Students demonstrated a broad and sound understanding of the principles on statutory interpretation in this exam, however did not always demonstrate mastery of some of the finer points. In particular the general understanding of Application schemes, and the particular issues of statutory interpretation which arise, was not well understood. Students were much stronger in relation to understanding interpretative principles which govern domestic legislation which incorporates international treaties and conventions, such as the Vienna Convention on the Sale of Goods.

The third part of question one raised an issue in relation to human rights, and in what circumstances and how the protection of rights may act as a principle guiding interpretation. This was not well identified by students and the significance of the different legislative approaches in different States and Territories was not always identified and discussed.

Question Two asked students to discuss two competing views about the use of extrinsic material and the relationship between extrinsic material and context. Any discussion requires students to engage with the two points of view, and form some conclusion as to which (if any) view is preferable, and support this conclusion by reference to relevant legal examples. This was rarely done – and demonstrates one of the weaknesses with open book exams. Too often notes (often very good notes) were provided about the key concepts, but little discussion of these concepts – and their relationship – was provided. To answer the question well this was required. A discussion question asks students to demonstrate understanding rather than recall.

Question Three, the large statutory interpretation problem, was generally very well done, with all students demonstrating a clear understanding of the relevant law and how to use it. Some students also identified and were able to discuss well the pari materia issue which arose in relation to the two pieces of legislation, especially in the context of the clearing of trees preparatory to a bush fire.