



# **Written Assessment in the Law School**

Legal Citation

A guide to Law School requirements for written assessment  
and legal citation.

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**Contents**

- Part 1: Law School requirements for written assessment** ..... 4
- Part 2: Legal Citation**..... 5
  - Why cite?** ..... 5
  - Legal citation styles** ..... 6
- Law School citation requirements** ..... 6
  - Footnote style/format**..... 6
  - Content of footnotes** ..... 8
  - Quotations** ..... 8
- 1. Legislative Materials**..... 9
  - 1.1 Acts and regulations** ..... 9
  - 1.2 Bills and Explanatory Memoranda** ..... 9
  - 1.3 Second reading speeches / parliamentary debates (Hansard)** ..... 9
  - 1.4 Treaties** ..... 10
  - 1.5 Subsequent citations of legislative material** ..... 10
    - 1.5.1 Abbreviated titles of legislation etc*..... 10
    - 1.5.2 Subsequent citations of legislation etc*..... 11
- 2. Cases**..... 12
  - 2.1 Reported cases**..... 12
  - 2.2 Unreported cases**..... 12
  - 2.3 Subsequent citations to cases** ..... 14
    - 2.3.1 Abbreviated name of case* ..... 14
    - 2.3.2 Subsequent citations of cases*..... 14
  - 3.1 Subsequent citations of textbooks** ..... 16
    - 3.1.1 Consecutive citations*..... 16
    - 3.1.2 Non-consecutive citations* ..... 17
- 4. Journal articles**..... 17
  - 4.1 Subsequent citations of articles** ..... 19
- 5. Reports of committees, commissions and government departments** ..... 19
  - 5.1 Law Reform Commission Reports** ..... 19
  - 5.2 Royal Commission Reports**..... 19
  - 5.3 Government publications**..... 19

5.4	Government reports/publications accessed from electronic sources .....	19
6.	Loose-leaf services .....	20
7.	Legal encyclopaedias .....	20
8.	Newspaper articles .....	20
9.	Internet sources .....	21
10.	Bibliographies .....	21

## Part 1: Law School requirements for written assessment

Presentation requirements may differ between units. Unless otherwise instructed (check the unit's Study Guide), the following requirements must be complied with:

- use A4-size white paper
- print on one side of the paper only
- use either Times New Roman or Arial font
- use a font size of 12 point
- use 1.5 line spacing
- set page margins at a minimum of 2.5cm (left, right, top and bottom)
- number each page
- include name and/or student number on each page
- staple assignments in the top left corner
- attach the completed Law School Assignment Acknowledgment to the front of the assignment
- if applicable, attach the Group Acknowledgment Form to the assignment
- see the required cover sheet and submission procedures at the Assignment minder website [www.am.qut.edu.au](http://www.am.qut.edu.au)
- upload the assignment to the unit's Blackboard site in Word

For advice on the conventions of academic writing, refer to cite|write, an introductory guide to citing, referencing and academic writing at QUT, pages 3-7. The guide is available at [www.citewrite.qut.edu.au](http://www.citewrite.qut.edu.au)

To assist with legal citation, students may refer to [ELSIE](http://www.elsie.qut.edu.au). ELSIE is a legal citation online guide which will help students learn how to apply citation rules and provides an opportunity to practise legal citation. ELSIE is available at <http://www.elsie.qut.edu.au>.

## Part 2: Legal Citation

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### Why cite?

The following is from QUT **cite|write** at pages 3 and 4:

When studying at university it is essential to acknowledge words or information you have 'taken' - or *cited* - from another source such as books, websites, newspapers, journals, DVDs, etc.

### Citation: acknowledging someone else's work

Citation or citing is when you use information or words written by someone else in your work to support your argument or illustrate your point.

You need to cite when you:

- use a *direct* quote from someone else
- give a *summary* of someone else's ideas
- *paraphrase* someone else's ideas
- copy some information (such as a picture, a table or some statistics).

### Avoiding plagiarism

Plagiarism is when you do not give credit to the author/s for information used in your own work. This means not citing or referencing when:

- copying the work of another student
- directly copying or buying any part of another author's work
- paraphrasing or summarising someone else's ideas
- directly copying and pasting information from the Internet
- using the idea or thesis from someone else's work
- using experimental results from someone else's work.

Plagiarism is easy to avoid if you cite and reference correctly. However, plagiarism is a form of academic dishonesty, which incurs severe penalties at QUT.

Some students think citations only need to be included when they are directly quoting someone. This is *not true*. All material of an informative nature (ie information you used from your reading) should be acknowledged.

This means that any information (words, ideas, statistics, tables, data, pictures, photos, etc.) obtained from another author or source requires an in-text citation, whether it is used in a direct quotation or as a paraphrase.

#### *Did you know?*

Some students think it is okay if you copy and paste more than three words as long as you add the author/source name. This is *not true*. If you copy more than three words *you must also have quotation marks*.

For law students, plagiarism (academic dishonesty) has very serious consequences as it may prevent admission as a legal practitioner. In *Re AJG* [2004] QCA 88 when considering a one off incident of plagiarism, the court stated: 'Legal practitioners must exhibit a degree of integrity which engenders in the Court and in clients unquestioning confidence in the completely honest discharge of their professional commitments. Cheating ...must preclude our presently being satisfied of this applicant's fitness.'

## Legal citation styles

There is a variety of citation styles currently accepted in Australia. The Law School requires students to adopt the *Australian Guide to Legal Citation* ('AGLC'). This guide has been compiled with reference to the AGLC as it reflects the modern approach of leading Australian legal publishers. Any differences to the AGLC have been noted.

As this guide only addresses the citation of some of the most common sources that students will be citing in their law studies, for further guidance you must consult the AGLC. However, please note that there is a third edition of the AGLC forthcoming in 2010 and therefore the online version available through the University of Melbourne website is the second edition. The third edition does differ from the second edition in some instances. Students are advised to use this guide for referencing and if it does not give guidance on a source, please refer to the AGLC (3<sup>rd</sup> ed) available online:

- <http://mulr.law.unimelb.edu.au/index.cfm?objectid=EC680959-CA26-5FED-64377B996D86A395> (PDF viewing only)

## Law School citation requirements

### Footnote style/format

The Law School requires that references and citations be included in footnotes (bottom of each page) which are numbered consecutively, not endnotes.

Use a full stop at the end of every footnote.

Footnote indicator numbers should be placed outside punctuation in the text:

- 'Like this'.<sup>1</sup> *Not* 'Like this'<sup>1</sup>.
- After the full stop.<sup>1</sup> *Not* before the full stop like this<sup>1</sup>.
- After the comma,<sup>1</sup> if applicable. *Not* before the comma<sup>1</sup>, like this.

If more than one source is cited in the footnote, the sources are separated by a semicolon.

- *Personal Injuries Proceeding Act 2002* (Qld); *Civil Liability Act 2003* (Qld).

## Content of footnotes

Footnotes provide authorities for arguments or statements of legal principles that are being relied upon in the text of the assignment.

Footnotes must not contain any detailed argument or answer; this must be in the body of the text.

Do not cite a secondary source (eg a text) as authority when a primary source (eg a case) is available.

If citing a secondary source, ensure that it is a recognised and credible source (eg not sources such as law firm newsletters available on the Internet, *Wikipedia* or a tutorial guide). Study Guides, workbooks and taped lectures must not be cited as authorities for legal principles.

The use of *supra* ('above'), *op cit* ('in the work cited'), *infra* ('below') or *loc cit* ('in the place cited') is not allowed for repeat references to sources appearing in previous footnotes.

'Ibid' should be used to refer to the source cited in the footnote immediately preceding except if more than that source is cited in the previous footnotes or if it is legislation or a treaty. Legislation and treaties must be repeated in full each time they are cited.

'Above n' should be used if the source has been cited in a previous footnote, other than the immediate preceding footnotes. 'Above n' cannot be used for legislation, treaties or cases.

## Quotations

Quotes within the text of an assignment that are three lines or less may be incorporated into the text in single quotation marks. Quotes longer than three lines must be separated from the text (ie a new paragraph) indented from the left and be without quotation marks.

- In *Smythe v Thomas*, Rein AJ held:

In circumstances where both the buyer and the seller agree to accept the terms and conditions of the eBay I see no difficulty in treating the parties as having accepted that the online auction will have features that are both similar and different to auctions conducted in other forums.<sup>1</sup>

<sup>1</sup> [2007] NSWSC 844, [35].

- It was held that in respect of vending machines, 'the offer is made when the proprietor of the machine holds it out as being ready to receive money'.<sup>1</sup>

<sup>1</sup> *Thornton v Shoe Lane Parking Ltd* [1971] 2 QB 163, 169.

# 1. Legislative Materials

## 1.1 Acts and regulations

Titles (short title) of legislation / regulations and the year must be in italics and the jurisdiction in brackets.

- *Personal Injuries Proceedings Act 2002* (Qld)
- *Civil Liability Regulation 2003* (Qld)

If sections of the legislation / regulations are referred to in the footnote, the section number is after the name of the Act / regulation.

- If only one section is being referred to:
  - *Personal Injuries Proceedings Act 2002* (Qld) s 2.
- If two sections are being referred to:
  - *Personal Injuries Proceedings Act 2002* (Qld) ss 2, 54(1).

*Hint: To prevent 's' and the section number from splitting onto two lines, type 's', 'ctrl+shift+spacebar'.*

## 1.2 Bills and Explanatory Memoranda

Title and year of Bills are not in italics, otherwise Bills are referred to in the same way as Acts and regulations (see 1.1.1). Pinpoint references refer to the clauses of the Bill, so 'cl' is used.

- Defamation Bill 2005 (Qld) cl 5.

Explanatory Memoranda (or Explanatory Statements or Explanatory Notes as in Queensland) are cited with the words Explanatory Memorandum, then the Bill (as above) and any pinpoint reference - which would be a page number.

- Explanatory Memorandum, *Personal Injuries Proceedings Bill 2002* (Qld) 10.

## 1.3 Second reading speeches / parliamentary debates (Hansard)

Include the jurisdiction, the title *Parliamentary Debates*, the house of parliament, date, page and note the speaker and position (if relevant) in brackets. Do not note that the speaker is an MP.

- Commonwealth, *Parliamentary Debates*, House of Representatives, 3 November 2005, 103 (Phillip Ruddock, Attorney-General).

- Queensland, *Parliamentary Debates*, Legislative Assembly, 9 November 2005, 3894 (Linda Lavarch, Attorney-General).
- Commonwealth, *Parliamentary Debates*, House of Representatives, 16 December 1992, 3833 (Paul Keating, Prime Minister).
- Victoria, *Parliamentary Debates*, Legislative Assembly, 17 October 2001, 1143-5 (Richard Wynne).

## 1.4 Treaties

A citation to a treaty or other international agreement must include: name of the agreement (in italics), date of signing, signatories (if bi-lateral agreement), subdivision referred to (if applicable), source in which the treaty can be found, popular name, specific information (if required).

- *Convention on the Elimination of all Forms of Discrimination against Women*, Dec 18 1979, 1983 ATS No 9; 19 ILM 33 (CEDAW) (signed for Australia July 17 1980. Entry into force for Australia Aug 27 1983).
- *Treaty Establishing the European Economic Community*, opened for signature 25 March 1957, 298 UNTS, art 85(1) (entered into force 1 January 1958).

Australian Treaties Series may be cited using the medium neutral citation system (name of agreement, year of publication, designator, sequential number).

- *Convention on the Safety of United Nations and Associated Personnel* (New York, 9 December 1994) [2001] ATS 3.

## 1.5 Subsequent citations of legislative material

### 1.5.1 Abbreviated titles of legislation etc

Where there is a well-known and commonly accepted abbreviation to the title of a statute (or a treaty) it may be used, particularly where there is very little likelihood of any confusion. Cite the Act in full first and then note the abbreviation that will be used in subsequent citations, in single quote marks, in italics. This method can be adopted in the text of the assignment as well.

- *Family Law Act 1975* (Cth) ('FLA').
  - Next citation when referring to s 79 would be: *FLA* s 79.
- *Trade Practices Act 1974* (Cth) ('TPA').
  - Next citation when referring to s 52 would be: *TPA* s 52.

- Section 52 of the *Trade Practices Act 1974* (Cth) ('TPA') has had a far-reaching effect and has applied to situations which would never have been contemplated by the drafters of the legislation. Although the TPA ...

Where confusion is possible, for example, where several jurisdictions have statutes with similar titles or covering similar subject matter, the short title should be repeated.

- *Defamation Act 2005* (Qld).
  - Cite in full as many Australian jurisdictions have a *Defamation Act 2005*.

### 1.5.2 Subsequent citations of legislation etc

The use of *supra* ('above'), *op cit* ('in the work cited'), *infra* ('below'), *loc cit* ('in the place cited') or 'above n' is not allowed.

You must cite the legislation each time it is referred to, you cannot refer to a previous footnote that cites the legislation. The same rule applies to bills, second reading speeches, parliamentary debates and treaties.

Example of repeating legislation in the footnotes:

- 1 *Civil Liability Act 2003* (Qld) s 54.
- 2 *Civil Liability Act 2003* (Qld) s 54(2).
- 3 *Civil Liability Act 2003* (Qld) ss 61, 62.
- 4 *Supreme Court Act 1995* (Qld) s 17.
- 5 *Civil Liability Act 2003* (Qld) s 54.

However, if consecutive footnotes are citing the same Explanatory Memorandum (ie footnote immediately above), use 'Ibid' in place of the full citation. Ibid is short for *ibidem* meaning 'in the same place'.

Example of the use of 'Ibid' for repeat citation of Explanatory Memoranda (Explanatory Notes in Queensland):

- 1 Explanatory Notes, Personal Injuries Proceedings Bill 2002 (Qld) 10.
- 2 Ibid 11.
- 3 Ibid.
- 4 *Personal Injuries Proceeding Act 2002* (Qld) s 54.
- 5 Explanatory Notes, Personal Injuries Proceedings Bill 2002 (Qld) 11.

## 2. Cases

Names of cases must be in italics.

- *Donoghue v Stevenson* [1932] AC 562.
- *Australian Woollen Mills Pty Ltd v The Commonwealth* (1953) 92 CLR 424.

Any pinpoint reference should be noted at the end of the citation, preceded by a comma and a space. If more than one reference is required, they are separated by commas.

- *Donoghue v Stevenson* [1932] AC 562, 578.
- *Kriz v King* [2006] 1 Qd R 327, [17].
- *Kriz v King* [2006] 1 Qd R 327, [17], [19].

### 2.1 Reported cases

The reported version of the case must be cited rather than an unreported version of the case.

- *Kriz v King* [2007] 1 Qd R 327
  - **NOT** *Kriz v King* [2006] QCA 351.

Cases are often reported in more than one place, for example decisions of the High Court are reported in the Commonwealth Law Reports (CLR), the Australian Law Reports (ALR) and in subject specific series (eg Australian Trade Practices Reporter).

Only one citation of a case is required and it must be the authorised report, ie approved by the judge or the associate. The CLR citation must be used in preference of any ALR citation.

- *New South Wales v Fahy* (2007) 232 CLR 486.
  - **NOT** *New South Wales v Fahy* (2007) 4 DDCR 459; (2007) 232 CLR 486; (2007) 236 ALR 406; (2007) 81 ALJR 1021; (2007) Aust Torts Reports 81-889; [2007] HCA 20; BC200703763.
  - **NOT** *New South Wales v Fahy* (2007) 236 ALR 406.
  - **NOT** *New South Wales v Fahy*[2007] HCA 20.
  - **NOT** *New South Wales v Fahy* [2007] HCA 20; (2007) 232 CLR 486.

### 2.2 Unreported cases

If a case has not been reported, the medium neutral citation is used. This requires the name of the case to be in italics, the year of the decision in square brackets followed by the court identifier and judgment number and then any pinpoint reference.

- *Howarth v Miotti* [2009] QSC 96.
- *Dunleavy v Peak* [2009] NSWCA 72, [14].

If there is no medium neutral citation (usually this is because the case was decided before 1999) then the case name is followed by '(Unreported, the name of the court, the judge(s), the date of the decision) and any pinpoint reference.

- *Ross v Chambers* (Unreported, Supreme Court of the Northern Territory., Kriewaldt J, 5 April 1956).
- *Barton v Chibber* (Unreported, Supreme Court of Victoria, Hampel J, 29 June 1989) 3.

If the case name appears in the text of the assignment, the citation appears in the footnote.

- The most recent case to consider compensation for voluntary care is *Kriz v King*.<sup>1</sup>  
1 [2006] 1 Qd R 327.

If the principle of the case (or obiter etc) is being referred to in the text of the assignment, but not the case by name, the case name and citation appears in the footnote.

- It has long been accepted that voluntary care provided to an injured person may be compensated.<sup>1</sup>  
1 *Griffiths v Kerkemeyer* (1977) 139 CLR 161.

If more than one case is being cited, the names are separated by semi-colons.

- *Griffiths v Kerkemeyer* (1977) 139 CLR 161; *Van Gervan v Fenton* (1992) 175 CLR 327.

If a particular part of a judgment is being referred to or a judgment is being quoted, a pinpoint reference is required, ie reference to the page or the paragraph number of the judgment. This is usually noted in the footnote.

Examples of citations of particular parts of judgments and quotes and the required footnoting:

- In *Australian Woollen Mills Pty Ltd v The Commonwealth*,<sup>1</sup> traditional contractual concepts were considered.  
1 (1953) 92 CLR 424, 457.

- The court stated:

Once it is recognised that it is the need for the services which gives the plaintiff the right to an award of damages, it follows that the damages he or she receives are not to be determined by reference to the actual cost to the plaintiff of having them provided or by reference to the income foregone by the provider of the services.<sup>1</sup>

1 *Van Gervan v Fenton* (1992) 175 CLR 327, 333-4.

- In *Van Gervan v Fenton*, the court held that damages for voluntary care are not assessed 'by reference to the actual cost to the plaintiff of having them provided or by reference to the income foregone by the provider of the services.'<sup>1</sup>  
1 (1992) 175 CLR 327, 333.

## 2.3 Subsequent citations to cases

The use of *supra* ('above'), *op cit* ('in the work cited'), *infra* ('below'), *loc cit* ('in the place cited') or 'above n' is not allowed.

You must cite the case each time it is referred to, unless the one case is referred to in the same paragraph many times. If so, after the first time it is cited in the paragraph, footnote it again only if there is a new pinpoint page reference, unless it is unclear or confusing as to which case you are referring to in the paragraph.

### 2.3.1 Abbreviated name of case

Where a case has a particularly long name, or where there is a popular name in common usage, the first citation to the case must be in full, with subsequent citations using the shortened form. The shortened form should be indicated in brackets after the first citation (this can be in the text of the assignment or in the footnote).

In a footnote:

- *Commonwealth of Australia v Tasmania* (1983) 158 CLR 1 ('*Tasmanian Dam Case*').
  - The next reference to the case in a later footnote would be: *Tasmanian Dam Case* (1983) 158 CLR 1.
- *Commercial Bank of Australia Ltd v Amadio* (1983) 151 CLR 447 ('*Amadio's Case*').
  - The next reference to the case in a later footnote would be: *Amadio's Case* (1983) 151 CLR 447.

In the text:

- In *Commonwealth of Australia v Tasmania*<sup>1</sup> ('*Tasmanian Dam Case*') ...  
1 (1983) 158 CLR 1.

### 2.3.2 Subsequent citations of cases

If consecutive footnotes are citing the same case (ie footnote immediately above), use 'Ibid' in place of the full case citation. Ibid is short for *ibidem* meaning 'in the same place'.

- In *Van Gervan v Fenton*<sup>1</sup> the High Court was required to consider the issue of voluntary care again. It had been accepted that such care could be compensated; the issue was how the damages were to be assessed. It was held that any loss suffered by the care provider, for example, loss of wages, was not relevant to assessing the care.<sup>2</sup>

1 (1992) 175 CLR 327.

2 Ibid 333.

If the same case is being cited, but a pinpoint reference is required or is different to the previous footnote pinpoint reference, use 'Ibid' but note the pinpoint reference. Note that there is no punctuation after the 'Ibid'.

Example of using 'Ibid' in footnotes when repeating citation of cases:

- 1 *Van Gervan v Fenton* (1992) 175 CLR 327.
- 2 Ibid 333.
- 3 *Kriz v King* [2006] 1 Qd R 327, [17].
- 4 Ibid [19].
- 5 *Van Gervan v Fenton* (1992) 175 CLR 327.

### 3. Textbooks

The full citation of a textbook requires the names of the author(s) as appears on the textbook, the title of the textbook in italics. The publication details follow in brackets, stating the publisher and place of publication<sup>1</sup> followed by a colon, the edition (if not the first edition) and the year of publication.

- Frances McGlone and Amanda Stickley, *Australian Torts Law* (LexisNexis Butterworths, Australia: 2<sup>nd</sup> ed, 2009).
- Sam Blay, Andrew Gibson and Bernadette Richards, *Torts Law in Principle* (Lawbook, Australia: 4<sup>th</sup> ed, 2005).

If the textbook has more than three authors, only the name of the first named author is required, followed by 'et al'.

- Lindy Willmott et al, *Contract Law* (Oxford University Press, Australia: 3<sup>rd</sup> ed, 2009).
- Catriona Cook et al, *Laying Down the Law* ( LexisNexis Butterworths, Australia: 7<sup>th</sup> ed, 2009).

The editor(s) of a collection of essays is cited in the same way as an author and joint authors, with '(ed)' or '(eds)' added.

- Jason W Neyers, Erika Chamberlain and Stephen G A Pitel (eds), *Emerging Issues in Tort Law* (Hart Publishing, Oxford: 2007).

If referring to a specific chapter in the edited textbook, the author of the chapter and the chapter title in single quotation marks precedes the usual citation of the textbook and the first page of the chapter is noted at the end, followed by any pinpoint reference.

- Peter Cane, 'General and Special Tort Law: Uses (and Abuses) of Theory' in Jason W Neyers, Erika Chamberlain and Stephen G A Pitel (eds), *Emerging Issues in Tort Law* (Hart Publishing, Oxford: 2007) 5, 18.

<sup>1</sup> The AGLC does not include the place of publication. However as jurisdiction is important in the assessment of the relevance of a source in legal research, the Law School requires place of publication to be noted in citations. The place of publication will be the city if stated, otherwise, the state or country.

If the title of the textbook appears in the text of the assignment, the names of the author(s) must either be in the footnote with the publication details and the pinpoint reference unless the name of the author(s) appear in the body of the text with the title of the textbook.

- In *Land Law*,<sup>1</sup> the authors argue ....

1 Eileen Webb and Margaret Stephenson (LexisNexis Butterworths, Australia: 3<sup>rd</sup> ed, 2009) 242.

- In *Land Law*,<sup>1</sup> Webb and Stephenson argue ...

1 LexisNexis Butterworths, Australia: 3<sup>rd</sup> ed, 2009) 242.

If the title of the textbook does not appear in the text of the assignment but is the source of the information or is being quoted from, the footnote should contain all of the citation of the textbook, including the relevant pinpoint reference.

- The defence of *non est factum* is only available to a limited class of persons as it must be proven that the document they signed is radically different to the document they believed they had signed.<sup>1</sup>

1 Lindy Willmott et al, *Contract Law* (Oxford University Press, Australia: 3<sup>rd</sup> ed, 2009) 213.

- '*Non est factum* is a defence only available to a limited class of people who have signed a contractual document, and wish to escape the legal consequences of that contract.'<sup>1</sup>

1 Lindy Willmott et al, *Contract Law* (Oxford University Press, Australia: 3<sup>rd</sup> ed, 2009) 213.

## 3.1 Subsequent citations of textbooks

The use of *supra* ('above'), *op cit* ('in the work cited'), *infra* ('below') or *loc cit* ('in the place cited') is not allowed.

### 3.1.1 Consecutive citations

If consecutive footnotes are citing the same textbook (ie footnote immediately above), use 'ibid' in place of the full citation. Ibid is short for *ibidem* meaning 'in the same place'.

- For the defence of *non est factum* it must be proven that the document they signed is radically different to the document they believed they had signed.<sup>1</sup> The defence is therefore available only to a limited class of persons.<sup>2</sup>

1 Lindy Willmott et al, *Contract Law* (Oxford University Press, Australia: 3<sup>rd</sup> ed, 2009) 213.

2 Ibid.

If the same textbook is being cited, but a pinpoint reference is required or is different to the previous footnote pinpoint reference, use 'ibid' but note the pinpoint reference. Note that there is no punctuation after the 'ibid'.

- As the law of torts is concerned with the protection of civil rights, there is some overlap with other common law areas.<sup>1</sup> For example, parties to a contract have contractual rights and concurrent liability exists in torts law.<sup>2</sup>

1 Frances McGlone and Amanda Stickley, *Australian Torts Law* (LexisNexis Butterworths, Australia: 2<sup>nd</sup> ed, 2009) [1.14].

2 Ibid [1.15].

### 3.1.2 Non-consecutive citations

If the same secondary source is cited in a later footnote, the footnote is to refer back to the footnote in which the citation was first given. The citation must state the author surname (only 1<sup>st</sup> named author if more than one) followed by 'above n [relevant footnote number]' and the pinpoint reference if relevant.

- 1 Lindy Willmott et al, *Contract Law* (Oxford University Press, Australia: 3<sup>rd</sup> ed, 2009).
- 2 Frances McGlone and Amanda Stickley, *Australian Torts Law* (LexisNexis Butterworths, Australia: 2<sup>nd</sup> ed, 2009).
- 3 Willmott, above n 1, 213.

Example of footnotes where secondary sources are being cited more than once in an assignment:

1 Frances McGlone and Amanda Stickley, *Australian Torts Law* (LexisNexis Butterworths, Australia: 2<sup>nd</sup> ed, 2009) [1.14].

2 Ibid [1.15].

3 *Astley v Austrust Ltd* (1999) 197 CLR 1.

4 *Travel Compensation Fund v Tambree* (2005) 224 CLR 627, [48].

5 *Astley v Austrust Ltd* (1999) 197 CLR 1.

6 McGlone, above n 1, [1.15].

## 4. Journal articles

When citing a journal article, the author must be noted as it appears in the article, followed by the title of the article in single quotation marks and then the details of the journal (ie year, volume if applicable, journal name in full in italics and first page of article). If a pinpoint reference is required, it noted at the end of the citation, preceded by a comma.

- Leonard Hoffmann, 'The Universality of Human Rights' (2009) 125 *Law Quarterly Review* 416.
- Allan C Hutchinson, 'Heydon' Seek: Looking for Law in All the Wrong Places' (2003) 29 *Monash University Law Review* 85.
- Craig Burgess, 'Can "Dr Death" Receive a Fair Trial?' (2007) 7 *Queensland University of Technology Law & Justice Journal* 16, 18.
- Ben Mathews, Kerryann Walsh and Jenny Fraser, 'Mandatory Reporting by Nurses of Child Abuse and Neglect' (2006) 13 *Journal of Law & Medicine* 505.

The majority of law journals publish a number of issues each year which when collated form the volume. If each issue follows on from the previous issue in pagination, there is no need to note the issue number – just the volume number (as in examples above). However, if each issue is paginated from 1, then the issue number must be noted in brackets after the volume number.

- Jeremy Masters, 'Easing the Parting' (2008) 82(11) *Law Institute Journal* 68.

Articles are cited as above, even if accessed through a full-text legal database (for example AGIS) if the online version is an exact copy of the printed article. You check this by making sure that the first page number on the electronic copy of the article matches the citation (eg for Craig Burgess, 'Can 'Dr Death' Receive a Fair Trial?' (2007) 7 *Queensland University of Technology Law & Justice Journal* 16, the first page on the electronic version is numbered 16).

If the article is in an electronic journal (ie only available in electronic form from the journal website), the citation of the article is the same as above. But the citation should be followed with the URL within the '<>' symbols. Any pinpoint reference appears before the URL.

- Matt Porter and Gary D Meyers, 'Indigenous Joint Management of National Parks in Western Australia' (2008) 15(2) *eLaw Journal* 262 <[https://elaw.murdoch.edu.au/archives/issues/2008/2/elaw\\_15\\_2\\_Porter\\_Meyers%20.pdf](https://elaw.murdoch.edu.au/archives/issues/2008/2/elaw_15_2_Porter_Meyers%20.pdf)>.

If the title of the article appears in the text of the assignment, the names of the author(s) must either be in the footnote with the journal citation unless the name of the author(s) appear in the body of the text with the title of the article.

- In 'Precedent from the Privy Council',<sup>1</sup> Conaglen observes ...  
1 (2006) 122 *Law Quarterly Review* 349, 352.

- In 'Precedent from the Privy Council'<sup>1</sup> it is explained ...  
1 Michael Conaglen, (2006) 122 *Law Quarterly Review* 349, 352.

If the title of the article does not appear in the text of the assignment but is the source of the information or is being quoted from, the footnote should contain the full citation of the article, including the relevant pinpoint reference.

- To publish the name of an accused before trial pre-empts any application for a suppression order.<sup>1</sup>  
1 Craig Burgess, 'Can 'Dr Death' Receive a Fair Trial?' (2007) 7 *Queensland University of Technology Law & Justice Journal* 16, 26.

- It has been noted that '... publishing the name of an accused before they appear in court pre-empts their right to apply to the court for a suppression order'<sup>1</sup> ...  
1 Craig Burgess, 'Can 'Dr Death' Receive a Fair Trial?' (2007) 7 *Queensland University of Technology Law & Justice Journal* 16, 26.

## 4.1 Subsequent citations of articles

Articles may be cited again following the rules as set out for textbooks at [3.1].

## 5. Reports of committees, commissions and government departments

### 5.1 Law Reform Commission Reports

Include name of law reform commission, title (in italics), report/discussion paper number, place of publication and year, pinpoint reference if required.

- Queensland Law Reform Commission, *Vicarious Liability*, Report No 56, Brisbane, 2001.

### 5.2 Royal Commission Reports

Include jurisdiction, name of royal commission, title (in italics), year, pinpoint reference if required.

- New South Wales, Royal Commission into the New South Wales Police Service, *Final Report*, 1997, vol 2, 222.

### 5.3 Government publications

Include jurisdiction, issuing body, title (in italics), author if given, publication details, and pinpoint reference if required.

- Australia, Commission of Inquiry into Poverty, *Poverty in Australia: First Main Report* (Prof RF Henderson, Chairperson), Canberra, AGPS, 1975.
- Australia, *Review of the Law of Negligence – Final Report* (Honourable David Ipp, Chairperson), Canberra, September 2002.

### 5.4 Government reports/publications accessed from electronic sources

Use the rules outlined above in [5.3] and add <URL> and date accessed.

- Australia, Attorney General's Dept, *Copyright Reform and the Digital Agenda: Discussion Paper July 1997* <<http://law.gov.au/publications/digital.htm>> part 5.2 at 10 February 1999.

## 6. Loose-leaf services

Footnote must contain author (if identified) otherwise the publisher, title of service (in italics), volume number (this may be a number, a year or a subtitle taken from the volume's spine), title of section (date of retrieval in round brackets), [subdivision/paragraph number].<sup>2</sup>

- CCH, *Australian Labour Law Reporter*, 'Termination of Employment' 3, [47-110].
- David Ritter, *Native Title*, 'History of Common Law Recognition of Native Title in Australia', Butterworths, [1350-1449] (April 2003).
- M Broun and S Fowler, *Family Law and Practice Commentary*, 'Divorce' (at 3 August 2006) [5-200].

If it is not possible to find all this information to include in the citation, just include all the available information in the above order.

## 7. Legal encyclopaedias

Footnote must contain the name of the publisher first then the title of encyclopaedia (in italics), volume number (if using hard copy), date of retrieval in round brackets, title number and name of title, chapter number and name followed by the pinpoint reference as a [paragraph number].

- LexisNexis, *Halsbury's Laws of Australia* (at 21 October 2009) 205 Family Law, '1 Introduction' [205-100].
- Lawbook, *Laws of Australia* (at 21 October 2009) 17 Family Law, '17.2 Professional Ethics' [17.2.4].
- LexisNexis Butterworths, *Halsbury's Laws of Australia*, vol 15 (at 21 October 2009) 235 Insurance, '2 General Principles' [235-270].

## 8. Newspaper articles

Footnote must include author (if given), title of article (in single quotation marks), newspaper (in italics), date, page reference.

- Ellen Connolly, 'Strapped for Cash: Man gets \$2.5m for a 1984 Caning', *Sydney Morning Herald*, 15 February 2001, 1.
- B McHugh, 'Letter to the Editor' *The West Australian*, 19 November 1982, 6.
- Editorial, 'Good news for schools', *The Courier Mail*, 5 May 2005, 8.

<sup>2</sup> AGLC states that citations of loose-leaf services are to include Most Recent Service Number. For this guide you are to note the date the loose-leaf was accessed.

If the article has been accessed from the Internet, use the rules above and add URL, plus date accessed.

- 'Ruddock to Grant East Timorese Visas', *The West Australian* 3 June 2003 <<http://www.thewest.com.au>> at 3 June 2003.

## 9. Internet sources

Include author, document title (in italics), year in which document was created, website name, < URL>, date accessed.

- J Corcoran, *Timor, Tampa and Technology* (2001) Law Institute of Victoria <<http://www.liv.asn.au/news/president/20011129.html>> at 2 December 2001.
- World Health Organisation, *Violence against Women: A Priority Health Issue* (1997) <[http://www.who.int/violence\\_injury\\_prevention/vaw/infopack.htm](http://www.who.int/violence_injury_prevention/vaw/infopack.htm)> at 6 January 2002.
- ABC Television, 'Chamber of Commerce Rejects Supervised Injecting Room', *The 7.30 Report*, 23 March 2000 <<http://www.abc.net.au/7.30/stories/s113017.htm>> at 21 September 2001.

## 10. Bibliographies

Unless instructed otherwise it is expected that written assessment includes a bibliography. A bibliography contains all sources consulted in the preparation of the assessment, not only the sources cited in the footnotes.

The bibliography is divided into parts with headings specifying the type of sources which are relevant for the assessment:

- Secondary sources (texts, articles etc)
- Cases
- Legislation
- Treaties
- Other sources.

Each part of the bibliography is listed alphabetically according to the surname of the first listed author or the name of the institution if it is the author or, if there is no author, the first word in the title.

The sources must be cited the same way as explained in this guide with the following exceptions:

- No pinpoint references included in the bibliography.
- For secondary sources, the authors' surnames appear before their first names. In respect of secondary sources which have more than one author, the surname of the first named author is used.
  - Hutchinson, Andrew, 'Heydon' Seek: Looking for Law in All the Wrong Places' (2003) 29 *Monash University Law Review* 85.
  - McGlone, Frances and Stickley, Amanda, *Australian Torts Law* (LexisNexis Butterworths, Australia: 2<sup>nd</sup> ed, 2009).
  - Willmott, Lindy et al, *Contracts* (Oxford University Press, Australia: 3<sup>rd</sup> ed, 2009).

For legal encyclopaedias and loose-leaf services, where there is no author as such, the title is relied upon for the alphabetical order and is followed by the volume number, title number and name of title and publication date for that title.

An example of a bibliography of secondary sources:

### **Secondary sources**

Butterworths, *Halsbury's Laws of Australia*, 145 Defamation.

George Patrick, *Defamation Law in Australia* (LexisNexis Butterworths, Australia: 2008).

LawBook, *Laws of Australia*, 6 Communication.

Luntz Harold et al, *Torts: Cases and Commentary* (LexisNexis Butterworths, Australia: 6<sup>th</sup> ed, 2009).

McGlone Frances and Stickley Amanda, *Australian Torts Law* (LexisNexis Butterworths, Australia: 2<sup>nd</sup> ed, 2009).