

Statutory Interpretation

statutory interpretation

Acts Interpretation Act

- focus on section 3 and 14 (Queensland) or 15 (Commonwealth)
don't need to actually look at it, just start by saying "this is the approach the acts interpretation act tells us to take"

Statutory Interpretation Response Guide

- Jurisdiction - cth or qld
- Commencement
- Legal Issue
 - Legal Issue A
 - Text - alternative arguments - theories
 - Context**
 - Purpose
 - Conclusion
 - Legal Issue B

Textualist theories

- emphasis the actual meaning of the words in modern statutory interpretation
- only one part of the methodology of applied statutory interpretation
 - **Soft plain meaning theory**
 - considers the plain meaning within the historical context of the statute (that is different versions of the statute over time)
 - significant changed to the statutes
 - **if there is historical context to the current statute, then that can be taken into account to assist in ascertaining the plain ordinary meaning of a particular section in the statute**
 - **Hard plain meaning theory**
 - emphasised the actual text
 - not often the approach taken in courts

**canons of construction

(DO NOT APPLY TO QUEENSLAND CONTEXT, ONLY COMMONWEALTH, SO DO NOT USE THESE LATIN TERMS. STILL DO THE SAME METHOD, JUST DONT USE THE

Statutory Interpretation Guide

Michael Sinclair



Statutory Interpretation Guide:

Guide to Statutory Interpretation Michael Sinclair, 2000 **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 **Statutory Interpretation and the Uses of Legislative History** United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Intellectual Property, and the Administration of Justice, 1990 **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 *Working with Legislation* Wynne Hannon, Bronwen Shelley-Tucker, 1995 Guidelines on Constitutional Litigation, 1988 **A Dictionary of Statutory Interpretation** William D. Popkin, 2007 Statutory interpretation has become the most commonly required skill of the modern lawyer A Dictionary of Statutory Interpretation provides a ready reference to the important terms and ideas that arise in connection with determining the meaning of legislation Chapter 1 includes over 100 entries including the following ambiguity the absurdity canon linguistic and substantive canons legislative intent legislative purpose legislative history textualism Legal Realism Law and Economics Each entry includes a definition an explanation of the relevance of the term and ideas for statutory interpretation some history about its use and a concise discussion of contemporary issues The author expresses his point of view in the discussion of these issues which is generally skeptical about textualism but presents all sides of the debate A reference section allows for further research on each subject Chapter 2 includes over 35 famous quotations dealing with the interpretation of statutes along with historical and critical commentary The entries include Learned Hand Holmes Calabresi Posner Easterbrook Pound Blackstone etc The book will be useful for lawyers judges law

professors and law students who want an entry into the contemporary debate about how to interpret legislation along with an insight into what is at stake in those debates filled with usefully extended treatments of important and interesting legal terms

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Working with Legislation Sallyanne Mitchell, Bridget Gilmour-Walsh, 2004

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

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current state of the law and practice in relation to treaties this edited work is an essential reference for practitioners and legal advisers involved in treaty negotiations or the interpretation of treaties It also reflects on the current areas of disagreement or ambiguity

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