

# Commonwealth Association of Legislative Counsel: an annotated catalogue of publications



**Nick Horn and Lauren Brennan<sup>1</sup>**

## **The duty of CALC members**

‘Every member who refuses or fails to provide any news, paper, article or other information, related to legislative drafting, for publication in *The Loophole* is guilty of an offence and is liable to live with a guilty conscience.

This section has been added to emphasise the importance for the future of the Association and its healthy development that all members make a special effort to send material and news of general interest to the drafting community.’<sup>2</sup>

## **All we like sheep**

‘My more rural colleagues constantly tell me how valuable sheep are, and we have 60 million of those. By way of contrast, we have 8 Parliamentary Counsel. But they are the greater producers. I suspect that between them their output on average would fill half a woolsack or so every 2 sessions.’<sup>3</sup>

## **The spiritual dimension**

‘I have more insight than all my teachers, for I meditate on your statutes.

Your statutes are my heritage forever; they are the joy of my heart.’<sup>4</sup>

## **Introduction**

This project celebrates the rich resource of writings on legislative drafting and related subjects generated by the Commonwealth Association of Legislative Counsel (CALC) since it was founded in 1983.

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<sup>1</sup> Nick Horn and Lauren Brennan are legislative drafters with the Australian Office of Parliamentary Counsel. They are grateful for the support of their Office to undertake this project, but the views expressed are their own and they take personal responsibility for any errors.

<sup>2</sup> Commonwealth Association of Legislative Counsel, ‘Minutes of general meeting held 10 September 1986, Americana Hotel, Ocho Rios, Jamaica’, *The Loophole*, Sept. 1987 (2.1), p 27.

<sup>3</sup> Lange, D, ‘Speech Notes, Rt. Hon. David Lange CH, Attorney-General’, *The Loophole*, Nov. 1990 (3.1), p 3 (CALC general meeting, Monday 16 April 1990, Waitemata Ballroom, Sheraton Hotel, Auckland, New Zealand).

<sup>4</sup> ‘The Book of Psalms’, 119:99; 119:111, *The Bible*, New International Version, qtd Lange, op cit, p 4.

Over the years, a significant amount of this literature has been generated, in one way or another, by CALC's current Secretary, Duncan Berry, and any celebration of such a resource is inevitably a tribute to his extensive contribution. Duncan contributed two articles to the first edition of *The Loophole* (the first two of 19 that are catalogued under his name; doubtless there are more unattributed contributions to the journal under his editorship) and he has made numerous attributed and unattributed contributions to *The Newsletter*. Evidence of his range and industry as an author is that of all the categories of contributions surveyed (14), he fails to appear in only two. Certainly he has contributed more than any other single author.

But Duncan Berry's contribution is most significant as editor of both publications. In December 1997, he edited his first edition of *The Loophole*, and between June 2000 and the most recent edition in August 2010, he has directly edited all but two editions of *The Loophole*, and all editions of the *Newsletter*.<sup>5</sup> It seems fitting to honour his 75th birthday with a record of these achievements.

This article is in 2 parts: some general remarks, followed by an annotated catalogue of the CALC publications organised by subject. In these general remarks, we offer a brief publication history of the CALC *Newsletter* and *The Loophole*, an explanation of the organisation of the catalogue and a brief overview.

## **A publication history of the CALC *Newsletter* and *The Loophole*<sup>6</sup>**

### **The CALC *Newsletter*—first incarnation**

The first official CALC publication was its *Newsletter* for members. *Newsletter* No. 1 was published in November 1983, and reported the founding of the Association, at a meeting on 21 September 1983 on the sidelines of the 7th Commonwealth Law Conference in Hong Kong. Setting the trend for later CALC publications, this contained thoughtful articles on the training of legislative drafters (a summary of a paper by Mr G Nazareth, Hong Kong Law Draftsman) and on the essential elements of an effective drafting service (a summary of a paper by Mr J Q Ewens, former First Parliamentary Counsel, Australia). It was also the vehicle for the minutes of that inaugural meeting (an aspect of the *Newsletters* that is not catalogued—see 'Method of selection' below).

That first *Newsletter* was followed by a run of 11 further issues (from No. 2 to a double-dose of No. 11s in May and July, 1986). They are a mix of discussions of serious drafting matters with notices of forthcoming CALC meetings (and other relevant events), internal business such as news about members, notices and minutes of meetings and exhortations for members to purchase CALC '*Loophole*' neckwear.

### **The *Loophole***

In September 1987, the *Newsletter* was given a name—*The Loophole*—and from that point took itself a little more seriously (justifiably, based on its contents); it also became more conscious of its appearance, with the first of a series of 5 distinctive designs appearing on its front page. The first edition was cryptically numbered 'volume 2, issue 1' (there is no volume 1),<sup>7</sup> with issues 2-6 of volume 2 following between February 1988 and

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<sup>5</sup> That is, 11 *Loopholes* and 10 *Newsletters*. *The Loophole* of Oct. 2007 (2007.3) was edited by Janet Erasmus, and in Jan. 2010 (2010.1) the journal had a guest editor, John Mark Keyes (with Duncan Berry credited as editor-in-chief).

<sup>6</sup> All publications reviewed are listed at the front of the catalogue. Their full text is publically available, at no cost, on the CALC website, at <http://www.opc.gov.au/calc/index.htm> (accessed 8 November 2010). Incidentally, the Articles and Papers also listed on the site were all first published in *The Loophole* or the *Newsletter*.

<sup>7</sup> It appears odd to label the first of a series of publications 'volume 2'. One possible explanation is that the first *Loophole* appeared (in September 1987) after the *second* CALC meeting (1986, Ocho Rios, Jamaica), and so all issues were labelled 'volume 2' until the *third* CALC meeting (1990, Auckland, New Zealand). After the third meeting, all issues were labelled 'volume 3' until the *fourth* CALC meeting (1993, Nicosia, Cyprus), after which the volume-issue numbering system was abandoned.

March 1990. Volume 3 followed with issues 1, 2 and 4 between November 1990 and February 1993.<sup>8</sup> After this, volume numbering was abandoned. All editions of *The Loophole* have been identified by month and year (even those first 3 ‘volumes’), and since December 2001, also by issue numbers within a particular year.

In June 2000, *The Loophole* began to style itself as ‘Journal of the Commonwealth Association of Legislative Counsel’, two years before the re-launching of the *Newsletter* in August 2002. The last *Loophole* to describe itself as a *newsletter* was the edition of June 1999.

### **The CALC Newsletter reincarnated**

With *The Loophole* firmly established as a respectable professional journal 15 years since its first publication, the *Newsletter* was re-launched in August 2002 as a separate publication. This has appeared irregularly in the intervals between the publication of *The Loophole*. The two publications have kept pace with each other, with 11 *Loopholes* and 10 *Newsletters* being published in the 10 years until August 2010.

The *Newsletter* of both periods contains news of forthcoming meetings and conferences and internal business and, in addition, includes substantial material in the form of case notes and commentaries (editorial and otherwise), summaries or republications of articles of interest from newspapers, journals and the internet, book reviews and notices about CALC members. A survey of this literature made it apparent that there is a significant amount of material of lasting value in all the *Newsletters* that should be made more accessible by recording in the catalogue.

### **Organisation of the catalogue**

Some general comments are offered here on the organising principles used for this project. For more detailed comments on methodology, see the notes which preface the catalogue.

### **Method of selection**

All issues of each publication were reviewed.<sup>9</sup> An item was selected for the catalogue if it was considered to constitute a discussion or news relating to drafting matters of more than ephemeral significance. Evidently, this has been a subjective process, but we have erred on the side of inclusion rather than exclusion in an effort to compensate for our individual prejudices.

A lot of quite short items in the *Newsletter* have been selected for their inherent interest. All items (however brief) relating to drafter honours, appointments, resignations, retirements and deaths are recorded under 4.1 (personalia) in the belief that this material is of particular interest to drafters and those interested in the history of Commonwealth drafting. Book reviews are listed, and notices of forthcoming books and other publications are also listed, whether or not there is any substantive material relating to their contents.

Systematically excluded from the catalogue are items relating purely to the internal life of CALC: minutes of general meetings; lists of members; notices of forthcoming meetings and conferences; items relating to drafting vacancies (or availability); advertisements for ties and scarves. However, summary reports (after the event) of CALC meetings and of other conferences of interest to drafters are recorded under 4.2 (conference reports).

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<sup>8</sup> We could not locate any edition numbered volume 3, issue 3 (between Aug. 1991 (3.2) and Feb. 1993 (3.4)).

<sup>9</sup> Except the missing issue of *The Loophole* (volume 3, issue 3), if it exists.

## Method of categorisation

The choice of subject matter categories is also inherently subjective, and is not based on any objective bibliographical system. It has been informed by the process of reviewing the material in the publications, and the list we started with was considerably modified by the end of the process.

The categories fall into three broad families: Principle (legal principle); Process (drafting process); and Product (legislation). Inevitably, a fourth family, the familiar Miscellaneous, is also required. In summary, here are the categories:

1. Principle
  - 1.1 Parliament, subordinate legislation and the rule of law
  - 1.2 Parliamentary counsel's role
2. Process
  - 2.1 Drafting offices and drafting process
  - 2.2 Information technology
  - 2.3 Multilingual drafting
  - 2.4 Drafter training
3. Product
  - 3.1 Drafting technique and theory
  - 3.2 Legislation case studies
  - 3.3 Plain language
  - 3.4 Statute book
  - 3.5 Statutory interpretation
4. Miscellaneous
  - 4.1 Personalia
  - 4.2 Conference reports
  - 4.3 Book reviews and publication notices

Some notes on the contents of each category are included below, with indications of subcategory relationships (for example, 3.2 (legislation case studies) and 3.3 (plain language) are subcategories of 3.1 (drafting technique and theory)) and other categorical cross-references showing family resemblances. Specific items are not cross-referenced here or in the catalogue.

### 1. Principle

#### 1.1 Parliament, subordinate legislation and the rule of law.

The interaction between legislative drafting and the parliamentary process (for example, the impact of parliamentary scrutiny committee activity on drafting). Includes treatments of parliamentary process in particular jurisdictions.

Concerns about the increasing volume and significance of subordinate legislation and its impact on the rule of law (for example, the use of Henry VIII clauses and 'framework' primary legislation).

Subcategory: 1.2 (parliamentary counsel's role).

See also 2.1 (drafting process), for the relationship between policy and drafting, and the drafter's role.

For the relationship between the rule of law and access to law, see 3.3 (plain language) and 3.4 (statute book).

#### 1.2 Parliamentary counsel's role.

The role played by the drafter in the legislative process (for example, the extent to which counsel contribute to the development of policy).

The drafter's role in a democratic society, as an upholder of the rule of law.

## **2. Process**

### **2.1 Drafting offices and drafting process**

Discussions of the organisation and practices of drafting offices in Commonwealth (and some other) jurisdictions.

Includes accounts of how particular drafting offices function, general issues such as quality control, costing of drafting services (including contracting out), and particular issues such as the working relationships between drafters and instructors.

Includes papers relating to CALC itself (see Berry, D (Jan 2009) and Engle, G (Sept. 1987)).

Subcategories: 2.2 (information technology), 2.3 (multilingual drafting) and 2.4 (training).

### **2.2 Information technology and drafting**

The use of innovations in information technology to assist the drafting process.

See also 3.4 (statute book) for electronic consolidations and republications.

### **2.3 Multilingual drafting**

Drafting for jurisdictions which give official status to legislation in more than one language (such as Hong Kong and Canada).

### **2.4 Drafter training**

Includes items dealing with education and training on legislation generally (see Burrows, J (Aug. 2010) and 'Ugandan MPs' (Mar. 2003)).

## **3. Product**

### **3.1 Drafting technique and theory**

Discussions of particular drafting techniques (for example, incorporation of treaties into domestic law) as well as theoretical considerations (for example, drafting and linguistics).

Subcategories: 3.2 (legislation case studies) and 3.3 (plain language).

### **3.2 Legislation case studies**

Discussions of particular drafting projects (for example, tax law redrafting projects).

See also 2.1 (drafting offices and drafting process)—discussions of drafting process in particular jurisdictions.

### **3.3 Plain language**

Discussions about clarity and precision in legislative drafting. Includes discussion of the general topic of plain language as well as particular plain language style drafting techniques and accounts of reader testing.

See also 1.1 (parliament etc.) and 3.4 (statute book), particularly for access to law.

### **3.4 Statute book**

Maintenance of, and access to, the statute book.

Particularly concerns the publication of legislation and the consolidation and republication of up-to-date laws.

See also 2.1 (drafting process) and 3.3 (plain language).

### **3.5 Statutory interpretation**

Consideration of particular issues of interpretation, including notes on significant cases, as well as general discussions about interpretation and drafting.

See also 3.3 (plain language and access to law).

## **4. Miscellaneous**

### **4.1 Personalalia**

Notices of honours, appointments, resignations, retirements and deaths of prominent or long-serving drafters and others associated with the profession.

### **4.2 Conference reports**

Reports from CALC conferences and some other conferences of interest to drafters.

### **4.3 Book reviews and notices**

Book reviews, and notices of publication, of drafting literature.

## **Overview**

This project is undertaken for a practical purpose: it aims to make a significant resource more accessible to the international drafting community, and perhaps others with a broad interest in government and the law.

However, some conclusions may be drawn from an overview of the catalogue, regarding an overall preference for the pragmatic and, on the topic of plain language, the range of views and their pragmatic focus.

### **A preference for the pragmatic**

The number of records in each category (apart from category 4, miscellaneous) is as follows:

- Drafting offices and drafting practices (2.1)—37 records;
- Plain language (3.3)—33 records;
- Statute book (3.4)—26 records;
- Parliament, subordinate legislation and the rule of law (1.1)—22 records;
- Statutory interpretation (3.5)—18 records;
- Drafting technique and theory (3.1)—16 records;
- Information technology and drafting—15 records;
- Drafter training—11 records;
- Parliamentary counsel's role and legislation case studies—10 records each;
- Multilingual drafting—9 records each.

What does this tell us? Let us assume that the number of records bears some relationship to levels of interest in each topic in the Commonwealth drafting community. We can also draw a distinction between topics that

may be broadly described as pragmatic (practical or process-oriented), on the one hand, and principled (or strictly legal) concerns on the other. On that basis, although there seems to be a reasonable level of interest among the drafting community on each side, there is a clear preference for pragmatic over more principled or strictly legal concerns:

- *Pragmatic concerns*: drafting offices (37), statute book (26), information technology (15), drafter training (11), multilingual drafting (9), legislation case studies (10)—total 108 records;
- *Principled or strictly legal concerns*: plain language (33); parliament etc. (22); statutory interpretation (18); parliamentary counsel's role (10)—total 83 records;
- *Mixed*: drafting technique and theory—16 records.

Even principled or strictly legal concerns for drafters, such as the topics concerned with plain language or statutory interpretation, are generally dealt with in a very pragmatic way, with particular drafting techniques or case analyses forming the nucleus of discussion. This reinforces the valuable role played by CALC and its publications as a clearing house for professional concerns, one of its primary functions. It also helps to distinguish the role played by the CALC publications and that played by academic journals; drafters are not concerned with, say, the rule of law as such, but how the application of the rule of law affects, or should affect, their drafting practice (and vice versa).

A dramatic illustration of this point was unearthed by the literature survey. This is the article by Neil Adsett, 'A Brisbane lawyer inside a coup d'état'.<sup>10</sup> Mr Adsett was drafting legislation in Fiji at the time of Colonel Rabuka's coup in 1987. He vividly describes how he sought to apply principles relating to the rule of law in order to do what he could, as a professional drafter, to assist in the maintenance of legitimate order in the wake of the breakdown of regular government administration and processes.

On the other hand, a fine example of the way in which pragmatic drafting concerns can lead to a valuable principled contribution of general application is in Fung, SYC and A Watson-Brown.<sup>11</sup> The authors describe how a specific research project concerning the translation of English statutes into Chinese required them first to develop a theoretical understanding of common law drafting in the English tradition. Their account of this, here and in more extended form elsewhere, is of great interest to drafters in that tradition.<sup>12</sup>

### Plain language

Over the period of the literature surveyed, the most prominent of issues in public discourse involving legislative drafting has been the plain language debate. As might be expected, this is also the topic that most attracts a variety of opinions in CALC discussion. Although there is little direct debate between contributors to the discussion, there is certainly a range of views, which can (very broadly speaking) be represented along the following spectrum):<sup>13</sup>

- *Cautious or defensive*: drafters set out the difficulties faced in achieving plain language in response to critics such as Robert Eagleson. For the first and liveliest example, see Geoff Kolts' engagement with the topic as it first rose to prominence in the mid-1980s.<sup>14</sup>

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<sup>10</sup> Mar. 1989 (1.2, role of parliamentary counsel); republished from *The Proctor*.

<sup>11</sup> Feb. 1996 (3.1, drafting technique and theory).

<sup>12</sup> See the authors' *The Template*, cited in the catalogue entry, and 'Traditional Drafting in Common Law Jurisdictions', *Statute Law Review* 16.3 (1995), p 167.

<sup>13</sup> See also Horn, N (Mar. 2005) (2.1, drafting offices and drafting process) on the uptake of plain language style in drafting offices in Australia, New Zealand and Ontario.

<sup>14</sup> Kolts, G & Ors (Feb. 1985) and 'Drafting laws in plain English—a current issue in Australia', *Newsletter*, Dec. 1985 (No. 8) [presumably written by Mr Kolts as editor of the *Newsletter*]. See also Berry, D (Sept. 1987), Nazareth, G (Sept.

- *Practical implementation*: the catalogue records three influential articles by Ian Turnbull arguing strongly for policy complexity as a significant barrier to achieving plainer laws, but considering in practical terms how to improve their clarity; see also Fredrick Ruhindi's interesting paper.<sup>15</sup>
- *General advocacy*: at this end of the spectrum are items enthusiastically advocating the use of plain language, as seen in contributions by Mark Adler, Robert Eagleson, Joseph Kimble and others.<sup>16</sup>

This breakdown of views is not intended to suggest any permanently fixed division of opinion; indeed, in the case of Duncan Berry, it illuminates an indicative move from initial caution to relatively vigorous adoption.<sup>17</sup> For the most part, the pragmatic bent of legislative drafters again is seen to advantage, with the preponderance of material listed being concerned with issues of practical implementation, the second of the groups listed here. However, the catalogue puts these practical considerations into perspective in indicating, on the one hand, some relatively cautious attitudes, and on the other hand, some more enthusiastic endorsement and advocacy of plain language.

## Conclusion

This overview is merely intended as an indication of some tentative (and doubtless disputable) conclusions that might be drawn from a review of the literature recorded in the catalogue. More importantly, it is hoped that the catalogue can help to publicise and make more easily available a range of important material on topics related to legislative drafting that has not previously been assembled in this way.

Over the years, Duncan Berry has been a champion for the cause of greater access to the law. In this special edition of *The Loophole* it seems appropriate to attempt, in a modest way, to honour him by providing greater access to the CALC archive.<sup>18</sup>

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1987), Kelly, M (Mar. 1989), Jenkins, C (Dec. 1997) and Hull, D (June 2000). All of these are recorded in 3.3 (plain language).

<sup>15</sup> Turnbull, I (Feb. 1986, Aug 1991 and July 1995) and Ruhindi, F (June 2009) (3.3, plain language). To these may be added articles on aspects of plain language style or technique, for example (from 3.2, plain language), Barnes, J (June 2004), O'Brien, P (Mar. 2005) and Piper, B (July 2007) on examples and notes, and (from 3.2, legislation case studies) Erasmus, J (June 1999), McAra, E (Mar. 1997) and Jones, K (Oct. 1998) on rewriting tax laws. See also Berry, D (Mar. 1997 and June 2000) (3.3, plain language) on evaluating audience responses to legislation.

<sup>16</sup> Adler, M (Aug 2008); Eagleson, R (in Kolts, G & Ors (Feb. 1985); also Oct. 1989 and Mar. 1989); Kimble, J (Dec. 1997) (3.3, plain language).

<sup>17</sup> Contrast Duncan Berry's paper of Sept. 1987 with his articles of Mar. 1997 and June 2000 mentioned at note 14.

<sup>18</sup> Catalogues such as this lose significance very quickly unless they are freely accessible and properly maintained. In an attempt to avoid this fate, the catalogue itself will be made available directly via the CALC website, and we undertake to ensure that it is updated with each further CALC publication. Should we fail in this endeavour, we shall doubtless be convicted of the offence mentioned in the first quotation at the head of this article, and punished with guilty consciences!



## Catalogue of CALC publications

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## CALC publications catalogued<sup>19</sup>

<i>The Loophole</i>	<i>Newsletter (first series)</i>
September 1987 (volume 2, issue 1)	November 1983, No. 1
February 1988 (volume 2, issue 2)	June 1984, No. 2
September 1988 (volume 2, issue 3)	November 1984, No. 3
March 1989 (volume 2, issue 4)	February 1985, No. 4
October 1989 (volume 2, issue 5)	June 1985, No. 5
March 1990 (volume 2, issue 6)	November 1985, No. 6
November 1990 (volume 3, issue 1)	November 1985, No. 7
August 1991 (volume 3, issue 2)	December 1985, No. 8
February 1993 (volume 3, issue 4)	February 1986, No. 9
July 1995	April 1986, No. 10
February 1996	May 1986, No. 11 [issue 1]
March 1997	July 1986, No. 11 [issue 2]
December 1997	
October 1998	<i>Newsletter (second series)</i>
June 1999	August 2002
June 2000	March 2003
December 2001 (2001, issue 1)	October 2003
June 2004 (2004, issue 1)	June 2005
March 2005 (2005, issue 1)	August 2006
March 2007 (2007, issue 1)	August 2007
July 2007 (2007, issue 2)	April 2008
October 2007 (2007, issue 3)	February 2009
August 2008 (2008, issue 1)	April 2009
January 2009 (2009, issue 1)	March 2010
June 2009 (2009, issue 2)	
October 2009 (2009, issue 3)	
January 2010 (2010, issue 1)	
August 2010 (2010, issue 2)	

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<sup>19</sup> Lists all publications reviewed for the catalogue; however, not all publications are represented by items in the catalogue.

## Notes on method

### Citation generally

For each record, an author is listed if possible. If no author is given, the listing is by title; unauthored records may be presumed to be editorial contributions (but if the editor is specifically named, the listing is by the editor's name). Australian Government recognised citation methods are the basis for the style used.<sup>20</sup> Where possible, citations of source material are given for republished articles (some of these are incomplete, however).<sup>21</sup>

*The Loophole* and the *Newsletter* are cited principally by month and year, as this element of their citation is common to all issues of both publications. Within each series of publications, however, some different citation conventions have been used at different times, as follows.

### Citation of The Loophole

- From 1987 until 1993, a month-year citation was coupled with a volume-number system. To reflect this, for example, the August 1991 issue, volume 3, issue 2, is cited in the catalogue as *The Loophole*, Aug. 1991 (3.2).
- From July 1995 until June 2000, only a month-year citation was used in the journal. To reflect this, for example, the July 1995 issue is cited in the catalogue as *The Loophole*, July 1995.
- From December 2001 until the present, a month-year citation has been used together with a year-issue citation indicating the issue number within the cited year. To reflect this, for example, the August 2010 issue, issue 2 of 2010, is cited in the catalogue as *The Loophole*, Aug. 2010 (2010.2).

### Citation of Newsletters

- From 1983 to 1986 (the first series of the *Newsletter* mentioned in section 1 above), the issues were numbered consecutively, accompanied by a month-year citation. To reflect this, for example, the first issue, Number 1 of November 1983, is cited as *Newsletter*, Nov. 1983 (No. 1).
- In 1986, a *Newsletter* was issued in May and July, each numbered as No. 11. These are distinguished in the catalogue as *Newsletter*, May 1986 [11.1] and *Newsletter*, July 1986 [11.2].
- The second series of the *Newsletter*, from August 2005 until March 2010, is cited by month and year only. To reflect this, for example, the issue of March 2010 is cited as *Newsletter*, Mar. 2010.

### Page numbers

For economy, only the first page number of the relevant item is cited (not the last number of the range). Some of the earlier issues of the *Newsletter* and *The Loophole* did not have continuous (or any) through-numbering, however, so the following conventions are applied:

- If each article in the issue is numbered from page 1 (or if there is no page number), no page number is indicated in the citation.
- If items are through-numbered, but the numbering is discontinuous, this is indicated by the initial 's' after the number, for example, 'p 12s' ('s' stands for 'special section', and is the standard abbreviation used, for example, to cite articles in a separately numbered section of a newspaper).<sup>22</sup>

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<sup>20</sup> See Commonwealth of Australia, *Style Manual*, 6th ed, rev Snooks & Co., Wiley 2002.

<sup>21</sup> These are indicated by an abbreviated note 'repub. from...', or (if edited) 'repub. and ed. from...'.

<sup>22</sup> *The Loophole*, Nov. 1990 (3.1), a very rich source of material for the catalogue, is a special case. There are two sections, one reflecting the internal business of the CALC meeting in April 1990 (Auckland, NZ), (including some items

## Summary notes, categorisation and cross-references (lack of)

A brief summary note is made of the contents of each article. We try to indicate the content and flavour of the article in a few lines. However, we recognise that these thumbnail sketches may not always give an accurate impression. There could also be a legitimate dispute concerning our categorisation decisions. For any such inaccuracies and misjudgments, and any errors, we apologise. We would be very happy to consider future corrections to the catalogue. Assuming the catalogue is posted on the CALC website, these can be incorporated without waiting for republication in print.

The categories inevitably overlap, as indicated in the accompanying article (see the notes on the categories). Moreover, individual articles deal with matter that comes under more than one category. In the time available, we have not been able to cross-reference the catalogue. We hope this task may be undertaken in a future edition.

## Arrangement of records

Records in the categories in groups 1, 2 and 3 are listed in alphabetical order by author (or title, if no author is given in the original).

Records in the categories in group 4 (miscellaneous) are arranged as follows:

- In section 4.1 (personalia), records relating to drafters (etc.) are listed alphabetically by the name of the drafter (etc.) who is the subject of the record.
- In section 4.2 (conference reports), conference reports are listed in chronological order, from the earliest to the latest.
- In section 4.3 (book reviews and notices), book reviews and notices of book publications are listed alphabetically by the author of the book concerned.

We would, however, be interested to know whether users of the catalogue would prefer that the records in the categories in groups 1, 2 and 3 were listed chronologically, by reference to publication rather than author (or whether it is worth generating an alternative listing arranged in this way). This could be the subject of reconsideration in a future edition.<sup>23</sup>

## 1 Principle

### 1.1 Parliament, subordinate legislation and the rule of law

Argument, S, 'Legislative counsel and pre-legislative scrutiny', *The Loophole*, Jan. 2010 (2010.1), p 61.

- Legislative counsel undertake a form of pre-legislative scrutiny, in the sense that they draft with one eye on future parliamentary scrutiny of their drafts. The paper concentrates on parliamentary scrutiny and on the important relationship between legislative counsel and legislative scrutiny committees.

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that are catalogued), the other including all the papers given at the meeting. Each section is through-numbered in the original, from p 1. Items from the first section are recorded in the catalogue after the fashion 'p 16s'. For most of the second section, the original offers a choice of through-numbers: one typed, the other handwritten. The alternatives are recorded in the catalogue after the fashion 'p 3/5s'.

<sup>23</sup> The records have been prepared for this first edition using conventional techniques. If the data in the catalogue were entered into a flexible database system, the system could generate reports based on either criteria (or others). This could also be considered in preparing a future edition.

—, ‘Straddling a barbed wire fence: reflections of a gamekeeper, turned poacher, turned gamekeeping poacher’, *The Loophole*, Oct. 2007 (2007.3), p 66.

- The paper offers the author’s perspective as a scrutineer, instructor and drafter. The author considers that drafters are the first bulwark of legislative scrutiny. Scrutiny of bills committees are an important bulwark against various types of legislative ‘nasties’ but drafters have the opportunity to weed some of them out before they get to scrutiny committees.

Bates, SJ, ‘The legislative process in the Isle of Man’, *The Loophole*, Feb. 1996, p 5.

- An outline of the process for making the laws of the Isle of Man. The Isle of Man is a UK Crown dependency that has its own parliament (the ‘Tynwald’).

Berry, D, ‘Legislative and Regulatory Reform Act 2006 (UK)’, *The Loophole*, Mar. 2007 (2007.1), p 64.

- The paper discusses the Legislative and Regulatory Reform Act 2006 (UK) which purports to cut ‘red tape’ by purporting to give Government Ministers new powers to strip away statutory regulations.

—, ‘When does an instrument made under primary legislation have “legislative effect”?’ , *The Loophole*, Mar. 1997, p 14.

- The paper deals with how to enhance measures for parliamentary accountability in relation to subordinate legislation, and offers suggestions for addressing the uncertainty of determining when a subordinate instrument has legislative effect.

‘The birth of a new baby: the Asian Association of Legislative Counsel’, *Newsletter*, Aug. 2006, p 34.

- Note on the formation of a new regional grouping of legislative counsel.

Buttimore, J, ‘Developments in the delegation of legislative powers in Ireland’, *The Loophole*, June 2004 (2004.1), p 71.

- The paper discusses the evolution and guiding principles on the powers that may be delegated by the legislature to ministers by the way of secondary legislation.

Canadian Government Privy Council, ‘Cabinet directive on law-making’ (Mar. 1999), *The Loophole*, June 2000, p 49.

- The full text of the Privy Council’s Cabinet Directive is reproduced. This covers all aspects of the Canadian Government legislative and parliamentary processes, including Constitutional considerations, bilingual and bijural law-making, the management of the legislative process and the drafting of Bills.

Crabbe, VCRAC, ‘Shorter parliamentary enactments and longer executive regulations—pros and cons’, *The Loophole*, Sept. 1987 (2.1), p 67.

- Justice Crabbe sets out his views on the limits that should be placed on executive legislative power.

Engle, G, ‘The legislative process today’, *The Loophole*, Sept. 1987 (2.1), p 78.

- A consideration of the challenges provided by the growth in the volume of legislation to be considered by Parliament, including the question of delegated legislation (and its scrutiny by the parliament) and the benefits of the traditional common law detailed approach to drafting legislation.

Goldsmith, 'Government and the rule of law in the modern age', *Newsletter*, Aug. 2006, p 35 (transcript of speech at the LSE, 22 Feb. 2006).

- Lord Goldsmith was at the time the Attorney-General of the United Kingdom. The speech was given in the context of the passage of the UK Constitutional Reform Act, establishing the new British Supreme Court and reshaping the office of Lord Chancellor. The author discusses the continuing importance of the rule of law.

Hudson-Phillips, KT, 'A case for greater public participation in the legislative process', *The Loophole*, Sept. 1987 (2.1), p 83.

- The author proposes a number of measures to get the public involved in the law-making process. These include civic education; requirements for parliamentary candidates to publish their legislative program; popular referenda; opening up the committee stage of Parliament; and reform of the law relating to statutory construction.

Keyes, JM, 'Democratic reform and private members' business: shifting sands or paradigms?', *The Loophole*, Mar. 2007 (2007.1), p 8.

- The paper deals with the role of elected Members of Parliament in making laws, in particular Private Members. It provides an overview of the role of Private Members in law-making and the steady progress they have made towards making this role more meaningful. The author provides suggestions for those, whether within or outside government, who may be involved in the enactment of Private Member Bills.

—, 'Required rule-making: when do you have to make delegated legislation?', *The Loophole*, June 2004 (2004.1), p 49.

- This paper considers whether a power to make regulations (or any other form of delegated legislation) is ever required to be exercised.

— & A Mekkunnel, 'Traffic problems at the intersection of parliamentary procedure and constitutional law', *The Loophole*, June 1999.

- The authors discuss the Canadian Supreme Court decision in *Re Eurig Estate* and the introduction of a private members Bill imposing a tax into the Canadian Senate at the time of the decision. In what circumstances can a taxation power be delegated by parliament? What are the respective powers of the courts and the Speakers of the Parliament to deal with the relevant constitutional issues?

Ma, J, 'Scrutiny of legislative drafting by the legislature: the role of the legal advisers of the Hong Kong Legislative Council', *The Loophole*, Jan. 2010 (2010.1), p 41.

- An account of the Hong Kong legislative scrutiny process, and the role played by legal advisers of that legislature. The author highlights some unique features of the Hong Kong system and describes the hands-on experience of his team of legal advisers in operating in a bilingual context under the new constitutional regime established by the Basic Law instituted in 1997.

Morris, D, 'Does legislation have to be published?', *The Loophole*, Dec. 1997, p 29.

- The paper considers the common law requirement (if any) for the publication of legislation.

—, ‘Henry VIII clauses: their birth, a late 20th century renaissance and a possible 21st century metamorphosis’, *The Loophole*, Mar. 2007 (2007.1), p 14.

- The paper discusses the history of the use of Henry VIII clause in the UK.

—, ‘Parliament cannot delegate its legislative power: a British constitutional reality or myth?’, *The Loophole*, Dec. 2001 (2001.1), p 11.

- This paper discusses whether or not there is any British constitutional principle that would prevent the British Parliament from enacting a hypothetical Henry VIII clause.

—, ‘“Union” Jack and the GM beanstalk—a European Union fable’, *The Loophole*, June 2004 (2004.1), p 78.

- A satirical view of the regulatory environment in England and Europe under the EU regime.

Pear, R, ‘Legal group says Bush undermines law by ignoring select parts of Bills’, *Newsletter*, Aug. 2006, p 42 (repub. from New York Times, 24 July 2006).

- Report on the practice by US President Bush of reserving approval of specified parts of Bills (called ‘signing statements’) when signing assent.

Rudman, D, ‘Delegation by Parliament of its legislative powers: a South African perspective’, *The Loophole*, Aug. 2008 (2008.1), p 45.

- The paper provides a South African perspective on the drafting of enabling provisions in Acts of Parliament. Parliament’s supervisory role relating to subordinate legislation is examined and some reforms are suggested.

## 1.2 Parliamentary counsel’s role

Adsett, N, ‘A Brisbane lawyer inside a coup d’état’, *The Loophole*, Mar. 1989 (2.4) (repub. from *The Proctor*, May 1988, p 6).

- A drafter’s experience of the Fiji coup of 16 May 1987. The author describes the legal advice given to Col. Rabuka about the maintenance of the rule of law in the wake of the coup. This involved the use of the royal prerogative powers to enable rule by executive decree under the doctrine of State necessity.

Berry, D, ‘Do communications between parliamentary counsel and their “clients” attract legal professional privilege?’, *Newsletter*, Mar. 2010, p 14.

- A case note on an Australian federal court case, *State of New South Wales v Betfair Pty Ltd* (2009), concerning the role of parliamentary counsel in giving legal advice by, or in the course of, drafting legislation.

Finn, M, ‘Opening speech—at the conference marking the 25th anniversary of the OPC in Canberra 1995’ (edited transcript), *The Loophole*, Oct. 1998, p 47.

- Justice Finn (Federal Court of Australia) offers her observations and experience with the role of parliamentary counsel.

Havers, M, 'A Message from the Rt Hon Sir Michael Havers, QC, MP, Attorney General for England, Wales and Northern Ireland', *Newsletter*, June 1985 (No. 5).

- Sir Michael encourages CALC members to attend the forthcoming CALC meeting in Jamaica, September 1986. The role and importance of legislative counsel in maintaining the rule of law are emphasised.

Hull, D, 'The role of legislative counsel: wordsmith or counsel?', *The Loophole*, Aug. 2008 (2008.1), p 35.

- The paper argues that drafters are neither wordsmiths nor administrators but specialist legal counsel. It suggests engaging in dialogue with senior politicians and senior officials to explain what is involved in the preparation of legislation as a way of overcoming resource constraints within both counsel and client departments.

Keyes, JM, 'Professional responsibilities of legislative counsel', *The Loophole*, Oct. 2009 (2009.3), p 38.

- This paper considers the nature and content of professional responsibilities of legislative counsel from three standpoints. The first is as members of the legal profession. The second is as public sector employees. The third relates to the functions they typically perform as legislative counsel.

Lange, D, 'Speech Notes, Rt. Hon. David Lange CH, Attorney-General', *The Loophole*, Nov. 1990 (3.1), p 2s (CALC general meeting, Monday 16 Apr. 1990, Waitemata Ballroom, Sheraton Hotel, Auckland, New Zealand).

- The opening address by the Attorney-General of New Zealand to the CALC meeting. Emphasises the importance of parliamentary counsel in upholding the rule of law.

Laws, S, 'The role of legislative counsel: wordsmith or counsel?', *The Loophole*, Aug. 2008 (2008.1), p 39.

- The author argues that UK legislative drafters are both wordsmith and counsel.

Rama Devi, VS, 'The importance of legislative drafters', *The Loophole*, July 1995, p 8.

- Law is the instrument through which social engineering is expected to be achieved. The legislative drafter's importance arises from the drafter's role in framing laws to shape the developmental process in a country.

United Kingdom Office of Parliamentary Counsel, 'Role of United Kingdom Counsel in relation to policy-making', *Newsletter*, Feb. 2009, p 39.

- Reprint of guidelines for UK parliamentary counsel on limits to counsel involvement in policy-making.

## **2 Process**

### **2.1 Drafting offices and drafting process**

Bergeron, R, 'Legislation Section: 50 years of legislative drafting in Ottawa', *The Loophole*, Dec. 1997, p 25.

- A history of the office that drafts primary legislation for the Canadian Government.



Berry, D, 'CALC's Silver Jubilee', *The Loophole*, Jan. 2009 (2009.1), p 4.

- A short history of the Commonwealth Association of Legislative Counsel by the editor of *The Loophole*.

—, 'Why legislative drafting services should not be privatised', *The Loophole*, Mar. 1997, p 52.

- The paper explains the advantages of keeping legislative drafting services as a centralised system.

Bowman, G, 'President's after-dinner speech', *Newsletter*, Aug. 2006, p 17.

- Transcript of speech reflecting on the links between Commonwealth lawyers and drafters.

Colagiuri, D, 'Address on the organisation of drafting offices', *The Loophole*, July 2007 (2007.2), p 6.

- Comment on a range of issues that impact on office organisation, including whether to have an independent drafting office and issues relating to legislation publication and drafters.

'Commonwealth Secretariat survey of terms and conditions of service of legislative drafters', *Newsletter*, Nov. 1984 (No. 3), p 9 (report of survey by D Hull, Commonwealth Law Bulletin, July 1984).

- The survey records continuing and substantial shortages of drafters in developing countries, with a definite correlation between shortages and poor salary relativity of principal drafters compared with other senior government lawyers and judges.

'Drafting laws in Sri Lanka', *Newsletter*, June 2005, p 21.

- Description of Sri Lankan drafting and parliamentary legislative processes.

DuPerron, R, 'The legislative paralegal: the role of the legislative editor in Canada', *The Loophole*, Dec. 1997, p 20.

- The paper outlines the role of the Legislative Editing Office in Canada.

Elliott, D, 'How to prepare drafting instructions for legislation—Canadian style', *The Loophole*, June 1999.

- A pamphlet guide for instructors.

Engle, G, 'Retrospectively: the formation and subsequent progress of the Commonwealth Association of Legislative Counsel', *The Loophole*, Sept. 1987 (2.1), p 19.

- The President of CALC gives a brief account of the formation (in 1983) and history (to May, 1986) of the Association, its activities and the benefits it has provided for its members.

Erasmus, J, 'Legal briefs and lawful shorts—are they for you?', *The Loophole*, Mar. 2007 (2007.1), p 82.

- The author explains the British Columbia Office of Legislative Counsel's experience with producing a legal *Newsletter*.

— & A McLean, 'Confidential review of draft legislation by members of private bar', *The Loophole*, Mar. 1997, p 48.

- The paper describes British Columbia's experience in having Bar Association members review draft legislation confidentially.

Horn, N, 'Legislative drafting in Australia, New Zealand and Ontario: notes on an informal survey', *The Loophole*, Mar. 2005 (2005.1), p 55.

- The results of an informal survey of nine Australian legislative drafting offices, the New Zealand Office of Parliamentary Counsel and the Ontario Office of Legislative Counsel, covering their institutional roles, management structures, arrangements for legislative publishing and drafting styles (in particular, the take-up of 'plain language style').

Iles, W, 'The department solicitor and the parliamentary counsel office', *The Loophole*, Feb. 1988 (2.2), p 33.

- The paper discusses the role of the departmental solicitor (that is, the instructor) and parliamentary counsel in preparing legislation.

Laws, S, 'Consistency versus innovation', *The Loophole*, Oct. 2009 (2009.3), p 25.

- The United Kingdom Office of the Parliamentary Counsel was set up in 1869 to produce 'a common and consistent approach to the production of legislation'. There is a tension between consistency and innovation and a balance has to be struck.

'Legislative draftsmen: some thoughts on how to provide an effective service', *Newsletter*, Nov. 1983 (No. 1), p 4 (summary of paper by JQ Ewens, *Australian Law Journal*, Oct. 1983).

- What are the conditions for an effective drafting service? The right sort of people, training, instructions and the proper tools of the trade.

Leigh, M, 'Australian Office of Parliamentary Counsel's quality assurance processes for Bills', *The Loophole*, Jan. 2009 (2009.1), p 33.

- The paper outlines the Australian Office of Parliamentary Counsel's quality assurance processes. It recommends implementing automated checking processes as an adjunct to the checking of Bills by parliamentary counsel and trained editorial checkers.

Lever, L, 'Supporting legislative drafting in Bangladesh', *The Loophole*, June 2004 (2004.1), p 25.

- A discussion of the technical legal assistance that is currently being offered by the Canadian Department of Justice to the Bangladesh Ministry of Law, Justice and Parliamentary Affairs in the area of legislative drafting.

Ludchen, I, 'Quality control measures in the legislative services branch of the Canadian Department of Justice', *The Loophole*, Jan. 2009 (2009.1), p 28.

- The paper outlines the quality control measures applying to Canada's federal drafting office.

McCluskie, J, 'Expert evidence, adultery and legislative drafting', *Newsletter*, Aug. 2006, p 11 (ed. transcript of speech given at a reception hosted by the Scottish Parliamentary Counsel's Office, CALC conference, London 2005).

- The speech concerned Donald Crawford, former UK draftsman and Legal Secretary to the Lord Advocate.

McMillan, I & C Webster, 'The legislation process course run by the Australian Commonwealth Office of Parliamentary Counsel', *The Loophole*, Dec. 2001 (2001.1), p 18.

- The paper provides details about a course run for instructors by the Australian Office of Parliamentary Counsel.

Murphy, D, 'Bill review—a question of quality', *The Loophole*, Feb. 1996, p 11.

- An overview of the New South Wales Parliamentary Counsel's Office Bills review process. This is aimed to provide quality control and to bring the collective experience and expertise of the Office to bear in as many Bills as possible.

Office of the Queensland Parliamentary Counsel, 'A guide for effective legislative drafting instructions', *The Loophole*, Dec. 2001 (2001.1), p 53.

- A guide for instructors prepared by the Parliamentary Counsel's Office in Queensland, Australia.

Penfold, H, 'Costing drafting services—what does a drafting office really do?', *The Loophole*, June 2000, p 38.

- A good drafting office provides the Government with more than just draft legislation. Any assessment of how much it costs to have legislation produced by a drafting office rather than by contract drafters must also recognise the incidental products of a drafting office.

Ray, D, 'Queensland's OPC and responsibility for fundamental legislative principles', *The Loophole*, June 2000, p 26.

- This paper considers the impact of the *Legislative Standards Act 1992* (Queensland, Australia). The Act establishes Queensland's Office of Parliamentary Counsel, and makes the OPC responsible for the drafting and publishing of the legislative program and for ensuring the quality of the Queensland's statute book. High level 'fundamental legislative principles' are required to be considered in drafting legislation.

Reid, T, 'Opening speech—at the conference marking the 25th anniversary of the OPC in Canberra 1995', *The Loophole*, Oct. 1998, p 50 (ed. transcript).

- The Australian Second Parliamentary Counsel surveys the history of Australian office of parliamentary counsel and offers some anecdotes about parliamentary counsel in Australia and in the UK.

Robinson, W, 'Polishing what others have written: the role of the European Commission's legal revisers in drafting European Community legislation', *The Loophole*, Mar. 2007 (2007.1), p 71.

- The paper outlines the European Community legislative process. It provides suggestions for practical steps for improving the drafting quality of Community legislation.

Simamba, B, 'Managing increasing government expectations with respect to legislation while maintaining quality: an assessment of developing jurisdictions', *The Loophole*, Jan. 2009 (2009.1), p 7.

- The challenge of producing quality legislation at a pace satisfactory to governments is particularly acute in developing countries and small jurisdictions. The author provides suggestions for producing the optimum quantity and quality of legislation.

Strokoff, S, 'How US federal laws are made: a ghost writer's view', *Newsletter*, Mar. 2003, p 23 (repub. and ed. from *The Philadelphia Lawyer*, Philadelphia Bar Association Quarterly Magazine, 59.2 (Summer 1996)).

- A description of the role of the Office of Legislative Counsel, USA, in drafting legislation for the US Congress.

Van Wierst, A, 'Drafting from a blueprint', *The Loophole*, Oct. 1998, p 33.

- The author describes an approach requiring the drafter and instructors to work out a detailed conceptual 'blueprint' for a proposed law, to an advanced stage, before the drafter starts to draft the law.

Wilson, C, 'Managing increasing government expectations with respect to legislation while maintaining quality', *The Loophole*, Jan. 2009 (2009.1), p 21.

- The paper explains how Scotland has sought to meet the challenges of delivering the Scottish Government's annual programme of legislation over the 8 years since the establishment of the Scottish Parliament.

—, 'Drafting against a background of differing legal systems: Scots law and the UK statute book', *The Loophole*, July 2007 (2007.2), p 70.

- This paper discusses the working relationships between the three UK drafting offices. In particular, it mentions the need to ensure, for Scots statutes, that they are effective as Scottish law while properly adapted for inclusion in the UK statute book.

Wilson, J, 'Challenges of drafting in a developing country', *The Loophole*, July 2007 (2007.2), p 36.

- The paper discusses the challenges and rewards of drafting in developing countries, outlining the physical challenges, organisational challenges, the lack of scrutiny and the role of drafter.

—, "'Prince Splendid and the dream machine"—a fairytale for legislative counsel', *The Loophole*, Dec. 2001 (2001.1), p 24.

- A humorous account of the drafting process (particularly in Hong Kong), with an emphasis on the role of the instructor, in the form of a modern fairytale.

—, 'The law draftsman's song', *The Loophole*, Dec. 1997, p 79.

- A parody of a Gilbert and Sullivan song, describing the daily life of a legislative drafter in Hong Kong.

—, 'Full circle: Whose law is it really?', *Newsletter*, Mar. 2010, 27.

- The author relates his experience as a peripatetic legislative drafter.

—, 'Solomon Islands: John Wilson's reminiscences as a legislative counsel', *Newsletter*, Aug. 2006, p 18.

- The author's experiences as a drafter in the Solomon Islands and elsewhere.

## 2.2 Information technology and drafting

Bertrand, G, 'Electronic aids in legislation: computer hardware', *The Loophole*, Sept. 1987 (2.1), p 54.

- The paper discusses Canada's use of electronic aids in legislation.

Bromley, M, 'Whose Law is it?—Accessibility through LENZ: opportunities for the New Zealand public to shape the law as it is made', *The Loophole*, Oct. 2009 (2009.3), p 14.

- This paper focuses on how internet technology, and specifically New Zealand's LENZ system, facilitates public access to information about draft laws as they work their way through the New Zealand parliamentary process.

Calcutt, G, 'Database systems for legislation—developments in Western Australia', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 48/50s.

- A history of the Western Australian database project.

Colagiuri, D & M Rubacki, 'The long march: pen and paper drafting to E-publishing law', *The Loophole*, Aug. 2010 (2010.2), p 43.

- The authors discuss the development of one-stop legislative drafting and publishing offices in New South Wales and Australasia, exploring changing technologies and policies that have affected drafting offices over the last 30 years. Their paper deals with public access to law, the status of paper versus online documents, as well as resource requirements and the combined roles of data creator, manager and publisher.

Duncan, DJS, 'Paper for the morning CALC session', *The Loophole*, Sept. 1987 (2.1), p 74.

- A discussion of the application of 'legal informatics' to statute law in the UK. The author discusses a system designed by legislative drafters for legislative drafters to make the production of draft legislation more efficient.

Hicks, E, 'One giant leap—the ultimate legislation system, available now', *The Loophole*, June 2009 (2009.2), p 70.

- 'It is now possible to make one giant leap — to go from wherever your legislation system is now to the ultimate legislation system. And to do so in an economically viable way.' The paper provides a starter list of features of an ultimate legislation system and indicates how to value them.

Keating, J, 'Electronic publication of New Brunswick legislation—yesterday, today and tomorrow', *The Loophole*, July 2007 (2007.2), p 31.

- The paper discusses the integrated system for drafting legislation used by New Brunswick and the relationship between legislative counsel and the Queen's Printer.

Macpherson, D, 'Instant Bills: the impact of information technology (IT) on legislative drafting in Canada', *The Loophole*, Mar. 2005 (2005.1), p 32.

- The paper describes how information technology has become embedded in the Bill-drafting process in Canada and how it has changed the legislative counsel's job and the way it is performed.

Pagano, P, 'Electronic aids in legislative drafting: creation of data bases and other publications', *The Loophole*, Sept. 1987 (2.1), p 103.

- The paper deals with using databases to store legislative and other drafting resources, as an aid to legislative drafting.

Quiggin, P, 'Notes on the information technology system (IT) used in the Australian Commonwealth Office of Parliamentary Counsel', *The Loophole*, Mar. 2005 (2005.1), p 20.

- An introduction to the IT system used in the Australian Office of Parliamentary Counsel.

Roger, A, 'BLIS: a searchable database of the bilingual laws of Hong Kong', *The Loophole*, Dec. 1997, p 35.

- An overview of the modernisation of the Bilingual Laws Information System (BLIS) in Hong Kong.

—, 'Electronic aids in legislative drafting and publishing: electronic typing and typesetting', *The Loophole*, Sept. 1987 (2.1), p 119.

- The paper outlines the most dramatic ways in which the use of electronic aids (such as word processors) can affect the drafting and publication process.

—, 'Hong Kong's bilingual database and computer system', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 85/87s.

- An overview of Hong Kong's new system.

Rubacki, M, 'The Information Technology Forum', *The Loophole*, Oct. 1998, p 43.

- The paper discusses the purpose and scope of the Information Technology Forum and its benefits for drafting offices.

—, 'The year 2000 problem—a New South Wales perspective', *The Loophole*, Oct. 1998, p 30.

- An overview of the Year 2000 project by the Parliamentary Counsel's Office in NSW, Australia, to address the problem of inaccurate Year 2000 date processing in its IT systems.

## **2.3 Multilingual drafting**

Berry, D, 'The effect of poorly written legislation in a bilingual legal system', *The Loophole*, Mar. 2007 (2007.1), p 88.

- The paper proposes that the English versions of older Hong Kong statutes and regulations could be rewritten in plain, modern language that would be much easier to understand and would facilitate the creation of easier to understand Chinese versions of those statutes and regulations.

Cuerrier, M, 'Drafting against a background of differing legal systems: Canadian bijuralism', *The Loophole*, July 2007 (2007.2), p 50.

- This paper discusses new Canadian interpretation rules that clarify the interaction between federal legislation and provincial private laws. These arise from the harmonization of federal legislation initiative. The author also examines Canadian bijuralism and outlines important differences between the common law and the civil law systems.

Lever, L, 'Bilingual drafting in Canada', *The Loophole*, July 1995, p 39.

- A discussion of the federal Canadian approach to drafting bilingual laws.

Lever, L, 'Legislative bijuralism in a bilingual context: meeting the challenge', *The Loophole*, Feb. 1996, p 42 (trans. from French, paper given at the Colloque International de Moncton sur le Français Juridique et la Science du Droit).

- A discussion of the methods of drafting bijural legislation in a bilingual context, and their advantages and disadvantages.

Poirier, L, 'Whose law is it? A jurilinguistic view from the trenches', *The Loophole*, Jan. 2010 (2010.1), p 50.

- An explanation of the relatively new field of jurilinguistics and the role of the jurilinguist in the Canadian Government. The author focuses on the difficulties posed by bilingual legislative texts and the ways jurilinguists can help legislative counsel.

Revell, D, 'Multilingualism and the authoring of laws', *The Loophole*, June 2004 (2004.1), p 36.

- The paper examines the reasons why Nunavut, a Canadian Territory, has not moved quickly to adopt the broadest possible use of Inuit languages in the law and the wider implications of these issues for multilingualism.

Suen, WC, 'Bilingual legislative texts and the problem of textual ambiguities', *The Loophole*, Dec. 1997, p 62.

- The paper discusses issues in preparing Chinese versions of English laws, in particular the temptation to improve the law even where errors or mistakes are obvious.

Yen, T, 'Bi-lingual drafting in Hong Kong', *The Loophole*, Aug. 2010 (2010.2), p 65.

- A discussion of Hong Kong's experience in drafting bilingual legislation and how that experience affects the way Hong Kong now drafts its law.

——, 'One law, two languages', *The Loophole*, Dec. 1997, p 4.

- A history of the Hong Kong Government's commitment to bilingual legislation, from the Official Languages (Amendment) Ordinance (Hong Kong) in 1987 to complete bilingualism in 1997.

## 2.4 Drafter training

'Assisting developing countries', *Newsletter*, June 1985 (No. 5).

- A note on the Australian Government program for on-the-job training in Australia for legislative drafters from the Pacific region (to commence early in 1986). Other ways of assisting developing countries by provision of the services of experienced drafters are discussed.

Berry, D, 'Developing the training function in a parliamentary counsel office', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 104s.

- The author urges a reconsideration of their current training policies and the introduction of a program of formal training for their new legal staff.

—, ‘Legislative drafting training in the Hong Kong Department of Justice’, *The Loophole*, Mar. 2005 (2005.1), p 13.

- While there is still a place for the master and apprentice approach, there is also room for a formal program to help novice counsel to develop drafting skills, and to acquire relevant knowledge and experience more quickly, so that they become more efficient and productive earlier than they would otherwise.

Burrows, J, ‘The difficulties of teaching legislation to students’, *The Loophole*, Aug. 2010 (2010.2), p 24.

- The author observes that students are more at home with common law than with statute law. He sets out a framework for the comprehensive teaching of legislation (including drafting and interpretation) to undergraduate law students.

Himsworth, CMG, ‘Letter to Peter J Pagano’, *The Loophole*, Sept. 1988 (2.3), p 7.

- A letter sent by CMG Himsworth (Department of Constitutional and Administrative Law, University of Edinburgh) to Mr Pagano, Chief Legislative Counsel, Alberta, Canada about a one-year programme in Legislative Drafting leading to the award of a LLM degree offered by the University of Edinburgh.

‘How not to train legislative draftsmen: “The Legislative Drafting (Training) Course Bill, 1987”’, *The Loophole*, Feb. 1988 (2.2), p 39.

- A Bill composed, tongue-in-cheek, by trainees to show their appreciation to Justice VCRAC Crabbe, course director of a legislative drafting course sponsored by the Commonwealth Fund for Technical Cooperation.

‘Legislative draftsmen: their training and retention’, *Newsletter*, Nov. 1983 (No. 1), p 2 (summary of paper by GP Nazareth, Commonwealth Law Minister’s meeting, Feb. 1993).

- The paper discusses steps taken to deal with shortages of drafters in Commonwealth countries over the previous 10 years. Topics covered include training (formal and in-service); recruitment and retention; and sharing of drafting resources between countries.

Pope, JD, ‘Letter to all CALC members’, *The Loophole*, Sept. 1988 (2.3), p 9.

- An open letter by JD Pope (Director, Legal Section, Commonwealth Secretariat, London) to all CALC members requesting comments on a proposal for a correspondence course leading to a postgraduate diploma in legislation drafting, possibly to be managed under the aegis of the Institute for Advanced Legal Studies (University of London).

‘Qualifications and status of drafters’, *Newsletter*, June 1984 (No. 2), p 10.

- A discussion of issues surrounding the appointment as legislative drafters of lawyers (or others) not entitled to practise law.

Quiggin, P, ‘Training and development of legislative drafters’, *The Loophole*, July 2007 (2007.2), p 14.

- This paper looks at the training and development of drafters, considering what skills a drafter requires, the system that the Australian Office of Parliamentary Counsel uses, how well that system works and what other systems can be used.



‘Ugandan MPs to train in legislative drafting’, *Newsletter*, Mar. 2003, p 20 (repub. from allafrika.com website).

- A report of a course aimed at equipping MPs with legal knowledge relevant to drafting laws.

### 3 Product

#### 3.1 Drafting technique and theory

‘Avoidance of “sexist” language in legislation’, *The Loophole*, Nov. 1990 (3.1), in ‘Papers’, p 87/89s (repub. from Commonwealth Law Bulletin (1985) 11 CLB 590). See also *Newsletter*, Nov. 1984 (No. 3), p 4.

- An announcement by the Australian Attorney-General of the Australian government policy on avoiding the use of masculine personal pronouns and other gender specific drafting practices, indicating the techniques canvassed and the approaches to be adopted by drafters.

Berry, D, ‘The importance of getting savings and transitionals right: two contrasting cases’, *The Loophole*, Dec. 2001 (2001.1), p 41.

- The paper discusses two cases from two different jurisdictions relate to the substitution of statutory offences for common law offences.

Bowman, G, ‘Legislation and explanation’, *The Loophole*, June 2000, p 5.

- This paper discusses the use of purposive or explanatory material in the Bill. The author concludes that legislative text should be confined to what is essential to change the law. Purposive provisions should be treated with caution. The paper also discusses whether the reader can be helped by material outside the legislative text and in this context considers *Pepper v Hart*.

Flintoff, F, “‘From time to time’”, *The Loophole*, Oct. 1998, p 45.

- The paper discusses the use, and over-use, of the phrase ‘from time to time’.

Fung, SYC & A Watson-Brown. ‘The template: a guide for the analysis of complex legislation’, *The Loophole*, Feb. 1996, p 25.

- An outline of the authors’ research project for analysing the legislative sentence and legislative style. The purpose of the project was to provide a general theoretical framework as a foundation for the task of translating Hong Kong laws from English to Chinese. The project resulted in the publication of a monograph by the authors: *The Template: a guide for the analysis of complex legislation*, Research Working Papers, Institute of Advanced Legal Studies (University of London), 1994.

Horn, N, ‘Show don’t tell! A graphic approach to amendment of legislation’, *The Loophole*, Oct. 1998, p 3.

- The paper proposes an approach to amending legislation that shows amendments graphically by using the device of struck-through text and underlining rather than the language of omission and substitution.

Jamieson, N, ‘Linguistics and legislation’, *The Loophole*, Dec. 1997, p 17.

- Extreme linguistic theories are sometimes applied to legislative composition. This paper deals with some of the difficulties in applying principles of linguistics generally to a study of legal language.

Mendis, DL, 'The current practices and problems in drafting legislation relating to multilateral treaties: Commonwealth experience', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 35/37s.

- The paper provides a comparative assessment of the practice and problems associated with treaty transformation.

—, 'The legislative transformation of treaties', *The Loophole*, Feb. 1996, p 13.

- This paper discusses drafting and parliamentary procedural issues relating to the transformation of treaties into national law in the UK and Commonwealth countries.

Moran, E, 'Enforcement mechanisms (including alternatives to criminal penalties)', *The Loophole*, June 2009 (2009.2), p 12.

- The legislature has a choice as to whether to use criminal procedures or civil procedures for ensuring compliance with an enacted behavioural rule. The paper discusses the use of civil penalties and infringement notice regimes as enforcement mechanisms.

Parliamentary Counsel's Office, NSW, 'A which hunt: that and which', *The Loophole*, Feb. 1996, p 28 (extract from internal drafting circular).

- When to use 'that' and when to use 'which' in drafting legislation.

'Strict and absolute liability in creating offences: some principles for legislative counsel', *Newsletter*, Mar. 2010, p 10 (summary of paper by K Reid, *Statute Law Review* 29(3) (2008), p 173).

- The paper discusses common law principles for determining whether strict or absolute liability applies to an offence, and the consequences for criminal law drafting.

Uniform Law Conference of Canada, 'Drafting conventions of the Uniform Law Conference of Canada', *The Loophole*, Aug 1991 (3.2).

- The full text is reprinted of drafting conventions adopted by the Uniform Law Conference of Canada (a group consisting of federal and provincial legislative counsel heads of office).

United Kingdom Office of Parliamentary Counsel, 'Recommendations and policies on legislative drafting matters', *Newsletter*, Apr. 2009, p 43.

- A document prepared by the UK Office of Parliamentary Counsel Drafting Technique Group. It includes detailed rules and guidelines on words and expressions, numbering, order of provisions, use of conjunctions etc.

Wilson, J, 'Law-drafting master class at the 2007 CALC Conference: report and commentary', *The Loophole*, June 2009 (2009.2), p 27.

- A series of presentations of alternative ways of solving a drafting problem set by Janet Erasmus of Canada.

Woodger, J, 'Linguistics and legislation: some comments', *The Loophole*, Oct. 1998, p 12.

- The author responds to Nigel Jamieson's paper 'Linguistics and legislation' in *The Loophole*, Dec. 1997 (q.v.) about the relationship between linguistics and legislative drafting.

### 3.2 Legislation case studies

Appiah, E, 'The consultative process in social policy legislation: the experience of Ghana in the Property Rights of Spouses Bill', *The Loophole*, Aug. 2010 (2010.2), p 16.

- The paper examines Ghana's experience in developing a unified law to regulate the property rights of spouses, to apply regardless of different customary law.

Erasmus, J, 'The B.C. statute revision experience: "tax law rewrite on a shoestring"', *The Loophole*, June 1999.

- A key area of demand for clearer legal language has been for improved tax laws. The paper discusses the international move to plain language, tax language and the revision of the Social Service Tax Act (British Columbia, Canada).

Jones, K, 'Rewriting Australia's income tax law', *The Loophole*, Oct. 1998, p 19.

- The paper outlines the Australian project to rewrite income tax law in a simplified form.

Leigh, M, 'Problems in drafting anti-terrorism laws in Australia', *The Loophole*, June 2009 (2009.2), p 5.

- The amorphous nature of terrorism can create problems in drafting anti-terrorism offences. Traditional drafting techniques, which rely on some degree of certainty, might not be appropriate. By bringing an awareness of the political context to the drafting of anti-terrorism laws, and by aiming for as much clarity as is achievable in the circumstances, drafters can help draft anti-terrorism laws that withstand the media spotlight.

McAra, E, 'Plain language in New Zealand tax legislation', *The Loophole*, Mar. 1997, p 54.

- A case study on the project to rewrite the *Income Tax Act 1976* (NZ) in plain language.

Orpwood, M, 'Drafting the New South Wales Duties Act 1997', *The Loophole*, Oct. 1998, p 15.

- A drafter's experience in drafting a significant and extended piece of tax law.

Stark, J, 'Lessons for statutory drafters from the Florida election dispute', *The Loophole*, Dec. 2001 (2001.1), p 5.

- The paper draws lessons from the certain techniques used or eschewed in the drafting of statutes reviewed by the Florida Supreme Court in the election dispute.

Wainwright, J, 'Some aspects of compliance with UN Security Council Resolution 1373', *The Loophole*, Mar. 2005 (2005.1), p 6.

- This paper presents some observations arising out of the work during 2002 of the Counter-Terrorism Committee and its Report Assessment Team.

Wilson, J, 'The commencement conundrum: how the Fiji Islands banking system was brought to a standstill', *The Loophole*, Dec. 2001 (2001.1), p 11.

- The paper discusses the author's experience in advising on a commencement provision which caused a crisis in the Fiji Islands banking system.

‘Workshop on “Drafting evidence-based legislation: the case of the health sector in the East African Community”’, *Newsletter*, Mar. 2010, p 8.

- A report of a workshop at Arusha, Tanzania, Jan. 2010.

### 3.3 Plain language

Adler, M, ‘In support of plain law: an answer to Francis Bennion’, *The Loophole*, Aug. 2008 (2008.1), p 15.

- A rebuttal of criticism of the plain language movement in FR Bennion’s ‘Confusion over plain language law’, *The Commonwealth Lawyer* (16-2007), p 63.

—, ‘Legalese and plain language’, *The Loophole*, Jan. 2010 (2010.1), p 74.

- This paper considers how the Appropriation Act 2008 (UK), s 4(1) might be converted into plainer language. This subsection is typical of legalese: the style is convoluted; it is based on an old precedent, but is regularly reused; and it has additional material bolted on without adequate redrafting.

Barnes, J, ‘Shining examples’, *The Loophole*, June 2004 (2004.1), p 8.

- Examples are seen as one of the markers of plain English styles. The author analyses the functions of examples in contemporary Australian legislation.

Berry, D, ‘Audience analysis in the legislative drafting process’, *The Loophole*, June 2000, p 61.

- The author argues that if the needs of the varied audiences of legislation are to be met, legislative counsel need to focus on those audiences more than they have in the past. One way this might be achieved is by specific analysis of these audiences and their needs. Three approaches are suggested.

—, ‘Legislative drafting: could our statutes be simpler?’, *The Loophole*, Sept. 1987 (2.1), p 30.

- The paper discusses the problems of achieving simplicity in legislation in the light of the proposal by the Attorney General for Victoria, Australia for new rules to simplify the language and structure of Victorian legislation, including a requirement to have regard to the Flesch Reading Index.

—, ‘Reducing the complexity of legislative sentences’, *The Loophole*, Jan. 2009 (2009.1), p 37.

- The paper discusses a number of aspects of legislative sentences where communication difficulties arise.

—, ‘Techniques for evaluating draft legislation’, *The Loophole*, Mar. 1997, p 31.

- This paper advocates selective usability testing of draft legislation and canvasses various methods by which testing might be carried out.

Canadian Law Information Council, ‘What is the Plain Language Centre?’, *The Loophole*, Sept. 1988 (2.3), p 2.

- The paper provides information on the Plain Language Centre and a bibliography of plain language resources.

Carr, S, 'Is there any difference in writing for print and for the web?', *Newsletter*, Apr. 2009, p 37 (repub. and ed. from Pikestaff 24 2009, <http://www.clearest.co.uk/Newsletter^\.php?id=31>, Plain Language Commission, accessed 22 October 2010).

- The paper sets out guidelines for plain language writing for internet publication.

'Drafting laws in plain English—a current issue in Australia'. *Newsletter*, Dec. 1985 (No. 8).

- The author (presumably Mr G Kolts, editor of the *Newsletter*) discusses criticisms of legislative drafters in Australia for drafting laws that cannot easily be understood by the general public. Barriers to drafting in plain English noted are: policy complexity; the need to address multiple audiences; the difficulty of obtaining clear instructions; the state of the existing law; and time constraints.

Duckworth, M, 'Closure of the Centre for Plain Legal Language', *The Loophole*, Dec. 1997, p 75.

- A history of the Centre for Plain Legal Language based at the University of Sydney Law School.

Dykstra, G, 'Plain language, legal documents and forms: background information', *The Loophole*, Feb. 1988 (2.2), p 4.

- The paper explains the need for plain language and the types of forms and documents that are most frequently rewritten in plain language. It discusses problems encountered in Canada's attempt to use plain language and how the Canadian Law Information Council proposes to solve these problems.

Eagleson, R, 'Efficiency in legal drafting', *The Loophole*, Oct 1989 (2.5) (repub. from David St L Kelly, ed. *Essays on legislative drafting: in honour of JQ Ewens, CMG, CBE, QC*, Adelaide Law Review Association, 1988, p 13).

- The author argues that the most efficient language for legal drafting is plain language. The paper surveys a number of ways in which the efficiency of legal writing can be improved by the use of plain language.

—, 'Legislative lexicography', *The Loophole*, Mar. 1989 (2.4) (repub. from E G Stanley and T F Hoad (eds), *Words: for Robert Burchfield's sixty-fifth birthday*, London: D S Brewer, 1988, p 81).

- This paper discusses the use of definitions in legislation from the point of view of a lexicographer. The author highlights some of the positive and negative ways in which definitions are used in legislation and argues that lexicography has much to offer to legislative drafters on this topic.

'First plain-language rewrite of US federal Civil Court Rules in 70 Years', *Newsletter*, Aug. 2007, p 15.

- Striking differences are noted between previous US Federal Civil Court Rules and the rewritten version. Joseph Kimble, associate CALC member, assisted the project as drafting consultant.

Greenberg, D, 'Access to legislation—the legislative counsel's role', *The Loophole*, Oct. 2009 (2009.3), p 7.

- As legislation increases in volume and complexity, it becomes increasingly important for governments and legislative counsel to explore new ways of making the law easily accessible to citizens.

Hull, D, 'Drafters' devils', *The Loophole*, June 2000, p 15.

- The first part of the paper considers the role of the drafter in shaping policy concepts. The second part of the paper assesses the merits of plain language arguments for greater clarity in legislation.

Jenkins, C, 'The language of legislation', *The Loophole*, Dec. 1997, p 9.

- The author argues that drafting clear and simple legislation is not easy. Impediments include the complexity of policy, the pressure of time under which legislation is prepared, and the constraints imposed by the Parliamentary process.

Kelly, M, 'The drafter and the critics', *The Loophole*, Mar. 1989 (2.4) (repub. from Law Institute Journal, Oct. 1988, p 963).

- The author argues that the quest for straightforward drafting is not new. How keenly it is pursued is closely related to fashions in language. He criticises the 'plain English lobby' for various heresies and misconceptions, and advocates evolutionary rather than revolutionary change to legislative drafting practice.

Kimble, J, 'Clarity and precision in legislative drafting: are they mutually exclusive goals?', *The Loophole*, Dec. 1997, p 12 (repub. from The Scribes Journal of Legal Writing, vol. 5 (1994-95), p 53).

- The author answers critics who claim that the drafter has to choose between plain language and precision. He argues that the substance of the law can actually be made more precise by applying plain language principles. The endorsement of plain language by drafting offices and law reform bodies internationally, and instances of plain language drafting projects, are cited in support.

Kolts, G & ors, [correspondence on plain English], *Newsletter*, Feb. 1985 (No. 4) (includes 'A quasi-call to ditch legalese', repub. from Sydney Morning Herald, 1 Jan. 1985).

- Letters to the editor of the SMH and correspondence between Mr Kolts and Professor Robert Eagleson on the topic of plain English drafting are reproduced in this issue of the *Newsletter*. In addition, the issue includes an exchange of correspondence between Mr Kolts and Mr Peter Wilenski (Chairman of the Australian Public Service Board) on using 'they' and 'their' as gender-neutral 3rd person singular forms.

Nazareth, G, 'Legislative drafting: could our statutes be simpler?', *The Loophole*, Sept. 1987 (2.1), p 96.

- Justice Nazareth argues against the adoption, in common law countries, of the civil law statutory drafting system (general principles, fleshed out by the courts). He goes on to canvass some detailed suggestions about simpler drafting by reference to the Renton report and various commentators.

O'Brien, P, 'Use and misuse of examples', *The Loophole*, Mar. 2005 (2005.1), p 47.

- The author outlines his views on the use and misuse of examples, concentrating on the question of when should examples be used.

Piper, B, 'What, how, when and why—making laws easier to understand by using examples and notes', *The Loophole*, July 2007 (2007.2), p 74.

- The author argues that it is no longer necessary for drafters to labour under prescribed forms that cannot be adapted for the law's audiences. By using notes and examples, drafters can now illustrate

the intended effect of what they do, and can make laws far more accessible to legislative users, be they judges, bureaucrats or citizens.

‘Plain Language Act reintroduced’, *Newsletter*, Apr. 2009, p 30.

- Notice is given of the reintroduction of a Bill for a Plain Language Act 2009 into the US House of Representatives, 10 Feb. 2009.

‘Plain language versions of UK Parliamentary Bills’, *Newsletter*, Aug. 2006, p 44.

- A comment on an innovation in the Coroner Reform Bill (UK) incorporating a plain language ‘translation’ of each provision of the Bill.

Ruhindi, F, ‘The need for simplicity in legislation and challenges in its attainment’, *The Loophole*, June 2009 (2009.2), p 18.

- This paper examines the need for simplicity in legislation and a number of factors that affect its attainment, with a focus on developing countries.

‘The Swedish approach to clear legislation’, *Newsletter*, Aug. 2002, p 7 (repub. and ed. from Ministry of Justice, Stockholm 2002, ‘The Swedish Government promotes clear drafting’).

- A discussion of plain language legislative drafting practice, and processes to implement this, in Sweden.

Turnbull, I, ‘Clear legislative drafting: new approaches in Australia’, *The Loophole*, Aug. 1991 (3.2).

- In this paper, the Australian First Parliamentary Counsel describes the approach taken by his office to the problem of complex statute law. Detailed recommendations and examples of drafting practice are included.

—, ‘Plain language and drafting in general principles’, *The Loophole*, July 1995, p 25.

- A discussion of three styles of drafting—traditional drafting, plain language drafting and drafting in general principles. The author argues that these three styles can be regarded as on a continuous spectrum, or progression, of readability. However, the degree to which legal precision (or certainty) is obtained differs for each style, and there is no strict relationship between certainty and simplicity (or readability).

—, ‘Problems of legislative drafting’, *Newsletter*, Feb. 1986 (No. 9) (repub. and ed. from paper given at a conference of Australian Law Reform Agencies, Brisbane, 1985).

- The author discusses the problems of achieving simplicity in legislative drafting; problems with purpose clauses; difficulties drafting legislation to give effect to treaties; and techniques for drafting legislation more clearly.

Watson-Brown, A, ‘Shall revisited’, *The Loophole*, Feb. 1996, p 31.

- An assessment of the arguments about the use of ‘shall’ in legislative drafting. The author endorses an approach advocated by Reed Dickerson for avoiding the use of ‘shall’.

Wilson, J, 'Brevity = obloquy', *Newsletter*, Oct. 2003, p. 36.

- Note of judicial criticism in three cases of both surplusage and brevity in drafting style.

### 3.4 Statute book

'Access to the statute law currently in force', *Newsletter*, Nov. 1984 (No. 3), p 11.

- A discussion of practices of consolidation and republication across Commonwealth countries, with reference to the recent experience in Hong Kong.

Adsett, N, 'Aspects of law revision in the Commonwealth', *The Loophole*, Oct. 2007 (2007.3), p 18.

- The paper focuses on the smaller, less sophisticated Commonwealth jurisdictions and the ways in which they keep their bodies of statute laws organised and under review.

—, 'Law revision in the Pacific region', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 70/72s.

- The paper discusses the problems faced in the Pacific Region in knowing with certainty what the existing law is and readily finding that law in order to reform it.

Berry, D, 'Ignorance of the law is no excuse, but what if you can't access it?', *Newsletter*, Mar. 2010, p 19.

- A note on two cases: *R v Chambers* (House of Lords, 1997-2008), with a comment by Tolson LJ on the inaccessibility of legislation; and an Irish case, *Quinlivan v. O'Dea* (June 2009), decided on the misapprehension that an Act was still in force though it had been repealed 16 years before.

—, 'Keeping the statute book up-to-date—a personal view', *The Loophole*, Oct. 2007 (2007.3), p 33.

- If legislation is not kept up-to-date, the task of researching it is unnecessarily difficult and mentally demanding, and requires much time, resources and energy. The problem is alleviated in those jurisdictions where indexes and annotations of statutes are maintained. In recent years, the publication in most common law jurisdictions of electronic versions of statutes and statutory rules also makes it easier to access legislation.

Elliot, D, 'Comparative experience', *The Loophole*, Mar. 1989 (2.4) (repub. from Law Commission of New Zealand, Preliminary paper no. 8—legislation and its interpretations, p 106).

- The author describes how other jurisdictions, notably England and Canada, have attempted to keep their statute law accessible.

Engle, G, 'Statutes in Force: the United Kingdom's official revised edition of the statutes', *The Loophole*, Sept. 1987 (2.1), p 81.

- The paper provides a history and discussion of developments in the UK's publishing of Statutes in Force.

Erasmus, J, 'Keepers of the statute book: lessons from the space-time continuum', *The Loophole*, Jan. 2010 (2010.1), p 7.

- The author evaluates the development of counsel's responsibility for maintaining the legal and linguistic coherence of the statute book. She considers the change in volume of the statute book over time and the longevity of Acts within the current statute book.



—, ‘Statute Revision in British Columbia: recent developments from a jurisdiction with a long history of statute revision’, *The Loophole*, Oct. 2007 (2007.3), p 50.

- The paper discusses the following themes: the historical development of statute revision in British Columbia; the key concepts and choices that went into the current BC Statute Revision Act; the organisation and techniques used in the 1996 general statute revision in BC, and now being applied to its ongoing statute revision process; and how BC is now using the innovative ‘limited revision’ authority, with its potential for never again needing a full statute revision.

‘Guernsey’s legal resources go on-line’, *Newsletter*, Apr. 2009, p 29.

- Note about accessing the laws of Guernsey (UK). See <http://www.guernseylegalresources.gg/ccm/portal/>—accessed Oct. 2010.

Iles, W, ‘The printing of legislation: recent developments in New Zealand’, *The Loophole*, Nov. 1990 (3.1), in ‘Papers’, p 16/18s.

- The paper discusses the experience of New Zealand in the transfer of many of the duties of the Government Printer to Chief Parliamentary Counsel.

Ip, F, ‘Compilation, consolidation and revision of the laws of Hong Kong’, *The Loophole*, Dec. 1997, p 57.

- A history of the compilation, consolidation and revision of the laws of Hong Kong.

‘Isle of Man secondary legislation now available on-line’, *Newsletter*, Apr. 2009, p 29.

- Note about accessing the subordinate law of the Isle of Man (UK). See <http://www.gov.im/infocentre/acts/>—accessed Oct. 2010.

‘Jersey statutes revised and updated’, *Newsletter*, June 2005, p 18.

- Note about accessing the laws of Jersey (UK). See <http://www.jerseylaw.je/Law/LawsInForce>—accessed Oct. 2010.

Johnson, P, ‘Revised Statutes of Canada, 1985’, *The Loophole*, Nov. 1990 (3.1), in ‘Papers’, p 92/94s.

- An account of the preparation of the Revised Statutes of Canada, 1985 (the 6th such revision since confederation in 1867).

Law Commission of New Zealand, ‘Access to the statute law—the consolidation and revision of legislation’, *The Loophole*, Mar. 1989 (2.4) (repub. from Preliminary paper no. 8—legislation and its interpretations, p 105).

- A summary of the development by the New Zealand Parliamentary Counsel’s Office of new methods of distribution to make legislation more readily accessible.

Martin, EH & ABS Pierce, ‘Publication, consolidation and revision—the Hong Kong experience: new books for old’, *The Loophole*, Sept. 1987 (2.1), p 87.

- The paper discusses Hong Kong’s consideration of whether to use a loose leaf or loose booklet system for its legislative consolidations.

Murphy, D, 'The printing of legislation: recent developments in New South Wales', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 3/5s.

- The paper considers the implications of the closure of the Government Printing Office of New South Wales, Australia, for the preparation and printing of legislation in that State.

'On-line access to NSW legislation', *Newsletter*, Aug. 2002, p 5.

- Note about accessing the law of New South Wales (Australia). See [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)—accessed 22 October 2010.

'Online legal and legislative information databases: the Global Legal Information Network', *Newsletter*, Mar. 2010, p 24.

- A note about a new US-based legal and legislative database, the Law Library of US Congress. See <http://www.glin.gov/>—accessed 22 October 2010.

Patchett, K, 'Consolidation of statutes in small Commonwealth states', *The Loophole*, Sept. 1987 (2.1), p 112.

- The paper considers how to make the statute book accessible in small states in the Commonwealth. Revised consolidations are relatively more important in such a State than in a more developed country. The author proposes 'regional law units' to service a number of small countries as a way of pooling resources and achieve economies of scale in the production of consolidations.

Rassmussen, M, 'Finding the statute law', *Newsletter*, Feb. 1986, No. 9.

- The author writes about the difficulties of access to statute law, particularly that of Saskatchewan, Canada.

Roger, A, 'Hong Kong's looseleaf laws', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 64/66s.

- A discussion of Hong Kong's plan to adopt a loose leaf format through adapting British Columbia's system.

'Tasmanian legislation website', *Newsletter*, June 2005, p 19.

- Note about accessing the law of Tasmania, Australia. See <http://www.thelaw.tas.gov.au/index.w3p>—accessed 22 October 2010.

Tian, KE, 'The printing of statutes in Singapore', *The Loophole*, Nov. 1990 (3.1), in 'Papers', p 11/13s.

- A discussion of Singapore's experience of the conversion of the Government Printing Office into a commercial enterprise.

Wainwright, J, 'Keeping the statute book up to date — a self-help guide', *The Loophole*, June 2009 (2009.2), p 55.

- Some practical suggestions for maintaining the statute book without resort to proprietary IT solutions or resource-intensive programs of law revision.

### 3.5 Statutory interpretation

‘Anomalies in Child Support Regulations—Smith v Smith and Another’, *Newsletter*, June 2005, p 23.

- The author describes a case on the ambiguity of the definition of ‘earnings’ in these UK regulations.

Arden, M, ‘The impact of judicial interpretation on legislative drafting’, *The Loophole*, Aug. 2008 (2008.1), p 4.

- Lady Justice Arden discusses the way judges approach the task of interpreting statutes. Two models are presented: an ‘agency model’ where the judge seeks to find the intention of Parliament as expressed in the language Parliament has used; and a ‘dynamic model’ where the judge is a guardian of constitutional norms, including human rights.

—, ‘Statutory interpretation and human rights’, *The Loophole*, July 2007 (2007.2), p 40.

- Lady Justice Arden’s perspective on the interpretation of statutes which legislate for human rights. The author argues that it is clear, even from recent UK domestic law developments, that having regard to human rights requires a fresh approach to some of the established ideas and concepts of statutory interpretation. There is plenty of scope for the courts to develop further their approach to the interpretation of legislation where human rights are affected.

Bennion, F, ‘Hansard—help or hindrance? A draftsman’s view of Pepper v Hart’, *The Loophole*, July 1995, p 12.

- In this case, the House of Lords decided that the courts can use Hansard when construing legislation. The author is critical of its consequences for drafters and others.

Berry, D, ‘Are judges retreating from adopting a purposive approach to judicial interpretation?’, *Newsletter*, June 2005, p 20.

- A case note on the Australian High Court case, *Palgo Holdings Pty Ltd v Gowans* (source: *Sydney Morning Herald*, 26 May 2005). The author reports Justice Michael Kirby’s comments (in dissent) on the definition of ‘pawnbroker’ in legislation from New South Wales, Australia.

Bokhary PJ, ‘Legislative drafting: a judicial perspective’, *The Loophole*, Jan. 2010 (2010.1), p 26.

- Justice Bokhary considers statutory construction from the different perspectives of legislative counsel and the judiciary, and the contribution of both these parties to the rule of law.

‘Case Report—Attorney General v Shimizu Corp (formerly known as Shimizu Construction Co Ltd) (No 2)’, *The Loophole*, Dec. 1997, p 71.

- A report of a case from the Hong Kong Court of Appeal that turned on the interpretation of a Hong Kong Ordinance. The case involved consideration by the court of conflicting indications given by legislative history (slightly different drafting of an analogous UK law) and local legislative context (the previous section of the same Ordinance).

Douglas, W, ‘Statutory interpretation: the role of the judiciary’, *The Loophole*, Sept. 1987 (2.2), p 72.

- The Chief Justice of Barbados argues that judges should take into account the subject matter of legislation in the process of statutory interpretation.

Greenberg, D, 'The nature of legislative intention and its implications for legislative drafting', *The Loophole*, Oct. 2007 (2007.3), p 6.

- The paper examines one of the most ancient principles of the law of England and Wales: that in applying legislation the courts and any other reader should aim to construe the law 'according to the intent of them that made it'.

Gunter, J, 'HKSAR v MA: the Basic Law "shall be" given a purposive interpretation', *The Loophole*, Dec. 1997, p 38.

- The paper discusses the first important judicial decision concerning Hong Kong's new mini-constitution, the Basic Law of the Hong Kong Special Administration Region.

Markham, S, 'The curious case of the perfectly clear scheme', *Newsletter*, Mar. 2010, p 21.

- A case note on an Irish decision, *Dunnes Stores v. The Central Statistics Office and the Minister for State at the Department on An Taoiseach*. The 'clear meaning' rule led the court to an interpretation that made the law in question difficult to implement.

Moloney, J, 'Statutory interpretation [in] the European Court of Justice—Sturgeon v. Condor Flugdienst GmbH, Bock v. Air France SA', *Newsletter*, Mar. 2010, p 13.

- A note on the way principles of interpretation were applied by the European Court of Justice in this case, and the relevance of statutory context.

Orr, P, 'Speaker's corner: who then in law is a public servant's neighbour?', *Newsletter*, Apr. 2009, p 34 (repub. from Law Times, 24 Feb. 2009).

- The author claims that two Ontario Court of Appeal cases involve an apparent denial of the clear meaning and intention of a statute. The cases decided that no private law cause of action had been granted by the repeal of Crown immunity from suit.

Payne, J, 'On Loopholes', *Newsletter*, Aug. 2007, p 16 (repub. from *The Legislative Lawyer*, XX.3 (2006)).

- A discussion of 'loopholes' in tax law, and how the concepts of tax evasion and tax avoidance have been interpreted.

Scully, P, 'Extrinsic materials as an aid to statutory interpretation—a Hong Kong view', *The Loophole*, Dec. 1997, p 47.

- An examination of the 1997 Hong Kong Law Reform Commission report, *The use of extrinsic materials as an aid to statutory interpretation*.

Upham, A, 'Purposive approach nets raft fishermen', *The Loophole*, Dec. 1997, p 32.

- The paper discusses the interpretation of the Immigration Ordinance (Hong Kong), s 19 in *R v Tse Hing San and Others* and *AG v Li Ah-sang*.

'Use of explanatory notes to legislation as an aid to interpretation', *Newsletter*, Mar. 2003, p 20.

- A case note on *Westminster City Council v. National Asylum Support Service* (House of Lords, 2002). Explanatory notes—an accompanying separate booklet published by the Executive—may be used to

indicate the ‘objective setting or contextual scene’ of the relevant statute and the ‘mischief at which it is aimed’ without any textual ambiguity.

‘Use of extrinsic materials in interpreting legislation—developments in Australia’, *Newsletter*, June 1984 (No. 2), p 5.

- A discussion of s 15AB of the *Acts Interpretation Act 1901* (Commonwealth of Australia), which permits access to extrinsic materials in interpreting legislation. The *Interpretation Act, 1960* (Ghana), s 19(1) is also mentioned.

## 4 Miscellaneous

### 4.1 Personalia

*Bacon, Edward William Delany* (‘Lany’)

‘News of members’, *The Loophole*, Mar. 2005 (2005.1), p 4.

Morris, D, ‘Lany Bacon SC—grand master of legislative drafting’, *Newsletter*, June 2005, p 16.

- Former Chief Parliamentary Draftsman, Republic of Ireland.
- Obituaries.

*De Barros Botelho, Henrique Alberto*

Scott, J, ‘Colonel Henrique Alberto de Barros Botelho, MBE, ED 1906-1999’, *The Loophole*, June 2000, p 74.

- Former Commissioner for Law Revision, Hong Kong.
- Obituary.

*Bertrand, Gérard QC*

‘Marginal notes’, *The Loophole*, Sept. 1987 (2.1), p 25.

- Chief Legislative Counsel, Canada.
- Resignation.
- Appointment as Chairman, Ontario French Language Services Commission.

Bergeron, R, ‘Vale Gérard Bertrand and Vincent Grogan’, *The Loophole*, Dec. 1997, p 69.

- Obituary.

*Bowman, Geoffrey*

‘Congratulations [and other personal notices]’, *The Loophole*, June 2004 (2004.1), p 7.

- First Parliamentary Counsel, United Kingdom; President of CALC.
- Appointment as Knight Commander of the Order of the Bath.

‘Sir Geoffrey Bowman, QC, KCB’, *Newsletter*, Aug. 2006, p 22.

- First Parliamentary Counsel, United Kingdom; President of CALC.
- Retirement.

*Buluma, Arthur*

Caldwell, E, 'Secretary's notes: Mr Arthur Buluma', *The Loophole*, July 1995, p 2.

- Chief Parliamentary Counsel, Kenya.
- Obituary.

*Calcutt, Greg*

'News of members', *The Loophole*, Mar. 2005 (2005.1), p 4.

- Parliamentary Counsel, Western Australia.
- Appointment as Senior Counsel and Member of the Order of Australia.

'Retirement of prominent Australian Parliamentary Counsel', *Newsletter*, Feb. 2009, p 37 [with photograph showing current and former chief parliamentary counsel from almost all Australian jurisdictions, New Zealand and Hong Kong].

'Other news from Australia', *Newsletter*, Apr. 2009, p 30.

- Parliamentary Counsel, Western Australia.
- Retirement.

*Caldwell, Edward*

'Sir Edward Caldwell, KCB', *Newsletter*, Aug. 2006, p 23.

- Former First Parliamentary Counsel, United Kingdom.
- Retirement from the UK Law Commission.

*Carter, Godfrey*

'Two stalwarts of legislative drafting—Edward Sainsbury and Godfrey Carter', *Newsletter*, Oct. 2003, p 37 (repub. and ed. from London Times).

- Former Parliamentary Counsel, Office of Parliamentary Counsel, United Kingdom.
- Obituary.

*Clifford, John*

'John Clifford—ACT Parliamentary Counsel', *Newsletter*, Apr. 2009, p 30.

- Parliamentary Counsel, Australian Capital Territory.
- Retirement.

*Dale, William*

Xanthaki, H, 'Sir William Dale KCMG', *The Loophole*, June 2000, p 69.

- Director, Government Legal Advisors Course; first Director, Centre for Legislative Studies (now the Sir William Dale Centre for Legislative Studies), Institute for Advanced Legal Studies, London; member of CALC.
- Obituary.

*Dawson, Mary*

‘Marginal notes’, *The Loophole*, Sept. 1987 (2.1), p 25.

- Associate Chief Legislative Counsel, Canada.
- Appointment as Assistant Deputy Minister (Public Law), Department of Justice, Ottawa.

*Driedger, Elmer*

‘Death of Elmer Driedger’, *Newsletter*, Nov. 1985 (No. 7), p 2.

- Former Chief Legislative Counsel, Canada, author of influential texts on legislative drafting and statutory interpretation and founder of the Masters course in legislative drafting at the University of Ottawa.
- Obituary.

*Erasmus, Janet*

‘New Chief Legislative Counsel in British Columbia’, *Newsletter*, Apr. 2009, p 36.

- Chief Legislative Counsel, British Columbia, Canada.
- Appointment.

*Ewens, John Q.*

Kirby, M, ‘Obituary—Mr J Q Ewens, CMG, CBE, QC’, *The Loophole*, Feb. 1993 (3.4), p 2 (repub. from Australian Law Journal vol. 66 (Dec. 1992), p 870).

- Former First Parliamentary Counsel, Australia (first holder of that office).
- Obituary.

*Finemore, John Charles*

Wade, J, ‘John Finemore—wise counsel of legislative reform’, *The Loophole*, June 2000, p 71.

- Former Chief Parliamentary Counsel, Victoria, Australia.
- Obituary.

*Fraser, James*

Christensen, J, ‘Sir James Fraser, former First Parliamentary Counsel, Papua New Guinea—Tribute’, *Newsletter*, Aug. 2007, p 23.

- Former First Parliamentary Counsel, Papua New Guinea.
- Obituary.

*Georges, Sandra*

‘Other news from Australia’, *Newsletter*, Apr. 2009, p 30.

- Parliamentary Counsel, Australian Capital Territory.
- Appointment to replace John Clifford.

*Griffey, Roy*

‘Members’ movements’, *The Loophole*, Dec. 1997, p 67.

- Legislative drafter, Law Drafting Division, Hong Kong.
- Retirement.

*Grogan, Vincent*

‘Vale Gérard Bertrand and Vincent Grogan’, *The Loophole*, Dec. 1997, p 69.

- Legislative counsel, Parliamentary Draftsman’s Office, Ireland.
- Obituary.

*Hackett-Jones, Geoff*

‘Geoff Hackett-Jones, QC’, *Newsletter*, Aug. 2006, p 24.

- Former Parliamentary Counsel, South Australia.
- Resignation.
- Appointment as Parliamentary Counsel, Northern Territory, Australia.

‘Geoff Hackett-Jones’, *Newsletter*, Apr. 2009, p 38.

- Parliamentary Counsel, Northern Territory, Australia.
- Retirement.

*Horton, Sydney*

‘Sydney Horton (Yukon, Canada)’, *Newsletter*, Apr. 2009, p 34.

- Former Chief Legislative Counsel, Yukon, Canada.
- Obituary.

*Hull, David*

‘David Hull’, *Newsletter*, Aug. 2006, p 24.

- Head of legislative drafting office, Jersey, UK.
- Retirement.

*Hurrell, Ian*

‘Ian Hurrell’, *Newsletter*, Aug. 2006, p 25.

- Former New Zealand Parliamentary Counsel.
- Obituary.

*Iles, Walter*

‘Walter Iles, QC, CMG’, *Newsletter*, Aug. 2006, p 24.

- Former Chief Parliamentary Counsel, New Zealand.
- Retirement as a legislative drafter.



*Ilyk, Peter*

‘News about drafters’, *The Loophole*, Nov. 1990 (3.1), in ‘Minutes’, p 16s.

- Assistant manager, drafting unit, Civil Aviation Authority, Australia.
- Appointment (with other staff members, Messrs McMilland and Sansoni).

*Johnson, Peter*

‘Marginal notes’, *The Loophole*, Sept. 1987 (2.1), p 25.

- Chief Legislative Counsel, Canada.
- Appointment.

Maurais, D, ‘Tribute to Peter Johnson’, *The Loophole*, Dec. 1997, p 70.

- Chief Legislative Counsel, Canada.
- Retirement.

*Jones, Kenneth*

‘Retirement in Northern Ireland’, *Newsletter*, Apr. 2008, p 33.

- Legislative drafter with the Office of the Legislative Counsel, Northern Ireland.
- Retirement.

*Keyes, John Mark*

‘Chief Legislative Counsel of Canada’, *Newsletter*, Apr. 2008, p 33.

- Chief Legislative Counsel, Canada.
- Appointment (after acting in that capacity for 2 years).

*Kolts, Geoff*

“‘Translation” of Geoff Kolts’, *Newsletter*, July 1986 [No. 11.2], p.3.

- First Parliamentary Counsel, Australia.
- Resignation.
- Appointment as Commonwealth Ombudsman, Australia.

*Koursoumba, Leda*

‘News of members’, *The Loophole*, Mar. 2005 (2005.1), p 4.

- Parliamentary Counsel, Cyprus.
- Appointment as Cyprus Law Commissioner.

*Laws, Stephen*

‘Stephen Laws CB’, *Newsletter*, Aug. 2006, p 22.

- First Parliamentary Counsel, United Kingdom.
- Appointment to replace Sir Geoffrey Bowman.

*Leahy, John*

‘John Leahy, SC’, *Newsletter*, Aug. 2006, p 24.

- Parliamentary Counsel, Australian Capital Territory.
- Retirement.
- Appointment as head of legislative drafting office, Qatar.

*Lever, Lionel*

Caldwell, E, ‘Secretary’s notes: Mr Lionel Lever, QC’, *The Loophole*, July 1995, p 2.

- Chief Legislative Counsel, Canada.
- Appointment to replace Peter Johnson QC.

‘Lionel Lever QC’, *Newsletter*, Aug. 2006, p 21.

- Retirement from Department of Justice, Canada.

*Marsh-Smith, Lucy*

‘New appointments in the Isle of Man and Jersey’, *Newsletter*, Apr. 2008, p 32.

- Resignation from legislative drafting office, Jersey.
- Appointment to head the legislative drafting office, Isle of Man.

*Martin, Ken*

‘News about drafters’, *The Loophole*, Nov. 1990 (3.1), in ‘Minutes’, p 16s.

- Parliamentary Counsel, Queensland, Australia.
- Appointment.

*Maurais, Donald*

Lever, L, ‘Vale—Donald Maurais’, *The Loophole*, June 2004 (2004.1), p 87.

- Deputy Chief Legislative Counsel, head of the Legislation Section, Department of Justice, Canada, 1995-2002.
- Obituary.

*McCluskie, John*

‘News about drafters’, *The Loophole*, Nov. 1990 (3.1), in ‘Minutes’, p 16s.

- Parliamentary Draftsman, Scotland.
- Appointment to replace N J Adamson, CB, QC.

‘John McCluskie QC, KCB’, *Newsletter*, Aug. 2006, p 23.

- First Scottish Parliamentary Counsel.
- Retirement.

*Mcintosh, Hilton*

Dawson, M & L Levert, 'Obituary—Hilton McIntosh', *The Loophole*, Dec. 2001 (2001.1), p 75.

- Former Assistant Deputy Minister Legislative Services, Department of Justice, Canada; previously head of the regulations drafting unit.
- Obituary.

*Meldazy, Deborah*

'Marginal notes', *The Loophole*, Sept. 1987 (2.1), p 25.

- Chief Legislative Counsel, Northwest Territories, Canada.
- Resignation to undertake revision of the Ordinances of the Northwest Territories.

*Miller, S*

'News about drafters', *The Loophole*, Nov. 1990 (3.1), in 'Minutes', p 16s.

- Chief Parliamentary Counsel, Trinidad and Tobago.
- Appointment.

*Moran, Eamonn*

'New Law Draftsman in Hong Kong; new Chief Parliamentary Counsel in Victoria (Australia)', *Newsletter*, Apr. 2008, p 32.

- Chief Parliamentary Counsel, Victoria, Australia.
- Resignation.
- Appointment as Law Draftsman, Department of Justice, Hong Kong.

*Morris, David*

'News of members', *The Loophole*, Mar. 2005 (2005.1), p 4.

- Deputy Law Draftsman, Hong Kong.
- Retirement.

Berry, D, 'Dennis Morris—legal draftsman extraordinaire', *Newsletter*, Apr. 2009, p 29.

Collins, J, 'Memories of Dennis Morris', *Newsletter*, Apr. 2009, p 32.

Mooney, K, 'Dennis Morris: an Irish and Kingstown memory', *Newsletter*, Apr. 2009, p 30.

- Legislative drafter, Parliamentary Draftsman's Office, Ireland and the Law Drafting Division, Hong Kong.
- Obituaries.

*Munyard, Walter*

'Other news from Australia', *Newsletter*, Apr. 2009, p 30.

- Parliamentary Counsel, Western Australia.
- Appointment to replace Greg Calcutt AM, SC.

*Noble, David*

‘New Zealand Chief Parliamentary Counsel’, *Newsletter*, Apr. 2008, p 32.

- Chief Parliamentary Counsel, New Zealand.
- Appointment to replace George Tanner.

*Orpwood, Michael*

‘Congratulations [and other personal notices]’, *The Loophole*, June 2004 (2004.1), p 7.

- Deputy Parliamentary Counsel, New South Wales, Australia.
- Retirement.

‘Michael Orpwood, QC’, *Newsletter*, Aug. 2006, p 25.

- Former Deputy Parliamentary Counsel, New South Wales, Australia.
- Obituary.

*Penfold, Hilary*

‘Former Parliamentary Counsel appointed to Supreme Court’, *Newsletter*, Apr. 2008, p 32.

- Former First Parliamentary Counsel, Australia.
- Appointment to the Supreme Court of the Australian Capital Territory.

*Pepper, Miles*

‘News about drafters’, *The Loophole*, Nov. 1990 (3.1), in ‘Minutes’, p 16s.

- Chief Legislative Counsel, Northwest Territories, Canada.
- Appointment.

Lever, L, ‘Miles Pepper’, *Newsletter*, Apr. 2008, p 35.

- Former Chief Legislative Counsel, Manitoba, Canada, and Director, Legislation Division, Department of Justice, Northwest Territories, Canada.
- Obituary.

*Quiggin, Peter*

‘Congratulations [and other personal notices]’, *The Loophole*, June 2004 (2004.1), p 7.

- First Parliamentary Counsel, Australia.
- Appointment.

*Ray, Dawn*

‘New Parliamentary Counsel in Australia’s Northern Territory’, *Newsletter*, Apr. 2009, p 39.

- Parliamentary Counsel, Northern Territory, Australia.
- Appointment.

*Renton, David*

‘Lord Renton—advocate of plain language in the law’, *Newsletter*, Apr. 2008, p 33.

- Author of the Renton report on The Preparation of Legislation (1975).
- Obituary.

*Revell, Donald L*

‘Marginal notes’, *The Loophole*, Sept. 1987 (2.1), p 25.

- Senior Legislative Counsel, Ontario, Canada.
- Appointment.

‘News of members’, *The Loophole*, Mar. 2005 (2005.1), p 4.

- Chief Legislative Counsel, Ontario, Canada.
- Retirement.

*Roger, Allen*

‘Marginal notes’, *The Loophole*, Sept. 1987 (2.1), p 25.

- Chief Legislative Counsel, British Columbia, Canada.
- Resignation to take up a contract in Hong Kong.

*Sainsbury, Edward*

‘Two stalwarts of legislative drafting—Edward Sainsbury and Godfrey Carter’, *Newsletter*, Oct. 2003, p 37 (repub. and ed. from London Times).

- Former Commissioner for Revision of the Laws of Hong Kong.
- Obituary.

*Sherriff, Jan*

Munyard, W & G Calcutt, ‘Jan Sherriff—former WA Deputy Parliamentary Counsel’, *Newsletter*, Mar. 2010, p. 9.

- Former Deputy Parliamentary Counsel, Western Australia.
- Obituary.

*Stone, Arthur N*

‘Marginal notes’, *The Loophole*, Sept. 1987 (2.1), p 25.

- Senior Legislative Counsel, Ontario, Canada.
- Retirement.

*Tanner, George*

‘Members’ movements’, *The Loophole*, Dec. 1997, p 67.

- Chief Parliamentary Counsel, New Zealand.
- Appointment.

‘New Zealand Chief Parliamentary Counsel’, *Newsletter*, Apr. 2008, p 32.

- Chief Parliamentary Counsel, New Zealand.
- Retirement.
- Appointment to New Zealand Law Commission.

*Turnbull, Ian*

‘Marginal notes’, *The Loophole*, Sept. 1987 (2.1), p 25.

- First Parliamentary Counsel, Australia.
- Appointment.

*Varley, Gemma*

‘New Law Draftsman in Hong Kong; new Chief Parliamentary Counsel in Victoria (Australia)’, *Newsletter*, Apr. 2008, p 32.

- Chief Parliamentary Counsel, Victoria, Australia.
- Appointment to replace Eamonn Moran.

*Waddington, Matthew*

‘New appointments in the Isle of Man and Jersey’, *Newsletter*, Apr. 2008, p 32.

- Legislative drafter, Cyprus.
- Appointment to replace Lucy Marsh-Smith in legislative drafting office, Jersey.

*Willis, Tom*

Murphy, D, ‘Tom Willis—Former New South Wales Deputy Parliamentary Counsel’, *Newsletter*, Mar. 2010, p 8.

- Former Deputy Parliamentary Counsel, New South Wales, Australia.
- Obituary.

*Wilson, Colin*

‘Colin Wilson’, *Newsletter*, Aug. 2006, p 24.

- First Scottish Parliamentary Counsel.
- Appointment to replace John McCluskie, QC, KCB.

*Wright, Eric*

‘Eric Wright’, *Newsletter*, Aug. 2006, p 25.

- Former Second Parliamentary Counsel, Australia.
- Obituary.

*Wong, May*

‘Members’ movements’, *The Loophole*, Dec. 1997, p 67.

- Deputy Law Draftsman, Hong Kong.

- Retirement.

*Ibrahim, Zaharah*

‘News of CALC members’, *Newsletter*, June 2005, p 6.

- Former head of the legislative drafting office, Malaysia.
- Appointment as Judicial Commissioner, High Court of Malaysia.

## 4.2 Conference reports

Berry, D, ‘CALC Conference and meeting—Melbourne, Australia, Apr. 2003’, *Newsletter*, Oct. 2003, p 2.

- General notes about the April 2003 CALC conference.

—, ‘CALC Conference and meeting—Nairobi, Kenya, September 2007’, *Newsletter*, Apr. 2008, p 4.

- Report of 2007 CALC conference in Nairobi. Themes included judicial interpretation of statutes, quality control in drafting offices, the role of legislative counsel and plain language and access to law.

Butt, P, ‘Report on recent Clarity—Statute Law Society joint conference’, *Newsletter*, Aug. 2002, p 3.

- Conference on the theme of ‘The language of legislation’ (London, 12-14 July 2002). Justice Michael Kirby (High Court of Australia) gave a keynote address on ‘Statutes and contracts: towards a grand theory of interpretation’. Other topics included the purpose, users and production of legislation and plain language drafting style.

‘CALC conference and general meeting: 8 and 9 September 2005’, *Newsletter*, Aug. 2006, p 2.

- The conference was held in London. Topics included drafting office organisation and information technology; drafter training; legislative intention; drafting in a developing country; consolidation of legislation; the Human Rights Act 1998 (UK); and drafting for multiple legal systems.

O’Brien, P, D Morris & D Berry, ‘Conference Impressions—CALC 2009’, *Newsletter*, Apr. 2009, p 3.

- Report of 2009 CALC conference in Hong Kong on the topic of ‘Whose law is it?’. Themes of the conference included multilingualism, teaching legislative drafting and interpretation and legislative drafting.

Penfold, H, ‘Hilary Penfold’s speech at the official dinner’, *Newsletter*, Oct. 2003, p 13 (transcript of speech given on 16 April 2003 at the official dinner for the CALC conference, Melbourne, Australia, April 2003).

- The speaker takes a humorous look at judicial attitudes to legislative drafting, among other things.

‘Second United Kingdom Forum of Legislative Counsel: 18 September 2009, Tŷ Hywel, Cardiff Bay, Wales’, *Newsletter*, Mar. 2010, p 7.

- Conference report: topics included bilingualism, ways of working and legislative software.

### 4.3 Book reviews and notices

Atre, BR, *Legislative drafting: principles and techniques*, (Universal Law Publishing Co, Delhi).

- Krishna Iyer, VR, review, *The Loophole*, Mar. 2007 (2007.1), p 93, repub. from *The Hindu*, 12 Feb. 2002.

Beaupré, R Michael, *Interpreting Bilingual Legislation*, (2nd ed.), Carswell.

- ‘Bilingual legislation’, notice, *Newsletter*, July 1986 [No. 11.2], p. 2.

Bennion, F, *Understanding common law legislation*, (Oxford University Press, Oxford).

- [Notice,] *The Loophole*, Dec. 2001 (2001.1), p 77.

Blake, M, *Plain language and the law: an inquiry and a bibliography*, Department of Justice of Canada, 1986.

- ‘Citations’, notice, *The Loophole*, Sept. 1987 (2.1), p 26.

Butt, P & R Castle, *Modern legal drafting—a guide to using clearer language*, (Cambridge University Press, Cambridge).

- [Notice,] *The Loophole*, Dec. 2001 (2001.1), p 76.

Department of Justice of Canada, *The federal legislative process in Canada*, 1987.

- ‘Citations’, notice, *The Loophole*, Sept. 1987 (2.1), p 26.

Law Reform Commission of Victoria, *Legislation, legal rights and plain English, Discussion Paper No. 1*.

- ‘Citations’, notice, *The Loophole*, Sept. 1987 (2.1), p 26.

McLeod, I, *Principles of legislative and regulatory drafting*, (Hart 2009).

- [Notice,] *The Loophole*, Oct. 2009 (2009.3), p 83.
- Moloney, J, review, *The Loophole*, Aug. 2010 (2010.2), p 75.

Pierce, A, *Cheung Chau Dog Fanciers’ Society*, (Soho, 2002).

- Winchester, R, review, *The Loophole*, Dec. 1997, p 74, [repub. from *HK Magazine*, *Metro Radio*]. A novel written by a former Deputy Law Draftsman in the Law Drafting Division in Hong Kong.

Posorski, A, *Indexing to improve access to legal information: the activities of the Canadian Law Information Council*.

- ‘Citations’, notice, *The Loophole*, Sept. 1987 (2.1), p 26.

Salembier, P, *Legal and legislative drafting*, (Lexis Nexis Canada Inc.).

- Levert, L, review, *The Loophole*, Aug. 2010 (2010.2), p 72.

Simamba, B, *The legislative process: a handbook for public officials*, (AuthorHouse).

- Marsh-Smith, L, review, *The Loophole*, Aug. 2010 (2010.2) p 70.