New Zealand Law Style Guide (NZLSG)

• Use the New Zealand Law Style Guide for citing items in your academic work if you are completing Law, Commercial Law or Taxation papers in the Faculty of Business, Economics and Law at AUT.

• This is not a complete guide and you will need to refer to the full New Zealand Law Style Guide either in print or online for more detailed information.

• AUT is using the 3rd edition of the NZLSG from December 2018.

• Contents:
  • Footnotes
  • Bibliographies
  • Glossary
Footnotes:

The what, where and how
What is a Footnote?

• Footnotes:
  • Demonstrate the authority of a particular statement (a quote), or
  • Acknowledge the source of a particular idea.

• Enter your citation details as footnotes at the bottom of each page. (This is different to other referencing styles you may be familiar with, such as APA, where the resources are acknowledges in the text of the assignment itself).

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How to add Footnotes using Microsoft Word

• The basic steps to add footnotes to your documents in Microsoft Word:

To create a Footnote at the end of a word, sentence or paragraph - find the References Tab in the ribbon at the top of the page – click Insert Footnote. A number will appear where your cursor is.

A sequential number is automatically generated at the place of your cursor in your document and at the bottom of the page. Type in the details of the item you want to cite. You can add single or multiple citations to each Footnote.

Word Document

There have been a number of changes to the Goods and Services Tax Act since its introduction.\(^1\) The rate of GST has also increased to 15 per cent on goods and services supplied in New Zealand.\(^2\) This has resulted in a larger number of families having financial difficulties.\(^3\)

\(^1\) Goods and Services Tax Act 1985.
\(^2\) Section 8(1).
\(^3\) Simon Collins “GST rise will hurt poor the most” New Zealand Herald (online edition, Auckland, 30 January 2010).
Some general rules

- When a source is cited for the 1\textsuperscript{st} time, the full reference information is included.
- When a source is cited for a 2\textsuperscript{nd} or subsequent time, use the relevant cross-referencing style from Rule 2.3.
- Do not include the full citation of an authority in the main text.
- Use only the name of the case or title of the work in the main text and then give the full citation in the footnote.
- \textit{Pinpoint} refers to the exact point you have quoted or referred to from sources to write your assignment (i.e. you should footnote the exact \textit{paragraph, section, page or chapter}).
Cross-referencing: using items multiple times (Rule 2.3)

- Ibid is NOT used.

- There are 2 general rules:

  1. If the source being referred to is obvious from the context it is sufficient simply to refer to the relevant pinpoint reference:

     In the main text:

     In *Gibbons Holdings Ltd v Wholesale Distributors Ltd*, the Supreme Court held that in interpreting the meaning of a contract may receive all cogent evidence, including subsequent conduct evidence, which sheds light on “the parties’ jointly intended meaning”.¹ The requirement that the evidence shed light on the parties’ joint intentions were stressed.²

     In the footnotes:

     ¹ *Gibbons Holdings Ltd v Wholesale Distributors Ltd* [2007] NZSC 37, [2008] 1 NZLR 277 at [52] per Tipping J.

     ² At [52] per Tipping J, [73] per Anderson J and [111] per Thomas J.
Cross-referencing continued

2. If the source being referred to is not obvious from the context, give an “above n x,” cross-reference.
   Also use “above n x” when repeating a source and it is not cited immediately above (ie there are other sources footnoted prior).

• Cases:
  In the footnotes:
  
  10  *R v Wang* [1990] 2 NZLR 529 (CA).
  ...
  16  *R v Wang*, above n 10, at 532.
  ...
  20  Companies Act 1993, s 123.
  21  Section 126.
  22  Companies Act 1955, s 131.
  23  Companies Act above n 20, s 123.
Cross-referencing continued

• Texts and Articles
  • The 1st time a text or article is cited, provide full citation details. Thereafter, so long as the text or article being referred to is obvious from the context, you can just refer to the relevant paragraph or page number.

  • If the text or article is not obvious from the context, repeat the last name of the author (or authors) and then write “, above n x,” followed by the pinpoint citation, where “x” is the earlier footnote number.

In the footnotes:
1 Peter Spiller *The Disputes Tribunals of New Zealand* (2nd ed, Brookers, Wellington, 2003) at 85.
2 At 93.
Footnote examples

Refer to the book for full details of the rules:

*New Zealand Law Style Guide 3rd ed. 2018*
print or online
**Texts** *(Rule 6.1)*

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Edition</th>
<th>Publisher</th>
<th>Place of publication</th>
<th>Year of publication</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard A Posner</td>
<td><em>Antitrust Law</em></td>
<td>(2nd ed)</td>
<td>University of Chicago Press</td>
<td>Chicago</td>
<td>2001</td>
<td>at 64</td>
</tr>
</tbody>
</table>

In the footnotes:

Peter Spiller *The Disputes Tribunals of New Zealand* *(2nd ed, Brokers, Wellington, 2003)* at ch 1.

Ebooks (Rule 6.1.9)

• For books that are *only* available electronically.
• Cite eBooks which are also available in hardcopy in accordance with Texts (Rule 6.1) where possible.

In the footnotes:


Online Commentaries & Looseleaf Texts (Rule 6.3)

<table>
<thead>
<tr>
<th>Editor/Author</th>
<th>Title</th>
<th>Edition</th>
<th>Publisher</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anna Joseph (ed)</td>
<td>Green and Hunt on Arbitration Law and Practice</td>
<td>(online ed, Brookers)</td>
<td>at [AR11.03]</td>
<td></td>
</tr>
<tr>
<td>Sarah Jenkison (ed)</td>
<td>Mazengarb’s Employment Law</td>
<td>(looseleaf ed, LexisNexis)</td>
<td>at [ERA8.3]</td>
<td></td>
</tr>
</tbody>
</table>

In the footnotes:

Anna Joseph (ed) *Green and Hunt on Arbitration Law and Practice* (online ed, Brookers) at [AR11.03].

Sarah Jenkison (ed) *Mazengarb’s Employment Law* (looseleaf ed, LexisNexis) at [ERA8.3].
Journal Articles (Rule 6.4)

• Treat articles from both print and online sources as print items

<table>
<thead>
<tr>
<th>Author</th>
<th>Journal Title</th>
<th>Year</th>
<th>Volume number</th>
<th>Journal Abbreviation</th>
<th>Page on which article begins</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christopher Ohms</td>
<td>&quot;The Concept of an Arrangement in Anti-Avoidance Rules&quot;</td>
<td>(2002)</td>
<td>8</td>
<td>NZJTLP</td>
<td>383</td>
<td>at 385</td>
</tr>
<tr>
<td>Jeremy Johnson</td>
<td>&quot;Earthquakes, Mortgagees and Lessees&quot;</td>
<td>[2011]</td>
<td></td>
<td>NZLJ</td>
<td>301</td>
<td>at 302</td>
</tr>
</tbody>
</table>

In the footnotes:
## Internet materials (Rule 7.1)

<table>
<thead>
<tr>
<th>Author</th>
<th>Document title</th>
<th>Date</th>
<th>Website name</th>
<th>URL</th>
<th>Pinpoint</th>
</tr>
</thead>
</table>

**In the footnotes:**

### Newspaper & Magazine Articles (Rule 7.2.1)

- For print and online formats

<table>
<thead>
<tr>
<th>Author</th>
<th>Article title</th>
<th>Newspaper title</th>
<th>Place of publication</th>
<th>Full date</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ruth Laugeson</td>
<td>&quot;Charge of the emissions brigade&quot;</td>
<td>New Zealand Listener</td>
<td>(New Zealand,</td>
<td>24-30 September 2011)</td>
<td>at 24</td>
</tr>
<tr>
<td></td>
<td>&quot;Banks fight IRD for $8m&quot;</td>
<td>The New Zealand Herald</td>
<td>(online ed, Auckland,</td>
<td>16 December 2009)</td>
<td></td>
</tr>
</tbody>
</table>

**In the footnotes:**

Ruth Laugeson “Charge of the emissions brigade” *New Zealand Listener* (New Zealand, 24-30 September 2011) at 24.

Statutes  (NZ – Rule 4.1, International - Rule 9)

<table>
<thead>
<tr>
<th>Short Title</th>
<th>Year enacted</th>
<th>Jurisdiction</th>
<th>Pinpoint reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income Tax Act</td>
<td>2007</td>
<td>** leave blank if NZ</td>
<td>, s BG 1</td>
</tr>
<tr>
<td>Companies Act</td>
<td>1993</td>
<td></td>
<td>, s 24</td>
</tr>
<tr>
<td>Counter-Terrorism Act</td>
<td>2008</td>
<td>(UK)</td>
<td>, s 92</td>
</tr>
</tbody>
</table>

In the footnotes:

Companies Act 1993, s 24.
Counter-Terrorism Act 2009 (UK) s 92.
Bills *(Rule 4.2)*

<table>
<thead>
<tr>
<th>Short Title</th>
<th>Year of introduction</th>
<th>Bill number</th>
<th>Bar number</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterans’ Support Bill</td>
<td>2013</td>
<td>(158-3)</td>
<td>-3)</td>
<td>, cl 14</td>
</tr>
<tr>
<td>Judicial Retirement Age Bill</td>
<td>2006</td>
<td>(90)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education (Tertiary Reform) Amendment Bill</td>
<td>2001</td>
<td>(180-3A)</td>
<td>-3A)</td>
<td></td>
</tr>
</tbody>
</table>

In the footnotes:
Judicial Retirement Age Bill 2006 (90).
Education (Tertiary Reform) Amendment Bill 2001 (180-3A).
Unit Titles Bill 2008 (212-2) (select committee report) at 4. *(see Rule 4.2.2)*
Reported Cases *(Rule 3.2)*

- See *glossary* for Reported, Unreported and Neutral Case Definitions.
- If available, always include the Neutral citation (for both Reported and Unreported cases).
- If no Neutral citation available, cite the best reported version of the judgment.

<table>
<thead>
<tr>
<th>Case name</th>
<th>Neutral citation</th>
<th>Year</th>
<th>Volume number</th>
<th>Report Series</th>
<th>Starting page</th>
<th>Court identifier</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Hawkins v Minister of Justice</em></td>
<td>[1991]</td>
<td></td>
<td>2</td>
<td>NZLR</td>
<td>530</td>
<td>(CA)</td>
<td>at 534</td>
</tr>
</tbody>
</table>

In the footnotes:

*Finnigan v Ellis* [2017] NZCA 488, [2018] 2 NZLR 123 at [20].

*Body Corporate 202254 v Taylor* [2008] NZCA 317, [2009] 2 NZLR 17 at [76(c)].

*Hawkins v Minister of Justice* [1991] 2 NZLR 530 (CA) at 534.
Unreported Cases (Rule 3.4)

- When citing an Unreported decision of a court or tribunal, use the official Neutral citation if one is available.
- If no Neutral citation is available, cite using the file number citation format.

<table>
<thead>
<tr>
<th>Case name</th>
<th>Court abbreviation</th>
<th>Registry</th>
<th>File number</th>
<th>Date of judgment</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>R v Reekie</td>
<td></td>
<td></td>
<td>CA339/03,</td>
<td>3 August 2004</td>
<td>at [35]</td>
</tr>
<tr>
<td>Greenbaum v Waikato District Health Board</td>
<td>ERA</td>
<td>Auckland</td>
<td>AA506/10, 10 December 2010</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the footnotes:
- R v Reekie CA339/03, 3 August 2004 at [35].
- Greenbaum v Waikato District Health Board ERA Auckland AA506/10, 10 December 2010.
Neutral Cases (Rule 3.3)

- When citing a case, the Neutral citation should always be given if available.

<table>
<thead>
<tr>
<th>Case name</th>
<th>Year</th>
<th>Court identifier</th>
<th>Judgment number</th>
<th>Pinpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pue v R</td>
<td>[2005]</td>
<td>NZSC</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Smith v Jones</td>
<td>[2012]</td>
<td>NZHC</td>
<td>20</td>
<td>at [10]</td>
</tr>
<tr>
<td>Commissioner of Inland Revenue v Auckland Harbour Board</td>
<td>[2001]</td>
<td>UKPC</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DKN v RDA</td>
<td>[2012]</td>
<td>NZFC</td>
<td>278</td>
<td></td>
</tr>
</tbody>
</table>

In the footnotes:

*Pue v R* [2005] NZSC 55.

*DKN v RDA* [2012] NZFC 278.

*Smith v Jones* [2012] NZHC 20 at [10].

*Commissioner of Inland Revenue v Auckland Harbour Board* [2001] UKPC 1.
Refer to Appendix 7: Additional style rules for university work in the *New Zealand Law Style Guide 3rd ed. 2018* for more detailed information.
What is a bibliography?

• A bibliography notes all the sources used in the preparation of your academic work, including those you have used but not cited in footnotes.
• Pinpoint references may be given in footnotes, but are not included in a bibliography.
• Sources listed in a bibliography should be grouped according to type.
• Generally primary materials should be listed first, followed by secondary materials as suggested below
  • Cases;
  • Legislation;
  • Treaties;
  • Books and Chapters in books;
  • Journal articles;
  • Parliamentary and Government materials;
  • Reports;
  • Dissertations;
  • Internet resources; and
  • Other resources.
Bibliography examples

A  Cases
1  New Zealand
DKN v RDA [2012] NZFC 278.
Hawkins v Minister of Justice [1991] 2 NZLR 530 (CA).
R v Reekie CA339/03, 3 August 2004.

B  Legislation
1  New Zealand
Companies Act 1993.

2  United Kingdom
Counter-Terrorism Act 2009.
Bibliography examples continued

** All Authors may be stated as surname, first name, or as below if following Appendix 7 of the NZLSG

C  Books and Chapters in books
Anna Joseph (ed) Green and Hunt on Arbitration Law and Practice (online ed, Brookers).
Peter Spiller The Disputes Tribunals of New Zealand (2nd ed, Brookers, Wellington, 2003).

D  Articles
“Banks fight IRD for $8m” The New Zealand Herald (online ed, Auckland, 16 December 2009).
Ruth Laugeson “Charge of the emissions brigade” New Zealand Listener (New Zealand, 24-30 September 2011).
E  Internet resources


Glossary

See the following for a selection of legal terms
Law Reports

Law Reports / Reporters

• Series of books that contain judicial opinions from a selection of cases law decided by courts. When a particular judicial opinion is referenced, the law report series in which the opinion is printed will determine the case citation format.

Official Law Reports

• Authorized for publication by statute or other governmental ruling. Governments designate law reports as official to provide an authoritative, consistent, and authentic statement of a jurisdiction's primary law.

Unofficial Law Reports

• Are not officially sanctioned and are published as a commercial enterprise. In New Zealand and Australia official reports are called authorised reports (e.g. NZLR and CLR), and unofficial reports are referred to as unauthorised reports (e.g. NZTC and ALR).
Reported and Unreported Cases

Reported

• Only a small percentage of cases heard before all the courts each year are formally reported (published).

• Cases are selected for reporting if they satisfy any of these criteria:
  • introducing a new principle or rule of law
  • materially modifying an existing principle of law
  • settling a doubtful question of law
  • interpreting statutes
  • illustrating new applications of important principles.

Unreported

• It used to be difficult to find information about cases which were unreported. However, online databases and the Internet have widened access to such unreported judgments.

• Some of these resources may be organised like formal law reports while others may publish mere transcripts, containing the facts, legal arguments and judgments of the case but missing the headnotes and catchwords usually found in law reports.
Neutral Cases

• The name given to the official style for citing the transcripts of law cases issued directly by the courts.

• Electronic publishing increased their availability, which had in turn increased their use in both forensic and academic settings and a reliable and secure way to cite them needed to be devised. Each judgment for each court has a unique number, and also that each paragraph within the transcript is numbered sequentially.

• The Neutral citation is the official number attributed to the judgment by the court, even if the case is later reported in print.

• Includes: **NZSC, EWHC, NSWSC**
Additional Terms

- **Act or Statute**: A legal document which codifies the laws that result from the Parliamentary process.

- **Legislative Instrument or Regulation**: Can include Orders in Council, regulations, rules, notices, determinations, proclamations, or warrants. Previously called Regulations.

- **Bill**: A draft of a proposed new law – a bill will pass through several stages as it goes through Parliament before it is passed and becomes an Act of parliament. Bills are given numbers to identify them and denote which stage that version of the bill is (e.g. -1, -2, -3).

- **Section or Provision**: Statutes or Acts are broken down by section. These are normally numbered numerically but some larger pieces of legislation may use alphanumeric numbering. These are known as a **Clause** within a Bill before being passed and becomes a **Section** within an Act of parliament.
Additional Terms continued

• **Hansard** or **Parliamentary Debates:** These are the debates by the Members of Parliament that accompany each reading of a Bill as it passes through Parliament.

• **Case** or **Judgment** or **Decision:** The determination/decision of a court of law.

• **Jurisdiction:** Jurisdiction means the right and power to interpret and apply the law. It can also mean the area or territory in which that authority applies. Therefore when we ask what jurisdiction a case is from we mean what country or region it’s from.

• **Commentary:** This refers to secondary material which comments on the primary legal material (cases, legislation etc). It can include Text books, journal articles and databases.
The End 😊