

# 10861NAT Diploma of Aboriginal and Torres Strait Islander Legal Advocacy

AGLC4 REFERENCING



# 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.



# AGLC4 REFERENCING

## **Why do you need to reference correctly?**

- Academic integrity refers to presenting academic work in a moral, ethical and honest way. It means using ideas, knowledge and information to develop your own insights, but not presenting someone else's work as your own or trying to gain an unfair advantage. It also means acknowledging the work of others when you include it in your work.



# AGLC4 REFERENCING

- Using footnotes
- Case law
- Legislation
- Books
- Articles, reports and papers
- Course material
- Electronic and audio visual material
- Other



# WHEN AND HOW TO FOOTNOTE Rule 1.1.1

- To provide authority for a proposition, to acknowledge a source that is relevant to an argument and to indicate how it is relevant
- To provide information that enables the retrieval of sources and quotes and other information that is not appropriate to include in the text
- You should provide a footnote when citing a direct quotation, if not included in the text
- The first occurrence of a citation should appear in full (see Short Titles Rule 1.4.4)



# FOOTNOTES

- Superscript numbers indicating a footnote should generally appear at the end of a sentence, but can be used after the relevant text for purposes of clarity (Rule 1.1.2)
- See Rule 1.2 for guidance on using introductory signals for a source in a footnote
- A full stop should appear at the end of all footnotes (Rule 1.1.4)
- A full stop is not used in a bibliography
- Pinpoints are not used in a bibliography
- See Rule 1.3 for examples of citing sources referring to other sources, a table and examples are provided
- If a case name is included in the text, the corresponding footnote need only include the citation to the case and if required, a pinpoint.





# FOOTNOTES

- Example
- *Thaler*<sup>3</sup> is one of a series of “DABUS”<sup>4</sup> test cases being brought around the world.<sup>5</sup>
- <sup>3</sup> *Thaler v Commissioner of Patents* [2021] FCA 879.
- <sup>4</sup> “DABUS” is the name of an AI system. It stands for “a device for the autonomous bootstrapping of unified sentience”.
- <sup>5</sup> The website of The Artificial Inventor Project, which is supporting Dr Thaler’s patent applications, lists applications for two inventions in at least 17 jurisdictions: The Artificial Inventor, *Patents and Applications* <<https://artificialinventor.com/patent-applications/>>.



# FOOTNOTES

## Multiple sources in footnotes Rule 1.1.3

- A semi-colon is used to separate multiple sources within a footnote
- Use a new sentence when using a different signal to introduce a source
- See Rule 1.2 for examples of introductory signals.
- Example
- <sup>6</sup> Gary Edmond, 'Forensic Science Evidence and the Conditions for Rational (Jury) Evaluation' (2015) 39(1) *Melbourne University Law Review* 77, 125–7. This commitment to 'rationality' is drawn from ss 55–6 of the *Uniform Evidence Law* and the definition of 'probative value' in s 3. The Uniform Evidence Law is the collection of the *Evidence Act* 1995 (Cth); *Evidence Act* 2011 (ACT); *Evidence Act* 2004 (Norfolk Island); *Evidence Act* 1995 (NSW); *Evidence (National Uniform Legislation)* Act 2011 (NT); *Evidence Act* 2001 (Tas); *Evidence Act* 2008 (Vic).
- 





# FOOTNOTES

## Pinpoint references Rule 1.1.6 – 1.1.7

- A pinpoint reference is a reference to a specific page, paragraph, footnote or other section of a source.
- A pinpoint reference to a page should appear as a number – do not use ‘p’ or ‘pg’
- A pinpoint reference to a paragraph should appear as a number in square brackets
- Multiple pinpoint references to the same source should be separated by a comma
- A pinpoint reference to a footnote within a source see details in Rule 1.1.6
- See Rules 3.1.4-3.1.5 for legislation pinpoint details
- See Rule 2.2.5 for pinpoint details for cases.



# FOOTNOTES

- Examples
- <sup>1</sup> *Universal Music Australia Pty Ltd and Others v Sharman License Holdings Ltd and Others* (2005) 220 ALR 1, 3.  
...  
<sup>32</sup> *Roadshow Films Pty Ltd v iiNet Ltd* (2012) 248 CLR 42, 48 [42].  
...  
<sup>56</sup> See *Supreme Court Rules 1987* (SA), r 84.05(2).  
...  
<sup>82</sup> See *Bankruptcy Act 1966* (Cth), ss 55 and 115.



# FOOTNOTES

- Subsequent references Rule 1.4
- When citing a source that you have previously cited, a shortened form of the citation may be used with a cross reference in brackets to the footnote number preceded by n or ibid if it is the previous footnote
- Short titles are shortened forms of a title in a source, they are enclosed in inverted commas and parentheses after the initial citation in a footnote or in text.



# FOOTNOTES

## Examples

- <sup>1</sup> *Convention Relating to the Status of Refugees*, opened for signature 28 July 1951, 189 UNTS 150 (entered into force 22 April 1954) art 1A(2) ('Convention').  
<sup>5</sup> *Convention* (n 1) art 2B.  
<sup>48</sup> Adrian Coorey, *Australian Consumer Law* (LexisNexis Butterworths, 2014) 22.  
<sup>54</sup> Coorey (n 48) 46.  
<sup>72</sup> *Defamation Act 2005* (Vic) s 37.  
<sup>73</sup> *Ibid* s 38.

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# CASE LAW RULE 2.2

## Format

- *Case name* (Year) Volume Report series    Starting page
- Law report series are abbreviated
- The first page of the case should appear after the series details
- Parentheses ( ) are used for the year (mostly but not always) of the case in which it was reported and when the report series is organised by volume
- Square brackets [ ] are used when the law report series is organised by year
- The authorised version of the report should always be used when available, see Rule 2.2, which includes a table of the preferential order of reported cases. See Rule 2.2.3 for a list of the most commonly used Australian authorised reports.





# CASE LAW

Type	Citation example
Individual party names	<i>Rowe v McCartney</i> [1976] 2 NSWLR 72
Company party names	<i>Michael Wilson &amp; Partners Ltd v Emmott</i> (2021) 396 ALR 497 <i>Epic Games Inc v Apple Inc</i> (2021) 286 FCR 105
The Crown as first party	<i>R v Milat</i> (2005) 157 A Crim R 565
The Crown as respondent	<i>Honeysett v The Queen</i> (2014) 253 CLR 122
Entry in footnote (with pinpoint)	<i>Walton v Gardiner</i> (1993) 177 CLR 378, 392.
Entry in bibliography	<i>Walton v Gardiner</i> (1993) 177 CLR 378



# LEGISLATION Rules 3.1 – 3.9

- *Title Year* (Jurisdiction) Pinpoint
- Title of the act and the year in which the act was passed appear in italics Rule 3.1
- The jurisdiction is abbreviated and within parenthesis '( )'
- Titles and the year of bills are not italicised Rule 3.2
- Delegated legislation, regulations, rules and orders should be cited in the same manner as primary legislation, with specific abbreviations as shown in Rule 3.4
- See Rule 3.6 for how to cite Australian Constitutions
- See Rule 3.7 when citing explanatory memoranda, statements and notes
- See Rule 3.9 when citing gazettes, orders, rulings of government instrumentalities, delegated legislation to non-govt entities and court practice materials
- See Rule 3.1.3 for abbreviations for Australian jurisdictions.



# LEGISLATION

## Examples

- <sup>3</sup> *Climate Change Act 2017* (Vic) pt 5 div 2 s 37.

<sup>22</sup> *Australian Constitution* s 51 (xxxi).

*Carer Recognition Bill 2010* (Cth)

*Explanatory Memorandum, Adoption Amendment Bill 2013* (Tas)

*Fire and Emergency Services Levy Regulation 2017* (NSW)

*Police Pensions Ordinance 1958* (ACT)



# BOOKS RULE 6

- The name of the author should appear exactly as it does in the source, see Rule 4.1
- Rule 4.1.2 for multiple authors; use and, when citing 2 or 3 authors, 4 or more, use et al
- Rule 4.1.4 for organisational authors
- Titles should appear as on the original source and in italics for books (Rule 6.2)
- A brief version of the publisher's name should appear in parenthesis after the title and followed by a comma, an edition if not the 1<sup>st</sup>, then a comma and then year



# BOOKS

- For a bibliography entry, an author's first name and surname should be inverted and separated with a comma see Rule 1.13
- When citing a chapter in an edited book, list the author and enclose the title of the chapter in single inverted commas, do not italicise the chapter title, include a starting page Rule 6.6.1.
- Use Rule 6.7 for translated books





# BOOKS

## Examples

- <sup>33</sup> Mathew Rimmer, *Intellectual Property and Biotechnology: Biological Inventions* (Edward Elgar, 2008) ch 5.
- <sup>34</sup> Patrick George et al, *Social Media and the Law* (LexisNexis, 3<sup>rd</sup> ed, 2020) 102.
- <sup>35</sup> Belinda Bennett (ed), *Globalization and Health* (Springer, 2008) 225-226.
- <sup>36</sup> Damien J Cremean, Michael H Whitten and Michael F Sharkey, *Brooking on building contracts: the law and practice relating to building and engineering agreements* (Lexis Nexis Butterworths, 5<sup>th</sup> ed, 2014).
- Australian Law Reform Commission, *Family Violence: a Legal Response: Summary Report* (Australian Law Reform Commission, 2010)
- Bodkin, Colin, *Patent Law in Australia* (Thomson Reuters, 2<sup>nd</sup> ed, 2014)
- Chafetz, Michael, *Intellectual Disability: Criminal and Civil Forensic Issues*, (Oxford University Press, 2015)
- Manne, Geoffrey A and Joshua D Wright (eds), *Competition Policy and Patent Law under Uncertainty Regulating Innovation*, (Cambridge University Press, 2011)
- Sundahl, Mark D, 'Legal status of spacecraft' in Ram S. Jakhu and Paul Stephen Dempsey (eds), *'Routledge Handbook of Space Law'* (Taylor & Francis, 2016) 42



# DICTIONARIES AND ENCYCLOPEDIAS

## Rules 7.6 and 7.7

- Examples
- <sup>63</sup> *Encyclopaedic Australian Legal Dictionary* (online at 20 February 2018) 'default judgment' (def 1).  
...  
<sup>72</sup> LexisNexis, *Halsbury's Laws of Australia*, vol 15 (at 25 May 2009) 235 Insurance, '2 General Principles' [235-270].  
...  
<sup>81</sup> Westlaw AU, *The Laws of Australia* (online at 15 February 2018) 2 Administrative Law, '2.3 Access to Information' [2.3.10].



# JOURNAL ARTICLES RULE 5

## Format

- Author(s), 'Title' (2012) Vol(Issue) *Journal*, Starting Page
- The name(s) of the author(s) should appear exactly as in the source material
- The title of the article appears within single quotation marks (un-italicised)
- The year appears in parenthesis
- For journals organised by number, the volume number should follow the year
- The full title of the journal as appears on the title page should be in italics
- Do not use abbreviations for titles (use '*Australian Law Review*' not ALR)
- For a bibliography, list the surname first, listed in alphabetical order by surname
- If there are more than three authors, list the first named author followed by 'et al'
- Pinpoints if required appear after the starting page and a comma and only in a footnote.



# JOURNAL ARTICLES

## Examples

- <sup>3</sup> Benjamin Franklen Gussen, 'On the Constitutionality of Hard State Border Closures in Response to the COVID-19 Pandemic' (2021) 35(1) *Journal of Law and Health*, 1, 43.
- <sup>4</sup> Gary Edmond et al, 'Law's Looking Glass: Expert Identification Evidence Derived from Photographic and Video Images' (2009) 20 *Current Issues in Criminal Justice*, 337.
- <sup>5</sup> Amanda Scardamaglia, 'Reflecting on the Trade Marks Act 1995 (Cth)' (2022) 96 *Australian Law Journal*, 36, 40.
- Scardamaglia, Amanda, 'Reflecting on the Trade Marks Act 1995 (Cth)' (2022) 96 *Australian Law Journal*, 36



# REPORTS ET AL. RULE 7.1

## Format

- Author, *Title* (Document Type/Series no Document Number, Full Date) Pinpoint.
- If there is an author, cite according to Rule 4.1
- Refer to Rule 7.1.2 for Parliamentary Papers, Committee Reports, Bills Digests and Alert Digests
- Refer to Rule 7.1.3 for Royal Commission Reports
- Refer to Rule 7.1.4 for Law Reform Commission Reports





# REPORTS ET AL.

## Examples

- <sup>1</sup> Atlassian Corporation, *Atlassian Annual Report 2021* (Report, 2021) F-51.
- ...
- <sup>9</sup> Australian Law Reform Commission, *Essentially Yours: The Protection of Human Genetic Information* (Report No 96, March 2003) 520 ('ALRC').



# Australian Bureau of Statistics Rule 7.1.5

- Author cited as 'Australian Bureau of Statistics'
- Document type is 'Catalogue' and cite catalogue number.
- Example
- <sup>4</sup>Australian Bureau of Statistics, *Prisoners in Australia, 2021* (Catalogue No 4517.0, 9 December 2021).



# NEWSPAPERS RULE 7.11

## Format

- Author 'Title', *Newspaper*, (Place) Date, Pinpoint
- The title of the article should appear un-italicised within single quotation marks
- The title of the paper should be italicised
- The place of publication is in parenthesis
- The full date is noted
- When the citation appears in a bibliography, list the surname first with no pinpoint
- For news articles online, only use a pinpoint if there are page numbers or paragraphs, add 'online' before the date and include a URL if useful for finding the source, enclosed in point brackets < >.
- Cite periodical articles as you would journal articles Rule 5 if possible, but if not, use the rules in this section to guide you.
- See Rule 7.4 for Media and Press Releases.



# NEWSPAPERS

## Examples

- <sup>7</sup> Melissa Davey ‘Call to ban vaping for young Australians after review concludes it causes ‘acute lung injury’’ *Guardian*, (online, Thu 7 Apr 2022) <https://www.theguardian.com/society/2022/apr/07/call-to-ban-vaping-for-young-australians-after-review-concludes-it-causes-acute-lung-injury>.
- <sup>89</sup> Rose Healy, Letter to the editor, *The Herald Sun* (Melbourne, 10 June 2002) 16.
- <sup>92</sup> Jill Lepore, ‘The History Test’ (27 March 2017) *The New Yorker* 66.
- <sup>123</sup> ASX, ‘ASX Selects Distributed Ledger Technology to Replace CHESSE’ (Media Release, 7 December 2017) 1.
- Tingle, Laura, ‘Norway fund ponders dumping coal’, *The Australian Financial Review*, (Sydney), 24 February 2015



# Course material RULE 7.3

- Cite lectures and other similar materials as speechesAuthor, 'Title' (Speech, Institution/Forum, Full Date) Pinpoint
- Example
- <sup>27</sup> Maya Borom, 'Introduction to Judicial Reasoning' (LAW20041 Lecture, Swinburne University Law School, 18 January 2022).





# AUDIO VISUAL RULE 7.14

## Format

- ‘Episode Title’, *Film Title/Series Title* (Version Details, Studio/Production Company/Producer, Year) Pinpoint.
- Titles are in italics and follow Rule 4.2 and names adhere to Rule 6.3.1
- Pinpoint references should be to a point in time or time span in the recording, see Rules 1.11.2-1.11.4
- Recordings on social media platforms such as Youtube should follow Rule 7.16
- A URL is only included if it aids retrieval
- See Rule 7.14.2 for video, Rule 7.14.3 for television series and 7.14.4 for podcasts and radio segments.



# AUDIO VISUAL

## Examples

- <sup>3</sup> *In My Blood it Runs* (Sentient.Art.Film, 2020) 0:34:03.

...

- <sup>22</sup> 'Vape Haze: The new addiction of vaping', *Four Corners* (Australian Broadcasting Corporation, 2022) 0:12:47-0:13:33  
<<https://www.abc.net.au/4corners/vape-haze:-the-new-addiction-of-vaping/13949378>>.

...

- <sup>72</sup> 'Working Remotely with Paul O'Halloran and Rachel Setti', *BenchTV* (Benchmark Production, 2022).

- 



# Podcasts and radio segments Rule 7.14.4

## Format

- Broadcaster, 'Title of segment', *Name of program*, Full date (Name of speaker)
- List the name of the broadcaster first
- Enclose the title of the segment in single quotation marks
- Italicise the name of the program
- List the full date of the program
- The name of the speaker unless is included unless otherwise apparent and is enclosed in parenthesis
- A URL may be included after the speaker's name where the transcript is available online, enclosed in pointed brackets.



# PODCASTS AND RADIO SEGMENTS

## Examples

- <sup>5</sup> ABC Radio National, 'Using evidence obtained in search warrants', *The Law Report*, 3 February 2015, (Damian Carrick) <<http://www.abc.net.au/radionational/programs/lawreport/surfers-paradise/6028122#transcript>>.

...

- <sup>9</sup> 'Michael Bradley Unpacks Australia's Defamation Laws', *Spin Cycle* (Three Triple R, 9 June 2022) <<https://www.rrr.org.au/on-demand/segments/spin-cycle-michael-bradley-unpacks-australias-defamation-laws>>.



# INTERNET MATERIALS RULE 7.15

- Author, 'Document title', *Web Page Title* (Document Type, Full Date) pinpoint <URL>.
- Examples
- <sup>22</sup> Victorian State Government Department of Health, 'Medically supervised injecting room' *Health.vic* (26 September 2019), <<https://www.health.vic.gov.au/aod-treatment-services/medically-supervised-injecting-room>>.
- <sup>23</sup> Australian Academy of Science, 'Academy warns of climate risk to Australia' (Press Release, 16 February 2015) <<https://www.science.org.au/news/academy-warns-climate-risks-australia>>.





# TREATIES RULE 8

## Format

- *Treaty Title*, Parties' Names, Date Opened for Signature or Date Signed, Treaty Series (Date of Entry into Force) Pinpoint.
- Treaty title is in italics and as appears on the first page
- Do not include procedural components
- Punctuation as Rule 1.6 and capitalisation as Rule 1.7
- Do not include names of parties after the title for multilateral treaties of more than three parties
- Use conventional shortened names of states' parties.
- Example
- <sup>12</sup> *Convention on the Prevention and Punishment of the Crime of Genocide*, opened for signature 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951) art 2.



# BIBLIOGRAPHY RULE 1.13

- The bibliography lists all sources consulted, not just those referred to in the text and footnotes
- The bibliography should appear at the end of your paper.
- Begin the list on a new page
- Full stops should not follow the citation
- An author's first name and surname should be inverted and separated by a comma
  - For works with more than one author, only the first author's name and surname are inverted
- The entries should appear in a single alphabetical sequence, arranged by the author's surname, or title if no author is given (excluding '*The*')
- Use HEADING LEVEL ONE for the BIBLIOGRAPHY centred on page



# BIBLIOGRAPHY

Divide the bibliography into sections *Heading Level Two* centred on the page:

- A *Articles/Books/Reports*
- B *Cases*
- C *Legislation*
- D *Treaties*
- E *Other*

Sections may be omitted and other categories or subdivisions included as needed (with appropriate numbering)



# BIBLIOGRAPHY

- Material that can be included under the ***Other*** heading includes:
- government documents, such as parliamentary debates, parliamentary committee reports or Royal Commission reports
- internet sources
- legal commentary or loose-leaf services
- legal encyclopedia
- newspaper articles
- press releases
- television or radio transcripts



# BIBLIOGRAPHY

## BIBLIOGRAPHY

### A. Articles/Books/Reports

Foster, Michelle, 'The implications of the failed "Malaysia Solution": The Australian High Court and Refugee Responsibility Sharing at International Law' (2012) 13(1) *Melbourne Journal of International Law* 395

Hathaway, Oona A, Sabrina McElroy and Sara Aronchick Solow, 'International Law at a Crossroads' (2012) 7(1) *Yale Journal of International Affairs* 54

### B. Cases

*Lane v Morrison* (2009) 239 CLR 230

*R v Reid* [2007] 1 Qd R 64

### C. Legislation

*Access to Medicinal Cannabis Act 2016 (Vic)*

*Australian Constitution*

### D. Treaties

*Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987)

### E. Other

Australian Law Reform Commission, *Elder Abuse* (Discussion Paper No 83 December 2016)

New South Wales, *Parliamentary Debates*, Legislative Assembly, 15 December 1909

