

xAustralian Journal of Labour Law Style Guide

June 2018

1. Legislation

Conciliation and Arbitration Act 1904 (Cth)

Workplace Relations Act 1996 (Cth) (WR Act) s 34(3)(a)

Workplace Relations Amendment (Work Choices) Act 2005 (Cth) (Work Choices Act)

Wrongs Act 1958 (Vic) Part 2-1

Australian Constitution

Fair Work Act 2009 (Cth) (FW Act) Part 3-4 Div 2

Fair Work Regulations 2009 (Cth) (FW Regulations) regs 3.42, 7.26

Fair Work Australia Rules 2010 (Cth) (FWA Rules) rule 7.2

Fair Work Bill 2008 (Cth) (FW Bill) cl 5(1)

Subsequent references: FW Act s 549; WR Act ss 8, 10; Work Choices Act ss 12–18.

Note that subsequent references to legislation never use ‘above’.

Note also: 1) Titles are not italicised; 2) The abbreviations included here should be used in preference to other abbreviations.

2. Cases

Re Australian Education Union; Ex parte Victoria (1995) 184 CLR 188; 128 ALR 609; [1995] HCA 71

Koehler v Cerebos (Australia) Ltd (2005) 222 CLR 44; 214 ALR 355; [2005] HCA 15 (*Koehler*) at [para no]

Starkey v Cootes Transport Group Pty Ltd [2011] FWA 228 (12 January 2011) (*Starkey*) at [68]

HMDB Constructions PL v Bayside CC [2010] VCAT 22 (3 June 2010)

Victorian WorkCover Authority v Chem-Mak Pty Ltd (Unreported, County Court of Victoria, O’Shea J, 10 September 1999, BC number where available)

Subsequent reference: *Koehler*, above n 1, at [15]; *Starkey*, above n 3, at [72]

For cases concerning enterprise agreements, the following approaches should be adopted:

At first instance – *Re Griffin Coal (Maintenance) Collective Agreement 2012* [2016] FWCA 2312.

If a decision is appealed and it is apparent who is appellant and respondent, then those named parties should be cited. If not, the collective agreement should be used. For example:

Construction, Forestry, Mining and Energy Union v Tahmoor Coal Pty Ltd (2010) 195 IR 58; [2010] FWAFB 3510.

If reported, use the title given by the reporting series. For example:

Re Kellogg Brown and Root, Bass Strait (Esso) Onshore/Offshore Facilities Certified Agreement 2000 (2005) 139 IR 34

Note that an authorised report should be used first where available, followed by a LexisNexis report (if available) and then the medium neutral citation (MNC). Where there is no authorised report, use one unauthorised report only (choosing a LexisNexis report in preference to a report from other publishers), followed by the MNC. On some occasions the case will be unreported and the BC number should be used, but only where there is no MNC.

For pre-1998 reports a page reference should be used after the relevant citation. Post-1998 reports that have a medium neutral citation should have the paragraph number after the full list of citations.

Some examples: (see law library list or the appendix of AGLC3)

- Authorised reports: CLR, FCR, VR, NSWLR
- Unauthorised reports: ALR, FLR, ALJR, IR, ACSR, ATPR
- Medium Neutral: FCA, VSC, FWC, FWCFB

3. Awards and Enterprise Agreements

Hospitality Industry (General) Award 2010 [MA000009] (at 21 June 2012)

Subsequent reference: *Hospitality Industry (General) Award*, above n 5, at cl 12

International Workforce Pty Ltd re International Workforce Pty Ltd Enterprise Agreement 2009 [2010] FWAA 4003 (26 May 2010) (*International Workforce*) at cl 9.7

Subsequent reference: *International Workforce*, above n 7, at cl 12.57

The Office of the Renewable Energy Regulator Certified Agreement 2001 – 2002 (Unreported, AIRC, Deegan C, PR906020, 12 July 2001) at cl 161

4. Books and Book Chapters

B Creighton and A Stewart, *Labour Law*, 5th edn, Federation Press, Sydney, 2010, p 67

A Stewart, *Stewart's Guide to Employment Law*, 4th edn, Federation Press, Sydney, 2013, p 108

R Johnstone et al, *Beyond Employment: The Legal Regulation of Work Relationships*, Federation Press, Sydney, 2012, p 73

R Owens, 'The Peripheral Worker: Women and the Legal Regulation of Outwork', in M Thornton (Ed), *Public and Private: Feminist Legal Debates*, Oxford University Press, Melbourne, 1995, p 40 at p 52

A Chapman, 'Regulating Family through Employee Entitlements', in C Arup et al (Eds), *Labour Law and Labour Market Regulation: Essays on the Construction, Constitution and Regulation of Labour Markets and Work Relationships*, Federation Press, Sydney, 2006, p 454 at pp 462–4

R S Tracey, 'Individual Rights in Industry', in D W Rawson and C Fisher (Eds), *Changing Industrial Law*, Croom Helm, Sydney, 1984, p 10

Subsequent reference: eg, Owens, above n 3, at p 46; Chapman, above n 4

Note: 1) Always identify Sydney as place of publication for Federation Press; 2) Include full book title; 3) Where there are 4 or more authors, use 'et al'; 4) For a book chapter include first page of chapter.

5. Journal Articles

M Christie, 'Legal Duties and Liabilities of Federal Union Officials' (1986) 15 *MULR* 591 at 594

E Bluff and R Johnstone, 'The Relationship between "Reasonably Practicable" and Risk Management' (2005) 18 *AJLL* 197 at 201–21

Subsequent reference: Christie, above n 5, at 610; Bluff and Johnstone, above n 6, at 212

Note: 1) Use full title of article; 2) Where there are 4 or more authors, use 'et al'; 3) Do not include issue number unless issues within the volume are not consecutively paginated; 4) use preferred abbreviation (available from library website).

6. Conference Presentations and University Working Papers

G Giudice, 'Industrial Relations Society of the ACT Inc Conference', speech delivered at the *ACT Industrial Relations Society Conference*, Canberra, 31 March 2004, at 3

A Bandt, 'Deconstructing the International Labour Organisation', paper presented at the *Legal Edge Seminar Series*, Centre for Commercial Law, Australian National University, 5 August 2003, at 21

A Forsyth, *Re-Regulatory Tendencies in Australian and New Zealand Labour Law*, Working Paper No 21, Centre for Employment and Labour Relations Law, University of Melbourne, 2001, at 14

L Bluff, *The Use of Infringement Notices in OHS Law Enforcement*, Working Paper No 23, National Research Centre for OHS Regulation, Australian National University, 2004

7. Parliamentary Material

Commonwealth, *Parliamentary Debates*, House of Representatives, 3 September 2004, at 11234 (J Howard)

Commonwealth, *Parliamentary Debates*, Legislative Assembly, 18 November 2004, at 1760 (K Rudd)

Victoria, *Parliamentary Debates*, Legislative Assembly, 16 October 2003, at 20–1 (R Hulls)

Victoria, *Parliamentary Debates*, Legislative Council, 2 September 2009, at 5–18 (R Hulls)

Explanatory Memorandum, Fair Work Bill 2008 (Cth), Parliament of Australia, 2008, at paras r159, 816–25

(Note that the EM for the Fair Work Bill has two separate sets of paragraph numbers, r1–r360 (regulatory analysis), and 1–2721 (notes on clauses). The ‘r’ should be included only for a reference to a paragraph in the regulatory analysis.)

House of Representatives Standing Committee on Employment and Workplace Relations, *Making it Fair: Pay Equity and Associated Issues Related to Increasing Female Participation in the Workplace*, Parliament of Australia, Canberra, 2009, at 25

Senate Education, Employment and Workplace Relations Legislation Committee, *Equal Opportunity for Women in the Workplace Amendment Bill 2012*, Parliament of Australia, Canberra, May 2012 (Senate Report)

8. News and Media Releases

E Connolly, ‘Strapped for Cash’, *Sydney Morning Herald*, 15 February 2001

‘Sackings on the Agenda Again’, *Workplace Express*, 15 February 2008

B Shorten, K Rudd and M Ferguson, *Pacific and East Timor Workers Helping Australian Farmers and the Tourism Industry*, Media Release, 18 December 2011

9. International Conventions

Convention concerning Termination of Employment at the Initiative of the Employer, 1982, No 158 (*Convention No 158*)

Subsequent reference: *Convention No 158*, art 5(2)

International Covenant of Economic, Social and Cultural Rights 1976 (UNTS 3) (ICESC)

10. Miscellaneous: Australian Bureau of Statistics; Reports; Policy Statements; Reports; Submissions; URL

Australian Bureau of Statistics, *Labour Market Summary, October 2011*, Cat No 6105.0, ABS, Canberra, October 2011

Australian Bureau of Statistics, *Personal Safety Survey*, Cat No 4906.0, ABS, Canberra, 2006, at 11

AIRC, *Annual Report of the President of the Australian Industrial Relations Commission 1 July 2002 to 30 June 2003*, AIRC, Melbourne, at 5

Productivity Commission, *National Workers’ Compensation and Occupational Health and Safety Frameworks*, Inquiry Report No 27, Productivity Commission, Canberra, 2004, at 99–100

M Waite and L Will, *Self-Employed Contractors in Australia: Incidence and Characteristics: Staff Research Paper*, Productivity Commission, Canberra, 2001, at 27, 30

Royal Commission into the Building and Construction Industry, *Working Arrangements — Their Effects on Workers' Entitlements and Public Revenue*, Discussion Paper 11, Royal Commission into the Building and Construction Industry, Canberra, 2002

COAG Reform Council, *Seamless National Economy: Report on Performance 2011*, Australian Government, Canberra, 2011, at xi, chap 4

HIH Royal Commission, *The Failure of HIH Insurance*, Vol 1, AGPS, Canberra, 2003

Attorney-General's Department, *Australia's Human Rights Framework*, Australian Government, Canberra, 2010, at 9

K Rudd and J Gillard, *Forward with Fairness: Policy Implementation Plan*, Australian Labor Party, Canberra, 2007, at 24

Victorian Government, *Final Submission – Productivity Commission Inquiry*, Melbourne, 2003, at 8

J Mills and L Zhang, *Submission to the Department of Immigration and Citizenship Strategic Review of the Student Visa Program*, United Voice, Melbourne, 2011, at 5

Department of Immigration and Citizenship, *Visas, Immigration and Refugees: Students — Conditions for Working while Studying*, at <http://www.immi.gov.au.ezp.lib.unimelb.edu.au/students/students/working_while_studying/conditions.htm>(accessed 14 September 2012)

Note: Include URL and date accessed where information is taken directly from a web site.

11. Quotations

All quotations should be formatted according to the AGLC.

All quotations must have a pinpoint reference. The first preference is that the pinpoint reference be a paragraph number (ie, at [18]). If paragraphs are not used in the source, then a page number will suffice (ie, at 12).

12. Autobiographical Notes

General Rule

Authors are requested to supply details of their full name and current position, including relevant faculty and any centre affiliations, as part of the attribution. Academic qualifications should not be included. For example:

John Smith*

Joanna Dobson[#]

* Research Fellow, Centre for Employment and Labour Relations Law, Melbourne Law School, University of Melbourne.

[#] Associate Professor (Human Resource Management), Faculty of Business and Economics, University of Melbourne.

13. Headings

General Rule

Titles should be centred, all words in the heading except for articles, conjunctions and prepositions should be capitalised, size 16, arial font. The name(s) of the author(s) should be centred, italicised, size 14, arial font.

Heading levels (not including the title and author(s)) should be formatted as follows:

- First level: centred, bold, all words in the heading except for articles, conjunctions and prepositions should be capitalised, size 14, arial font
- Second level: centred, not bold, no capitalisation other than first word in heading, size 14, arial font
- Third level: left aligned, bold, no capitalisation other than first word in heading, size 12, arial font
- Figures/tables: centred, italicised, no capitalisation other than first word in heading, size 12, arial font

14. Abbreviations, Symbols, Dashes and Short Titles

Abbreviations

Chapter	chap
Article(s)	art(s)
Example	eg
That is	ie
Part	Part
Section	s
Sections	ss
Clause	cl
Division	Div
Number	No
Volume	Vol

Abbreviations should not be used in the text of the article:

‘For example’ should be used in place of ‘eg’.

‘That is’ should be used in place of ‘ie’.

Symbols

An ampersand (&) should not be used unless it appears in a title of a source or name. For example, ACCI should be cited as Australian Chamber of Commerce and Industry not Australian Chamber of Commerce & Industry.

The percentage symbol (%) should be used rather than the words ‘per cent’. For example, it should be 50% not 50 per cent.

En-dashes, Em-dashes and Hyphens

En-dashes (–), Em-dashes (—) and hyphens (-) should be used in accordance with AGLC3 rule 1.6.3. Note, in particular:

- Em-dashes are used in text to indicate an interruption or to delineate a parenthetical clause;
- En-dashes are used for page spans, ie 17–22;
- Hyphens are used for compound words, ie evidence-based.

The relevant keyboard shortcuts are as follows:

En-dash:

- PC: Ctrl+[hyphen key on num keypad]
- Mac: option+[hyphen]

Em-dash:

- PC: Ctrl+Alt+[hyphen key on num keypad]
- Mac: shift+option+[hyphen]

Short Titles

An abbreviated or ‘short title’ to sources, such as legislation, may be used where appropriate. The short title should be included in brackets after the first time the source is referred to in the body of the text. The short title should also be included in brackets after the first time the source is referred to in the footnotes.

Inverted commas and prepositions (such as ‘the’) should *not* be used in short titles. For example:

... the system of occupational health and safety (OHS) legislation

15.Introductory Signals

Rule1.2 of the *AGLC* should be followed with respect to introductory signals. For example:

See, eg,

See

See also

See especially

See generally

Cf

But see

Contra

16. Capitalisation

General Rule

Titles are to be capitalised in accordance with rule 1.7 of the AGLC3 — ie all words except articles, conjunctions and prepositions. The *Macquarie Dictionary* (available online through the University catalogue) can be useful for checking this.

In body text, capital letters should be kept to a minimum and used primarily when referring to proper nouns: eg, Supreme Court of NSW or the Australian Human Rights Commission, and thereafter: eg, court, commission.

Commonwealth always has a capital ‘C’, whereas the words – ‘federal’, ‘state’ and ‘territory’ – usually have a lower case ‘f’, ‘s’ and ‘t’ respectively.

The words ‘Fair Work’ and ‘Work Choices’ should always be capitalised if used in reference to the relevant statute, the system or the model. For example: the Fair Work system, the Work Choices model.

17. Spans of Numbers

General Rule

For spans of numbers use as few figures as possible, but do not abbreviate numbers between 10 and 19. For example:

- 28–9, 230–1, 340–51; but
- 10–11, 214–15.

18. Subsequent References

General Rule

‘Ibid’ should be used to refer to a source in the immediately preceding footnote. However, ‘ibid’ should not be used where there are multiple sources in the preceding footnote.

The term ‘above n’ should be used where sources have been cited in a previous footnote, except where the source cited is legislation (an abbreviated title should be used) or where the source appears in the immediately preceding footnote (‘ibid’ should be used).

Subsequent references to cases can use the abbreviated case name.