



# LAWS11059 *Statutory Interpretation*

## Term 2 - 2017

Profile information current as at 21/11/2025 06:06 pm

All details in this unit profile for LAWS11059 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

### General Information

#### Overview

Statutory interpretation has a specific focus on locating and using legislation, aids to interpretation, and deployment of interpretative techniques. This unit will prepare you for determining whether the exercise of a statutory power is invalid if a condition or procedure regulating its exercise, is breached; determining whether a law has a retrospective operation; determining whether a statutory offence contains a mental ingredient to be proved by the prosecution (*mens rea*), and if so, what that ingredient is; determining the scope of a statutory power to make delegated legislation in the light of delegated legislation, which has purportedly been made under a power; and the application of a rule in any applicable charter of human rights. A law graduate should be able to give a reasoned opinion as to the appropriate meaning of a legislative provision which takes adequate account of the law of statutory interpretation.

#### Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

#### Pre-requisites or Co-requisites

Co-requisite: LAWS11057 Introduction to Law

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

#### Offerings For Term 2 - 2017

- Distance

#### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

#### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 20%

#### 2. **Written Assessment**

Weighting: 20%

#### 3. **Written Assessment**

Weighting: 60%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Student feedback

##### Feedback

More feedback required for the take-home paper.

##### Recommendation

University policy requires take home papers to be treated as exams with papers not returned to students except for review. A more comprehensive answer guide can be released after papers are returned. Students may seek feedback or review in accordance with University policy.

## Unit Learning Outcomes

### On successful completion of this unit, you will be able to:

1. Demonstrate skills in researching and interpreting legislation, legislative instruments and related material
2. Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material
3. Explain how legislation and legislative instruments are made and amended
4. Describe and apply different approaches to statutory interpretation.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 20%	•	•	•	•
2 - Written Assessment - 20%	•	•		
3 - Written Assessment - 60%	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•	•	•	•
2 - Problem Solving	•	•		•
3 - Critical Thinking	•	•		•

Graduate Attributes	Learning Outcomes			
	1	2	3	4
4 - Information Literacy	•	•	•	•
5 - Team Work				
6 - Information Technology Competence	•	•	•	
7 - Cross Cultural Competence		•		
8 - Ethical practice				•
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

## Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 20%	•	•	•	•		•		•		
2 - Written Assessment - 20%	•		•	•		•				
3 - Written Assessment - 60%	•	•	•	•				•		

## Textbooks and Resources

### Textbooks

LAWS11059

#### Prescribed

#### Statutory Interpretation

Edition: 2nd (2016)

Authors: Michelle Sanson

Oxford University Press

South Melbourne, Victoria, Australia

ISBN: 9780190304577

Binding: Paperback

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Headset with microphone, video for web cam for online tutorials once a week.

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Wayne Jones** Unit Coordinator  
[w.jones@cqu.edu.au](mailto:w.jones@cqu.edu.au)

## Schedule

### Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Introduction and Refreshing your Research Skills	Statutory Interpretation Chapter 1	Lecture/Tutorial Activities

### Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Creating Legislation	Statutory Interpretation Chapter 2	Lecture/Tutorial Activities

### Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Interpreting Legislation	Statutory Interpretation Chapter 3	Lecture/Tutorial Activities

### Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Context and Purpose	Statutory Interpretation Chapter 4	Lecture/Tutorial Activities

### Week 5 - 07 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Intention and Interpretive Techniques	Statutory Interpretation Chapter 5	Lecture/Tutorial Activities <b>Written Assessment 1</b> Due: Week 5 Friday (11 Aug 2017) 5:00 pm AEST

### Vacation Week - 14 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Vacation week	Vacation week	Vacation week

### Week 6 - 21 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Intrinsic Material – Statute Components	Statutory Interpretation Chapter 6	Lecture/Tutorial Activities

### Week 7 - 28 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Intrinsic Materials – The Text	Statutory Interpretation Chapter 7	Lecture/Tutorial Activities

### Week 8 - 04 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Extrinsic Materials	Statutory Interpretation Chapter 8	Lecture/Tutorial Activities

### Week 9 - 11 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Traditional Common Law Approaches	Statutory Interpretation Chapter 9	Lecture/Tutorial Activities

Week 10 - 18 Sep 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Statutory Presumptions	Statutory Interpretation Chapter 10	Lecture/Tutorial Activities <b>Written Assessment 2</b> Due: Week 10 Friday (22 Sept 2017) 5:00 pm AEST
Week 11 - 25 Sep 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Fundamental Human Rights in International Law	Statutory Interpretation Chapters 11 & 12.	Lecture / Tutorial Activities
Week 12 - 02 Oct 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Review	Statutory Interpretation Chapters 13 & 14.	Materials supplied
Review/Exam Week - 09 Oct 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Week - 16 Oct 2017		
Module/Topic	Chapter	Events and Submissions/Topic

## Assessment Tasks

### 1 Written Assessment 1

#### Assessment Type

Written Assessment

#### Task Description

##### Assessment 1

20 marks in total.

Presented in two parts with 10 marks allocated for each part.

**Part 1** A research task.

**Part 2** Short problem question using interpretation rules discussed in the first part of the course.

#### Assessment Due Date

Week 5 Friday (11 Aug 2017) 5:00 pm AEST

#### Return Date to Students

Week 7 Friday (1 Sept 2017)

#### Weighting

20%

#### Assessment Criteria

- Identified and discussed relevant facts.
- Identified and discussed relevant legal issues.
- Relevant cases, legislation and rules of interpretation identified and applied to formulate a logical opinion.
- Research task completed in a manner which demonstrates understanding of interpretation issues.
- All of the required elements of the task completed professionally and the work is concise and well presented.

#### Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

#### Submission

Online

## Learning Outcomes Assessed

- Demonstrate skills in researching and interpreting legislation, legislative instruments and related material
- Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material
- Explain how legislation and legislative instruments are made and amended
- Describe and apply different approaches to statutory interpretation.

## Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

## 2 Written Assessment 2

### Assessment Type

Written Assessment

### Task Description

#### Assessment 2

Provide an opinion on a statutory interpretation problem question based on the material you have read in the second part of the course

**Total : 20 Marks**

### Assessment Due Date

Week 10 Friday (22 Sept 2017) 5:00 pm AEST

### Return Date to Students

Week 12 Friday (6 Oct 2017)

### Weighting

20%

### Assessment Criteria

- Identified and discussed relevant facts.
- Identified and discussed relevant legal issues.
- Relevant cases, legislation and interpretation rules identified and applied.
- Logical analysis of the issues and law lead to a well argued conclusion.
- All of the required elements of the task completed professionally and the opinion is concise and well presented.

### Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

### Submission

Online

## Learning Outcomes Assessed

- Demonstrate skills in researching and interpreting legislation, legislative instruments and related material
- Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material

## Graduate Attributes

- Communication
- Critical Thinking
- Information Literacy
- Information Technology Competence

## 3 Take Home Exam paper

### Assessment Type

Written Assessment

## **Task Description**

### **Take Home Examination**

In week 12 you will be presented with a take home exam with 48 hours to complete. This is a standard 3 hour exam you may complete at home and submit at any time during a 48 hour period. It does not require 48 hours to complete the exam.

Your response must be submitted by the due date and time with no extensions permitted.

The exam will include:

- A theoretical question which will ask you to reflect on the work you have completed over the previous 12 weeks.
- Two problem questions which require your statutory interpretation skills to solve.

### **Special Note:**

Working to a short deadline and submitting on time are part of what is being assessed.

CQU Assessment Procedure does not allow late submission with a percentage penalty for take home exam papers. Late submissions cannot be marked.

Applications for a deferred examination can still be made in the usual way in the case of extraordinary circumstances.

### **Assessment Due Date**

Due 48 hours from the day of release of the paper at the end of week 12 - date of release to be advised by week 2.

### **Return Date to Students**

Take home exam results released with certification of grade.

### **Weighting**

60%

### **Assessment Criteria**

- Identified and discussed relevant facts and legal issues.
- Identified relevant legislation, case law and statutory interpretation rules.
- Demonstrated knowledge of interpretation rules through their correct application.
- Logical analysis of the issues and law leading to well argued conclusions.
- All of the required elements of the task completed professionally in a manner which is concise and well presented.

### **Referencing Style**

- [Australian Guide to Legal Citation, 3rd ed](#)

### **Submission**

Online

### **Learning Outcomes Assessed**

- Demonstrate skills in researching and interpreting legislation, legislative instruments and related material
- Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material
- Explain how legislation and legislative instruments are made and amended
- Describe and apply different approaches to statutory interpretation.

### **Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Ethical practice

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem