

STATUTORY INTERPRETATION – PRACTICAL GUIDE

- 1) Check that the provision/statute had commenced operation at the relevant time.
If not, does it nevertheless operate retrospectively?
- 2) Read the entire Act. Read the Act slowly and carefully.
Remember that legislation must be interpreted in context and also that s 15AA of the *Acts Interpretation Act 1901* (Cth) states that 'in interpreting a provision of an Act, the interpretation that would best achieve the purpose or object of the Act (whether or not that purpose or object is expressly stated in the Act) is to be preferred to each other interpretation'.
- 3) Identify the sections that need to be applied and precise words that need interpretation.
Plan your use of HIRAC (see section 2 of this document below).
- 4) Interpretation.
Fundamental: What is the intention (or at least the imputed intention) of Parliament?
'[T]he duty of a court is to give the words of a statutory provision the meaning that the legislature is taken to have intended them to have. (*Project Blue Sky*). Try not to lose sight of this.

BEGIN WITH:

(A) Interpretation in Context: For each word/legal issue

- a) Read the words for their ordinary meaning when read in context.
'[T]he modern approach to statutory interpretation ... insists that the context be considered in the first instance' *CIC Insurance Ltd v Bankstown Football Club Ltd* (or *Project Blue Sky*).
- b) Definitions section.
Check if significant words have been defined in the definitions section of the Act. Also note whether any definition is an open (includes) or closed (means) definition. NB an open definition may not solve the problem of what the word means.
- c) *Acts Interpretation Act*.
Consider if the term being interpreted is defined in the *Acts Interpretation Act* eg meaning of 'Commonwealth' and other words common to all statutes. Consider also relevant provisions of interpretation legislation dealing with singular/plural, masculine/feminine gender etc.
- d) Dictionary, technical and legal meanings.
If the definition section is unhelpful, you may need to consult a dictionary for the ordinary meaning of the word or find the technical or legal meaning of a word. NB dictionaries are not treated by the courts as extrinsic materials.
- e) Judicial Interpretation.
Consider if the provision has been interpreted previously by the courts. Also, does other related legislation throw light on meaning?
- f) Maxims of interpretation. These are a further aspect of contextual interpretation. Remember though that while the maxims are useful servants, they are dangerous masters.
 - *Noscitur a sociis* – 'the meaning of a word is known from the words that accompany it'.
 - *Ejusdem generis* – 'if words of particular meaning are followed by general words, the general words are limited to the same kind as the particular words'.
 - *Expressio unius est exclusio alterius* – 'express mention of one thing is the exclusion of another'.
 - 'Consistent use of words is assumed' and 'All words are assumed to carry meaning'.

Summary

Statutory Interpretation Guide

Yale Law Journal



Statutory Interpretation Guide:

Guide to Statutory Interpretation Michael Sinclair, 2000 **The Oxford Guide to Treaties** Duncan B. Hollis, 2020 This guide is an authoritative reference point for anyone interested in the creation or interpretation of treaties and other forms of international agreement It covers the rules and practices surrounding their making interpretation and operation and uses hundreds of real examples to illustrate different approaches treaty makers can take **An Interpretive Guide to the Government in the Sunshine Act** Richard K. Berg, Stephen H. Klitzman, Gary J. Edles, 2005 This updated edition reexamines the Sunshine Act since it was originally signed in 1977 The authors have analyzed more than 150 court decisions that have interpreted or mentioned the Act and have reviewed the legal literature over the past 28 years *A Guide to Judicial and Political Review of Federal Agencies* John Fitzgerald Duffy, 2005 This book provides a thorough overview of the law of judicial and political control of federal agencies The primary focus is on the availability and scope of judicial review but the book also discusses the control exercised by the U S president and Congress Provided by publisher Guidelines on Constitutional Litigation , 1988 **The Lawyer's Style Guide** Peter Butt, 2021-02-25 Clarity and precision in legal writing are essential skills in the practice and study of law This book offers a straightforward practical guide to effective legal style from a world leading expert The book is thoughtfully structured to explain the elements of good legal writing and its most effective use It catalogues all aspects of legal style topic by topic phrase by phrase usage by usage It scrutinises them all suggesting improvements Its dictionary arrangement makes it easy to navigate Entries cover matters such as abbreviations acronyms active and passive voice brackets bullet points citation methods cross referencing fonts document design footnotes gender neutral language numbering systems plain legal language punctuation the use of Latin in law structures for legal advices and documents and techniques for editing and proofreading Also covered are many words and phrases that non lawyers find opaque and obscure the aim being to show that lawyers can usually substitute a plain English equivalent that captures the legal nuances of the legalese Other topics include ambiguity deeds definitions provisos recitals simplified outlines terms of art tone and the various principles of legal interpretation With an emphasis on technical effectiveness and understanding the book is required reading for all those engaged in the practice and study of law *Understanding Legislation* David Lowe (Lawyer), Charlie Potter (Lawyer), 2020 This book provides a guide to interpreting both English and European legislation of all kinds The book can be used as a practitioner s first port of call on all matters of statutory construction It is designed to serve as a reference for questions concerning sources of legislation the anatomy and structure of differing instruments and matters of interpretation As well as considering how to read statutory language and the key presumptions that the courts will apply the book addresses how other legislation and materials can influence the interpretive exercise and in what way To this end the book discusses the interpretive significance of the different components of legislation the various external aids to construction that may exist and the role of international law EU law and the European

Convention on Human Rights through the Human Rights Act 1998 in interpreting domestic law While the primary focus is on English law the treatment of EU and international law also serves as a short freestanding guide to the construction of EU instruments and treaties *New Zealand Master Tax Guide (2013 edition)* CCH New Zealand Ltd,2013-07-01 The Master Tax Guide New Zealand s most popular tax handbook contains practical examples and concise summaries of legislation cases and IRD rulings and statements affecting the 2012 2013 and future tax years The commentary is concise and easy to read The new edition also includes discussion of various proposals introduced under the Taxation Livestock Valuation Assets Expenditure and Remedial Matters Bill including proposed mixed use asset rules new calculation methods for some foreign currency hedges GST changes including a new zero rating rule further livestock valuation changes **Legal Method** Sharon Hanson,2000-10-17 The competent study of law is a finely tuned balance of excellent language ability good reading and writing skills good personal study discipline a thorough appreciation of the relevant areas of substantive law and excellent argumentative skills Legal method is an important area of study for two main reasons First it is important for the range of techniques that it can offer to break into legal texts both primary and secondary Secondly it exposes reasoning processes concerned with the theory and practise of law The book deals in both the areas mentioned and aims to deal with issues of **Working with Legislation** Wynne Hannon,Bronwen Shelley-Tucker,1995 *From Crime Scene to Courtroom: A Comprehensive Guide to Criminal Law Practice* Prof. (Dr.) J.S.P. Srivastava ,Mr. Arun Kumar ,Ms. Neha Singh,2025-07-04 Freedom of Information Act Guide & Privacy Act Overview , **Freedom of Information Act Guide and Privacy Act Overview, (1996)** DIANE Publishing Company,1997 **Environment in the Balance** Jonathan Z. Cannon,2015-04-22 Does the green movement remain a transformative force in American life In *Environment in the Balance* Jonathan Cannon interprets a wide range of U S Supreme Court decisions over four decades and explores the current ferment among activists to gauge the practical and cultural impact of environmentalism and its future prospects **Law Express: Exam Success (Revision Guide)** Emily Finch,Stefan Fafinski,2014-08-01 Law Express Exam Success is designed to help you to relate all your reading and study throughout your course specifically to exam situations Understand quickly what is required organise your revision and learn the key points with ease to get the grades you need Tested with examiners and students A *Practical Guide to the Insurance Act 2015* David Kendall,Harry Wright,2017-09-22 The Insurance Act 2015 the Act is the first comprehensive statutory reform of the insurance law of the United Kingdom since the Marine Insurance Act 1906 It introduces thorough and in some cases fairly drastic reform of some of the core tenets of UK insurance law including the insured s pre contractual duty to the insurer and remedies for its breach the knowledge of the insured and the insurer for the purposes of the pre contractual duty the effect of insurance warranties and other terms tending to reduce the risk of loss fraudulent claims and damages for failure to pay an insurance claim in a reasonable time This book is a thorough introduction to the Act It focuses primarily on the impact of the Act on English law as applied to non consumer insurance and

reinsurance Of assistance not only to insurance lawyers and members of the judiciary but also underwriters claims handlers brokers and buyers of non consumer insurance policies this book covers each of the core changes brought about by the Act It also analyses the particular ways in which the Act differs from existing law by reference to the Marine Insurance Act 1906 and cases decided under the old law **The New Lawyer, 3rd Edition** Nickolas James,Rachael Field,Jackson Walkden-Brown,2023-10-23 The New Lawyer 3rd Edition has been updated to ensure that first year law students do not feel overwhelmed by the transition to law school This book addresses the law Threshold Learning Outcomes TLOs and outlines what students should know understand and be able to do at the conclusion of their first year of study **Yale Law Journal: Volume 124, Number 5 - March 2015** Yale Law Journal,2015-04-02 The contents of the March 2015 issue Volume 124 Number 5 are Articles Article III Judicial Power the Adverse Party Requirement and Non Contentious Jurisdiction by James E Pfander Daniel D Birk Beyond Diversification The Pervasive Problem of Excessive Fees and Dominated Funds in 401 k Plans by Ian Ayres Quinn Curtis The Uneasy Case for Favoring Long Term Shareholders by Jesse M Fried Deviance Aspiration and the Stories We Tell Reconciling Mass Atrocity and the Criminal Law by Saira Mohamed Notes Mitigating Jurors Racial Biases The Effects of Content and Timing of Jury Instructions by Elizabeth Ingriselli How To Eat an Elephant Corporate Group Structure of Systemically Important Financial Institutions Orderly Liquidation Authority and Single Point of Entry Resolution by Kwon Yong Jin Public Actors Private Law Local Governments Use of Covenants To Regulate Land Use by Noah M Kazis Comment Methodological Stare Decisis and Intersystemic Statutory Interpretation in the Choice of Law Context by Grace E Hart Quality ebook formatting includes fully linked footnotes and an active Table of Contents including linked Contents for all individual Articles Notes and Essays proper Bluebook formatting and active URLs in footnotes [A Guide to Global Private International Law](#) Paul Beaumont,Jayne Holliday,2022-05-05 This book provides a substantial overview of the discipline of private international law viewed from a global perspective The guide is divided into 4 key sections Theory Institutional and Conceptual Framework Issues Civil and Commercial Law apart from Family Law Family Law Each chapter is written by a leading expert s The chapters address specific areas aspects of private international law and consider the existing global solutions and the possibilities of improving creating them Where appropriate the chapters are co authored by experts from different legal perspectives in order to achieve as balanced a picture as possible The range of contributions includes authors from Europe North America Latin America Africa Asia and Oceania An essential resource for academics practitioners and students alike *A Guide to Merit Systems Protection Board Law and Practice* Peter B. Broida,2001 This Guide has been used around the world by federal agencies labor unions attorneys arbitrators and adjudicators for research guidance and training The text analyzes thousands of published decisions of the Court of Appeals for the Federal Circuit It is updated annually

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