

## Items of interest

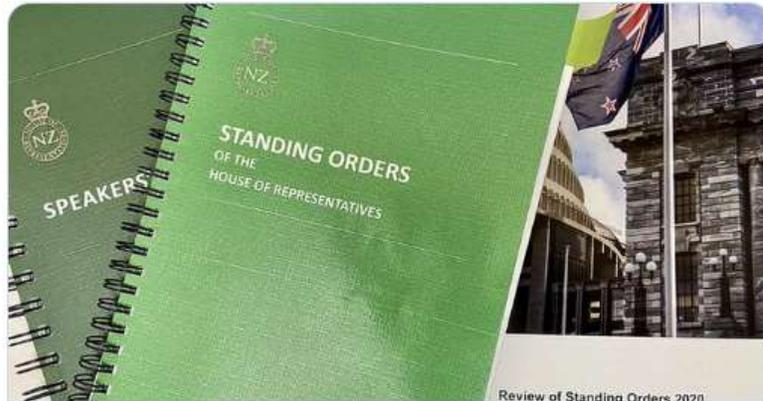
### New Zealand – Review of Standing Orders 2020

New Zealand’s House of Representatives’ Standing Orders Committee on 3 August 2020 presented its final report on its [Review of Standing Orders 2020](#). See also <https://www.rnz.co.nz/national/programmes/the-house/audio/2018761395/shaking-up-the-house-new-rules-for-parliament>



**NZ Parliament** @NZParliament · Aug 31

Via @radionz: Every three years the Standing Orders, are reviewed and updated so Parliament can work more effectively. **The House** spoke to @SpeakerTrevor and **Clerk of the House David Wilson** to find out more about some of the 2020 rule changes: [bit.ly/2QFPS0i](https://bit.ly/2QFPS0i) #nzpol



Shaking up the House: New rules for Parliament  
Parliament has agreed to the biggest shake-up of its rules since MMP, including changes to how it works, where and when it meets; even how ...  
[rnz.co.nz](https://www.rnz.co.nz)

## New Zealand – election delayed, Parliament dissolved

New Zealand's 52<sup>nd</sup> Parliament was dissolved on 6 September 2020 for the 2020 general parliamentary election, polling day for which is now 17 October 2020. Below is a photo of the dissolution ceremony.



On 12 August 2020, due to the re-emergence of COVID-19 in Auckland, Prime Minister Jacinda Ardern delayed the dissolution of Parliament until 17 August 2020, and was seeking advice from the Electoral Commission regarding a new election timeline.

On 17 August 2020, Prime Minister Ardern [announced](#) deferral of the election from the former date (19 September 2020), saying “I will not change the election date again.” “This decision gives all parties time over the next nine weeks to campaign and the Electoral Commission enough time to ensure an election can go ahead,” Jacinda Ardern said.

The Chief Electoral Officer has powers under the Electoral Act 1993 ss 195 to 195E to delay polling at some or all polling places for up to 3 days due to unforeseen circumstances. This can be extended for up to 7 days at a time following consultation with the Prime Minister and the Leader of the Opposition.

Under the original timetable, Parliament was to be dissolved on 12 August 2020. With the deferral announced on 17 August 2020, The House Business Committee on 18 and 25 August 2020 agreed determinations providing for House sittings on 18, 19, 25, and 26 August 2020, and 1 and 2 September with the House adjourning after general business, any ministerial statements, and any Government notices of motion. The only legislative business advanced in this period was approval of a Government motion approving four orders under the COVID-19 Public Health Response Act 2020. For a podcast discussion of issues raised by the deferral of the dissolution, see Lex & LORE EPISODE 3: The Lockdown: Resurgence | A Constitutional Brouhaha – at <http://www.lexisnexis.co.nz/InsightsAnalysis/Podcasts/>

## Two drafting, plain language conferences online

As notified at [www.calc.ngo](http://www.calc.ngo), these 2 online conferences are already happening, or coming up fast:

- **CIAJ Legislative Drafting Conference 2020** – Online 10 September to 1 October 2020 – For further details, see: <https://ciaj-icaj.ca/en/upcoming-programs/2020-legislative-drafting/>.



- **Access for All: Plain Language is a Civil Right** – Virtual Conference 13-15 October 2020 – For further details, see: [www.accessforallconference.org](http://www.accessforallconference.org).



## Automated decision making – webinar recording



To view the on-demand webinar recording, go to: <https://www.cchlearning.com.au/catalogue/781-automated-decision-making-and-administrative-law/>

## Automated decision making – ‘robo-debt’ FCA orders



See also Terry Carney: AI, the Rule of Law and the Digital Welfare State -- <https://adminlawblog.org/2020/09/01/terry-carney-ai-the-rule-of-law-and-the-digital-welfare-state/>:

“Australia’s roll-out of artificial intelligence in income security administration took a massive credibility hit in November 2019. On 25 November the [Federal Court invalidated](#) 470,000 alleged social security debts, impacting 373,000 individuals and totalling \$721 million.”

## Australia – NSW runs AI over legislation to find reform opportunities

See also the following article: [https://www.itnews.com.au/news/nsw-runs-ai-over-legislation-to-find-reform-opportunities-550925?eid=1&edate=20200728&utm\\_source=20200728\\_AM&utm\\_medium=newsletter&utm\\_campaign=daily\\_newsletter](https://www.itnews.com.au/news/nsw-runs-ai-over-legislation-to-find-reform-opportunities-550925?eid=1&edate=20200728&utm_source=20200728_AM&utm_medium=newsletter&utm_campaign=daily_newsletter) and this report [Regulating for NSW's Future](#) (NSW Treasury, July 2020).



The report [[pdf](#)], *Regulating for NSW's Future*, reveals that seven percent – or 6139 of the 88,704 sections of NSW regulation have not been edited since they were originally created.

A further four percent – or 3893 sections – have only been edited on one occasion since they were introduced, while five percent have not been edited in the past decade.

The tool also found that the average age of a piece of regulation was 22 years and that regulation would be edited 104 times on average during its life.

NSW legislation was also found to reference a myriad of references to obsolete technologies such as facsimile (350), fax (76), telegram (27), telex (23) and cassette (19).

## 10-years of [legislation.gov.uk](https://legislation.gov.uk) – webinar

To view the on-demand replay of this event, go to:  
<https://prod.flowapp.com/s/BvBKxYn0X2?refToken=WS>

Opening up the statute  
book: 10 years of  
legislation.gov.uk

UK ACTS OLD ENGLISH PARLIAMENT  
1267-PRESENT  
STATUTORY INSTRUMENTS  
LOCAL ACTS PARLIAMENT OF GREAT BRITAIN  
CHURCH MEASURES

### DESCRIPTION

In July 2010 The National Archives launched legislation.gov.uk, the official home for new and revised UK legislation. To mark its 10th anniversary, the Head of Legislation Services (Matthew Bell) will discuss the challenges, achievements, and impact of this ground-breaking service.

### DATE & TIME

Thu, August 13, 2020  
2:00 pm BST

### PRESENTERS

 Matthew Bell

 Legislative Drafting Office, Jersey Retweeted

 **Matthew Waddington** @mattwadd · Aug 14

Just attended fascinating webinar by @matthewj\_bell of @UkNatArchives on the first 10 years of the @legislation service (including Brexit & Covid). They are open to suggestions for more talks.

## Post-legislative scrutiny – article

Franklin De Vrieze & Philip Norton (2020) The significance of post-legislative scrutiny, The Journal of Legislative Studies, 26:3, 349-361,

<https://www.tandfonline.com/doi/full/10.1080/13572334.2020.1780008>

 FranklinDeVrieze Retweeted

 **FranklinDeVrieze** @FranklinDVrieze · Aug 28

For parliamentary nerds: the Journal of Legislative Studies has published its September issue, dedicated to Post-Legislative Scrutiny. Honored working with @LordNortonLouth. In-depth articles by @thomascaygill @EP\_ThinkTank @fotisfitsilis @jonathanrmurphy

## Interpreting parliamentary inaction – CLJ article



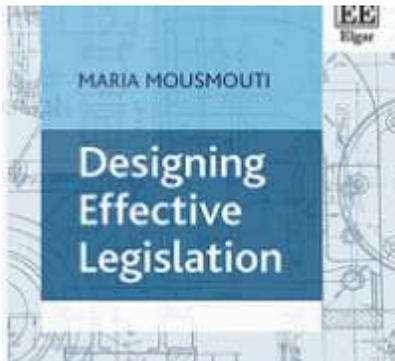
**Diggory Bailey** @BaileyDiggory · Jul 24

What, if any, significance can be attributed to parliamentary inaction when considering questions of statutory interpretation? Discussed in my article "Interpreting Parliamentary Inaction", which appears in the July issue of the Cambridge Law Journal



INTERPRETING PARLIAMENTARY INACTION | The Ca...  
INTERPRETING PARLIAMENTARY INACTION - Volume  
79 Issue 2 - Diggory Bailey  
[cambridge.org](https://www.cambridge.org)

<https://t.co/fKBfz6A7xR?amp=1>



### Dr Maria Mousmouti *Designing effective legislation* – book reviews

[\*Designing effective legislation\*, by Maria Mousmouti, Cheltenham / Northampton, MA, Edward Elgar, 2019, 199 pp., ISBN 978-1-78811-822-4 \(cased\) / ISBN 978-1-78811-823-1 \(eBook\)](#) – is reviewed by Ross Carter in *The Theory and Practice of Legislation*. See

<https://www.tandfonline.com/doi/abs/10.1080/20508840.2020.1788810>

See also Zhi Peng Benny, Tan, Book Review: *Designing Effective Legislation* by Maria Mousmouti (March 2020). *Singapore Journal of Legal Studies*, Mar. 2020, pp 360-362, Available at SSRN:

<https://ssrn.com/abstract=3656829>

## UK – new edition of UK OPC drafting guidance

The UK OPC in June 2020 published a [new edition of its drafting guidance](#).

Matthew Waddington Retweeted



**Legislative Drafting Office, Jersey** @JerseyLDO · Jun 19

Congratulations to UK PCO on updating their drafting manual. Your country's Interpretation Act/Law & drafting manual are essential guides on how to read legislation.

See our manual [gov.je/Government/Non...](http://gov.je/Government/Non...) & our Law [jerseylaw.je/laws/unofficia...](http://jerseylaw.je/laws/unofficia...)

For more see CALC [calc.ngo/drafting-manua...](http://calc.ngo/drafting-manua...)

Our drafting practice tailors Commonwealth drafting practice to the particular features of the Jersey legal system, and to the principles set out in the Interpretation (Jersey) Law 1954, Revised Edition number [15.360](#) (the "Interpretation Law"). That is then further supplemented by elements of local style.

This Practice Manual sets out the practices that we follow in Jersey. It generally leaves normal drafting principles to the relevant text books, such as the "Commonwealth Legislative Drafting Manual" by Roger Rose, "Thornton's Legislative Drafting" by Helen Xanthaki, and "Legal and Legislative Drafting" by Paul Salembier, among others.

Legislative drafting is guided by the principles of statutory interpretation. There are several statutory aids to interpretation of legislation in Jersey.

- The starting point for interpretation of expressions used in a draft is the interpretation provision included in that draft (usually as the first provision – see below at 2.6.1).
- If the draft is to be made under a provision of another Law or Regulations, then the next port of call should be the interpretation provision in that Law or Regulations (as definitions flow through – see below at 2.6.3).
- The most important, but commonly overlooked, general statutory guide to interpretation is the Interpretation Law. We rely on its provisions except where this manual states otherwise.
- Other important general statutory provisions on interpretation are found in the [Human Rights \(Jersey\) Law 2000](#), while more specific provisions are found in Laws such as the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#) and the [Electronic Communications \(Jersey\) Law 2000](#).

**ParliamentaryCounsel** @ParliCounsel\_UK · Jun 18

We have just published a new edition of our drafting guidance, which is intended to help drafters write legislation that is as easy as possible to understand. [assets.publishing.service.gov.uk/government/upl...](http://assets.publishing.service.gov.uk/government/upl...)

Here is the [Legislative Drafting Office, Jersey, Drafting Practice Manual \(31 December 2018\)](#).

These resources have been added to <http://www.calc.ngo/drafting-manuals-and-other-resources>.

See also the item below on CALC webpage – Links to drafting manuals “and other resources”.

## UK – new legislation system



**Parliamentary Digital Service** ✓ @ParliDigital · Jul 4

We're really proud to see that the first Bill has been drafted in our new legislation system, which went live only a week ago! 🎉

The new system allows Clerks to draft a bill, submit it to Parliament, and get it ready for enactment, in a user-friendly, intuitive system.



4

27

74



**Parliamentary Digital Service** ✓ @ParliDigital · Jul 4

The first Bill to be drafted in the new system is the Sexual Offences (Sports Coaches) Bill 2019-21.

It is a Private Members' Bill and was introduced to Parliament on Wednesday 17 June 2020 under the Ten Minute Rule, by [@tracey\\_crouch](#) MP 🇬🇧



**Tracey Crouch** ✓ @tracey\_crouch · Jul 3

Not only has my Sexual Offences (Sports Coaches) Bill been published today but it is the first to use a new fancy piece of software that Parliament is trialling. The fondly named "legislation geeks" are very excited :)

SummerSchool2020



# LegalXML for “Law as Code”

12<sup>th</sup> September 2020  
OPEN EVENT in TEAMS



ALMA MATER STUDIORUM  
UNIVERSITÀ DI BOLOGNA  
RAVENNA CAMPUS

12.15-12.45

*Lawmaker: drafting and amending legislation using Akoma Ntoso in the UK and Scotland*  
Matthew Lynch, Parliamentary Counsel Office, Scottish Government, UK

LEGISLATIVE DRAFTING, AMENDING AND PUBLISHING PROGRAMME  
WORK IN PROGRESS DEMO

Scottish Government  
Pàrlamaid na h-Alba  
gov.scot

hello

MATT LYNCH, PARLIAMENTARY COUNSEL OFFICE, SCOTLAND

## LAWMAKER BETA

Version 5.0.0, September 2020

### THE PROJECT

5	2	1
Partners	Jurisdictions	System

PARLIAMENTARY  
COUNSEL OFFICE

## UK – legal education

Ben Yong's trailer for his new module at Durham Law School is well worth a look:

<https://twitter.com/bymyong/status/1286204450135314433>

**Ben Yong** @BYMYong · Jul 23

Trailer for my new module 'The legislature and legislation' at @DurhamLawSchool. Inspired by @drhonor, but nowhere \*near\* that level of sophistication. Thanks to @UKParliament for legislative process pic.

**LAW 3501: THE LEGISLATURE AND LEGISLATION**

▶ 14.1K views 0:59 / 1:06 🔊 ↗

iMOVIE AND DURHAM LAW SCHOOL PRESENT  
A DURHAM LAW SCHOOL PRODUCTION IN ASSOCIATION WITH iMOVIE  
A BEN YONG FILM  
THE LEGISLATURE AND LEGISLATION  
STARRING BEN YONG  
EDITED BY BEN YONG PRODUCTION DESIGNER BEN YONG DIRECTOR OF PHOTOGRAPHY BEN YONG CASTING BY BEN YONG MUSIC BY iMOVIE  
COSTUME DESIGNER BEN YONG EXECUTIVE PRODUCER THOM BROOKS WRITTEN BY BEN YONG AND LI ZHIYU  
DIRECTED BY BEN YONG

## UK – legal education – thank you to PCO Scotland



**Scott Wortley**  
@Scott\_Wortley

Big thank you to @PCOScotland for their teaching of drafting in the legislation (honours) class. Students should have their marks now and the bill drafting exercise students completed was done really well. A pleasure to assess.

11:17 PM · Jun 18, 2020 · Twitter Web App

## UK – commas in short titles – those were the days!



**Alex Gordon** @cribbagepegging · Jul 31

Interesting, at least for people interested in such niceties (like me)...



**Diggory Bailey** @BaileyDiggory · Jul 31

Replying to @childrenlawyer

The practice of including a comma in short titles was discontinued in 1962. Noel Hutton, then 1st Parliamentary Counsel, wrote a note for Law Quarterly Review - (1966) 82 LQR 24.

## UK – review of regulatory impact assessments

The Regulatory Policy Committee (RPC), an advisory Non-Departmental Public Body of the Department for Business, Energy and Industrial Strategy, has published a paper entitled *Impact Assessments: Room for Improvement?*. <https://www.gov.uk/government/publications/impact-assessments-room-for-improvement>

## Uganda Legal Information Institute



The Uganda Legal Information Institute (ULII) is a website publishing legal information from Uganda for free online access:

<https://ulii.org/content/welcome-uganda-legal-information-institute>



**Uganda Legal Information Institute** @Uganda\_LII · May 18

ULII publishes the law of Uganda for free access by anyone with an Internet connection. ULII is a project of the @JudiciaryUG #RuleofLaw #freelawafrika

“

The Law must be accessible and so far as possible intelligible, clear and predictable

TOM BINGHAM, THE RULE OF LAW

ULII 

## Innovative Drafting Strategy and Manuals in Greece

Greece, a civil law jurisdiction, has prioritized regulatory quality as a means of serving democracy and



human rights, creating a safe and solid environment for its citizens and residents, establishing a solid regulatory framework, reducing administrative burdens, combatting corruption, stabilizing the economy, and attracting foreign investors. The Law on the Executive State (Law 4622/2019), adopted by the Greek Parliament in late 2019, introduced far reaching reforms aiming to improve the quality of regulation and legislative drafting. From the point of view of legislative process and drafting, the main innovations are:

- The promotion of regulatory efficacy and legislative effectiveness as the conceptual basis for regulatory reform, and law-making;
- the introduction of a clear step by step procedure for regulatory reforms, including legislative process and legislative drafting: the procedure sets and allocates the tasks for each regulatory actor, creates a seamless and participatory practice in accountable law-making, and brings together the piecemeal and so far independent institutional processes within an ethos of strategic unity, accountability, and participation;
- the establishment of a Westminster-style centralized body (General Secretariat of Legal and Parliamentary Affairs) as the ‘gatekeeper’ for regulatory, parliamentary, and legislative drafting quality;
- the establishment of two intra-governmental Committees, the Committee of Scrutiny of Legislative Process (as a watchdog of regulatory quality for new Bills) and the Committee for Codification (with a new agenda for the scrutiny of existing legislation); and
- the publication, and circulation to all regulatory actors, of two principle-based modern manuals, the Manual for the Scrutiny of Legislative Process and Legislative Drafting, and the Manual for the Scrutiny of the Effects of Legislation.

**Prof. Dr. Helen Xanthaki**, UCL, Dean of PGLaws, University of London, President of the International Association of Legislation, and CALC member, and **Dr. Maria Mousmouti**, Lecturer in Law, IALS, Executive Director, Centre for European Constitutional Law, Secretary to the International Association for Legislation, and CALC member served as the two extra-government experts for the team that drafted the Manual for the Scrutiny of Legislative Process and Legislative Drafting. Their academic work permeates the Manual and is cited in its bibliography. A summary of the manual is currently being translated and will be available soon.

Similarly, **Dr Constantin Stefanou**, Director of the Sir William Dale Centre for Legislative Studies, Director of Taught Courses, IALS, and a member of the International Association of Legislation and CALC served as the sole non-government expert to the team that drafted the Manual for the Scrutiny of the Effects in Legislation and influencing its concept, design, and content.

## New Zealand – declarations of inconsistency

[Fitzgerald v R \[2020\] NZCA 292 \(15 July 2020\)](#) at [81]–[92] discusses interestingly Dols in criminal cases.

For example, Clifford and Goddard JJ at [88] say "It would ...be desirable for a full court of [the NZCA] to hear and determine an appeal which squarely raises the question whether a declaration of inconsistency can be sought in the context of an appeal under pt 6 [(Appeals)] of the [Criminal Procedure Act 2011]."

*Fitzgerald* was about interaction of the Sentencing Act 2002 ss 86D(2) and 106, and the NZCA declined to declare s 86D(2) inconsistent with NZBoRA s 9.

The reasons of Clifford and Goddard JJ include reference to the [New Zealand Bill of Rights \(Declarations of Inconsistency\) Amendment Bill](#) introduced to the New Zealand Parliament on 18 March 2020.

## Australia – Live Cattle Export Order held invalid

In [Brett Cattle Company Pty Ltd v Minister for Agriculture \[2020\] FCA 732](#), Rares J held invalid the Export Control (Export of Live-stock to the Republic of Indonesia) Order 2011. The order was purportedly made under the Export Control Act 1982 (Cth) s 7. Rares J held the law requires a decision-maker, when using a wide power, like the Minister's powers under the Export Control Act, not to make unnecessary limitations on the common law right of persons to carry on their lawful business. One test to ascertain if a provision is unnecessary, is to consider if there is an obvious and compelling alternative. The order prohibited all exports without any provision allowing exceptions so as to allow exporters to carry on their lawful business where they already did, or readily could, have a closed loop supply chain in Indonesia with animal welfare standards at least equivalent to those in the OIE Code. Such a total prohibition was, Rares J held, capricious and unreasonable, and made the Ban Order invalid. Rares J also held the making of the order gave rise to liability for the tort of misfeasance in public office. The Attorney-General for Australia indicated in [a media release on 22 July 2020](#) the Australian Government will not appeal the decision, even though it disagrees with some of the principles as they have been applied by the court.

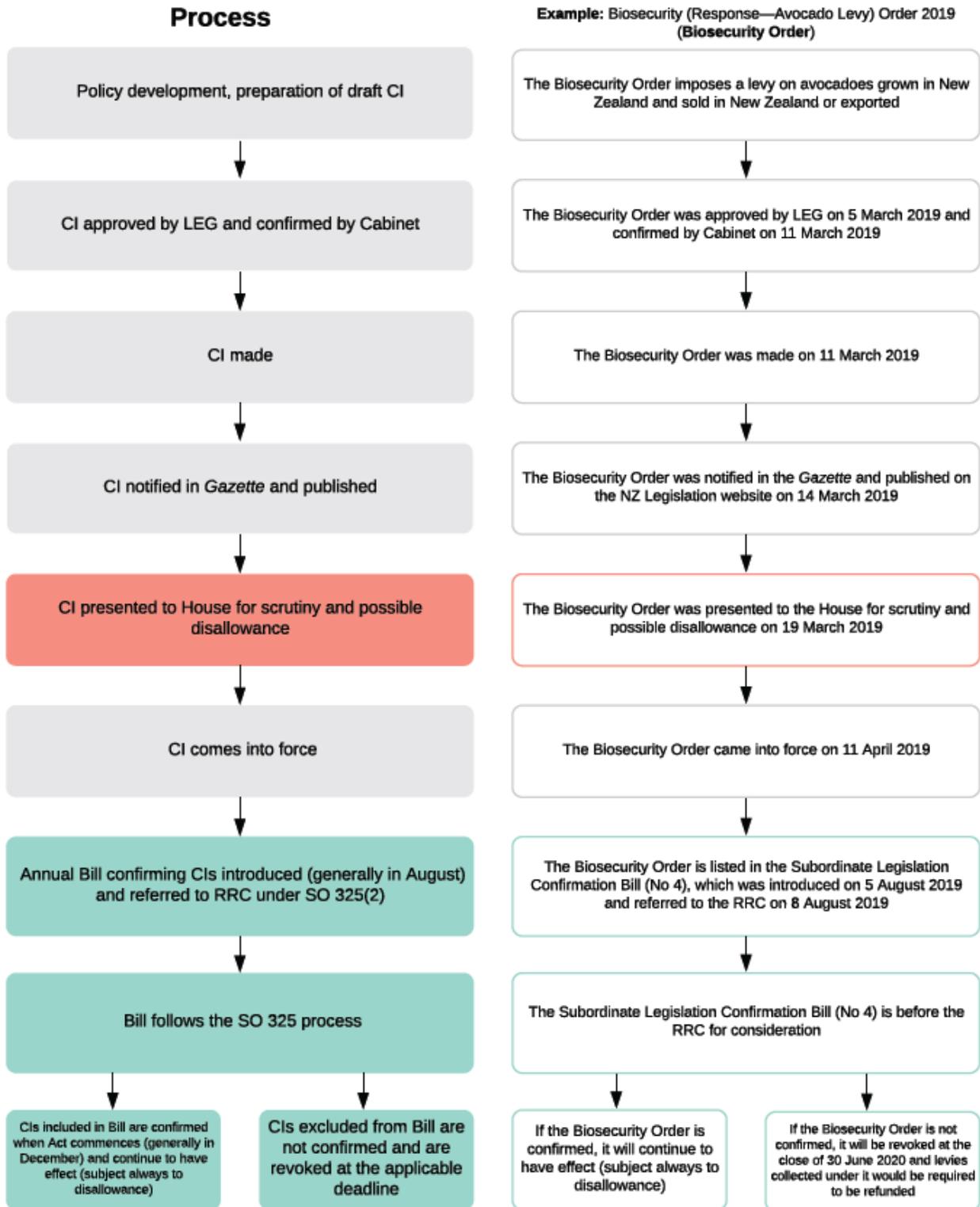
## New Zealand – RRC report on confirmable instruments

The Regulations Review Committee's Inquiry into parliamentary scrutiny of confirmable instruments was the subject of a [final report](#) presented on 10 August 2020.

For submissions to the inquiry, see, for example,—

- [Legislation Design and Advisory Committee \(LDAC\)](#):
- [New Zealand Law Society](#):
- [Parliamentary Counsel Office](#).

## Confirmable instrument process



## New Zealand – Review of tax law drafting

[The Tax Law Committee of the New Zealand Law Society on 1 September 2020 made a submission to a review of the drafting of taxation legislation.](#) Inland Revenue (IR) has decided it is timely to have a review, having regard to the time that has elapsed since the initial steps were taken in the project for rewriting the Income Tax Act 1976 (the rewrite project).

## USA – judicial humility – sex discrimination

"When it comes to statutory interpretation, our role is limited to applying the law's demands as faithfully as we can in the cases that come before us. As judges we possess no special expertise or authority to declare for ourselves what a self-governing people should consider just or wise. And the same judicial humility that requires us to refrain from adding to statutes requires us to refrain from diminishing them.": [BOSTOCK v. CLAYTON COUNTY, GEORGIA 590 U. S. \\_\\_\\_\\_ \(2020\)](#) at 31 per Gorsuch J delivering the opinion of the Court (An employer who fires an individual merely for being gay or transgender defies the Civil Rights Act 1964 Title VII prohibition on discrimination on the basis of sex) in which ROBERTS, C. J., and GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined. ALITO, J., filed a dissenting opinion, in which THOMAS, J., joined. KAVANAUGH, J., filed a dissenting opinion.

## USA – legislation annotations ineligible for copyright

The US Supreme Court recently also gave a decision on copyright in official annotations to legislation: [GEORGIA v. PUBLIC.RESOURCE.ORG, INC.590 U. S. \\_\\_\\_\\_ \(2020\)](#)

## “PC” – by John Wilson

*(With acknowledgements to James Comyn, the originator  
of the first two lines line in 1947.)*

We're the Parliamentary Counsel, we draft the country's laws;  
And of half the litigation we're undoubtedly the cause.

We tell folks to instruct us; they say they haven't time -  
"But here is our consultant; he's really quite sublime.  
He's paid a lot of money - he's done a little Bill.  
Do you think you could just vet it?" (We always say we will.)

We're the Parliamentary Counsel, we live in ivory towers.  
We quite upset the Ministers by saying they've no powers  
To make the regulations they would rather like to make;  
They wonder why we can't just go and draft them for their sake.  
(That last preceding sentence was really rather dense;  
It used too many pronouns up, without them making sense.)

We're the Parliamentary Counsel, they say we're out of touch;  
We don't believe economists should influence so much.  
We think it might be better if people with degrees  
Would use their brains to understand the nature of decrees.  
We like to use Plain English, we don't say 'shall' but 'must'.  
And if you want to use a 'He'- you won't see us for dust!

We're the Parliamentary Counsel, we draft the country's laws;  
and of half the country's problems we're undoubtedly the cause.

*JFW 3/12/1998, revised May 2020 (in 'lockdown')*

*(After some years in Hong Kong and other former colonies, John Wilson was First Parliamentary Counsel  
in Fiji 1998 – 2000. He is now a consultant law drafter based in the UK)*

See also [“The Parliamentary Draftsman,”](#) which appeared in “Poetic Justice,” by J.P.C. (James Comyn)  
| London: Stevens & Sons Ltd., 1947 | Pages 31-32.

## John McCluskie CB QC



I am very saddened to announce to the CALC community that John McCluskie has passed away.

John drafted legislation for almost 50 years, joining the Lord Advocate's Office in London in 1972. Appointed as First Scottish Parliamentary Counsel and Legal Secretary to the Lord Advocate in 1989 he led the drafting office for 17 years, during which time he oversaw the establishment of the legislative drafting office in Edinburgh on creation of the Scottish Parliament in 1999. Following retirement in 2006, John spent an enjoyable few years in Dublin drafting for the Office of the Parliamentary Counsel of Ireland, and has since then remained active drafting Members' Bills in Scotland. One of his Bills is currently before the Scottish Parliament almost 48 years after he drafted his first one.

A great lawyer, superb legislative drafter and hugely admired leader, John was blessed with charm, wit, a sprinkling of eccentricity and an outstanding generosity of spirit which endeared him to everyone who had the fortune to work for and with him. A founding member of CALC, he made many contributions to the early years of the organisation and forged great friendships at the CALC Conferences and events he attended. Those present at the "Scottish night" held during the London CALC conference in 2005 will never forget John enthraling the room with his tour de force tale of treachery, debauchery and short titles in Victorian era Scottish drafting [(see [August 2006 CALC Newsletter, pages 11-12](#)).

A genuine one of kind, John will be sorely missed by his family and friends, and by all in the drafting community in Scotland and around the world whose lives he enriched and enlivened.

Andy Beattie,  
Chief Parliamentary Counsel, PCO Scotland

## Honouring Dr Duncan Berry at 80 – by John McCluskie

1. Doctor of drafting Duncan Berry is very, very, very,  
very.....

Good on lucid legislation.

2. His drafts are plain and clear and brief, and obviate  
the tiresome grief.....

Of needless, tedious explanation.

3. He hates the cliched, old clause sandwich; excori-  
ates old-fashioned language.....

With witty, trenchant condemnation.

4. Here in Europe, down in Oz; Asia n' Africa, Duncan's  
cause.....

Unites the English-speaking nations.

5. His drafting life, writ by Jules Verne - his to teach  
and ours to learn.

Let's toast him with three hearty cheers.....

Around the World in Eighty Years.

by John McCluskie

## CALC webpage – drafting manuals / “other resources”



At CALC’s webpage ([www.calc.ngo](http://www.calc.ngo)), the Drafting manuals page is now expanded to include links to other online resources – at [Drafting manuals and other resources page](#).

Recent additions are—

—UK OPC *drafting guidance* (new edition, June 2020):

—LDO, Jersey, *Drafting Practice Manual* (December 2018).

To suggest links to other online resources which could be usefully added to this page, please email [Ross.Carter@pco.govt.nz](mailto:Ross.Carter@pco.govt.nz)

### Other resources

Resource	Link
Athabasca University - Webinars	<a href="http://pbdld.athabascau.ca/openaccess/webinars.php">http://pbdld.athabascau.ca/openaccess/webinars.php</a>
Hamlyn Lecture 2017 - Andrew Burrows - Statutory Interpretation	<a href="https://www.law.ox.ac.uk/news/2017-11-10-hamlyn-lecture-2017-andrew-burrows-statutory-interpretation">https://www.law.ox.ac.uk/news/2017-11-10-hamlyn-lecture-2017-andrew-burrows-statutory-interpretation</a>
Plain English articles - Michigan Bar Journal	<a href="https://www.michbar.org/generalinfo/plainenglish/home">https://www.michbar.org/generalinfo/plainenglish/home</a>
Regulatory Institute - Handbook: How to Regulate? (2014)	<a href="https://www.howtoregulate.org/wp-content/uploads/2015/04/Handbook-INT-V1-3.pdf">https://www.howtoregulate.org/wp-content/uploads/2015/04/Handbook-INT-V1-3.pdf</a>

## Electronic voting at CALC general meeting 2021

The CALC Council governance working group (Ross Carter, Lucy Marsh-Smith, Johnson Okello, Adrian Hogarth, and Jakerul Abedin) has been investigating options for using electronic voting for CALC Council elections.

This work is being done with a view to having e-voting rules in place for the 2021 elections.

CALC's Council discussed the issue at its virtual meeting via Zoom on 12 June 2020, 10pm NZST. The resulting action points are as follows:

- The working group is to trial Survey Monkey with selected CALC members, to assess whether it is workable, and so can be used, for a general meeting in 2021.
- If it is workable and recommended, the working group will develop Rules for Council to consider making in time for a general meeting in 2021.

Voting by proxy would be kept, formally, for a general meeting in 2021 (because it is required by CALC's Constitution), but the need for it could perhaps be revisited for 2023. Voting by proxy is, however, cumbersome to administer. It may well also be superseded in practice by e-voting. Another option is that proxy voting itself is also done electronically.

The working group will ensure that CALC members are kept informed of developments.

## ***New CALC members***

### **New members since March 2020**

The following have been recorded as members of CALC (a) since 29 March 2020 (the date when new members were last listed in the *CALC Newsletter* (April 2020 edition, as published on 2 April 2020), and (b) as at 14 September 2020.

<b>Name</b>	<b>Country</b>
<b>Fedorkiw, Jeffery</b>	Canada
<b>Gauthier, Jean-Paul</b>	United Kingdom
<b>Adedeji, Olukemi Olubunmi</b>	United Kingdom
<b>Chae, Mikang</b>	Korea
<b>Jeffrey, Helen</b>	Falkland Islands
<b>Kullab, Mohd</b>	Palestinian Territory
<b>Swift, Aasha</b>	Australia
<b>Bell, Alison</b>	Australia
<b>Harrison, Shakira</b>	Australia
<b>Murshed, Adib</b>	Australia
<b>Sadleir, Anne</b>	Australia
<b>Rahman, Md. Mahabubur</b>	Bangladesh
<b>Holder, Tito Jerome</b>	Barbados
<b>Azoulay, Karine</b>	Canada
<b>Marcon, Joel</b>	Canada
<b>McCartney, Sharon</b>	Canada
<b>Meneghel, Carole</b>	Canada
<b>Abikoye, Oluwatoyosi</b>	Nigeria
<b>Carroll, Mark</b>	United Kingdom
<b>Lloyd, James</b>	United Kingdom
<b>Gillick, Marisa N</b>	United Kingdom
<b>Frost, Megan Lily</b>	Australia
<b>Weatherhead, James</b>	Australia
<b>D'Aoust, Eric</b>	Canada
<b>Doyle, Patricia</b>	Canada
<b>Munsch, Sarah</b>	Canada
<b>Walsh, Michele</b>	Gibraltar
<b>Kawharu, Amokura</b>	New Zealand
<b>Norman, Timothy Paul Gravett</b>	United Kingdom
<b>Thawonphanit, Kanoknai</b>	Thailand
<b>Macleod, Kimberley Jane</b>	Australia

<b>Name</b>	<b>Country</b>
Simmons, Alicia	Bermuda
Ayotte, Nathalie	Canada
Chernyk, Melanie	Canada
Ferguson, Jocelyn	Canada
Iveson, Margaret	Canada
Lavoie, Monique	Canada
Leitch, Cara	Canada
Sevigny, Myriam	Canada
Summer, Emily	Canada
Wallace, Pip	Canada
Whitlam, Esha	Canada
Gracie, Jenny	France
Binte Hashim, Siti Nur Fa'izah	Singapore
Lee, Naomi Elizabeth	Singapore
Mani, Buntu George	South Africa
Mudau, Ntshengedzeni Edward None	South Africa
Stone, Jacqueline	South Africa
Roberts, Glynis	United Kingdom
Vapnek, Jessica	United States
Caddy, Jessica	Australia
Green, Michael	Australia
McEwin, Natalia	Australia
Cartesan, Monique	Canada
Chamberlain, Monica	Canada
Delph, Gina	Canada
deQuetteville, Craig	Canada
Hackenschmidt, Hali	Canada
Minka, Dorothee Roselyne	Canada
Morin, Catherine	Canada
Nebie, Valence	Canada
Papiccio, Raphaël	Canada
Slessor, Stephen	Canada
Torti, Nicholas	Canada
Krhoda, Valerie	Kenya
Waweru, Lucy	Kenya
Satharasinghe, Amara	Sri Lanka
Hunter, Elizabeth Anne	United Kingdom
Ladopoulos, Ariana	Australia
Wringe, Irene	Australia
Shim, Yi Yyn	Brunei Darussalam
Leonard-Dufour, Emmanuelle	Canada
Haurae, Ha'a	Solomon Islands
Brown, Belinda	Australia

---

Name	Country
Scott, Alison	Canada
Adeyemo, Adetokunboh	Nigeria
Williams, Bola	Nigeria
Ali, Abid	Pakistan
MacVean, Karine	Bahamas
Asuzu, Chinua	Nigeria
Carey, John	Papua New Guinea
Matebesi, Lee	Zambia
Irakau, Monalisa	Papua New Guinea
Tan, Beng Chang	Australia
John, Sinead	Guyana
Turner, John	Isle of Man

---



## Secretary Contact Details

To contact CALC's Secretary, Ross Carter, about membership or any other CALC matters (for example, to suggest or send items for this *CALC Newsletter*), email: [ross.carter@pco.govt.nz](mailto:ross.carter@pco.govt.nz)



**REFORMATIVE LEGISLATION. NEW LEGISLATION.  
Much Needed Legislation. ADVANCED LEGISLATION.**

(Old New Zealand newspaper headlines — courtesy of [Papers Past](#))