

ANNEXURE A

SAMPLE FORMAT OF JUDGMENT COVER SHEET

CITATION: *R v Kakura and Sato* [1998] NSWSC 241

PARTIES: R
v
KAKURA, Hiroyuki
SATO, Tomoyuki

TITLE OF COURT: COURT OF CRIMINAL APPEAL (NSW)
COURT OF APPEAL (NSW)

JURISDICTION: APPEALS from SUPREME COURT
exercising Federal jurisdiction

FILE NO/S: CCA No 60490 of 1990
CCA No 60512 of 1990
CA No 40587 of 1990

DELIVERED ON: 15 March 1998

DELIVERED AT: Sydney

HEARING DATES: 12 March 1998

JUDGMENT OF: [Name of Judge/s]

CATCHWORDS:

FISH AND FISHERIES -- OFFENCES -- PROCEDURE -- APPEALS --
FEDERAL OFFENCE

Plea of guilty before magistrate – committal to Supreme Court for sentence – order for forfeiture of vessel – vessel not owned by convicted persons – whether appeal to Court of Criminal Appeal from “sentence” – forfeiture order not relevantly sentence because not related to property of convicted person.

Fisheries Act 1952 (Cth), s 13C; *Criminal Appeal Act 1912* (NSW, s 2, “sentence”; *Justices Act 1902* (NSW), s 51A

Cheatley v The Queen (1972) 127 CLR 291, considered.

FISH AND FISHERIES -- OFFENCES -- FORFEITURE -- JURISDICTION
TO ORDER

Where “offence arising out of” possession or control of boat – more than temporal or incidental relationship required – scope of power – discussion of relevant considerations

Fisheries Act 1952 (Cth), s 13C

Armitage v Lancashire and Yorkshire Railway Co [1902] 2 KB 178; *Dover Navigation Co Ltd v Craig* [1940] AC 190; *Nunan v Cockatoo Docks & Engineering Co Ltd* (1941) 41 SR(NSW) 119; 58 WN(NSW) 140, applied

Cheatley v The Queen (1972) 127 CLR 291, considered

REPRESENTATION

Counsel:

Appellants: B C Oslington QC and P M Jacobsen

Respondent: Sir Maurice Byers QC and L S Katz

Solicitors:

Appellants: Michell Sillar McPhee Meyer

Respondent: Commonwealth Director of Public Prosecutions

Judgment category classification: [as required for reporting/archiving purposes eg CAT A]

Court Computer Code: [as required eg SCCRM/89/200]

Number of paragraphs:

[NOTE: A possible system of categorisation is as under:

- **Category A**

Those of significance and/or recurrent interest by virtue of their discussion/application of legal principle.

- **Category B**

Those which are more routine in nature because they are either essentially decisions on discrete fact situations or are fairly routine examples of the application of well known and understood principles. Such judgments would not normally warrant reporting or uploading into a national database

- **Category C**

Those which contain data indicating current levels of assessment of damages either generally or in discrete classes of cases. It is to be expected that these will give rise to catchwords containing ALMD like summaries which would be uploaded but later would periodically be purged from a national database as no longer current.]

In the case of judgments of appellate courts it would also be useful to include a reference to the Judge, Court or Tribunal appealed from.

ANNEXURE B

GENERAL STYLE GUIDE

1. DATES AND NUMBERS

Dates should appear as follows: 19 July 1984.

Spell out numbers from one to nine.

Percentages should be expressed as: 10 per cent

Times should be shown as: 7.30 am

Monetary amounts should be shown as: \$1000 \$4 \$32.65

Fractions should be shown as: 1/2

2. ABBREVIATIONS

Section	s 3	s 3 and s 4	s 3, s 4 and s 5
Paragraph	par (a)	par (a) and par (b)	par (a), par (b) and par (c)
Subsection	s 3(2)	s 3(2) and s 3(3)	s 3(2), s 3(3) and s 3(4)
Regulation	reg 4	reg 4 and reg 6	reg 4, reg 5 and reg 6
Order	O 3		
Rule	r 2	r 2 and r 3	r 2, r 3 and r 4
Clause	cl 5	cl 6 and cl 7	cl 15, cl 16 and cl 17
Chapter	ch 1		
Proprietary Limited	Pty Ltd		
Limited	Ltd		
Part	Pt I	Pt I and Pt II	Pt I, Pt II and Pt III
Division	Div		
Schedule	Sch		
Mr			
Ms			
Mrs			
Dr			
Regina, Reg etc	all – R		

3. BOOKS AND JOURNALS

Smith, G Administrative Law 2nd ed Oxford University Press, London, 1970

Mason, A “Future Direction in Australian Law” (1987) 13 MULR 149

Rogers, B “The Pitfalls in Occupational Health and Safety Law” Journal of Occupational Health and Safety Vol 15 No 4 1998 at 13.

4. LEGISLATION

Prison Act 1903 (SA)

Crimes Act 1990 (Cth) (no comma before date)

Contracts Review Act 1980 (NSW), s 7(1) (Section references after Act)

Supreme Court Rules 1970 (SA), Pt 24, r 12.

5. COURTS

The reference to a court is always lower case except when referring to the Court in which the judgment is produced.

6. CASE CITATION

References to decided authorities in the text of a judgment may be dealt with in a number of ways:

- (a) References in text of the judgment may be set out in full throughout the judgment or in full when first occurring and as a “supra” or “ibid” thereafter, as currently adopted by FCR, FLR, LGRA, ALJR:

Collins v Repatriation Commission (1980) 48 FLR 198 at 211 – 212
(when first appears)

Collins v Repatriation Commission (supra) at 213 (when next occurs), or

Collins v Repatriation Commission at 213.

One advantage of always setting out a citation in full is that it is then possible to search by citation and retrieve all references. If judgments are not cited in full each time they are referred to this may well have a deleterious effect on the performance of search engines and the automated inclusion of hypertext links.

- (b) When a case list is provided (as in NSWLR or FCR) references may be cited in the text:

R v Smith (1978) 151 CLR 551 (full reference when first appears)

Coleman v Buckingham’s Ltd [1963] SR NSW 171; 80 WN (NSW) 593

R v Smith at 556 (when appears thereafter – without supra).

Coleman v Buckingham's Ltd (or *Coleman* but not *Buckinghams's*) at 173; 593.

- (c) References in the text of the judgment may be confined to the name of the case followed by a numerical reference in brackets, eg, *R v Smith* (2). The actual citation is then shown at the foot of the page adjacent to the corresponding numeral, as currently adopted in the CLR report series:
 - (2) (1978) 151 CLR 551 (full reference when first appears)
 - (2) (1978) 151 CLR 551 at 572 (when appears thereafter)

NOTES:

- (1) The method to be adopted may well depend on:
 - established practices;
 - styling of authorised reports of the Court;
 - computer compatibility and ease of reference.
- (2) **The method most compatible with computerised retrieval for on-line use is (a), because of the difficulties in relation to hypertext links caused by the other methods. (See discussion in the Guide, paragraph 5.8.)**
- (3) As court designated citations are adopted these also ought to be shown.

7. PINPOINTING PAGE AND PARAGRAPH: 'HYBRID' OR 'COMBINED' PINPOINT CITATIONS

- (1) In conventional print citations, a citation can be more specific than a page number, referring to a section based on margin letters, eg *Person v Company* (1998) 152 ALR 34 at 52E.

A print judgment will now have both page and paragraph numbering. It is recommended that, in future, pinpoint citations refer to both page and paragraph numbers.

The conventional print citation will take a reader to the first page of the judgment; it is then necessary to take the reader to both the page and paragraph within the judgment.

To pinpoint only to the paragraph when the reader is using a print copy of the judgment referred to would require a reader to turn through the judgment so as to locate the paragraph, where use of the page number would have taken them directly to the page. Further, pinpointing only to the paragraph is not helpful when a paragraph spans more than one page.

To pinpoint only to the page when the reader is using a print copy of the judgment referred to will take the reader to a page on which there may be

many paragraphs, in which case use of the existing paragraph number emulates the current practice of pinpointing with added margin letters A-G.

To pinpoint only to the page when the reader is using an online copy of the judgment referred to will be of no help to the reader at all, and the pinpoint will fail.

Thus pinpoint citations referring to a print version should be to the page and paragraph number:

EXAMPLE:

Person v Company (1998) 152 ALR 34 at 52 [27]

(This pinpoints paragraph 27 on page 52 of the judgment.)

8. PARALLEL CITATIONS IN PRINT

- (1) A judgment with a medium neutral citation may be published in a report and given a print citation. Thus:

Person v Company [1998] HCA 25

is later reported as

Person v Company (1998) 152 ALR 34

- (2) The medium neutral citation is effectively part of the title of the judgment, having been allocated by the court at the time of delivering the judgment, and appearing at the head of the print reported judgment.
- (3) It is recommended that future citations of the judgment should be to both the medium neutral citation and the print citation. The medium neutral citation is placed first, but not necessarily in italics with the case name and is separated from the print citation by a semicolon.
- (4) To refer only to the print citation means a user with only online access is able to locate the judgment. Equally, to refer only to medium neutral citation means a user with only print access is unable to locate the judgment.
- (5) Failure to parallel cite the medium neutral citation and the print citation will severely limit a person's ability to conduct an online database search: if the search is for the medium neutral citation, the case will not be found unless it has been recorded with parallel citations.
- (6) Thus parallel citations should be in the following form:

Person v Company [1998] HCA 25; (1998) 152 ALR 34

- (7) For a parallel pinpoint citation, the recommended form is:

Person v Company [1998] HCA 25 at [27]; (1998) 152 ALR 34 at 52

9. PAGE REFERENCES

R v Smith (1978) 151 CLR 556

at 556 – 567 (if quote runs on)

at 566, 559 (if separate quotes)

10. QUOTATIONS

Anything over five lines is usually indented within double quotation marks. Stops to be deleted from quotes to accord with overall style.

11. RELEVANT STATUTORY/DOCUMENTARY TEXT PROVISIONS

It is recommended that consideration be given, where appropriate, to preceding the actual text of the judgment with a preliminary statement – setting out the text of the relevant statutory or documentary provisions.

12. UNDERLINING

Anything to be emphasised should be printed in italics or a different type font and not underlined. Documents with underlining converted to html create a false hypertext link for what is underlined. This can be very confusing.

NOTES:

- *Do* leave spaces between two page references (eg 556 – 557), otherwise the computer will read the figures as a single continuous string.
- Above all else BE CONSISTENT, or the computer may not find all relevant references.