

Book review:

Public law and statutory interpretation – principles and practice

The Federation Press

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“But why?” That simple question must sent shivers up the spines of parents and teachers around the world. Curious minds always want to know the reasons why rules have been set or decisions have been made.

In a simple and effective style, the authors of this book review the concepts and principles that have shaped the Australian legal system and every branch of government. They then look at how legislation is currently interpreted by the courts in light of these concepts and principles. It is a fantastic way to teach aspiring lawyers the reasoning behind statutory interpretation rather than simply diving headfirst into such a complicated area of law without understanding the workings of government in modern Australia and the role the courts play in that system.

The book does a great job in explaining the foundational concepts of public law with ease. For example,

the principle of parliamentary sovereignty is explained by examining its importance given British history. There is also a good explanation of democracy and the role of Parliament. These principles are then revisited several times to explain principles of statutory interpretation, for example, why the court’s role is to interpret legislation rather than decide what the law should be.

Modern cases are used to assist in teaching the next generation of lawyers how to interpret legislation. It examines modern case law interpreting matters such as whether Uber drivers are supplying ‘taxi services’ and therefore required to register for GST regardless of their annual turnover. There are also brief discussions of two ‘hot topics’ being the detention of asylum seekers and human rights.

The book is perfect for university students early in their studies or junior practitioners who want to

make sure they understand the fundamental principles of public law and how it relates to statutory interpretation. I wish I had this book at the beginning of my studies.

However, the book provides little for experienced practitioners. The chapters on statutory interpretation are unfortunately brief and very basic. A couple of extra chapters would be beneficial to better flesh out how the court approaches statutory interpretation. Also, the discussion/reflective questions do not appear to add much value to the book and disrupt the flow at times. Perhaps lecturers could use some of these discussion questions for tutorials.

Nevertheless, the book is highly recommended for students and new practitioners to establish a solid understanding of the modern workings of government and the courts and how these principles inform statutory interpretation.

