

Statutory Interpretation In Australia Paperback

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guide for legal practitioners and students practical questions regarding the interpretation legislation in australia today this is the fourth edition which updates the third last published in 1988 the law is stated as of 1 september 1995 includes a table of contents table of cases table of statutes and an index professor pearce is recognised as australia s leading authority on statutory interpretation and has experience as an academic a commonwealth ombudsman and a consultant in private practice

legislation is now the primary source of law in australia nearly all legal transactions require attention to be given to acts and other legislative instruments an understanding of how legislation is to be interpreted is thus an essential part of every lawyer s skill set for 50 years courts tribunals and legal practitioners have relied upon this text as their guide to the intricacies of statutory interpretation in his foreword to this 10th edition of statutory interpretation in australia chief justice stephen gageler ac of the high court of australia has said for the whole of my professional life judges and practitioners have turned to statutory interpretation in australia as a standard work of reference a copy of the ninth edition sits on my shelf so will a copy of this historic edition the separation of powers within our system of parliamentary democracy produces an inexorable relationship between the legislative and judicial branches of government the legislative branch makes the law the judicial branch declares and enforces the law as so made the legislative branch speaks with constitutional authority the judicial branch interprets with constitutional authority the interpretation is through the application of consistent principles which can be taken to be known to the speaker through its clear and systematic identification and statement of those principles for half a century statutory interpretation in australia has contributed to the stability of that relationship

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provides a comprehensive account of the Australian law of interpretation it covers interpretation in public law private law and international law as well as the interpretation of case law

the interpretation of contracts in Australia provides practitioners with essential guidance on the construction and interpretation of contracts including in difficult matters of disputed interpretation this adaptation of the widely acclaimed English title the interpretation of contracts by Sir Kim Lewison has been long awaited former Chief Justice Spigelman of the Supreme Court of NSW writes in the foreword to this work now barrister David Hughes and Sir Kim Lewison have thoroughly revised the English text to reflect Australian law while retaining the structure and principles of interpretation of the first nine chapters of the English edition these principles of construction and interpretation are discussed in chapters which proceed through the key rules governing each of them extracts and summaries of decisions are provided to illustrate the application of those rules the text's insights will inform the process of drafting or revising a contract by identifying key principles and discussing them comprehensively yet concisely with reference to case law by enabling lawyers to construct arguments rooted in the case law this new Australian work will help lawyers better challenge contracts and explain their inadequacies

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