



Checklist for statutory interpretation

1. Identify the provision and the question	
Then, going from the BIG picture to the SPECIFIC.	
2. Conduct overview of the Act	
Consider its parts, what it aims to achieve, how it goes about it	
3. Context	
Identify the part and division your provision is in.	
Look at the phrases used.	
Identify any constitutional limits which apply.	
The following may assist (not binding)	
Identify any common law presumptions that apply (such as the Principle of Legality) but these are subject to a contrary intention in your Act.	
Identify any syntactical presumptions (subject to a contrary intention in your Act).	
4. Text	
Read every word.	
Is there a statutory definition?	
Is there an Acts Interpretation Act definition?	
Is there a legal or technical meaning (has the word been judicially considered)?	
What is the word's ordinary meaning (dictionary)?	
5. Extrinsic material	
Introductory speech, commission reports tabled in Parliament.	
6. Other considerations which may assist	
History of amendments of your provision.	
Similar legislation in other jurisdictions that has been judicially considered.	
7. Form a view about what is the purpose of the Act & the specific provision	
Gather findings from 1 to 6 & summarise purpose of the Act & provision considered	
Identify all the possible interpretations consistent with the purpose of the provision	
If more than 1 interpretation available test each for compatibility with human rights	
8. If more than 1 interpretation available test each for compatibility with human rights (apply s 8, 13, 48 and 58 of the HR Act)	

DM: 11476448

