SLSS1001 Legal research exercises – Socio-Legal Studies

**AIM:** Develop legal research skills using AustLii and develop legal research skills using a case citators (specifically CaseBase).

<table>
<thead>
<tr>
<th>LEARNING OUTCOMES</th>
<th>SKILL AREA(S)</th>
<th>LEVEL(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Locate case law and legislation using AustLii</td>
<td>Identify &amp; Find</td>
<td>1 2 3 4 □ □ ✔ □</td>
</tr>
<tr>
<td>• Locate cases on specific subject using AustLii</td>
<td>Identify &amp; Find</td>
<td>1 2 3 4 □ □ ✔ □</td>
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<tr>
<td>• Understand the use of the notes and noteup features in Austlii</td>
<td>Identify &amp; Find</td>
<td>1 2 3 4 □ □ ✔ □</td>
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<tr>
<td>• Locate a case where only the citation is known using CaseBase</td>
<td>Identify &amp; Find</td>
<td>1 2 3 4 □ □ ✔ □</td>
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<tr>
<td>• Locate additional case citations and secondary materials using CaseBase</td>
<td>Identify &amp; Find</td>
<td>1 2 3 4 □ □ ✔ □</td>
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**Skill Areas**
- Identify research need.
- Find appropriate information.
- Evaluate information & research process.
- Manage research process.
- Create new knowledge.
- Communicate research findings.

**Levels**
- Level 1: instructor-led.
- Level 2: instructor-guided.
- Level 3: instructor-supported.
- Level 4: autonomous.

**ACADEMIC LIBRARY LIAISON CONTACT**

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karen Chilcott</td>
<td><a href="mailto:Karen.Chilcott@sydney.edu.au">Karen.Chilcott@sydney.edu.au</a></td>
<td>9351 7289</td>
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</tbody>
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**Presenters**

<table>
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<tr>
<th>Presenters</th>
<th>Class Times</th>
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<tbody>
<tr>
<td>Karen Chilcott</td>
<td>Tues 12-1pm, 2-3pm, 5-6pm ; Wed 9-10am, 12-1pm ; Thurs 12-1pm, 2-3pm, 4-5pm</td>
</tr>
<tr>
<td>Rosemary O'Donnell</td>
<td>Tues 1-2pm, 4-5pm ; Wed 1-2pm ; Thurs 10-11am</td>
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</table>

**SESSION FEEDBACK**

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SLSS 1001 Legal research exercises

Finding Case Law – using Austlii and LexisNexis CaseBase

1. Use the Austlii database to locate the case R v Farfalla

In which court was the case heard?

2. Find case law relating to detention of refugees which refer to the Geneva Convention. Limit your search to the High Court of Australia.

   i. List your keyword search terms:

   ______________________ AND ____________________ AND _______________________

   ii. List two cases.

   1. ________________________________________________________

   2. ________________________________________________________

Remember: There are several ways of combining terms in Austlii

Autosearch will recognise connecting terms such as AND, OR, or NOT.

The search refugees and detention and suicidal will find documents containing all these terms.

Selecting Boolean query from drop down menu beside the search query box in advanced search also allows you to combine search terms

Finding Case Law using LexisNexis AU

3. Use Lexis Nexis AU to locate a case where only the citation is known. Locate one of the following citations:

   [1995] HCA 20 OR 158 CLR 1 OR Tasmanian Dam

   i. Has the case been published in more than one law report series? How many are there?

   List one alternate citation.

   ____________________________

   ii. List two cases that refer to this case.

   1. ________________________________________________________

   2. ________________________________________________________
iii. Has any legislation been considered by this case? If so, write down the name of one.


Remember:
A ‘Lexis Nexis AU’ case search provides the full-text for the cases available in the Australian Law reports (ALR). Full-text cases can be located in Firstpoint or Austlii.

Go to F on the Library databases page to access Firstpoint, enter your citation in the ‘Citation Search’ box to locate your case in full-text.

Finding Legislation on Austlii or ComLaw

4. Use the Austlii database to locate the Migration Act 1958.

Use the Notes and Noteup features of Austlii to find the answers to the next questions:

i. When was the Migration Act assented to and when did it commence?

Assented: ____________________________________________

Commencement: ______________________________________

ii. List two cases or secondary sources that refer to MIGRATION ACT 1958 - SECT 37A Temporary Safe Haven Visas

1. _________________________________________________

2. _________________________________________________

Remember:
Notes: generally provide information relating to the currency of legislation, amendment histories and other useful information such as commencement dates and dates of assent.

Noteup: will allow you to locate all other acts, regulations and cases which refer to a piece of legislation or specific section of an act or regulation.
Answers to Legal Research Exercises

1.

Type **R v Farfalla** in the search box on the Austlii homepage.
Select the first case from the displayed list
The case was heard in the **Supreme Court of Victoria**

2.

In Austlii Click on **Advanced Search**
To answer 2i:
Type in your keyword search terms: **detention and refugees and geneva convention** in the box provided.

To answer 2ii:
Select the “By Database” Tab to sort results.
Find **High Court of Australia** and select **Documents**
Results = 6, list two of these.

3.

Login to Lexis Nexis AU from Databases listing (under L)
Click on **Cases** on the red toolbar at the top of the screen

To answer 3i:
Type **[1995] HCA 20** in the Citation box
Or
Type **158 CLR 1** in the Citation box
Or
Type **Tasmanian dams** in the Case Name box.

Listed under the name of the case you will see the number of different law reports the case has been cited in, eg:

- **158 CLR 1** - *(1983) 46 ALR 625*; (1983) 57 ALJR 450; [1983] HCA 21
To answer 3ii:

To see the cases that refer to this case click on *Cases referring to this case* which appears as a blue link in middle the screen.

To answer 3iii:

To see the legislation that refers to this case click on *Legislation considered by this case*, this appears as a blue link in middle of the screen.

4.

To answer 4:

Type *Migration Act 1958* in the search box on the Austlii homepage

The act is retrieved by the system, click on the name to display it

OR

From the Austlii homepage click on *Australia* (left of the screen)

Click on *Commonwealth Consolidated Acts*

Click on *M*

Select *Migration Act 1958* from the displayed list

OR

From the Austlii homepage click on *Advanced Search*

Select Austlii Database to search - *Commonwealth:Consolidated Acts*

Change pull down box to find *this legislation name*

Enter *Migration Act 1958* in the search query box

The act is retrieved by the system, click on the name to display it.

To answer 4i:

Select the *Notes* link at the top of the screen, scroll down to Table of Acts to see Date of Assent [5 Oct 1958]

OR

ctrl + F and type assent

To answer 4ii:

Select *Table* to go to the index of The Migration Act 1958

Select Section *37A Temporary safe haven visas* click on *Noteup.*

OR

Select *Search this Act*

Type 37A in the search query box

Select MIGRATION ACT 1958 - SECT 37A Temporary safe haven visas

Click on *Noteup.*