

Legal Referencing Guide



© 2015

Navitas College of Public Safety

Developed and produced by Navitas College of Public Safety

Level 10, 123 Lonsdale Street, Melbourne, Vic 3000

No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by means electronic, mechanical, photocopy, recording or otherwise without the prior written permission of the publisher.

Copyrighted materials reproduced herein are used under the provision of the Copyright Amendment Act (1989)

Readings indicated in this work have been copied under section VB of the Copyright Amendment Act 1989, for private study only by students.

Cover image source: Microsoft word clip art

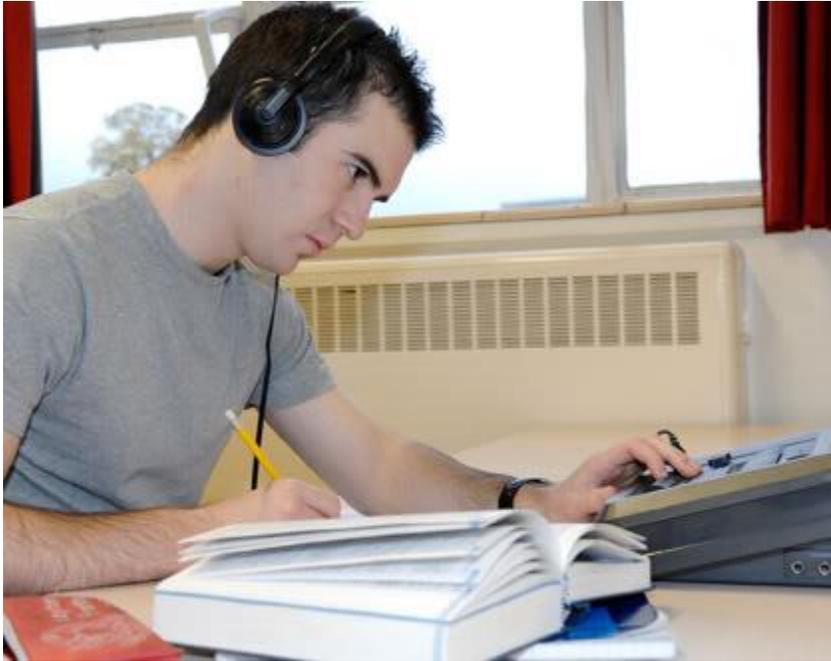
How to cite this document:

Navitas College of Public Safety, *Legal Referencing Guide*, (NCPS, 2015)

Contents

1. Referencing at NCPS	5
1.1 What is referencing?.....	5
1.2 What is referenced?.....	5
1.3 Referencing systems used at NCPS.....	5
2. Referencing legal subjects at NCPS.....	7
2.1 What is referenced?.....	8
2.2 Legal sources written in the text.....	8
2.3 Footnoting with Microsoft Word.....	8
2.4 In text citation (the number and the note).....	8
2.4.1 Number in the text.....	8
2.4.2 Footnote.....	8
2.4.3 Shortened information for frequent use of sources in footnotes	9
2.4.4 Latin abbreviations.....	9
2.5 Reference list in legal referencing style	9
2.5.1 Setting out a reference list in legal referencing style	10
2.5.2 The difference between footnote and reference list citations.....	10
2.5.3 Italics in legal referencing style.....	10
2.5.4 Capitalisation in legal referencing style	10
2.5.5 Subdivisions in a reference list in legal referencing style	10
2.6 Elements in a footnote or reference list entry	11
2.7 Multiple authors in footnotes or a reference list in legal referencing style	11
2.8 Shortened titles in footnotes or a reference list in legal referencing style	12
2.9 Page numbers in a reference list in a reference list in legal referencing style	12
2.10 First names and titles in a reference list	12
2.11 Abbreviations for jurisdictions	12
3. How to reference sources in the legal referencing style	13
3.1 Books.....	13
3.2 Chapter in an edited book	14
3.3 Academic articles published in hard copy journals.....	14
3.4 Academic articles published in electronic journals.....	15

3.5	Newspaper articles with an author’s name	15
3.6	Newspaper articles with an author’s name from an electronic source.....	16
3.7	Newspaper articles without an author’s name	16
3.8	Newspaper editorials	17
3.9	Dictionaries and encyclopaedias.....	17
3.10	Conference papers.....	17
3.11	Reports.....	18
3.12	Electronic materials – Internet	19
3.12.1	Documents from electronic sources	19
3.12.2	Websites.....	20
3.12.3	Downloaded video clips	20
3.13	Theses	20
3.14	Films and videos.....	21
3.15	Television and radio programs.....	21
3.16	Legislation	22
3.17	Case law - Reported cases.....	22
5.18	Case law - Unreported decisions in cases.....	23
5.19	Judgements in a case	24
5.20	Foreign cases, treaties and UN materials	24
5.21	Other items not mentioned here.....	25
5.22	Sample Reference List.....	25



1. Referencing at NCPS

1.1 What is referencing?

Referencing is simply letting the reader of your assignment know where you got any words, facts, ideas, opinions, diagrams, pictures, statistics or other information that you have used in your assignment work. This is a scholarly convention (way of doing things) that is essential in higher education and the professional world where the principle of academic honesty is highly regarded. Research and writing need to be of the highest integrity so that conclusions are believable.

There are two parts to a referencing system: a brief citation in the text of minimal information to identify the source and the full details of the source in a reference list at the end of the assignment.

1.2 What is referenced?

All ideas, quotes, summaries, illustrations, statistics, evidence, etc. from books, articles, reports, news articles, visual media (film, television, video), legislation or cases mentioned in the text should be noted in the in-text citation and must be included in the reference list.

1.3 Referencing systems used at NCPS

In the academic and professional worlds there are over a hundred different referencing systems. The differences between systems are often small. At NCPS we have chosen two major systems that will prepare students for destination careers, the Australian government's official author-date system and

the legal referencing style favoured in Australia. These will be treated in separate referencing guides. Use the legal referencing style only for legal units – all other units require the author-date system.



Image source: Melbourne University Law Review: AGLC, <http://www.law.unimelb.edu.au/mulr/aglc>

2. Referencing legal subjects at NCPS

At NCPS we use an 'author-date' system of referencing, except for referencing in **legal subjects** where we use a footnoting (or number-note) system. The legal referencing style is based on *Australian Guide to Legal Citation*, (Melbourne University Law Review Association & Melbourne Journal of International Law, 3rd ed, 2010). Copies are available in the Library and online at <http://www.law.unimelb.edu.au/files/dmfile/FinalOnlinePDF-2012Reprint.pdf>.

Use this referencing system for

- Australian Law in Context
- Criminal law and Procedure
- Federal Criminal Law
- Fundamentals of Law
- Investigative Processes
- Sentencing

You will find footnoting extensively used in legal work and academic law studies. It is called a number-note system because there are three parts: the number in the text (usually a small superscript number), the footnote at the bottom of the page and a reference in a reference list at the end of the essay.

2.1 What is referenced?

All ideas, quotes, summaries, illustrations, statistics, evidence, etc. from books, articles, reports, legislation or cases mentioned in the text should be noted in the footnotes and must be included in the reference list.

2.2 Legal sources written in the text

When writing about legislation or cases, if possible, specify it in the text, for example, 'Queensland's *Anti-Discrimination Act 1991* states...' or 'The principle drawn from the *Anti-Discrimination Act 1991* (Qld) was...'. If this cannot be done easily a bracket may be needed in the text, for example, 'A subsequent case clarified this ambiguity (*Saul v Netherfield 2002*)'. In both these cases a number and footnote with full details. Cases or Legislation used must be mentioned in the reference list.

2.3 Footnoting with Microsoft Word

If you are working in a Microsoft Word document the footnote can be inserted automatically. Place cursor at the point in your text where you want the number; go to **References** in the menu bar; go to **Insert Footnote** and enter the footnote information according to the style recommended below. The footnote can contain page numbers and additional comments.

2.4 In text citation (the number and the note)

2.4.1 Number in the text

Place the superscript number as close as practicable to the reference to the information. This is usually at the end of a sentence like this.

While unsuccessful, the Yirrkala land case of 1970 can be seen as establishing the ground for landmark decisions later in the 1970s and 80s.¹

2.4.2 Footnote

The first mention of the source in a footnote gives full bibliographic information.

¹ W. E. H. Stanner, 'The Yirrkala Land Case: Dress Rehearsal (1970)' in W. E. H. Stanner, *The Dreaming and Other Essays* (Black

Inc Agenda, 2009).

The next mention of the source gives just enough information to identify the source and locate the long previous footnote with the full details.

¹⁴. Stanner, above n 1, 233.

2.4.3 Shortened information for frequent use of sources in footnotes

In this system, when an item is mentioned a second or further time, the footnote is reduced to authors' names only, with a page number if required. If the second mention is to the immediately previous footnote, use the Latin term 'ibid.' (meaning 'as mentioned above'). For items previously mentioned (but not in the footnote immediately preceding) use the notation 'above n [insert the previous footnote citation number]' (see examples below).

¹⁸ Eric Barendt, *Freedom of Speech* (Oxford University Press, 2nd ed, 2005) 163

¹⁹ Ibid.

²⁰ Kim Rubenstein, *Australian Citizenship Law in Context* (Lawbook, 2002).

²¹ Barendt, above n 18, 159.

If you are referring to parties in a case, then the shortened second footnote mentions the first identifying party and the full case citation. Always put the full citation. See cases in the next section for details. For more, see *Australian guide to legal citation* pages 7-10.

2.4.4 Latin abbreviations

Only 'ibid.' is used in relation to shortened titles. See previous entry. Do not use 'loc cit', 'op cit', etc.

2.5 *Reference list in legal referencing style*

A reference list provides information for the retrieval of sources used, and is an indication of the quantity and breadth of research that was undertaken in preparation for writing the assignment. The reference list should appear at the end of the assignment on a new page with the heading 'Reference List' (sometimes this is called 'References' or 'Bibliography') in which you write the full details of all items researched in preparing the assignment, allowing a reader to find the source of the information.

The reference list contains the same information as the footnote in a slightly different format (see below). It is usual to have separate sections in the reference list for legislation or cases referred to in

the text.

Arrange items in the reference list in alphabetical order, based on first author's family name. Items in the reference list **do not** have full stops after each entry.

Note: the reference list is not part of the word count of your assignment.

2.5.1 Setting out a reference list in legal referencing style

The reference list

- is placed on a new page at the end of the assignment
- is arranged in alphabetical order, based on the first letter of first author's family name. If the author is an organisation, first letter of the organisation title is used
- has no indentation or hanging margins in this system
- has entries separated with a paragraph space.

4.5.2 The difference between footnote and reference list citations

Differences between the citations for footnotes and in the reference list are:

Footnote citation	Reference list citation
For first author, given name comes before surname	For first author, surname comes before given name, separated with a comma (note: other authors are listed with given name first)
Full stop after entry	No full stop after entry
Pinpoint the exact page or paragraph that the information comes from at the end of the citation	For articles, chapters in books or cases, write the first page of the item at the end of the citation

2.5.3 Italics in legal referencing style

Titles of books, journals, reports, webpages, broadcast programs, cases and legislation are italicised.

2.5.4 Capitalisation in legal referencing style

In this referencing style the first word and all major words in titles are capitalised. Minor words, for example conjunctions like 'and', 'but'; articles 'a', 'the', and prepositions 'in', 'with', 'of', etc. within the title are not.

2.5.5 Subdivisions in a reference list in legal referencing style

Collect all books, articles, reports, news items, electronic and broadcast sources in one list. In

separate listings place the cases or legislation referred to in your assignment.

2.6 *Elements in a footnote or reference list entry*

Every reference has four parts:

- The author – who wrote it (it can be one or many authors; it can be an organisation).
- The title of the item – the title of the book, article, legislation or case.
- Publication details – where can it be found – information about the journal or publication, e.g. which journal, or who published the book or what website it came from.
- The publication date – the year it was written or produced.

Note: In this system publication details (publisher, edition, and date of publication) are enclosed in brackets (see example in the next item below). Cases and legislation do not have authors.

2.7 *Multiple authors in footnotes or a reference list in legal referencing style*

The full names of one to three authors are used. Use commas to separate names and connect the last two names with 'and'. If there are more than three authors, write the name of the first author followed by the Latin term 'et al' (meaning 'and others'). Note that in this system 'et al' is not followed by a full stop. The examples below are two books. The first is written by two authors; the second is written by six authors.

Footnote:

¹ Rob White and Fiona Haines, *Crime and Criminology*, (Oxford University Press, 4th ed, 2008), 42.

² Thomas F. Oltmanns et al, *Case Studies in Abnormal Psychology*, (Wiley, 2nd ed, 2009), 101.

Reference list:

Oltmanns, Thomas F. et al, *Case Studies in Abnormal Psychology*, (Wiley, 2nd ed, 2009)

White, Rob and Fiona Haines, *Crime and Criminology*, (Oxford University Press, 4th ed, 2008)

Note: in the reference list, the first mentioned name is reversed (surname first), but the following name(s) remain in the form of given name, followed by surname.

2.8 Shortened titles in footnotes or a reference list in legal referencing style

Sometimes a document has a very long title which has, in popular use, been shortened. Identify the popular shortened form in the first footnote and refer to the popular form in later footnotes.

³⁴ Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997) 233 ('Stolen Generation Report').

⁴⁷ *Stolen Generation Report*, above n 24, 347.

2.9 Page numbers in a reference list in a reference list in legal referencing style

Only entries for chapters in edited books or journal articles have page numbers noted. For these items, write only the first page number.

Note: In this system, do not use p. to indicate pages; simply write the page number.

2.10 First names and titles in a reference list

No titles (e.g. Prof, Justice, Dr) in the reference lists. Use full given (first) names, if possible. Note that titles are allowed in text and footnotes, if appropriate. Note: do not use other awards after names either (e.g. no OBE, OA, MD, FRCS, etc.)

2.11 Abbreviations for jurisdictions

Commonwealth	Cth
New South Wales	NSW
Queensland	Qld
South Australia	SA
Tasmania	Tas
Victoria	Vic
Western Australia	WA
Australian Capital Territory	ACT
Northern Territory	NT

For a comprehensive list of legal abbreviation, see the Monash University Library Guide, available online at <http://guides.lib.monash.edu/content.php?pid=265196&sid=2189822>.



Image source: Microsoft Word Clipart

3. How to reference sources in the legal referencing style

The rules and examples below are based on recommendations from *Australian Guide to Legal Citation*, (Melbourne University Law Review Association & Melbourne Journal of International Law, 3rd ed, 2010).

3.1 Books

Footnote (first occurrence)

Format:

Author/s [given name first], *Title*, (Publisher, edition, date), page number of information.

Example:

¹ Rob White and Fiona Haines, *Crime and Criminology*, (Oxford University Press, 4th ed, 2008), 42.

Footnote (later occurrence)

³ White and Haines, above n 1, 23.

Reference list

Format:

Author/s (surname first), *Title*, (Publisher, edition, date)

Example:

White, Rob and Fiona Haines, *Crime and Criminology*, (Oxford University Press, 4th ed, 2008)

3.2 Chapter in an edited book

Edited books often have several authors who contribute chapters to the book. The citation to a particular chapter should refer to the author(s) of that chapter.

Footnote (first occurrence)

Format:

Author/s – given name first, 'Title of Article', in Editor/s – given name first (ed/s) *Title*, (Publisher, edition, date), page number of information.

Example:

³² John Dawes and Anna Grant, 'Correctional Systems' in Adam Graycar & Peter Grabosky (eds), *The Cambridge Handbook of Australian Criminology*, (Cambridge University Press, 2009) 93.

Footnote (later occurrence)

³⁵ Dawes and Grant, above n 32, 97.

Reference list

Format:

Author/s – surname first for first mentioned author, given name first for others, 'Title of Article', in Editor/s – given name first (ed/s), *Title*, (Publisher, edition, date), number of first page of chapter

Example:

Dawes, John and Anna Grant, 'Correctional Systems' in Adam Graycar & Peter Grabosky (eds), *The Cambridge Handbook of Australian Criminology*, (Cambridge University Press, 2009) 93.

3.3 Academic articles published in hard copy journals

Footnote (first occurrence)

Format:

Author – given name first, 'Article title', date volume number (issue/part number) *Journal Title*, page number of information.

Example:

⁴ Candace Kruttschnitt, Rosemary Gartner and Jeanette Hussemann, 'Female Violent Offenders: Moral Panics or More Serious Offenders' (2008) 41(1) *The Australian and New Zealand Journal Of Criminology* 9

Footnote (later occurrence)

¹³ Kruttschnitt, Gartner and Hussemann, above n 4, 9.

Reference list

Format:

Author/s – surname first for first mentioned author, given name first for others, 'Article title', date volume number (issue/part number) *Journal Title*, number of first page of article.

Example:

Kruttschnitt, Candace, Rosemary Gartner and Jeanette Hussemann, 'Female Violent Offenders: Moral Panics or More Serious Offenders' (2008) 41(1) *The Australian and New Zealand Journal Of Criminology* 9

3.4 Academic articles published in electronic journals

Articles in journals or periodicals that have been accessed on the Internet should include:

- the full URL or web address, not just the home page address, for the article
- the volume, issue number and paragraph number (if available), because there are no page numbers to pinpoint the reference.

Footnote (first occurrence)

Format:

Author – given name first, 'Article Title', (date) volume number (issue/part number) *Journal Title*, <URL>

Example:

¹⁰ Tony Buti, 'International Law Obligations to Provide Reparations for Human Rights Abuses', (1999) 6(4), *E Law: Murdoch University Electronic Journal of Law*, <<http://www.murdoch.edu.au/elaw/issues/v6n4/buti64.txt>>

Footnote (later occurrence)

¹³ Buti, above n 10.

Reference List

Format:

Author – surname first for first mentioned author, given name first for others, 'Article Title', date volume number (issue/part number) *Journal Title*, <URL>

Example:

Buti, Tony, 'International Law Obligations to Provide Reparations for Human Rights Abuses', (1999) 6(4), *E Law: Murdoch University Electronic Journal of Law*, <<http://www.murdoch.edu.au/elaw/issues/v6n4/buti64.txt>>

Note:

Where the electronic version is the same as the hard copy version (for example, you download an article from Proquest or EBSCO in PDF format), cite the article as a hard copy journal article.

3.5 Newspaper articles with an author's name

Footnote (first occurrence)

Format:

Author – given name first, 'Article Title', *Newspaper Title*, day month year, page number.

Example:

¹¹ Adrian Lowe, 'Ex-detective Dale Accused of Giving False Evidence', *The Age* (Melbourne), 11 November 2011, 1.

Footnote (later occurrence)

¹⁵ Lowe, above n 11.

Reference list**Format:**

Author – surname first for first mentioned author, given name first for others, 'Article Title', *Newspaper Title*, day month year, page number.

Example:

Lowe, Adrian, 'Ex-detective Dale Accused of Giving False Evidence', *The Age* (Melbourne), 11 November 2011, 1.

Note:

The full title of the newspaper should be cited, including the word 'The' where it appears in the masthead (for example, write *The Age* not *Age*).

3.6 Newspaper articles with an author's name from an electronic source

If the article is copied from a hardcopy source, use the hardcopy format only.

Footnote (first occurrence)**Format:**

Author – given name first, 'Article Title', *Newspaper Title* (online), day month year, page number, <URL>.

Example:

¹² Farah Tomazin, 'Kinder Wage Breakthrough', *The Age* (online), 19 May 2009, <<http://www.theage.co.au/national/education/kinder-wages-breakthrough-20090519-bcwh.html>>

Footnote (later occurrence)

¹⁴ Tomazin, above n 12.

Reference list**Format:**

Author (Surname first), 'Article title', *Newspaper Title*, day month year, page number, <URL>.

Example:

Tomazin, Farah, 'Kinder Wage Breakthrough', *The Age* (online), 19 May 2009, <<http://www.theage.co.au/national/education/kinder-wages-breakthrough-20090519-bcwh.html>>

3.7 Newspaper articles without an author's name

Footnote (first occurrence)**Format:**

'Article Title', *Newspaper Title*, day month year, page number.

Example:

²² 'Russian Embassy Security Scare', Sydney Morning Herald, 23 June 2009, 7.

Footnote (later occurrence)

²⁵ 'Russian Embassy Security Scare', above n 22, 7.

Reference list**Format:**

Article Title, *Newspaper Title*, day month year, page number

Example:

'Russian Embassy Security Scare', *Sydney Morning Herald*, 23 June 2009, 7.

3.8 Newspaper editorials

Footnote (first occurrence)**Format:**

Editorial, 'Title of Editorial', *Title of newspaper*, day, month and year, page.

Example:

¹⁰ Editorial, 'Cardinal Pell's Legacy Is a Damaged Church' *The Age*, 12 March 2014, 12.

Footnote (later occurrence)

²² 'Cardinal Pell's Legacy Is a Damaged Church' above n 10, 12.

Reference List:

Editorial, 'Title of Editorial' *Newspaper Title*, day, month and year, page

Examples:

Editorial, 'Cardinal Pell's Legacy Is a Damaged Church' *The Age*(Melbourne), 12 March 2014, 12.

3.9 Dictionaries and encyclopaedias

The only time you may be using these sources is when a specific definition or explanation is required. It is common that you will consult general reference works to inform yourself about a topic, for example getting an explanation about a historical period, theory or issue from Wikipedia. This is low level research and you should seek more academic sources (reports, articles or books) for information to include in assignments

Do not reference these works. If it is important to refer to a dictionary definition, integrate the statement into the written text, for example:

The Macquarie Dictionary defines 'offence' as... but in the legislation the term has a much more specific definition.

3.10 Conference papers

Footnote (first occurrence)**Format:**

Author – given name first, 'Title of Paper', Conference at which paper presented, place, (date), page number of information.

Example:

³ Michael S. King, 'Challenges Facing Australian Court Drug Diversion Initiatives'. Paper presented at the *Court Drug Diversion Initiatives conference*, Brisbane, Queensland, (25-26 May 2006).

⁷ Bourassa, S., 'Effects of Child Care on Young Children', *Proceedings of the Third Annual Meeting of the International Society for Child Psychology*, the International Society for Child Psychology, Atlanta, Georgia, (1999) 44.

Footnote (later occurrence)

⁶ King, above n 3.

⁹ Bourassa, above n 7, 44

Reference list

Format:

Author – surname first for first mentioned author, given name first for others, 'Title of Paper', Conference at which paper presented, place, (date), page number of information.

Examples:

King, Michael S., 'Challenges Facing Australian Court Drug Diversion Initiatives'. Paper presented at the *Court Drug Diversion Initiatives conference*, Brisbane, Queensland, (25-26 May 2006)

Bourassa, S., 'Effects of Child Care on Young Children', *Proceedings of the Third Annual Meeting of the International Society for Child Psychology*, the International Society for Child Psychology, Atlanta, Georgia, (1999) 44

3.11 Reports

In the *Australian guide to legal citation*, a detailed chapter on 'Other sources' gives specific details about referencing a variety of government reports and parliamentary documents.

Footnote (first occurrence)

Format:

Author, *Title of Report*, (Publisher, Date), page number of information

Example:

⁴ Australian Bureau of Criminal Intelligence, *Australian Illicit Drug Report 1999-2000* (ABCI, 2000).

⁵ Law Reform Committee, Parliament of Victoria, *Inquiry into Alternative Dispute Resolution and Restorative Justice* (2006), 26.

Footnote (later occurrence)

⁷ ABCI, above n 4.

¹⁰ Law Reform Committee, above n 5.

Reference list

Format:

Author, Title of Report, (Publisher, Date)

Example:

Australian Bureau of Criminal Intelligence, *Australian Illicit Drug Report 1999-2000* (ACBI, 2000)

Law Reform Committee, Parliament of Victoria, *Inquiry into Alternative Dispute Resolution and Restorative Justice* (2006)

3.12 *Electronic materials – Internet*

A source should only be cited as an Internet document if it is **not** readily accessible in hard copy format and if the information necessary for it to be cited as a published document is not available. This means most items in an electronic database like EBSCO can be referenced as though hardcopy journals because that was their original published form.

If materials are only available in electronic form, then sufficient information must be provided to allow the reader to locate the information. The **full** URL must be included (including the 'http://'), not just the website's homepage.

3.12.1 Documents from electronic sources

Footnote (first occurrence)

Format:

Author – can be corporate author, '*Title of Item*, (date) <URL>.

Example:

¹⁰ Independent Commission Against Corruption, *Fighting Fraud: Guidelines for State and Local Government*, (2002)
<http://www.icac.nsw.gov.au/pub/public/pub2_66cp.cfm#P44_56>

Footnote (later occurrence)

¹⁵ ICAC, n 10 above.

Reference list

Format:

Author – can be corporate author, '*Title of Item*, (date) <URL>.

Example:

Independent Commission Against Corruption, '*Fighting Fraud: Guidelines for State and Local Government*', (2002)
<http://www.icac.nsw.gov.au/pub/public/pub2_66cp.cfm#P44_56>
<http://www.ijs.org/pubs/jsaw.html>>

Note:

- In the later footnote the commonly known acronym ICAC is used.
- Where the electronic version is the same as the hard copy version (for example, you download a PDF version of a document or report), cite the item as a **hard copy reference** in your reference list.

3.12.2 Websites

Footnote (first occurrence)

Format:

Author – can be corporate author, 'Title of Webpage' (date), <URL>.

Example:

¹⁶ World Health Organization, *Violence Against Women: A Priority Health Issue* (1997)
<<http://www.who.int/gender/violence/prioreng/en>>.

Footnote (later occurrence)

¹⁹ World Health Organisation, above n 16.

Reference list

Format:

Author – can be corporate author, 'Title of Webpage' (date), <URL>

Example:

World Health Organization, *Violence Against Women: A Priority Health Issue* (1997) <<http://www.who.int/gender/violence/prioreng/en>>

Note:

If you cannot see a corporate or personal author for a site, start with the title of the page.

3.12.3 Downloaded video clips

Footnote (first occurrence)

Format:

'Title' (date), < URL >

Example:

¹¹ 'Fastest Australian Police Chase Ever Caught on Tape' (2007),
<<http://www.youtube.com/watch?v=WgHiJDIX0k>>.

Footnote (later occurrence)

¹⁹ 'Fastest Australian Police Chase', above n 11.

Reference list

Format:

'Title of Webpage' (date), <URL>

Example:

'Fastest Australian Police Chase Ever Caught on Tape' (2007),
<<http://www.youtube.com/watch?v=WgHiJDIX0k>>.

3.13 Theses

Footnote (first occurrence)

Format:

Author – given name first, Thesis title, Type of Thesis, (Institution, date), page number of information.

Example:

² Judith Wright, *Managing Offenders in the Community - Effective or Efficient?* PhD Thesis, (University of Melbourne, 2000), 25.

⁸ J. Lewis, *Essential Skills for Police Officers*, MSc Thesis, (Monash University, 1999) 44.

Footnote (later occurrence)

⁴ Wright, above n 2, 29.

¹¹ Lewis, above n 8, 44.

Reference list

Format:

Author – surname first, *Thesis title*, Type of Thesis, (Institution, date)

Example:

Wright, Judith, *Managing Offenders in the Community – Effective or Efficient?* PhD Thesis, (University of Melbourne, 2000)

Lewis, J. *Essential Skills for Police Officers*, MSc Thesis, (Monash University, 1999)

3.14 Films and videos

Footnote (first occurrence)

Format:

Title of Film (Directed by Name of Director, Studio/Production Company, Year) time in recording.

Example:

¹⁰ *Children of Men* (Directed by Alfonso Cuarin, Universal Studios, 2006) 1:12:00.

¹⁶ *Out of Sight, Out of Mind*, (ABC and David Goldie Media, 1987).

Note:

The time pinpoint in the footnote is the exact time where the sequence referred to occurs.

Footnote (later occurrence)

¹² *Children of Men*, above n 10, 00:45:30.

¹⁸ *Out of Sight, Out of Mind*, above n 16.

Reference list

As for first occurrence footnote, except no pinpoint timing.

3.15 Television and radio programs

Footnote (first occurrence)

Format:

Broadcaster, 'Title of Segment', *Name of Program*, Full date (name of speaker)

Example:

¹⁷ ABC, 'The Moonlight State', *Four Corners*, 11 May 1987 (Chris Masters).

²¹ ABC radio, 'UN Special Rapporteur Says Waterboarding is Torture',
PM 12 November 2010 (Mark Colvin).

Footnote (later occurrence)

²² ABC, above n 17.

²³ ABC Radio, above n 21.

Reference list

As for first occurrence footnote, except no pinpoint timing.

3.16 Legislation

Show federal legislation with (Cth) and state legislation with abbreviated state titles (e.g. Vic, SA, Tas). Acts and Ordinances are divided into sections, and Regulations are divided into regulations, abbreviated as s, ss, r or rr (e.g. "In s 4 of the *Copyright Act 1968*..." or "The *Copyright Act 1968* s 4 stresses..." or "The Copyright Regulations rr 18-19 cover this issue...")

Footnote (first occurrence)

¹⁷ *Charter of Human Rights and Responsibilities Act 2006* (Vic).

¹⁸ *Australian Constitution*, s 51.

Footnote (later occurrence)

¹⁹ *Charter of Human Rights and Responsibilities Act 2006* (Vic).

²³ *Australian Constitution*, s 51.

Reference list (under a subtitle: Legislation)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Australian Constitution

Note:

When referencing legislation

- Do not shorten title of legislation for later footnotes
- Do not use the 'above n...' notation for legislation or cases
- In the Reference list record legislation without sections listed

Students using the author date referencing system wishing to reference legislation should place the legislation reference as an in-text citation within brackets. In the reference list for the author date system, list legislation under a separate subheading.

3.17 Case law - Reported cases

Where possible, mention the case in the text. Once you have introduced the case and footnoted it, you do not need to footnote the case every time it is mentioned. When you are discussing several cases, be sure it is clear (with footnotes) which case is being mentioned.

The following information is required: name of the case, year or volume number or both, abbreviated name of the report series, and first page of the report case. There is a list of abbreviations for reports on pages 285-318 of the *Australian Guide to Legal Citation*, (Melbourne University Law Review Association & Melbourne Journal of International Law, 3rd ed, 2010). Usually you will find the case

reference in your source.

Footnote (first occurrence)

Format:

Case with both parties divided with v, (date) Law report citation (see above for elements)
page number of information.

Example:

²¹ *Greutner v Everard* (1960) 103 CLR 177 181

²² *Commonwealth v Tasmania* (1983) 186 CLR 1 (*'Tasmania Dam Case'*).

²³ *R v Reid* [2007] 1 Qld R 64

Footnote (later occurrence)

Format:

Case with first party name only, or second name if first party is the crown (R) (date) Legal
citation and page number of information

Example:

²⁴ *Greutner* (1960) 103 CLR 177 181

²⁵ *Tasmanian Dam Case*.

²⁶ *Reid* [2007] 1 Qd R 64

Reference list

Format:

Case with both parties divided with v, (date) Law report citation (see above for elements)

Example:

Greutner v. Everard (1960) 103 CLR 177

Commonwealth v Tasmania (1983) 186 CLR 1

R v Reid [2007] 1 Qd R 64

Note:

- Italics are used for the title of the legislation while plain text is use for details of the report
- In some well-known cases a popular title is used as above. Write the full title in the text followed by the short title within brackets. You can subsequently use the shorter popular title.
- When the crown prosecutes, the abbreviation is R for *rex* (king) or *regina* (queen). In subsequent references the other party is used to identify the case
- Square brackets '[']' are used around the date when law reports are organised by year; parentheses '()' are used around the date when law reports are organised by volume number

Students using the author date referencing system wishing to reference cases should place the case title and citation as described for the footnote above in-text citation within brackets. In the reference list for the author date system, list cases under a separate subheading.

3.18 Case law - Unreported decisions in cases

These are cases not in the legal reports. They have the elements of case name, year, unique court identifier, judgement number, full date and first page number. A list of unique court identifiers can be

found in pages 53-54 of *Australian Guide to Legal Citation* (2010).

Footnote (first occurrence)

Format:

Case with both parties divided with v, [date] Jurisdiction citation (day month year) page number of information.

Example:

³⁰ *Quarnby v Keating* [2009] TASSC 80 (9 September 2009) 11

Footnote (later occurrence)

Format:

Case with first party name only

Example:

Quarnby

Reference list

Format:

Case with both parties divided with v, [date] Jurisdiction citation (day month year)

Example:

Quarnby v Keating [2009] TASSC 80 (9 September 2009)

Students using the author date referencing system wishing to reference cases should place the case title and citation as described for the footnote above in-text citation within brackets. In the reference list for the author date system, list cases under a separate subheading.

3.19 Judgements in a case

In the text, bring the judge into your writing, if possible, for example:

In Wirth v Wirth (1956) Justice Dixon said..."

In the citation indicate the case first, then the judge.

Footnote (first occurrence)

Format:

Case with both parties divided with v, (date) Case citation (Judge's name) page number of information.

Example:

⁵ *Wirth v Wirth* (1956) 98 CLR 228 (Dixon CJ)

Footnote (later occurrence)

Format:

Case with first party name only

Example:

⁹ *Wirth*

Reference list

Format:

Case with both parties divided with v, (date) Case citation

Example:

Wirth v Wirth (1956) 98 CLR 228

3.20 Foreign cases, treaties and UN materials

For these and other specialist local tribunals or commissions see *Australian Guide to Legal Citation*

(2010).

3.21 *Other items not mentioned here*

Sometimes you will need to be inventive, if you cannot find an exact example (e.g. referencing a poem or song). Consult the source reference *Australian Guide to Legal Citation*, and seek the nearest similar kind of item and make up a sensible looking citation.

3.22 *Sample Reference List*

Below is a sample reference list in the number-note legal referencing style in alphabetical order. Note the separate sections for cases and legislation.

Reference List

ABC, 'The Moonlight State', *Four Corners*, 11 May 1987 (Chris Masters)

ABC Radio, 'UN Special Rapporteur Says Waterboarding Is Torture', *PM* 12 November 2010 (Mark Colvin)

Australian Bureau of Criminal Intelligence, *Australian Illicit Drug Report 1999-2000* (ACBI, 2000)

Bourassa, S., 'Effects of Child Care on Young Children', *Proceedings of the Third Annual Meeting of the International Society for Child Psychology*, the International Society for Child Psychology, Atlanta, Georgia, (1999) 44

Buti, Tony, 'International Law Obligations to Provide Reparations for Human Rights Abuses', (1999) 6(4), *E Law: Murdoch University Electronic Journal of Law*,
<<http://www.murdoch.edu.au/elaw/issues/v6n4/buti64.txt>>

Children of Men (Directed by Alfonso Cuarin, Universal Studios, 2006)1:12:00.

Independent Commission Against Corruption, 'Fighting Fraud: Guidelines for State and Local Government', (2002)
<http://www.icac.nsw.gov.au/pub/public/pub2_66cp.cfm#P44_56>
<http://www.ijs.org/pubs/jsaw.html>>

King, Michael S., 'Challenges Facing Australian Court Drug Diversion Initiatives'. Paper presented at the *Court Drug Diversion Initiatives Conference*, Brisbane, Queensland, (25-26 May 2006)

Kruttschnitt, Candace, Rosemary Gartner and Jeanette Hussemann, 'Female Violent Offenders: Moral Panics or More Serious Offenders'

(2008) 41(1) *The Australian and New Zealand Journal Of Criminology* 9

Law Reform Committee, Parliament of Victoria, *Inquiry into Alternative Dispute Resolution and Restorative Justice* (2006)

Lewis, J. *Essential Skills for Police Officers*, (M Sc, Monash University, 1999)

Lowe, Adrian, 'Ex-detective Dale Accused of Giving False Evidence', *The Age* (Melbourne), 11 November 2011, 1.

Prenzler, Tim and Rick Sarre, 'Policing', in Rick Sarre & John Tomaino (eds), *Key Issues in Criminal Justice*, (Australian Humanities Press, 2004) 49

'Russian Embassy Security Scare', *Sydney Morning Herald*, 23 June 2009, 7

Tomazin, Farah, 'Kinder Wage Breakthrough', *The Age* (online), 19 May 2009, <<http://www.theage.co.au/national/education/kinder-wages-breakthrough-20090519-bcwh.html>>

White, Rob and Fiona Haines, *Crime and Criminology*, (Oxford University Press, 4th ed, 2008)

World Health Organization, *Violence Against Women: A Priority Health Issue* (1997) <<http://www.who.int/gender/violence/prioreng/en>>

Wright, Judith, *Managing Offenders in the Community - Effective or Efficient?* (PhD Thesis, University of Melbourne, 2000)

Legislation

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Australian Constitution

Cases

Greutner v. Everard (1960) 103 CLR 177

Commonwealth v Tasmania (1983) 186 CLR 1

R v Reid [2007] 1 Qd R 64

Quarnby v Keating [2009] TASSC 80 (9 September 2009)

Wirth v Wirth (1956) 98 CLR 228