

Legal Research via the University of Sydney Law Library

<http://www.library.usyd.edu.au/libraries/law/>

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Research guides

Research plan template

This plan has been developed by University of Sydney Library Staff for recording search strategies and results of your database searches.

See <http://www.library.usyd.edu.au/subjects/researchplan.pdf>

Writesite

Provides students with online support to help develop their academic and professional writing skills.

Access via your Unikey login.

URL: <http://writesite.elearn.usyd.edu.au/>

The Learning Centre

This Centre assists students in developing learning, research and writing skills.

The Centre runs various free workshops on essay and thesis writing, critical reading, oral presentation skills and time management.

They also provide links to downloadable resources to aid students.

See http://www.usyd.edu.au/stuserv/learning_centre/

Library Classes

Each semester the Law Library runs legal research classes on a range of topics, including database and subject specific, finding journal articles and other resources.

See <http://www.library.usyd.edu.au/libraries/law/classes.html> for the schedule of available classes.

Research Consultations

Library staff are happy to give one to one consultations on finding references on your topic or on using individual databases.

To make an appointment e-mail or ring:

library@law.usyd.edu.au

Phone: 9351 0293 Or 9351 0216

Textbooks

The following is a list of useful legal research texts:

Terry Hutchinson, [*Researching and Writing in Law*](#) (2nd ed, 2006).

Catriona Cook, [*Laying Down the Law*](#) (6th ed, 2005).

Bruce Bott, Jill Cowley & Lynette Falconer, [*Nemes and Coss' Effective Legal Research*](#) (3rd ed, c2007).

Check the Library Catalogue for location and availability:

<http://opac.library.usyd.edu.au/>

Legal Citation

There is no single standard in Australia for legal referencing. However, it is important that all citations made within one document are consistent in style. The University of Sydney Faculty of Law currently favours the [Sydney Law Review style guide](#).

See Anita Stuhmcke, *Legal Referencing* (3rd ed, 2005) for a general outline on legal citation of primary and secondary sources.

Legal citation guides include the [Sydney Law Review style guide](#) from the Sydney Law Review, University of Sydney and the **Australian guide to legal citation** from the Melbourne University Law Review Association.

Online versions of legal citation guides plus a list of textbooks can be found via the Free Web Law page:

<http://www.library.usyd.edu.au/libraries/law/citation.html>

Online guides to legal abbreviations, including the list of **Law Reports (Australian and English) held in the University of Sydney Law Library**, **Law Abbreviations** from La Trobe University Law Library, Bundoora and **Cardiff Index to Legal Abbreviations** provide help finding legal materials. These and others can be found via the Free Web Law page:

<http://www.library.usyd.edu.au/libraries/law/abbreviations.html>

Legal citation for reported cases (examples)

Case citations are usually in the following format:

<i>Names of the parties (in italics)</i>	Year in round or square brackets	Volume number	Abbreviation for Law Report series	Page number on which case commences
------------------------------------------	----------------------------------	---------------	------------------------------------	-------------------------------------

- ***Brickhill v Cooke* [1984] 3 NSWLR 396.**

Party names = Brickhill and Cooke; *Year of publication* = 1984;

Volume number within year of publication = 3; *Law report title* = New South Wales Law Reports; *Starts at page* 396

- ***Hedley Byrne v Heller* [1964] AC 465.**

Party names = Hedley Byrne and Heller; *Year of publication* = 1964;

Law report title = Appeal Cases; *Starts at page* 465

Pinpoint citation – page number

- ***Mabo v Queensland* (1992) 175 CLR 1 at 3.**

Party names = Mabo and the state of Queensland; *Year of decision* = 1992;

Volume number = 175; *Law report title* = Commonwealth Law Reports;

Starts at page 1; *cited at page* 3

Pinpoint citation – paragraph within a page

- *Al-Kateb v Godwin* (2004) 219 CLR 562 at 590 [65].

Party names = Al-Kateb and Godwin; *Year of decision* = 2004;

Volume number = 219; *Law report title* = Commonwealth Law Reports;

Starts at page 562; cited at page 590; Pinpoint citation (or paragraph number) = 65

Criminal case

- *R v Milat* (1996) 87 A Crim R 446. **OR** *Milat* (1996) 87 A Crim R 446.

R = Regina (the Crown). It is optional to include the 'R' in criminal cases

Popular name

- *Commonwealth v Tasmania* (1983) 158 CLR 1 ('*Tasmanian Dam Case*').

Some cases have *popular names* and these may be used in subsequent references to a

case: eg *Tasmanian Dam Case* (1983) 158 CLR 1.

Round and square bracket rule:

Round () = Date of decision. This is not essential to finding the case. The volume number is the important part for locating a report cited with round brackets.

Square [] = Date of publication. The volume numbering starts again each year so the date of publication is the important part for locating a report cited with square brackets.

Note some publications change their method of citation. For instance, the NSWLR have changed from employing square to round brackets.

Vendor or Medium Neutral Citation

Most Australian courts have adopted a system of vendor or medium neutral citations. This citation may be used when cases have not been reported or if cases have only recently been decided and have not had time to appear in a law report. Vendor or medium neutral citation is used on web sites such as AustLII and is also used in reported versions of cases in parallel with more traditional citation.

<i>Party names (in italics)</i>	Year of decision	Court	Decision number
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- *Ugle v The Queen* [2002] HCA 25 at [53].

Party names = Ugle and The Queen; *Year of decision* = 2002;

Court = High Court of Australia; *Decision number* = 25;

Pinpoint citation (or paragraph number) = 53

See Anita Stuhmcke, *Legal Referencing* (3rd ed, 2005) p 67 for more examples of case law citation.

Legal citation for bills (examples):

- Australian Radiation Protection and Nuclear Safety Bill 1998 (Cth).
- Civil Liability Bill 2002 (NSW).

Legal citation for statutes (examples):

Principal Acts

- *Australian Radiation Protection and Nuclear Safety Act 1998* (Cth).
- *Crimes Act 1900* (NSW).
Please note: if an act is cited with its short title and the year of enactment, the citation implies that it includes all amendments up to the relevant date.

Amending Acts

- *Australian Security Intelligence Organisation Legislation Amendment Act 1999* (Cth).
- *Civil Liability Amendment (Offender Damages Trust Fund) Act 2005* (NSW).

Secondary Sources (example citations):

The following citations are in the [Sydney Law Review style](#):

Journal article:

- Regina Graycar and Jenny Morgan, 'Legal Categories, Women's Lives and the Law Curriculum: or Making Gender Examinable' (1996) 18 *Sydney Law Review* 431.

Books:

- Margaret Thornton, *The Liberal Promise: Anti-discrimination Legislation in Australia* (1990).

Essay referencing:

Bibliographies should only include secondary sources to which you have referred. Cases and statutes can be listed separately in a Table of Cases and Table of Legislation.

Other citation examples

For further examples of citation see [Sydney Law Review style guide](#) or Anita Stuhmcke, [Legal Referencing](#) (3rd ed, 2005).

Primary Legal Resources

Finding Cases

Case citators

A case citator is a tool which provides information about a particular case, including where it has been reported; can be used to locate cases on a topic and , in some cases, journal articles.

Information provided about an individual case includes:

- Citations of the law reports in which the case has been reported
- If the case has not been reported, the medium neutral citation or unreported judgment citation
- Cases considered by this case
- Cases referring to this case
- A digest entry about the case
- Lists legislation considered by this case
- Often includes journal articles referring to the case

There are two on-line case citators, **Casebase** and **Firstpoint** available via the Law Library databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#cases>

Law reports

Law reports are the **tools** of the system of precedent that have built up the common law and interpreted statutory law.

Today a High Court of Australia case could be reproduced in five or more law report series. An unreported version will also be found on at least one free web site. Some versions of law reports are more authoritative than others.

Commonwealth Law Reports (CLR) and *New South Wales Law Reports* (NSWLR) are authorized reports – ie the preferred citation for the High court and the NSW Supreme Court.

For more information about Case law see Bruce Bott, Jill Cowley & Lynette Falconer, *Nemes and Coss' Effective Legal Research* (3rd ed, c2007) chapter 7 and Anita Stuhmcke, *Legal Referencing* (3rd ed, 2005) chapter 5.

Online law reports

Many commercial sites provide access to on-line versions of published law reports.

Australian law reports A-Z:

<http://www.library.usyd.edu.au/libraries/law/atozlawreports.html>

Reports published by Law Book Co are available in pdf format via **Lawbook Online**, **FirstPoint** and **Westlaw**.

Reports published by LexisNexis.au (Butterworths) are available on **LexisNexis AU** and **Lexis.com**.

Reports published by CCH are on **CCH Online**. They can also be accessed via the publishers link on AustLII - <http://www.austlii.edu.au/form/search/search2.html>.

Access to US and UK reports online can be found in Megadatabases such as **Lexis.com** and **Westlaw**:

<http://www.library.usyd.edu.au/libraries/law/databases.html#mega>

Guides to searching Commercial sites:

See the guides to searching the above sites attached in the appendix at the end of this booklet.

Printed Law Reports

Australian and UK law reports are shelved on level 8 of the Library. US reports are shelved on Level 7 of the Library.

Free sites

One difference between published reported law reports and the versions found in free web sites is that the published reports include headnotes and have been edited. The cases on these sites are usually raw data entered by the courts. One advantage is currency, with judgments often available within 24 hours of delivery.

Access to free sites providing full-text cases can be found via the Free Web Law page:

http://www.library.usyd.edu.au/libraries/law/lig_primary.html#Caselaw

Two significant free web sites providing access to cases are **AustLII** and **Lawlink**.

AustLII is a free site with access to Australian and overseas cases, legislation (also includes a link to CCH online), treaties and journal articles.

Holdings include:

High Court of Australia Decisions 1903 –

Supreme Court of NSW Decisions 1995 –

Also includes cases from other Australian jurisdictions and International materials.

Lawlink provides published judgments and decisions of New South Wales Courts and Tribunals. Holdings include Supreme Court of NSW Decisions 1999 –

Casenotes

Casenotes are commentary about a case – analysing and evaluating it. Often the information includes subsequent treatments in later judgments. They are found in secondary sources. These include the following:

FirstPoint and **Casebase**: both are case citators. Casebase includes extensive references to journal articles, Firstpoint links to a detailed case digest.

Online versions of these resources can be found via the Law Databases link:

<http://www.library.usyd.edu.au/libraries/law/databases.html#cases>

Journal articles and text books also include casenotes. For example, **The Sydney Law Review** contains casenotes in most issues. For online issues see the Library catalogue:

<http://opac.library.usyd.edu.au/search/f>

To search for journal articles referring to a case use a journal index such as **AGIS Plus Text** available via the Law Library databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#journals>

Legislation

Bills

A bill is a draft of a proposed statute (or Act). Before a statute becomes law the bill must pass through both houses of parliament.

For more information about how a bill becomes law, see:

<http://www.aph.gov.au/house/info/infosheets/is07.pdf>

How to find bills

On-line sites

Capital Monitor includes Commonwealth bills and acts assented to since 1998. NSW materials include bills and acts assented to since 1999. The Bills Monitor allows the tracking of the progress of a bill before it is assented. Victorian and Queensland materials are also included.

Available via Law Databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#legislation>

BillsNet is a free site via the Parliament of Australia homepage and has current and old bills from 1996 onwards. It also includes background material.

ComLaw is a free site which includes Commonwealth bills from 1996 onwards.

NSW Parliament Bills list has current NSW bills as well as old ones from 1999 onwards.

These and other free sites are available via the Free Web Law link:

http://www.library.usyd.edu.au/libraries/law/lig_primary.html#Bills

Explanatory Memoranda and Second Reading Speeches:

Explanatory memoranda, as well as second readings of a bill in parliament, flesh out the nature and content of a bill. This material can also be found on the [above sites](#) used for locating bills. Explanatory memoranda and second reading speeches will not always be available online, especially for older bills.

Statutes (Acts)

A Bill becomes an Act when it is passed by both houses of parliament.

Types of Acts

- **Principal Act** = an Act that stands on its own and is not designed exclusively to amend another Act.
- **Amendment Act** = an Act that amends a principal Act.

Principal and Amending Acts are numbered in the order in which they are passed in a particular year. Hence online these acts are called “**Numbered Acts**” or “**As Made**”.

- “**Reprinted Acts**” or “**Current Compilations**” or “**Consolidated Acts**” or “**Acts In Force**” (these terms are interchangeable)
These are principal Acts inclusive of amendments from amending Acts that have been incorporated or ‘cut and pasted’ into the text of the principal Act.

Legislative history

The history of a piece of legislation, including assent and commencement date, reprint history, amendment history (or Table of Acts) is found in the **Notes** Section of the consolidated version of an act.

For more information about the legislative process see Bruce Bott, Jill Cowley & Lynette Falconer, [*Nemes and Coss' Effective Legal Research*](#) (3rd ed, c2007) chapter 8.

Finding legislation

On-line sites

Databases

Timebase includes Australian Commonwealth and State legislation with Caselinks. Available via the Law Databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#legislation>

Free sites

Available via the Free WebLaw Legislation (Acts & Regulations) link:

http://www.library.usyd.edu.au/libraries/law/lig_primary.html#Statutes

AustLII is a free site with access to Australian and overseas cases, legislation (also includes a link to CCH online), treaties and journal articles.

Holdings include:

Commonwealth legislation: Numbered Acts 1973 –
Consolidated Acts

NSW legislation: Consolidated Acts
NSW Acts (Point-in-Time)

AustLII includes a noteup function to cases on either the whole act or particular sections of the act. This also includes any journal articles within AustLII.

ComLaw is the Commonwealth-Attorney General's Department site providing free access to Commonwealth legislation incorporating the Federal Register of Legislative Instruments (FRLI).

Holdings include:

Numbered Acts 1973-
Act Compilations
Bills (including EMs) 1996-
Links to regulations made under the act

NSW Parliamentary Counsel's Office is the official site for NSW legislation.

Holdings include:

Acts as Made 1990-
Acts in Force
Point-in-Time Legislation providing access to historic versions of acts
Links to regulations made under the act

Other Australian Jurisdictions and International Legislation also found:

http://www.library.usyd.edu.au/libraries/law/lig_primary.html#Statutes

Printed legislation:

Australian Commonwealth and States legislation are shelved on Level 8 of the Library.

Secondary Resources

Journal articles

Most international and some Australian journals are available electronically. Many are listed in the **University of Sydney Library catalogue** with links to the full-text version. For information on searching for e-journals via the catalogue see the Law Library free web law, legal electronic journals link :

http://www.library.usyd.edu.au/libraries/law/lig_journal.html

The exception to this is the large holdings of journal articles on the databases **Westlaw** and **Lexis.com**. To access these see the Law library databases, megadatabases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#mega>

E-journals

Australian Journals

Collections:

Commercial collections of journal titles can be found via the databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#ejournals>

These include:

LawBook On-line

LexisNexis AU

Lexis.com

Hein Online

Free sites:

Free sites providing access to full text journal articles can be found via the Free Weblaw Link:

http://www.library.usyd.edu.au/libraries/law/lig_journal.html

Includes:

AustLII – the Australasian Law Journal Project includes over 21 titles, with a search engine which can search within individual titles or across all titles.

International Collections:

Commercial international collections of journal titles can be found via the Law Databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#ejournals>

Include:

Hein Online

LexisNexis AU
Lexis.com
Westlaw
Kluwer
LawBook Company

Free sites

Free sites providing access to international legal e-journals can be found via the Free Web Law link:

http://www.library.usyd.edu.au/libraries/law/lig_journal.html

Finding Journal Articles

Periodical or Journal Indexes

Periodical or journal indexes are catalogues of journal literature. They allow the user to find references to journal articles on a topic, often also including links to full-text articles. If there is no link to a full-text article check the Library catalogue for our holdings which may include a separate on-line subscription:

<http://opac.library.usyd.edu.au/>

Periodical indexes can be found via the Law Databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#journals>

Australian articles:

AGIS Plus Text is the best Australian periodical index which includes some full text articles.

Legaltrac – US database, but includes other jurisdictions including Australia.

Casebase – a case citator, however works as a journal index and provides references to casenotes. Our subscription does not provide full text articles.

Firstpoint – also a case citator has some references to journal articles.

International articles:

Legaltrac
Legal Journal Index for UK articles
Lexis
Westlaw

There is a list of specialist databases in your field via the Law Databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#subject>

Loose-leaf Services

Commercial Full-text collections of Loose-leaf services are available via the law Databases page:

<http://www.library.usyd.edu.au/libraries/law/databases.html#looseleaf>

Include:

Taxpoint

CCH Services

LexisNexis AU

Lawbook Online

See also our lists of hardcopy loose-leaf services held in the Law Library by Title and by Subject via the above link.

Searching databases (Boolean searching)

Boolean searching =

Combining concepts with logical operators for a targeted search = quicker and better results.

Relevant for searching in **ALL** databases (free and commercial).

Boolean operators

The most common Boolean operators are: AND, OR and NOT.

- **AND** - narrows the search eg. **solicitor AND negligence** (both words must be present in each record). Sometimes a database uses "and" as the default if you type in more than one word.
- **OR** - broadens the search eg. **company OR corporation** (either word can be present in each record). Useful for when there are alternative terms.
- **NOT**- restricts the search eg. **Mercury NOT planet** (the first word must be in the record, but the record will be subsequently discarded if the second word is present). Useful for ambiguous terms. Note that some databases, **including the library catalogue**, use **AND NOT**.

Truncation

Most databases allow you to search for variations of a word by entering a stem and then using a truncation symbol. For example, *negligen** will pick up negligence, negligent and negligently. Some databases, such as Lexis.com and Westlaw use ! as the truncation symbol. For example, *negligen!* will pick up negligence, negligent and negligently.

Wildcard

Some databases allow you to search for variant spellings by replacing a letter with a symbol. For example, *defen?e* will pick up defence or defense.

Nesting

Groups together different parts of the search – for ease of understanding, and to show order of searching.

Examples:

- **alcohol AND (adolescents OR teenagers)** will first retrieve records on alcohol then narrow that set down to those that mention either adolescents or teenagers.
- The following searches will yield different results:
(assault and battery) or mugging
assault and battery or mugging

Positional operators

When searching full text databases eg AustLII or Lexis.com and Westlaw it is often necessary to have a closer connection for terms than “AND” to ensure that the terms are relevant to each other.

- W/n = “within n words of” where n is a number
(doctor or surgeon) w/5 negligem*
- NEAR means “within 50 words of” or “w/50”
(doctor or surgeon) NEAR (negligen*)
- w/s = “within the same sentence” or w/p = “within the same paragraph”

However, see the information below re Search help screens as databases often have their own default order for searching.

Database help screens

All databases have their own Boolean searching methods. The database help screens will usually clarify this. Also, they usually have a default order for searching.

Normally searches are evaluated left to right, however it is a good idea to clarify this via the database help screen. Lexis.com and Westlaw especially have many search features specific to searching those databases.

Examples of searching help screens include:

AustLII: <http://www.austlii.edu.au/austlii/help/search.html>

The Library catalogue: <http://opac.library.usyd.edu.au/search/X>

Using the Library Catalogue to find Secondary resources

<http://opac.library.usyd.edu.au/>

Types of searches

- **Author search** – only if you know exact name – eg *Corkery J* not just *Corkery*
- **Title** – leave out article if it is the first word of a title – **a, the, an** eg – *Career in law* (not *A Career in law*)
- **Journal search** – search via exact journal title – many journals are available in electronic form as well as hard copy eg *Melbourne University Law Review*. The catalogue will **usually but not always** link you to full text databases where you can access the journal online.
- **Reserve search** – this search allows you to search for course materials that are available in Law Reserve or have been downloaded in full text onto the library catalogue via E-reserve. You can search for material by unit of study or lecturer. However, you will also be linked to this material if you search in other search fields, such as **title** or **author**.

Advanced (Keyword) Searching

- Searches in author, title, series, and subject heading fields.
- Best when looking for books on a **topic or subject**, or not sure what the exact title is.
- Also easiest way to retrieve Law Reform Commission reports and conference proceedings.
- Insert "and" or "or" for multiple words in any field. Use "and not" to exclude words.
- For help screen see: <http://opac.library.usyd.edu.au/search/X>