

# A Short Guide to Australian Legal Citation

## CASE LAW: REPORTED AND UNREPORTED CASES

Format: *Case Name* (Year) Volume Law Report Series Starting Page

### ➤ *Reported Cases*

When citing reported cases, include following information:

**Case name:** Cite only the first plaintiff and first defendant. Use italics for the names of the parties.

**Year:** If the volumes of the law report are organised by year, put the relevant year in square brackets: [ ]. If the reports are organised by volume number (i.e. the year is not an essential part of the citation of the relevant law report), put the year the case was decided in parentheses, i.e. round brackets: ( ).

**Volume number:** Many reports are organised by volume number. However, even where a law report series is organised by year, some years may have two or more volumes per year. For example, [1996] 2 VR is the second volume of the Victorian Reports for the year 1996.

**Report series:** Use the abbreviation for the name of the report series, not the full title. The report itself should indicate the relevant abbreviation.

**Page:** Put the page at which the case report begins.

**Pinpoint:** Use this when you are referring to a reported decision. The pinpoint reference is the page number, not the paragraph number. The paragraph number may be added after the page number, but it is not necessary. If identifying the particular judge being cited, put their name in round brackets after the pinpoint.

#### Examples

*Neal v The Queen* (1982) 149 CLR 305.

*R v Faithfull* (2004) 142 A Crim R 554, 558. Specific page of the *Cream Holdings Ltd v Banerjee* [2005] 1 AC 253, 255.

*Thwaites v Ryan* [1984] VR 65.

*R v Taudevin* [1996] 2 VR 402, 405 (Callaway JA).

### ➤ **Unreported Cases: Cases not published in a Law Report Series**

See AGLC rule 2.8

Always check if a reported version is available. Use the reported version in preference to the unreported decision. If it is reported in an authorised series, use the authorised reports (for example: Commonwealth Law Reports, Federal Court Reports, and Victorian Reports).

**Note:** A case appearing on the AustLII website may well have been reported. What appears on the AustLII website is the unreported version of the case.

- **Court Cases with Medium Neutral Citation**

If the case is not reported, use the medium neutral citation, if it is available. Most court cases prior to 1990 do not have medium neutral citations. An exception is the High Court of Australia — all of its reported decisions going back to 1903 have now been given medium neutral citations.

Note: If the unreported decision was found on an electronic database, do not cite the database. The medium neutral citation is sufficient.

**The details which must be included are:**

**Case name:** Put in italics.

**Year:** Put in square brackets.

**Unique court identifier:** Use 'VSC' for decisions from the Victorian Supreme Court, 'VSCA' for decisions from the Victorian Supreme Court, Court of Appeal, 'HCA' for the High Court of Australia, etc.(the case itself should identify the relevant unique court identifier).

**Judgment number:** This will be the judgment number allocated by the court for the relevant year. (In the example below, the case is the Victorian Supreme Court's 193rd judgment for the year 2005.)

**The judgment date:** Needs to be in parentheses (round brackets)

**Pinpoint:** Refer to the paragraph number of the reasons for judgment, not the page number. Use square brackets.

**Example**

*R v Karageorges* [2005] VSC 193 (14 June 2005) [22].

- **Court Cases without Medium Neutral Citation**

**The details which must be included are:**

**Case name:** Put in italics.

**Pinpoint:** Refer to the page number of the reasons for judgment if there is no paragraph number.

**The word 'Unreported', the name of the court, the name(s) of the judge(s), and the judgment date:** Use parentheses (round brackets).

**Example**

*R v Tompkins* (Unreported, Supreme Court of Victoria, Court of Criminal Appeal, Young CJ, JJ, 15 August 1978) 23.

## LEGISLATION

Format: **Title Year (Jurisdiction) Pinpoint**

### ➤ Statutes: Acts of Parliament

**Title of the Act and Year** are in italics

**Jurisdiction:** Use abbreviation and round brackets.

**Pinpoint:** Identify the particular section, paragraph, part, schedule, etc. (See AGLC rule 3.1. for more information)

**Example:** *Criminal Procedure Act 2009* (Vic) s 128.

### ➤ Delegated Legislation

Citation of delegated legislation should follow the same style as for primary legislation. (See AGLC rule 3.3.2 for the pinpoint reference abbreviations for delegated legislation.)

**Example:** Magistrates' Court Civil Procedure Rules 1999 (Vic) r 503.

## JOURNAL ARTICLES

Format: **Author(s) Title (Year) Volume and Issue Journal Page Pinpoint**

**Author(s):** Give the first name(s) and family name(s) if known, then comma. If first name(s) not known, use initials. If there are more than three authors, identify only the first one and then put 'et al' (meaning 'and others').

**Title of the article:** Put in single quotation marks. Capitalise the first letter of each word in the title except articles ('the', 'a', 'an'), conjunctions (e.g. 'and', 'but', etc.) and prepositions (e.g. 'on', 'with', etc.).

**Year:** Put in round brackets.

**Volume of journal:** Most journals are organised by volume number. Where this is not the case and the journal is organised by year, leave out the volume number and put the year in square brackets.

**Title of the journal:** Put in italics, in full (in contrast to the use of abbreviated title for law reports, above).

**First page of article**

**Pinpoint:** Cite the particular page referred to.

### Examples

Peter Underwood, 'Is Ms Donoghue's Snail in Mortal Peril?' (2004) 12 *Torts Law Journal* 39, 41.

W Kamba, 'Legal Theory and Hohfeld's Analysis of a Legal Right' [1974] *Juridical Review* 249.

**Note:** Journal volumes are sometimes made up of separate 'issues'. Where a journal restarts the page numbering at page 1 with each issue, it is necessary to include the issue number as well as the volume number, in round brackets immediately after the volume number.

### Example

Michaela Ryan, 'According to Merit?: Lives that Should Never Have Been?' (2002) 76(7) *Law Institute Journal* 44.

**Note:** If the relevant journal appears only in an online version, follow AGLC rule 4.9.

### Example

Meg Wallace, 'Parliament is Not a Church: Rudd, Rawls and the Secular State' (2008) 15(2) *eLaw Journal: Murdoch University Electronic Journal of Law* 246  
<[https://elaw.murdoch.edu.au/archives/issues/2008/2/elaw\\_15\\_2\\_Wallace.pdf](https://elaw.murdoch.edu.au/archives/issues/2008/2/elaw_15_2_Wallace.pdf)>.

## BOOKS

**Format:** Author(s) *Book Title* (Publisher Edition Year) Pinpoint

**The details which must be included in the footnote are:**

**Author(s):** Give the first name(s) and family name(s) if known. If first name(s) not known, use initials. If there are more than three authors, identify only the first one and then put 'et al' (meaning 'and others').

**Title:** Put in italics. Capitalise the first letter of each word in the title except articles ('the', 'a', 'an'), conjunctions (e.g. 'and', 'but', etc.) and prepositions (e.g. 'on', 'with', etc.).

**Publisher:** Include the publisher's name (inside round brackets with edition number and year of publication). Do not include the place of publication.

**Edition number:** Include, inside the round brackets, the edition number, but only if it is not the first edition.

**Year of publication:** Include inside the round brackets.

**Pinpoint:** Put particular page and/or paragraph [in square brackets] or chapter (abbreviated as 'ch') as appropriate.

### Examples

**Single author:** Christine Gray, *International Law and the Use of Force* (Oxford University Press, 2000) 21.

**Two authors:** Christopher Corns and Steven Tudor, *Criminal Investigation and Procedure: The Law in Victoria* (Thomson Reuters, 2009) 377 [11.570].

**Three authors:**

Andrew Byrnes, Hilary Charlesworth and Gabrielle McKinnon, *Bills of Rights in Australia: History, Politics and Law* (UNSW Press, 2009) 112.

**More than three authors:** Catriona Cook et al, *Laying Down the Law* (LexisNexis Butterworths, 7th ed, 2009) 292.

**Later edition:**

Christine Gray, *International Law and the Use of Force* (Oxford University Press, 2nd ed, 2004).

**Edited book:**

Wilfrid Prest and Sharyn Roach Anleu (eds), *Litigation: Past and Present* (University of New South Wales Press, 2004).

## INTERNET MATERIALS

*Format: Author(s) Title Full Date Website Name URL*

**Author(s):** Same as for articles and books.

**Document title:** Put in italics.

**Date:** Provide the full date of the most recent update of the relevant webpage or, if this is not available, the date the document was created, if identifiable.

**Website name:** Provide the name of the website or of the organisation whose website the document appears on. Where the author's name is identical to the name of the website, you should not include the latter.

**Pinpoint reference:** If you are able to give a pinpoint reference, do so. If the material accessed is a PDF document or similar (and so is a distinct document with its own pages), provide the relevant page number. If the material is simply a webpage in HTML format or similar and has distinct paragraph or section numbers, then use square brackets [ ] to identify the relevant paragraph or section.

**Uniform resource locator:** Place the URL in pointy brackets < >. You may also like to make the URL a hyperlink in your document.

### Examples

Voiceless, What is Animal Law? (2009) [3]  
<[http://www.voiceless.org.au/Law/Misc/What\\_is\\_Animal\\_Law\\_.html](http://www.voiceless.org.au/Law/Misc/What_is_Animal_Law_.html)>

Anthony Gifford, The Legal Basis of the Claim for Reparations (27–29  
April 1993) Africa Reparations Movement [5]

<<http://www.arm.arc.co.uk/legalBasis.html>>

Judicial College of Victoria, Victorian Sentencing Manual (1 April 2005)  
[10.13.2] <<http://www.justice.vic.gov.au/emanuals/VSM/default.htm>>

Sentencing Advisory Council (Victoria), Maximum Penalties: Principles  
and Purposes: Preliminary Issues Paper (October 2010) 10  
<[http://www.sentencingcouncil.vic.gov.au/sites/sentencingcouncil.vic.gov.a/files/maximum\\_penalties\\_preliminary\\_issues\\_paper.pdf](http://www.sentencingcouncil.vic.gov.au/sites/sentencingcouncil.vic.gov.a/files/maximum_penalties_preliminary_issues_paper.pdf)>

A web page with no  
specified individual  
author

Conference paper

The author name and  
the website name the  
same

A PDF document accessed  
via the URL

## PARLIAMENTARY DEBATES (HANSARD)

*Format: Jurisdiction Parliamentary Debates Chamber of the House Full Date Page Reference (Name and Position of Speaker)*

**Jurisdiction:** Not abbreviated.

**The words 'Parliamentary Debates':** Put in italics.

**Chamber of the House:** For Queensland Parliament, either Legislative Council or Legislative Assembly. For Commonwealth Parliament, either House of Representatives or Senate.

**Date:** Date of the passage cited.

**Page reference**

**Name and position of speaker:** Put in parentheses.

### Examples

Commonwealth, Parliamentary Debates, House of Representatives, 30 May 1991, 4499 (Robert Tickner, Minister for Aboriginal Affairs).

Victoria, Parliamentary Debates, Legislative Assembly, 1 June 2000, 2144 (John Thwaites, Minister for Health).

## NEWSPAPER ARTICLES

**Format:** Author(s) 'Title' *Newspaper Title* (Publication Place) Date Pinpoint

**The details which must be included in the footnote are:**

**Author(s) of article:** Provide full author(s) name

**Title of article:** Use single quotation marks.

**Newspaper title:** Put in italics; include the word 'The' in the title of the newspaper if the word 'The' appears in the masthead, e.g. 'The Age' and 'Herald Sun'.

**Place of publication:** Put in parentheses.

**Date**

**Pinpoint**

### Examples

Paul Anderson, 'Yours for the Asking: Fantasy Knives Bypass Deadly Weapons Controls', *Herald Sun* (Melbourne), 12 December 2005, 7.

Farrah Tomazin and Jewel Topsfield, 'Doyle Wants Beggars off Streets in Time for Games', *The Age* (Melbourne), 17 February 2005, 3.

## CONFERENCE PAPERS

*Format: Author(s) 'Title' Pinpoint Web address*

**The details which must be included in the footnote are:**

**Author(s):** Give the first name(s) and family name(s) if known, then comma. If first name(s) not known, use initials.

**Title of the paper:** Put in single quotation marks. Paper presented at [name of conference], [location of conference], [full date] — Put in parentheses.

**Pinpoint**

**Web address:** Provide web address if the paper is available online.

### Examples

Anil Hargovan, 'Should Directors Owe an Independent Duty to Consider the Interests of Creditors?' (Paper presented at the 11<sup>th</sup> Annual Corporate Law Teachers' Association Conference, Victoria University, Melbourne, 13 February 2001).

Helen Watchirs, 'The ACT Human Rights Act 2004: A New Scrutiny Challenge' (Paper presented at the Ninth Australasian and Pacific Conference on Delegated Legislation and Sixth Australasian and Pacific Conference on the Scrutiny of Bills, Canberra, 2 March 2005)<sup>4</sup>  
<<http://www.parliament.act.gov.au/conferences/scrutiny/watchirs.pdf>>.

## USING FOOTNOTES: SOME GENERAL RULES

### AGLC rules 1.1 - 1.4.2

Use footnotes for citations. (See AGLC rule 1.1.)

Within the footnotes, use 'ibid' (meaning 'the same') if the source and pinpoint reference in the immediately preceding footnote is the same source and pinpoint being cited in the current footnote. (The 'pinpoint' is the particular page, paragraph, chapter, etc to which you refer.) If the source is the same but the pinpoint reference differs, put 'ibid' and then the relevant new pinpoint reference. (See AGLC rule 1.4.1.)

Do not use 'id', 'op cit', etc.

If the source being cited has been cited in an earlier footnote but not in the immediately preceding footnote, then use the author's surname and 'above' to refer to that previous citation, e.g. 'Smith, above n 6'. (See AGLC rule 1.4.2.)

When referring to a subsequent passage or footnote, use 'below'.

Do not use 'supra' and 'infra'. Put a full stop at the end of each footnote.