CLAW1001

Introduction to legal research

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</tbody>
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Trivia quiz

Let’s recap some of the information available via the Library Resources section in your CLAW1001 Canvas site.

1) Legislation and cases are referred to as ____________ sources of law.

2) Name some examples of secondary sources:
   ______________________  ______________________
   ______________________  ______________________

3) Why is it useful to start your research with secondary sources?

4) Should you refer to secondary sources (e.g. your textbook, a legal encyclopaedia, legal commentary, etc) in your assignment?
5) *Halsbury’s Laws of Australia* and *The Laws of Australia* are:
   a) Legal dictionaries
   b) Law textbooks
   c) Legal encyclopaedias
   d) Case citators

6) Why can it be useful to use a legal dictionary?

7) What’s the name of the legal research tool that can perform the following functions?
   - Find cases on a topic
   - See how a particular case has been considered in later judgments
   - Check the citation details for a particular case

8) Name the 3 major commercial/subscription legal databases in Australia:

9) Name the two major free legal websites for finding cases in Australia:

__________________  __________________
Assignment tips

Review sample problem questions
Access via:
- CLAW1001 Canvas site > Modules > Problem questions - examples

Note: These sample answers were written under exam conditions. As such, they don’t use the footnote referencing style that you need to use for your assignment.

Background reading is essential
Before you can solve a legal problem, you need to:
- Have an understanding of the relevant legal area.
- Know enough to identify a starting point for your research e.g. a legal issue, a relevant case, etc (source: Sydney Law Extension Committee).

Background reading is the foundation for your research:
- Start with your lecture slides and textbook - “you will find that most of the issues in the assignment have already been covered at length in lectures and tutorials. For these issues, it will be sufficient to refer to the cases and legislative materials from the textbook, slides and tutorials. You will also find that there may be some issues that have not been covered in great detail in lectures and tutorials. It is recommended that for these issues, you should do your own research to find relevant cases and materials.” (source: CLAW1001 FAQs).

Additional sources for background reading
These sources provide an overview of Australian contract law:

Legal commentary services
- Carter on Contract (via Lexis Advance)
- Australian Contract Law Commentary (via CCH IntelliConnect)

Legal encyclopaedias
- Halsbury’s Laws of Australia (via Lexis Advance) - refer to 110 - Contract.

Browsing can be helpful
All of the major law databases will let you browse through the table of contents for each commentary source. Browsing is useful when you want to:
- Undertake some background reading.
- See how a subject is organised and the connections between topics.
- Identify legal issues and search terms that you may not have considered.
Developing your search strategy

❤ Think of words that:
▪ Relate to the legal issues you’ve identified.
▪ Are likely to appear in the text of relevant search results.

Think of related terms / synonyms

Exclusion clause ▸ Exception clause
- Exemption clause
- Exempting clause

Consider the different ways that words may be described and ordered:
“immediately bound” ▸ “bound immediately”
- “immediately binding”
- “immediately binds”
- “immediate and binding effect”

Use search operators

Search operators are commands that let you search for different combinations of words in a database.

Search operators guide

<table>
<thead>
<tr>
<th>Exact phrase</th>
<th>“duty of care”</th>
<th>“duty of care”</th>
<th>“duty of care”</th>
<th>“duty of care”</th>
</tr>
</thead>
<tbody>
<tr>
<td>All words</td>
<td>contract and terms</td>
<td>contract &amp; terms of contract terms (block search)</td>
<td>contract and terms</td>
<td>contract and terms</td>
</tr>
<tr>
<td>Any words</td>
<td>internet or online</td>
<td>internet or online</td>
<td>internet or online</td>
<td>internet or online</td>
</tr>
<tr>
<td>Exclude a word</td>
<td>loan not gift</td>
<td>loan % gift</td>
<td>loan % gift</td>
<td>loan % gift</td>
</tr>
<tr>
<td>Find different endings of a word</td>
<td>!</td>
<td>!</td>
<td>!</td>
<td>!</td>
</tr>
<tr>
<td>Use brackets to search for any related terms</td>
<td>excise and (wine or beer or spirits)</td>
<td>excise and (wine or beer or spirits)</td>
<td>excise and (wine or beer or spirits)</td>
<td>excise and (wine or beer or spirits)</td>
</tr>
<tr>
<td>Proximity searches</td>
<td>/m (within a word) a can be any number up to 250 consumer /3 protection</td>
<td>/m (within a word) a can be any number consumer /3 protection</td>
<td>w/n (within a word) a can be any number consumer /3 protection</td>
<td>w/n (within a word) a can be any number consumer /3 protection</td>
</tr>
<tr>
<td></td>
<td>/s (within some sentences) unfair /s contract</td>
<td>/s (within some sentences) unfair /s contract</td>
<td>w/s (within 20 words) unfair w/s contract</td>
<td>w/s (within 20 words) unfair w/s contract</td>
</tr>
<tr>
<td></td>
<td>/p (within some paragraph) online /p contract</td>
<td>/p (within some paragraph) online /p contract</td>
<td>w/p (within 99 words) online w/p contract</td>
<td>w/p (within 99 words) online w/p contract</td>
</tr>
<tr>
<td></td>
<td>near [within 50 words] consumer near protection</td>
<td>near [within 50 words] consumer near protection</td>
<td>w/n [within a word] unfair w/n contract</td>
<td>w/n [within a word] unfair w/n contract</td>
</tr>
<tr>
<td></td>
<td>pre/n online pre/n contract</td>
<td>pre/n online pre/n contract</td>
<td>w/p [within 99 words] online w/p contract</td>
<td>w/p [within 99 words] online w/p contract</td>
</tr>
</tbody>
</table>

University of Sydney Library
How to access legal databases

**CLAW1001 subject guide**

Go to tinyurl.com/CLAW1001-research

**OR**

**The Library’s databases page**

1. Go to library.sydney.edu.au

2. Click on the Databases link below the main search box.

3. You’ll then see the following page. Click on the Law menu and select Law databases.

---

Search / browse databases A – Z by title

**By subject:**

- General & multi-subject
- Arts & social sciences
- Business
- Education & social work
- Languages & cultures
- Law

**Click on Law databases**
Lexis Advance

Why use Lexis Advance?

- **Carter on Contract** - a commentary service on Australian contract law.
- **Halsbury’s Laws of Australia** - a legal encyclopaedia with a section on Australian contract law.
- **Encyclopaedic Australian Legal Dictionary** - find the meaning of a word/phrase in a legal context.
- **CaseBase** (case citator)
  - Find cases on a topic.
  - See how a particular case has been considered in later judgments.
  - Check the citation details for a particular case (useful for referencing).

How to access

Go to tinyurl.com/CLAW1001-research
OR
library.sydney.edu.au > Databases > L > Lexis Advance

Homepage - key features
Encyclopaedic Australian Legal Dictionary

Legal dictionaries (such as the Encyclopaedic Australian Legal Dictionary) provide the meaning of select words and phrases in a legal context.

**Group activity #1**

1. From the Lexis Advance homepage, navigate to the **Publications** menu on the right-hand side of the page.

2. Scroll down until you reach the **Encyclopaedic Australian Legal Dictionary**. Click on the **Go to Advanced Search** link.

3. Look up the definition of **invitation to treat**. What is the name of the case that is referred to in this dictionary entry?

   ______________________________________

4. Click on the **Lexis Advance** logo at the top left of the screen to return to the Lexis Advance homepage.
Halsbury’s Laws of Australia

*Halsbury’s Laws of Australia* is a legal encyclopaedia.

Legal encyclopaedias provide an overview of the laws in a particular country. They often refer to the key cases and legislation on a particular topic.

**Group activity #2**

1. **Type Halsbury’s** into the main search box. 
   
   *Halsbury’s Laws of Australia* will appear in a drop-down menu. 
   
   Click on the **Table of Contents** link on the right hand side of this menu.

2. **In Halsbury’s Laws of Australia, 10 is the title number for Administrative Law.**
   
   **Question:** What is the **title number** for Contract Law?

   
   ————

3. **Click on the + sign next to Contract Law to browse through the title.**

   Navigate to **III TERMS AND PARTIES > (3) IMPLIED TERMS > (B) Terms of Contract Implied in Fact**

   
   **Question:** According to the commentary provided, how many **strict requirements for implication** are listed in relation to formal contracts?

   ————

**Click on the Lexis Advance Pacific Research logo at the top left of the screen to return to the Lexis Advance homepage.**
Carter on Contract

Carter on Contract is a legal commentary service that focusses on contract law in Australia.

How to access Carter on Contract

1. Start typing Carter on Contract into the main search box on the Lexis homepage.

2. Carter on Contract will appear in a drop-down menu. Click on the Table of Contents link on the right hand side of this menu.

3. You’ll then be taken to a page where you can either search across Carter on Contract or browse through its table of contents.
How to find legal commentary in Lexis Advance

There may be times when it’s useful to search across all of the secondary sources in Lexis Advance to find legal commentary on a particular topic or issue.

To search across legal commentary services in Lexis Advance:

1. Enter your search terms into the main search box on the Lexis homepage.

```
AU
“subject to finance”
```

2. At the top of your search results page, click on the AU Secondary Materials tab from the list of available content types.

```
AU Snapshot AU Cases (742) AU Legislation (12) AU Secondary Materials (63) Forms & Precedents (11) AU Guidance (7)
```

Group activity #3

Develop some search strategies to find legal commentary on the implied terms of good faith.

Limit your search results to AU Secondary Materials and record the number of items that are retrieved.

<table>
<thead>
<tr>
<th>Search strategy</th>
<th>No. of results</th>
</tr>
</thead>
<tbody>
<tr>
<td>e.g. implied terms of good faith</td>
<td>1,738 results</td>
</tr>
<tr>
<td><strong>Search strategy #1</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Search strategy #2</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Search strategy #3</strong></td>
<td></td>
</tr>
</tbody>
</table>

Use your search operators guide handout to help you brainstorm some alternative search strategies.
CaseBase (case citator)

CaseBase is an Australian case citator published by LexisNexis Australia.

You can use a case citator to:

▪ Find cases on a particular subject or legal issue.
▪ Locate cases that have considered a particular judgment.
▪ View a brief summary of a case - legal issues considered, outcome etc.
▪ Check the citation details for a particular case (useful for referencing).

Note: When you search across a case citator, you’re not searching across the full-text of every case. You’re only searching across the summary (digest) of a case and key identifying details (e.g. party names, date, court, where published, etc).

How to access

1 From the Lexis Advance homepage, navigate to the Publications menu on the right hand side of the page.

2 Scroll down until you reach CaseBase Cases. Click on the Go to Advanced Search link.

View publication information
CaseBase search example - search for a specific case

Locate the CaseBase record for:

Darlington Futures Ltd v Delco Australia Pty Ltd (1986) 161 CLR 500

1. Open CaseBase and enter the following details into the Citation field:

   Citation
   1986 161 CLR 500

There should only be one result. Click on the name of the case:

1. Darlington Futures Ltd v Delco Australia Pty Ltd
   | Contract — Terms and conditions — Exempting clause — Limitation of liability clauses
   | BC601387

You’ll then see the following CaseBase record:

Click on the Lexis Advance logo at the top left of the screen to return to the Lexis Advance homepage.
**CaseBase search example - find cases on a subject**

Use CaseBase to find cases that have addressed whether a **heads of agreement** is binding.

1. **Brainstorm some potential search terms:**
   - "heads of agreement" and binding
   - "heads of agreement" /5 binding  (/5 = within 5 words)
   - "heads of agreement" /5 (bind! or bound or enforc!)

2. **Open CaseBase and enter your search terms into the Catchwords/Summary box:**

   ![CaseBase screenshot](image)

<table>
<thead>
<tr>
<th>Catchwords/Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;heads of agreement&quot; /5 (bind! or bound OR enforc!)</td>
</tr>
</tbody>
</table>

   *Search for terms within the Catchwords and Summary of a case.*

3. You’ll then see a list of search results. Click on the title of a case to view its CaseBase record.

**Warning**

Case citators (e.g. CaseBase) are a useful tool for finding cases on a topic. However, as case citators are a secondary source, you shouldn’t refer to CaseBase records within your assignment. If you find a relevant case, you should refer to the actual judgment rather than its CaseBase record/summary.
Westlaw AU

Why use Westlaw AU?

- **The Laws of Australia** - a legal encyclopaedia with chapters on Australian contract law.
- **FirstPoint** (case citator)
  - Find cases on a topic.
  - See how a particular case has been considered in later judgments.
  - Check the citation details for a particular case (useful for referencing).
- **Cases** - access cases published in leading law report series e.g. *Commonwealth Law Reports* (CLR), *Federal Court Reports* (FCR), and the *New South Wales Law Reports* (NSWLR)

How to access

Go to [tinyurl.com/CLAW1001-research](http://tinyurl.com/CLAW1001-research) OR [library.sydney.edu.au > Databases > W > Westlaw AU](http://library.sydney.edu.au)

Homepage overview

- Access content specific search templates
- Enter your search terms here
- Search for a specific item based on its title or citation details
- Click on the + sign to browse through a particular service
- Click on one or more checkboxes to limit your search to selected content
- Access a list of search operators
- Browse through a list of available titles based on content type, title, subject area etc.
- Direct links to FirstPoint (case citator) and The Laws of Australia (legal encyclopaedia)
The Laws of Australia (legal encyclopaedia)

Browse through *The Laws of Australia* to locate commentary on breach of contract and the right to terminate.

1. From the Westlaw AU homepage, click on the + sign next to *The Laws of Australia*.

2. You'll then see a list of legal topics.
   - Click on the + sign next to 7. Contract: General Principles
   - Click on the + sign next to 7.6. Breach
   - Click on 4 Right to Terminate

You'll then see various encyclopaedia entries on the right to terminate.
Search for legal commentary in Westlaw AU

Locate commentary on intention to create legal relations.

1. Enter your search terms into the main search box on the Westlaw AU homepage:
   `inten! /5 "legal relations"

2. You’ll then see a list of results.
   - From the left-hand menu, click on the + sign next to Content Type.
   - Place a tick in the checkbox next to:
     - Commentary
     - The Laws of Australia
     - Journals
     - News and Current Awareness
   - Click on the Go button.

3. Click on the Westlaw AU logo or HOME icon at the top left of the page to return to the Westlaw AU homepage.
FirstPoint (case citator)

Locate the FirstPoint record for:

Darlington Futures Ltd v Delco Australia Pty Ltd (1986) 161 CLR 500

1. Click on the FirstPoint link via the right-hand menu of the Westlaw AU homepage.

2. You’ll then see the FirstPoint search template. Enter 161 CLR 500 into the Citation field.

3. You’ll then see the following result. Click on the name of the case to view its FirstPoint case citator record.
CCH IntelliConnect

CCH IntelliConnect is a legal database that is well known for its strong practitioner focus (e.g. tax and corporations law).

Why use CCH?
CCH has a legal commentary service called Australian Contract Law Commentary.

How to access
Go to tinyurl.com/CLAW1001-research
OR
library.sydney.edu.au > Databases > C > CCH IntelliConnect

Homepage overview

Browse through Australian Contract Law Commentary

1. From the CCH homepage, navigate to the left-hand menu.
   Click on the + sign next to Competition, Consumer and Contract Law.

2. Click on the + sign next to Australian Contract Law Commentary.
   You can then browse through a list of topics about Australian contract law.
CCH IntelliConnect - search for legal commentary

Locate commentary on **illusory consideration**.

1. Enter your search terms into the main search box on the CCH homepage:

   **illusory w/5 consideration**

2. You'll then be presented with a list of search results.

   Use the left-hand menu to filter your results by:

   **Document type > CCH Commentary**
How to find cases

Find cases on a subject - checklist

Where to start
- Start with your lecture slides and textbook.

Secondary sources
Legal commentary will often refer to the leading cases on a particular subject:
- Legal encyclopaedias e.g. Halsbury’s Laws of Australia (Lexis Advance) and The Laws of Australia (Westlaw AU).
- Legal commentary services e.g. Carter on Contract (Lexis Advance) and Australian Contract Law Commentary (CCH IntelliConnect).
- Legal dictionary e.g. Encyclopaedic Australian Legal Dictionary (Lexis Advance).
- Textbooks on Australian contract/business law - textbooks often identify legal principles and summarise key cases.

Case citators
You can use a case citator to find cases on a particular subject or legal issue:
- CaseBase (Lexis Advance).
- FirstPoint (Westlaw AU).
- Jade citator search - https://jade.io/t/citator

Search across the full-text of cases
Search for any mentions of your legal issue/topic across the full text of Australian judgments.
- Commercial legal databases (e.g. Lexis Advance, Westlaw AU, and CCH IntelliConnect) - enter your search terms into the main search box. From your search results page, filter your results by content/document type = cases.
- AustLII - www.austlii.edu.au - select the Advanced Search option.

- Jade (Judgements and Decisions Enhanced) - https://jade.io/
Find a specific case in full text

You’ll often see references to particular cases in your lecture slides and textbook e.g. Latella v LJ Hooker Ltd (1985) 5 FCR 146.

There are two steps involved to find the judgment in full-text:

1) Figure out the meaning of the abbreviation in the case citation e.g. Latella v LJ Hooker Ltd (1985) 5 FCR 146.

2) Identify the legal database where you can access the judgment.

   Note: no single database or website contains all of the judgments that you need to access during your studies. The major databases e.g. LexisNexis AU, Westlaw AU, and CCH all provide access to different law reports. To find a case quickly, you need to know which database to access.

Legal abbreviations guide

The Library’s legal abbreviations guide can assist with the process listed above. The guide sets out where to find specific law reports and collections of unreported judgments.

How to access

1. Go to library.sydney.edu.au
2. Click on the Databases link below the main search box.
3. From the databases page:
   - Click on the Law menu; and then
   - Click on the Legal abbreviations & law reports link

   Click on Legal abbreviations & law reports
Find a specific case - example


1. From the legal abbreviations guide, click on the C-D tab via the left-hand menu.

2. You’ll then see a list of abbreviations that start with C and D. Scroll down until you reach CLR - Commonwealth Law Reports.

   **CLR - Commonwealth Law Reports**
   - Jurisdiction: Australia
   - Access via Westlaw AU (vol. 1, 1903- )
   - Authorised report series for the High Court of Australia.

   The above entry lets you know that CLR = Commonwealth Law Reports. It also lists the relevant jurisdiction for the report series and where it can be accessed (Westlaw AU).

3. Click on the link to the Commonwealth Law Reports.

   You’ll then be directed to Westlaw AU. Type 176 CLR 344 into the Citation search box.
You'll then see the following search result:
Referencing (AGLC)

The University of Melbourne publishes the Australian Guide to Legal Citation (AGLC). The 4th edition (AGLC4) of the guide was published at the end of 2018.

AGLC4 is often used in Business Law subjects as it comprehensively covers how to reference Australian legal materials (e.g. cases).

How to access AGLC4

The University of Melbourne provides access to a free read-only PDF version of AGLC4.

If you type AGLC4 into Google, Melbourne Uni’s AGLC page should be one of your top search results.

How to search within AGLC4

AGLC4 is over 300 pages long. As such, it can be helpful to search within the document for any mentions of the type of source that you’re trying to reference.

To search within the PDF guide, use the following keys:

<table>
<thead>
<tr>
<th>Mac</th>
<th>PC</th>
</tr>
</thead>
<tbody>
<tr>
<td>⌘ command</td>
<td>Ctrl F</td>
</tr>
</tbody>
</table>

You can either search for a partial word (e.g. regul will search for regulation, regulate, regulatory); a single word (e.g. journal), or an exact phrase (e.g. unreported decisions).
AGLC is a footnote style

This means that your references should be included at the bottom of each page.

1 Wirth v Wirth (1956) 98 CLR 228, 237 (Dixon CJ). See also Calverley v Green (1984) 155 CLR 242, 250 (Gibbs CJ).

Why use footnotes?

Rule 1.1.1 of AGLC4 states that you should use footnotes to:

▪ Provide a legal authority for your proposition/argument; and
▪ Provide sufficient information for the reader to locate your references.

Where should you place a footnote number?

Rule 1.1.2 states that a footnote number should “generally appear after the punctuation at the end of a sentence. However, footnote numbers may appear directly after the relevant text (after any punctuation except em-dashes) if this is necessary for the sake of clarity.”

✓ < insert interesting legal argument here >,¹

✗ < insert interesting legal argument here >¹.

Use full stops

Rule 1.1.4 states that you should include a full stop at the end of every footnote.

How to add footnotes in Word

Place the cursor after your full stop/punctuation mark.

Click on the References tab and select Insert Footnote.
DIY activity

Open Microsoft Word and reproduce the following footnote reference:

The consideration for this promise was Anna’s entry into the lease agreement.¹


The details for this example were sourced from: LexisNexis Questions and Answers: Contract Law (5th ed, 2014).

Footnote formatting tips

Avoid footnotes that look like this…

¹ Darlington Futures Ltd v Delco Australia Pty Ltd

If you want to copy a reference from a website or database, don’t paste the text directly into Word.

You should instead use the Paste Special option:
Why are case names followed by numbers and letters?

1. Once a judgment is handed down in an Australian court or tribunal, it’s given a medium neutral citation comprising of three key details:

   An abbreviation for the relevant court or tribunal
   HCA = High Court of Australia
   The year of the judgment in square brackets
   [1993] HCA 4

   A sequential judgment number for the relevant court/tribunal in a calendar year
   4 = the 4th judgment from the High Court in 1993

   Baltic Shipping Co v Dillon [1993] HCA 4

   Every court and tribunal in Australia has its own abbreviation.

   Examples include:
   - HCA = High Court of Australia
   - FCA = Federal Court of Australia
   - FCAFC = Federal Court of Australia - Full Court
   - FCCA = Federal Circuit Court of Australia
   - AATA = Administrative Appeals Tribunal of Australia
   - NSWSC = Supreme Court of New South Wales
   - NSWCA = Supreme Court of New South Wales - Court of Appeal

2. The judgment is then published via AustLII - www.austlii.edu.au and Jade - jade.io

   This version is referred to as an unreported judgment or unreported decision.
Australia’s major legal publishers (LexisNexis, Thomson Reuters, and CCH) will then decide whether to publish the judgment in one of their law report series.

**Are all judgments published in a law report series?**

*No* - only a small percentage of judgments are ‘reported’.

Court decisions are selected based on their value as precedents (Sanderson & Kelly 2014, p. 74).

**Tip:** To check if an Australian case has been published in a law report series, look up the judgment in a case citator e.g. CaseBase or FirstPoint.

**This judgment has been published in 5 law reports**

*Baltic Shipping Co v Dillon (The Ship Mikhail Lermontov) (Ticket case)*


---

If a judgment is published in a law report series, it’s assigned further citation details. This information can help you to locate the case:

**Baltic Shipping Co v Dillon (1993) 176 CLR 344**

- An abbreviation for the law report series
  - CLR = Commonwealth Law Reports
- The year of the judgment
- The volume in which the case is published
  - i.e. this case can be found in volume 176 of the report series
- Page number - where the case first appears
  - i.e. this case can be found on page 344 of volume 176

**What’s a headnote?**

If a case is reported (i.e. published in a law report series), the publisher also includes a **headnote** before the judgment.

A headnote provides a summary of the judgment and the major findings of the court. However, it’s not an official part of the case.
How to cite a case - reported decisions

**The case name in italics**

**Baltic Shipping Co v Dillon (1993) 176 CLR 344.**

**The year of the judgment**

**full stop**

**The volume in which the case is published**

i.e. this case can be found in volume 176 of the report series

**page number - where the case first appears**

i.e. this case can be found on page 344 of volume 176

Page 39 of AGLC4 contains the following summary table for cases published in a law report series:

<table>
<thead>
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**Key rules for citing Australian cases**

- **Rule 2.1.1** - the names of the parties should be *italicised* and written “as they appear on the first page of the decision.”
  
e.g. *Baltic Shipping Co v Dillon* (1993) 176 CLR 344.

- **Rule 2.1.2** - provides a list of abbreviations that should be used when a business/firm is one of the parties involved e.g. & (and), Co (Company), Ltd (Limited), Pty (Proprietary), Inc (Incorporated), etc.
  
e.g. *Baltic Shipping Co v Dillon* (1993) 176 CLR 344.

- **Rule 2.1.11** - the letter *v* (in italics) should be used to separate the parties’ names. In Australia and the UK, the *v* is pronounced ‘and’ in a civil matter and ‘against’ in a criminal action.
  
e.g. *Baltic Shipping Co v Dillon* (1993) 176 CLR 344.

- **Rule 2.1.15** - if you include the full name of a case in the text of your answer (e.g. In *Baltic Shipping Co v Dillon*, p. ...), the case name should be omitted from your accompanying footnote e.g. (1993) 176 CLR 344.
- **Rule 2.2.1** - law report volumes can be organised either by year or volume number. This dictates whether square [ ] or round ( ) brackets are placed around the year. If you’re not sure which brackets to use, look up the case in CaseBase (see page 13 for instructions).

- **Rule 2.2.3** - the name of the report series should be abbreviated e.g. CLR, FCR, etc.
  
  e.g. Baltic Shipping Co v Dillon (1993) 176 CLR 344.
  
  Refer to the Library’s legal abbreviations guide to view a list of commonly used abbreviations.

- **Rule 2.2.4** - the first page of the case should be included after the law report abbreviation.
  
  e.g. Baltic Shipping Co v Dillon (1993) 176 CLR 344.
  
  Law reports published by CCH often include a unique reference e.g. ¶90-409 rather than a starting page. You can include this reference instead of the page number.
  
How to refer to a specific page within a reported case

Rule 2.2.5 - a pinpoint reference refers to a specific page or paragraph within a case. Your pinpoint reference should “immediately follow the citation of the source” and be “preceded by a comma and a space.”

e.g. Baltic Shipping Co v Dillon (1993) 176 CLR 344, 359.

Rule 2.4.1 - “when using pinpoints, the judicial officer(s) whose judgment is being cited should generally be identified in parentheses (round brackets) after a pinpoint reference. This is not necessary where their identity is otherwise apparent.”

e.g. Baltic Shipping Co v Dillon (1993) 176 CLR 344, 359 (Mason CJ).

Page 59 of AGLC4 contains a list of judicial offices and their corresponding title/abbreviation e.g. Chief Justice = CJ, Justice = J, etc.

Refer to rules 1.1.6 - 1.1.7 for additional tips on how to format your pinpoint references.

Which version of a case should you cite?

Significant judgments may be published in more than one law report series. These are called parallel citations.

According to rule 2.2.7, parallel citations should not be used when citing Australian cases and the “most authoritative available version” should be cited. Business Law academics are usually more relaxed about this and will let you cite the unreported (AustLII/Jade) version of a judgment.

Tip/shortcut

Look up the case in CaseBase (case citator in LexisNexis AU). CaseBase always lists the most authoritative case citation first. In the Baltic Shipping example above, the (1993) 176 CLR 344 reference appears first as it’s the most authoritative version of the case.
How to cite a case - unreported decisions

Rule 2.3 sets out how to cite an unreported decision (i.e. the AustLII/JADE version of a judgment).

2.3.1 Decisions with a Medium Neutral Citation

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<th>Case Name</th>
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<th>Unique Court Identifier</th>
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An abbreviation for the relevant court or tribunal

NSWSC = NSW Supreme Court

The case name in italics

The year of the judgment in square brackets

Full stop

Reliance Financial Services Pty Ltd v Criniti [2018] NSWSC 543.

A judgment number for the relevant court/tribunal in a calendar year

543 = the 543rd judgment from the NSW Supreme Court in 2018

Note: “In accordance with rule 2.2.2, “a case should generally not be cited as unreported if it has been reported.”

How to refer to a specific paragraph within the judgment

According to rule 1.1.6, “a pinpoint reference to a paragraph should appear in square brackets.”

Should you include the name of the judge?

According to rule 2.4.1 - “when using pinpoints, the judicial officer(s) whose judgment is being cited should generally be identified in parentheses (round brackets) after a pinpoint reference. This is not necessary where their identity is otherwise apparent.”

Page 59 of AGLC4 contains a list of judicial offices and their corresponding title/abbreviation e.g. Chief Justice = CJ, Justice = J, etc.

Pinpoint example

FAQs

How do I include a direct quote?

Rule 1.5.1 covers the use of short and long quotations.

- Use single quotation marks ‘ ‘ for short quotations that are three lines or less.
- Long quotations should be “indented from the left margin, in a smaller font size, and without quotation marks.”

How do I cite a UK case?

- Rule 24.1.1 states that UK cases should be cited in the same way as Australian judgments e.g. Olley v Marlborough Court Hotel [1949] 1 KB 532.

How do I reference the same case in a subsequent footnote?

- According to rule 1.4.3, ‘Ibid’ can be used to “refer to a source in the immediately preceding footnote, including any pinpoints.”
- If you’re referring to the same case in a later footnote, rule 1.4 states that you can use a short title for the case, followed by a “cross-reference in parentheses to the footnote number in which the citation may be found in full.”

Example:

53 Penfolds Wines Pty Ltd v Elliott (1946) 74 CLR 204 (‘Penfolds Wines’).

... 55 Traditional Rights and Freedoms (n 52) 209 [7.111].

56 Penfolds Wines (n 53) 224 (Dixon J).

(source: page 6 of AGLC4).

Footnote 53 - as this is the first reference to the case, the footnote includes the full case citation. A short title for the case is also included at the end (‘Penfolds Wines’). In accordance with rule 1.4.4, the short title is italicised and “enclosed in (non-italic) inverted commas and parentheses.”

Footnote 56 - the short title for the Penfolds case is provided in italics, followed by a reference to the footnote that contains the full case citation (n 53). The footnote also includes a pinpoint reference to a specific page within the judgment (page 224) and the name of the relevant judge (Dixon J).

Additional examples are available on pages 46-47 (rule 2.1.14).
How to check your word count

Click on the **Review** tab and select **Word Count**.

There’s an option to include or exclude footnotes from your word count.

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**Reference list / bibliography**

**Rule 1.13** covers how to set out your bibliography.

A bibliography is generally divided into sections based on various content types e.g.

A  *Articles/Books/Reports*

B  *Cases*

C  *Legislation*

D  *Treaties*

E  *Other*

You should exclude any sections that aren’t relevant to your assignment e.g. *Treaties*.

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**Tips**

- As you’re working on a contract law problem question, most of your references should be to cases.
- Don’t include a full stop at the end of each reference.
- Within each section (e.g. *Cases*), your sources should be listed in alphabetical (A-Z) order.
Ask for help

Can’t find the information you need?

Unsure about how to reference a particular item?

The Library can help!

Emma Petherbridge
Academic Liaison Librarian (Business Law)
E: emma.petherbridge@sydney.edu.au
P: (02) 8627 4484

To book an appointment:
Go to library.sydney.edu.au > Meet with a librarian.