A publisher's name should not be included for government documents.

AUTHOR	TITLE (<i>Italics</i>)	PUBLISHER	EDITION	YEAR OF PUBLICATION
↓	↓	↓	↓	↓

Francis Trindade and Peter Cane, *The Law of Torts in Australia* (Oxford University Press: 4th ed, 2007).

JOURNAL ARTICLE

The details required in order are: author of the article - full first name (where possible) and surname; article title (in single quotation marks); publication year (in round brackets); volume number; issue number (in round brackets); journal title (in italics and capitalised, omitting words such as 'The' and 'An' from the beginning); starting page number, pinpoint reference to a specific page or pages (if applicable).

AUTHOR	TITLE OF ARTICLE	YEAR OF PUBLICATION	VOLUME	ISSUE	JOURNAL TITLE (<i>Italics</i>)	STARTING PAGE
↓	↓	↓	↓	↓	↓	↓
						PINPOINT

P. H. Lane, 'Freedom to communicate and criticise' (2001) 75 (5) *Australian Law Journal* 291, 293.

ELECTRONIC RESOURCE

Only use this rule to cite a document if it is not readily accessible in hard copy and there is not the information necessary for it to be cited as a hard copy document. Where available, the year in which the document was created should appear after the document name.

AUTHOR **TITLE (Italics)** **WEBSITE URL**
↓ ↓ ↓
ATSIIC, Issues Law and Justice – Mandatory Sentencing <<http://www.atsic.gov.au>>.

CASE LAW

In reported cases the details required are: *Case name* (italicised or underlined if unable to italicise); year (in round brackets); volume number; abbreviation of the law report; starting page number; pinpoint page number (used when referring to a specific point in the judgment) and name of judge/s (only used where appropriate).

ABBREVIATION OF LAW REPORT SERIES
CASE NAME (Italics) **YEAR** **VOLUME** | **STARTING PAGE** **PINPOINT** **JUDGE/S**
↓ ↓ ↓ ↓ ↓ ↙ ↓
Kartinyeri v Commonwealth (1998) 195 CLR 337, 383 (Gummow and Hayne JJ).

LEGISLATION

Details to include are: Short title or long title if there is no short title (in italics); year (in italics); jurisdiction abbreviation (in round brackets) and section/s (if applicable).

NAME OF ACT (Italics) **YEAR (Italics)** **JURISDICTION**
↓ ↓ ↙ ← **SECTION NO.**
Trade Practices Act 1974 (Cth) s 52.

REFERENCES IN THE TEXT OF YOUR ASSIGNMENT AS FOOTNOTES

- In the AGLC style, a footnote number is usually a superscripted number (for example: 1, 2, 3) and is used to direct the reader to the information about the sources and quotations placed within the text of the work
- A footnote number should follow the portion of text to which the footnote refers and should appear after any relevant punctuation
- Footnote citations appear at the bottom of the page containing the sources
- If multiple sources are cited in the same sentence in a footnote, a semi-colon is used to separate the sources
- A full stop appears at the end of every footnote

BIBLIOGRAPHY

A bibliography lists all the sources that have been used in preparing your assignment. (*Those referred to in your footnotes plus any others.*)

Divide it into the following sections:

1. Articles/Books/Reports (not law reports as they should be listed in the section: Case Law)
2. Case Law
3. Legislation
4. Treaties
5. Other Sources

Sources should be listed in alphabetical order under each heading according to the surname of the first listed author.

	FOOTNOTE CITATION EXAMPLE	BIBLIOGRAPHY / REFERENCE LIST EXAMPLE
BOOKS		
Single author	<p>¹ Stephen Graw, <i>An Introduction to the Law of Contract</i> (LawBook: 6th ed, 2008) 91.</p> <p>When a reference is the same as the preceding footnote, 'ibid' should be used:</p> <p>² Ibid 56 (56 indicates the pinpoint reference)</p> <p>When a reference is the same as the previous but not the immediately preceding footnote, 'above n' should be used: Graw, above n 1, 120</p> <p>(1 and 120 refer to footnote number 1 and pinpoint reference respectively)</p>	Graw, Stephen, <i>An Introduction to the Law of Contract</i> (LawBook: 6th ed, 2008)
Two authors	³ D Khoury and Y Yamouni, <i>Understanding Contract Law</i> (LexisNexis: 7th ed, 2007).	Khoury, D and Yamouni, Y, <i>Understanding Contract Law</i> (LexisNexis: 7th ed, 2007)
More than 3 authors	⁴ B Pentony et al, <i>Understanding Business Law</i> (LexisNexis: 4th ed, 2009).	Pentony, B et al, <i>Understanding Business Law</i> (LexisNexis: 4th ed, 2009)
No author	⁵ <i>Cambridge Advanced Learner's Dictionary</i> , (Cambridge University Press: 2003) 943.	<i>Cambridge Advanced Learner's Dictionary</i> , (Cambridge University Press: 2003)
Editor(s)	⁶ Matthew Groves (ed), <i>Law and Government in Australia</i> (Federation Press: 2005).	Groves, Matthew (ed), <i>Law and Government in Australia</i> (Federation Press: 2005)
Institution, corporation or other organisational author	<p>⁹ Leo Cusson Institute, <i>Advising Same Sex Couples</i> (2002).</p> <p>¹⁰ Department of Health and Family Services, <i>Youth Suicide in Australia</i> (1997).</p>	<p>Leo Cusson Institute, <i>Advising Same Sex Couples</i> (2002)</p> <p>Department of Health and Family Services, <i>Youth Suicide in Australia</i> (1997)</p>
Chapter or part of book to which a number of authors have contributed	⁹ Angus Francis and Neil Andrews, 'Insolvency Law in Taiwan: The Interplay between Official and Unofficial Law' in Roman Tomasic (ed), <i>Insolvency law in East Asia</i> (Ashgate: 2006) 125, 131.	Francis, Angus and Andrews, Neil 'Insolvency law in Taiwan: The Interplay between Official and Unofficial Law' in Roman Tomasic (ed), <i>Insolvency law in East Asia</i> (Ashgate: 2006)
E-Book	¹³ Jonathan Bick and Ebrary Inc., <i>101 Things You Need to Know About Internet Law</i> (2000) < http://0-site.ebrary.com.library.vu.edu.au/lib/victoriauni/Doc?id=2002304 >.	Bick, Jonathan and Ebrary Inc., <i>101 Things You Need to Know About Internet Law</i> (2000) < http://0-site.ebrary.com.library.vu.edu.au/lib/victoriauni/Doc?id=2002304 >
PRINT JOURNALS / NEWSPAPERS		
Journal article	¹⁵ Robert French, 'The Role of the High Court in the Recognition of Native Title' (2002) 30(2) <i>University of Western Australian Law Review</i> 129, 131.	French, Robert, 'The Role of the High Court in the Recognition of Native Title' (2002) 30(2) <i>University of Western Australian Law Review</i> 129
Newspaper article	¹⁶ Chris Griffith, 'Bunnies Still Run After Day in Court' <i>The Courier Mail</i> (Brisbane), 30 July 2002, 3.	Griffith, Chris, 'Bunnies Still Run after Day in Court' <i>The Courier Mail</i> (Brisbane), 30 July 2002, 3
ELECTRONIC JOURNALS		
Electronic journal	¹⁹ Lyndon Griggs, 'Torrens Title in a Digital World' (2001) 8(3) <i>E Law Murdoch University Electronic Journal of Law</i> [16] < http://www.murdoch.edu.au/elaw/issues/v8n3/griggs83.html >.	Griggs, Lyndon, 'Torrens Title in a Digital World' (2001) 8(3) <i>E Law Murdoch University Electronic Journal of Law</i> < http://www.murdoch.edu.au/elaw/issues/v8n3/griggs83.html >

	FOOTNOTE CITATION EXAMPLE	BIBLIOGRAPHY / REFERENCE LIST EXAMPLE
LOOSELEAF SERVICES		
Legal encyclopaedias	<p>²³ Butterworths, <i>Halsbury's Laws of Australia</i>, vol 4 (at 28 April 2007) 85 Conflict of Laws, '1 General' [84-145].</p> <p>²⁴ Law Book Company, <i>Laws of Australia</i>, vol 15 (at 12 May 2007) 15 Equity, '15.2 Fiduciaries' [37]-[39].</p>	<p>Butterworths, <i>Halsbury's Laws of Australia</i>, vol 4 (at 28 April 2007) 85 Conflict of Laws, '1 General' [84-145]</p> <p>Law Book Company, <i>Laws of Australia</i>, vol 15 (at 12 May 2007) 15 Equity, '15.2 Fiduciaries' [37]-[39]</p>
Miscellaneous	<p>²⁵ Neil Williams, <i>Civil Procedure Victoria</i>, vol 1 (at 169.01.135) 5962.</p> <p>(169.01.135 refers to Chapter 1, Order 69, Rule 1, annotation number 135 to Rule 1)</p>	<p>Williams, Neil, <i>Civil Procedure Victoria</i>, vol 1 (at 169.01.135) 5962</p>
INTERNET		
Website	<p>²⁶ John Corcaran, <i>Timor, Tampa and Technology</i> (2001) Law Institute of Victoria <http://www.liv.asn.au/news/president/20011129.html>.</p>	<p>Corcaran, John, <i>Timor, Tampa and Technology</i> (2001) Law Institute of Victoria <http://www.liv.asn.au/news/president/20011129.html></p>
CASE LAW		
Law Reports	<p>²⁷ <i>Chamberlain v R</i> (1984) 153 CLR 521.</p> <p>²⁸ <i>James Hardie & Co Pty Ltd v Hall</i> (1998) 43 NSWLR 554.</p> <p>²⁹ <i>DPP (WA) v Silbert</i> (2000) 112 A Crim R 88.</p> <p>³⁰ <i>Commonwealth v Tasmania</i> (1983) 158 CLR 1 ('Tasmanian Dam Case').</p> <p>³¹ <i>Dale v Scott; Ex parte Dale</i> [1985] 1 Qd R 406.</p> <p>³² <i>Kartinyeri v Commonwealth</i> (1998) 195 CLR 337, 383 (Gummow and Hayne JJ).</p> <p>Cases should be fully cited in all subsequent references</p> <p>Case name should not be included in a footnote citation if it appears in the sentence accompanying the footnote. For example:</p> <p>In your text: In <i>News Corporation v Lenfest Communications Inc</i>,¹²⁹ the Court had to consider the effect . . .</p> <p>In the footnote: ¹²⁹ (1996) 21 ACSR 553.</p>	<p><i>Chamberlain v R</i> (1984) 153 CLR 521</p> <p><i>James Hardie & Co Pty Ltd v Hall</i> (1998) 43 NSWLR 554</p> <p><i>DPP (WA) v Silbert</i> (2000) 112 A Crim R 88</p> <p><i>Commonwealth v Tasmania</i> (1983) 158 CLR 1 ('Tasmanian Dam Case')</p> <p><i>Dale v Scott; Ex parte Dale</i> [1985] 1 Qd R 406</p> <p><i>Kartinyeri v Commonwealth</i> (1998) 195 CLR 337, 383 (Gummow and Hayne JJ)</p>
Unreported Judgements With / Without a Medium Neutral Citation	<p>³³ <i>Murray v R</i> [2002] HCA 26 (20 June 2002) [54].</p> <p>³⁴ <i>Ross v Chambers</i> (Unreported, Supreme Court of the Northern Territory, Kriewaldt J, 5 April 1956) 77.</p>	<p><i>Murray v R</i> [2002] HCA 26</p> <p><i>Ross v Chambers</i> (Unreported, Supreme Court of the Northern Territory, Kriewaldt J, 5 April 1956)</p>
LEGISLATION		
Acts/Statutes/Regulations	<p>³⁵ <i>Crimes Act 1958</i> (Vic) s 1.</p> <p>³⁶ <i>Trade Practices Act 1974</i> (Cth) s 52.</p> <p>³⁷ <i>Supreme Court (Miscellaneous Civil Proceedings) Rules 1998</i> (Vic) r 4.01.</p> <p>Legislation should be cited in full in all subsequent references</p>	<p><i>Crimes Act 1958</i> (Vic)</p> <p><i>Trade Practices Act 1974</i> (Cth)</p> <p><i>Supreme Court (Miscellaneous Civil Proceedings) Rules 1998</i> (Vic) r 4.01</p>
Bills	<p>³⁸ Interactive Gambling Bill 2001 (Cth).</p>	<p>Interactive Gambling Bill 2001 (Cth)</p>
GOVERNMENT DOCUMENTS		
Hansard	<p>³² Commonwealth, <i>Parliamentary Debates</i>, Senate, 18 June 2008, 2642-4 (Bob Brown).</p>	<p>Commonwealth, <i>Parliamentary Debates</i>, Senate, 24 September 2001</p>

