

Griffith Law School

Basic Style Guide for Law Students 2009*

This guide states Griffith Law School's expectations about referencing, in brief. The guide is based on the referencing style in Stuhmcke's book *Legal Referencing*,¹ which is similar to the Australian Guide to Legal Citation, a widely used style guide for legal writing.² For issues not addressed or not addressed fully in this guide, refer to those style guides.

Unless the convenor of a course specifically advises otherwise, you must apply this style guide in all assessment in your law program except for non-take home examinations.³

Prior to commencing research and writing, you must be fully aware of the requirement to reference all sources you have used in the preparation of assessment. In particular you must read the University's Academic Integrity Framework.⁴ Penalties may be applied if you do not fully and accurately acknowledge the sources you have used in preparing your work. If you are unclear about these requirements, you should speak to your course convenor.

I MAIN PRINCIPLES

1. All sources on which you have relied in preparing your work must be fully acknowledged.
2. References must be contained in footnotes. Do not use endnotes or in-text referencing.
3. References must be comprehensive, precise and unambiguous.
4. Precision requires that most references must be specific, or 'pinpoint' references- to page, paragraph numbers or section number.

* Prepared by Mary Keyes, February 2009.

¹ Stuhmcke A, *Legal Referencing* 3rd ed, Lexisnexis Butterworths, Sydney, 2005.

² *Australian Guide to Legal Citation*, 2nd ed, Melbourne University Law Review Association, Melbourne, 2002, <<http://mulr.law.unimelb.edu.au/files/aglcl.pdf>> (30 October 2008).

³ The requirement for referencing in examinations is explained below at VI.

⁴ Griffith University, *Institutional Framework for Promoting Academic Integrity Among Students*, Griffith University, 2008
<www62.gu.edu.au/policylibrary.nsf/xmainsearch/03ee5c37f0926a0e4a25736f0063eaea?opendocument> (27 February 2009).

II FOOTNOTES

The footnote reference number is placed immediately *after* the punctuation mark (comma, semi-colon, or full stop) which concludes the clause to which the reference relates.

Use only one footnote reference after any clause. Include multiple references in any footnote, and separate multiple references by semi-colons.

The text of every footnote begins with a capital letter and concludes with a full stop, even though the text might not be a complete sentence.

III INITIAL CITATIONS

The general rule in citing sources is that you should provide sufficient information to allow an informed reader to locate the source of the material you have referred to in developing your arguments. Your references must conform to conventions applied in legal referencing. If in doubt, include information about sources rather than excluding it.

The following explains legal conventions in referencing the most common sources of material. Conventions relevant to a comprehensive range of sources can be found in Stuhmcke⁵ and in the Australian Guide to Legal Citation.⁶

A Primary sources:

(1) Legislation: *Short title of the Act and year of enactment* (Jurisdiction) pinpoint reference.

Eg *Trade Practices Act 1974* (Cth) s 52.

(2) Case law: *Names of parties* year in round or square brackets Volume Abbreviation of Report Series start page at [pinpoint reference] per [judge's or judges' name].

Eg *Pavey & Matthews Pty Ltd v Paul* (1987) 162 CLR 221 at 263 per Deane J.

Refer to the most authoritative version of the report.

Medium neutral citation: *Names of parties* [year] Abbreviation of court Number of case at [pinpoint reference].

Eg *ACD Tridon Inc v Tridon Australia Pty Ltd* [2002] NSWSC 896 at [53] per Austin J.

⁵ Above n 1.

⁶ Above n 2.

Unreported decisions decided before medium neutral citation was adopted should be cited by including as much information as possible. At least, include *Names of the parties*, unreported, the name of the court, date of judgment. If you located the case using Casebase, then include the BC number. If you have information about the court's internal reference number, include it.

Eg *Cigna Insurance Australia Ltd v CSR Ltd*, unreported, NSWSC, 20 February 1996 BC9600216.

B Secondary sources:

(1) **Parliamentary materials:** Reference to Parliamentary debates should be in the following order: Jurisdiction, House of Parliament, *Title*, number of the relevant issue of volume, date, at pinpoint reference.

Bills are cited in the same way as legislation, except that the short title is not italicised and pinpoint references are to 'clauses' rather than to 'sections'

Explanatory memoranda should be cited as follows: Explanatory Memorandum, Name of Bill, Year of Bill (Jurisdiction) at pinpoint reference.

(2) **Books:** Author's surname, author's first initial [& Second author's surname, second author's first initial], *Book title*, edition if relevant, Publisher, Place of Publication, Year of Publication at pinpoint reference.

Eg Stuhmcke, A, *Legal Referencing*, 3rd ed, LexisNexis Butterworths, Sydney, 2005 at 103.

(3) **Edited collections:** if the reference is to the entire collection, the same referencing is used as for books, but after the editor's name, include (ed) or (eds) if there is more than one editor.

Eg Banakar, R and Travers, M (eds) *Theory and Method in Socio-Legal Research*, Hart Publishing, Oxford, 2005.

(4) **Chapters in an edited collection:** Author of the chapter, 'Title of the chapter', then refer to the edited collection as above, at pinpoint reference.

Eg Hammerslev, O, 'How to Study Danish Judges', in Banakar, R and Travers, M (eds) *Theory and Method in Socio-Legal Research*, Hart Publishing, Oxford, 2005 at 204.

(5) Journal articles: Author's surname, author's first initial, 'Title of the article' (year of publication) Volume number *Name of journal* first page at pinpoint reference.

Eg Zhou, Q, 'Is a Seller's Efficient Breach of Contract Possible in English Law?' (2008) 24 *Journal of Contract Law* 268 at 273.

Issue numbers and final page of the article are usually not included in legal referencing.

(6) Conference papers: Published conference papers should be referred to in the same way as chapters in an edited collection (see above). Unpublished conference papers should be cited in the same style as journal articles: Author's surname, Author's first initial, 'Title of paper', status of paper, name of conference, place of conference, year of conference at pinpoint reference.

Eg Kirby, M, 'Biomedicine: Legal and Ethical Issues', paper presented to the 15th Commonwealth Law Conference, Nairobi, Kenya, 2007 at 7.

(7) Multiple authors: if there are two authors, include both their names; if there are more than two, you may just refer to the first named author followed by 'et al' (and others).

(8) Multiple works by the same author: When you refer to multiple works by the same author, and you refer subsequently to more than one of those works, ensure that the later reference is unambiguous. This may be done by abbreviating the title of the work in the initial reference to facilitate later references.

C Electronic sources: some secondary sources available on the Internet are also published in hard copy form. Such materials should be cited using the conventions referred to above, but you should acknowledge that you accessed the material from the Internet, by including after the citation <the url of the website where you accessed the information> (The date at which you accessed the information).

For material which is published only on the Internet, refer to Stuhmcke.⁷

IV SUBSEQUENT REFERENCES

Repeat references to primary sources are given in full.

Repeat references to secondary sources are not given in full, but according to the following requirements:

⁷ Stuhmcke, above n 1 at ch 11. See also the *Australian Guide to Legal Citation*, id at [6.14].

- If the repeat reference is *exactly* the same as the immediately preceding reference, the reference text should be **ibid**.
- If the repeat reference is to the same work as the immediately preceding reference, but to a different pinpoint, the reference text should be **Id at [pinpoint reference]**.
- Subsequent references, which do not immediately follow the first reference, should take the following form: [First author's surname], above n [insert footnote reference number of the original reference] at [insert pinpoint reference]. Eg **Stuhmcke, above n 1 at 23**.
- References to a later discussion of an issue within your paper should take the following form: See below at [pinpoint reference].

V RELYING ON OTHER WRITERS' SOURCES: if you refer to a source which you have not read yourself, but have read about in another writers' work, then you must make this clear in your footnote text. You should then give the reference to the source, and then 'cited in' [full reference to the secondary source].

Eg Kirby, M, *The Judges*, Boyer Lectures, Australian Broadcasting Corporation, Sydney, 1983 at 11, cited in Stuhmcke, above n 1 at 47.

VI REFERENCING IN EXAMINATIONS

Full referencing is required in take home examinations.

Less detail is required in exams other than take home exams. You should still refer to authorities and to secondary sources to support your responses, but you may do so more briefly than is acceptable in other assessment. For all sources, abbreviations are acceptable *as long as the abbreviation will be understood by the examiner*. For example you may:

- refer to legislation using well known abbreviations (eg **TPA**);
- refer to cases by the names of the parties, or even one party (eg abbreviate **Commonwealth v Verwayen** to **Verwayen** not **Commonwealth**);
- refer to secondary sources by the author's surname and title if necessary to avoid ambiguity (eg **Rawls, A Theory of Justice**).

Pinpoint referencing in legislation (eg to relevant section and subsection numbers) is essential in exams, but pinpoint references to cases and secondary sources are not required in most cases. Use underlining in place of italics.