



## **Examiner's Comments**

### **26 ADVANCED STATUTORY INTERPRETATION**

#### **September 2025 Examinations**

**The exam comprised of three questions. Candidates were required to answer all questions.**

#### **Question 1 – 20 marks**

This question was testing students' understanding of issues with respect to the use of extrinsic material, and their understanding of the debate surrounding the necessity to satisfy the threshold tests in legislation, or whether extrinsic material can always be considered as forming part of the broader context of legislation.

#### **Question 2 – 20 marks**

Part A: 10 marks

This part was testing students' understanding of the text of legislation, and what does (and does not) form part of that text. Students needed to understand the operation of the Interpretation Act 1987 and better students demonstrated an awareness of the doctrine of *in pari materia*.

Part B: 10 marks

This part was testing students' understanding of the doctrine of legality and their understanding of how this interacts with the human rights legislation in the ACT. A strong understanding of the relationship between rights and legislative purpose was desirable.

#### **Question 3 – 40 marks**

This question was a statutory interpretation problem which allowed students to demonstrate how they could apply the theory of statutory interpretation to three different sets of facts.

#### **Characteristics of poor or average responses**

Poor or average responses to the examination paper were characterised by a reproduction of material instead of thinking about the issues raised by the question. These papers often had lengthy answers, but did not demonstrate mastery of the material they were effectively transcribing into the examination booklet. Poor and average students demonstrated they had good notes, but not that they had thought carefully about the material in the course.

#### **Characteristics of very good or excellent responses**

Very good or excellent responses to the examination paper thought about the questions which had been asked and responded to the actual question, not the general topic area raised by the question. Excellent responses also answered the entirety of the question and knew the material well enough to identify all the issues which needed to be raised.

For example, in 2A, excellent students understood that for the note to be used in the interpretation of other legislation there needed to be some connection between all the

legislation, and parliament needed to have demonstrated in some way that the several acts should be read together. They then discussed the doctrine of in pari materia and considered cases such as Lloyd's Underwriters. Poorer students did not even identify this as an issue.

In question 3, stronger students understood how purpose is used in statutory interpretation well enough to identify that Margot could not access any relief under the Act being discussed. Poorer students tried to construct a statutory remedy out of purpose, where none existed. This demonstrated a lack of understanding of statutory purpose.

### **Common mistakes**

The most common mistake made by students was to approach the material superficially. There were too many papers where there was little evidence of thought about the issues raised by a number of the cases. This was particularly evident in answers to question 1.

### **Areas for improvement**

The biggest area for improvement in the students' legal knowledge tested by the examination paper is demonstration of deep reading and consideration of the issues. Statutory interpretation cases raise at times deep and complex issues, but a number of students appeared to be unaware of these issues, or to have only considered them at the most superficial level. This led to often formulaic answers, especially evident in question 3. Statutory interpretation requires the application of understanding of the law to differing fact situations – not running through the same checklist, without considering whether all those issues on the list needed to be checked on this particular set of facts.