January 1985). Another letter responding to the editorial was not pleased with either the alleged judicial legislation nor the result of the case. '... the electorate wants libertarian law reform in favour of burglars like it wants a hole in the head'. (B Osborne, *Canberra Times*, 23 January 1985) The Australian Law Reform Commission has been asked to enquire into the law of occupiers' liability in the Australian Capital Territory. Work is in its early stages.

plain english

> Mr Peacock: In answer to a question, he [Mr Hawke] said:
> What I'm saying is that if certain things weren't done if certain protective measures weren't able to be taken and you were confident they could be taken if you couldn't take those if you weren't certain about them then there could be a price and so we want to expose to the community that it would be ideal in our belief to get to that position but we want to expose to them the sorts of things that we think would need to be done in terms of protecting those who would otherwise be hurt and its going to be a a question for judgment by us and by the community as to whether we can all be sure that those protective mechanisms can be put in place.'
> ... I ask the Prime Minister, will he explain to the House whether this is his preferred position on taxation?
>
> Question Time, House of Representatives, 16 May 1985

short Acts, bad jokes. Brevity may be the soul of wit, but it was clear that wit was in short supply when the Victorian Government recently announced a government drive for 'plain English' statutory drafting. The Victorian Attorney-General, Mr Jim Kennan, announced on 3April that the language and structure of Victorian legislation would be radically simplified. He said:

> The format will be Kennanized. As the name implies, the changes mean the legislation will be easy to understand, free of pomposity and verbiage, lean and hungry in approach and full of informed commonsense.

Referring to the well-known Flesch reading ease test, Mr Kennan said, 'Unfortunately, it is my view that Flesch fails his own test. Why spell it with a "c". I therefore propose early legislation to rename him "Flesh"'.

changes. The changes to be introduced include:

- no long titles on Bills and no short title clause;
- the title will simply be written at the top of the Bill;
- the first clause of each Bill will usually be a short statement of the purpose of the Bill;
- repetitions of superfluous phrases such as 'subject to this Act' will be removed.

All draft legislation is apparently to be submitted to the Flesch reading ease test by Parliamentary Counsel. Mr Kennan said:

> What needs to happen now is to have a process whereby Parliamentary Counsel draft bills and legislation officers draft subordinate legislation from the outset in plain English. This requires a radical departure from tradition and a break with thinking of the past. It requires imagination, a spirit of adventure and a boldness not normally associated with the drafting of legislation.

Apparently the Coroners Act is being used as a suitable case for Kennanization.

praise for parlimentary counsel. However, the Attorney-General was full of praise for Parliamentary Counsel saying, 'I am confident ... that under the leadership of Chief Parliamentary Counsel (Ms Rowena Armstrong) we have cause for optimism in Victoria'.

nz efforts. Across the Tasman, similar moves are afoot. Speaking to the Hamilton Rotary Club on 13 May, the New Zealand Attorney-General Mr Geoffrey Palmer pointed out that language 'is a weapon of power' and that those who use that power:

> often demonstrate their unwillingness to share that power by using jargon, florid and meaningless phrases and long words and long sentences.

dull and void. Although he stressed that this was not a vice of lawyers alone, the particular example he used was this:

> I discharged John Doe, his heirs, executors and administrators, of any form and or manner of action or action, cause and causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills, specialities, covenants, controversies, agreement, promises, trespasses, damages, judgments, executions, claims, and demand whatsoever in law or equity, which against him I have had, now have, or which my heirs, executors or administrators, hereafter can, shall, or may have, for or by reason of any matter, cause, or think whatsoever, from the beginning of the world to the day or date to these presents ...

In a word, Mr Palmer said, Acts and legal documents drafted like this are dull. Referring to the newly established New Zealand Law Reform Commission, Mr Palmer pointed out that one of its important functions will be to reform the very language that lawyers use, and bring it up to date. The next step will doubtless be the Palmerisation of the New Zealand statute book.

bioethics

> But why do you want to keep the embryo below par?' asked an ingenious student. 'Ass!' said the Director, breaking a long silence. 'Hasn't it occurred to you that Epsilon embryo must have an Epsilon environment as well as an Epsilon hereditary ... In Epsilons ... we don't need human intelligence.
>
> Brave New World, Aldous Huxley

laboratory humans. A private members Bill was introduced into the Senate at the beginning of May to ban experimentation on human embryos created by in vitro fertilisation procedures. Introducing the Bill, Senator Brian Harradine (Ind, Tas) said that the Bill was designed to prevent the creation of a race of laboratory humans, second class and disposable, that would be used only for the purpose of research. The Bill has been carefully drawn to prevent the carrying out of experiments on human embryos created by IVF, but to allow IVF procedures designed to provide a child for an infertile couple to proceed unhindered. Specifically, it does not prevent anything done in an IVF program that is for the benefit of the embryo. The Bill not only makes it a criminal offence to experiment on an IVF created embryo but ensures that Commonwealth funding of medical research, universities and the like will not be used for these kinds of experiments.

adverse reaction. Perhaps surprisingly, IVF teams have come out strongly against the Bill in view of the frequent calls that have been made for community input into and direction of IVF programs (see [1985] *Reform* 62). Commenting on the Bill, Dr Ian Johnson of the Royal Women's Hospital Melbourne, and Professor Warren Jones, Professor of Obstetrics and Gynaecology at Flinders Medical Centre, on behalf of the Royal Australian College of Obstetricians and Gynaecologists, said on 9 May:

> ... what we at the College object to in Senator Harradine's Bill is that it effectively halts IVF in Australia and also imposes heavy fines and gaol sentences on doctors who proceed. This approach is complete retrogressive and should be regarded as unacceptable by all Australians.

The next day, however, Dr Johnson, appearing on the Derryn Hinch show on Melbourne's 3AW radio station, agreed that under the Bill IVF procedures would not be halted but would have a lower success rate than they presently enjoy. This is because the Bill would impose restrictions on creating so-called surplus embryos.

informed debate. The need for an informed debate of the issues was emphasised by other remarks made by Mr Hinch in the radio program referred to above. Noting that Senator Harradine is the father of 13 children (all by the previous marriages of himself and his wife), Mr Hinch said:

> ... how dare a man, any man with 13 children, try and deprive a couple who have none of having that child and that's what you are trying to do.

senate committee. The Senate Standing Committee for the Scrutiny of Bills also