



THE UNIVERSITY OF AUCKLAND
FACULTY OF LAW

**LEGAL
RESEARCH
AND
WRITING
GUIDE**

2003

INTRODUCTION

This Guide draws upon the collective wisdom of the Faculty of Law and Davis Law Library's *Guide to Legal Research and Writing* (3rd ed, Faculty of Law, Auckland, 1998), the Style Guides of the New Zealand Universities Law Review, the New Zealand Law Review, and the Department of Commercial Law at the University of Auckland, and above all the excellent and comprehensive *Australian Guide to Legal Citation* (2nd ed, Melbourne University Law Review Association Inc, Melbourne, 2002). My thanks to those colleagues who helpfully commented on an earlier draft, and to Rosemary Tobin for updating and improving the suggested answer to the worked example.

The Guide includes an introduction to legal method, the research process and legal style in Part I. These issues are, however, far too complex to be tackled in depth by a work of this scope. The reader is therefore referred to further useful legal method and style resources in the Davis Law Library.

The focus of the Guide, in Part II, is on the presentation of legal research in its appropriate form and specific citation and legal referencing issues.

If the Guide does not provide an answer to your particular citation question, please consult the "Troubleshooting" section in Part III. If you have any comments or suggestions for the improvement of this Guide, please let me know.

Part IV provides a quick checklist of the more important citation standards.

Paul Myburgh
Faculty of Law
The University of Auckland
<p.myburgh@auckland.ac.nz>

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I LEGAL METHOD AND STYLE

The following is an introduction to legal method and style, using a specific worked example of a tutorial essay question.

A *Tutorial Essay Question*

Assume that you are given the following tutorial essay question in Torts:

Pete's Pub is the local tavern of Eketahuna. The owners of the tavern maintain toilets for the convenience of their patrons. In July 2002, an unidentified patron entered the men's toilet and scrawled on the toilet wall, amongst all the other graffiti, this message: "For a good time, call Elaine 765-4321. I thought she was great and am sure she could satisfy many others." In September, Ken, a regular patron of the tavern, went to utilise the toilet facilities. Ken was extremely intoxicated after consuming over a dozen pints of beer. Although he had seen the message before, on this occasion he read it quite carefully. Ken then phoned the number and Elaine, a local school teacher, answered. Ken explained where he has obtained her number and asked Elaine if he could engage the services which the graffiti suggested she was offering. Shocked, Elaine refused and then hung up the phone.

The next day, Elaine phoned Pete's Pub, advised them of the situation and requested them to remove the graffiti from the wall immediately. The manager responded by laughing and said "Don't be silly. It's just a joke." Disgruntled, Elaine has now initiated proceedings against Pete's Pub for defamation. Pete's Pub has come to you for legal advice on the possibility of Elaine succeeding in her claim and the damages the pub might incur. Assume that "honest opinion" is not an available defence in this case.

1 *Know thy library!*

It is simply not possible to conduct legal research efficiently and effectively unless you know how to access legal information. If you are not already thoroughly familiar with the Davis Law Library system, access <http://www2.auckland.ac.nz/lbr/law/law_course.htm> (at 15 March 2003), which provides information on the Davis Law Library's tours and courses for undergraduate and postgraduate students, including the Legal Information Literacy Certificate for Part II students. Library courses and tours can be booked online on the same page.

The home page of the Davis Law Library at the University of Auckland, <<http://www2.auckland.ac.nz/lbr/law/home.htm>> (at 15 March 2003), provides detailed information on:

- ❖ The *collection* in the Davis Law Library. The collection has recently been reclassified using the Moys numbering system. Information sheets listing the new classification numbers and book locations are available both at the Information Desk in the Davis Law Library and online. There is also new signage on the shelves to assist in locating reclassified sources.
- ❖ The *legal resources*, particularly online resources, which are available in the Davis Law Library. These are grouped into:
 - New Zealand legal resources (cases, legislation, commentaries and encyclopaedias, journal articles, internet resources):
<http://www2.auckland.ac.nz/lbr/law/law_newzealand.htm> (at 15 March 2003)
 - Law journal articles (indexing databases, full text online journals):
<http://www2.auckland.ac.nz/lbr/law/law_journal_articles.htm> (at 15 March 2003)

- Full text mega databases:
<http://www2.auckland.ac.nz/lbr/law/law_mega_databases.htm> (at 15 March 2003)
- Other jurisdictions (Australia, Asia-Pacific, Canada, UN, USA, UK):
<http://www2.auckland.ac.nz/lbr/law/law_jurisdictions.htm> (at 15 March 2003)
- Online legal references (encyclopaedias, dictionaries, legal abbreviations, citation/style guides):
<http://www2.auckland.ac.nz/lbr/law/law_online_legal.htm> (at 15 March 2003)
- Online guides and help (Voyager, databases, course guides):
<http://www2.auckland.ac.nz/lbr/law/law_online_guides.htm> (at 15 March 2003)
- Area of law by topic:
<http://www2.auckland.ac.nz/lbr/law/law_area.htm> (at 15 March 2003)

2 Preliminary reading

Read the question through several times very carefully. Ask yourself: “what exactly am I being required to do?” Often this is explicitly stated at the end of the question, as is the case here. You are being asked to advise Pete’s Pub on the merits of Elaine’s defamation claim and the damages that might be awarded. You are *not* being asked to address other causes of action such as negligence, malicious falsehood, invasion of privacy or intentional infliction of emotional distress. Confine your research accordingly.

Note also the final sentence of the problem. You are told not to consider the defence of honest opinion for the purposes of this essay. Do not research this issue or discuss it. Too often students miss such vital information in a question and waste valuable time researching and writing about something for which they will be given no credit.

In sum, read the question very carefully, follow instructions closely, and focus only on what the question requires.

3 *Identify the relevant facts*

Highlight and separate out the material facts that you think will be relevant to the legal issues. If you do not do so, you may overlook an important fact, or focus your research on a less relevant set of facts. Separating out the relevant facts helps to ensure that your research and analysis is more structured, streamlined and efficient.

Analyze the facts meticulously and objectively. Do not generate any extra facts, or re-interpret or “shoe-horn” the facts into your particular view of the case.

If there are facts that might have been relevant or useful but are not mentioned in the question, you should assume that you are not expected to address that particular issue at length (or at all).

However, if you believe that you have not been given facts in the question that are crucial to a central legal issue which must be resolved, identify the additional information you require and how it would affect your legal opinion.

Here, the material facts might be:

- ❖ Message: “For a good time, call Elaine 765-4321. I thought she was great and am sure she could satisfy many others.”
- ❖ Written on toilet wall by unknown patron (not by Pete’s Pub employees).
- ❖ Message acted on by extremely drunk patron of Pete’s Pub.
- ❖ Pete’s Pub treats it as a joke and refuses to remove the message.

4 *Identify the legal issues*

Depending on the level of your existing knowledge and the question, you may already be able to identify the main issues and prioritize them on a preliminary basis, based on how significantly they affect the answer to the question. Be careful, however, not to treat this preliminary analysis as set in stone — you should always reassess your preliminary view of the issues once you have completed more research.

If you are not at all sure what the legal issue is and the question does not provide any clues, try to extract relevant legal concepts or keywords from the material facts — tort, false statement, reputation, innuendo, privacy, hurt feelings etc. Then check the index and table of contents of the leading textbooks in the area to see if you can identify the relevant legal issues and narrow down your field of enquiry. Alternatively, using your keywords, run a subject or full text search in the relevant text/commentaries, legal periodicals and case databases, to see if you can identify relevant texts, commentaries, journal articles or cases that are relevant to the question.

5 *Research!*

Once you have identified the relevant facts and legal issues, you can start on the research process itself: finding, collecting and analyzing legal information.

Be methodical — plan your research before you start. A “hit and miss”, random approach to legal research wastes time and is unlikely to produce impressive results.

Keep meticulous, accurate and full notes as you go. Make sure that you note down all the relevant citation details — you do not want to have to come back and find everything again just to complete your footnotes!

Collecting photocopies or passively reading large amounts of text does not amount to research. You need actively to analyze and record your views on the materials as you go. Think critically about what you are reading. Be alert for inconsistencies and ambiguities. As you read and analyze each new piece of information, ask yourself: How does this fit into what I have already found? What does it add to my existing knowledge? Does it reveal new issues to be examined? How does it help me answer the question I have been set? Where is it likely to fit into my answer?

Unless you know a lot about the subject already, it makes sense to start with the relevant secondary sources (texts and journal articles), and then move on to primary sources (cases and statutes) once you have narrowed down the field of enquiry.

(a) Consult the *leading textbooks, commentaries or reports* in the area. A good textbook or commentary should provide you with a lucid summary of the relevant legal principles, identify issues that are

uncertain or controversial (which will often be precisely the issues you are being asked to consider!) and provide you with references to other primary or secondary sources through the footnotes. Your lecturer may have provided you with a list of the leading textbooks in the area. If not, do a subject or keyword search on Voyager.

Unless you are conducting historical research or there are special reasons for doing so, do not consult old editions of textbooks – always use the most up-to-date material available.

You may wish to begin with a general introductory text or commentary. Once you are more familiar with the issues, however, you should consult more specialized and theoretical texts (if available) to gain a deeper, more critical understanding. In our example, an obvious place to start would be the latest edition of Todd's *The Law of Torts in New Zealand* and Burrows and Cheer *Media Law in New Zealand*. The next step might be to refer to, for example, Gillooly's *The Law of Defamation in Australia and New Zealand* for a more detailed analysis.

Carefully note down further relevant sources discussed in the text and footnotes. It goes without saying that you have to then go and *find and read and analyze* those sources in turn. If you cannot find a source, do not cite it as if you have. Copying other people's footnotes is nothing less than intellectual fraud, and it is very easily spotted by seasoned lecturers!

As the law is stated as at the date of publication of the textbook or commentary, and you cannot simply rely on textbook authors to have found and discussed all of the relevant sources for you, you also have to *check and update* your list of sources gleaned from textbook footnotes.

(b) *Journal articles* are an essential component of the research process:

- ❖ They often provide more up-to-date information than textbooks.
- ❖ They usually focus in more detail on specialized topics and may therefore assist in lifting your analysis from general overview to in-depth analysis.
- ❖ Textbooks can often be overly descriptive, or adopt a neutral or conservative approach in their discussion of legal principles. A good article, by comparison, involves the statement of a thesis (argument), a critical, theoretical analysis of that thesis, and a

conclusion. The quality of argument, in-depth analysis and focus of a good journal article are also the hallmarks of a good essay answer.

As discussed above, you can glean relevant journal article references from the footnotes of the textbooks you have consulted. Then *check and update* for other journal articles which the textbook authors may not have cited, by doing a keyword search on the Index to Legal Periodicals and LegalTrac: see <http://www2.auckland.ac.nz/lbr/law/law_journal_articles.htm> (at 15 March 2003).

(c) From your analysis of the leading texts and journal articles, you will have discovered references to any relevant *legislation*. In the case of our worked example, the Defamation Act 1992 is relevant. You can use the traditional paper statutes and statutory regulations, or access the electronic version of this material in Brookers Online or Butterworths Online. One of the most important advantages of the electronic databases is that each section of the statute has a link that automatically brings up recent case law on the point.

Search the "Analysis" section of the Act (or do a full text search of the Act on the electronic database). The Analysis lists the Parts of the Act and the subject headings of each section.

In our example, certain sections of the Defamation Act seem potentially relevant. For example, section 28 of the Act addresses the issue of punitive damages. Remember that the essay question asked you to discuss damages.

(d) *Case law*. Reading cases is an essential component of legal research. You must cite authorities to support the arguments you make in your essay. Studying cases is one of the best ways to develop your ability to write a well-reasoned legal opinion. Cases can provide:

- ❖ The standard approach to analyzing a particular type of legal problem.
- ❖ Definitive interpretations of legislation.
- ❖ An exposition of the historical development of the law and current law.
- ❖ Legal and policy arguments relevant to your research.

For New Zealand case law, do a keyword search on Briefcase/Viewcase and Linxplus (they often turn up different results!) to *update* case references you have already found in textbooks, and to *check* that you have all relevant references. New Zealand cases are also available on Lexis and in the traditional paper reports. For case law from other jurisdictions, see <http://www2.auckland.ac.nz/lbr/law/law_jurisdictions.htm> (at 15 March 2003).

6 Writing the essay

At some stage, you will have to stop researching and start writing. Students often have difficulty knowing when they have done enough research. If you have followed a methodical research process, it should be easier to know when you are ready. When you find that references to the same cases and journal articles you have already read and noted up keep appearing, you seem to be reading the same thing over and over again, or find yourself spending hours chasing some minor peripheral point, the “law of diminishing returns” probably means that it is time to get down to writing the essay.

Do not underestimate how long it will take you to write the essay. Rather leave more than enough time to plan, write, proofread and polish your essay. If you discover in the course of writing that your research on one or two minor points was not as thorough as you thought, you will then still have time to go back and look at those specific issues again.

The object of writing a legal opinion or essay is to communicate often complex concepts. This requires that you pay attention to your audience, and that you lead your readers carefully from what they can be taken to know already to the new information and ideas that you wish to communicate to them.

You will not be able to communicate a concept properly unless you understand it first. There is therefore no substitute for having thoroughly researched and thought about what you are going to write *before* you start to write it.

When writing your legal opinion or essay:

- ❖ Ensure that you express yourself concisely and coherently.
- ❖ Avoid excessively long sentences.

- ❖ Use the active rather than the passive voice as far as possible (eg “The Court held that...” rather than “It was held by the Court that...” or “The plaintiff brought a claim ...” rather than “A claim was brought by the plaintiff ...”).
- ❖ Avoid stock phrases and “style tics” (overuse of “clearly”, “obviously”, “of course” is likely to infuriate your examiner — if the matter were really that obvious, it is unlikely that it would have been set as an opinion topic), clichés, generalizations and excessive use of jargon.
- ❖ Avoid contractions (eg, use *it is* instead of *it’s*; *cannot* instead of *can’t*), informal language, slang and “humour”.
- ❖ Use apostrophes correctly — do not use *’s* for plurals and *never* use *it’s* in legal writing: it is either an impermissible contraction for *it is*, or it is being incorrectly used instead of the possessive pronoun *its* (ie, belonging to it).
- ❖ Avoid upsetting or angering your audience with racist, sexist or gendered language. Gendered language can easily be avoided by gender-neutral descriptions or titles (but do not do violence to the etymology of words — there is no such thing as an Ombudsperson, for example), by using “she and he” and “his or her”, by pluralising the whole sentence to avoid the use of “his” or “hers” (but do not “slide” ungrammatically from singular to plural in the same sentence), or by balancing the gender of examples given within the essay as a whole.
- ❖ In respect of general questions of style, grammar and syntax, consult the latest edition of Strunk and White’s *The Elements of Style*, Fowler’s *Modern English Usage* and Garner’s *The Elements of Legal Style*. Spelling should conform to the *Dictionary of New Zealand English* or the *Oxford English Dictionary*. Do not use American spelling except in quotations and US case names.

(a) *Essay plan*

Design a basic essay plan that sets out the overall structure of your analysis. The structure of your essay should be logical. If your research has been thorough and methodical, this should not be too difficult.

For example:

- 1 Introduction
- 2 Are the words defamatory?
- 3 Pete's Pub's liability as a publisher
- 4 Defences
- 5 Damages
- 6 Conclusion

(b) *Developing the body of the essay*

Many students find this the most difficult part of the task. Despite having a thorough knowledge of the subject, putting pen to paper can be difficult. To ease this burden, it might help to follow this basic methodology (sometimes referred to as ILAC) when addressing each issue in turn:

- 1 State the legal *issue*. (I)
- 2 Discuss and analyze the relevant *law*. (L)
- 3 *Apply* the law to the given facts. (A)
- 4 Reach a *conclusion* on the issue. (C)

Consider the following as a possible answer for parts 2 and 3 of the essay. Note that this is not a model answer, but it does address the main issues and gives you an idea of how you might go about answering such a question.

2 *Are the words defamatory?*

Perhaps the most useful starting point here are the words of McGregor J in *Collerton v Maclean*¹ where he summarizes the leading definitions of what constitutes a defamatory statement:²

A defamatory statement is a statement which is calculated to lower the plaintiff in the estimation of right-thinking men, [sic] or cause him to be shunned or avoided or expose him to hatred, contempt or ridicule, or one which is calculated to convey an imputation disparaging to him in his business or office or calling.

Further assistance can be derived from the Court of Appeal in *New Zealand Magazines Ltd v Hadlee*³ where Blanchard J stated the

relevant principles of law to be used when determining whether words are capable of bearing a defamatory meaning:⁴

- a) The test is objective.
- b) The reasonable person reading the publication is one of ordinary intelligence, general knowledge and experience of worldly affairs.
- c) The courts are not concerned with the literal meaning of the words or the meaning that might be extracted on close analysis by a lawyer or academic linguist.
- d) The meaning necessarily includes inferences as the reasonable person can read between the lines.
- e) The courts will reject meanings that are the product of some strained or forced interpretation.
- f) The words complained of must be read in context.

The focus is therefore on the ordinary reasonable reader⁵ reading the words in context. In considering the words in context all of the surrounding circumstances must be considered. The words complained of clearly convey a defamatory sense to the ordinary person. They suggest that Elaine is an unchaste person who indulges in indiscriminate amatory ventures. Elaine's reputation is likely to be lowered in the eyes of "right-thinking people generally".

However, would a right-thinking person actually think less of Elaine, given the nature of the medium by which the words are expressed? Although, on the one hand, it might be argued that a right-thinking person is unlikely to give credence to graffiti in public toilets, the better view is that a right-thinking person would think less of someone whose name and address could be found scribbled on the walls of a public toilet. Indeed, the very context in which the words are found would probably add to the hurt to Elaine's reputation, and add to damages.

3 Pete's Pub's liability as a publisher

Publication is the making known of defamatory matter to someone other than the person defamed.⁶ The words on the toilet wall were

not written by the owner or an employee of Pete's Pub, but this does not preclude Pete's Pub from being held liable. In *Webb v Bloch*⁷ the Court said: "All who are in any degree accessory to the publication of a libel, and by any means whatever conduce to the publication, are to be considered as principals in the act of publication... ."

Here, the toilet walls are the means by which the defamatory words are communicated to those members of the public who use the toilets, in the same way that a newspaper is the means by which a defendant's words can be communicated to the public.

Positive misconduct is not necessary as a failure to act can result in liability. So, for example, posters pasted on the walls of bus shelters by unknown persons can constitute a publication by those responsible for the shelters.⁸

Because Pete's Pub is responsible for the maintenance of the walls and has been expressly informed of the offending publication it is prima facie liable as the publisher.

1 [1962] NZLR 1045 (HC).

2 Ibid 1046.

3 [24 October 1996] CA74/96; noted in 19 TCL 41/6; [1996] BCL 1314.

4 Ibid 5–6.

5 Who is "not averse to scandal" (*Lewis v Daily Telegraph Ltd* [1964] AC 234, 260, 268) and is "not unduly suspicious" (*Morgan v Odhams Press Ltd* [1971] 2 All ER 1156, 1177).

6 *Pullman v Hill* [1891] 1 QB 524.

7 (1928) 41 CLR 331.

8 *Urbanchich v Drummoyne Municipal Council* (1991) Aust Torts R 69,190.

(c) *The conclusion*

Always end your essay with a conclusion that directly addresses the question you were asked to answer. The conclusion must draw together and summarize the essential results of your arguments and analysis in the body of your essay. The conclusion therefore provides the ultimate answer to the question and resolution of the problem. It should neither include a paraphrase of your introduction, nor introduce wholly new material.

Try not to "sit on the fence" in your conclusion. If you have thoroughly and critically analyzed the issues, you should be able to

reach a clear and considered conclusion, even if there is no simple “right” or “wrong” answer.

(d) *After the conclusion*

Put your essay away for a few days. Then read it again, very carefully and critically. Is the essay succinctly expressed, clear and logical? Do the arguments in it sound convincing? Does it adopt the correct tone for its audience? Read it aloud – does it flow well? Read it to long-suffering friends and relatives who know nothing about law, or have them read it. Can they follow your arguments?

Proofread for spelling, grammar and style mistakes, and check all legal references for compliance with the citation rules in this Guide (see below). Legal writing, like all other forms of professional writing, is subject to a set of rules and standards that are not optional. *How* you set out your writing is just as important as *what* you say. You will lose marks for writing that does not meet professional standards of spelling, grammar, style and citation.

C *Further Reading on Legal Method*

There are a number of excellent resources on legal method in the Davis Law Library, some of which have worked examples of tutorial problems and exam questions. These include:

- Margaret Greville, Scott Davidson and Richard Scragg *Legal Research and Writing in New Zealand* (Butterworths, Wellington, 2000).
- Bethli Wainwright *E-research for New Zealand Lawyers* (Butterworths, Wellington, 2001).
- Christopher Enright *Legal Technique* (Federation Press, Annandale, 2002).
- Maureen F Fitzgerald *Legal Problem Solving: Reasoning, Research and Writing* (2nd ed, Butterworths, Toronto, 2001).
- Richard E Krever *Mastering Law Studies and Law Exam Techniques* (5th ed, Butterworths, Sydney, 2001).
- Irene Nemes and Graeme Coss *Effective Legal Research* (2nd ed, Butterworths, Australia, 2001).

II LEGAL CITATION

A *Underlying Principles*

Careful, consistent, comprehensive and accurate citation of sources and references in legal writing (as indeed in all other academic writing) is essential because:

- It constitutes evidence of the quality and rigour of your research and thought, and provides authority for the propositions in your writing. Poorly or incompletely referenced legal writing that does not comply with this Guide will be penalized by your lecturers or supervisors.
- It is a basic courtesy to your readers. It assists in clear communication and sharing of ideas, and allows your readers to check your research, or conduct further research based on your writing.
- It avoids accusations of plagiarism. Plagiarism — which is easier for your lecturer or supervisor to detect than might be imagined — means using the words or ideas of others (including other students) in preparing one's own writing, and not explicitly and fully acknowledging the source(s) of those words or ideas. Where any words are copied from another source they *must* be appropriately identified as a quotation, accurately quoted, and properly referenced. Paraphrasing another's work without attribution is also plagiarism. Any borrowing of ideas or words, however indirect, general or slight, *must* be fully acknowledged and properly referenced. If in doubt, reference it! Plagiarism constitutes serious academic misconduct and may result in the University bringing disciplinary proceedings against you. For further details on the University's policy on cheating in examinations and coursework, see:

<http://www.auckland.ac.nz/cir_students/index.cfm?action=display_page&page_title=courses_plagarism> (at 15 March 2003).

B General Rules

1 Preparation of manuscripts

(a) General format

All essays, opinions, seminar papers, dissertations and theses should be typed where possible, or clearly and legibly handwritten on one side of standard white A4 paper. The main text should be one-and-a-half or double-spaced. Footnotes may be single-spaced. A 12-point font is recommended for the main text, with the footnotes in 10 point of the same font. Leave generous margins. Pages should be numbered consecutively.

(b) Paragraphs

Do not indent the first or any other paragraph. Leave a line between paragraphs.

(c) Headings

Use the following style of headings:

Title	Centred, in capitals and in bold type.
Author's name	Centred, in large and small capitals.
Heading level 1	Capital roman numeral; heading in large and small capitals with large capital letters for the principal words, centred.
Heading level 2	Italicized capital letter; heading italicized with capital letters for the principal words, centred.
Heading level 3	Italicized number; heading italicized with capital letter for initial word.
Heading level 4	Lower case letter enclosed in round brackets, italicized; heading italicized with capital letter for initial word.

Heading level 5 Lower case Roman numeral enclosed in round brackets, italicized; heading italicized with capital letter for initial word.

Words which would normally be italicized (eg foreign words, case names) should not be italicized when appearing in italicized headings.

ENFORCEMENT OF MARITIME CLAIMS	
DC JACKSON*	
I	CATEGORIES OF ENFORCEABILITY
A	<i>Claims Enforceable by Action in Rem</i>
1	<i>Claims attracting maritime lien or "other charge"</i>
(a)	<i>Established maritime liens</i>
(i)	<i>Bottomry and respondentia</i>

(d) *Specific additional requirements*

There are specific additional requirements for undergraduate assignments and LLB(Hons) dissertations: see the *Faculty of Law Student Handbook*. Postgraduate dissertations and theses must comply with the University of Auckland's *Guide to Theses and Dissertations* which can be downloaded from the University of Auckland website:

<<http://www.auckland.ac.nz/Docs/sa/postgraduate/download/thesisguide.pdf>> (at 15 March 2003).

2 Footnotes

(a) When to footnote?

Footnotes should be used to provide:

- ❖ Specific or general (sometimes introduced by **See generally**) information about all the sources and quotations in the main text;
- ❖ authority or particularly strong authority (sometimes introduced by **See especially**) for propositions or arguments in the main text;
- ❖ an example (**See, eg.**), a comparison (**Compare** — do not use **cf**) or critical or contrary views (**But see** — do not use **contra** or **sed contra**);
- ❖ further information regarding issues that cannot appropriately be addressed in the main text (to be used sparingly — whilst an occasional aside or elaboration in a footnote may add interest, footnotes should not be seen as “dumping grounds” for excess main text).

(b) Format of footnotes

Footnotes should be marked in the main text by superscript numbers in a smaller font than the main text (or in the case of an initial author’s note, by other superscript identifiers such as * or ‡). Footnotes should be numbered consecutively from the beginning to the end of the document, except for postgraduate dissertations and theses, where footnotes should be numbered consecutively from the beginning to the end of each *chapter*.

The footnote marker should immediately follow the footnoted word, source or quotation *and its punctuation*, except for indented long quotations (see below), where the footnote marker should appear immediately after the main text and any punctuation but before the indented quotation.

Footnotes should start with a capital letter and end with a full stop, whether or not they constitute full sentences. Footnotes should be tabulated and indented as in the examples below.

The full citation of a source must be given in the footnote or the footnote with main text the first time it is cited. Thereafter, the rules on cross-referencing (discussed below) apply. In postgraduate dissertations and theses, the full citation of a source must be given the first time it is cited in any chapter.

If a series of sources is cited in a footnote, a semi-colon must be used to separate the sources. Do not add **and** or **&** before the last source in the list.

The general formatting, grammar, style and quotation rules that apply to the main text are equally applicable to footnote text, except that footnotes within footnotes are not permitted.

However, the Act is a piece of consumer protection legislation¹ and, given the Australian authority on the subject,² the courts are most unlikely to hold that contracting out of its provisions is permissible.³ **[Note: all footnote markers in superscript immediately after punctuation marks.]**

1 On the reluctance of the courts to allow contracting out of such legislation, see *Johnson v Moreton* [1980] AC 37 (HL).

2 *Byers v Dorotea Pty Ltd* (1987) ATPR 40-740. See also *Petera Pty Ltd v EAJ Pty Ltd* (1985) 7 ATPR 40-605; *Clark Equipment Australia Ltd v Covcat Pty Ltd* (1987) 9 ATPR 40-768; *Symthe v Baileys Real Estate Ltd* (1993) 5 TCLR 454.

3 But see *Buxton v The Birches Time Share Resort Ltd* [1991] 2 NZLR 641, 648 where the Court of Appeal held that the clause in question was “not so much one of a disclaimer as of a careful explanation of the true nature of the transaction into which the purchaser was proposing to enter”. See also *Netaf Pty Ltd v Bikane Pty Ltd* (1990) 92 ALR 490.

(c) *Cross-referencing*

Where a reference is made to the same single source in the same footnote or in the immediately preceding footnote, use *ibid* or *ibid* (which means “in the same place”). If the later reference is to a different page or section of the same source, use *ibid* page/para ref. Note that there is no comma between *ibid* and the page/paragraph reference. *ibid* may be used more than once, if all of the above rules

are met (ie there is an unbroken and unambiguous string of footnote references to the same single source).

In all other cases, where a source has been cited in an earlier footnote other than the immediately preceding footnote, or where there is more than one source in the immediately preceding footnote, either repeat the citation in full, or use the following short formula:

Author's surname/title/abbreviated case name/statute title, above n footnote # where source was first cited in full/was first cited in full in this chapter (for dissertations/theses), page/para ref.

If using the short formula, always identify the earlier source by the author's surname, the title, the abbreviated case name or the statute title, even if it is the only source cited in the earlier footnote. The reader must be able to identify the source from the cross-reference itself, without having to look back to the earlier footnote. In other words, *Above n x* is never an acceptable cross-reference.

Cross-references to other parts of the main text should follow the formula:

See text accompanying/at n relevant footnote # above/below.

See n relevant footnote # above/below and accompanying text.

Avoid cross-references to page numbers, particularly in shorter papers where the text may be distributed electronically or reprinted on different printers. Cross-references to chapter and page numbers in longer dissertations and theses may be unavoidable.

-
- 1 See, eg, *Addis v Gramophone Co Ltd* [1909] AC 488 (*Addis*).
 - 2 *Ibid* 489. It was in this context that Lord Wilberforce delivered his famous "farnarkeling" remark: *ibid* 491–492.
 - 3 *Ibid* 491. See also *Butler v Fairclough* (1917) 23 CLR 78 (*Butler*).
 - 4 *Addis*, above n 1, 492. [**Not**: *Ibid* 492 or *Above n 1*, 492.]
 - 5 See *Butler*, above n 3, 79–81, 82 n 4. [Here n 4 refers to footnote 4 on page 82 of the *Butler* case.]
 - 6 See text at n 35 below.

3 Quotations

(a) Short quotations

Quotations of three lines or less should be placed inside double quotation marks and quoted in the body of the main text. Full stops and other punctuation at the end of a sentence should be placed immediately *after* the quotation marks if the quotation does not amount to a full sentence. If the quoted passage amounts to a full sentence, full stops and other punctuation should be placed immediately *inside* the quotation marks.

Where the short quotation forms part of the main sentence, the quotation should begin with a lower case letter. Where it does not (ie is preceded by a full stop or colon) the quotation should begin with a capital letter.

Single quotation marks should be used for a quotation within a short quotation (and double quotation marks for a quotation within a quotation within a quotation, and so on).

“Yet ‘intent’ does not invite a tour through Walters’s cranium, with Walters as the guide.”

The Court said: “Yet ‘intent’ does not invite a tour through Walters’s cranium, with Walters as the guide.”

The Court said that intent did not “invite a tour through Walters’s cranium, with Walters as the guide”.

(b) Long quotations

Quotations of three lines or longer should be indented from the left margin, appear in a smaller font than the text (usually 10 point) without any quotation marks, and be set out as a new paragraph or paragraphs. Long quotations should be single spaced.

The footnote marker for the long quotation must always be placed immediately after the main text introducing the quotation, rather than after the last word of the indented quotation, which creates typesetting problems.

The main text introducing a long quotation should generally end in a colon and footnote marker. The long quotation should then begin with a capital letter. Occasionally, where the long quotation flows on directly from the main text preceding it, the colon should be omitted and the quotation continued with a lower case letter. The footnote marker should still appear after the main text, not after the quotation.

Double quotation marks should be used for a quotation within a long quotation (and single quotation marks for a quotation within a quotation within a long quotation, and so on).

The Court said:¹

Wisconsin takes an objective view of "intent." The intent of the parties must necessarily be derived from a consideration of their words, written and oral, and their actions. ... Secret hopes and wishes count for nothing.

(c) *Editing of quotations*

Quotations should accurately and faithfully reproduce all of the spelling, capitalization, italicization and typographical characteristics of the original text being quoted, *even where these are at variance with the rules of this Guide*. The only exception is that quotation marks within quoted text should be altered (from single to double or vice versa) where necessary to comply with the style rule in (b) above.

Any other changes or additions to the original text being quoted, however minor, must be indicated by placing the amended or added letters, words, punctuation etc in square brackets.

Any omissions to the original text being quoted must be indicated by an ellipsis (...). Retain and indicate original punctuation marks on either side of the elided passage of the original text (eg, if eliding the last word of a sentence in the original text, insert an ellipsis followed by a space and then the original full stop; if eliding a word before a semi-colon, insert an ellipsis followed by a space and then the original semi-colon). Do not retain original punctuation marks when splicing two sentences together or eliding text that has punctuation marks in the middle of it.

Any addition of emphasis by italicization, or the omission of citations should be indicated in the relevant footnote immediately after the citation. Given the presumption of accuracy of quotation, there is no need to indicate if the emphasis appeared in the original text.

Significant mistakes in the original text being quoted should be followed by [sic] (ie it was “thus” in the original) which indicates to the reader that the error has not been introduced or overlooked by the current author. Do not over-use [sic] — minor typographical or spelling errors should rather be ignored, corrected (your corrections must be in square brackets, see above) or elided.

The Court held:¹

“[I]ntent” does not invite a tour through [the plaintiff’s] cranium, with [the plaintiff] as the guide. Like most other states, Wisconsin takes an objectionable [sic] view of “intent.” The intent of the parties [to be bound] *must necessarily be derived from a consideration of their words, written and oral, and their actions: Household Utilities, Inc. v. Andrews Co.*, 71 Wis. 2d 17, 28–29, 236 N.W.2d 663, 669 (1976). ... Secret hopes and wishes count for nothing.

[Note that the citation in the quotation has **not** been amended to comply with the Guide.]

¹ *Walters v Kankerboom* 238 NW 2d 745, 752 (1979). Emphasis added.

4 Dashes

Use a spaced em-dash (a long dash —) to indicate a break in a sentence or a parenthetical remark, or instead of a colon.

Promissory estoppel — indeed estoppel in general — has not so far had the revolutionary effect that some have predicted for it.

Use a non-spaced en-dash (a short dash –) to indicate a range of numbers or dates, or tension or disjunction between two concepts.

See paras 23–29; 1950–1959; public–private dichotomy.

5 *Abbreviations*

The first use of an acronym or abbreviation should be preceded by the full version of the word, unless the acronym or abbreviation is extremely well known (eg, ie, etc).

Do not use full stops in abbreviations or acronyms.

Mr; Mrs; Ms; Prof; Dr; LLB; QC; CJ; NZLR; UNESCO.

6 *Capitals*

Capital letters should be used at the beginning of sentences, in headings and for proper nouns.

The following words should be capitalized:

Act or Bill

Attorney-General

Cabinet

Common Law and Civil Law (when referring to the whole legal system; use “common law” (as opposed to “statutes”) and “civil law” (as opposed to “criminal law”) when describing parts of a legal system)

Commonwealth

Court (when referring to a specific Court, eg “the Court of Appeal” or “The Court in this case” but general references to “a court” or “the courts” should not be capitalized.)

Crown

Governor and Governor-General

Her Majesty, the Queen

his Honour, her Honour, their Honours

Imperial

Parliament, Parliamentary Counsel (but not when used as a general adjective, eg “parliamentary language/privilege”)

Prime Minister

The following should not be capitalized unless used at the beginning of a sentence:

government
judiciary/judicial
legislature/legislative/legislation
local government
press/media
statute
state/territory/province (unless referring to a specific State, Territory or Province, or discussing the State as a concept in public international law)

7 *Italics*

Italics are used for certain headings, foreign words and phrases, case names, and to add emphasis to text or quotations. Otherwise, roman (unitalicized) text is the norm.

8 *Numbers, dates and currency*

Numbers under 10 should be written in words; 10 and above in figures. Where a number is at the start of a sentence it should always be written out as a word. Use a full stop for the decimal point, a comma for the thousands placeholder in numbers in the thousands range, and a space for the thousands and millions etc placeholders in numbers larger than 9,999.

Numbers of pages, sections, clauses and articles should always be written in figures. Sequences or ranges of numbers should always be expressed in figures (eg 5 to 50 or 5–50) and should always be written out in full (eg 360–365, not 360–65 or 360–5). This rule also applies to page, section etc numbers and years (1950–1952, not 1950–52).

The above rules also apply to ordinal numbers (eg, first, 10th) and percentages. Note that ordinal number endings should preferably not be printed in superscript (10th not 10th), and that the abbreviation of percentage is per cent rather than percent.

Dates should be written in full in day/month/year format: eg, 26 June 1964. References to decades may be written out in full or

abbreviated. Note that there is no apostrophe between the decade and the following “s”: eg, 1960s, or ‘60s.

References to currency should follow the general rules about numbers. Indicate the relevant currency unit and the relevant national symbol for foreign currency if necessary. Use a full stop to indicate the decimal place.

9 *Names and titles*

Omit titles, degrees, prefixes, suffixes and honorifics from authors’ and editors’ names in the footnotes. Be consistent in your treatment of this issue in the text: eg “Rickett and Grantham But see Watts ...” or “Professors Rickett and Grantham But see Professor Watts ...”.

Judges’ titles must always be included — unless their extra-curial writing is being referred to — in the following format:

District Court: Harvey DCJ or Judge Harvey or his Honour; Carruthers DCJ or Chief Judge Carruthers or his Honour

High Court: Chambers J or Justice Chambers or his Honour; Elias CJ or Chief Justice Elias or her Honour

Court of Appeal: Tipping J or Justice Tipping or his Honour; Gault P or Justice Gault or his Honour.

The plural form of J is JJ: eg, Glazebrook, Hammond and Gendall JJ.

10 *Māori words and phrases*

Words and phrases in te reo Māori should not be italicized. Long vowels should be indicated either by a macron above the relevant vowel (macron font software is available on the internet) or by doubling the relevant vowel: eg Māori or Maaori.

11 *Words and phrases in foreign languages*

Words and phrases in foreign languages should be italicized, unless they have been adopted into the English language (consult the latest edition of the *Oxford English Dictionary* if in doubt) or are widely used in legal writing (eg well-known Latin “tags”). For example:

Ab initio; ad hoc; a fortiori; amicus curiae; bona fide; certiorari; contra proferentem; de facto; de jure/de iure; et al; ex parte; ex post facto; habeas corpus; in rem; in personam; inter alia; laissez-faire; lex fori; mens rea; obiter dictum/dicta; per se; prima facie; quid pro quo; quantum meruit; raison d'être; ratio decidendi; stare decisis; terra nullius; ultra vires; vice versa; vis-à-vis.

But:

Leges vigilantibus, non dormientibus, subveniunt, L'esprit d'escalier.

12 Bibliographies

Where a bibliography is required, list all sources relied upon, divided into the following sections, where relevant:

Books/Reports etc
Journal Articles
Cases
Legislation
Treaties
Other Sources

All sources in the bibliography should be listed in alphabetical order and cited in the same format as their first full citation in the footnotes (see below), except for books and journal articles, where the first author or editor's name should be listed in the format **Surname**, **First name/initials**. Where cases and statutes from different jurisdictions have been relied on, the lists of cases and statutes should be further grouped by jurisdiction.

C Citation of Specific Sources

1 Cases

(a) Reported cases (traditional citation)

Reported cases should be cited according to the following formula:

Party Name v *Party Name* [year of reporting] vol # OR (year of decision) vol # [Report Series] first page #, page ref(s) (“*Popular or Abbreviated Case Name*”).

(i) Case name

The parties’ names should be given in italics exactly as they appear in the law report, except that full stops should be omitted in abbreviations; the first names or initials of natural persons (but not corporations) should be omitted; and only the first plaintiff/appellant and first defendant/respondent should be cited (do not use & another or & others).

Where a party is a corporation, firm or union, use the following abbreviations where relevant:

<i>&</i>	for	<i>and</i>
<i>Co</i>		<i>Company</i>
<i>Corp</i>		<i>Corporation</i>
<i>Inc</i>		<i>Incorporated</i>
<i>(in liq)</i>		<i>(in liquidation)</i>
<i>(in rec)</i>		<i>(in receivership)</i>
<i>(in stat man)</i>		<i>(in statutory management)</i>
<i>Ltd</i>		<i>Limited</i>
<i>plc</i>		<i>publicly listed company</i>
<i>Pty</i>		<i>Proprietary</i>

Parties’ names are separated by *v* (in italics, no full stop) which is short for versus (against). Note that, apart from US cases, the “*v*” is spoken as “and” rather than as “versus”.

JH Rayner (Mincing Lane) Ltd v Department of Trade and Industry [1989] Ch 72. [Not: *Rayner (Mincing Lane) Ltd...*]

Equiticorp Industries Group Ltd (in stat man) v Attorney-General (No 47) [1996] 3 NZLR 586. [Not: *Equiticorp Industries Group Ltd (in statutory management) & Anor v Attorney-General & Others (No 47)* [1996] 3 NZLR 586.]

Where the case is a consolidated action, cite the case by reference to the first action only.

Ministry of Transport v Noort [1992] 3 NZLR 260 (CA). [Not: *Ministry of Transport v Noort; Police v Curran* [1992] 3 NZLR 260 (CA).]

Abbreviate *Rex* ("the King") or *Regina* ("the Queen") to *R*, except where the Crown is the defendant/respondent. Otherwise, do not abbreviate parties' names: *Attorney-General, Commissioner of Inland Revenue, Director of Public Prosecutions, Solicitor-General*.

R v Lu Lu [2003] DCR 122; **but** *Ngati Apa Ki Te Waipounamu Trust v The Queen* [2000] 2 NZLR 659 (CA).

In re and *In the matter of* should be shortened to *Re*. In a relator action only include the name of the first relator and abbreviate to *ex rel*. *Ex parte* is not abbreviated.

Re Kennard [1999] DCR 308. [Not: *In the matter of Kennard* [1999] DCR 308.]

Re Paterson, ex parte Kingston [1997] 1 NZLR 371 (HC).

Manukau City v Attorney-General, ex rel Burns [1973] 1 NZLR 25 (CA).

(ii) *Year and volume number*

Law reports may be organised by year of reporting or by volume number.

If the law report is organized by year (ie, the year of the report is the crucial information needed to find the case) the *year in which the case was reported* should appear in *square brackets*, followed by the *volume number*, if more than one volume was published that year. If that year's reports were published in one part, do not give a volume number at all. Note that the case may not necessarily have been decided in the same year that it is reported — nevertheless, always cite the *year of the report, not the decision*.

Alwen Industries Ltd v Collector of Customs [1996] NZAR 297.
[Note: 1996 = year of reporting.]

The Sonia S [1983] 2 Lloyd's Rep 63.

If the law report is organized by volume number rather than by year (ie, the volume number is the crucial information needed to find the case) the *actual year in which the case was decided* (usually found at the start of the judgment) should appear in *round brackets*, followed by the *volume number* of the reports.

KPMG Peat Marwick v Cory-Wright & Salmon Ltd (in rec & liq) (1994) 7 PRNZ 549. [Note: 1994 is the year in which the case was decided — other cases in the same volume may be, eg, (1993) 7 PRNZ or (1995) 7 PRNZ.]

Bomac Laboratories Ltd v F Hoffman-La Roche Ltd (2002) 7 NZBLC 103,627. [Note: CCH's page numbering system]

This is a general rule only. Some examples of exceptions are given below. If in doubt, always check the report series itself.

Re Sokolov (1968) 70 DLR (2d) 324; *Teck Corp Ltd v Millar* (1972) 33 DLR (3d) 288; *Chieu v Canada (Minister of Citizenship and Immigration)* (2002) 208 DLR (4th) 107. [Note round brackets and series numbering of the Dominion Law Reports.]

Stobbs v HM Advocate 1983 SCCR 190; *Assessor for Strathclyde Region v Hudson's Pantry Ltd* 1986 SC 15; *Byrne v Ross* 1993 SLT 307. [Scotland seems to have a general aversion for brackets.]

Du Preez v Truth and Reconciliation Commission 1997 (3) SA 204 (A); *National Coalition for Gay and Lesbian Equality v Minister of Home Affairs* 2000 (2) SA 1 (CC); *Satchwell v President of the RSA* 2001 (12) BCLR 1284 (T). [South African report series do not have the year in brackets. The volume number and abbreviated name of the court are enclosed in round brackets.]

Brown v Board of Education of Topeka, 347 US 483, 484–485 (1954). [The US practice is to place the date of the decision at the end of the citation after all page refs. Also **note** comma after case name.]

(iii) *Law report series*

The name of the law report series should be given in the standard abbreviated form, without full stops in the abbreviation. If in doubt, consult the front of the relevant law report, where the approved abbreviation will usually be found, or check a dictionary of legal abbreviations, eg *Beiber's Dictionary of Legal Abbreviations* via <http://www2.auckland.ac.nz/lbr/law/law_online_legal.htm> (at 15 March 2003).

Wherever possible, cite the case as reported in an *official law report series* (usually identifiable by their claim to be “authorised reports” published by the relevant law reporting body). The following are examples of official reports:

New Zealand: NZLR.

Australia: CLR (Commonwealth), FCR (Federal) and authorised State reports: NSWLR; QSCR; SASR; TasR; VR; WAR.

Canada: SCR; FC; ExCR.

UK: Law Reports: AC (Appeal Cases); Ch (Chancery Division); Fam (Family Division); QB (Queen's Bench Division).

Where a case has not been reported in an official report series, an unofficial report series may be used instead, eg PRNZ, NZCLC, ALR, DLR, All ER, WLR.

Generally, avoid parallel citations, unless you are comparing or commenting on differences in reports. Cite the official report series only, or the most widely used/available unofficial report series.

Citation of nominate reports is an important exception to this rule. Nominated reports are early English reports identified by the name of the reporter. Most of these have been reprinted in the English Reports (ERs — not to be confused with the All ERs). Where this is the case, always cite both the nominate report reference and the ER reference, separated by a semi-colon.

Stilk v Myrick (1809) 2 Camp 317; 170 ER 1168.

Harris v Watson (1791) Peake 102; 170 ER 94.

The abbreviated name and if necessary the jurisdiction of the court may be noted in round brackets following all page references where it is not obvious from the citation of the case or its discussion. It is not necessary to name the judge(s) who decided the case, unless discussing or quoting a specific judge's reasoning.

In respect of US federal cases, the numbered circuit of the Court of Appeals or the abbreviation of the District Court should be given before the date. In all other US cases, the court need not be indicated if it is apparent from the report series.

Skovgaard v The Vessel M/V Tungus, 141 F Supp 653 (DNJ, 1956); revd 252 F 2d 14 (3d Cir, 1957); affd 358 US 588 (1959).

Amerada Hess Shipping Corp v Argentine Republic, 638 F Supp 73 (SDNY, 1986); revd 830 F 2d 421 (2d Cir, 1987).

(iv) *Page numbers*

The number or reference mark for the first page of the reported case must always be given. Where reference is made to the first page of the case, that page number need not be repeated. Where reference(s) are made to other page(s) in the case, these should follow the first page number, separated only by comma(s). Do not use *at* or *and*.

(v) *Case history*

The subsequent history of a case must be indicated after its citation by adding, eg, *affd* (affirmed), *revd* (reversed) or *cert denied/granted* (certiorari denied/granted) and the citation(s) of the subsequent decision(s). A fuller list of abbreviations and their meanings may be found in the *New Zealand Case Citator*.

Cargill Grain Co v Foundation Co of Canada Ltd [1970] CS 145; *affd* [1975] CA 265; *revd* on other grounds [1977] 1 SCR 659.

Sharon Steel Corp v Chase Manhattan Bank, 691 F 2d 1039 (2d Cir, 1982); *cert denied* 460 US 1012 (1983).

(b) *Reported cases (neutral citation standard)*

In recent years several jurisdictions, notably the United Kingdom, Australia and Canada, have introduced medium neutral citation standards for all judgments. This typically involves assigning a standard court identifier and unique judgment number to each judgment, and requires reference to the numbered paragraphs in the judgment rather than to the pages in the law report.

Examples of neutral citation court identifiers include:

Privy Council:	UKPC
House of Lords	UKHL
English Court of Appeal	EWCA Crim or EWCA Civ
English High Court:	
Chancery Division	EWHC (Ch)
Patents Court	EWHC (Pat)
Queen's Bench Division	EWHC (QB)
Administrative Court	EWHC (Admin)
Commercial Court	EWHC (Comm)

Admiralty Court	EWHC (Admlty)
Technology & Construction Court	EWHC (TCC)
Family Division	EWHC (Fam)
High Court of Australia:	HCA
Federal Court of Australia:	FCA (FCAFC for the Full Court)
Supreme Court of Canada:	SCC
Federal Court of Canada:	FCT (Trial Division) or FCA (Court of Appeal)

Where an official neutral citation standard applies and the judgment is reported, both the traditional report series citation and the neutral citation should be given for the first full reference, so that the reader can source the judgment in other media if necessary. Thereafter, the general rules on cross-referencing (see above) may be followed and an abbreviated case name referred to. Wherever possible, refer to the paragraph numbers in the judgment, not the pages in the report:

Party Name v Party Name [year of reporting] [vol #] OR (year of decision) [vol #] Report Series [first page of report, [year of decision] Neutral Court Identifier [unique judgment #] [para ref(s)].

R v Lambert [2002] 2 AC 545, [2001] UKHL 37. [**Note:** Comma between report and neutral citation references; 37 is the unique judgment number, **not** a page reference.]

Breuning v Breuning [2002] 1 FLR 888, [2002] EWHC 236 (Fam). [Subsequent reference example: *Breuning*, above n 2, [12]–[15], **not** *Breuning*, above n 2, 890–891. Refer to the judgment paras, not the report pages.]

R v Kansal (No 2) [2002] 2 AC 69, [2001] EWCA Crim 1260; [2002] 2 AC 69, [2001] UKHL 62. [Refers to the Court of Appeal and House of Lords judgments in the same matter, reported together in the AC.]

HA Bachrach Pty Ltd v Queensland (1998) 195 CLR 547, [1998] HCA 54 [18]–[21]. [**Not:** *HA Bachrach Pty Ltd v Queensland* (1998) 195 CLR 547, 562, [1998] HCA 54.]

Hogg v Canada [2002] 4 FC 443, [2002] FCA 177 [5]–[8]; *Blencoe v British Columbia (Human Rights Commission)* [2000] 2 SCR 307, [2000] SCC 44.

(c) *Unreported cases*

Where an official neutral citation standard (see above) applies, use the following format:

Party Name v *Party Name* [year of decision] Neutral Court Identifier
unique judgment # [para ref(s)]

Prud'homme v Prud'homme [2002] SCC 85 [12]–[23].

Opua Ferries Ltd v Fullers Bay of Islands Ltd [2003] UKPC 19.

Where there is no official neutral citation standard, unreported cases should be cited as follows:

Party Name v *Party Name* [full date of decision] Court Name,
Location, file #(s) page/[para ref].

Wherever possible, refer to the paragraph numbers of the judgment in square brackets, rather than to the page number. Avoid parallel citation of both paragraph and page numbers, as this can cause confusion.

Edgewater Apartments Ltd v Starline Investments Ltd [4 December 2002] HC, Wellington, CP239/02.

Attorney-General v Daniels [19 February 2003] CA84/02 [26]–[36].

Unreported cases noted in a journal, citator or updater may be cited according to the formula:

Party Name v *Party Name* noted in [year] [journal etc] page/para ref.

Scotia Contracting Ltd v Hartner Construction Ltd (in rec) noted in [2002] BCL 500; (2002) 25 TCL 21/7.

2 *Legislation*

(a) *Statutes*

The short title of the statute should be cited, followed by the year in which it was passed. Do not italicise the name or year of the statute, even when referring to an Australian statute.

Some older English statutes do not have a short or long title. These should be cited by the regnal year in which they were passed followed by the chapter in the statute book for that year: eg, 7 & 8 Vic, c 26; 15 Rich II, c 3. [**Note:** no full stops after abbreviations.]

When referring to foreign statutes, the jurisdiction should be indicated in abbreviated form in round brackets. Do not indicate the jurisdiction of New Zealand statutes, unless statutes from a number of jurisdictions are being compared, or this is necessary to avoid confusion, in which case use (NZ). The following abbreviations should be used for other statutes:

UK:	pre-1708	(Eng)
	1708–1799	(GB)
	1800–	(UK)
Imperial:		(Imp)
Australia:		
Commonwealth (federal statutes)		(Cth)
New South Wales		(NSW)
Queensland		(Qld)
South Australia		(SA)
Tasmania		(Tas)
Victoria		(Vic)
Western Australia		(WA)
Australian Capital Territory		(ACT)
Northern Territory		(NT)

When referring to a specific section of a statute, use the formula: Statute Name year passed (jurisdiction), s #; or in s # of the Statute Name year passed (jurisdiction).

Use the following abbreviations in the text and footnotes, except where the word appears at the beginning of a sentence, in which case it should be written out in full:

s(s)	for	Section(s)
subs(s)		Subsection(s)
para(s)		Paragraph(s)
sch(s)		Schedule(s)
art(s)		Article(s)
cl(s)		Clause(s)
r(r)		Rule(s)
subr(r)		Subrule(s)

Section numbers should follow the format of the Act being cited: do not add or change brackets etc. Unless discussing a particular subs or subsubs in detail in the text, always give the full s, cl or r reference: ie s 13(1)(a) **not** subs (1)(a) **or** subsubs (a).

Year 2000 Information Disclosure Act 1999, ss 9(2), 11–13.
[Or “See ss 9(2), 11–13 of the Year 2000 Information Disclosure Act 1999”; **but** “Sections 9(2), 11–13 of the Year 2000 Information Disclosure Act 1999”.]

Maritime Transport Act 1994, sch 5, art 4 r 2(a).

Armed Forces Act 2001 (UK).

Colonial Courts of Admiralty Act 1890 (Imp).

Wild Dog Destruction Act 1924 (NSW), s 26.

Customs Tariff Act 1995 (Cth), sch 3.

Bills are cited in the same way as Acts, but refer to cl(s) instead of s(s). If referring to a specific version of a Bill, add the full Bill and version number to the normal citation: eg,

Holidays Bill 2003, cls 66–80.

Crown Minerals Amendment Bill 2001 (2002 No 174-2), cl 3.

(b) *Delegated legislation*

(i) *Statutory Regulations*

Statutory Regulations should be cited in the same way as statutes. It is not necessary to give the SR number (or the SI number in the case of UK Statutory Instruments).

In addition to the abbreviations for statutes (see above), use the following abbreviations in the text and footnotes, except where the word appears at the beginning of a sentence, in which case it should be written out in full:

reg(s)	for	Regulation(s)
sub-reg(s)		Sub-regulation(s)
O		Order
ch(s)		Chapter(s)

Note the format of court rules:

District Courts Rules 1992.

High Court Rules (**Note:** no date. The High Court Rules are contained in a Schedule to the Judicature Act 1908.)

Court of Appeal (Civil) Rules 1997.

Court of Appeal (Criminal) Rules 2001.

Zoological Gardens Regulations 1977, reg 13(1)(a)–(c), (3)–(5).

High Court Rules, r 145.

Rules of the Supreme Court (or RSC) (UK), O 77, r 15(1); Civil Procedure Rules (or CPR) (UK), Part 69, r 1–5.

(ii) *Tertiary rules*

Tertiary rules are becoming more common, particularly in the transport law sector. They present particular problems for standard citation, as the relevant Ministries or Departments set the format for

rules published within their jurisdiction. Provide the reader with as much information as possible, set out in a format that is consistent with statutes and statutory regulations.

Maritime Rule Part 22 – Collision Prevention 1998.

Civil Aviation Rule Part 61 – Pilot Licences and Ratings 1992.

3 *Journal articles and reviews*

Journal articles should be cited according to the following formula:

Author's First name(s) or Initials and Surname "Title of Article" (year of publication) volume # OR [year of publication where no volume #] Abbreviated Journal Name first page #(s), page ref(s).

The author's full first name(s) and surname should be cited if they appear in the article; otherwise, cite the author's initials (without full stops or spaces) as they appear in the article. Omit the author's titles, degrees or honorifics.

Where there are two or three joint authors, list the authors' names, separated by commas and *and* between the last two. If there are more than three joint authors, cite the first author's name followed by *et al.*

"The Cuban Adjustment Act of 1966: *Mirando por los Ojos de Don Quijote o Sancho Panza?*" (2001) 114 Harv LR 902. [Note: no author's name given.]

Ross Grantham and CEF Rickett "On the Subsidiarity of Unjust Enrichment" (2001) 117 LQR 273, 274–275.

The title of the article should be cited exactly as it appears in the article, except that full stops used in abbreviations should be omitted; the principal words of the title should be capitalized; and the rules on quotation marks within quotations should be followed.

If the journal or periodical is organized by volume number, include the *year of publication* in *round brackets*, followed by the *volume number*. If the journal does not have a volume number, include the *year of publication* in *square brackets* only. Do not include the number of the individual issue or part of a journal unless the issues are not numbered consecutively, in which case specify the issue or part directly after the volume number: vol #/part #.

Treasa Dunworth "International Criminal Court" [2002] NZLJ 231.

Janet McLean "The Ordinary Law of Tort and Contract and the New Public Management" (2001) 30 *Common Law World Review* 387, 378–379.

The journal title should not be italicized and should be given in its standard abbreviated name. Check the front of the relevant journal for its approved abbreviation, or consult the *Index to Legal Periodicals* or a dictionary of legal abbreviations. Do not use full stops in the abbreviated journal name.

The number or reference mark for the first page of the article must always be given. Where reference is made to the first page of the article, that page number need not be repeated. Where reference(s) are made to other page(s) in the article, these should follow the first page number, separated only by comma(s). Do not use *at* or *and*.

Articles published in parts should be cited as above, but include (Pt #) at the end of the article title.

Book reviews should be cited as above, but add (book review) at the end of the reference. In the case of comparative review essays, or where it is not clear from the reference which book is being reviewed, add the detail in round brackets after the citation.

Mark Henaghan "A City Possessed" (2002) 10 *Otago LR* 271 (book review).

Shubha Ghosh "The Merits of Ownership; Or, How I Learned to Stop Worrying and Love Intellectual Property" (2002) 15 Harv Jnl L & Tech 453 (review essay of Lawrence Lessig *The Future of Ideas* and Siva Vaidhyanathan *Copyrights and Copywrongs*).

Articles published in electronic journals (e-journals) that do not have a paper version should be cited as above, but include the Uniform Resource Locator (URL) within angle brackets and the last date accessed within round brackets: (at date). Wherever possible, refer to paragraph rather than page numbers.

Michael Grise "Electronic Litigation Filing in the USA, Australia and Germany: A Comparison" (2002) 9/4 Murdoch University E Law <<http://www.murdoch.edu.au/elaw/issues/v9n4/griese94.html>> (at 15 March 2003).

Lisa Whitehouse "Network Rail: A Missed Opportunity?" [2003] 1 Web JCLI <<http://webjcli.ncl.ac.uk/2003/issue1/whitehouse1.html>> (at 15 March 2003).

4 Books

Books should be cited according to the following formula:

Author's First name(s) or Initials and Surname Title (edition # if relevant, publisher, place of publication, year of publication) volume # if relevant, chapter # if relevant, page/[para] ref.

(a) Author/editor

The author's full first name(s) and surname should be cited if they appear on the title page of the book; otherwise, cite the author's initials (without full stops or spaces) as they appear in the book. Omit the author's titles, degrees or honorifics.

Where there are two or three joint authors, list the authors' names, separated by commas and "and" between the last two. If there are more than three joint authors, cite the first author's name followed by et al.

Ross B Grantham and Charles EF Rickett *Enrichment and Restitution in New Zealand* (Hart Publishing Ltd, Oxford, 1999).

GE Dal Pont, DRC Chalmers and JK Maxton *Equity and Trusts: Commentary and Materials* (LBC Information Services, North Ryde, 1997) 25–29.

Where the book is edited, the above rules apply to editors too, except that (ed), or (eds) in the case of co-editors, should be added after the last editor's name.

Lawrence Collins et al (eds) *Dicey and Morris on the Conflict of Laws* (13th ed, Sweet & Maxwell, London, 2000) vol 2, ch 8, 1103–1105.

NC Seddon and MP Ellinghaus (eds) *Cheshire & Fifoot's Law of Contract* (8th Australian ed, LexisNexis Butterworths, Sydney, 2002).

(b) *Title*

The title of the book should be cited exactly as it appears on the title page of the book, except that it should be italicized; full stops used in abbreviations should be omitted; the principal words of the title should be capitalized; and subtitles should be omitted.

Michael Taggart *Private Property and Abuse of Rights in Victorian England* (Oxford University Press, Oxford, 2002). [Not *Private Property and Abuse of Rights in Victorian England: The Story of Edward Pickles and the Bradford Water Supply*.]

(c) *Bibliographical information*

Where the book is a translation, the translator's name should be included in the round brackets after the title and before the volume no etc, in the following format: tr Translator's name in same format as author's. Where the details of the original text are known, these

should be added in square brackets after the citation of the translated work, in standard book citation format.

When citing a second or later edition, the edition number should be given in the format: # ed. When citing the first edition of a book, do not include an edition number. Information concerning reprints of modern works should not be given – refer to the appropriate edition number instead. In the case of an historical work, however, it may be useful to identify the original date of publication as well as the date of the reprint or new edition in the format: first published 1562, repr 2001; or first published 1562, 1964 ed. Unnumbered revised editions should be referred to in the format: rev ed.

The name of the publisher should be given as it appears in the book, without full stops and with the appropriate abbreviations for publishing companies and firms (see citation of companies and firms in cases above).

The place of publication should be given as it appears in the book. Where more than one place of publication is given, cite the first given.

The date of publication should be given as it appears in the book. Where the date of © is given, this should be cited as: © 2001. In the case of a looseleaf publication service, cite the date or identifying number of the most recent service issue as the date of publication.

(d) *Volume, chapter, page/para references*

When citing a volume of a multi-volume text, the volume number should be given in the format: vol #, page #. If there is only one volume, do not include a volume number. When referring to a numbered chapter in a book, use the format: vol #, ch #, page #.

Page numbers should be cited without a preceding p, pg or page. References to ranges of page numbers should be separated by commas. Do not use *at*. Always write page numbers out in full.

Where books are organized by paragraphs, it may be more useful to cite the paragraph rather than page number in the following format: para #. Avoid parallel references to both paragraph and page numbers, as this can cause confusion.

- (e) *Chapters in edited books; contributions to yearbooks, encyclopaedias etc*

These should be cited in the following form:

Author's First name(s) or Initials and Surname "Chapter or Contribution Title" in Editor's First name(s) or Initials and Surname (ed) Title (edition # if relevant, publisher, place of publication, year of publication) volume # if relevant, chapter # if relevant, page/para ref.

Treat each citation of a different chapter or contribution to the same main work as if it were a citation to a new text – repeat the full details of the main work, and cross-refer to the first reference to the *chapter* or *contribution*, not to the first reference of the *main work*.

P Rishworth "The Rule of International Law?" in G Huscroft and P Rishworth (eds) *Litigating Rights: Perspectives from Domestic and International Law* (Hart Publishing Ltd, Oxford, 2002) 91–100.

Treasa Dunworth "Confidentiality Obligations of States Parties to the Chemical Weapons Convention and National Implementation: The New Zealand Experience" in Rodrigo Yepes-Enríquez and Lisa Tabassi (eds) *Treaty Enforcement and International Co-operation in Criminal Matters: With Special Reference to the Chemical Weapons Convention* (TMC Asser Press, The Hague, © 2002) 169–177.

Kenneth Palmer "Ports and Harbours" in Hellen Papadopoulos et al (ed) *Laws of New Zealand* (LexisNexis Butterworths, Wellington, 24 September 2002) paras 1–13.

5 *International materials*

(a) *Treaties*

Treaties should be cited in the following format:

Full Treaty Name, opened for signature full date, Treaty Series, art
ref (entered into force date) (“Abbreviated Treaty Name”).

The treaty name should be given in full, with no full stops in abbreviations and principal words capitalized.

If the states parties to a bilateral treaty do not appear in the title, they should be listed after the date of signing, separated by an en-dash. Do not list parties to a multilateral treaty.

Where possible, reference should be made to a primary international treaty series such as the United Nations Treaty Series (UNTS); the New Zealand Treaty Series (NZTS); an official treaty series of another state party to the relevant treaty; or other treaty series; or to collections of international materials such as the International Legal Materials (ILM), or, in the case of treaties between members of the European Communities, to the Official Journal of the European Communities (OJ).

References to specific articles, sections, paragraphs etc in treaties should follow the general rules for domestic statutes.

Subsequent references to the same treaty may use the abbreviated title included in the first full reference. Follow the general rules on cross-referencing.

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction, opened for signature 10 April 1972, 1015 UNTS 163 (entered into force 26 March 1975) (“Biological Weapons Convention”)

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature 13 January 1993, 32 ILM 800, art 5 (entered into force 29 April 1997) (“Chemical Weapons Convention”) [Later

cross-reference example: Chemical Weapons Convention, above n 3, art 8.]

Agreement between the Government of New Zealand and the Government of Hong Kong Concerning Air Services, signed on 22 February 1991, NZTS 1991, No 7 (entered into force on 22 February 1991).

(b) *International cases and arbitral decisions*

Cases and arbitral decisions should be cited in the following format:

Case name (Party Name v Party Name) (Phase of proceedings/Advisory Opinion) [Year] Report Series or Publication page ref

Otherwise, follow the general rules in respect of citation of domestic cases.

Certain Phosphate Lands in Nauru (Nauru v Australia) (Preliminary Objections) [1992] ICJ Rep 240.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America) (Merits) [1986] ICJ Rep 14.

Mavrommatis Palestine Concessions (1924) PCIJ Ser A, No 2, 11.

Rainbow Warrior (New Zealand v France) (1990) 82 ILR 499.

Mariposa Development Co (Panama v The United States of America) (1933) 6 RIAA 338.

(c) UN materials

Constitutive documents of the UN should be cited in the same general format as domestic statutes: Full Name, art ref.

Citations to other UN Materials should include the following where applicable:

Author's First name(s) or Initials and Surname if given, Title,
Resolution #, official record, session #, subdivision, page/para #,
UN document # (year).

Charter of the United Nations, art 27.

Statute of the International Court of Justice, art 65(1).

Human Rights Committee *Comments on El Salvador*, para 2, UN Doc CCPR/C/79/Add.34 (1994).

Definition of Aggression, Annex, art 3, GA Res 3314, UN GAOR, 29th sess, supp No 31 (1974).

Strengthening of the United Nations System GA Res 51/241, UN GAOR, 51st sess, 105th plen mtg, UN Doc A/Res/51/241 (1997).

SC Res 660, UN SCOR 45th sess, 2932nd mtg, UN Doc S/Res/660 (1990).

(d) Official documents of the WTO and GATT

Should be cited in the following format:

Title WTO/GATT document #(s), Appellate Body document # if relevant (year) page/para # (Description of the GATT/WTO Document).

The description of the GATT/WTO document usually appears after the title in the original.

European Communities — Anti-dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil WTO Doc WT/DS219/R (2003) (Report of the Panel).

Canada — Measures Affecting the Importation of Milk and the Exportation of Dairy Products Second Recourse to Article 21.5 of the DSU by New Zealand and the United States WTO Doc WT/DS103/AB/RW2, WT/DS113/AB/RW2, AB-2002-6 (2002), paras 1–11 (Report of the Appellate Body).

(e) *European Communities materials*

(i) *Legislation and other official materials*

Reference should be made to the Official Journal of the European Communities (OJ) where possible. Legislation and other official materials should be cited in the following format:

Full Title [Year] [OJ #] [page/para] ref

Commission Regulation (EC) No 204/2003 of 3 February 2003 on the Supply of Vegetable Oil as Food Aid [2003] OJ L 28.

Guidelines on the Applicability of Article 53 of the EEA Agreement to Horizontal Co-operation Agreements [2002] OJ C 266.

(ii) *Court of Justice of the European Communities*

Cases should be cited in the following format:

Party Name v Party Name (Case #) [Year] ECR [page ref]

The general rules on case citations should be followed. Note that the case number should be preceded by C- for cases decided by the Court of Justice and T- for cases heard by the Court of First Instance. Cases decided after 1990 should add the prefixes I- and II- to page numbers of cases decided in the Court of Justice and the Court of First Instance respectively.

Otherwise, follow the general rules in respect of domestic cases.

Limburgse Vinyl Maatschappij NV v European Commission (T-305-307/94, T-313-316/94, T-318/94, T-325/94, T-328/94, T-329/94 and T-335/94) [1999] ECR II-931.

Syndicat Francais de L'Express International v European Commission (Case T-77/95) [1997] ECR II-1; *rv'd sub nom Union Francais de L'Express (UFEX) (formerly Syndicat Francais de L'Express International (SFEI)) v European Commission* (Case C-119/97 P) [1999] ECR I-1341.

Tetra Pak International SA v EC Commission (Case T-83/91) [1994] ECR II-755; *affd* (C-333/94 P) [1996] ECR I-5951.

(iii) *European Court of Human Rights and European Commission of Human Rights*

Cases should be cited in the following format:

Party Name v Party Name EHRH citation if applicable, ECHR neutral citation

Party Name v Party Name E Com HR citation

Otherwise, follow the general rules in respect of domestic cases.

Van Raalte v The Netherlands (1997) 24 EHRR 503, [1996] ECHR 20060/92 [51]–[53]. **Note:** 20060/92 is the unique application number; [51]–[53] refers to the paras of the judgment].

British-American Tobacco Co Ltd v The Netherlands (1995) 331 ECHR (ser A) 23.

Bozano v France (1984) 39 E Com HR 119.

6 *Other materials*

(a) *Parliamentary Debates*

The New Zealand Parliamentary Debates, commonly referred to as Hansard, should be cited as follows:

(Year of Annual Hansard) Vol # New Zealand Parliamentary Debates Page # (Name of speaker).

Foreign Parliamentary Debates should be cited as follows:

Jurisdiction (Year of Debates) Vol # Name of Parliamentary Debates, Chamber if relevant, ref # (Name of speaker).

(1955) 307 New Zealand Parliamentary Debates 3349 (JR Marshall).

United Kingdom (1993) 234 Hansard, HC, col 161 (David MacLean).

(b) *Parliamentary Papers*

The most important source of New Zealand Parliamentary material is the Appendix to the Journal of the House of Representatives (AJHR). AJHR material should be cited as follows:

Title [Year] AJHR AJHR Ref # page/para ref (“*Common or Abbreviated Title*”).

Report of the Taxation Review Committee [1967] AJHR B18 para 1021 (“*The Ross Committee Report*”).

White Paper, Matrimonial Property – Comparable Sharing, an Explanation of the Matrimonial Property Bill 1975 [1975] AJHR E6 (“*Matrimonial Property White Paper*”).

Committee of Inquiry into Inflation Accounting [1976] AJHR H4 p 33.

(c) *Tribunal, Committee and Law Commission reports*

Such reports pose a challenge to uniform citation. Try to provide the reader with consistent and comprehensive information along the following lines:

Institutional Author Title, Including Series Code or # (Year)
page/para ref.

Waitangi Tribunal *Whanganui River Report — Wai 167* (1999);
Waitangi Tribunal *Te Ika Whenua — Energy Assets Report — Wai 212* (1993) 37–41.

Legislation Advisory Committee *Report of the Legislation Advisory Committee 1 January 1994 to 31 December 1995: Recurring Issues — Report No 9* (June 1996).

Transport and Industrial Relations Committee *Report on International Treaty Examinations of the Multilateral Agreement on the Liberalization of International Air Transportation and the Protocol to the Multilateral Agreement on the Liberalization of International Air Transportation* (6 December 2001) para 27.

New Zealand Law Commission *Some Problems in the Law of Trusts: Report 79* (NZLC R79, April 2002).

New Zealand Law Commission *Seeking Solutions: Options for Change to the New Zealand Court System: Have Your Say: Part 2: Preliminary Paper 52* (NZLC PP52, December 2002).

New Zealand Law Commission *Liability for Loss Resulting from the Development, Supply, or Use of Genetically Modified Organisms: Study Paper 14* (NZLC SP14, May 2002).

(d) *Submissions/evidence to Committees*

Author's Name Submission/Evidence on/regarding Subject to the
Name of Select Committee (include jurisdiction if unclear from
context) (Date) page/para ref.

Aviation Medical Society *Submission to the Transport and Industrial Relations Select Committee on the Civil Aviation Amendment Bill (No 2) 2001* (10 April 2001) paras 6–9.

(e) *Unpublished theses and dissertations*

Author's Name Title (Type of Thesis or Dissertation, Institution, Year) page ref.

Audrey Rosemary Tobin *The Development of the Common Law Defences of Fair Comment and Qualified Privilege to a Defamation Action with Particular Reference to New Zealand* (PhD Thesis, The University of Auckland, 2002) 11.

Richard Arthur Bigwood *Fair Dealing in Contract Formation: An Analysis of Exploitation in the Procurement of Bargain Transactions* (PhD Thesis, Australian National University, 1993).

Richard Hart *"Damage Done by a Ship": The Ambit of the Damage Lien Determined*" (LLB (Hons) Dissertation, The University of Auckland, 2001).

(f) *Working and research papers*

Author's Name Title (Working/Research Paper #, Institution, Year) page ref.

Where the working/research paper has been published or collected in an electronic database, give additional information about its location.

Oliver Hart *Different Approaches To Bankruptcy* (Research Paper No 1903, Harvard Institute of Economic Research, 2000).

Vanessa Bedford *Overseeing the Refugee Convention: Complaints* (Working Paper No 2, International Council of Voluntary Agencies and The University of Michigan Law School, 2001) <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=294183> (at 15 March 2003).

(g) *Conference papers*

Author's Name "Title of Paper" Paper presented to Conference, Location, Jurisdiction, full date of presentation.

If the paper is published in conference proceedings, cite as a contribution to an edited work (see above). If the paper is available as a www document, also give the URL and other relevant information.

Treasa Dunworth "New Zealand's Legislative Response to the Attacks of 11 September" Paper presented to the Annual Conference of the Australian and New Zealand Society of International Law, Canberra, Australia, 16 June 2002 <<http://law.anu.edu.au/anzsil/Conference%20Proceedings%202002.pdf>> (at 15 March 2003).

(h) *Newspaper articles*

Author's Name (if available) "Title (if available)" Newspaper (Place of Publication, Jurisdiction, Full Date of Publication) page ref.

Ian Burrell "Footballer Outed on BBC Website" *The Independent* (London, England, 6 March 2003) 11.

Sue Cant "Publish at your Peril" *The Age* (Melbourne, Australia, 25 February 2003) 5.

"*RJ Tilbury & Sons (Devon) Ltd v International Oil Pollution Compensation Fund 1971*" *The Times* (London, England, 27 February 2003) 43.

(i) *Television and radio transcripts*

Broadcaster "Title (where different from programme)" Programme,
Full Date of Programme

Where the transcript is available as a www document, also give the URL and other relevant information.

BBC "Māori Justice: Keisha's Story" Correspondent, 27 October 2002 <<http://news.bbc.co.uk/1/hi/programmes/correspondent/2350699.stm>> (at 15 March 2003).

(j) *Media releases*

Author's Name "Title of Media Release" (Media Release, Full Date of Media Release)

Where the media release is available as a www document, also give the URL and other relevant information.

University of Auckland "Environmental Law Centre a World Leader" (Media Release, 18 November 2002) <http://www.auckland.ac.nz/cir_newsevents/index.cfm?action=display_news&news_id=2566> (at 15 March 2003).

(k) *Speeches*

Speaker's Name "Title of Speech" (Speech delivered at/to an/the Name of Forum or Occasion, Location, Full Date of Speech).

Where the speech has been published in a collection of speeches or as a www document, additional information about its location should be provided.

Dr Donald Rothwell "The Iraq Crisis: Is International Law Relevant?" (Speech delivered at an International Law Association seminar, Faculty of Law, the University of Auckland, 19 March 2003).

(l) *Interviews*

Interviewer's name (where available), Interview with Interviewee's Name "Title of Interview (where available)" (Location, Occasion or Form of Interview, Full Date of Interview).

Where the interview has been published, additional information about its location should be provided.

Kay Gregory, Interview with Mai Chen "When Can an MP be Thrown Out of Parliament?" (TVNZ Breakfast Programme, Auckland, 29 January 2003) <<http://www.chenpalm.co.nz/subj.asp?mID=199>> (at 15 March 2003).

(m) *Letters and email*

Should be cited in the following format:

Letter from Author's Name to Recipient's Name, Full Date of letter.
Email from Author's Name to Recipient's Name, Full Date of email.

If the letter or email is archived, provide full details on its location.

(n) *Www documents*

Because of their lack of permanence, www documents should only be cited where not readily accessible in traditional form, and should as far as possible be cited in the following format:

Author's Name Document Title (Year of www document, if dated)
Website Name <URL> (at Date).

If a large number of www documents are cited, a standard statement may be made in the first footnote: All URLs cited in this article as at Date.

John Hare *Of Black Books, White Horses, and Sacred Cows: The Quest for International Uniformity in Maritime Law* (1999) British Maritime Law Association <http://www.bmla.org.uk/documents/of_black_books.htm> (at 15 March 2003).

New Zealand Bar Association *Discussion Paper on the Implications of a New Supreme Court* (2002) New Zealand Bar Association <<http://www.nzbar.org.nz/disussion.htm>> (at 15 March 2003).

III TROUBLESHOOTING

When faced with a citation or legal reference issue which is not dealt with in this Guide, try to adopt a *consistent* citation format. Does the source fit into the general categories of book, journal article, case or statutory instrument? If so, try as far as possible to follow the standard citation formats.

Make your citations as *comprehensive* as possible — one of the important functions of legal citation is to help your readers to find cited references. If in doubt, include relevant bibliographical information which will assist in locating a source.

The following citation manuals provide specialist assistance for more advanced legal citation issues and selected overseas jurisdictions:

- ❖ Melbourne University Law Review Association Inc *Australian Guide to Legal Citation* (2nd ed, Melbourne University Law Review Association Inc, Melbourne, 2002).
- ❖ Harvard Law Review Association *The Bluebook: A Uniform System of Citation* (17th ed, Harvard Law Review Association, Cambridge, 2000).
- ❖ Derek French *How to Cite Legal Authorities* (Blackstone Press, London, 1996).
- ❖ McGill Law Journal *Canadian Guide to Uniform Legal Citation* (4th ed, Carswell, Scarborough, © 1998).

IV QUICK GUIDE

Reported case (traditional citation):	<i>Ministry of Transport v Noort</i> [1992] 3 NZLR 260, 261–263 (CA).
Reported case (medium neutral citation):	<i>R v Lambert</i> [2002] 2 AC 545, [2001] UKHL 37 [12]–[15]
Unreported case (traditional citation):	<i>Edgewater Apartments Ltd v Starline Investments Ltd</i> [4 December 2002] HC, Wellington, CP239/02 [5]–[8].
Unreported case (medium neutral citation):	<i>Opua Ferries Ltd v Fullers Bay of Islands Ltd</i> [2003] UKPC 19 [5]–[18].
Statute:	Year 2000 Information Disclosure Act 1999; Wild Dog Destruction Act 1924 (NSW).
Journal article:	Treasa Dunworth “International Criminal Court” [2002] NZLJ 231
Book:	Ross B Grantham and Charles EF Rickett <i>Enrichment and Restitution in New Zealand</i> (Hart Publishing Ltd, Oxford, 1999).
Edited book:	NC Seddon and MP Ellinghaus (eds) <i>Cheshire & Fifoot’s Law of Contract</i> (8th Australian ed, LexisNexis Butterworths, Sydney, 2002).
Chapters/contributions to books:	P Rishworth “The Rule of International Law?” in G Huscroft and P Rishworth (eds) <i>Litigating Rights: Perspectives from Domestic and International Law</i> (Hart Publishing Ltd, Oxford, 2002) 91–100.
Www documents:	John Hare <i>Of Black Books, White Horses, and Sacred Cows: The Quest for International Uniformity in Maritime Law</i> (1999) British Maritime Law Association < http://www.bmla.org.uk/documents/of_black_books.htm > (at 15 March 2003).