

'Since the Commission may recommend laws requiring Government documents and agreements to be written in plain English, it should therefore look at current drafting styles, practices and procedures,' he said. There was no room for 'gobbledegook', professional jargon, 'officialese or legalese' in Government documents or legislation. 'No purpose is served by using English which obscures an otherwise simple idea,' he said.

'Complex legal ideas can be expressed plainly, so that all readers can grasp the meaning'.

'I accept that this requires a radical departure from tradition and a break with the thinking of the past. It requires imagination, a spirit of adventure and a boldness not normally associated with the practice of law or with the drafting of legislation or subordinate legislation.

'The recommendations of the Law Reform Commission on what steps need to be taken to adopt a plain English drafting style, should enable this Government to eventually write all its legislation and legal documents in plain English,' Mr Kennan said.

bioethics news

I have a holy horror of babies, to whatever nationality they may belong; but for general objectionableness I believe there are none to compare with the Australian baby. [...] There is no getting away from him, unless you shut yourself up altogether. He squalls at concerts; you have to hold him while his mother gets out of the omnibus, and to kiss him if you are visiting her house.

Richard Twopeny, *Town Life in Australia*, 1863

complaints about embryos. The last issue of *Reform* reported on the Human Embryo Experimentation Bill 1985 introduced into the Australian Senate by Senator Brian Harradine (Indep, Tas) earlier this year. Dr Ian Johnston, a member of the Royal Women's Hospital Reproductive Biology Unit team, has written to *Reform* about that story.

His letter says:

In the course of your comments you talk about my interview with Derryn Hinch and state that I agreed that under the Bill, IVF procedures would not be halted but would have a lower success rate than it presently enjoys. This is a totally inaccurate quote and totally opposite to what I said. In fact, all the IVF Centres in Australia have unanimously agreed that if this Bill became law then they would all stop doing IVF forthwith.

The *Reform* piece was based on an extract from a transcript of the particular Derryn Hinch show:

SENATOR HARRADINE: ... I am being accused in this Bill, people are stating that no IVF can take place. What I am saying and this is backed up by the most expert legislative advice, is that it can take place.

DR JOHNSTON: Yes, but it can take place with an extraordinarily low success rate. What the patients want is a successful program. It's an extremely tense program for them and they want us to maximise their success.

SENATOR HARRADINE: ... Now Dr Johnston is coming back to saying 'Oh yes, you may be right, yes, that is right, you can have an IVF program.' Now why then did you say yesterday that you couldn't have and why did you say just this morning that you couldn't have an IVF program.

However Dr Johnston also referred in that interview to receiving 'a high powered legal opinion that IVF could not be practised as this Bill is written' and accused Senator Harradine of having 'outlawed the procedure in this Bill of IVF.' Senator Harradine then suggested that Dr Johnston had admitted IVF would not be made unachievable, only retarded. Dr Johnston replied:

No it would not. We have had a phone consultation with every IVF team in Australia and it is universally agreed that if your Bill got through Parliament the day it was proclaimed every IVF unit in Australia would stop work immediately. We would be forced to stop work.

Dr Johnston also commented that the words of the provision in the Bill which would permit experimentation 'if it is undertaken primarily for the benefit of the embryo' are 'so grey and so muddled that it would take a year

of argument in the Supreme Court to work out what they mean'. (For Senator Harradine's explanation of these words, see [1985] *Reform* 113).

In a recent Senate submission Dr Johnston and his colleagues have pointed out that none of the IVF teams object to supervision and that they are as aware as anybody else of the ethical problems that surround human experimentation. Dr Johnston says that he believes Senator Harradine's Bill is an inappropriate way to achieve this end and has suggested that the National Health and Medical Research Council, through its Ethics Committee, should be given appropriate powers to control and supervise this area of human endeavour.

IVF teams Meanwhile, some support for the Harradine measure has come from within the ranks of IVF practitioners themselves. The Brisbane *Sunday Mail* (14 July 1985) reported that the Head of the Queensland Fertility Group, Dr John Hennessey had said that should Senator Harradine's Bill succeed, it would not spell the end of the Queensland IVF programme

We would be able to keep going provided that other aspects of the programme were not questioned.

The Queensland Fertility Group has recently begun embryo freezing techniques which in some circumstances might have to be curtailed under the Bill.

family law council report. The latest in a long line of reports concerning reproductive technology is a report by the Family Law Council of Australia '*Creating Children: A Uniform Approach to the Law and Practice of Reproductive Technology in Australia*' issued in July 1985. The report was based on the report of a Committee established by the Council to consider issues relating to artificial insemination by donor, in vitro fertilisation, embryo transfer and other matters. The Committee, headed by Mr Justice Asche, included

social workers, court counsellors and experts on ethics and reproductive technology procedures.

The report contained eleven major conclusions and 31 recommendations. It covers the full range of issues arising out of the new reproductive technologies techniques from the medical and ethical concerns to the need to develop a national approach to issues arising out of this new technology. The major conclusions the Council reached include:

- reproductive technology differs fundamentally from other recent developments in science in that it enables the creation of new life;
- recognition that questions raised by reproductive technology are not exclusively or even primarily medical or scientific. Rather they raise fundamental social, moral, legal and ethical issues which involve the whole community;
- the welfare and interest of the child born of reproductive technology techniques must be the paramount consideration;
- surrogacy arrangements should be prohibited;
- experimentation on human embryos should be prohibited.

The major institutional recommendations of the report was that a National Council on Reproductive Technology be established by the Commonwealth Government in consultation with State and Territory Governments. This would facilitate a national approach to the issues arising out of reproductive technology. The Report's recommendations suggest that matters such as the most appropriate and effective means to control and regulate reproductive technology in a uniform fashion throughout Australia, establishment of guidelines to cover donor gametes programs, the allocation of health care resources and funding to reproductive technology research programmes, counselling services, means of providing children with information on their

genealogical origins, the issue of registration of birth of children and continuing the review of State and Territory status of children legislation be considered by the proposed national council.

Other recommendations stress the principle of the paramouncy of the welfare interests of the child born of reproduction technology and deal with the child's 'right to know' his her genealogical origins.

The report strongly recommends that surrogacy arrangements be seen to be contrary to the welfare interests of the child and that commercial surrogacy services be prohibited. This recommendation is accompanied by a recommendation for complete uniformity of law on this matter.

Finally, the report recommends that the production of human embryos for the sole purpose of research and experimentation be prohibited and that the use of 'spare' human embryos for research and experimentation also be prohibited, and that the proposed national council on reproductive technology have continuing oversight of the issues of the commercial exploitation of reproductive technology.

identity cards

Australians have a characteristic talent for bureaucracy.

Jim Davidson, *Australian Democracy*

civil liberties. As part of its tax package the Federal Government has announced that it will introduce an identity card system. The announcement was made on 19 September 1985. The *Australian* (12 September 1985) carried a report that the Legal and Administrative Committee of the Federal Labor Caucus, while endorsing the proposed card, had strongly urged the Government to address the serious civil liberties considerations it raised. The report said that the purposes for which the card could be used would have to be restrained by legislation, so that the public could clearly see that uses made were lawful

and so that future governments could extend its use only after full parliamentary scrutiny and debate. The Committee also reportedly called for the immediate implementation of detailed privacy and access safeguards by the introduction of Privacy and Rights legislation during the current Parliamentary session. The Australian Law Reform Commission published a major report on privacy at the end of 1983 which contained recommendations for privacy legislation (see [1984] *Reform* 2)). The motion passed by the Labor Caucus Committee reportedly called for further consideration to be given to the establishment of a privacy and data protection structure to provide effective, continuing monitoring of the operation of the card and the company identification system, and all other existing or proposed data bases. That would presumably be as recommended by the Law Reform Commission in its 1983 report.

internal passport. In the *Sydney Morning Herald* on the same day as the *Australian's* report about the Caucus committee, it was reported that the Australian Federal Police and the Department of the Special Minister of State had warned that they could not enforce regulations against people or organisations using the ID cards outside the rules set down in legislation. The police and the Department reportedly urged the Government not to include offence provisions for non-proscribed uses of the card: 'It should be noted that any offences attracted by non-proscribed uses would largely be unenforceable' the submission is quoted as saying. 'The Department and the AFP therefore urge that offence provisions should not be created for non-proscribed uses ...'. The *Herald* report said that the advice meant 'that the Government's ID card legislation could fail to prevent the card developing into an internal passport, with everyone from publicans to police demanding that it be produced in a variety of situations.' The article said that this contrasted with the report of the Inter-departmental Committee which recommended an ID card system. The IDC report