Citing material a second time in the *New Zealand Law Style Guide* using rule 2.3

Citing books, chapters in books, journal articles or materials with named authors (individuals or organisations) the first and subsequent times

The first time you cite an item you need to give the citation in full. My example is Grant Morris’s book *Law Alive*.¹ In my first citation I have included a pinpoint reference to page sixty-three. If in my next footnote I want to refer to the same book (*Law Alive*), I can just include the pinpoint reference. Your reader will be able to infer that it is the same title. In my second footnote I am referring to page seventy-two.²

When writing, aim at using a variety of sources to demonstrate how you’ve researched and where you’ve taken your ideas and quotations from. My third footnote example is a book by Jacinta Ruru, Paul Scott and Duncan Webb.³

For my fourth footnote I want to refer to *Law Alive* again. Instead of citing the work in full I can give my reader a hint about who the author was (Morris – surname only the second time) and where they can find the full citation information (above n 1) along with a pinpoint reference for that footnote.⁴ In this footnote I have indicated that Morris is the author and that the reader can find the full citation above at footnote number one (n 1) and that for this footnote I want my reader to look at page 162 (at 162).

I can keep following this pattern even if I use other sources, such as those in footnotes five,⁵ six⁶ and seven.⁷ When I want to return to referencing *Law Alive* again, I can follow the same format as footnote four. But I must always refer back to the full citation: for example, for footnote eight⁸ I need to refer to the full citation above in footnote one (not the brief citation I did in footnote four). Then, if needed, I include a pinpoint reference for the idea or quotation that footnote eight relates to. If in my next footnote I want to refer to *Law Alive* again, I can just use a pinpoint reference, as my reader can infer it is from the title in the footnote immediately above.⁹

You can repeat this throughout your essay or other written work.

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² At 72.
⁴ Morris, above n 1, at 162.
⁶ P A Joseph *Laws of New Zealand* Constitutional Law (online ed) at [71].
⁸ Morris, above n 1, at 230.
⁹ At 245.
Citing a case the first and subsequent times

As with books, etc., the first time you cite a case you need to give the citation in full. For this example I am going to use *Fitzgerald v Muldoon*.\(^{10}\) If I want to cite my case a second time in the following footnote, I can just use a pinpoint reference to a paragraph or to a page number if the case isn’t laid out in paragraphs. For footnote eleven my pinpoint reference is to page 621, as this case has no paragraph numbers.\(^{11}\)

Depending on your topic you may need to cite other cases such as in footnote twelve,\(^{12}\) thirteen\(^{13}\) and fourteen.\(^{14}\)

When I want to refer to my case a second time, I can use a similar format as for citing books, etc., but here I use the parties’ names, such as in footnote fifteen.\(^{15}\) This footnote also includes a pinpoint reference to page 616.

Depending on when my case was heard, each paragraph may be numbered. If so, in your pinpoint reference refer to the paragraph number in square brackets rather than the page number. An example of this is in both footnote sixteen\(^{16}\) and seventeen.\(^{17}\) When I want to reference my case a second time, I can follow the same “above n #” format as for cases with a page number (but remembering my square brackets for paragraphs), as in footnote eighteen.\(^{18}\)

\(^{10}\) *Fitzgerald v Muldoon* [1976] 2 NZLR 615 (SC).
\(^{11}\) At 621.
\(^{13}\) *Marsh v Attorney-General* [2010] 2 NZLR 683 (HC).
\(^{14}\) *Gilmour v Gilmour* (1988) 5 NZFLR 217 (DC).
\(^{15}\) *Fitzgerald v Muldoon*, above n 10, at 616.
\(^{16}\) *Markevich v R* (2004) 21 CRNZ 41 (HC) at [13].
\(^{17}\) *Radhi v District Court at Manukau and Commonwealth of Australia* [2017] NZSC 198, [2018] 1 NZLR 480 at [15].
\(^{18}\) *Markevich v R*, above n 16, at [5].
Citing legislation the first and subsequent times

Legislation is a little trickier to cite a second time. We can’t use the “above n #” cross-reference as we have for books, etc., and for cases, as it will use more words and look odd!

The first time you cite legislation you can either refer to it in full in your text, such as “…the Crimes Act 1961 legislates criminal law in New Zealand” or “…s 25(1) of the Immigration Act 2009 legislates for the publication of immigration instructions.” Because I have given my citation (name of the Act and the year it was first enacted), I do not need a reference as it’s clear from my text which Act and/or section I am referring to.

If it is not clear from your text, however, you will need a footnote with the name of the Act, the year it was first enacted and (if referring to a section) the section number such as in footnote nineteen.19 If in my next footnote I want to refer to the same Act but a different section, I can just include the section number, such as in footnote twenty.20

If I want to refer to multiple consecutive sections of an Act, I can indicate this by including the name of the Act, the year it was first enacted and then ss (to indicate sections) along with the first section number, an en-dash and then the final section number such as in footnote twenty-one.21 If I want to refer to multiple non-consecutive sections of an Act, I need to separate each section with a comma such as in footnote twenty-two.22 In footnote number twenty-two my reader can infer I am referring to the Lawyers and Conveyancers Act 2006 as I have only mentioned the sections rather than the name of a new Act.

When I want to refer back to my original Act (the Sentencing Act 2002 in this example), I will need to give the citation in full again (unless it is clear from my text which Act I am referring to), such as in footnote twenty-three.23

19 Sentencing Act 2002, s 19.
20 Section 44.
22 Sections 48, 60, 62.
23 Sentencing Act, s 66A.
Example of footnotes in essays and other written work

Footnotes twenty-four through thirty show an example of how your footnotes will look when you are citing multiple sources and referring to them a second or subsequent time.

Footnote twenty-four is the first citation of *Harley v McDonald.* Footnote twenty-five is a pinpoint reference to page 6 of *Harley v McDonald.*

Footnote twenty-six is the first citation of *Todd on Torts* with a pinpoint reference to page 619.

Footnote twenty-seven is the first citation of the Sovereign’s Birthday Observance Act 1952.

Footnote twenty-eight is a reference to a particular section of the Act cited in footnote twenty-seven.

Footnote twenty-nine is the first citation of an article by Gareth Morgan and Susan Guthrie.

Footnote thirty refers to *Harley v McDonald* a second time and includes a pinpoint reference to page 3.

Footnote thirty-one refers to *Todd on Torts* a second time and includes a pinpoint reference to page 243.

Footnote thirty-two refers to the article by Gareth Morgan and Susan Guthrie and includes a pinpoint reference to page 12.

If you have any further questions about how to use rule 2.3 or other aspects of the *New Zealand Law Style Guide,* please contact the Law Subject Librarians.

25 At 6.
27 Sovereign’s Birthday Observance Act 1952.
28 Section 2.
30 *Harley v McDonald,* above n 24, at 3.
31 Todd, above n 26, at 243.
32 Morgan and Guthrie, above n 29, at 12.