

### The Basics

Footnoting is a number based reference system. Consecutive numbers in the text refer to notes at the foot of the page where full details of the information source referred to are given. When you **quote** or **paraphrase** or **gain any information** from any source, you put a number after the **word, phrase, or sentence** to which it refers.

Here are some examples:

- Footnoting after a word:  
Unconscionability<sup>1</sup> is a kind of equitable fraud.
- Footnoting after a phrase comes after the punctuation:  
In *Commercial Bank of Australia v Amadio*,<sup>2</sup> the doctrine of unconscionability was an important factor based on the facts of the case.
- Footnoting after a sentence comes after the full stop:  
The doctrine of unconscionability as applied to contract law has been expanded in its application in Australian courts over the last two decades.<sup>3</sup>

Notice how the footnote numbers are sequential, that is, they go from 1 to 2 to 3. In your own work, you need to make sure your footnotes are sequential over the **entirety** of your work from the first page to the last page. You **do not** start footnoting with the number one on each page of your work.

Look below for examples of **sources of information** used. They are referenced in the manner outlined in the *Australian Guide to Legal Citation*. Notice there is a full stop at the end of each footnote.

Most word processing programs have the capacity to automatically generate footnotes. In Microsoft Word, to establish footnote settings, you need to go into **Insert**, from the drop down menu select **Reference** and then select **Footnote**. You can then default footnote settings in accordance with what has been done in the above examples.

Remember, that the proper use of references is essential to avoid plagiarism. For further information on methods of repeat citations or cross-referencing please consult *Australian Guide to Legal Citation*.

### Summary

1. Make sure you reference using footnotes whenever you **directly** or **indirectly** quote from any source.
2. Always keep a record of where you have sourced your information, whether from print or electronic sources.
3. Use the reference system outlined in the *Australian Guide to Legal Citation*.
4. If you fail to footnote, you may be committing an act plagiarism.

For more referencing examples, please see the following text:

Melbourne University Law Review Association Inc., *Australian Guide to Legal Citation* (2<sup>nd</sup> ed, 2002).  
LawRes K 114. A95 2002

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<sup>1</sup> The doctrine of unconscionability is explained in more detail in John Carter, Elisabeth Peden and G J Tolhurst, *Contract Law in Australia* (5<sup>th</sup> ed, 2007).

<sup>2</sup> *Commercial Bank of Australia v Amadio* (1983) 151 CLR 144.

<sup>3</sup> J W Carter and Andrew Stewart, 'Commerce and Conscience: the High Court's Developing View of Contract' (1993) 23 *University of Western Australia Law Review* 49.