

# Style Guide

Sixth edition

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Southern Cross University  
Military Road  
East Lismore NSW 2480

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# Contents

Introduction .....	1
Style .....	3
Plagiarism .....	3
Avoiding plagiarism .....	3
Non-discriminatory language .....	4
Plain language .....	4
Headings .....	5
Lists .....	5
Spelling .....	6
Punctuation and word usage .....	7
Capitals .....	7
Dates and numbers .....	8
Italics .....	8
Citation and referencing .....	9
Referencing using footnotes .....	9
Repeating references .....	9
Quotations .....	11
Bibliographies .....	13
Citation style .....	15
Primary sources .....	15
Secondary sources .....	17
Bibliography .....	23



# Introduction

In Australia, there is currently no uniform legal citation and referencing system; accordingly, most law schools and legal publications prescribe their own 'style'. This *Style Guide* sets out our Law School's style, and so the manner in which written work should be presented, and the method for citing reference works. The purpose of this guide is to explain the style used in written work in the School of Law and Justice, Southern Cross University. It also describes the style used in the School's publication, the *Southern Cross University Law Review*.

Some students will be familiar with a text by Anita Stuhmcke, *Legal Referencing* (LexisNexis Butterworths, 3<sup>rd</sup> ed, 2005). This is an excellent text on the subject, and those students who commenced their studies with the School of Law and Justice before 2005 may continue to use this text as an accompanying guide. All other students should use *Australian Guide to Legal Citation* (AGLC) (currently 3<sup>rd</sup> ed, 2010) for guidance and clarification. The AGLC is published by the Melbourne University Law Review Association Inc and is the style adopted by the majority of Australian law schools and law reviews. This guide is available in Read-Only Adobe (you can download but not copy or print out) from:

<<http://mulr.law.unimelb.edu.au/aglc.asp>>

We recommend that you save it to your desktop for easy access. A printed copy can also be purchased from the Co-op Bookshop or order directly from the Melbourne University Law Review – email: [law-mulr@unimelb.edu.au](mailto:law-mulr@unimelb.edu.au)

The purpose of this Style Guide is to specify the particular citation methods adopted by the Law School for the most commonly used reference materials. At points in this *Style Guide*, you will be referred to the current AGLC (3<sup>rd</sup> ed) to enable you to locate more detailed information and relevant discussions on style and citation issues. Where there is an inconsistency between this guide and the AGLC you should follow this guide.

We expect you to use this *Style Guide* for all your written work while studying with the School of Law and Justice. However, you may find that some of the lecturers in the Law School will adopt slightly different styles. Check the Unit Information Guide for each of your units to see if your Unit Assessor requires/permits you to use a different referencing style. This *Style Guide* does not explain how to use other styles such as the style set out by Anita Stuhmcke or the 'In-text'/Harvard referencing system.<sup>1</sup>

This *Style Guide* is divided into four parts. The first part describes the style in which written material should be presented. The second part, 'Citation and referencing', describes the conventions to be used to cite reference works. The third part gives examples of citation style and the fourth is a bibliography.

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1 If you commenced study before 2005 and decide to use the style recommended by Stuhmcke you will need to refer to the text by Anita Stuhmcke, *Legal Referencing* (LexisNexis Butterworths, 3<sup>rd</sup> ed, 2005). If you are permitted to use the Harvard style, you should refer to the academic skills information guide: 'In-Text, using Harvard' (see <[http://www.scu.edu.au/academicsskills/index.php/dds?cat\\_id=614#cat614](http://www.scu.edu.au/academicsskills/index.php/dds?cat_id=614#cat614)>).>



This section details the Law School's conventions about the use of language in and the presentation of written work. Apart from the policy on the use of non-discriminatory language, these conventions are a guide only.

**Always check the information provided in your Unit Information Guide to be clear about any additional or different expectations set by your unit assessor. In particular, you should ensure that you read and are familiar with the 'Rules concerning all assignments'. These are reproduced in the Unit Information Guides published by the Law School for each unit.**

## Plagiarism

If the ideas or words of another person are taken and used without acknowledging their true source an attempt is being made to pass that work off as your own. ***This is plagiarism.***

Plagiarism is theft. ***It is an academic crime.*** It involves stealing another person's ideas or words.

Most institutions take severe action against plagiarism – the penalties may range from receiving a mark of zero for the paper up to and including expulsion from the course or institution.<sup>2</sup>

As Stuhmcke states, plagiarism is taken seriously. Southern Cross University, like other academic institutions, has a range of penalties that may be applied to students who plagiarise in their assignments and other assessment items. **Importantly for law students, plagiarism may jeopardise your chances for admission to the profession.** You should familiarise yourself with the University's rules, which are contained in the University's *Student Handbook*. A copy of the University *Student Handbook* is available online at <<http://www.scu.edu.au/docs/handbook/>>.

You will find more detailed guidance on how to avoid plagiarism in your writing in the Law Student Centre at <[http://study.scu.edu.au/lawj/study\\_skills\\_centre/index.html](http://study.scu.edu.au/lawj/study_skills_centre/index.html)>. Select '2. Style and Content: Legal Writing'.

You may also find guidance in the Academic Skills Development Unit, academic skills information guide, *Paraphrasing and Quoting*. You will find a copy of this guide at <[http://www.scu.edu.au/academicskills/index.php/dds?cat\\_id=614#cat614](http://www.scu.edu.au/academicskills/index.php/dds?cat_id=614#cat614)> in the referencing folder.

## Avoiding plagiarism

As has already been stated, plagiarism is an academic crime. To avoid it, you should ensure that you use referencing correctly within your written assessment items.

<sup>2</sup> Anita Stuhmcke, above n 1, 44 (emphasis added).

## Non-discriminatory language

The use of non-discriminatory language is University policy and must be adhered to in all written (and oral) work presented. Language that reinforces sexism, racism, homophobia or other forms of discrimination originates from many sources. It may result from an unthinking choice of words, or from habit. Although a deliberate insult may not be intended, imprecise word choices and stereotyped evaluations may convey biased information and indicate discriminatory attitudes. You should avoid using language that is gender-specific or racist. Nor should you use discriminatory language in reference to people with disabilities.<sup>3</sup>

Generally, to avoid using sexist, racist and other forms of discriminatory language, ensure that the words and descriptions you use do not portray women, indigenous Australians, ethnic groups, people with disabilities, and other groups in stereotyped or negative ways, or in ways that feature characteristics – both real and imagined – of those groups which are not relevant to what you are writing about.

You will find more information on the University’s Equity and Diversity Office website. In particular, you should refer to *Watch your Language: Non-discriminatory Language Guidelines*, available on the Equity Services homepage, under the heading ‘Policy and Procedures’, <<http://www.scu.edu.au/equity/index.php/4/>>. You will find more useful guidance in the *Style Manual for Authors, Editors and Printers*.<sup>4</sup>

## Plain language

According to Peter Butt, ‘[y]ou can’t hide behind gobbledygook or convoluted language – it’s all exposed when you draft in plain English’.<sup>5</sup> This Law School promotes and encourages the use of plain language in all forms of legal writing.

[W]hen we draft legal documents we should be able to use some of the same techniques that we use for other forms of communication: the techniques we use in everyday speech, for example, or ordinary letter writing. ...

[W]e should not treat legal drafting as if it has been elevated to some higher plane than other forms of communication, and that it *is* possible to write any legal document in the sort of language that we use everyday. ... [It is] just as ‘valid’ and just as appropriate as a document written in what I might euphemistically call a ‘traditional legal style’, but what the public calls ‘legalese’.<sup>6</sup>

It is very tempting when learning law to adopt the complex and technical way with which lawyers have tended to write. There is no need to be confusing to sound like a lawyer! Instead use a plain language approach to your writing, to ensure that you communicate effectively to your reader. To do so, keep in mind these objectives:

1. Identify your reader and, in particular, what you assume will be their level of legal knowledge. Write to your reader’s level of understanding; use language that is clear and that will be understood by your reader. That is, write to your reader.

3 Anita Stuhmcke, above n 1, 55.

4 Snooks & Co., *Style Manual for Authors, Editors and Printers* (John Wiley & Sons, 6<sup>th</sup> ed, 2002).

5 Peter Butt, ‘Legal Issues in Plain Language’ (Paper presented at the 29<sup>th</sup> Australian Legal Convention, Brisbane, 24–26 September, 1995) in Ros McDonald and Debra Clark-Dickson, *Clear and Precise. Writing Skills for Today’s Lawyer* (Thomson Reuters, 3<sup>rd</sup> ed, 2010) 3.

6 Michele Asprey, *Plain Language for Lawyers* (Federation Press, 4<sup>th</sup> ed, 2010) 2 (emphasis in original).

2. Be clear about the purpose of what you are writing. Make sure that you achieve that purpose in your final written document. That is, write to achieve your purpose.
3. Work out what needs to be included in the written work and how to organise your ideas most effectively, so that the reader will understand the whole document. That is, plan before you write.
4. Organise your material and use the layout of your text to make it easier to read. For instance, deal with one main idea per paragraph, use typing features like bold and italics to make important points stand out, and use headings to help your reader to follow what you have written. That is, design your document so that it's easy to read.

You will find more detailed guidance on the use of plain language in your writing in the Law Student Centre in MySCU. Select 'Student Resources' from the menu and click on the link to study skills centre. Select '2. Style and Content: Legal Writing'. See also Michèle Asprey's text, *Plain Language for Lawyers* (Federation Press, 4<sup>th</sup> ed, 2010) and Chapter 1 ('What is plain English?') in R McDonald and D Clarke-Dickson, *Clear and Precise. Writing Skills for Today's Lawyer* (Thomson Reuters, 3<sup>rd</sup> ed, 2010).

## Headings

Headings should be used in your work to make it easier to read. This assists the reader by helping to break up the density of the text, helping them to identify each section of the written work, and to follow the main points made in your work. Your heading names should reflect the topic discussed in that section.

Levels of headings should be clearly indicated and should be consistent throughout your work. For example:

- 1. Heading One**
    - 1.1 Subheading One**
      - 1.2 Subheading Two**
        - 1.1.1 Sub-subheading
- 2. Heading Two**

The AGLC recommends a combination of alignment and different fonts (capitals or italics) to distinguish the heading levels. (See AGLC 1.15.2.)

Above all, be consistent and remember – headings are not taken into account in determining your word count in your assignment work and they can greatly enhance a piece of written work.

## Lists

If items are listed in full sentences, the sequence 1, 2, 3, ... is used. These sentences should start with a capital and end in a full stop, and should make grammatical sense. The sequence a, b, c, ... or i, ii, iii, ... is used if the items listed are not complete sentences. These items usually start with a lower case letter.

For example:

1. Read the exam question carefully.
2. Make a list of the main issues raised by the question.
3. Prepare a plan of your answer before you commence writing.

**OR**

Follow these steps in an exam:

- (a) read carefully;
- (b) list the issues raised; and
- (c) prepare an outline of your answer before you write.

Alternatively, listed items may be preceded with bullets or bold dots. This is illustrated in the next section.

## Spelling

Written work that contains spelling errors appears sloppy and tends to detract from the quality of the material itself. You will find that most assessment items include written expression, grammar and spelling as part of the marking criteria. The *Macquarie Dictionary*<sup>7</sup> is used as the School's reference work. You should also refer to a legal dictionary such as the *Butterworths Concise Australian Legal Dictionary*<sup>8</sup> for the spelling and meaning of legal words and phrases.

The standard of your work will be improved if you double-check for spelling and grammatical errors. If you are using a word processor, please use your spell check function. If you are not sure of the correct spelling of a word, use a dictionary! Either way, it is also advisable to have someone else – a friend, spouse or parent perhaps – proofread your written work to check your spelling and expression before you submit it to your lecturer.

Australian spellings should be followed, for instance:

- the prefix coo- instead of co-o, such as cooperate, coordinate;
- the suffix -ise not -ize, such as legitimise;
- the suffix -our not -or, such as labour;
- the suffix -am not -amme, such as program;
- inquiry, not enquiry; and
- connection, not connexion.

Be careful spelling the following:

- Attorney-General or Attorney-Generals; not Attorneys-General;
- Governor-General or Governor-Generals; not Governors-General;
- cross-examination;
- set-off; and
- encumbrance.

Some of the most common mistakes with spelling are made where two words sound similar but have different meanings. Take care when spelling:

<sup>7</sup> C Jallop, J R L Bernard, D Blair, S Butler, A Delbridge, P Peters and N Winters (eds) *Macquarie Dictionary* (Macmillan Publishers, 4<sup>th</sup> ed, 2005).

<sup>8</sup> Peter Butt (ed), *Butterworths Concise Australian Legal Dictionary* (LexisNexis Butterworths, 3<sup>rd</sup> ed, 2004).

- affect/effect;
- allude/elude;
- assure, ensure, insure;
- council/counsel;
- practise/practice;
- prescribe/proscribe;
- principle/principal; and
- then/than.
- there/their; and
- whether/weather.

## Punctuation and word usage

In assessing the quality of your written work, your lecturers take into account the clarity of your expression and your correct use of grammar. As stated above, have someone proofread your work to double-check your expression before submitting your work to your lecturer.

You will find assistance on punctuation and word usage in the Information Pamphlets published online by the Academic Skills Development Unit: <<http://www.scu.edu.au/academicskills/>>. The following is provided as guidance on word usage.

For instance, be careful in using the following:

- first, secondly, not firstly, secondly
- apostrophes. They are used to indicate the possessive, for example:  
Bird's argument is ... [not] Birds argument is ...  
Jen's book is on the table. [not] Jens book is on the table.

Apostrophes are also used to indicate missing letters in contractions, for example:

- It's a shame that ... [not] Its a shame that ...  
That's really sad ... [not] Thats really sad ...
- Generally, do not use abbreviations in the text of your document, unless they have been explained to the reader. For instance:  
The *Workplace Relations Act 1996* (Cth) (the WRA) sets out ...  
However, it is appropriate to use abbreviations within footnotes.
- Do not use full stops following abbreviations or contractions. For example: Cth, Qld, NSW, Vic, JJ, p, pp

For more information about the use of words and punctuation, see Sir E Gowers, *The Complete Plain Words* (Penguin, 3<sup>rd</sup> ed, 1987).

## Capitals

In general, do not capitalise a word unless it is a proper name or proper noun. For instance, capitals are used in the following

- judge (if the identity of the judge is specified);
- court (if specified), such as Supreme Court;

- federal, state, territory and government (if they are specified), such as: the New South Wales Government, the Federal Government, various governments have programs, there are certain state rights in dispute; and
- the Crown (always).

This also applies to:

commission, inquiry, parliament, tribunal, report, committee, department, the bench, the bar, chambers, articles, brief, counsel, case law, family law, power of attorney, magistrate, barrister, solicitor, coroner, justice of the peace, notary public, prosecutor, clerk of the court, articulated clerk, prosecutor, dean, minister.

There are some exceptions to this general rule. For example, the words ‘Act’ and ‘Bill’. These words will always be capitalised in the proper title of the legislation eg *Freedom of Information Act* or Family Law Amendment **Bill**. However, it is also appropriate to capitalise the words ‘Act’ or ‘Bill’ when referring to them generally eg an Act of parliament ... a Bill must pass through both houses ....

See also the list of words in AGLC at [1.7].

## Dates and numbers

Dates should appear as: 19 July 1994.

When referring to decades do not use an apostrophe – ‘During the 1990s significant changes occurred’.

Numbers up to ten are spelt out, except where giving the reference to a page number, time, weight, measure or percentages. Figures are used for 10 onwards. All numbers should be spelt out if they are the first word in a sentence.

Percentages should be expressed as: 10 per cent.

Times should be shown as: 7.30 am.

Monetary amounts should be shown as: \$1000, \$4, \$23.65, \$10,000.

Isolated fractions and ordinal numbers should be spelt out in the body of your written materials, such as: one-fifth of people, the fifth person in the line, the twentieth century.

In footnotes a fraction should be shown as:  $\frac{1}{2}$ ,  $\frac{1}{4}$ .

See AGLC [1.12]

## Italics

Italics should be used in citations as indicated in the next section of this *Style Guide*. They should also be used for Latin phrases and words that are not in common legal usage, and words in languages other than English.

See AGLC at [1.8]

# Citation and referencing

Always keep in mind the purpose of citation and referencing – to state the source of the information quoted or to which reference is made and to enable the reader to locate it. A citation must accompany every reference you make to another person’s work and to quotations that are repeated verbatim in your work.

This section of the *Style Guide* provides the detail of the Law School’s style for the presentation of citations for primary and secondary sources, and also explains how to present footnotes and to use quotations in your work.

## Referencing using footnotes

As indicated in the AGLC:

Footnotes should be used to:

- provide authority for a proposition;
- acknowledge a source that is relevant to an argument and indicate how it is relevant (for example, to indicate that a source directly supports or is directly contrary to an argument);
- provide information that enables the retrieval of relevant sources and quotations that appear in the text; and
- provide other (often tangential or extraneous) information that is not appropriate to include in the text.<sup>9</sup>

The first time that a citation to a source is provided it should be written in full, with the footnote number following the section of the text that the footnote refers to. A full stop should appear before the footnote. It would look like this:

The first time that you refold the map you need to look very carefully at the crease lines for guidance.<sup>10</sup>

## Repeating references

The School follows the ‘above n X’ style for repeating citations. This style has been adopted because it is relatively simple. The only exception to using ‘above n X’ when repeating citations is where you are repeating an immediately preceding reference that is the same. The term *ibid* should be used to refer to the immediately preceding footnote where that reference is exactly the same or only the pinpoint reference is different.

‘*Ibid*’ should be capitalised if it appears at the start of a footnote.<sup>11</sup>

9 *Australian Guide to Legal Citation* (MULR, 3<sup>rd</sup> ed, 2010) [1.1.1].

10 J Cowley et al (eds), *Special Map Folding* (Cowley Publishing, 9<sup>th</sup> ed, 2005) 42.

11 *Ibid*.

After that use the ‘above n X’ system as follows:

The first time that you are creative with your folding can be an inspiration!<sup>12</sup>

Briefly, our method of repeating citations requires you to do the following:

1. Give the full citation in the footnote the first time a publication is used in the text of your document.
2. Refer to an immediately preceding footnote that **is exactly the same** using Ibid or Ibid followed by a pinpoint reference where only the page number or paragraph is different.
3. Refer to a previous footnote that is not the immediately preceding footnote by using ‘above n X’. The ‘X’ will be the footnote number at which the original (full version) of the citation appears.
4. To ensure accuracy for you and your reader, you should provide the name of the author (or if there is no author, a reference to the title) before ‘n X’, as illustrated below.
5. Do not use ‘above n X’ for cases, legislation, treaties and international materials (see AGLC [1.4.2]). Also see AGLC [6.16] for further exceptions to using ‘above n X’.

1. C Menkel-Meadow, ‘Portia in a Different Voice: Speculations on a Woman’s Lawyering Process’ (1985) 1 *Berkeley Women’s Law Journal* 39.
2. Ibid 46.
3. R Graycar and J Morgan, *The Hidden Gender of Law* (Federation Press, 1990) 410.
4. *Re Minister for Immigration & Multicultural Affairs; Ex parte Lam* (2003) 214 CLR 1 (Lam) in B Fehlberg and J Behrens, *Australian Family Law The Contemporary Context* (Oxford University Press, 2008) 39.
5. *Acts Interpretation Act 1901* (Cth).
6. Graycar & Morgan, above n 3, 453.
7. Fehlberg & Behrens, above n 4, 358.
8. ss 15AA and 15AB.
9. *Lam* (2003) 214 CLR 1.
10. Menkel-Meadow, above n 1.
11. *Garkawe v Cowley* [1997] HCA 54 (16 October 1997) [15] (Gaudron, McHugh, Gummow and Hayne JJ).
12. ss 15 AA and 15AB.
13. *Garkawe v Cowley* [1997] HCA 54 (16 October 1997) [25].
14. Ibid.
15. *Crimes Act 1900* (NSW), ss 45 and 46.
16. Ibid s 48.
17. K Mwenda, ‘Legal Aspects of Foreign Direct Investment in Zambia’ (1999) 6(4) *E Law* 21, <<http://www.murdoch.edu.au/elaw/issues/v6n4/mwenda.html>>.
18. Graycar & Morgan, above n 3.
19. *Garkawe v Cowley* [1997] HCA 54 (16 October 1997) [26–30].
20. *Crimes Act 1900* (NSW), ss 18 and 22–50.
21. Mwenda, above n 17, [8].

**Notice that in the above example:**

- Footnote 2 repeats the same reference as provided in footnote 1 apart from the pinpoint reference, so Ibid and the pinpoint page number are used.
- Footnote 14 repeats the same information as given in footnote 13 including the pinpoint paragraph number, so Ibid is used.
- The names of the authors (or editors) of the work, where relevant, are given before the words ‘above n X’. This is to allow the reader to identify where the information comes from, without them having to turn back pages to find the original citation. (See footnotes 6, 7, 10, 18 and 21 above.)

<sup>12</sup> Cowley, above n 10, 43.

- For cases, you should shorten long case names. Note how the shortened name is indicated in brackets after the first full citation in footnote 4. The repeat citation then uses the shortened name only before the citation. NOTE you do not use ‘above n X’ for cases.
- Note that, it is seldom necessary to give the full citation of a statute in footnotes as the full citation should appear in the text of the document the first time the Act is mentioned. Thereafter the Act can be referred to in the document by its short title only or an abbreviation.
- However, if it is necessary to cite an Act (for instance, to refer to particular sections, or to discuss a number of different Acts), use *ibid* if it is the immediately preceding footnote and is exactly the same or only the section number is different (see footnote 16). However, you should not use ‘above n X’ for legislation, so repeat the full citation of the Act when it appears in the footnotes as shown above at footnote 20.
- It is appropriate to omit the name of the Act to introduce the citation where it is obvious from the text in the document that Act is being discussed. (See footnotes 8 and 12 above). For example, with respect to footnote 8 above, the text may read something like: ‘However, certain sections of the *Acts Interpretation Act 1901* (Cth), broaden this power.’<sup>8</sup>
- Where you are referring to a specific point in a document you should provide a pinpoint reference. (See footnote 2, 6, 7, 13, 19 and 21 above.) Note that pinpoint references to a paragraph are indicated by placing the number in square brackets. (See footnotes 13, 19 and 21 above.)
- NOTE you do not use ‘above n X’ for legislation.

Keep in mind that the most important point is to be consistent and accurate.

## Quotations

The use of quotations is discussed in the AGLC at [1.5].

Short quotations (of three lines or less) should appear in the body of the text within **single quotation marks**. Like this:

It has been said that ‘map folding is a form of art’<sup>13</sup> but for others it is a way of life.

Longer quotations should be indented and **without** quotation marks.

A quotation should appear as follows:

In the third edition of the book entitled, *Legal Research: Methods and Materials*, Enid Campbell and her co-authors provide the general rules regarding quotations and state that:

[They] should always correspond exactly with the original, both in spelling and punctuation. If there are mistakes in the original, these can be indicated by the interpolation in brackets of the word ‘sic’ ... :

‘There follows [sic] a list of cases.’<sup>1</sup>

1. Enid Campbell et al, *Legal Research: Methods and Materials* (LBC Information Services, 3<sup>rd</sup> ed, 1988) 297.

Notice that the alteration made to the original text – replacing the word ‘Quotations’ with ‘they’ – has been noted for the reader by placing the word ‘they’ in square brackets.

The punctuation (the final fullstop) has been placed within the quotation marks, as it corresponds with the original text. The footnote number is placed after the quote mark.

Finally, notice also that the reader is made aware that words have been omitted from the quotation, by inserting an ellipsis (...).

Take note also of the use of ‘sic’ as explained in the above quotation, to indicate errors in the original work from which the quote is taken.

A quotation within a quote is contained within double quotation marks:

In the above passage it was noted that ‘[a]s Stuhmcke says, plagiarism occurs when “the ideas or words of another person are taken and used without acknowledging their true source”’.<sup>1</sup>

1. J Cowley et al, *LAW00051 Legal Research and Writing Study Guide* (2000) 3.

If a quotation begins mid-sentence, capitalise the first letter and place it in square brackets. For instance (from above):

[T]he alteration to the original text ... has been noted for the reader by placing the word ‘they’ in square brackets.

You may also wish to truncate (shorten) a quote. For instance, the following sentence from Beth Gaze and Melinda Jones’s book, *Law, Liberty and Australian Democracy*, may be truncated and quoted as follows:

**Original:**

The notion of treatment as an equal supports affirmative action where positive government intervention is designed to improve the position of members of disadvantaged groups ....

**Truncated version:**

In Gaze and Jones’ view, ‘positive government intervention is designed to improve the position of members of disadvantaged groups’.<sup>1</sup>

Notice that the final full stop is placed outside of the quotation marks, because the quotation has been inserted into a sentence. The footnote number is placed after the full stop.

You may also wish to emphasise a part of the statement made within a quote. This is done by italicising (or underlining) the part to be emphasised, as follows:

In Gaze and Jones’s view, ‘[t]he notion of treatment as an equal supports affirmative action *where positive government intervention* is designed to improve the position of members of disadvantaged groups ...’. (Emphasis added.)<sup>1</sup>

1. B Gaze and M Jones, *Law, Liberty and Australian Democracy* (LawBook Co, 1990) 243.

Quotations within footnotes should be enclosed within single quotation marks, and should appear as follows:

112. '[P]ositive government intervention is designed to improve the position of members of disadvantaged groups': Gaze and Jones, above n 1, 243.

Remember that it is plagiarism if you do not provide a citation when you quote from or paraphrase someone else's work.

## Copyright

You must also ensure that you conform with the law of copyright as defined in the *Copyright Act 1968* (Cth), when you use other people's work. Generally, any 'fair dealing with any work for the purpose of private study or research does not constitute an infringement of the copyright in the work nor if it is for the purpose of criticism or review ... , and a sufficient acknowledgment of the work is made'<sup>14</sup>. Generally, to conform with these requirements, you should not copy 'huge slabs' of other people's work, and you must reference the citation of the work.

## Bibliographies

It is usual to provide a bibliography for all types of written work. The purpose of a bibliography is to give the reader the list of resources used to prepare the work. The AGLC [1.16] indicates that the bibliography should be divided as follows:

- A. Articles/Books/Reports This is how AGLC sets it out;
- B. Cases;
- C. Legislation;
- D. Treaties; and
- E. Other (This should include websites).

All these references should be listed in alphabetical order, according to the surname of the author. **NOTE the publications details are included in the references for Article/Books/Reports.** Your bibliography would look like this:

- A. **Articles/Books/Reports**  
Bott, B, Cowley, J, Falconer, L, *Nemes and Coss' Effective Legal Research* (LexisNexis Butterworths, 3<sup>rd</sup> ed, 2007)  
Dickey, Anthony, *Family Law* (LawBook Co, 5<sup>th</sup> ed, 2007)
- B. **Cases**  
*Mallett v Mallett* (1984) 156 CLR 605
- C. **Legislation**  
*Family Law Act 1975* (Cth)
- D. **Treaties**  
*International Convention on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 999 UNTS 3 (entered into force 3 January 1976)
- E. **Other**  
Cowley, J and others, *LAW00051 Legal Research and Writing Study Guide* (2nd ed, 2008)

As you will see, this is slightly different to the way in which texts or journal articles etc are cited in footnotes.

Note these differences:

1. In a bibliography the surname of an author (or editor) is placed first, before the given name. In a footnote the given name is first.
2. There is no full stop at the end of citations in the bibliography.

The citations in your bibliography must conform to the citation style. All of your assignments should include a bibliography, but if you are not sure, check with your Unit Information Guide and/or unit assessor.

**BUT – do not use the bibliography as a substitute for accurate footnoting.**

## Primary sources

### Cases (see AGLC Part II Chapter 2)

See the Appendix to the AGLC Part IV – Law Reports Abbreviations – which is a list of the official citations used for major law reports.

### Reported cases – published hardcopy reports

**Party v Party (Year) OR [Year] Vol Name of Report/Abbreviated Name of Report Page.**

*Giorgianni v R* (1985) 156 CLR 473.

*Woolmington v Director of Public Prosecutions* [1935] AC 462.

To refer to a page(s) within a report:

**Party v Party (Year) OR [Year] Vol Name of Report/Abbreviated Name of Report Page number, Page number(s).**

*Giorgianni v R* (1985) 156 CLR 473, 478.

*Woolmington v Director of Public Prosecutions* [1935] AC 462, 464–467 and 470.

### Unreported cases AGLC [2.8.2]

**Party v Party (Unreported, Court, Judge(s) (if known), Case number (if known), Date of judgment).**

*Red v White* (Unreported, SC (NSW), Blue J, No 999 of 1982, 21 January 1983).

### Medium neutral case citation – electronic versions of cases (eg AustLII) AGLC [2.8]

Due to the increased availability of judicial decisions online, the Australian courts have developed a new referencing style for decisions appearing on electronic databases. Most Australian courts have adopted this method. You will use this citation style when it appears at the beginning of the electronic copy of the judgment. If the medium neutral citation is not given, then you should use the citation style for electronic decisions, which is described below. **You will find some difference here with the AGLC style at [2.8].**

(For further clarification on medium neutral citations and unreported decisions see Stuhmcke<sup>15</sup>, paras 5.2.4 and 5.7 and also Appendix 3, which contain a list of the medium neutral citations currently in use here.)

Medium neutral cases should be cited as:

**Party v Party [year] Unique court identifier Decision number.**

*Garkawe v Smith* [1997] HCA 52 (16 October 1997).

<sup>15</sup> Stuhmcke, above n 1, 66–75.

Note carefully that the number in this citation refers to the decision number, not a page or paragraph number. In other words, the case cited above was the 52<sup>nd</sup> decision made by the High Court in 1997. The medium neutral citation is found at the beginning of a reported judgment above the keywords.

To refer to a particular paragraph within a decision, do so as follows:

**Party v Party [year] Abbreviation for court Decision number, [Paragraph reference] (judge(s)' name(s)).**

*Garkawe v Cowley* [1999] HCA 54 (16 October 1997) [15].

*Garkawe v Cowley* [1999] HCA 54 (16 October 1997) [15] (Gaudron, McHugh, Gummow and Hayne JJ).

## Electronic decisions without a medium neutral citation

This style should be used when no medium neutral citation is provided in the decision itself. They should be cited as follows:

**Party v Party (Unreported, Court, Judge(s) (if known), Case number (if known), Date of judgment) <website from which electronic decision was accessed> at date accessed.**

*Red v White* (Unreported, SC (NSW), Blue J, No 999 of 1982, 21 January 1983) <[http://www.austlii.edu.au/au/cases/nsw/supreme\\_ct/unrep999.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/unrep999.html)> at 5 Jan 2001.

## Unreported decisions of tribunals

They should be cited as follows:

**Party v Party (Name of Tribunal, Place of hearing, Tribunal, Tribunal reference number (if known), Date of decision).**

*Red v White* (NSW Equal Opportunity Commission, Sydney, H96/185, 21 January 1996).

## Statutes (see AGLC Part II Chap 3)

They should be cited as they are described in the short title of the Act itself:

**Name of Act Year enacted (name of jurisdiction).**

*Acts Interpretation Act 1901* (Cth).

## Delegated legislation (see AGLC [3.3])

They should be cited as they are described in the delegated legislation itself:

**Name of Delegated Legislation Year enacted (name of jurisdiction).**

*Children (Care and Protection) Regulation 1996* (NSW)

## Constitutions (see AGLC [3.2])

The Commonwealth Constitution is normally cited as the Australian Constitution. State Constitutions are cited by reference to the enacting legislation.

**The Commonwealth Constitution**

*Australian Constitution* s 71

**State Constitutions**

*Constitution Act 1902* (NSW)

## Bills (See AGLC [3.5])

They should be cited as they are described in the Bill itself (**note that italics are not used**):

**Name of Bill Year introduced to parliament (name of jurisdiction).**

Children (Care and Protection) Bill 2000 (NSW).

**Note that electronic versions of statutes, regulations and bills are cited in the same way as above.**

## Treaties (see AGLC Part IV Chap 7)

They should be cited as follows:

**Treaty name, date, treaty series citation, article or subdivision referred to (if relevant), date of entry into force.**

*International Convention on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 999 UNTS 3 (entered into force 3 January 1976).

## Secondary sources

### Books (see AGLC Part II Chap 5)

They should be cited as follows:

**Author, title of book (Publisher, edition [if appropriate] year).**

B Fisse, *Howard's Criminal Law* (Oxford University Press, 5<sup>th</sup> ed, 1990).

(Note that the full first name of an author is used where possible, but an initial is acceptable. Again, be consistent.)

To refer to a page(s) within a book:

**Author, title of book (Publisher, edition (if appropriate), year) page reference or page number.**

B Fisse, *Howard's Criminal Law* (Oxford University Press, 5<sup>th</sup> ed, 1990) 457.

B Fisse, *Howard's Criminal Law* (Oxford University Press, 5<sup>th</sup> ed, 1990) 457–64.

You *should* take the book's citation details from its title page and not its cover.

If there is more than one author, their names should be referred to in the same order as they appear on the title page of the book. If there are more than three authors, you may refer to the first named author only, followed by 'et al' (meaning 'and others'). Finally, if the 'author' has edited the work, then this is noted by stating their name followed by '(ed)' or, if two or more, '(eds)'. For example:

R Graycar and J Morgan, *The Hidden Gender of Law* (Federation Press, 1990).

R Hunter, R Johnston and R Ingleby (eds), *Thinking About Law* (Allen & Unwin, 1995).

J Cowley et al (eds), *Creative Map Folding* (Cowley Publishing, 9<sup>th</sup> ed, 2005).

Chapters in books should be cited as:

R Graycar, 'The Gender of Judgments: An Introduction' in M Thornton (ed), *Public and Private: Feminist Legal Debates* (Oxford University Press, 1995) 262.

## Second-hand citations (internal citation)

You should always refer to the ‘original source’ but if that is not possible then a second-hand citation should be cited as follows:

**Full citation of the original source ‘in’ the full citation of the source used, page number.**

C Menkel-Meadow, ‘Portia in a Different Voice: Speculations on a Woman’s Lawyering Process’ (1985) 1 *Berkeley Women’s Law Journal* 39 in R Graycar and J Morgan, *The Hidden Gender of Law* (Federation Press, 1990) 410.

## Looseleaf services (see AGLC [6.4])

Looseleaf services should be cited as follows:

**Publisher, Title of service, Title of section or volume number, most recent service number, date of last review or date of access, paragraph reference (if relevant).**

LawBook Co in association with Real Estate Institute of NSW, *Estate Agents’ Practice Manual: New South Wales*, (at 20 November 2010) [12.570].

**Online**

CCH, Family Law Library, *Family Law and Practice Commentary* (last review 30 September 2009) [¶5–200].

If the author’s name is identified in the looseleaf it can be added to the citation before the publisher [see AGLC 6.4].

Note for online looseleaf services the volume number and comma after title should be left out. The important thing to remember is that you must document the date on which you accessed the material, and give reference in a ‘descending’ order.

## Legal encyclopaedias, digests and current awareness services (see AGLC [6.3])

These should be cited as follows:

**Hardcopy**

**Publisher, Title of Encyclopaedia, volume # (if relevant) (at date of retrieval) Title # Name of title, ‘Chapter # Name of chapter’ [Paragraph reference] (if any).**

Thomson Reuters, *The Laws of Australia*, vol 15 (at 18 November 2001) 15 Equity, ‘15.5 Fiduciaries’ [37]–[39].

**Online**

**Publisher, Title of Encyclopaedia (at date of retrieval) Title # Name of title, ‘Chapter # Name of chapter’ [Paragraph reference] (if any)**

LexisNexis Butterworths, *Halsbury’s Laws of Australia*, (at 27 September 2005) 20 Animals, ‘2 Companion Animals’, ‘1 Registration and Other Requirements’, [20–125].

Thomson Reuters, *The Laws of Australia* (at 27 April 2010) 17 Family Law, ‘5 Domestic Violence’ ‘Criminal Law provisions applicable to domestic violence’ [17.5.12].

When citing the online encyclopaedia leave out the volume number.

## Journals (see AGLC Part III Chap 4)

These should be cited as follows. Please note that the way to refer to a page within the article is the same as that used for books.

**Author, 'Name of article' (year) volume (issue number – if applicable)**

**Journal Title OR Abbreviation of Journal Title page number.**

D Lanham, 'Wilful Blindness and the Criminal Law' (1985) 9(1) *Criminal Law Journal* 261.

OR

D Lanham, 'Wilful Blindness and the Criminal Law' (1985) 9(1) *Crim LJ* 261.

D Lanham, 'Wilful Blindness and the Criminal Law' (1985) 9(1) *Crim LJ* 261, 274.

Note that the name of the journal (even when abbreviated) is in italics.

## Electronic versions of journal articles (See AGLC [4.9])

As noted in AGLC, the URL for the article is included if the article is only available in an electronic journal. There is no need to include the URL if the online version that you find is merely a replication of the hardcopy version ie you will cite as above.

These should be cited as follows:

**Author, 'Name of article' (year) volume (issue number – if applicable) Journal Title OR Abbreviation of Journal Title, page number, <URL – web address> at date of access.**

K Mwenda, 'Legal Aspects of Foreign Direct Investment in Zambia' (1999) 6(4) *E Law-Murdoch University Electronic Journal of Law* [21] <<http://www.murdoch.edu.au/elaw/issues/v6n4/mwenda.html>> at 23 March 2000.

## Book reviews

These should be cited as follows:

**Name of reviewer, 'Book Review', full citation of material reviewed, 'in' full citation of source of review.**

D Harland, Book Review, *The Rights of Parties to Illegal Transactions Interviews and 'Non-Legal' Information* (1991) in *Journal of Contract Law* (1993) 6(1) 85–6.

Note that the order of the citation for both the source of the review, and the material reviewed is slightly different to that used to cite these materials on their own.

## Newspapers, magazines and weekly journals (see AGLC Part III Chap 6)

These should be cited as follows:

**Author (if known), 'Title of Item', Newspaper or magazine (place of publication if known), date, page.**

'Lower Courts to trial shift work', *Northern Star* (Lismore), 28 July 1994, 5.

L Slattery, 'Much Ado about Nothing', *Sydney Morning Herald* (Sydney), 14 July 1995, 68

Scatena Dino, 'We Should Be So Lucky', *The Independent Monthly*, June 1995, 10.

## Conference papers (see AGLC [6.11])

These should be cited as follows:

**Author, 'Title of Paper' (Paper presented to the [or other status depending on source of paper] Conference name, place of conference, date).**

L Crowley-Smith, 'Abortion Law in Australia: A Time for Change?' (Paper presented to the *Australasian Law Teachers' Association Conference*, Hobart, 1994).

## Unpublished papers

Following the above example, these should be cited as follows:

**Author, 'Title of Paper' (Paper presented/submitted [status/purpose of paper] university or organisation, date).**

L Crowley-Smith, 'Abortion Law in Australia: A Time for Change?' (Paper submitted in part completion of LLM at the University of Tasmania, 1994).

## Course materials including study guides, unit information guides, books of reading etc.

There is no rule for how to cite course materials. Follow this example if you like. The main thing is to be consistent.

**Author, Unit code and Name and Document (year) page.**

J Cowley et al, LAW00051 *Legal Research and Writing Study Guide* (2010) 20.

## Interviews (see AGLC [6.13])

These should be cited as follows.

### Interviews conducted by the author

**Interview with name of person interviewed, their title/position (Where they are located (if relevant) or form of interview, date of interview).**

Interview with Ben Slade, Manager of General Law Section, Legal Aid Commission of NSW (Telephone interview, Sydney, 23 January 1995).

### Interviews not conducted by the author

**Name of interviewer, Interview with Name of person interviewed (Where they are located or form of interview, date).**

Clive Robertson, Interview with John Howard, Prime Minister of Australia (Sydney, 21 December 2001).

## Government documents – debates, papers, reports etc (see AGLC [6.1])

Citing most parliamentary reports and publications is the same as citing a text.

### Parliamentary debates (see AGLC [6.1.1])

**Jurisdiction, *Parliamentary Debates*, House of Parliament, date, pinpoint reference [issue or volume number and page] (Name of Speaker and position where appropriate).**

Commonwealth, *Parliamentary Debates*, House of Representatives, 24 September 2001, 312 245 (Alexander Downer, Minister for Foreign Affairs).

Tasmania, *Parliamentary Debates*, House of Assembly, 11 November 1992, No 15 4838 (Mr Roger Croom).

## Other government reports – Law Reform Commission reports (see AGLC [6.2])

**Name of Law Reform Commission, *Title*, Report/Discussion Paper # (Year) page/paragraph reference.**

Australian Law Reform Commission, *Managing Justice: A Review of the Federal Civil Justice System*, Report No 89 (2000) [3.30].

## Internet materials (see AGLC [6.15])

These should be cited as follows:

**Author (or issuing body), *Document Title* (Year/Date of publication or last revision) <URL – website address> (at date of access page or paragraph (if relevant)).**

A Harnack and G Kleppinger, *Beyond the MLA Handbook: Documenting Electronic Sources on the Internet* (25 November 1996) <<http://falcon.eku.edu/honors/beyond>>-mla> at 25 July 1997.

Family Court of Australia, *Going to Court – Tips for your Court Hearing* (Family Law Courts fact sheet) <<http://www.familycourt.gov.au>> (at 20 November 2008).

This document is just a guide, as the name suggests. There may be resources that you need to reference that are not contained in this guide or the AGLC. If so, adapt one of the above citations and **REMEMBER** – the important thing about referencing **is to be consistent and accurate**.



# Bibliography

**This Style Guide is based on the following sources:**

*A Articles/Books/Reports*

Asprey, M, *Plain Language for Lawyers* (The Federation Press, 3<sup>rd</sup> ed, 2003)

*Australian Legal Guide to Citation* (Melbourne University Law Review, 2<sup>nd</sup> ed, 2002)

Butt, P, (ed), *Butterworths Concise Australian Legal Dictionary* (LexisNexis Butterworths, 3<sup>rd</sup> ed, 2004)

Jallop, C, Bernard, J R L, Blair, D, Butler, S, Delbridge, A, Peters, P and Winters, N, (eds) *Macquarie Dictionary* (Macmillan Publishers, 4<sup>th</sup> ed, 2005)

McDonald, R and Clarke-Dickson, D, *Clear and Precise. Writing Skills for Today's Lawyer* (Thomson Reuters, 3<sup>rd</sup> ed, 2010)

Snooks & Co, *Style Manual for Authors* (John Wiley & Sons, 6<sup>th</sup> ed, 2002),

Stuhmcke, A, *Legal Referencing* (LexisNexis Butterworths, 3<sup>rd</sup> ed, 2005)

