

THE UNIVERSITY OF QUEENSLAND

TC BEIRNE SCHOOL OF LAW

A GUIDE TO CITATION OF SOURCES IN ASSIGNMENTS

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A. BASIC PRINCIPLES

- The [Australian Guide to Legal Citation](#) (3rd ed) ('AGLC3') is the standard for citation of sources for the purposes of assessment within the Law School.
- This Guide should be read in conjunction with the AGLC3. Where anything in this Guide is inconsistent with the AGLC3, the latter shall prevail.
- Where there is nothing in either this Guide or the AGLC3 which provides a method of citing a particular type of source, you should devise a method of citation for that source which is consistent with the general scheme of the AGLC3.

B. FOOTNOTES

1. When to Footnote [AGLC3 1.1.1]

You must, as a general rule, support statements of legal propositions with appropriate authority. When asserting that a particular proposition is settled law, you should use primary sources (i.e. cases and legislation) rather than secondary sources (e.g. journal articles, textbooks). Where the law is unclear or in dispute, you may use secondary sources to support an argument in favour of one proposition or another. Remember that secondary sources provide information or opinions about what the law is or ought to be, but they are not sources of law in themselves. Moreover, statements made by a lecturer in the course Learning Guide or in class have no authority independently of the primary and secondary sources upon which the lecturer has relied. Learning Guides and lectures are meant to guide you through the primary and secondary sources. They are not a substitute for engaging with the primary and secondary sources directly.

Wherever your argument relies upon material in a primary or secondary source, you should make a footnote reference to the source. Some propositions of law are so well-established or so basic or axiomatic that a reference to a source is not required.

Example:-

A promise set forth in a deed is enforceable at common law at the suit of a party to the deed, notwithstanding the absence of consideration.

However, if you use another person's ideas, opinions or theories you must cite the source.

WHEN IN DOUBT, CITE THE SOURCE.

Of course, if you use a form of words which you have found in a primary or secondary source, you must indicate which words have been taken from that source by the use of quotation marks, and cite the source using a pinpoint reference [AGLC3 1.1.5].

Where two or more sentences constitute what is, in effect, a single proposition and that proposition is drawn from or inspired by the same page (or paragraph) of the same source, it is sufficient to insert one footnote only at the end of the last relevant sentence.

2. Format and Content

Footnotes should contain sufficient information about the cited source to enable the reader to retrieve the source, if the reader chooses to do so. It is also desirable that the reader is able to form a preliminary judgement about the currency, relevance and weight of the source.

Therefore, footnote references should, as a general rule, contain the following information:-

- the author's name or, if no author is named, the name of the organisation which produced the publication, e.g. Australian Law Reform Commission;
- the title of the source;
- the year in which the source was produced or published;
- the title of any larger work or publication in which the source was found (where applicable);
- the place of publication (if this is not apparent from the other information in the footnote)

Where a footnote refers to more than one source, you must separate the citations of the sources by semi-colons.

You must number footnotes sequentially using Arabic numbers (i.e. 1, 2, 3 ...). If you are preparing a work with multiple chapters, e.g. a thesis for a research higher degree, you must recommence the numbering of footnotes at the beginning of each chapter.

Examples of footnote formats for specific types of sources appear in Section C below.

3. Placement [AGLC3 1.1.2]

The AGLC3 states that 'ordinarily' footnote references should be placed *after* the relevant punctuation. This is particularly appropriate where the whole of the preceding sentence refers to or is drawn from or inspired by the source.

Example:-

Cope has noted that fiduciary relationships which arise out of joint venture agreements are likely to be more limited in scope than those which are associated with partnerships.¹

...

¹ Malcolm Cope, *Equitable Obligations: Duties, Defences and Remedies* (Lawbook, 2007) 80.

4. Subsequent References [AGLC3 1.4]

(a) *Immediately following*

Where references to the same source appear in consecutive footnotes, the second footnote should use the expression 'ibid'. Where the second footnote refers to the same page (or paragraph) as the first footnote, 'ibid' is sufficient. Where the second footnote refers to a different page (or paragraph) in the same source, the second

footnote should refer to the new page or paragraph number, as the case may be. (Whether you should refer to pages or paragraphs depends upon the way that the particular source is organised - see Section C below.) 'Ibid' should be capitalised when it appears at the beginning of a footnote. There is no need to italicise 'Ibid', even though it has a Latin origin.

(b) *Other than immediately following*

'Above n' should be used where a source has been cited in a previous footnote other than the immediately preceding footnote, or in the immediately preceding footnote where it is not the only source in that footnote.

Examples:-

¹ Malcolm Cope, *Equitable Obligations: Duties, Defences and Remedies* (Lawbook, 2007) 153.

² Ibid 154.

³ *Keech v Sandford* (1726) Sel Cas T King 61; 25 ER 223.

⁴ Cope, above n 1, 156.

Where more than one work by the same author is referred to in the footnote in which the sources are first mentioned, the sources may be distinguished in subsequent footnotes by including an abbreviated version of the title in the reference, e.g. Cope, *Equitable Obligations*, above n 1, 157.

'Above n' should not be used for cases or legislation or some other specific materials [AGLC3 1.4.2]. Subsequent references can use a shortened version of the case name [see AGLC3 2.14]; however legislation should be cited in full in all subsequent references [AGLC3 3.9].

C. SPECIFIC TYPES OF SOURCES

1. Case Law [AGLC3 2]

Where a case is reported in a print law reports series, the citation should consist of:-

- the case name, in italics, or if you are unable to italicise, underlined;
- the year in brackets – parentheses, i.e. (2008), for reports which have sequential volume numbers and square brackets, i.e. [2008], where the year is needed in order to locate the correct volume;
- the recognised abbreviation of the name of the series of law reports.
- the page number at which the report of the case commences;
- the pinpoint page number, separated from the commencing page number by a comma (only when referring to a specific statement in the judgment);
- the name of the judge in parentheses (optional); and
- the name of the court (when this is not apparent from the citation of the case or has not been stated in the main text).

Where a case has been reported in the ‘authorised’ reports for that court, you should use that citation in preference to any other citation which you may have [AGLC3 2.3.1]. For a complete list of authorised reports, consult [Appendix C of Laying Down the Law, 7th ed](#) by Cook et al.

Example:-

Muschinski v Dodds (1985) 160 CLR 583, 620 (Deane J).

Where a case is not reported in print reports or you are unable to get access to a print version of the report, the ‘medium-neutral’ citation, which is used in relation to the electronic reporting of the case, may be used.

Example:-

Farah Constructions Pty Ltd v Say-Dee Pty Ltd [2007] HCA 22 [181].

Note that this format has a judgment number, rather than a commencing page number, and pinpoint references are to be made using the paragraph number in square brackets.

Where an English case was originally reported in the so-called nominate reports, the reference should include the citation of the case in both the nominate report series and the *English Reports*.

Example:-

Keach v Sandford (1726) Sel Cas T King 61; 25 ER 223.

Note the correct forms for referring to particular categories of judges:-

Writing	Speech
Lord Hailsham of St Marylebone LC	The Lord Chancellor, Lord Hailsham of St Marylebone / My Lord / His Lordship
Lord Wilberforce	Lord Wilberforce / My Lord / His Lordship
Baroness Hale	Lady Hale / My Lady / Her Ladyship
Gleeson CJ	Chief Justice Gleeson / His Honour
Lord Denning MR	The Master of the Rolls, Lord Denning / My Lord / His Lordship
Danckwerts LJ	Lord Justice Danckwerts / His Lordship
Arden LJ	Lady Justice Arden / Her Ladyship
McMurdo P	President McMurdo / Her Honour
Williams JA	Justice of Appeal Williams / His Honour
Megarry VC	The Vice-Chancellor, Sir Robert Megarry / His Lordship
Beatson J	Justice Beatson / His Lordship
Kiefel J	Justice Kiefel / Her Honour

Where a case is referred to as part of the text, the case name should be omitted in a footnote citation if the case name appears in full in the sentence accompanying the footnote [AGLC3 2.1.15].

Example:-

In *Thomas v Mowbray*,¹ the control order regime established under the schedule survived a constitutional challenge.

¹ (2007) 233 CLR 307.

However, if the case name does not appear in full in the text (because it is a defined short title in accordance with [AGLC3 2.1.14]) then the full case name must be included in the footnote.

Example:-

In *Al-Kateb*, several High Court Justices discussed the role of international law in Australian constitutional interpretation.¹

¹ *Al-Kateb v Godwin* (2004) 219 CLR 562.

2. Legislation [AGLC3 3]

The citation should consist of:-

- the short title of the Act or Regulations (or, if there is no short title, the long title), in italics or, if you are unable to italicise, underlined;
- the year in italics or underlined;
- the recognised abbreviation of the relevant jurisdiction, in parentheses; and
- the pinpoint reference to the relevant section or subsection (if applicable).

Example:-

Agricultural Chemicals Distribution Control Act 1966 (Qld) s 3

Where you are referring to a legislative provision in the text of your work, you should write as you would speak.

Example:-

INCORRECT – *Trusts Act 1973* (Qld) s 58 states that ...

CORRECT – Section 58 of the *Trusts Act 1973* (Qld) states that ...

3. Journal Articles [AGLC3 4]

You must include the following information:-

- the author's name as it appears at the beginning of the article;
- the title of the article;
- the year in brackets – parentheses, i.e. (2008), for reports which have sequential volume numbers and square brackets, i.e. [2008], where the volumes are designated by year rather than volume;
- the volume number (if applicable);

- where the page numbers are not numbered continuously throughout the entire volume, the relevant issue number, in parentheses;
- the full journal title, in italics or, where you are unable to italicise, underlined;
- the page number at which the article commences; and
- any applicable pinpoint reference, separated from the other information by a comma.

Examples:-

RB Grantham and CEF Rickett, 'Property Rights as a Legally Significant Event' [2003] *Cambridge Law Journal* 717.

Richard Nolan, 'Property in a Fund' (2004) 120 *Law Quarterly Review* 108.

Vincent P Bantz, Rachel Baird and Anthony E Cassimatis, 'After 60 Years – The United Nations and International Legal Order' (2005) 24 *University of Queensland Law Journal* 259, 261.

Jeremy Shearmur, 'Free Speech, Offence and Religion' (2006) 22(2) *Policy* 21, 24.

4. Books [AGLC3 5]

In accordance with the principle that the reader should be able to locate the source using the citation, the citation for a book should include the following information:-

- the name(s) of the author(s) as they appear on the title page of the book, i.e. whether you use the full first name or initials only (separated by a space, not a full stop) depends upon what appears on the title page;
- the title of the book, in italics or, if you are unable to italicise, underlined;
- the publisher's name;
- where there is more than one edition of the book, the relevant edition;
- the year of publication; and
- a pinpoint reference to a page number (if applicable), separated from the other information by a comma (unless it follows a closed parenthesis).

Examples:-

E I Sykes et al, *General Principles of Administrative Law* (Butterworths, 4th ed, 1997) 107.

Mark Aronson, Bruce Dyer and Matthew Groves, *Judicial Review of Administrative Action* (Law Book, 4th ed, 2009).

Note that if there are more than three authors, only the first named author is cited, followed by the notation 'et al.' [AGLC3 1.14.2]. There is no need to italicise et al, even though the phrase has a Latin origin.

Where a book has numbered paragraphs, the pinpoint reference may be to a paragraph number rather than to a page number, if this is more convenient. You must place the paragraph number in square brackets.

5. Book Chapters [AGLC3 5.5]

You must include, in addition to the citation of the book, the name of the author of the chapter, the title of the chapter, the page number of the book at which the chapter commences and any relevant pinpoint reference.

Example:-

Lionel Smith, 'Tracing' in Andrew Burrows and Lord Rodger of Earlsferry (eds), *Mapping the Law: Essays in Memory of Peter Birks* (Oxford University Press, 2006) 119, 123.

6. Newspaper Articles [AGLC3 6.5]

The essential information is the name of the author, the title of the article, the title of the newspaper, the place of publication (in parentheses), the date and the page number.

Example:-

Ashley Midalia, 'Jury Fails Again to Reach Verdict', *The Australian Financial Review* (Sydney), 19 December 2007, 3.

If you obtain the article from the internet edition of the newspaper, include the Uniform Resource Locator (URL) in lieu of the page number.

7. Internet Materials [AGLC3 6.15]

Do not cite internet materials if the work is accessible in published form. You should exercise careful judgement about whether you should use internet materials as a source at all. Remember that practically *anyone* can place material on the internet or edit material on certain websites (e.g. *Wikipedia*). It is important to think about what it is that makes the source authoritative in relation to the matter for which the source is cited. You should consider whether, for example:-

- the author has a reputation as an expert in the field;
- the website is a recognised repository of information of a particular type, e.g. AustLII or Queensland Parliamentary Counsel website;
- the information comes from an article in a reputable journal which is available only in electronic format; or
- the source is a government department or other authoritative organisation.

The citation should include sufficient information to enable a reader to form a judgement about the authoritativeness of the source. Certainly, you should include as much of the following material as is available:-

- the author's name, if known;
- the title of the document or the relevant section or page within the website, in single inverted commas, i.e. like the title of a journal article or book chapter;
- the website name (i.e. the homepage name), if this is different from the name of the document, section or page, in italics or underlined, i.e. like the title of a book;

- a pinpoint reference, if relevant and feasible;
- the Uniform Resource Locator (URL) to the relevant page or section, enclosed in < >.

The date of publication is a particular problem. If the material being cited is an article in an electronic journal or another academic paper which is only available online and bears a particular date, then you should place the date in parentheses after the title of the document. If the information is taken from a government or other public information website (and, accordingly, may be updated from time to time) you should include the date of the last update of the web page [see *AGLC3* 6.15.3].

Examples:-

Australian Electoral Commission, 'How the House of Representative votes are counted', *Australian Electoral Commission*, <www.aec.gov.au/Voting/counting/index.htm> (at 17 December 2007).

Nicolee Dixon, 'An excise by any other name is...still an excise' *National Law Review* 1, (1997) <<http://pandora.nla.gov.au/nph-arch/01998-Mar-19/http://www.nlr.com.au/ARTICLES/001/001EXCIS.HTM>>.

D. BIBLIOGRAPHIES

Unless you are specifically requested to do so, you do not have to provide a separate bibliography.

Where a bibliography is required, it should list all sources which were relied upon in the reading and research stage of the assignment process, even if those sources were not used in the text or in footnotes. A bibliography enables the marker to gain an idea of the breadth and depth of research undertaken for the assignment.

For the format of bibliographies, see *AGLC3* 1.16.