

Table of Contents

<i>Table of Cases</i>	<i>xi</i>
<i>Table of Statutes</i>	<i>xv</i>
<i>Preface</i>	<i>xxii</i>
<i>Acknowledgments</i>	<i>xxiv</i>
1 Introduction to Statutory Interpretation	1
History and evolution of statutory interpretation	3
The role of the judiciary in interpreting legislation	6
Structure of this book	9
Guidelines for interpretation of this book	11
2 Creation of Legislation	12
Legislative power	13
Drafting styles	13
Plain English drafting	15
Drafting conventions	18
The political dimension	19
Parliamentary procedures	20
Legislation example	21
Conclusion	25
3 Interpretation Legislation	27
Gender	30
Age	30
Number	30
Distance	31

	Time	31
	Meaning of 'may' and 'shall'	33
	Commencement	34
	Amendment	37
	Repeal	41
	Invalidity	45
4	Context and Purpose	49
	Context	53
	Purpose	57
5	Intention and Interpretive Techniques	70
	Intention	71
	Interpretive techniques	79
6	Intrinsic Materials: Statute Components	93
	Long Title	95
	Short Title	96
	Preamble	96
	Objects clause	99
	Definition sections	100
	Headings	104
	Schedules	107
	Notes	108
	Punctuation	110
	Examples	110
	Penalties	111
7	Intrinsic Materials: The Text	112
	All words have meaning	113
	Ordinarily, the meaning is the ordinary meaning	113
	A technical or legal meaning may be used	115
	Current meaning	119
	Dictionary meaning	120
	Consistent meaning across an Act	122
	Variants of words	122

Limiting words	122
Hendiadys	124
Temporal expressions	124
Common words and expressions	127
8 Extrinsic Materials	135
Using extrinsic materials to interpret text	136
Using extrinsic materials for context and purpose	139
Common law approach to use of extrinsic materials	140
Which extrinsic materials can be used?	141
Proliferation and limits	158
9 Traditional Common Law Approaches	160
Common law and statutes	161
Traditional common law approaches	166
Literal rule	168
Golden rule	169
Mischief rule	170
Latin maxims	171
10 Statutory Presumptions	184
Legislation does not operate retrospectively	186
Legislation does not have extraterritorial effect	188
Legislation does not take jurisdiction away from the courts	192
Legislation does not bind the Crown	195
Legislation enacting a word or phrase approves of its common law interpretation	198
Penal provisions are strictly construed	199
Remedial or beneficial provisions are broadly construed	200
Taxation provisions construed to the taxpayer's benefit	201
Legislation does not remove property rights	202
Other statutory presumptions	203
11 Fundamental and Human Rights	205
Non-interference with fundamental rights	206
Human rights	214

The ACT approach	216
The Victorian approach	218
12 International Law in Statutory Interpretation	221
Legislative conformity with international law	222
Sources of international law	223
International treaties	224
Customary international law	231
General principles of law	236
13 Interpreting Specific Instruments	238
Delegated or subordinate legislation	239
Codes	246
Quasi-legislative bodies	249
Constitution	250
Other documents	253
14 A Synthesis: Practical Skills and Exercises	256
Statutory Interpretation Index 1 ('SII1')	257
Practical methodology	269
Practical Exercise A Criminal Law	281
Practical Exercise B Tort Law	285
Practical Exercise C Contract Law	292
Practical Exercise D Property Law	309
<i>Further Reading</i>	320
<i>Index</i>	323