Citing legislation

Statutes (Acts)

The citation of a statute is made up of the following elements:

• Short Title (specified in the act, usually section 1) which includes the year the act receives assent
• Jurisdiction
• Section number (if relevant)

Eg. Antarctic Treaty (Environment Protection Act) 1980 (Cth)
The Criminal Code (WA) s 436

Points to note:

1. *Italicise* the short title of the act, including the year
2. Cite the year of the sessional act. Reprint details are not included
3. The same rules apply when citing online sources. Reference to URLs, databases etc. is not required.

Bills

Bills should include the same basic elements as an act. Note that the Short Title is NOT italicised when citing a Bill.

Eg. Family Law Reform Bill 1994 (Cth)

The style of the citation, involving commas, italics and dates, may vary between jurisdictions. Check chapters discussing citation in texts such as *Laying Down the Law* for more details.

Subordinate or Delegated Legislation – (Legislative Instruments, Regulations, Orders, Statutory Rules)

For subordinate legislation the elements to include are:

• Short Title (specified in the regulation “citation”).
• Year
• Jurisdiction
• Regulation, rule or order number (if relevant)

Eg. Legislative Instruments Regulations 2004 (Cth) reg 5

However delegated legislation may also be cited using the sessional number; year, and number (if given).

Eg. Statutory Rules 2004 No 373 (Cth)

For more info, visit:

Reported judicial decisions are cited using the following:

1. the names of the principal parties in the case, use italics
2. the date of the report
3. volume number, where applicable,
4. the abbreviation of the name of the law report series,
5. the first page of the report.

Eg. *Kais v Turvey* (1994) 11 WAR 357

Points to note:

1. If there are many parties involved in the case they will not all be listed. The abbreviation “& Ors” is used after the principle parties to indicate additional plaintiffs and defendants.

Eg. *Milpurrurru & Ors v Indofurn Pty Ltd & Ors* (1995) AIPC 91-116

1. In criminal cases the Crown is the plaintiff and is abbreviated as “R”. Since 2004, in WA the plaintiff is “The State of Western Australia”


Unreported Judgments (WA) prior to 30 April 1999

Citations of unreported decisions should include:

- Parties names
- Statement that the case is unreported
- Court details
- Supreme Court Library Number (SCL No: or Lib No.)
- Full date of delivery

Eg. *Hamilton v R*, unreported; CCA SCT of WA; Lib No. 990082; 4 March 1997

Media Neutral Citation

Used by the courts for decisions made after 30/04/1999.

Media Neutral citations do not distinguish between a citation in electronic or print form. Citations should include:

- Parties names
- Year of publication
- Court identifier
- Judgment number assigned by the court
- Paragraph number if required

Eg. *Strong v The Queen* [2005] HCA 30, [17]

See: The Supreme Court of Western Australia, Consolidated Practice Directions (22 September 2015) 8.2.2.

Parallel Citations

Parallel citations should not be used unless you are citing cases for court purposes in WA.

See: The Supreme Court of Western Australia, Consolidated Practice Directions (22 September 2015) 2.1, paragraph 14.

Abbreviations

Standard abbreviations have been developed for the various series of law reports. Some of the most comprehensive lists are:

- Donald Raistrick, *Index to Legal Citations and Abbreviations* (Sweet & Maxwell, 3rd ed, 2008)
- *The Cardiff Index to Legal Abbreviations*

(Round) and [Square Brackets]

The year in a case citation is placed in round brackets when the volumes of cases are numbered. To find these cases on the shelves you look for the volume number in the sequence.

Eg. *Craig v Troy* (1997) 16 WAR 96