

**Case law resources**

**Case law terminology**

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**Authorised law reports**

Some law reports series are designated as the authorised series for a particular court e.g. the Commonwealth Law Reports is the authorised series for the High Court of Australia.

These series contain judgments that have been approved by the court prior to publication. If a case has been reported in more than one law report series, it is recommended that you read and cite the authorised version (AGLC Rule 2.3.1).

**Case citators**

Case citators are a searchable index of cases.

- They provide information about each case, including:
  - party names, including any popular case name used
  - citation details of where the case has been published
  - details about the court, judge(s), and judgment date
  - a brief summary of the facts and decision
  - details about how the case has been treated by later cases
  - legislation and earlier cases referred to in the judgment
  - details of case notes or other publications about the judgment

**Generalist law report series**

See also [Unauthorised law report series](#)

Law report series that cover a particular court or jurisdiction.

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e.g. Australian law reports

### **Judgments**

The decision of a court in legal proceedings.

Includes the opinion of the court, plus orders.

Please note:

- **judgment** = a decision of a court
- **judgement** = the action of making, or the ability to make, a decision or opinion

### **Law report series**

A series of volumes that contain published accounts of judgments.

These publications differ from unreported judgments as they are edited versions of judgments and include additional information, such as

- catchwords - a list of subjects
- headnote - a summary of the decision, plus orders
- details of legislation and earlier cases referred to
- arguments of legal counsel

### **Medium neutral citations**

A system of legal citation that does not depend on format (print or online) or publisher.

It refers to the court or tribunal which heard the case, rather than a law report series.

### **Noting up**

The process of checking how a judgment has been used by later cases.

This is required to determine if the law as stated in a judgment is still considered "good law".

Also known as "updating" case law.

### **Parallel citations**

Multiple citations that refer to the same judgment.

e.g. where a case has been published in multiple law report series.

You should only use one citation when referring to the judgment - preferably the authorised version, where available (AGLC Rule 2.3.1)

### **Reported judgments**

Judgments as published in a law report series.

Reported judgments differ from unreported judgments as they are edited versions and include additional information, such as

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- catchwords - a list of subjects
  - headnote - a summary of the decision, plus orders
  - details of legislation and earlier cases referred to
  - arguments of legal counsel

### **Subject-specific law report series**

See also [Unauthorised law report series](#)

Law report series that cover a particular legal topic.

e.g. Australian Torts Reports, Australian Criminal Reports, etc,

### **Unauthorised law report series**

Law report series that are not authorised (see [Authorised law report series](#)).

Unauthorised law report series might be:

- Generalist
  - cover a particular court or jurisdiction
  - e.g. Australian Law Reports
- Subject-specific
  - cover a legal topic
  - e.g. Australian Torts Reports

### **Unreported judgments**

Generally unedited versions of judgments made available online. e.g. judgments on AustLII

### **Updating**

See ['Noting up'](#) (above)

### **Case law citations**

#### **What are case law citations?**

A case law citation is how a judgment is referenced.

It gives the publications details of the judgment, which you can use to locate it.

#### **What are the different ways a case can be cited?**

There are different ways to cite judgments, depending on whether it is a reported or unreported version.

**Citations for reported judgments** refer to the law report series in which the judgment was published.  
e.g. *Mabo v State of Queensland (No. 2)* (1992) 175 CLR 1

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This refers to the

- year
- volume number
- abbreviation for the law report series (e.g. Commonwealth Law Reports)
- starting page number

**Citations for unreported judgments** refer to the court or tribunal in which the case was heard.  
e.g. *Mabo v State of Queensland (No. 2)* [1992] HCA 23

This refers to the

- year
- court (High Court of Australia)
- judgment number

### What are parallel citations?

Multiple citations that refer to the same judgment.

e.g. where a case has been published in multiple law report series, or where a medium neutral citation is also given.

You should only use one citation when referring to the judgment - preferably the authorised version, where available (AGLC Rule 2.3.1)

### Which version of a case should I read and cite?

Rule 2.3.1 of the [Australian Guide to Legal Citation](#) states:

"A reported version of a case should be cited in preference to an unreported version.

"Where a case appears in an 'authorised' report series, this series should be cited in preference to any other reported version.

"Where a case has not been reported in an authorised report series, an unauthorised report series should be cited.

"Generalist unauthorised report series should be cited in preference to subject-specific unauthorised report series."

### How do I recognise if a citation is for a reported judgment or if it is a medium neutral citation?

It can be confusing to determine if a citation is for a...

- case published in a law report series
- a medium neutral citation

Sometimes you can tell by the **brackets**

- reported cases will usually have the year in (round brackets)
- medium neutral citations always have the year in [square brackets]

However, some reported cases also have the year in square brackets.

These are series that are organised by year, rather than volume number.

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Sometimes the best clue is the **abbreviation** - is it for...

- a law report series, or
- a court or tribunal?

Tip: it is likely to be a medium neutral citation if there is a...

- C - for court
- T - for tribunal

## How judgements are made available

An unreported version of the decision may be made public

Soon after a judgment has been delivered in court, an unedited text of the decision may be made available online. These are known as unreported judgments.

You can find unreported judgments on:

- [AustLII](#)  
Covers most Australian courts and tribunals.  
However, many lower courts are not included
- [Unreported Judgments](#)  
Contains decisions of the higher courts and tribunals in Australia, including
  - \* High Court of Australia from 1903-
  - \* Supreme Court of South Australia from 1987-
- Court websites  
These generally only contain recent decisions, with many linking back to AustLII for earlier judgments

Details about the judgment are added to a case citator/digest

The major legal publishers may decide to add details about the judgment to their online databases. This information includes:

- the case name (and popular name)
- citations of where the case is reported, as well as a medium neutral citation
- details about the court, judge and judgment date
- details of how the case has been treated by later cases
- legislation and earlier cases referred to in the judgment
- citation details of case notes (ie journal articles that analyse the judgment)
- a brief summary of the facts and decision

The two major case citators for Australia are:

- [CaseBase](#)  
An Australian case citator that indexes all reported judgments and many unreported decisions within Australia.  
Also covers major UK and international judgments that have been referred to by Australian courts.

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- [FirstPoint](#)

An Australian case citator and digest that indexes all reported judgments and many unreported decisions within Australia.

### The judgment may be published in a law report series

Finally, the legal publishers select significant judgments to be published in their law report series. These published cases are known as reported judgments.

As well as replicating the judgment in full, the publishers add further information at the beginning:

- **Catchwords** - these are subject headings that describe the areas of law raised in the case
- **Headnote** - a summary of the facts and reasons for the decision

If you have a full citation, you can use [Find that Case@Flinders](#) to locate reported judgments. Type in the abbreviation from the citation to learn where to find the report series online or in the Law Library.

If you do not have a full citation, search for the party names in CaseBase or FirstPoint - once you have the full citation details, you can use Find that Case@Flinders.

### Not every case is published, either in reported or unreported format

Only a select number of cases are published. The decision to publish a case is generally based on:

- the importance of the court the case was heard in
- the precedent value of the judgment - e.g. where a judgment made significant changes to the law or explained a legal principle in depth

Other judgments may not be made available at all, either in reported or unreported form. This may be because:

- the case is from one of the lower courts, which often do not publish judgments
- the case is a trial decision, which are often not published
- the case has been suppressed due to the sensitivity of the issue or the parties involved

In these situations, often the best way to find information about the case is to search for news articles.

## Case citators / digests

### What are case citators?

Case citators are a searchable index of cases.

They provide information about each case, including:

- party names, including any popular case name used
- citation details of where the case has been published
- details about the court, judge(s), and judgment date
- a brief summary of the facts and decision
- details about how the case has been treated by later cases
- legislation and earlier cases referred to in the judgment

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- details of case notes or other publications about the judgment

## Why should I use case citators?

You can use case citators to:

- **find full citation details** of a case, where you only have
  - the party names, or
  - a popular case name, or
  - a few facts about the case
- search for cases on a **legal issue or principle**
- **update** or **note-up** cases - i.e. find how a case has been treated by later cases, to see whether it is still 'good law'
- search for cases that have **considered legislation**
- search for cases that have interpreted or **defined a word or phrase**
- find **case notes** or summaries - these can be very useful to help understand what a case is about and its implications

## Which case citator should I use? CaseBase or FirstPoint?

CaseBase and FirstPoint both index information about Australian cases - however, they differ in a number of ways:

- CaseBase indexes **more cases** than FirstPoint
- CaseBase indexes a select number of judgments from the **United Kingdom** that have been considered by Australian judgments. FirstPoint does not
- FirstPoint has a **subject index** that allows you to browse for cases on a general topic. CaseBase only has a beta version which is still under development
- Casebase includes a quick link to an **unreported version** of many judgments. FirstPoint does not

## Law reports / unreported judgements

### What are law reports?

A series of volumes that contain published accounts of judgments.

### What are reported judgments?

Judgments as published in a law report series.

Reported judgments differ from unreported judgments as they are edited versions of a judgment and include additional information, such as:

- catchwords - a list of subjects
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- details of legislation and earlier cases referred to
- arguments of legal counsel

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## What are unreported judgments?

Generally unedited versions of judgments made available online. e.g. judgments on AustLII

## Where can I find reported judgments?

You can find reported judgments in law report series. These series may be found:

- in print in the Law Library
- online (via the database of the publisher responsible for the series)

The best way to find a case is to use [Find that Case@Flinders](#). Simply type in the abbreviation from the citation and you will see a link to the online version of the series, or learn where to find it in the Law Library.

## Where can I find unreported judgments?

You can find unreported judgments on either:

### [Unreported Judgments \(Lexis Advance\)](#)

Includes full text of unreported judgments (case law) from the higher courts and tribunals for all Australian federal, state and territory jurisdictions.

### [AustLII](#)

Contains the full-text of legislation, unreported judgments (case law), treaties, law journals and law reform reports for all Australian jurisdictions.

Australian legal information including primary legal materials (legislation, treaties and decisions of courts and tribunals); and secondary legal materials created by public bodies for purposes of public access (law reform and royal commission reports for example) and a substantial collection of law journals.

## Authorised law reports

### What are authorised law reports?

Some law reports series are designated as the authorised series for a particular court.

e.g. the *Commonwealth Law Reports* is the authorised series for the High Court of Australia.

These series contain judgments that have been approved by the court prior to publication.

### Why should I use authorised law report series?

Rule 2.3.1 of the [Australian Guide to Legal Citation](#) states:

"Where a case appears in an 'authorised' report series, this series should be cited in preference to any other reported version."

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## Which law report series are authorised?

High Court of Australia	CLR	Commonwealth Law Reports
Federal Court of Australia	FCR	Federal Court Reports
Australian Capital Territory Supreme Court	ACTLR	Australian Capital Territory Law Reports
New South Wales Supreme Court	NSWLR	New South Wales Law Reports
Northern Territory Supreme Court	NTLR	Northern Territory Law Reports
Queensland Supreme Court	Qd R	Queensland Reports
South Australia Supreme Court	SASR	South Australian Law Reports
Tasmania Supreme Court	Tas R	Tasmanian Reports
Victoria Supreme Court	VR	Victorian Reports
Western Australia Supreme Court	WAR	Western Australian Reports

## How can I tell if a citation is for an authorised law report series?

There are a few ways:

- you can refer to the **table above**
- you can search **Find that Case@Flinders** for the abbreviation - this indicates whether the report series is authorised, and for which court
- if you have found a case on **CaseBase or FirstPoint**, the first citation is usually for the authorised series. If the judgment has not been published in a law report series, citations will generally be listed in the order preferred by AGLC Rule 2.3.1

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