



STUDYDADDY

**Get Homework Help
From Expert Tutor**

Get Help

LAWS104 Foundations of Law and Legal Research
Assessment Task 3: Interpretation of Legislation Exercise

Due date:	Friday 21 May 2021 by 5pm
Length and/or format:	1,000 words (+10% leeway), excluding footnotes and bibliography
Purpose:	To assess your understanding of the fundamental principles of statutory interpretation and your awareness of the requirements of professional legal writing
How to submit:	Online submission via Turnitin
Return of assignment:	Feedback will be provided via turnitin on publication of final results
Assessment criteria:	See rubric in Unit Outline

Problem

Section 3 of the *Litter Prevention Act 1992* provides:

Any person who throws down, drops or otherwise deposits and leaves any litter in or on any public place shall be guilty of an offence.

Section 4 of the Act provides:

For the purpose of this Act, litter means bottle, tin, carton, package, paper, glass, food or other refuse or rubbish.

Kim drained oil onto the ground from the sump of his car that was parked on the road adjacent to his private residence.

Applicable case law

In *Melbourne City Council v Bradley* the Magistrates Court considered that paint left in covered plastic receptacles outside a city office building came within the meaning of litter in s 4 of the *Litter Prevention Act 1992*.

Legislative history

In her second reading speech on the introduction of the Bill to the House, the relevant minister stated that the purpose of the legislation was to stop people from leaving litter in public places.

Assume that the *Litter Prevention Act 1992* is an enactment of the legislature in the state of your residence. Therefore, for students at the Melbourne campus the *Litter Prevention Act 1992* is an Act of the Victorian Parliament, whereas it is an Act of the New South Wales Parliament

if you are based in North Sydney or Blacktown and an Act of the Queensland Parliament if you are in Brisbane.

All facts, legislation and cases referred to in this scenario are fictitious.

Advise Kim whether he is in breach of the *Litter Prevention Act 1992*, having regard to the applicable rules, principles, maxims and presumptions of statutory interpretation.

Use the IRAC legal problem-solving model to structure your answer.

Notes

Your answer should consider the rules and principles of statutory interpretation and in particular the specific rules and principles of statutory interpretation relevant to this matter. It should consider the relevance of *text, context and purpose* in construing a statute. Your conclusion should state the likely outcome of this matter.

Please refer to *relevant* interpretation legislation and case law (including the leading cases that establish or employ the rules/principles of statutory interpretation) in your answer. In addition to referring to decided cases that establish or apply the rules of statutory interpretation, you should consider how the fictitious case of *Melbourne City Council v Bradley* and the legislative history of the *Litter Prevention Act 1992* may assist a court in interpreting the legislation. You should indicate how a court might determine the appropriate meaning of ambiguous words in the statute.

You should carefully consider Assessment Rubric 3 before completing your assignment.

Note that your marker will not be concerned exclusively with whether you have the right or wrong answer. They may be more concerned with the reasoning you follow in reaching your conclusion.



STUDYDADDY

**Get Homework Help
From Expert Tutor**

Get Help