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Introduction

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*Statutory construction is not a mechanical task. Where a court's jurisdiction is invoked, it requires judicial analysis and assessment of many factors.**

These essays have been developed from a research project at the Australian National University Faculty of Law. The purpose of the project and the rationale for the resulting book were to consider the fundamental importance of statutes and their interpretation across various fields of regulation. We were particularly interested in exploring the problems which arise from the frequent disjunction between regulatory design and subsequent statutory interpretation. These issues are of critical importance to all decision-makers and legal practitioners who must struggle at first instance with questions of interpretation and context.

Statutes now dominate the practice of law. They touch the lives of all Australians. Yet there has been no systematic comparative analysis of Australian statutes and their interpretation. This book is meant to begin filling that gap. In the past, scholarly work in Australia has focused on analysis of judicial decisions without comparing the theoretical bases of different Australian statutes and without considering legislative policy and regulatory intent as important denominators of theories of statutory interpretation. This is at odds with the needs of practising lawyers and judges. It is also at odds with a wide-ranging international debate about interpretative theory and the law. It cannot be explained by saying that we do not have the same interpretive problems. A survey of recent judgments of the High Court, such as the one quoted above, will confirm that we do, and that these interpretive problems cut deep into our understanding of core values such as representative government and civil rights.

* *Attorney-General (WA) v Marquet* (2003) 202 ALR 233, 268 (Kirby J).

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