



LAWS11059 *Statutory Interpretation*

Term 2 - 2019

Profile information current as at 27/09/2024 10:15 am

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

LAWS11059 Statutory interpretation has a specific focus on locating and using legislation, aids to interpretation, and deployment of interpretative techniques. In this unit you will learn how to determine whether the exercise of a statutory power is invalid if a condition or procedure regulating its exercise, is breached; whether a law has a retrospective operation; whether a statutory offence contains a mental ingredient to be proved by the prosecution (*mens rea*), and if so, what that ingredient is; 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. This unit meets the LPAB requirements for 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

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 - 2019

- Online

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](#).

Unit Learning Outcomes

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

1. Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
2. Evaluate whether the exercise of statutory power is invalid
3. Analyse whether a law has a retrospective operation
4. Analyse whether a statutory offence contains a mental element (mens rea)
5. Analyse the scope of statutory power to make delegated legislation
6. Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes					
	1	2	3	4	5	6
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	5	6
1 - Communication						
2 - Problem Solving	•	•	•	•	•	•
3 - Critical Thinking	•	•	•	•	•	•
4 - Information Literacy	•	•	•	•	•	•
5 - Team Work						
6 - Information Technology Competence		•				
7 - Cross Cultural Competence						
8 - Ethical practice						
9 - Social Innovation						

Graduate Attributes

Learning Outcomes

1 2 3 4 5 6

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%

1 - Written Assessment - 20%	•	•	•	•		•		•		
2 - Written Assessment - 20%	•		•	•		•				
3 - Written Assessment - 60%	•	•	•	•				•		

2 - Written Assessment - 20%

3 - Written Assessment - 60%

Textbooks and Resources

Textbooks

LAWS11059

Prescribed

Statutory Interpretation

Edition: 2 (2017)

Authors: Michelle Sanson

Oxford University Press Australia

Melbourne, VIC, AU

ISBN: 9780190304577

Binding: eBook

Additional Textbook Information

Both the paper and eBook version of this text can be purchased at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- ZOOM

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)
For further information, see the Assessment Tasks.

Teaching Contacts

Constance Lee Unit Coordinator
c.y.lee@cqu.edu.au

Schedule

Week 1 Introduction to Statutory Interpretation 05/11/2018 - 15 Jul 2019

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Statutory Interpretation	Michelle Sanson, <i>Statutory Interpretation</i> Chapters 1	Weekly online tutorial discussions

Week 2 Creating Legislation 12/11/2018 - 22 Jul 2019

Module/Topic	Chapter	Events and Submissions/Topic
Creating New Legislation	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 2	Weekly online tutorial discussions

Week 3 Interpreting Legislation 19/01/2018 - 29 Jul 2019

Module/Topic	Chapter	Events and Submissions/Topic
Interpreting Legislation	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 3	Weekly online tutorial discussions

Week 4 Context & Purpose 26/11/2018 - 05 Aug 2019

Module/Topic	Chapter	Events and Submissions/Topic
Considering the Context & Purpose	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 4	Weekly online tutorial discussions

Week 5 Intention and Interpretive Techniques 10/12/2018 - 12 Aug 2019

Module/Topic	Chapter	Events and Submissions/Topic
Intention and Interpretive Techniques	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 5	Weekly online tutorial discussions Case Note and Research Due: Week 5 Monday (12 Aug 2019) 9:00 am AEST

Vacation Week - 19 Aug 2019

Module/Topic	Chapter	Events and Submissions/Topic

Week 6 Intrinsic Materials: Statute Components 17/12/2018 - 26 Aug 2019

Module/Topic	Chapter	Events and Submissions/Topic
Intrinsic Materials: Statute Components	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 6	Weekly online tutorial discussions

Week 7 Intrinsic Materials: The Text 31/12/18 - 02 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
Intrinsic Materials: The Text	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 7	Weekly online tutorial discussions

Week 8 Extrinsic Materials 07/01/2019 - 09 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
Extrinsic Material: Using Materials from outside the Act	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 8	Weekly online tutorial discussions Solve a statutory interpretation problem Due: Week 8 Monday (9 Sept 2019) 9:00 am AEST

Week 9 Traditional Common Law Approaches 14/01/2019 - 16 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
Traditional Common Law Approaches: Can they still help?	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 9	Weekly online tutorial discussions

Week 10 Statutory Presumptions 21/01/2019 - 23 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic

Statutory Presumptions: Can they still help?	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 10	Weekly online tutorial discussions
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Week 11 Fundamental Human Rights in International Law 28/01/2019 - 30 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
Fundamental Human Rights in International Law: Do they influence interpretation?	Michelle Sanson, <i>Statutory Interpretation</i> Chapter 11, 12, 13 and 14	Weekly online tutorial discussions

Week 12 Review and Take Home Paper Week 04/02/2019 - 07 Oct 2019

Module/Topic	Chapter	Events and Submissions/Topic
		Weekly online tutorial discussions
Review and Take Home Paper Week	No prescribed reading this week	Take-Home Paper Due: Week 12 Wednesday (9 Oct 2019) 11:45 pm AEST

Review/Exam Week - 14 Oct 2019

Module/Topic	Chapter	Events and Submissions/Topic
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Exam Week - 21 Oct 2019

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Case Note and Research

Assessment Type

Written Assessment

Task Description

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

Part 1 A research task which relates to the creation and understanding of Commonwealth legislation.

Part 2 A short interpretation question you can answer by reference to interpretation legislation and cases.

Full details of the assignment task will be provided on the Statutory Interpretation Moodle site after the commencement of term.

2000 words

Assessment Due Date

Week 5 Monday (12 Aug 2019) 9:00 am AEST

Return Date to Students

Week 7 Monday (2 Sept 2019)

Marked assignments will be returned via the Moodle site.

Weighting

20%

Assessment Criteria

Criteria	Excellent	Good	Poor
Basic goals (15%):			
Identification of primary issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.

Demonstrated understanding of the subject matter	Excellent demonstrated understanding of the subject matter.	Good / Some understanding of the subject matter.	Lacks understanding of the subject matter.
Structured argument	Well structured arguments.	Reasonably structured argument.	Poorly structured argument.
Higher order goal (2.5%):			
Analytical ability	Demonstrated high level of analysis.	Some analytical skills demonstrated	Numerous analytical errors or omissions - limited to no analysis.
Skills (2.5%):			
Demonstrated clear and concise written expression	Clear and concise written expression.	Some unclear or verbose written expression.	Numerous examples of unclear or verbose written expression.
Spelling and grammar	No identifiable spelling or grammatical issues.	Minor spelling or grammatical issues.	Numerous spelling or grammatical issues.
Plain English drafting	No Plain English drafting errors.	Some Plain English drafting errors.	Numerous Plain English drafting errors.

Students should also familiarise themselves with the University policy on assessment which sets out the criteria for high distinctions, distinctions, credit and pass marks in some detail.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

I will only accept online submission of your work. Upload your work in a Word document (not PDF). I expect students to present their assignment work on time. Take care with your submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper out aloud, word by word. Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that your name is included in the name of the saved document.

Graduate Attributes

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

Learning Outcomes Assessed

- Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
- Evaluate whether the exercise of statutory power is invalid
- Analyse whether a law has a retrospective operation
- Analyse whether a statutory offence contains a mental element (mens rea)
- Analyse the scope of statutory power to make delegated legislation
- Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material.

2 Solve a statutory interpretation problem

Assessment Type

Written Assessment

Task Description

Students are required to solve a statutory interpretation problem question based on the material covered in modules in the second part of the unit.

Full details of the assignment task will be provided on the Statutory Interpretation Moodle site after the commencement of term.

2000 words

Assessment Due Date

Week 8 Monday (9 Sept 2019) 9:00 am AEST

Return Date to Students

Week 10 Monday (23 Sept 2019)

Marked assignments will be returned via the Moodle site.

Weighting

20%

Assessment Criteria

Basic goals (15%):

Identification of primary issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Demonstrated understanding of the subject matter	Excellent demonstrated understanding of the subject matter.	Good / Some understanding of the subject matter.	Lacks understanding of the subject matter.
Structured argument	Well structured arguments.	Reasonably structured argument.	Poorly structured argument.

Higher order goal (2.5%):

Analytical ability	Demonstrated high level of analysis.	Some analytical skills demonstrated	Numerous analytical errors or omissions - limited to no analysis.
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Skills (2.5%):

Demonstrated clear and concise written expression	Clear and concise written expression.	Some unclear or verbose written expression.	Numerous examples of unclear or verbose written expression.
Spelling and grammar	No identifiable spelling or grammatical issues.	Minor spelling or grammatical issues.	Numerous spelling or grammatical issues.
Plain English drafting	No Plain English drafting errors.	Some Plain English drafting errors.	Numerous Plain English drafting errors.

Students should also familiarise themselves with the University policy on assessment which sets out the criteria for high distinctions, distinctions, credit and pass marks in some detail.

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I will only accept online submission of your work. Upload your work in a Word document (not PDF). I expect students to present their assignment work on time. Take care with your submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper out aloud, word by word. This may feel like a slow process but can be a productive exercise. Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that your name is included in the name of the saved document.

Graduate Attributes

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

Learning Outcomes Assessed

- Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
- Evaluate whether the exercise of statutory power is invalid

3 Take-Home Paper

Assessment Type

Written Assessment

Task Description

You have just over one day to complete a (total maximum) 2000-word reply to the task.

Notes

- Working to a short deadline and submitting work on time is part of the assessment.
- The paper will be made accessible on **Tuesday, 8 October 2019 at 5:00 PM (Qld)**. You must complete this assessment task by **Wednesday, 9 October 2019 at 11:45 PM (Qld)**. In the absence of an approved extension (up to 5 days after submission date), you will not have an opportunity to complete the task after this date. There will be no opportunity to apply a late penalty of five per cent per day and you will receive a mark of zero for this assessment task.
- I will not return the final take home paper to students. I will not provide personalised feedback. Your mark forms part of your grade for this unit.
- I require you to upload your assessment through the Moodle unit website. Submit your entire answer, including your outline of submissions, in a single Word (not PDF) document. Do not submit in multiple parts.
- You may consult with peers at your discretion, but the final answer must be yours and I will check it via Turnitin for originality. When sharing ideas, it is important to retain something original for your own response. This is an individual assessment and you may not collude; which means that you cannot act together to cheat or to plagiarise or engage in academic misconduct.

Assessment Due Date

Week 12 Wednesday (9 Oct 2019) 11:45 pm AEST

You must complete this assessment task by Wednesday, 9 October 2019 at 11:45 PM (Qld). In the absence of an approved extension, you will not have an opportunity to complete the task after this date. There will be no opportunity to apply a late penalty of five per cent per day and you will receive a mark of zero for this assessment task.

Return Date to Students

Normal exam conditions apply. The final online paper is not returned to students. I will provide general feedback to the class. The individual papers are not returned to students. I will not provide personalised feedback. Your mark forms part of your grade for this unit. However, feedback is provided to the whole class in the form of an exam feedback report on the Certification date in accordance with the University Assessment Policy.

Weighting

60%

Assessment Criteria

I assess students on their ability to demonstrate thinking and writing skills, to comprehend the material, to process the material and to provide a critical analysis and logical discussion of the law. Students are required to communicate an answer clearly, logically and in a concise manner. I expect you to present your paper in a professional manner. Please paginate your paper and use correct spelling and grammar. You must appropriately reference and attribute the work of others.

Fail

You will have shown evidence of the following:

- the written expression is poor and difficult to understand
- the answer is poorly organised
- referencing is generally inadequate
- lack of familiarity with the legislation and its application
- failure to identify and address the issues in the question
- reasoning and application demonstrated is poor

Pass

You will have:

- made a conscientious attempt to address the topic and/or answer the question
- shown evidence of having done the required reading and of having understood the reading
- presented a reasonable argument to back up your conclusions
- demonstrated a reasonable level of spelling and grammatical usage
- used referencing but this may need improvement
- issues that may need to be identified and addressed in more depth

Credit

You will have:

- addressed the topic and/or answered the question directly
- presented soundly based arguments and backed these up with reasons
- gone beyond description to analysis of key issues
- used the English language well
- shown evidence of reading widely
- demonstrated understanding of the reading
- used referencing that is satisfactory

Distinction

You will have:

- met the above criteria for a credit
- demonstrated the attainment of a high degree of understanding of the concepts of the unit
- demonstrated deep insight into the application of knowledge and skills to complex theoretical and practical situations
- used referencing correctly
- referred to all appropriate legislation

High Distinction

You will have:

- met the above criteria for a distinction
- demonstrated the attainment of an outstanding level of achievement regarding the objectives of this unit
- demonstrated an interesting and/or original approach/idea/argument
- demonstrated mastery of the relevant referencing system
- ensured your conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- ensured your references are made to the appropriate legislation for issues

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

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present their assignment work on time. Take care with your submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper out aloud, word by word. Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that you include your name in the name of the saved document.

Graduate Attributes

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

Learning Outcomes Assessed

- Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
- Evaluate whether the exercise of statutory power is invalid
- Analyse whether a law has a retrospective operation
- Analyse whether a statutory offence contains a mental element (mens rea)

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