Locating Australian Case Law

*Use this guide when you have a case citation or the party names for a specific case*

All law databases mentioned in this guide are accessible from
http://library.westernsydney.edu.au/main/resources/eResources

1. Which jurisdiction was the case heard in? i.e. is it an Australian, United Kingdom, USA case etc

You will usually have the case citation e.g. *Meehan v Jones* (1982) 149 CLR 571

→ **Australian** case citations often contain these abbreviations: CLR, ALR, FLR, FCR, ALJR or for states - NSWLR, Qd R, SASR, VR, WAR etc
→ Some abbreviations represent court names e.g. HCA, FCA, QSC, QCA, QDC, NSWCA, NSWSC, SASC, SASCFC, VSCA, VSC etc. These refer to unreported versions
→ **United Kingdom** case citations often contain these abbreviations: All ER, ER, Ch, AC, QB, KB, App Cas, Ch D, Ex, Ex D, Fam, PC, P, QB, QBD etc

→ If you are unsure which jurisdiction the case is from:
→ Determine what the abbreviation represents using the Help link within the LexisNexis AU database (top right corner) then select Abbreviations, or refer to Monash Uni Library’s Legal Abbreviations List http://guides.lib.monash.edu/au/legal-abbreviations. The full form of the abbreviation i.e. the report series title or court name, may identify the jurisdiction; or
→ Otherwise start by searching for the case in LexisNexis AU as it contains information about Australian and significant United Kingdom or other overseas cases (Westlaw AU only provides information about Australian cases). The flag icon or court abbreviation attached to the LexisNexis CaseBase record will identify the jurisdiction
→ For cases from another overseas jurisdiction – refer to the Thomson Reuters Westlaw [International Materials link] and Lexis.com [Find Laws by Country or region link] databases or the WorldLII website [All Databases link] www.worldlii.org
2. Search for the case in the LexisNexis AU database

Search by citation on the entry page (takes you straight to the CaseBase record for that case): Or search by case name:

If searching by case name, you may need to select the correct case from the results list if similar case names or an appellate history exist. After selecting the relevant result, the CaseBase Cases record for the case will display. This provides research information about the case e.g. court details, parallel citations, summary (digest) and cases/legislation considered during the case etc. This is NOT the full-text of the case but may link through to the full case.

The individual citations e.g. 149 CLR 571 or 42 ALR 463, are references to publications in which the case can be found. Some of these publications (called ‘law reports’) are available in full-text within LexisNexis AU. These will be linked (like those circled above) and the full-text of the case will display after clicking on the link. Occasionally they will link to a product that WSU Library does not subscribe to and display an error message.

→ NB: Students studying a law program, e.g. Bachelor of Laws, should use the most authoritative version of a case. This is generally the first-listed citation in the CaseBase record (e.g. in the above record it is (1982) 149 CLR 571). Refer to the Australian Guide to Legal Citation 2.3.1

Not all Australian cases are available in full-text in LexisNexis AU. If the citation/s does not successfully link through to the full-text (or the most authoritative citation is not linked), try the Westlaw AU database.
3. Search for the case in the Westlaw AU database

Search by citation (takes you straight to the record for that case) or search by case name

If searching by case name, you may need to find the correct case within the results list if similar case names or an appellate history exist. A linked citation on the 'Documents' line will take you to the full-text (as circled in the below image), unless WSU Library does not subscribe to that particular product. The FirstPoint link will display research information about the case, similar to that in CaseBase.

4. Search for the case in the CCH IntelliConnect database

Occasionally a case is only available within one of the subject-focused law reports series in the CCH IntelliConnect database. Search across all content or narrow your search down to the relevant area of law using the tick boxes in the left-hand frame. Search using the citation, or alternatively the case party names. Narrow a lengthy results list down to just cases using the left-hand Document Type – Cases filter option. Select the correct result from the results list.
Narrow a lengthy results list down to just cases using the left-hand Document Type – Cases filter option. Select the correct result from the results list.

5. Still haven’t found the case?

→ What does the law report abbreviation within the case citation represent?
→ To ascertain what abbreviations represent, use the LexisNexis AU Help link (top right corner) then select Abbreviations, or refer to Monash Uni Library’s Legal Abbreviations List http://guides.lib.monash.edu/legal-abbreviations
→ Search for that full report series title in the Library Catalogue - perhaps the report series is only available in print format
→ Try the AustLII website http://www.austlii.edu.au/

Use the left-hand Cases & Legislation area for an overview of jurisdiction/court coverage on AustLII

Search using the citation (include the correct brackets around the year)

Or use the ‘Advanced Search’ and search using the party names separated by and. Select a specific database e.g. All Case Law Databases or New South Wales: All Cases
Is it a New South Wales case?

Was the case heard in another Australian state or territory court? Search on the relevant official court/jurisdiction website e.g. Queensland Supreme Court Library CaseLaw website http://www.sclqld.org.au/caselaw/ or Queensland Legal Indices Online database or Refer to the Federal Register of Legislation website https://www.legislation.gov.au/content/OtherJurisdictions for links to caselaw websites for other states & territories

→ Are you sure it is not a case from a non-Australian jurisdiction? Check the Thomson Reuters Westlaw or Lexis.com databases and the WorldLII website www.worldlii.org

6. Lastly

→ Is it a criminal trial at first instance? If so, it is unlikely to be reported/published. A jury does not provide reasons for their decision hence there is nothing to report
→ Is it a sensitive case that was suppressed? e.g. a family law case or case involving a minor. If so, you will be unable to access the case
→ It is possible that the WSU Library does not have access to that particular case; check with the Law Librarian.