> days and the Hundred Years War went on far too long. In this respect it was very like Rutland Weekend Television.
>
> 'A History of Rutland Weekend Television from 1300' in Eric Idle, *The Rutland Dirty Weekend Book*

20% limit. The federal government has decided the rules for foreign ownership of commercial television and radio stations (*Age* 23 May 1990). Individual investors will not be permitted to exceed the present 15% ownership limit either directly or indirectly and aggregate foreign ownership will be limited to 20%, as will the number of foreign directors in a broadcasting licensee company. Licensees will have twelve months to replace foreign directors in excess of the limit. Licensees exceeding the new limit on aggregate foreign ownership will be allowed three years to find alternative shareholders for the shares above the limit.

effect on industry. The three year period allowed for companies to comply with the limitations takes account of the Ten Network which is 44.1% foreign-owned. Its overseas investors are Lord Rothermere's Daily Mail and General Trust Group plc, Thames Television plc, Bankers Trust (a United States controlled superannuation fund manager), News Investments (Australia) Pty Ltd (part of Mr Rupert Murdoch's News Corp Ltd) and Bowyang Nominees Pty Ltd. The reinforcement of the 20% limit permitted Mr Kerry Packer's Consolidated Press Holdings to regain control of the Nine Network by winning its takeover bid for Bond Media Ltd. Bond Media had been looking to foreign investors to restructure the company, but the 20% foreign shareholding limit made Mr Packer's offer the only realistic option.

the bond case. It was reported in a previous issue of *Reform* ([1990] *Reform* 15) that the Federal Court overturned a finding of the Australian Broadcasting Tribunal that licensee companies in which Mr Bond had an interest were not fit and proper persons to hold television licences. This decision has itself been overturned by the High Court. Mason CJ said that the Federal Court had misunderstood some critical comments made by the Tribunal. He said that the Tribunal was not proceeding on the footing that the character, reputation and performance of directors of the licensee companies other than Mr Bond and the history of compliance with the Broadcasting Act by the licensees and their directors were irrelevant as a matter of law to the issue of the licensees' fitness. Rather, because Mr Bond could control the composition of the boards of directors of the licensee companies and was a key executive in the corporate structure, his unfitness compelled the conclusion as a matter of fact that each of the licensees was unfit. The Chief Justice also thought that the Tribunal was justified in refusing to accept Mr Bond's undertakings to distance himself from the licensee companies and in refusing to deal with the situation by imposing conditions on the licences. In a joint judgment, Gaudron and Toohey JJ emphasized the importance of commercial broadcasting in the dissemination of information and ideas. They said that loss of community confidence that the licensee would not abuse its potential to influence the community was sufficient a ground to finding that the licensee is no longer a fit and proper person. Although the High Court's judgment in the Bond case was handed down after the sale of Channel 9 to Mr Packer's company, it is of considerable interest for the points of administrative law and, in particular, broadcasting law that it discusses. ■

understanding the law

> A great deal of the legislation that is now in force is barely comprehensible.
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> Law Reform Commission of Victoria, May 1990

The Law Reform Commission of Victoria has produced a report about making legislation easier to understand. Entitled *Access to the Law, the structure and format of drafting*

(VLRC 33), it identifies a number of defects in the traditional language and the structure of legislation and sets out a stategy for implementing the Victorian Government's plain English policy in legislation.

The report points out that Acts and Regulations create enforcable rights and duties and for this reason must be as accurate or precise as possible. However it states that legislation must also be intelligible to members of Parliament, and those to whom rights are given or on whom duties are imposed. It must also be intelligible to those who have to administer it and to lawyers and judges.

computerised tests. The VLRC tested various passages from three Acts: the Credit Act 1984; the Infertility (Medical Procedures) Act 1984; and the Equal Opportunity Act 1984. They used a computerised testing program, Right Writer, which scores a passage by reference to the number of years of formal education that a person would need in order to understand it. Its normal scale ends at 16 years. Passages from these three Acts scored between 22 and 26 years of formal education. That is the equivalent of 10—14 years of University education. As the VLRC points out, few people would be able to understand the Acts completely.

Among other things the report recommends is that those who draft laws should undergo more training. It recommends formal training courses in:

- linguistics and communication
- the process of policy development and the relationship between instructions and drafting
- the development of legislative drafting and alternative drafting styles
- the principles and rules affecting legislative interpretation.

In 1985 the VLRC was asked by the Victorian Attorney-General to examine the language used in legislation, legal documents and government forms. An article on the VLRC's report Plain English and the Law appeared in the October 1987 issue of Reform. That report showed how plain English can be used in laws and government forms. The report was well received and has been reprinted.

user-friendly laws. VLRC 33 *Access to the Law: The Structure and Format of Legislation* recommends a new structure and format for statutes which will make them more user-friendly. It proposes:

- boxed explanations to help the reader to understand the provisions
- a modified decimal numbering system to allow room for amendments, make finding sections easier, and assist computer access
- a new drafting style which separates out the main principle from the maze of less important details (This difference is highlighed by using different typefaces)
- running heads to help the reader find the relevant part more easily
- marking defined terms with a symbol and italicising the term on its first use to alert the reader to its special meaning. Listing these terms at the end of the Bill is also advocated
- placing definitions near the first use of the word being defined.

The report also provides historical evidence to show that the idea of placing explanations and examples within the body of legislation is not new. An Appendix to the report describes how some great lawyers in the 19th century pressed for these changes. The Victorian report follows this tradition. New South Wales Parliamentary Counsel, Mr Dennis Murphy, is already taking the first steps in using examples to show how legislation is intended to work. ■

the costs of justice

> Justice is open to everybody in the same way as the Ritz Hotel.
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> *Observer*, 1928