



LAWS12063 *Advanced Statutory Interpretation and Drafting*

Term 2 - 2018

Profile information current as at 24/04/2024 09:11 am

All details in this unit profile for LAWS12063 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

Advanced Statutory Interpretation and Drafting consolidates the skills of statutory interpretation which students have previously been taught and used throughout their studies. Students will now be challenged to write statutes, supporting extrinsic documents, and other legal documents at a professional level, utilising the skills of plain English and English grammar. Students will be required to understand, discuss and anticipate the formal techniques of statutory interpretation deployed by judges when interpreting statutes, in order to write statutes which will have the intended effect. Students will be expected to demonstrate mastery of general principles of statutory interpretation, but also specific techniques, including issues such as retrospectivity, the boundaries of statutory authority, and the impact of charters of rights. Students will use these skills to prepare an assessed package of legislative materials to amend the substantive law of their choice.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Prerequisite:- LAWS11061 & LAWS11062

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 - 2018

- 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: 35%

2. **Written Assessment**

Weighting: 50%

3. **Group Work**

Weighting: 15%

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. Demonstrate knowledge of the interpretation and meaning of statutes based on domestic and international law.
2. Apply problem solving and critical thinking skills to resolve complex statutory interpretation and drafting issues.
3. Research extrinsic materials and use them to solve statutory interpretation issues.
4. Structure and plan legal documents to achieve desired outcomes.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Group Work - 15%	•	•	•	•
2 - Written Assessment - 35%	•	•	•	•
3 - Written Assessment - 50%	•	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
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				
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 - Group Work - 15%	•	•	•	•	•		•			
2 - Written Assessment - 35%	•	•	•	•	•					

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
3 - Written Assessment - 50%	•	•	•	•						

Textbooks and Resources

Textbooks

LAWS12063

Prescribed

Statutory Interpretation in Australia

Edition: 8th edn (2014)

Authors: Pearce, DC & Geddes, RS

LexisNexis Butterworths

Sydney , NSW , Australia

ISBN: 9780409340563

Binding: Paperback

LAWS12063

Supplementary

The Complete Guide to English Usage for Australian Students

Edition: 5th edn (2011)

Authors: Ramsay, Margaret

Cengage Learning Australia

South Melbourne , Vic , Australia

ISBN: 9780170190848

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)

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

John Milburn Unit Coordinator

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Schedule

Week 1 Objectives and Outcomes of Statutory Drafting 9 July 2018 - 09 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Objectives and Outcomes of Statutory Drafting	No prescribed reading	

Week 2 Structure of Statutes and Legislative Instruments 16 July 2018 - 16 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Structure of Statutes and Legislative Instruments	Pearce & Geddes, Chapter 3, "Extrinsic Aids to Interpretation" Pearce & Geddes, Chapter 4, pp. 191-209 "Framework of the Act"	

Week 3 The Common Law Canons of Statutory Interpretation 23 July 2018 - 23 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
The Common Law Canons of Statutory Interpretation	Pearce & Geddes, Ch. 4, pp. 146 - 169 Pearce & Geddes, Ch. 2, pp. 35 - 41	

Week 4 Professional Use of English Grammar 30 July 2018 - 30 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Professional Use of English Grammar	Ramsay, Chapter 19, pp. 47-48 Ramsay, Chapter 19, pp. 51-54 Ramsay, Chapter 23 Ramsay, Chapter 24 Ramsay, Chapter 25	

Week 5 Legal Vocabulary 6 August 2018 - 06 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Legal Vocabulary	Ramsay, Part 4	

Vacation Week - 13 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic

Week 6 Principles and Practice of Plain English 20 August 2018 - 20 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Principles and Practice of Plain English	No prescribed reading	

Week 7 The Acts Interpretation Acts 27 August 2018 - 27 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
The Acts Interpretation Acts	Pearce & Geddes, Ch. 6	

Week 8 Drafting Statutes: Operative Clauses 3 September 2018 - 03 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Drafting Statutes: Operative Clauses	Pearce & Geddes, Ch. 11, pp. 439-456	Assessment #1 Simulated Cabinet Submission Due: Week 8 Thursday (6 Sept 2018) 12:00 am AEST

Week 9 Drafting Statutes: Exclusions, Defence and Machinery Clauses 10 September 2018 - 10 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Drafting Statutes: Exclusions, Defence and Machinery Clauses	No prescribed reading	

Week 10 Drafting Subordinate Legislation 17 September 2018 - 17 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Drafting Subordinate Legislation	<i>Odgers Australian Senate Practice</i> , Ch. 15, "Delegated Legislation and Disallowance" http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/odgers	

Week 11 Professional Legal Drafting: Correspondence and Affidavits 24 September 2018 - 24 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Professional Legal Drafting: Correspondence and Affidavits	No prescribed reading	

Week 12 Professional Legal Drafting: Wills and Contracts 1 October 2018 - 01 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic

Professional Legal Drafting: Wills and Contracts

No prescribed reading

Assessment #2 Legislative Drafting Assignment Due: Week 12 Thursday (4 Oct 2018) 11:45 pm AEST
Participation. Due: Week 12 Friday (5 Oct 2018) 11:45 pm AEST

Review/Exam Week - 08 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
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Exam Week - 15 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Assessment #1 Simulated Cabinet Submission

Assessment Type

Written Assessment

Task Description

For assessment 1, you are to prepare a mock Cabinet submission proposing either a new law or an amendment to an existing law. The instructions related to this task are extensive. You should read them carefully, several times, before attempting to complete this assignment. You should also consider the instructions for assessment 2, as these two assessments link together.

Notes

- I expect students to present their assessment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date.
- Because I release the task at the start of term, you are less likely to obtain an extension even if supported by documentation, than would be the case if I released the task shortly before the time it was due. If you make an application for an extension of time, you should understand that I consider several factors in deciding whether the request for sustainable or not. I encourage you to allow for contingencies.
- I will impose a penalty deduction of 5% per day for late work *until* the nominated cut-off date, Saturday, 15 September 2018 (AEST). Beyond that date, in the absence of an approved extension, you will not have an opportunity to complete the task after that date and you will receive a mark of zero for this assessment task.
- I will provide personalised feedback soon after the last date for submission of work. You will receive your mark at that time.
- I require you to upload your assessment through the Moodle course website. Submit your entire answer in a single Word 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.
- There is no prescribed format or template for this assignment and its final form will reflect your own individual and evolving approach to law and legal problems. I will assess you on your ability to communicate your process.
- Please reference external resources using the Australian Guide to Legal Citation.

Assessment Due Date

Week 8 Thursday (6 Sept 2018) 12:00 am AEST

extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date. I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 15 September 2018.

Return Date to Students

Week 10 Tuesday (18 Sept 2018)

Student satisfaction surveys in the past indicate student concerns when a unit coordinator does not provide assessment feedback quickly. Generally, I release the feedback and marks the day after the final cut-off date (that is, I provide feedback and marks 10 days after the due date).

Weighting

35%

Assessment Criteria

There is a 3000-word limit. I exclude material included in footnote referencing from the word count. Unless included in a footnote, I include direct quotes in the word count. I will not allow some flexibility on the word count. Experience would suggest to me that you submit at least 2000 words. If not, add something of value to your work to reach my suggested minimum word count. You must exercise your own discretion to determine where you use your words in this assessment. In real life, you must do so, and this exercise reflects this reality.

I do not prescribe marks for specific aspects of the question. That does not occur in real life and this exercise reflects this reality. It is for you to determine where to place the appropriate emphasis. Your answer should reflect the relative importance, as you see it, of the individual components of the question.

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 issues relevant to a mock Cabinet submission. Students are required to communicate an answer clearly and 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 reference your work appropriately and attribute the work of others.

High distinction standard

- You wrote your answer very well and expressed yourself clearly and concisely
- You presented your paper in a logical structure
- You demonstrated an appreciation and understanding of the issues involved
- You backed your answer by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- You produced a sophisticated analysis from a variety of perspectives
- You demonstrated mastery of the AGLC referencing system

Distinction Standard

- Your answer is well written and expressed
- You produced a well-structured and logical paper
- You clearly identified, and appreciated, legal issues
- You referenced your material correctly
- You referred to appropriate case law, but your analysis and interpretation was not as detailed and reasoned as for high distinction standard

Credit Standard

- Your answer is generally well written and expressed
- Your paper is well structured and sequential
- Your coverage of issues is reasonably comprehensive with a good treatment and analysis
- Referencing is satisfactory
- Your analysis is not as detailed and reasoned as for distinction standard

Pass Standard

- I could follow and understand your paper
- You could better organise and structure your paper
- You could identify and address issues in more depth
- Your paper is confusing or incorrect
- Core facts/issues not clearly understood or identified
- You demonstrated some familiarity with legislation and case law
- Your conclusions reached are somewhat simplistic
- You included quantities of material of marginal relevance in your paper
- Referencing needs improvement
- Your analysis is not as detailed and reasoned as for credit standard

Referencing Style

- [Australian Guide to Legal Citation, 3rd 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. It is slow however; it may 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 you include your name in the name of the saved document.

Learning Outcomes Assessed

- Demonstrate knowledge of the interpretation and meaning of statutes based on domestic and international law.
- Apply problem solving and critical thinking skills to resolve complex statutory interpretation and drafting issues.
- Research extrinsic materials and use them to solve statutory interpretation issues.
- Structure and plan legal documents to achieve desired outcomes.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Team Work

2 Assessment #2 Legislative Drafting Assignment

Assessment Type

Written Assessment

Task Description

For assessment 2, you are to assume cabinet has approved your assessment 1 cabinet submission, with amendments made during the cabinet meeting (equating to the comments made on your first assessment by the lecturer).

You are now to draft the documents necessary for tabling in the parliament.

Notes

- I expect students to present their assessment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date.
- Because I release the task at the start of term, you are less likely to obtain an extension even if supported by documentation, than would be the case if I released the task shortly before the time it was due. If you make an application for an extension of time, you should understand that I consider several factors in deciding whether the request for sustainable or not. I encourage you to allow for contingencies.
- I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 13 October 2018 (AEST). Beyond that date, in the absence of an approved extension, you will not have an opportunity to complete the task after that date and you will receive a mark of zero for this assessment task.
- I will provide personalised feedback soon after the last date for submission of work. You will receive your mark at that time.
- I require you to upload your assessment through the Moodle course website. Submit your entire answer in a single Word 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.
- There is no prescribed format or template for this assignment and its final form will reflect your own individual and evolving approach to law and legal problems. I will assess you on your ability to communicate your process.
- Please reference external resources using the Australian Guide to Legal Citation.

Assessment Due Date

Week 12 Thursday (4 Oct 2018) 11:45 pm AEST

I expect students to present their assignment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date. I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 13 October 2018.

Return Date to Students

Exam Week Tuesday (16 Oct 2018)

Student satisfaction surveys in the past indicate student concerns when a unit coordinator does not provide assessment feedback quickly. Generally, I release the feedback and marks the day after the final cut-off date (that is, I provide feedback and marks 10 days after the due date).

Weighting

50%

Assessment Criteria

There is no word limit. I do provide some guidance as to recommended word count for each section. You must exercise your own discretion to determine where you use your words in this assessment. In real life, you must do so, and this

exercise reflects this reality.

I do not prescribe marks for specific aspects of the question. That does not occur in real life and this exercise reflects this reality. It is for you to determine where to place the appropriate emphasis. Your answer should reflect the relative importance, as you see it, of the individual components of the question.

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 issues relevant to a mock Cabinet submission. Students are required to communicate an answer clearly and 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 reference your work appropriately and attribute the work of others.

High distinction standard

- You wrote your answer very well and expressed yourself clearly and concisely
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- You produced a sophisticated analysis from a variety of perspectives
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Distinction Standard

- Your answer is well written and expressed
- You produced a well-structured and logical paper
- You clearly identified, and appreciated, legal issues
- You referenced your material correctly
- You referred to appropriate case law, but your analysis and interpretation was not as detailed and reasoned as for high distinction standard

Credit Standard

- Your answer is generally well written and expressed
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- You included quantities of material of marginal relevance in your paper
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Referencing Style

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

Submission

Online

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Learning Outcomes Assessed

- Demonstrate knowledge of the interpretation and meaning of statutes based on domestic and international law.
- Apply problem solving and critical thinking skills to resolve complex statutory interpretation and drafting issues.
- Research extrinsic materials and use them to solve statutory interpretation issues.

- Structure and plan legal documents to achieve desired outcomes.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

3 Participation.

Assessment Type

Group Work

Task Description

I look for quality more than quantity when assessing participation. Participation does not require you to attend live Zoom sessions. I do not require you to provide a response to every problem. I do encourage you to contribute. One of the best ways to do that is to engage in discussions through UCROO. I encourage genuine collaboration and appropriate sharing of material. I will hide your participation mark until certification of grades.

Assessment Due Date

Week 12 Friday (5 Oct 2018) 11:45 pm AEST

Progressive assessment.

Return Date to Students

Exam Week Friday (19 Oct 2018)

No personalised feedback.

Weighting

15%

Assessment Criteria

I encourage participation and collaboration. By assigning 15% of the overall grade for participation my intention is to encourage students to participate in class discussion, to prepare for discussions by undertaking prescribed and supplementary reading and to encourage genuinely proactive discussion. I value interaction and proactive contributions. I look for contributions that assist in the sharing of ideas in a supportive and collegial environment. I encourage students to reflect on issues and problems they consider or encounter while studying this unit.

I look for clearly articulated ideas and well-presented and well-structured material. I appreciate that students may share different views on topics and accordingly I value positive responses to criticisms or alternate perspectives. I value students who initiate discussion and actively seek elaboration from other students. I also value the contributions of students who build on the ideas and contributions of their peers (and the lecturer).

Referencing Style

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

Submission

No submission method provided.

Submission Instructions

No separate submission uploaded through Moodle.

Learning Outcomes Assessed

- Demonstrate knowledge of the interpretation and meaning of statutes based on domestic and international law.
- Apply problem solving and critical thinking skills to resolve complex statutory interpretation and drafting issues.
- Research extrinsic materials and use them to solve statutory interpretation issues.
- Structure and plan legal documents to achieve desired outcomes.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Team Work
- Cross Cultural Competence

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