UNSW LAW JOURNAL ADDITIONS TO THE AGLC (3rd ED)

As at 13 February 2013

This is a working document of the UNSW Law Journal Editorial Board

Goals

1. To add citation guides for materials not covered in the current AGLC edition.
2. To amend the AGLC to adhere more closely to the underlying principles below.
3. To be as consistent with the AGLC as possible, only making additions or amendments where absolutely necessary.

Underlying Principles

The following principles should underlie written pieces:
1. Clarity and accuracy of communication. References to other sources should be as detailed as is required to locate that source and should indicate the use that has been made of that source.
2. Simplicity and efficiency. The language used should be no more esoteric than the subject matter reasonably requires.
3. Consistency. Consistency should be maintained in terms of using rules of spelling or typography which would otherwise be categorised as arbitrary decisions.
4. Aesthetic appeal. Where one alternative in an otherwise typographical matter is more pleasing to the eye it is to be preferred.

If an issue is not covered by a specific rule, provide as much information as necessary to satisfy the objectives of uniformity, ease of retrieval and clarity.

1.1 General Format of Footnotes

1.1.6 Referring to Following Pages
RULE: When an author wants to refer to a particular page number in a cited work and the pages following, use ‘ff’.

1.4 Subsequent References

1.4.1 Ibid
Additional Note: ‘Ibid’ can be used for cases, but never for legislation (the full Act name and citation must be given in every footnote referring to it).
1.4.2 Referring to Footnotes with More Than One Reference
RULE: Where more than one work by the same author is cited in the footnote referred to, the subsequent footnote should read:
• Articles: Author’s family name, ‘Abbreviated title of work referred to’, above n x, pinpoint.
• Books: Author’s family name, *Abbreviated title of work*, above n x, pinpoint.

1.4.4 Referencing within a Footnote
RULE: When referencing any discursive text that appears in the footnotes, the reference should appear after the text, immediately following a colon.
EXAMPLE: ‘There is some judicial support for the argument that a reputation as a fraudster would fall outside the scope of the offence’: *Dias v O’Sullivan* [1949] SASR 195, 204.

1.5 Quotations

1.5.4 Punctuation within Quotations
RULE: When two different punctuation marks are needed both should be used, one inside and one outside the closing quotation mark.
EXAMPLE: According to Tilbury the question is: ‘Must causation be a real limitation on the recovery of compensation in equity?’
RULE: When a quoted sentence ends with punctuation (full stops, commas, etc.), the closing quotation mark should go after the relevant punctuation. Otherwise, the closing quotation mark should precede the punctuation.
EXAMPLE: Where the original text would say: ‘However, it may be that in truth aboriginal title is neither a personal nor a proprietary right but is sui generis.’
> However, Dawson J opined that ‘aboriginal title is neither a personal nor a proprietary right’.
> However, Dawson J opined that ‘aboriginal title is neither a personal nor a proprietary right, but is sui generis.’

1.6 Punctuation

1.6.1 Full Stops
RULE: Full stops should only have single spaces after them.

1.6.3 Dashes
RULE: Em-dashes should not be used. En-dashes should be used to indicate an interruption within a sentence or in place of a colon. En-dashes should also be used to indicate a span between numbers. (This overrides AGLC Rule 1.6.3.)

1.7 Capitalisation

1.7.1 Capitalisation Examples
RULE: The following words should generally be capitalised:
• Part (when the author refers to other sections of his/her own article eg, Part III).
• Any institution, when referred to in its specific sense (if used in its generic sense, use lower case).

Eg:  
\[\text{In a specific sense} – \text{‘the High Court interpreted s } 51 \text{ of the Constitution …’}\]
\[\text{In a generic sense} – \text{‘if we compare interpretations by high courts in countries with written constitutions with those without written constitutions …’}\]

RULE: There are specific capitalisation requirements for the following words:
• **Minister, member or senator:** These are not capitalised unless they refer to a specific person, or in the case of a minister, to a specific portfolio. For example, ‘Senator Stott Despoja said …’ or ‘the Minister for Foreign Affairs’.
• **House:** ‘House’ is capitalised when referring to the House of Representatives, the House of Commons or the House of Lords. Often, an author will abbreviate the House of Representatives to just ‘the House’, and this should be capitalised (similarly, ‘Houses’ when referring to the Senate and the House of Representatives). ‘The Lower House’ and ‘the Upper House’ should be capitalised when used interchangeably with ‘the House of Representatives’ and ‘the Senate’. When talking generically about bicameral legislatures, ‘house’ is not capitalised, nor is it capitalised in the terms ‘people’s house’, ‘States’ house’ or ‘house of review’.
• **Federation:** Capitalise only when referring to the event that took place in 1901. So, it is the ‘centenary of Federation’, but Australia ‘is a federation of States’. (Note that in ‘centenary of Federation’, ‘centenary’ is not capitalised.)
• **Government:** Capitalise when referring to a specific government in power at a particular time (ie, the political party with a majority in the Lower House). For example, the Hawke Government or the Howard Government. ‘Federal Government’ or just ‘Government’ are capitalised when used interchangeably with a specific (named) government. All other uses of government (including ‘the federal government’) are not capitalised.

1.7.2 Capitalisation of Subheadings in Cited Materials

RULE: The first word in a subheading of a title in any cited material should be capitalised, even if it is an article, conjunction or preposition.


1.7.3 Capitalisation of Hyphenated Words of Titles of Cited Materials

RULE: In titles of cited materials, where two or more parts of a compound word are separated by a hyphen or hyphens, each part should be capitalised (eg, ‘Decision-Maker’, not ‘Decision-maker’). Where a word is modified by a hyphenated prefix, only the first letter should be capitalised (eg, ‘Re-enact’, not ‘Re-Enact’). Note that editors should consult the *Macquarie*
Dictionary to determine whether a compound or modified word should be hyphenated at all.

### 1.15 Headings

**RULE:** The AGLC is not to be followed. Headings in the UNSW Law Journal should appear as follows:

**ARTICLE TITLE - TIMES NEW ROMAN, 12PT, BOLD, ALL CAPS, CENTRED**

**AUTHOR NAME – TIMES NEW ROMAN, 10PT, ALL CAPS, CENTRED**

**I HEADING LEVEL ONE – TIMES NEW ROMAN, 12 PT, BOLD, ALL CAPS, CENTRED**

A Heading Level Two – Times New Roman, 11pt, bold, centred

**1 Heading Level Three – Times New Roman, 11pt, Bold, Italic, left justified**

(a) Heading Level Four – Times New Roman, 11pt, Italic, left justified

(i) Heading Level Five – Times New Roman, 11pt, Italic, left justified

Note in particular that small and large capitals are never used for headings or the author’s name.

### 1.17 Abbreviations

#### 1.17.1 General Rules on Abbreviations

In general, abbreviations should not be used in the text of an article. However, the following are acceptable:

<table>
<thead>
<tr>
<th>Company</th>
<th>Co</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited</td>
<td>Ltd</td>
</tr>
<tr>
<td>Proprietary Limited</td>
<td>Pty Ltd (note that English companies are abbreviated to ‘plc’ – Public Limited Company)</td>
</tr>
<tr>
<td>et cetera</td>
<td>etc</td>
</tr>
<tr>
<td>For example/exempli gratia</td>
<td>eg</td>
</tr>
<tr>
<td>Incorporated</td>
<td>Inc</td>
</tr>
<tr>
<td>id est</td>
<td>ie</td>
</tr>
<tr>
<td>Justice of the Peace</td>
<td>JP</td>
</tr>
<tr>
<td>Justice/Justices</td>
<td>J/JJ</td>
</tr>
<tr>
<td>President (Court of Appeal –</td>
<td>P</td>
</tr>
</tbody>
</table>
Vic, NSW, Qld and Canada)  
Vice-Chancellor  V-C  

In footnotes, the following words and phrases should be abbreviated, in addition to those listed above.

<table>
<thead>
<tr>
<th>And and following, et sequentes</th>
<th>et seq</th>
</tr>
</thead>
<tbody>
<tr>
<td>and others, et alii</td>
<td>et al</td>
</tr>
<tr>
<td>appendix</td>
<td>app</td>
</tr>
<tr>
<td>approximately, about, circa</td>
<td>c</td>
</tr>
<tr>
<td>article/articles (of legislation, a Constitution)</td>
<td>art/arts</td>
</tr>
<tr>
<td>at the same page, in the same chapter or book, ibidem</td>
<td>ibid (but not id)</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>ACT</td>
</tr>
<tr>
<td>chapter/chapters</td>
<td>ch/chs</td>
</tr>
<tr>
<td>clause/clauses</td>
<td>cl/cll</td>
</tr>
<tr>
<td>command paper</td>
<td>C, Cd, Cmd, Cmnd (according to series)</td>
</tr>
<tr>
<td>Commonwealth</td>
<td>Cth</td>
</tr>
<tr>
<td>compare with</td>
<td>confer cf</td>
</tr>
<tr>
<td>compiler/compilers</td>
<td>comp/comps</td>
</tr>
<tr>
<td>Court of Appeal</td>
<td>CA</td>
</tr>
<tr>
<td>division</td>
<td>div</td>
</tr>
<tr>
<td>edition/editions</td>
<td>ed/eds</td>
</tr>
<tr>
<td>editor/editors</td>
<td>ed/eds</td>
</tr>
<tr>
<td>following</td>
<td>ff</td>
</tr>
<tr>
<td>footnote/footnotes (referring to a footnote outside the article)</td>
<td>fn/fns</td>
</tr>
<tr>
<td>manuscript/manuscripts</td>
<td>MS/MSS</td>
</tr>
<tr>
<td>New South Wales</td>
<td>NSW</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>NT</td>
</tr>
<tr>
<td>note/notes (reference to a footnote within article)</td>
<td>n/nn</td>
</tr>
<tr>
<td>number</td>
<td>no</td>
</tr>
<tr>
<td>number (of an Act)</td>
<td>No</td>
</tr>
<tr>
<td>page/pages</td>
<td>p/pp</td>
</tr>
<tr>
<td>paragraph/paragraphs</td>
<td>para/paras</td>
</tr>
</tbody>
</table>
Refer to the following AGLC Rules:
1.14.1 General Rule [Individuals and Authors]
1.13.3 Decades and Centuries
2.1 Case Name
2.3.2 Abbreviations for Report Series (see also the Appendix)
2.9.1 Judicial Officers
3.1.3 Jurisdiction
3.1.4 Pinpoint References [Statutes]
3.3.2 Pinpoint Reference [Delegated Legislation]
3.9.1 Legislative Materials in Their Entirety
7.4 Treaty Series
7.6 Subsequent References [Treaties]
8.2.3 Resolution or Decision Number [United Nations Materials]
8.2.4 Official Records [United Nations Materials]
8.2.10 UN Document Number

1.17.2 Abbreviating Names of Institutions
RULE: Institutional bodies etc should be abbreviated in parentheses immediately following the first use of the term, surrounded by single quotation marks. ‘The’ should never be used in an abbreviation.
EXAMPLE: … the Independent Commission against Corruption (‘ICAC’).

1.17.3 Abbreviating Names of Judges
RULE: Members of the Judiciary should be referred to by their abbreviated title (eg, Gaudron J) every time they are cited, except where it is being used to start a sentence or to indicate the possessive (eg, ‘Justice Gaudron’s opinion …’).

1.17.4 ‘Eg’ and ‘ie’
RULE: In the text of an article, ‘eg’ and ‘ie’ should only be used where the author insists or where the text would otherwise be cumbersome. These abbreviations should always be used in the footnotes. Wherever ‘ie’ or ‘eg’ are used, they should always be followed by a comma.

1.17.5 Time
RULE: Time should be written in 12-hour time, with the hours and minutes separated by a full stop and no space before ‘am’ or ‘pm’.
EXAMPLE: 7.00pm, 8.30am, NOT 7:30 pm, 14:15.

1.17.6 Abbreviating Case Names
Additional Notes:
• After the abbreviation, the case should from then on be referred to by its abbreviated, italicised name.
• It is only be necessary to footnote the case again when the author quotes directly from or paraphrases the case or refers the reader to a particular page or section, in which case the relevant footnote should include the abbreviated case name, the citation and a pinpoint reference, eg, Leech [1993] 4 All ER 539, 552.
• Where a case name is brief and easy to read (eg, Raymond v Honey), or where a case is only referred to once in the article, no abbreviated name need be given. If the case is referred to more than once, it will only be necessary to footnote the case again when the author quotes directly from or paraphrases the case or refers the reader to a particular page or section.

2.3 Law Report Series

2.3.1 Official and Unofficial Report Series
RULE: Report series are to be preferred in this order:
1. Official (authorised) report series
2. Generalist unofficial report series
3. Subject-specific unofficial report series, eg, the Australian Torts Reporter
4. Medium-neutral/unreported citations (these are court-specific reports)

Additional Notes: You are required to change the report series to one higher up on this list, if the case appears in more than one report series. Note that this means the pinpoint reference will be different; please ensure the pinpoint reference is changed as well as the series.

The official report series are listed at AGLC Rule 2.3.2 and include:
• Commonwealth Law Reports (CLR)
• Federal Court Reports (FCR)
• Victorian Reports (VR)
• NSW Law Reports (NSWLR)

The unofficial report series include:
• Australian Law Reports (ALR)
• Australian Law Journal Reports (ALJR)
• Federal Law Reports (FLR)
• Family Law Cases (FLC)
• Queen’s Bench (QB)

Medium neutral citations are dealt with by AGLC Rule 2.8 and include:
• High Court of Australia (HCA)
• Federal Court of Australia (FCA)
• Supreme Court of NSW (NSWSC)
• NSW Court of Appeal (NSWCA)
• NSW Industrial Relations Commission (NSWIRComm)
• Western Australian Supreme Court (WASC)
• Supreme Court of Victoria (VSC)
• Supreme Court of Victoria Court of Appeal (VSCA)
• Supreme Court of Tasmania (TASSC)
• Supreme Court of South Australia (SASC)
• Queensland Supreme Court (QSC)
• Queensland Court of Appeal (QCA)
• Queensland Industrial Relations Commission (QIRComm)
• Queensland Industrial Court (QIC)

2.8.1 Decisions with a Medium Neutral Citation

RULE: Contrary to the AGLC, the date of decision does not need to be included for Unreported Decisions with a Medium Neutral Citation.


2.11 Quasi-Judicial Decisions

2.11.1 Tribunal Decisions

RULE: Tribunal decisions that have not been reported in an official or unofficial report series are to be reported by way of medium neutral citations, and similar to an unreported judgment, as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule</td>
<td>Case name</td>
<td>[Year]</td>
<td>Tribunal</td>
<td>pinpoint</td>
<td>(Unreported, Name of Judge, Full date).</td>
</tr>
</tbody>
</table>
Additional Notes: If the material from the Tribunal is not available to the public (such as the determinations of the Victim’s Compensation Tribunal) include as much information as possible to enable readers to identify the source.


3.1 Statutes

3.1.4 Pinpoint Reference
Abbreviations for pinpoint references to an Act (eg, s 245) should only be used in footnotes, not in the text. Such abbreviations also cannot be used where the word appears at the start of a sentence.

3.2 Constitutions

Additional Note: When referring to chapters of the Australian Constitution, the full word Chapter (with a capital ‘C’) is to be used.
Example: ‘…Gaudron J based her reasoning on Chapter III of the Australian Constitution …’.

3.2.1 Constitutional Alterations
RULE: Constitutional alterations should be cited as follows:

<table>
<thead>
<tr>
<th>Example</th>
<th>Constitutional Alteration</th>
<th>(Preamble)</th>
<th>1999</th>
<th>(Cth)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule</td>
<td>Constitutional Alteration</td>
<td>(Title)</td>
<td>Year</td>
<td>(Jurisdiction)</td>
</tr>
</tbody>
</table>

The word ‘Bill’ is not to be used when citing constitutional alterations.

6.9 Working Papers and Similar Documents of Various Bodies

Note: This rule applies to publications released by institutions of a similar nature to reports, discussion papers, and working papers. It applies to such documents in preference to Rule 6.15 (internet materials) and Rule 5 (books).

6.9.1 Specific Paper Series
RULE: If the working paper is from a particular series, cite the series.

Harvard Law School, 1999).

6.17 Material on File
Occasionally material cited may be confidential, unpublished, or otherwise difficult for the public to access.

**RULE:** Fill in as much material as possible and accompany the citation with ‘(copy on file with author)’.

### 6.18 Unpublished Manuscripts

#### 6.18.1 To Be Published in a Journal

**RULE:** The work should be cited as a journal article, with ‘forthcoming’ in place of the volume number. This overrides AGLC Rule 4.6.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule</td>
<td>Author</td>
<td>‘Working Title’</td>
<td>(Year)</td>
<td>forthcoming</td>
<td>Journal</td>
</tr>
</tbody>
</table>

Where the author refers to a particular page, the following format should be adopted:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule</td>
<td>Author</td>
<td>‘Working Title’</td>
<td>(Year)</td>
<td>forthcoming</td>
<td>Journal (copy on file with author)</td>
<td>20</td>
</tr>
</tbody>
</table>

#### 6.18.2 Other Manuscripts

For manuscripts where it is not known where the paper is to be published, cite as follows:


<table>
<thead>
<tr>
<th>Rule</th>
<th>Author</th>
<th>‘Title’</th>
<th>(Year)</th>
<th>(unpublished, copy on file with author)</th>
<th>pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7 References to Own Work

RULE: Where the author references their own article, it should be referred to as an ‘article’ not, for example, as a ‘paper’.
EXAMPLE: ‘This article will argue…’ not ‘This paper will argue…’