

10861NAT Diploma of Aboriginal and Torres Strait Islander Legal Advocacy

LEGAL RESEARCH

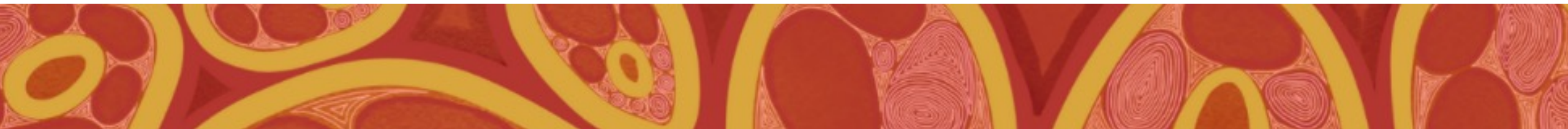


Acknowledgement of Country

We acknowledge the traditional owners of the land on which Tranby stands, the Gadigal people of the Eora nation. We pay our respects to their Elders both past and present, who remain the traditional knowledge holders of this land.



We proudly extend this respect to all current and emerging leaders around Australia, for they hold the memories, the traditions, the culture and the future of their people.



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➤ Why are legal research skills important?

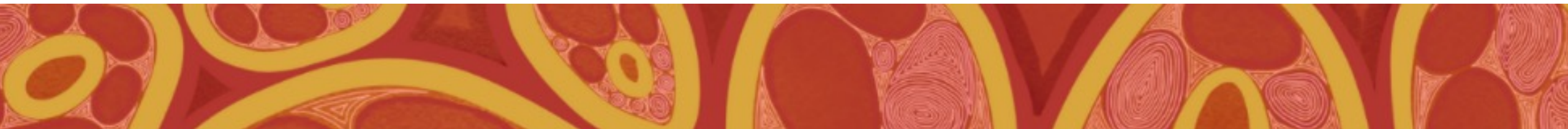
- The law is constantly changing
- Knowing where to find new developments is one of the most useful skills for graduates
- Practitioners need these vital skills from their paralegals
- Increase in the amount and complexity of online information



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➤ **Strategic Approach to Legal research**

- Identify and analyse the salient facts
- Determine the legal issues involved and formulate the research accordingly e.g. are you being asked to find a precedent, a section from legislation, change in the law, ALRC report, etc.
- Research the issues thoroughly using primary and secondary sources
- Evaluate the results

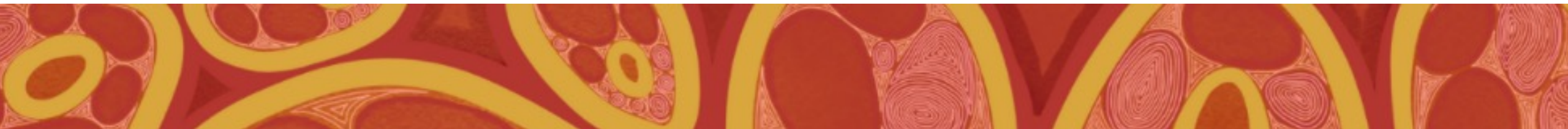


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➤ **Two types of legal research resources**

1. Primary Sources

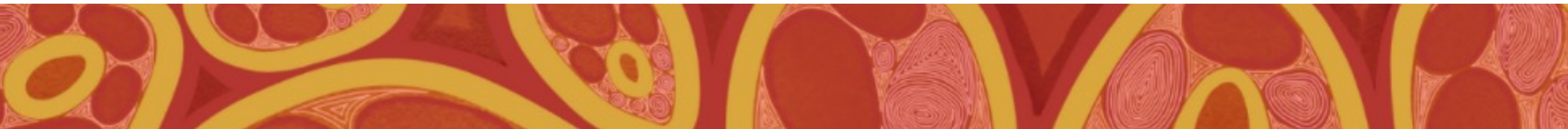
- Legislation
- Case Law
- Parliamentary committee reports
- Hansard (verbatim reports of Parliamentary proceedings)



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2. Secondary Sources (include)

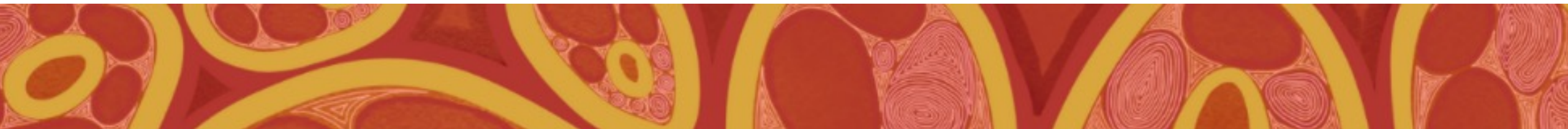
- Journals (peer reviewed)
- Textbooks
- Case notes
- Legal encyclopedias
- Digests
- Other sources of law that provide commentary



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➤ Trusted Information

- Authority – ensure the material is coming from a reputable source
 - Objectivity – no bias
 - Accuracy – is it well-researched? Does it have references?
 - Relevancy – is it relevant to your task?
 - Currency – this is critical in the field of law where laws often change
- Be wary of online resources like: Go to court, Shine Lawyers, etc. can be a good place to start but do not rely on the information in them. Aimed at a lay person audience.



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➤ Open Resources

➤ Legal Dictionary

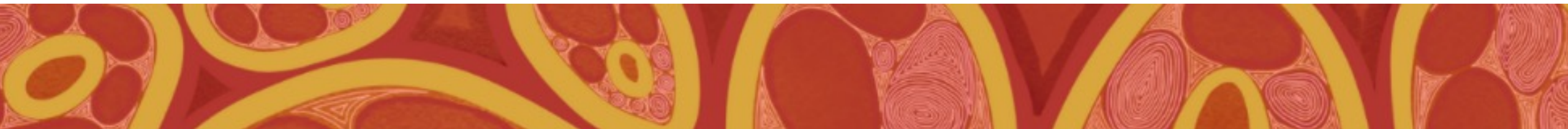
➤ <https://www.oxfordreference.com/display/10.1093/acref/9780190304737.001.0001/acref-9780190304737?btog=chap&hide=true&page=82&pageSize=20&skipEditions=true&sort=titlesort&source=%2F10.1093%2Facref%2F9780190304737.001.0001%2Facref-9780190304737>



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➤ <http://www.austlii.edu.au/>

➤ AustLII publishes public legal information -- that is, primary legal materials (legislation, treaties and decisions of courts and tribunals); and secondary legal materials created by public bodies for purposes of public access (law reform and royal commission reports for example) and a substantial collection of law journals



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➤ Federal Legislation

➤ www.legislation.gov.au

The screenshot shows the homepage of the Australian Government's Federal Register of Legislation. The header includes the Australian Government crest, the site title, and navigation links for updates, account, and search. A left-hand menu lists various categories, with 'Acts', 'Legislative instruments', 'Notifiable instruments', 'Gazettes', 'Bills', and 'Other' expanded. The main content area features a descriptive paragraph about the register and a grid of six colored tiles representing different legislative categories.

Australian Government Federal Register of Legislation GET LEGISLATION UPDATES MY ACCOUNT SEARCH

Home
What's new
Constitution
➤ Acts
➤ Legislative instruments
➤ Notifiable instruments
➤ Gazettes
➤ Bills
➤ Other

The Federal Register of Legislation (the Legislation Register) is the authorised whole-of-government website for Commonwealth legislation and related documents. It contains the full text and details of the lifecycle of individual laws and the relationships between them.

The Legislation Register is managed by the Office of Parliamentary Counsel in accordance with the *Legislation Act 2003*.

Acts
In Force

Legislative instruments
In Force

Notifiable instruments
In Force

Bills
As Introduced

Gazettes

Information

<https://www.legislation.gov.au/Home>

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➤ State Legislation

➤ <http://classic.austlii.edu.au/>



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925 databases from all Australasian jurisdictions

Last updated 30 April 2022

News & Database Additions

- The [AustLII 20.0 website](#) has been released with new interface and enhanced features. For the time being, the current site will still be available as the 'classic' AustLII interface.
- [High Court of Australia Bulletin \[2022\] HCAB 3 \(14 April 2022\)](#)
- [Hoang v The Queen \[2022\] HCA 14 \(13 April 2022\)](#)
- [Australian Building and Construction Commissioner v Pattinson \[2022\] HCA 13 \(13 April 2022\)](#)
- [Kozarov v Victoria \[2022\] HCA 12 \(13 April 2022\)](#)
- [Tapp v Australian Bushmen's Campdraft & Rodeo Association Limited \[2022\] HCA 11 \(6 April 2022\)](#)
- [Commissioner of Taxation v Carter \[2022\] HCA 10 \(6 April 2022\)](#)
- [Camenzuli v Morrison \[2022\] NSWCA 51 \(5 April 2022\)](#)
- [Asmar & Ors v Albanese & Ors \[2022\] HCASL 71 \(31 March 2022\)](#)
- [Ruddick v Commonwealth of Australia \[2022\] HCA 9 \(25 March 2022\)](#)
- [Australian Royal Commissions 1902-](#)
- [Coroners Court of New South Wales 1979-](#)
- [Australian Environmental and Planning Instruments 2003-](#)
- [Australian Environmental and Planning Policies 1995-](#)
- [New South Wales Law Reform Commission - Consultation Papers 2007-](#)
- [New South Wales Law Reform Commission - Question Papers 2012-](#)
- [Victorian Law Reform Commission - Consultation Papers 2004-](#)
- [Victorian Law Reform Commission - Discussion Papers 2001-](#)
- [Victorian Law Reform Commission - Issues Papers 2002-](#)
- [New Zealand District Licensing Committee - Tauranga 2021-](#)
- [Wells Fargo Trust Company National Association \(as cyprer trustee\) v VR Leases Pty Ltd \(administrators](#)

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News & Database Additions

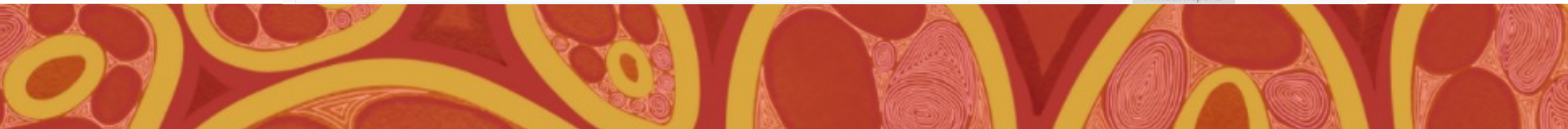
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➤ Case Law

➤ <http://www.austlii.edu.au/>

- Austlii contains case law and unreported judgments for all Australian Commonwealth, States and Territories. Coverage includes High Court of Australia, Family Court of Australia, Supreme Court of NSW and the District Court of NSW and more.

- *NOTE: Cases in Austlii are not the official authorised version!*



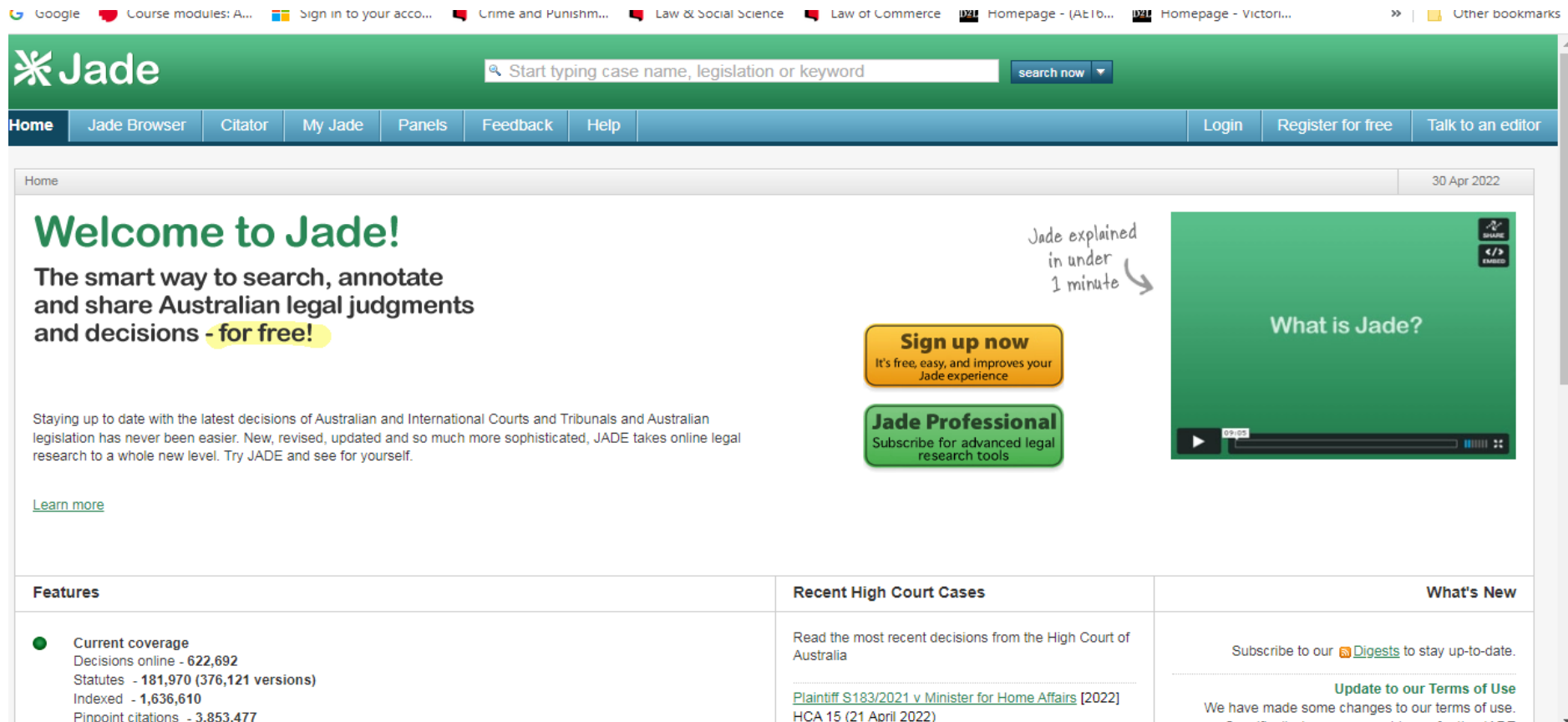
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- [Jade: https://jade.io/t/home](https://jade.io/t/home)
- JADE (Judgments And Decisions Enhanced) is a free caselaw and legislation database. JADE can be used to search for or browse Australian legislation and court and tribunal decisions, and receive alerts of new decisions and court digests. A basic JADE account is free for anyone once you register.



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➤ [Jade: https://jade.io/t/home](https://jade.io/t/home)



The screenshot shows the Jade website homepage. At the top, there's a green header with the Jade logo and a search bar. Below the header is a navigation bar with links like Home, Jade Browser, Citator, My Jade, Panels, Feedback, Help, Login, Register for free, and Talk to an editor. The main content area features a large 'Welcome to Jade!' message, a 'Sign up now' button, and a video player titled 'What is Jade?'. A handwritten note 'Jade explained in under 1 minute' with an arrow points to the video player. Below the main content, there's a table with three columns: Features, Recent High Court Cases, and What's New.

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Home 30 Apr 2022

Welcome to Jade!

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What is Jade?

Features	Recent High Court Cases	What's New
<ul style="list-style-type: none">Current coverage<ul style="list-style-type: none">Decisions online - 622,692Statutes - 181,970 (376,121 versions)Indexed - 1,636,610Pinpoint citations - 3,853,477	<p>Read the most recent decisions from the High Court of Australia</p> <p>Plaintiff S183/2021 v Minister for Home Affairs [2022] HCA 15 (21 April 2022)</p>	<p>Subscribe to our Digests to stay up-to-date.</p> <p>Update to our Terms of Use We have made some changes to our terms of use.</p>

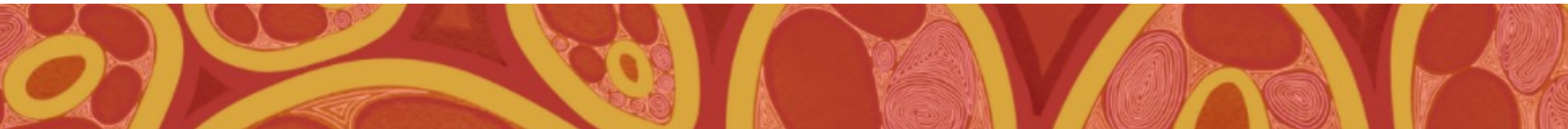
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➤ **What are authorised law reports?**

- Authorised reports contain judgments that have been reviewed by the Judges or Judge's Associate, prior to the publication. They are therefore considered to be accurate record of the judgment.

➤ **What is an unauthorised report series?**

- Unauthorised reports are a legitimate record of court decisions. In some cases, the unauthorised report may be the only source to locate certain cases, particularly matters from local courts and tribunals covering specialised areas of law.



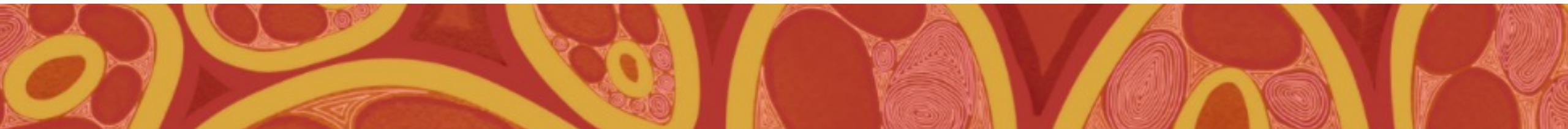
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➤ What is an unreported case?

- Unreported judgments are decisions of courts that have not been published in a law report. The decision may not have been published because for a number of reasons, such as the case being too recent, the case does not add any additional authority to the body of case law or it may have been overlooked as it is considered of little significance at the time.

➤ Why use authorised reports?

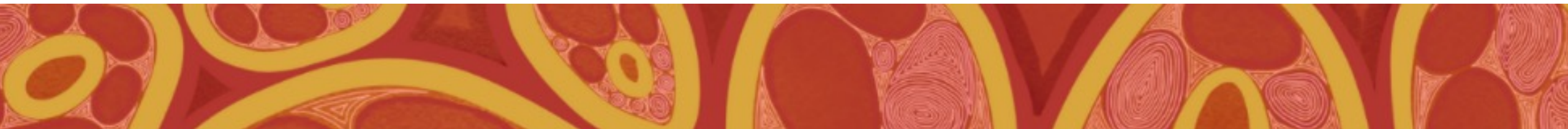
- In Australia, if a decision appears in an authorised report series, this is the version that must be cited in student essays and scholarly publications - see [Rule 2.2.2 in AGLC4](#).
- In all Australian courts, there is a convention that the authorised report of a judgment be cited and handed up in court in preference to other versions.



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➤ Helpful Guide from Melbourne University

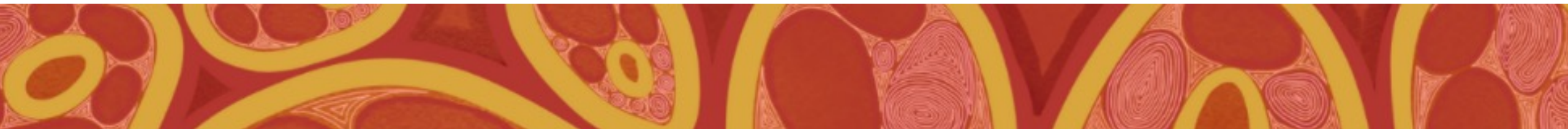
- https://unimelb.libguides.com/authorised_law_reports



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➤ Effective Legal research for the Modern Lawyer

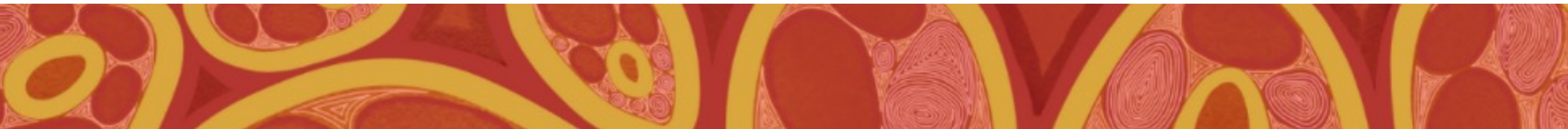
- <https://www.youtube.com/watch?v=Nmoy2PQo0z8>



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➤ AGLC4 Referencing Guide

- <https://law.unimelb.edu.au/mulr/aglc/about>

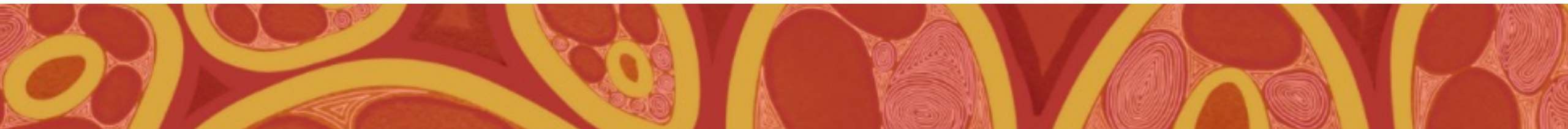


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➤ <http://www.austlii.edu.au/au/other/IndigLRes/>

➤ Indigenous Law Resources

- This collection includes parliamentary papers, government reports and policy documents affecting Indigenous Peoples, reports and submissions by civil society organisations, documents related to significant test cases and legal proceedings and Indigenous advocacy.



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Thank you!

