Acknowledgement of Country

We acknowledge and pay respects to the Ancestors, Elders and families of the Woiwurrung and Boonwurrung of the Kulin Nation as the traditional owners of this land. We acknowledge that the land on which our campuses stand is the place of age-old ceremonies of celebration, initiation and renewal.

Welcome Hub - Woiwurrung language
SECONDARY SOURCES FOR LAW

Murray Greenway
College Librarian (Law & Justice)
LEARNING HUB

- Study Essentials
- Drop-ins: Writing, Careers, Maths, Research & Referencing
- LH Tutoring (24/7 online tutoring service)
- Online Resources & Jobs Board
- Student Mentors
- Workshops
COMMONWEALTH OF AUSTRALIA
Copyright Act 1968
Notice for paragraph 135ZXA(a) of the Copyright Act 1968

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Please use the pointing tool (top left of your screen)

Are you able to hear the presenter?

Please point to indicate

YES  NO
Please follow these instructions if you are unable to hear the presenter:
When you first enter the classroom this pop-up (please see below) will invite you to nominate whether you wish make use of the computer or telephone for audio.
Please click the GREEN Call Using Computer button.
If you have closed the dialog box without making a selection then you will not have any audio and will need to close the classroom and click on the link again.

In addition, please check the volume in your computer.
Online Class

This is not a movie – **participation is essential for learning.**

1. Please participate in the Point Exercise and Annotation exercises
2. Ask and Answer Questions
3. Use Chat or Audio – Headset or Earphone with Mic Required
4. Put New Skills into Practice
Please point to the type of device you are using to join this class today

- Work or home computer
- VU Computer
1. Boolean Logic

2. Legal Dictionary

3. Find Australian legal journal articles – determine if the journal is peer reviewed

4. Ask the law library
Please use the annotation tool to type keywords below.

‘Illegals’ has become a term widely used by the federal government to describe asylum seekers seeking to enter Australia. What are the principal legal obligations of the Australian Government towards asylum seekers?

What are some keywords that could be used in searching?
Consider **Alternatives**

**Alternative keywords**

asylum seekers OR refugees OR boat people  
*Hint: consult a thesaurus for alternative and related search terms*

**Alternative spellings**

unauthorized OR unauthorised

If in doubt use wildcard symbol - eg. unauthorised

**Singular or plural**

refugee OR refugees

If in doubt use truncation symbols: * or ? or ! or $

eg. refugee* or refugee$ or refugee? or refugee!

**Use proximity operators in full text database**

- w/p same paragraph
- w/s same sentence
  eg. refugee! w/20 obligation!
Narrow the topic to reduce search results

Use a more specific term -  
   eg. boat people rather than asylum seekers  
   Hint: consult a thesaurus for narrower search terms

Use the Boolean operator ‘AND’ to combine search terms  
   eg. refugees AND obligation

The AND operator retrieves items which contain both requested keywords.
**BOOLEAN LOGIC**

**Broaden** the topic to increase search results

Use a broader term
- eg. *immigrants* rather than *asylum seekers*
  
  Hint: consult a thesaurus for broader search terms

Use the Boolean operator ‘**OR**’ to combine search terms
- eg. *refugee OR asylum*

The **OR** operator retrieves items which contain both requested search terms and those contain either search terms

---

**Diagram:**

```
refugee

OR

asylum
```
**BOOLEAN LOGIC**

**Eliminate** words from search to reduce search results

CAUTION: Be very careful when using **NOT** – it may exclude useful records

Use the Boolean operator ‘**NOT**’ to combine search terms

eg. detainee **NOT** immigrant

The **NOT** operator retrieves the one requested search term and excludes the other

![Venn diagram showing detainee NOT immigrant]
Which of these three search statements is the broadest and will locate the most results?

- asylum AND obligation
- asylum OR obligation
- asylum NOT obligation
Which of these three search statements would return the highest proportion of relevant results?

- asylum AND obligation
- asylum OR obligation
- asylum NOT obligation
Boolean Search Statement

By using Boolean operators ‘\textbf{AND}’, ‘\textbf{OR}’ to combine search terms - eg

(asylum seeker* \textbf{OR} refugee* \textbf{OR} detainee* \textbf{OR} alien*) \textbf{AND} (law* \textbf{OR} legal) \textbf{AND} obligation*

Replace \textbf{AND} with a \textit{proximity operator} such as \textit{w/p} or \textit{w/s} in full-text databases
LIBRARY CATALOGUE

http://www.vu.edu.au/library
CAVAL: a reciprocal borrowing program that allows you to borrow items from other Victorian libraries

- Access individual university library catalogue
- Library Link Victoria
- National Library of Australia’s catalogue
Have you ever used a legal dictionary?

YES  NO
**DICTIONARIES**

- **English Dictionaries**
  
  Macquarie or Oxford dictionaries are considered authoritative and reliable.

- **Legal Dictionaries**
  
  Provide definitions of legal terms or legal concepts.
  
  The Library holds a variety of legal dictionaries.
  
  In print at the Law Reference Collection / Law Main Collection.
  
  Eg. Australian Law Dictionary - KL 40 K1 AUS

**Online via Databases & E-journals**

- **Encyclopaedic Australian Legal Dictionary** - via LexisNexisAU

- Oxford Reference Online
Encyclopaedic Australian Legal Dictionary is a reference work containing over 25,000 definitions.

Terms are presented in an Australian context and are supported by Australian legislative and judicial authority, wherever it exists.

Exercise: Find the definition of asylum
asylum

Refuge, particularly from persecution.

Foreign relations

Under Art 14 of the (INT) Universal Declaration of Human Rights 1948, all persons have the right to seek and to enjoy in other countries asylum from persecution.

See also Convention Relating to the Status of Refugees 1951; Universal Declaration of Human Rights 1948.

Civil and political rights

The right to seek asylum in another country from persecution based on political grounds: (INT) Universal Declaration of Human Rights 1948 Art 14. The right to grant asylum belongs to the state concerned which may admit into its territory 'such persons as it deems desirable, without giving rise to complaint by any other state': (INT) United Nations Declaration on Territorial Asylum 1967 Art 1.

The humanitarian character of asylum is based on the 'elementary consideration of humanity': Asylum Case (Colombia v Peru) [1950] ICJ Rep 266; Corfu Channel Case (United Kingdom v Albania) (Merits) [1949] ICJ Rep 4. A person granted asylum cannot be taken by his or her country of nationality or another state attempting to exercise jurisdiction over him or her for a particular cause of action. An alien has no inherent right to claim asylum and most states have voluntarily limited their right to offer sanctuary or refuge by entering into international extradition treaties. The (INT) Convention Relating to the Status of Refugees 1951 provides that unauthorised entry of refugees shall not be penalised by states ((INT) Convention Relating to the Status of Refugees 1951 Art 31) and that in general refugees shall not be expelled or returned if their lives or their freedom would by that means be threatened ((INT) Convention Relating to the Status of Refugees 1951 Art 33). These provisions go some way toward securing a true individual right of asylum, but establish no right of entry.

See also alien; Convention Relating to the Status of Refugees 1951; diplomatic relations; extradition treaty; non-refoulement; refugee.
• Excellent starting point for research

• Provide overview of a specific legal issue

• Brief commentaries on the law

• Citations to Acts or statutory rules applied to the issue

• Citation to leading cases being considered or referred to
Halsbury’s Laws of Australia
- Online via LexisNexisAU
  Provides a comprehensive overview of Australian law

The Laws of Australia
- Online via WestlawAU
  A complete library of legal principles, covers over 320 topics and every Australian jurisdiction.
Exercise: Search for commentary on our topic

‘Illegals’ has become a term widely used by the federal government to describe asylum seekers seeking to enter Australia. What are the principal legal obligations of the Australian Government towards asylum seekers?
Title/Heading

refugee* w/10 obligat*
(C) Refugees and Stateless Persons

Refugees and Stateless Persons

[215-685] International obligations with respect to refugees

The paragraph below is current to 03 January 2018.

Australia has accepted international obligations with respect to refugees. Under the conventional definition a 'refugee' is a person who is:

1. outside his or her country of origin; and
2. unable or unwilling to seek protection from that country or to return there and this unwillingness is attributable to a well-founded fear of persecution based on reasons of race, religion, nationality, membership of a particular social group or political opinion.

States parties have agreed on a number of rights and protections for persons accorded refugee status under the terms of the Convention relating to the Status of Refugees 1951, notably the right of non-refoulement. The Office of the United Nations High Commissioner for Refugees (UNHCR) was established to assist states in their application of the Convention.

Notes

1. (INT) Convention relating to the Status of Refugees (Geneva, 28 July 1951; Aust TS 1954 No 51 180 UNTS 160); (INT) Protocol relating to the Status of Refugees (New York, 31 January 1967; Aust TS 1973 No 37 606 UNTS 267); (INT) Agreement relating to Refugee Seamen (The Hague, 23 November 1957; Aust TS 1973 No 17 505 UNTS 125) and Protocol relating to Refugee Seamen (The Hague, 12 June 1973, Aust TS 1975 No 10 905 UNTS 437). These Conventions have not been formally implemented into Australian law. Jong Kim Koo v Minister for Immigration and Multicultural Affairs (2007) 74 FCR 500; [2006] FCA 143; [2007] FCA 655; Fed C of A, Full Court (Convention relating to the Status of Refugees 1951 held not to be part of the domestic law of Australia and its provisions must be construed having regard to the applicable principles of international law to which Australia is a party and/or is bound). Applications for refugee status are considered in accordance with the (CTH) Migration Act 1958. Refugee status is one part of the humanitarian program under the (CTH) Migration Act 1958;
LAW JOURNALS

An invaluable resource and excellent starting point to legal research/writing as they provide:

- Academic discussion or analysis of a specific legal issue
- Recent developments in the law
- Expert opinions of the law
- Interpretation of the law
When looking for an Australian legal journal article I usually begin by using:

- AGIS Plus Text
- Google
- Austlii
- Jade
- Hein Online

I haven’t had to find an article yet

Library Search
AGIS Plus Text is developed in partnership with the Attorney-General’s Information Service Australia and is an authoritative collection of legal resources developed for the legal profession and for the study of Commonwealth-based law.

- A principal index to Australian legal journals, including those from LexisNexisAU & WestlawAU, plus articles from major NZ, Asia-Pacific, UK, Canada and US journals
- Coverage from 1975+
- Some full text
Searching AGIS Plus Text

"Q" (asylum seeker* OR refugee* OR detainee* OR alien*) AND (law* OR legal*) AND obligation*

(asylum seeker* OR refugee* OR detainee* OR alien*) AND

Limit Search: [ ] Full text only  Type: [ ] Journal  Year range: [ ] 2005 to [ ] 2015

Results: 632
Articles often do not have the full text appended due to copyright restrictions or embargo periods imposed by the publisher, however the source may be available elsewhere –

1. Click on the **Check for full text button** to check the source in the library catalogue.
2. Another electronic database may hold full text of the required title
3. The library may hold the title in **print**. If so, take note of the call number and locate on the shelves (Periodicals Section - Level 3)
4. If not held at all, search other library catalogues
Which of the following statements is **true**?

- Most of the journals in AGIS are from the US
- AGIS covers a wide range of subjects – not just law
- AGIS is a database of Australian and NZ legal journal articles
Comprehensive collection of **full text** international law journals
- Some Australian content
- Legal classic textbooks from 16th-20th centuries
- World Constitutions Collection
## Database – HeinOnline

### Browse Collections by Category
- Periodicals - Law
- Canada
- Case Law
- Foreign & International Law (See Also: Canada, UK)
- International Treaties and Agreements
- Organizations
- Special Collections
- U.S. - Federal
- United Kingdom

### Browse Collections by Name

<table>
<thead>
<tr>
<th>Category</th>
<th>Collections</th>
</tr>
</thead>
</table>

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*[Image of HeinOnline's database interface]*
Search a specific library

Text: asylum -10 obligation AND australia

Date: (YYYY) 2005 To: (YYYY) 2016

Section Types To Search:
- Articles
- Legislation
- Index
- Contents
- Comments
- Cases
- Decisions
- Reviews
- Miscellaneous

Include external articles (articles outside of HeinOnline) in the search results.

Search
Transfer of Asylum Seekers in Australia to Third Countries: A Case Study of Sovereignty versus International Law, The [article]
Tuckfield, Hugh S.
3 Kathmandu Sch. L. Rev. 187 (2013)

Turn to page
argument that asylum is a 'right granted' by the State, not a 'duty or an obligation' where the modern world. It has presented a probable cause of Australia's disregard for asylum seekers' human rights. There is a plethora of human rights attributable to asylum seekers that Australia is intentionally human freedoms. Australia's policy of mandatory detention clearly constitutes arbitrary detention and the transfer of asylum seekers to third countries is a 'clever' modus operandi to abrogate its duties and responsibilities to asylum seekers it accepted when it ratified international conventions.

Detention of Australia’s Asylum Seekers in Nauru: Is Deprivation of Liberty by Any Other Name Just as Unlawful [article]
Dastyari, Azadeh
38 U.N.S.W. L. J. 669 (2015)

Turn to page
9(1) and 9(4) of the ICCPR. The article will further assess the obligation of both Australia and UNSW Law Journal once they are in Nauru. It will demonstrate that the confinement of asylum seekers, characterisation from Australia and Nauru. The article will go on to argue that the detention of refugees in...detention is not for the purpose of effecting their removal from Nauru. Furthermore, the detention of asylum...Australia in its exercise of jurisdiction in Nauru, and that Australia is in violation of articles...Nauru to refrain from the arbitrary detention of children and will demonstrate that asylum seeker
Journal articles are a primary source of law.

TRUE

FALSE
OTHER DATABASES

Westlaw Next – World Journals
Over 1000 full-text law reviews from US, UK, Canada, and some other jurisdictions

Lexis Advance
Library subscribes to a number of LexisNexis published journals – these journals are indexed in the AGIS plus text database

WestlawAU
Library subscribes to a number of Thomson Reuter published journals – these journals are indexed in the AGIS plus text database

APA-FT
Australian Public Affairs - Full Text (APA-FT) - is an indexing and full text database that provides internet access to the scanned images of journal articles from published material on the social sciences and humanities

Library Search
Access articles across a broad range of areas including: social sciences, humanities, education, criminology, computer sciences, language and linguistics, arts & literature, medical sciences and many more (limited law content)

Factiva
Local and international newspapers
Which database would you use to locate Canadian legal journal articles?

- Google
- AGIS Plus Text
- Hein Online
- Halsbury’s Laws of Australia
If the full text of the article is contained within AGIS then click on the name of the journal to discover if it is peer reviewed.

If the full text of the article is NOT contained within AGIS then search of the name of the journal in the Ulrichsweb to discover if it is peer reviewed.

Search for the name of the journal in the Ulrichsweb database to discover if it is peer reviewed.
LibGuides (Law) [http://guides.library.vu.edu.au/law](http://guides.library.vu.edu.au/law)

- Secondary Sources section
QUESTIONS?
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Email murray.greenway@vu.edu.au

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- Sign in to the Victoria University App using a current VU student or staff ID & password.
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- Support with signing in with your VU account.
GO TO LEARNING HUB

VU Tab: My Learning Hub

The horizontal scrollbar allows access to:

My Essentials: your Essential Activities
My List: Complete & incomplete Essential Activities you have ‘added’
Skills: Global Skills list & related activities
Search LH: Search the entire Learning Hub database for activities, units & courses
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Connect to My Learning Hub

Permanently connect your Learning Hub by signing in with your VU student ID & password. You will then need to login to Learning Hubs online or create a Learning Hubs online account.
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My Learning Hub: Book/Validate an Activity from My Essentials

Validate: Select a Course/Study Essential from My Essentials. Select an activity, then select Validate. The scanner will open the camera. Scan the activity QR code to validate completion.

Book: Select a Course/Study Essential from My Essentials. Select an activity, then select Book. The in-app browser will launch & display available booking times.
Inquiry – Secondary Sources for Law 2019
ID: 1156