



Newsletter

March 2023

Coming soon!
CALC Europe – 24-25 May
CALC Asia-Pacific – 2-4 August
CALC Africa – October 2023
See www.calc.ngo/conferences

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Published online at calc.ngo/publications/newsletters

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Commonwealth Gatherings

By Andy Beattie, CALC President

The past few months have seen the welcome return of many Commonwealth gatherings which I have been privileged to attend to represent CALC. These provided marvellous opportunities to connect with senior lawyers, judges, politicians and royalty and I made the most of every chance I had to promote the tremendous work done by legislative counsel, to emphasise the importance of good legislative drafting and to secure support for the activities of CALC and its members.

Commonwealth Law Ministers Meeting

The CLMM was held in late November in Balaclava, Mauritius. Law Ministers from every part of the Commonwealth participated in the meeting which was held under the theme: “strengthening international cooperation through the rule of law and the protection of human rights”.

The Commonwealth Secretary-General, Rt Hon Patricia Scotland KC, opened the Meeting with a keynote address. She emphasised the great opportunity that Commonwealth nations have to work together to share and support each other to protect and advance the rule of law, and highlighted the particular benefits that smaller and developing Commonwealth nations can gain through support from more well-resourced nations.

I was invited to address the meeting to update Ministers on CALC activities. I took this opportunity to recognise the outstanding professionalism and dedication demonstrated by legislative counsel in every jurisdiction in response to the Covid-19 pandemic, highlighting the huge volume of legislation that had to be drafted at high pace with drafting offices often having to simultaneously adapt to remote working.

I underscored CALC’s belief that having centralised legislative drafting services in every Commonwealth jurisdiction, properly resourced and populated with well-trained legislative counsel, is fundamental to ensuring that legislation enacted across the Commonwealth is drafted efficiently and effectively to the high standards required to maintain the Rule of Law.

On that basis I concluded my address by securing Ministers’ acceptance of my recommendations to formally—

- recognise the importance of legislation being well-drafted in order to support and strengthen the Rule of Law

- support the participation of legislative counsel in CALC activities in order to maintain and improve legislative standards across the Commonwealth
- support the work of CALC on wider initiatives designed to enhance legislative drafting capability, in particular in smaller jurisdictions
- encourage collaboration between the Commonwealth Secretariat and CALC to help build legislative drafting capacity, and to assist with training and development of legislative counsel, across the Commonwealth

I was very pleased to be approached by senior Law Ministers all throughout the event, all of whom were unanimous in their praise for the work of legislative counsel and keen to discuss and explore ways in which CALC can and its members can help to advance legislative capacity and capability across the Commonwealth.

I also enjoyed meeting with Presidents and representatives from other accredited Commonwealth legal organisations and, while I didn't have as much time in Mauritius as I would have liked, I did manage to see some of the highlights offered by this beautiful island and was pleased to connect with some of the legislative counsel who work in the Attorney General's Office. I hope to make it back one day.



With Justice Ilvin Mugeta, Vice-President of the Commonwealth Magistrates and Judges Association and Brian Speers, President of the Commonwealth Lawyers Association



Enjoying lunch with Rt Hon. Patricia Scotland KC, Commonwealth Secretary-General and Hon, Thabo Chaka Nyirenda, Attorney General of Malawi



Commonwealth Law Conference

The 23rd Commonwealth Law Conference, under the theme of “common challenges in uncommon times”, was held in Goa, India from 5 to 9 March 2023. Attended by well over 500 judges and lawyers from 53 jurisdictions, the Conference coincided with the Festival of Holi which brought plenty of colour and cheer to an extensive and stimulating programme.



The highlight for me was of course the session on how good drafting contributes to protecting rights and upholding the rule of law. The session was among the best attended at the Conference which showed the wide interest in legislative drafting.

Presentations by CALC members, former President Dame Brenda King (now Attorney General for Northern Ireland) and Stefan Knights (Seychelles), highlighted the benefits of high quality drafting by specialist legislative counsel, with Mihir Govilkar providing insight into how drafting styles affect the interpretation of statutes in the Bombay High Court.



Stefan Knights and Dame Brenda King

Chaired by the Honourable Justice Rhonda Bain of the Supreme Court of the Bahamas, the presentations generated lively discussion with warming acknowledgement of the work done by legislative counsel and I was invited to promote CALC to those attending. One intervention suggesting that legislative drafters “might wish to consider using plain language” showed that there is still some work to do to convince all in the wider legal profession that drafting styles have moved on over the last few decades and centuries! Participation by CALC members at future events can only help with this.

Numerous delegates from Commonwealth Parliaments, governments and law reform agencies ensured that plenty of other sessions were of interest, and I found the presentations on Covid-19 emergency powers legislation, Assisted Dying Laws and the development of laws to keep pace with science on human reproductive rights to be particularly engaging as they all highlighted the essential role that high quality legislative drafting plays when making laws with significant societal impact.

The Chief Justice of India, Hon Dhananjaya Y. Chandrachud, closed the Conference by delivering the 2nd Soli Sorabjee Memorial Lecture. His excellent address focussed on the balance between freedom of expression and the need to ensure that minority rights are respected, protected and upheld. The full speech will be available to watch online soon and I would highly recommend it to all CALC members with a keen interest in these matters.

The Conference was wound up with the “Peace at the Crease” cricket match, a Gala dinner to celebrate Holi and opportunities to explore the delights of Goa. Everyone I met over the week agreed that proceedings more than lived up to the ambition of Brian Speers, outgoing CLA President and Conference chair, that attendees would find both intellectual stimulation as well as friendships and enjoyment. I have enjoyed getting to know Brian in recent months and having met the new CLA

President, Peter Maynard from the Bahamas, I fully expect that the 24th CLC to be held in Malta in 2025 will be equally successful.



Gala dinner to celebrate Holi

Commonwealth Association of Law Reform Agencies Conference

Having not met since their Zambia event in 2019, CALRAS took the opportunity of the CLC to reinvigorate their organisation by holding a Conference adjacent to the CLC event in Goa.

Thanks to great organising effort by acting CALRAs General Secretary, Malcolm McMillan, it turned out to be a super event. Representatives from Law Reform agencies in every Commonwealth region turned out to discuss National Law Reform and International Co-operation. I presented to the Conference on “Legislative Drafting for Law Reform Bodies”, and Stefan Knights was able to share his experience of drafting a Law Commission Act and to speak about his current experience of setting up a Commission in the Seychelles.



The Conference demonstrated the great synergies that connect law reformers with legislative drafters (with quite a few CALC members having been both, sometimes simultaneously) and there is certainly scope for renewed co-operation between CALC and CALRAs in the future.



CALRAs delegates

Commonwealth Day

As I returned from India on Commonwealth Day, 13 March, I was able to make the most of travelling through London to participate in commemorative events. The King and Queen Consort hosted a reception which I attended at Buckingham Palace. Despite my best efforts to get the King pictured looking at my Drafting Matters! badge when we met, the official photographer does not appear to have captured the moment. Selfies were not allowed but I can assure CALC members that it did happen!

CALC Regional Conferences 2023

Having now enjoyed a number of opportunities to meet so many colleagues from every corner of the Commonwealth and beyond, I am very much looking forward to the return of our own CALC events. Registration for the CALC Europe Conference in Cardiff has already exceeded expectations and I am very much looking forward to renewing friendships and making new ones at that event and at the CALC Asia/Pacific and CALC Africa Conferences we are planning to hold later in the year. Please come along if you can, and if you are able please consider presenting a paper as the events will be made all the better by having an abundance of great contributions. I hope to see lots of you there.

iLegis Conference 2022

The International Conference on Legislation and Law Reform (iLegis) held its first post-pandemic International Conference in Washington D.C. on 3 and 4 November 2022.



Conference chair, and CALC member, Kimberley Faith welcomed delegates and introduced a fantastic programme with contributions from all across the world appreciated by a truly global audience, including many CALC members.

CALC Council member Felicity IOwoses presented on the effect of consultation and recommendation requirements in legislation and CALC member Donncha O’Conmhuí introduced a paper on modern debates on referring to gender in legislative texts.

Segametsi Mothibatsela from Commonwealth Secretariat presented on building legislative drafting and law reform capacity in the Commonwealth and Joe Kimble reprised his excellent talk from last summer’s CALC Virtual Conference on the Courts’ Overuse and Misuse of Dictionaries.

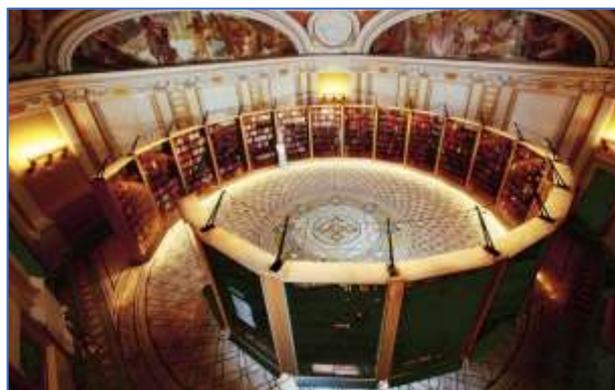


Felicity IOwoses and Donncha O’Conmhuí presenting at the Conference

Andy Beattie was invited to speak at the Conference reception on CALC, which led to a boost in CALC membership and interesting discussion on possible future collaborations.

The Conference was followed by an opportunity to visit the Library of Congress on Capitol Hill, the oldest federal cultural institution in the United States. iLegis Committee members Matt McGhie, Senior Legislative Counsel at the US Senate, and Cathy Pagano, Board member of Women’s DC Bar Association, joined international delegates for a fascinating tour of the world’s largest library.

The visit included an excellent presentation by the Congress Law Library and concluded with visits to the beautiful Main Reading Room and the fabulous reconstruction of Thomas Jefferson’s personal collection of 6,487 volumes as acquired by US Congress in 1815.



The Main Reading Room, and Thomas Jefferson Collection, in the Library of Congress

Future iLegis events are highly recommended for CALC members. Note also that iLegis is now on LinkedIn: <https://www.linkedin.com/company/ilegis-org/>



iLegis Conference delegates

Making Laws That Work: How Laws Fail and How We Can Do Better

*Webinar by Justice David Goddard for Legislation Division, Singapore and clients
(from Jeanne Lee)*

On 10 Oct 2022, we were privileged to have Judge of the Court of Appeal in New Zealand, Justice David Goddard to conduct a webinar for the Singapore drafting office, the Legislation Division of the Attorney-General's Chambers, and its clients. The talk was well-attended by 189 policy officers from various Government ministries and agencies and 20 drafters.



He shared thoughts from his book, ***Making Laws That Work: How Laws Fail and How We Can Do Better***, which examines why laws fails and provides strategies for making laws that work.

From his experience of advising ministers and government agencies, Justice Goddard's talk covered some case studies of failed laws and key themes of failed legislation. The talk also considered unintended consequences and methodologies on making laws adaptive and less complex.

It was an engaging session, and saw a lively question and answer segment at the end. We were particularly pleased that so many from our client agencies could join in as so much of the efficacy of laws depends on the policy.

The Hon Patrick Gorman's Visit to the Australian Government's Office of Parliamentary Counsel

(from Emma Modric)

On Monday 13 February the Australian Government's Office of Parliamentary Counsel (OPC) were delighted to welcome the Hon Patrick Gorman MP, Assistant Minister to the Prime Minister, and members of his staff, to meet with OPC's Executive and Senior Drafters.

As part of Mr Gorman's vital role in supporting the Australian Government's Legislation Program, he shared his appreciation with the office for their role in drafting and publishing Government legislation. The OPC team were thrilled to receive this recognition, and were grateful to Mr Gorman and his team for taking the time to meet with them.



Caribbean Corner

Michelle Daley, CALC Vice President

Barbados Office of the Chief Parliamentary Counsel



Had a wonderful opportunity on a recent trip to Barbados, to visit the Office of the Chief Parliamentary Counsel and meet with the Chief Parliamentary Counsel (Ag) Mrs. Rolanda Williams, Deputy Chief Parliamentary Counsel Ms. Shawn Belle (pictured on the right, with me) and Senior Parliamentary Counsel Ms. Deidre Kinch and Ms. Mechelle Elie. The Office of the Chief Parliamentary Counsel has been in existence since 1966 and is among one of the larger drafting offices in the Caribbean Region, with eleven drafters.

We had a chance to discuss some of the common issues that challenge drafters and drafting offices generally and in particular the English Speaking Caribbean. We all endorsed the need for more networking opportunities, developing partnerships and the importance of mentorship of the next generation of drafters.

It was truly refreshing to find out that the majority of the staff were members of CALC and regularly used the resources available on the CALC Website.

St. Vincent and the Grenadines – Attorney General’s Chambers

Had the pleasure of catching up with CALC members Yonette Peters, Carol Williams and Jenille Lewis on a recent trip to the beautiful archipelagic state of St. Vincent and the Grenadines.

Situated within the Attorney General’s Chambers, these ladies are responsible for providing drafting services to meet the Government’s robust legislative agenda.

We discussed the challenges facing small drafting units including access to and use of technology, evolving trends in drafting and the need for more networking opportunities.

We all agreed, that we are all looking forward to welcoming our CALC

colleagues to share in the Caribbean’s wonderful sun, sea and sand at the next conference.



OPC Ireland visit PCO Scotland

(from Andy Beattie, CALC President)

The Scottish Parliamentary Counsel Office welcomed parliamentary counsel from the Office of the Parliamentary Counsel in Ireland for a visit and exchange of ideas in late March.

The four visitors, Catherine Murray, Sophia Purcell, Garret Sammon and David Hennessy, were quickly whisked to the Scottish Parliament for an introduction and tour of the Enric Miralle designed parliament building. Having opted to end their first day in Edinburgh with a gentle stroll with PCO colleagues, they left the Parliament at dusk for a trip up Arthur's Seat. This extinct volcano rises directly from the Parliament's entrance and was described by Robert Louis Stevenson as "a hill for magnitude, a mountain in virtue of its bold design". Ascending a mountain was perhaps not what was expected, but the smiles and views over Edinburgh from the summit show that the muddy scramble in workwear was worthwhile and everyone roamed safely down in the gloaming in time for dinner.



At the summit of Arthur's Seat

The following couple of days were filled with lively discussions with parliamentary counsel, the Scottish Government's legislative programme team and Scottish Parliamentary lawyers and clerks. Drafting styles were debated, office practices were shared, and parliamentary procedure was explained. A roundtable discussion was held on the use of Gaelic in government and parliament in Scotland and Ireland, with drafters noting that the advanced bilingual approach by colleagues in

Wales provides a great incentive to revisit this conversation at the CALC Europe Conference in Cardiff.

The visit coincided with Michael Anderson's departure from PCO (for the third time) as he moves to join the Office of the Legislative Counsel in Northern Ireland (for the second time) and so the visiting drafters witnessed some long-standing, quirky traditions associated with every departure from PCO.

The drafting offices in Edinburgh and Dublin have long had good relations. Madeleine Mackenzie has recently spent 18 months on secondment with OPC, and Willie Ferrie is now engaged in drafting work for OPC having recently finished his lengthy PCO career. The drafting offices have much in common, and much to learn from each other, and Scottish drafters are very much looking forward to the return visit to Dublin.

Yukon news

(from Susan Hardy)

Susan Hardy has joined the Government of Yukon as Chief Legislative Counsel.

She was called to the bar in 1993, and has more than 19 years experience as Legislative Counsel in Alberta and in Nunavut where she worked both as a Legislative Counsel and as Director of the Nunavut Legislation Division.

Yukon occupies 483,450 km² bordering on British Columbia, the Northwest Territories, Alaska and the Beaufort Sea. Best known for its natural beauty and resources, Yukon's population growth rate of 12.1% between 2016 and 2021 was the highest in Canada and continues to climb. Indigenous peoples make up about 25% of the population, and the Governments of Yukon and Canada participate in Modern Treaty agreements with 11 of the 14 Yukon First Nations.



Map from Wikipedia (<https://en.wikipedia.org/wiki/Yukon>)

Jersey roundup

(from Lucy Marsh-Smith)

Jersey welcomed 2 new trainee drafters, local Advocate Eloise Layzell and Heather Mason, formerly our Legislation Editor, who has recently passed professional legal exams. Our first ever trainee, Advocate Jackie Harris, has now returned from her 6-month secondment to the Office of Parliamentary Counsel in London. It was a unique time for her to be in Whitehall with 3 different Prime Ministers and a change of Monarch. An invaluable experience for Jackie but the most memorable moment was undoubtedly seeing the Queen's funeral procession going past the window. We were sorry to lose Ed Burrows, who was backfilling Jackie, back to OPC but glad these appointments have strengthened the links between our 2 offices. Heather was replaced as Legislation Editor by Graham Halpin who, coming from outside Government, brings a fresh perspective.

Since Matthew stepped back from his role as deputy head of the office to work on RaC he has been replaced by 2 Senior Legislative Drafters who assist the office head on the management side. They are Zoë Rillstone, who joined Jersey over 3 years ago from New Zealand and Jacquie Miller, a long serving drafter who came originally from the UK Government Legal Service. Having 2 posts enables

each to concentrate on distinct elements of the work, with Zoë in overall charge of the editorial team and leading on the more technical aspects of the office work, and Jacquie leading on training and other aspects of human resources, including managing the trainees.

With the forthcoming Moneyval visit, a major carbon neutral initiative and a wide-ranging roads and traffic project, the Jersey team expects to be further strengthened by the end of the summer by the appointment of 2 experienced drafters from Commonwealth jurisdictions with particular relevant experience. The mix of local and international experience enhances the diversity of the Jersey Drafting Office.



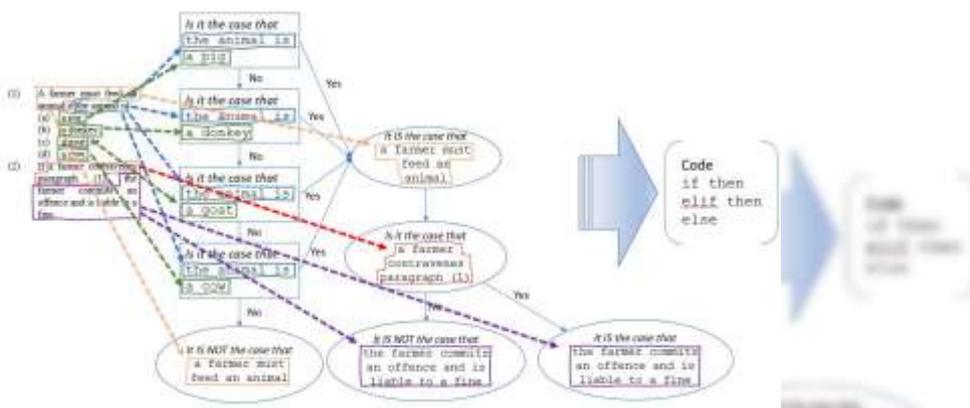
Lucy joined the office in 1996 from the UK Government Legal Service and was rewarded for her long service at a recent award ceremony.

Long-serving members of the Jersey office were very sorry to hear, belatedly, of the sad death of our former drafter colleague, Chris Anderson, in Switzerland in July of last year, aged 70. Chris joined us in the late 90s from the New South Wales Parliamentary Counsel's Office. He chose to stay with us until his retirement 10 years ago. The office benefitted from his drafting skills for nearly 15 years and his lively and occasionally heated discussions with our New Zealand colleague David Hull belied their mutual respect and camaraderie. Chris was also known as an expert on French travel – he took the ferry to St Malo virtually every weekend – and prevailing weather conditions, which he monitored with equipment on the balcony outside his office. We were pleased to catch up with him remotely for our 30th anniversary celebrations a year ago but had no idea that we would not see him again. He is remembered in Jersey with great affection.

Computer-Readable Legislation Project in Jersey

(from Matthew Waddington)

Jersey's Legislative Drafting Office has launched its Computer-Readable Legislation Project. The project continues our work on the global "Rules as Code" initiative, bringing the perspective of legislative drafters to the question of how some aspects of legislation can be digitised, and building on our paper at the 2022 CALC conference (available in the [members' area](#)). The aim is to find a way



for legislative drafters to mark up our drafts to flag just the structure the drafter is writing into the legislation, without adding more. We want it to be as easy as the way in which drafters currently mark

up the paragraphing structure of our drafts (using Word styles or XML editors). It then needs to be able to be fed into a computer to enable the computer to guide human readers to the correct set of questions using the actual text of the legislation. A good example is AustLII's [DataLex](#), where the computer explains the conclusions it draws from your answers (do try out their examples). We hope to run workshops at upcoming CALC regional conferences, partly to see if other drafters agree with us about which of the alternative ways of phrasing provisions are legally (as well as logically) equivalent, such as "if a person drives", "a person who drives" and "a person driving". We also hope to work with Jersey's Financial Services Commission on their plans to digitise their statutory codes of practice.

As part of the project we are also training the world's first "born digital" trainee legislative drafters. We now incorporate lessons learnt from computational law to update the traditional teaching about George Coode's "legislative expression". We take our trainees through the logical structure of definitions and other constitutive provisions (not just Coode's obligations and prohibitions) and how those provisions inter-relate.

An [introduction](#) and our initial [workplan](#) are available from [LDO's](#) webpage. We will publish details about our work as we go along, particularly on [Substack](#) (<https://digitallegislation.substack.com/>) where you can subscribe to a free email news service. We have also set up a Twitter account for the project [@DigitalLawsJsy](#) and a [playlist](#) on our [YouTube](#) channel (and will continue to post on LDO's [LinkedIn](#)). For the next 2 years Matthew Waddington will be working solely on the project (as a half-time employee), and the other members of the team are Kate Hannah, Zoë Rillstone and Heather Mason. Do get in touch if you are interested.

Trainee legislative drafters ("born digital") in Jersey

(from Jackie, Heather and Eloise)



Advocate Jackie Harris

I started as Jersey's first trainee legislative drafter in April 2019, so I'm coming up on four years in the role. Before joining the department, I had worked in various roles in private practice, exploring the odder avenues of Jersey law, and I'd always been interested in legislative drafting, but without uprooting my life and family to go elsewhere, there was no opportunity to train.

I initially left university with a degree in Biochemistry and Genetics, for which there is little call in Jersey, and which serves no purpose other than to make people edge away from you at parties. I got a job working as a junior conveyancer at a Jersey law firm while doing a graduate diploma in law, and shortly afterwards studied for the Jersey Advocates' and Solicitors' exams, qualifying as a Jersey solicitor. I worked in various areas of personal law, had a stint in-house at a bank, and was working for the courts services department when the opportunity arose to become the first trainee drafter in Jersey.

It was obvious to me, from the first team awayday when there was a spirited 45-minute discussion on whether to use "and" or "or" in a particular place, that I had found my people. I came into the team thinking I knew how to write and was swiftly disabused of that notion. Four years in, I think I have achieved a better quality of ignorance, in that I now know what I don't know. I'm now working on increasingly bigger and more complex projects so that I'm ready to launch as a fully-fledged drafter in a year or so. I've enjoyed it all so far. I know I'll continue to do so.

Heather Mason – Legislation Editor to trainee Legislative Drafter

I began my new role training to be a legislative drafter in the Legislative Drafting Office, Jersey, in March this year. My route to becoming a legislative drafter has been somewhat unusual but the moment I set foot in the Legislative Drafting Office in 2018 as an assistant legal adviser working on the Brexit legislation project, I knew that I had found my tribe and set myself the goal of becoming a drafter.

I spent the first half of my career as a science teacher and an examiner for one of the main UK exam boards, writing A-level examination papers. In 2014, I embarked on a Master of Laws degree "for fun" while I was still working as a science teacher. I rapidly found myself bitten by the law bug and four years later when we relocated to Jersey, it seemed like the perfect time for a career change. Some might suggest that scientist to legislative drafter is an odd career move, but both require many of the same skills and attributes: analytical and research skills, logic, precision and exceptional attention to detail.

In late 2019, I became Jersey's first legislation editor, leading the editorial team in reviewing, editing and consolidating all of Jersey's legislation. This role gave me experience of taking legislation all the way through the legislative process from receiving drafting instructions to producing consolidated versions after the legislation had been brought into force. During this time, I qualified as a solicitor of England and Wales after studying for and passing the solicitors' qualifying exams. When the role of trainee legislative drafter was advertised, I applied and was fortunate enough to be offered one of the roles. There is no doubt that the knowledge of Jersey's statute book that I gained as legislation editor will be invaluable in my new role. Although there was some sadness at leaving the editorial team, they are right next door and I have no doubt that I will be calling upon their considerable skills on a regular basis! As for me, I am excited to start this new chapter of my career.

Advocate Eloise Layzell

In January I began my new role as a trainee legislative drafter in Jersey's Legislative Drafting Office. Whilst I am new to this particular role, I am not new to the law. I was called to the English Bar in 2005 and then completed pupillage before returning to my home Island of Jersey. I subsequently qualified as a Jersey Advocate whilst practicing as a commercial litigator. Working in a small jurisdiction which is an international offshore finance centre, I acted for a wide range of clients. After a break of three years, and at the grand old age of 40, I am excited to be changing tack. I am looking forward to a new challenge. Having worked entirely in the private sector up until now, I am enjoying work in the public service. The collaborative nature of drafting is very appealing: everyone is working towards a common goal, rather than their own personal agendas. What has delighted me the most is how much I have enjoyed facilitating policy aims through the rigorous and technical process of

legislative drafting. I am finding the role to be constructive, rather than destructive. And most exciting of all it combines logic with creativity. I wish legislative drafting had been on my radar twenty years ago at the law school careers fair! Although I suspect my professional experience up until this point will only help rather than hinder my development as a competent drafter as I embark on this new chapter of my legal career.

Conversations with a drafter – Beng Ki Owi

*Richard Hughes talks to Beng Ki Owi
Singapore, 27 December 2022*

Having joined the Attorney General's Chambers of Singapore (AGC) almost forty years ago, Beng Ki Owi has devoted a large part of her career to the drafting of bills and subsidiary legislation within AGC's Legislation Division, ultimately serving as Singapore's Chief Legislative Counsel between 2013 and 2019. She has thrice been awarded Singapore's Public Administration Medal, first Silver and then Gold, and was a regional representative for Asia on the CALC Council between 2013 and 2015. Beng Ki is presently a Deputy Solicitor-General and a Senior Legislative Counsel in AGC, concurrent with her position as a Law Revision Commissioner. While on holiday in Singapore, CALC Council member Richard Hughes met with Beng Ki to learn more about her career in legislative drafting and to understand the Singaporean perspective on drafting.



It's a pleasure to meet you, Beng Ki. My first question is: how did your journey in legislative drafting begin?

Well, a frighteningly long time ago (37 years ago), I was bonded to serve the government, because I got a scholarship to study law in Singapore. I joined the Attorney General's Chambers (AGC) immediately after graduating from law school around 1983, and that coincidentally was also the year that the Law Revision Commission of Singapore had embarked on the 1985 Revised Edition of Acts. I guess they needed a minion for researching, checking, editing, etc, and so even though I was actually posted to be a Civil Division officer, because the Law Revision Commission needed extra hands, I got involved in their work. I must have done something right because after 2 years AGC said: "Alright, you're going to be a law drafter." But I had no idea what a law drafter was! It was a bit of a terrifying moment for me, because at that time there were only 6 law drafters serving the whole of Singapore. All of them were what we call "Superscale" officers - each one with about 15 years of experience as a government lawyer - and there I was in my third year after law school, starting out as a law drafter. I guess I was considered trainable.

When did you realise that legislative drafting was for you?

That was a little bit of a journey for me, to be frank, because I am a restless sort. I didn't bolt from drafting immediately, but I was certainly afraid of specialising too soon and I didn't think I would stay that long. Besides, when you're surrounded by people who are like gods up above you, in terms of their experience, it's downright intimidating. I didn't really think I could hack it. But my seniors were patient and made me do more than just law drafting, to ensure I was well "occupied" with the full

range of work as a Government lawyer and with exposure to adjudication work. That gave me the necessary breadth of experience and understanding in law and life to be a more effective law drafter, and for that I'm very grateful. I also had the opportunity to work very closely with one Minister for a number of years, and he actually taught me the single most important lesson as a law drafter: you can write a whole bunch of words, but do they work? That's what stuck with me. In order to know if what you produce works, you need to know how it is going to be applied, how people will interpret it, how they will use it. I like what Stephen Laws [former UK First Parliamentary Counsel] once said about how, when you're in the law drafting world, you're actually trying to hit a moving target from a moving platform. That's what keeps me going with law drafting – you're always at the cutting edge, the subject matter is amazingly broad and you learn so many things. I've never been bored a single day in my life as a law drafter. There is heavy demand on you, intellectually, and a constant need to be precise and clear in the way you think and the way you write. That's where I get my ultimate satisfaction in this job.

What are some of the other major changes you've seen in the Singapore drafting office over time, or in legislative drafting more generally?

One big word: technology!

Indeed! When you started work as a drafter, were you using a typewriter or simply pen and paper?

Pen and paper, actually. We had an army of typists in those days and there was no such thing as a photocopier. Meetings and discussions were always in person as the telephone could only do so much. Sometime in the late 1980s, the Singapore government started to computerise the offices and the AGC law drafting office was one of those to go first.

I imagine there were some teething issues with bills at that time?

Yes, but changing technology is one thing, human beings adapting to the application of that technology in their work is harder. Change management didn't exist in those days. But I was young at the time, so I thought: "Oh cool, this is something new". I could do my work faster, because I could type things myself and correct my own mistakes, instead of waiting for the typists. And yes, there were lots of mistakes because I wasn't a very good typist. My seniors probably had a harder time adjusting to the speed expected. Now we have spelling and grammar checks online and document comparison software, which are so helpful for drafters. Then things got even faster – we started getting instructions by fax and then email; we didn't need to have face-to-face meetings that often. I liked that initially – the new technology gave me a certain insulation where I could focus and write instead of attending meetings or phone discussions. But as time passed, it got noisier and more intense, because you get emails and instant messages at all times. Telex or fax was something you could cope with, because it was there in some other room, but with emails you feel the immediacy of your instructions. Expectations about speedier drafting are a constant.

Did the technological change mean that the legislation program gradually expanded?

It did. In the past, we were probably doing 30 or so bills per year and probably 500 pieces of subsidiary legislation. Today we would probably average 45 to 50 bills (although 2022 was lower) and easily more than 1000 pieces of subsidiary legislation annually.

A testament to a lot of hard work, I suppose?

I'm not afraid of hard work. But the work still has to be done properly. What originally frightened me about drafting was the amount of power you wield in your hand. One wrong comma can mean a lot of things. I had a very hard lesson during the 1985 Revised Edition of Acts. The difference was just a comma and a zero. In the old days we expressed entire amounts in words, but with numbers you

need to be really eagle-eyed to make sure you don't miss a zero. We had to constantly ask ourselves: "Have we converted this string of words correctly?" We didn't want a '\$2,000' suddenly becoming '\$200', or the other way around. There is also the risk we have with the intensity of our work today where everybody's in an even greater hurry. When the COVID-19 pandemic started, there were new developments every week and we were trying to regulate the entire economy through subsidiary legislation. If you had not thought sufficiently hard or thoroughly you could end up with loopholes or unintended effects. So that's what I worry about; the expectation that everything (including law drafting) can be achieved by the press of a single button.

What about the profile of a typical drafter these days – has the Singapore drafting office become much more gender-balanced over time?

Oh, definitely. When I became the Chief in 2013 I tried to reach a "50-50" balance and when I stepped down as Chief in 2019 I think we had that balance. But it's quite easy for that balance to go off - and not through anyone's deliberate action. Women need to take time off to care for their families and children and it can be challenging if there is an intense legislative program for the year. Sometimes female drafters will consciously elect to take a year off or switch to part-time, which does reduce their exposure and the assignments they get. So, we need to be very conscious here of the gender balance.

Was there ever a drafting project that you felt especially proud of completing? I'm only talking about what's already in the public domain, of course.

At an anniversary dinner to celebrate the 150th anniversary of AGC in 2017, the Prime Minister gave a speech where he mentioned that I was one of the original drafters of the legal framework for Singapore's elected presidency [in Chapter 1 of Part 5 of the Constitution]. That was a major constitutional change, to create a new "checks and balances" system within the Singapore government. I was the youngest of 3 law drafters who worked on those constitutional amendments back in 1990, and I did all the subsequent amendments on the elected presidency until about 2018. I feel very honoured and privileged to have been involved in that and recognised for it by the Prime Minister.

Are there any particular issues or considerations for drafters in Singapore that might be a bit unique or a bit different to those for drafters in other jurisdictions? Perhaps something to do with Singapore's constitutional arrangements or its language communities?

On the topic of language, all our laws are drafted in English but we are not a naturally English-speaking country. English is one of 4 official languages in Singapore's multi-racial society. When I became Chief in 2013 I started the PLUS project – "Plain Laws Understandable by Singaporeans" – aimed at improving readability of Singapore laws. PLUS began with an online public survey. It was that one survey that supplied invaluable insight into what we should do for the people who use our laws. For the first time in Singapore we actually had the voice of the layman come through, and it told me that our "pitching" of language used in Acts, which was then at about a 1st year university standard, could be unsuitable in some contexts. For example, if you say "a passenger who is not ambulant must be allowed to sit when in a bus", people here may not understand what "ambulant" means. Through that survey, I saw the evidence for what some of us in the law drafting community have long suspected: that we were "pitching" language a bit too high in some laws. We went full steam ahead with plain English writing for all our laws after 2013. The survey also taught us that, in this age of smart phones and tablets etc, the average length of a legislative sentence can no longer be 75 words. Then the issue of gender was another revelation. We found that people above the age of 50 were very clearly in favour of gender-neutral laws but people below the age of 28 didn't really care, because they basically thought "we're equal already". We decided to proceed with gender

neutral drafting and with the shortening of legislative texts in our new laws from 2015. All of that formed the backdrop to the universal revision of our laws [the 2020 Revised Edition of Acts].

How do you think you've benefited personally from being a CALC member?

When I went to my first CALC conference in Hong Kong [in 2009], I suddenly realised: "I'm not alone!" I think the biggest benefit is in having a community of like-minded professionals to discuss things with, people who can discuss quite a specialised set of issues. Does anyone else ever talk to you about whether you should use an em dash or a colon? If you speak to a law drafter, they get it. You get to meet the best of the best through CALC. It gives you some inspiration and you realise that law drafting is more than just a job in your country – you are part of something bigger. Being exposed to the latest technology in drafting around the world is also fun.

Are there any particular memories of past CALC conferences that stick out the most – perhaps a dinner, a presentation or someone you met?

I was very impressed by one presentation at the conference in Hong Kong, a "double act" by Don Colagiuri and Michael Rubacki, that opened my eyes to the ability to use technology not only to make our work more efficient but also to serve the rule of law. They were demonstrating the combined editorial and publication system that they were using in New South Wales (Australia) and it actually became the inspiration of the law drafting and publication system we use in Singapore today.

Do you have any advice for legislation drafters who are still early in their career?

One of my mentors taught me that you should always take the job more seriously than yourself. It's not a message that only applies to law drafters, but I think it resonates particularly well with law drafters. I've seen young drafters suffer a crisis of confidence where they start thinking like "I don't know how to write anymore ... my senior shredded everything ... my client has rejected my entire draft ... I made a mistake and now it's law ...". Almost every draft I ever wrote I could have written better, but you've got to be resilient, stay dispassionate and learn to do better always. Drafting is a journey and it's not a "plug and play" job. And you shouldn't wrap up your entire identity in a drafting project – you have to leave your ego at the door.

Any other thoughts you would like to share?

To those people contemplating a career in law drafting: you will never get bored. You will always be learning. When you are a law drafter you are creating something hopefully better for the future, and that's very rewarding.

A break for lunch



Walter Iles CMG KC (CALC President 1986-1990), Ross Carter (CALC Secretary 2015-2022), and Dr Duncan Berry (CALC Secretary 1999-2011), who recently met for lunch (among other things) in Wellington, New Zealand. 27 February 2023 (photo from Ross).

Conversations with a drafter – Eamonn Moran

*Richard Hughes talks to Eamonn Moran
Melbourne, Australia, 26 October 2022*



Eamonn Moran has had a most distinguished career in legislative drafting over many decades, becoming the Chief Parliamentary Counsel of Victoria and serving in that role from 1999 until 2008. He also served as CALC President from 2007 until 2011, as the Law Draftsman in the Department of Justice of Hong Kong from 2008 until 2012, as a consultant legislative drafter, as an instructor for the Graduate Diploma in Legislative Drafting provided by Athabasca University in Canada and as a barrister practising in administrative and constitutional law. He has most recently served as Inspector of the Victorian Inspectorate, a statutory body established to monitor the various integrity agencies that exist in Victoria. Eamonn recently sat down with current CALC Council member Richard Hughes to discuss his journey through legislative drafting and his thoughts on other matters relating to CALC and drafting generally.

Thank you very much for your time, Eamonn. Can I start by asking how your journey in drafting began?

My journey began in Northern Ireland. I was at Queen's University Belfast from 1970 to 1974 and at some stage in doing that course I was writing an article about a then recent piece of Northern Ireland legislation. I can't quite remember now what it was about but there were a few things in it that puzzled me as to why they were expressed as they were and what the intention was. And I can't remember how but I found out about an office called the Office of Legislative Draftsmen, as it was then called, up in the Stormont Buildings in Belfast. I made contact with that office and I ended up being able to get an interview with the head of the office who drafted this Bill. He explained some of the background and it just struck me: gee, this sounds like a really interesting job. I had never really realised until then that there was an office that wrote legislation. Like probably all law students I thought that parliamentarians write it, sitting on their benches in Parliament. I then finished my degree and in Northern Ireland you had to decide whether you wanted to be a solicitor or go to the bar, and for me one of the big deciding factors was that going to the bar was one year with pretty tough exams in the course of it and being a solicitor was three years of articles, earning hardly anything, so I decided to do the bar. And then I saw an advertisement for a position in the Office of Legislative Draftsmen and, remembering my earlier experience, I applied and got accepted. So that's how it started.

When you joined the Office of Legislative Draftsmen in Belfast, how many drafters were there?

There would only have been about 5 or 6 at that time. It was in one of the iterations of what passed for government there. The Northern Ireland Parliament had just been abolished, so for most of the time I was there it was direct rule from Westminster. We were still writing Bills but they took the form of an Order in Council that was then made in Westminster. It was only in later years that an Assembly was created. It was a really enjoyable time but because of The Troubles in Northern Ireland it was natural to think "Do we want to stay here?". I had got married around that time and we had to decide if we wanted to stay and bring up children with bombs going off and bullets flying around, so we decided to go elsewhere and ultimately left in 1977.

When you left in 1977 did you come to Melbourne immediately?

I did, I came to work as a solicitor in Melbourne. I had been in Melbourne as a student in 1973 – British universities then had a program under which you could apply to get accepted into a job in your summer holidays related to what you were studying. I took part in some interviews for that and got accepted by that program and I was placed with a solicitor here in Melbourne. We got on really well - it was a one-man practice doing conveyancing and wills and things like that, even a bit of family law and a bit of personal injury. So I did that for a time after returning to Melbourne, but eventually I realised I was getting quite bored in what I was doing and I was looking back longingly to what I had been doing in Belfast. I felt really guilty, and I still feel guilty to this day, that I left my first employer in Melbourne, because he had made such great efforts to get me into Australia. But he understood the reasons. I was in my late twenties and I could see that, unless I made a move, I was going to end up in that type of practice forever. I thought about going back into drafting and my recollection may be hazy but I believe I then applied to the drafting office in Canberra to see if they had any openings. I was then contacted by the head of the Victorian office, a gentleman called John Finemore, and he was surprised to find that there was someone in Melbourne who had drafting experience and was seriously thinking about coming back into drafting. In those days, in the drafting office they only had a certain number of positions, but the then government – this would have been about 1978 – had set up a committee looking at plain language and had invited a number of people onto it, and they needed a secretary. Clearly that was not going to be a full-time job, so John

arranged it so that I would act as secretary to support this committee and when I was not doing that work I would do drafting work in the office. Given my ongoing interest in plain language it was an interesting place to start, and after that committee folded there was an effort made to secure for me an ongoing place in the drafting office.

Around that time the Renton Committee had delivered its report in the United Kingdom and I had read that at the time when I was still working in Belfast. That really jolted my interest in how legislation was expressed, but there was still very limited interest in that in Australia, and certainly in my first few years in Victoria there was very little interest in plain language or how we express things, because the important thing was to be accurate and to get it done and get it through Parliament. But it started in the early 1980s, when there was an Attorney-General (Jim Kennan) who had a real interest in plain language. He gave the then recently established Law Reform Commission of Victoria, a predecessor to the current Victorian Law Reform Commission, a reference on plain language. The Commission set about working on the reference and I was very interested in what they were doing. I contributed to some of their discussions – I think I was listed as a consultant, or something like that – and there were some great reports produced at that time.

Forty years later, do you think that plain language in drafting has reached the limits of what it can achieve?

I think that the way we draft and the way we write generally has to reflect the way the community writes and how language is moving. But it shouldn't be a leader, in a sense, because you are still writing the law and the essential challenge is to write the law in a way so that the meaning is clear and so that it can easily be picked up by someone, who isn't necessarily going to know the whole picture. It's about the basics, like using short sentences, making it look nice on the page and looking at the size of words you're using and thinking "Is there a simpler word?". I think I am largely comfortable with how legislation is now written and the accessibility of it. When I started drafting there wasn't a computer to use and you had to remember where you might have seen something. In the Victorian office at that time there was a parliamentary counsel who was totally blind, and she had a phenomenal memory. And if you were working on something and you were trying to think "Where have we done something like this?", you could go to Cate and she would say "Oh yes, have a look at section so-and-so of this Act", because she had committed it all to memory, and she was a very good drafter. And you had to admire someone doing that work with that capacity. But then computerisation came along - it took a while for me to get used to the technology, but now it's phenomenal and it would've been great to have had that in some of the early days.

One of the memories I have was of the Transport Act 1983, which was a major piece of work - I think we were repealing something like 120 Acts and rolling them into this new Act - and for some weird and wonderful reason the Government Printing Office, which then did our printing, decided that it would be the guinea pig for the new system of computer printing. And that wasn't the best idea. We were given proofs that were in the form of one long continuous sheet, and I can still remember rolling one of the proofs down the corridor - *and then someone's down on all fours, crawling along the floor to find the right provision?* - that's right! It was a funny experience. But there was a lot of pressure to adapt to the new technology quite quickly.

So the technological shift is the biggest change you've seen in the drafting space over the course of your career?

I think so. Technology and the move to plain language have been the two big shifts.

Was there anything that might seem a bit quaint about the old way of doing things that actually had its merits?

Not in the actual drafting process, because it was inconvenient at times when you would get your Bill finished and you would then have to take it to the Government Printing Office on the way home, but I think the biggest loss is a loss of contact with the Parliament. We used to have regular connections between the parliamentary counsel's office and the Parliament. There was a regular group that would go and have dinner in Parliament on a Tuesday night, and the Members and the Clerks generally knew that there was a few of us around, and if a Member needed an amendment they knew where to find us. And whether it was during those evenings or during the day, you would be back at your office and you would write up an amendment, and you would get it typed up and you would take it over to Parliament and personally deliver it to the Member. But all that's gone, and even that direct day-to-day contact with the Clerks is gone. It's all done by email now.

Is there a particular drafting project that you were most proud of completing?

There were a number at the time, particularly in the 1980s, such as the revamping of courts legislation. We re-did the Supreme Court Act, the Magistrates' Court Act and the Children and Young Persons Act. There was also the whole transport exercise that I mentioned earlier and I was also involved in a piece of water legislation that led up to the Water Act in 1989. There was a whole series of items of water/sewerage/rivers legislation, which were then consolidated into one Act. There are lots of intricacies in water law, such as the rights of people with land that backs onto rivers. I enjoyed those big exercises.

Switching to CALC, what do you think you have gained most from being a CALC member for so many years?

I think it's really helped me to build up a network of people across jurisdictions who have a common interest. You make lifelong friends through CALC. There are people I regularly keep in touch with whom I met through CALC. At the conferences you get the opportunity to hear people give really relevant papers on topics of interest and The Loophole magazine is a great repository of articles. And getting to know people socially, which I think is just so important.

Do you have a particular memory from a CALC conference that stands out the most?

There have been many! There was a conference in Nairobi in Kenya - I can't remember what year it would have been - and there was a small turnout, so we were all staying in the same hotel and the evenings were so enjoyable. Everyone was there for dinner and drinks, and I remember there was a Welsh guy there who was a great singer, so there was lots of music and lots of singing going on - lots of fun.

There was a conference in London around 1995 - I remember a great reception there, where the then head of the Scottish drafting office gave a terrifically funny speech. The most recent conference in Zambia was an enjoyable experience too, because we were staying in a place where you would have zebras and other animals walking around and I seem to remember sitting at the breakfast table with a group of people when a monkey came in and grabbed something off somebody's plate on the table!

Switching to drafting more generally, is drafting something that's in your blood, or is it something that you can pick up with time and effort?

I think you can pick it up, but I do believe there is something innate in a sense. If you're looking at someone as a potential drafter, you want to find someone who enjoys writing and has a strong interest in language and an interest in current affairs, but isn't politically aligned, because you need to maintain that neutrality. You can certainly enhance your skills but I think you've got to have some basic love for writing. The sort of apprenticeship system we have, where for the first few years

you're supervised and you get feedback - it's so important that whoever provides the feedback does it sensitively and doesn't destroy that love for writing.

Do you have any advice for someone who's just beginning their career in legislative drafting?

Hang in there, listen to what you're being told, don't think that you know it all and be open to advice - and read! I always had a habit of reading other people's Bills, to see what other people were doing and how they're writing. That's how you learn, by being open to change. And I guess I've always had an obsession with statutory interpretation. I should've also mentioned the Interpretation of Legislation Act 1984 - that was another drafting project I did. I'd done an LLM at Melbourne University for which I'd reviewed, analysed and commented on the Acts Interpretation Act 1958 and made suggestions for how things could be improved. Then I was given the dream job by John Finemore to go ahead and draft a Bill! And that was interesting too, because there was a parliamentary committee that was set up to look at it and they got very much into the gender neutral language debate - in 1984 gender neutral language hadn't arrived in a serious way, and I remember there was a whole chapter they wrote about how women have been treated in the law and in writing over the years and how they have been subsumed within the male - this whole idea of "he" including "she". I would love to take the Act apart again and re-write it all and simplify it! But it's important for any new drafter to get to know their Interpretation Act.

On the issue of gender neutrality, do you have a personal preference on the use of singular "they"?

I've been a supporter of singular "they" when it doesn't create an ambiguity. Some years back it was very controversial, but it reflects everyday language when you don't know somebody's gender and it's coming in now in a big way.

Are there any trends in drafting that you're not comfortable with?

I'm still not comfortable with the amending style in some jurisdictions, with words like "omit ... and insert ...", because it takes time to get used to the way it's set out and what it's telling you. But I understand that's much easier for the consolidation work.

Any final thoughts?

Drafting is a great career - I don't regret ever having gone into it.

Australasian PCC retirement dinner on 27 February

(from Rebecca Mahony)

The Australasian Parliamentary Counsel's Committee comprises the heads of each drafting office in the Australian states and territories, the Australian Commonwealth and New Zealand. The Committee coordinates the preparation of uniform legislation and provides a forum for heads of jurisdiction to discuss legislative developments and the management of drafting offices more generally.

During the last couple of years four members of the Committee retired, but because of the COVID-19 pandemic the Committee was not able to properly mark these milestones.

On 27 February the Committee was finally able to hold a joint dinner in Sydney for the four retired members, Fiona Leonard (New Zealand), Mary Toohey (Australian Capital Territory), Marina Farnan (Victoria) and Peter Quiggin (Australian Commonwealth). Current and former members and their partners flew in from all around Australia and New Zealand to enjoy a wonderful meal at Café

Sydney in Circular Quay and to thank Fiona, Mary, Marina and Peter for their leadership, mentoring, technical skills and contributions to the collegiality of the drafting Australasian drafting community.



Retirement of Una Couper

Extract from speech given by Geoff Lawn at a morning tea marking Una's retirement

Una Couper has retired as Deputy Parliamentary Counsel in the Western Australian Parliamentary Counsel's Office.

Una has made an outstanding contribution to the Western Australian Statute Book through the legislation she has drafted in the course of a public service career of more than 37 years.

Una completed a Bachelor of Laws at the University of Western Australia in 1985 and joined the Western Australian Public Service in December 1985 as an articled clerk in what was then known as the Crown Law Department. She was admitted as a barrister and solicitor of the WA Supreme Court in December 1986.

Una began working in PCO in December 1987 as an Assistant Parliamentary Counsel. She was promoted to what is now a Senior Assistant Parliamentary Counsel position in 2005 and became Deputy Parliamentary Counsel in February 2018.

Una drafted many important and complex items of Western Australian legislation during her career, in many areas of the law. These include:

- *Children and Community Development Bill 2003*
- *Commissioner for Children and Young People Bill 2005*
- *Electricity Corporations Bill 2005*
- *Child Care Services Bill 2007*
- *Royalties for Regions Bill 2009*
- *Biodiversity Conservation Bill 2015*
- *Motor Vehicle (Catastrophic Injuries) Bill 2016*
- *Western Australian Jobs Bill 2017*
- *Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021*
- *Voluntary Assisted Dying Bill 2019*
- *Legislation Bill 2021.*

Over the years Una has also of course drafted hundreds of items of subsidiary legislation.

As Deputy Parliamentary Counsel, Una made a huge contribution to the leadership and management of PCO. She trained and mentored many junior drafters, and her encyclopaedic knowledge of the WA statute book and her exceptional skills as a legislative drafter meant that her advice was frequently sought and always highly valued by PCO staff and people outside PCO.



Una and her award for 30 years in the Western Australian Public Service

Una also participated in training sessions for instructors and presented papers to drafting conferences. She chaired a session on the drafting of national laws at the Australasian Drafting Conference held in Perth in July 2014.

After such a long and challenging career, Una intends to enjoy spending time with her husband Graeme and her family, and undertake some overseas travel.

Retirement – Robyn Webb

By...Robyn Webb! [she described it as "...the usual puff piece of the self-satisfied." - Ed]

Robyn Webb has retired from the office of Chief Parliamentary Counsel of Tasmania, a position she held for 8½ years.

She began drafting in the Northern Territory OPC in 2001, under "Gentleman Jim" Dorling, the then Chief Parliamentary Counsel of the Northern Territory, a man fondly remembered for his imperturbable demeanour and "sleeves rolled up" dress and attitude.

She almost recalls exiting, giggling, a sherry party held in the office in her first week, after recalling that sherry was in fact highly alcoholic and that drinking five little glasses ("another little snifter, Miss Webb?") could turn her welcome into her farewell party. In her defence, it ought to be noted that, at a time when statehood was being proposed for the Northern Territory, one of the possible names suggested for the jurisdiction was "Liquorland"¹.

¹ The name of an Australian liquor store chain - Ed



She more clearly remembers diligently entering into the register of correspondence an entry reading "authorisation to take the piss out of someone", an authorisation that she diligently carried out entirely to her satisfaction for the remainder of her career.

After 13 years, realising that she really didn't like hot climates, although she liked those who did, she moved to Jersey.

As proof of Somerset Maugham's description of a tax haven as "a sunny place for shady people", she was reputedly hired after a job interview in which, when asked how she liked Jersey, guilelessly replied "oh it's great! I was driven here by a taxi driver who asked why I had come. 'I've come to work for the States of Jersey' I said. The taxi driver said 'Pah. It's a nest of vipers'. But I think he just said that to keep my interest up".

This attitude, together with a very blokey strut, was apparently sufficient reference for her to take up office at the "Office of the Law Draftsman", to which she was, for 4 years, "well suited" in a collection of Armani suits, purchased during the Great Financial Crisis that arose after she became involved in the drafting of laws for the Jersey Financial Services Commission.

Her most memorable lessons from that jurisdiction were that, in the absence of political parties, nothing is ever urgent; that the definition of gambling that had stood since the 1700's could not be modified to exclude hedging funds (the difficulty being solved by instead providing for an exception to the definition, so as to enable business as usual to continue); and that messages from the Crown are written in a fashion that is diametrically, magnificently, passively, opposite to all strictures of plain English, and that it is mete and right that they be so.

She then moved to Tasmania, to work under Peter Conway, who was Australia's longest serving Chief Parliamentary Counsel.

As a result of an administrative error, she began acting as Chief Parliamentary Counsel in, she thinks, 2015. (Her memory of her start date is a little hazy; being living proof that "lawyers don't count", she can't.)

Through a skilful use of blackmail, she took on the role of acting more seriously, becoming a prima donna of the Tasmanian Office in an era when Tasmania still had trees and convict stock to cut them down to size.

In this role she regrettably expanded her repertoire into becoming the enfant terrible (the less kind have suggested idiot savant) of the Tasmanian State Service, where a combination of bluff, bravado, unparliamentary oaths and impertinent correspondence instituted a period known as "the Reign of Error" during which baying politicians were kept at charm's length for 7 years. It ought to be noted that she was always at pains to point out that it was entirely through a lack of drafting skill, rather than self-interest, that her Workplaces (Protection from Protesters) Act 2016 was revealed by the High Court to contain "Monty Pythonesque absurdity" and was struck down with great wrath.

In 2023, after staring down both plague (writing 3 COVID Bills) and death (authoring the End-of-Life Choices (Voluntary Assisted Dying) Act 2020 - an Act where great stress is placed on hyphens), and upon realising that there was probably life after Empire, she crossed the Rubicon into the land of the living dead, and has since, reportedly, become the shy, retiring type.

She spends her time practising writing threatening letters and muttering "I coulda been a contender".

Recent publications

Diggory Bailey and Luke Norbury '[Clarity in Legislation](#)' (preprint) in Constantin Stefanou (ed.) *Modern Legislative Drafting - A Research Companion* (Routledge) (forthcoming) (2022).

“It is impossible to please everyone...”

Rwanda Law Reform Commission, Rwanda Official Gazette n° Special of 02/11/2022 '[Imirongo ngenderwaho / Guidelines / Lignes Directrices](#)' (Guidelines on legislative drafting). In Kinyarwanda, English and French.

...legislation that is clear, comprehensive, concise, and consistent enables the end users to know and understand the legislation,...[and]...contributes to realisation of the rule of law and the promotion of sustainable development...”

“...you just keep catching my attention, and I adore your work...”

Hamish Fraser '[A love letter to the Parliamentary Counsel of the world](#)' (3.2.2023).

Rod McLoughlin, Jersey Evening Post '[It's just bonkers how many old laws there are in existence – so my objective is to clean it up](#)' (2.2.2023).

Ronan Cormacain, *The Form of Legislation and the Rule of Law* (Bloomsbury, December 2022). See also the recording of the related event '[The Form of Legislation and the Rule of Law](#)' hosted by the Bingham Centre for the Rules of Law on 24 January 2023. Speakers: Professor Helen Xanthaki, David Anderson.

Online recordings of Statute Law Society Lectures at University College London from 2021/23 are [now available](#). These include Dame Elizabeth Gardiner on "[Improving the Statute Book: A Legislative Drafter's Viewpoint](#)".

“...The rule of law requires a statute book that is fit for purpose...”

The [Parliamentarian 2023 Issue One](#). Topics include e-Parliaments and innovation, parliamentary clock towers, professional/induction training for MPs and staff, post-legislative scrutiny and news from around the

“Whatever happens, the COVID-19 pandemic has created an opportunity to accelerate parliamentary innovation and to develop new working methods that could have a significant impact on the way that our Parliaments look in the future.”

Commonwealth parliaments (including the appointment of a new Parliamentary Poet Laureate in the Federal Parliament of Canada).

Meanwhile, on Twitter:

Jersey LDO and others keep us in touch with legislative events and the ups and downs of creating legislation.

<https://twitter.com/JerseyLDO?lang=en>



The UK Office of the Parliamentary Counsel (https://twitter.com/parlicounsel_uk?lang=en) covers local publications and events, including the announcement of their One Civil Service Award as part of the Cost of Living Payments to low income and disabled benefits claimants team



A new website was launched in Rwanda – the Portal of Rwandan Laws and Case Laws,

<https://www.amategeko.gov.rw/>



DraftingOps anyone?

Bucerius Law School (Germany) and Singapore Management University ran [Legal Tech Essentials](#) again in November and December 2022. This free online series of lectures and discussions covers computational law, innovation in legal firms, legal operations (aka LegalOps aka how businesses

run – perhaps we can recast it as DraftingOps?), AI and a range of other topics. While aimed at general law firms, almost all the issues and ideas have relevance for drafting offices.

The whole series was full of interesting and knowledgeable speakers and was very professionally presented. People from all over the world tuned in to hear the inspiring talks and ask their questions.

Recordings are not made generally available, but it is a great series to follow so keep an eye out if it runs again this year.

Calling Indian members of CALC

Professor Peter Butt, CALC member from Australia, writes that he is researching the use of plain language in statutes, regulations and legal documents in India. He would be very pleased to make contact with Indian CALC members who may be able to share their experiences and knowledge in this area.

Those interested can contact Professor Butt at peter.butt@sydney.edu.au

Coming up

CALC conferences – in person!

CALC Europe Conference on 24-25 May 2023

- Hosted in Cardiff, Wales, by the Welsh Office of the Legislative Counsel.
- [Registration](#) now open.
- See also the event page: [CALC Cardiff 2023](#).



CALC Asia – Pacific Conference on 2-4 August 2023

- Hosted in Sydney, Australia, by the New South Wales Parliamentary Counsel's Office (on behalf of the [Australasian Parliamentary Counsel's Committee](#)).



CALC Africa Conference in October 2023

- Dates and location to be confirmed soon.

CALC general conference

- In planning for the Caribbean for 2024.

Drafting legislation: the theory and the reality

Dame Elizabeth Gardiner

Where: Edinburgh, Usha Kashera Lecture Theater, Old College, The University of Edinburgh

When: 30 March 2023, 5.30-7.30 pm

Registration is free but required. For details go to the [event page](#).

International Legislative Drafting Institute



Training specifically designed for legislative drafters and for the members of legislative bodies.

Run by The Public Law Center at Tulane Law School, Tulane University

Where: New Orleans, Louisiana, USA

When: 12-23 June 2023

For a video giving you the flavour of New Orleans and more conference details (including delegation discounts, provision for non-English speaking delegations and registration) go to <https://law.tulane.edu/international-legislative-drafting-institute>.

Legislation and Legislatures in War and Recovery



Run by *Theory and Practice of Legislation*, in cooperation with the Verkhovna Rada (Ukrainian Parliament) and the International Association of Legislation.

Where: In Stockholm, and online

When: June 2023 (date to be confirmed)

Check if the call for papers is still open and find out more details at <https://ial-online.org/call-for-papers-legislation-and-legislatures-in-war-and-recovery/>

For more information any time about upcoming conferences and other events, go to the CALC conferences page: <https://calc.ngo/conferences>

Email opt-out issues

CALC is having problems with the email opt-out option on the website. This option is for anyone who does not want to receive the emails about the Loophole or Newsletter, employment opportunities and conferences that we send out from time to time. If you have ticked the opt-out option for your login on the website, or would like to opt-out of the emails, please email the Secretary (k.hannah@gov.ie) directly as well as ticking the option in your membership page. This will help us make sure this works as expected. Thank you and apologies if you receive unwanted emails.

And don't forget, you can also update your email by logging into calc.ngo. We get a lot of bounce backs because of inactive accounts on the emails we send out letting you know what is happening around CALC, so please update your details if your email has changed. If in doubt, check by logging in, then clicking on your name in the top right corner to see your contact details.

New CALC members

The following new members have joined CALC since 21 November 2022 (when the last update was published). Welcome to all!

Want to join these members? Use the [online registration form](#).

| Name | Country |
|--------------|-----------|
| Dom Bowes | Australia |
| Marija Polic | Australia |

| Name | Country |
|---------------------------------------|-----------------------------|
| Noumea Loretta Teueli | Nauru |
| Nicola Pittam | United Kingdom |
| Naveen Erum | Pakistan |
| Khiayah Doward | Virgin Islands, British |
| Mary Katerere | Falkland Islands (Malvinas) |
| Cassandra Porter | Canada |
| Gillian Sarah Bilton | Australia |
| Jasmina Davis | United Kingdom |
| Lynton Jones | Sierra Leone |
| Prarthana Kulathunga | Sri Lanka |
| Llyr Lewis | United Kingdom |
| Marie Jeanne Munezero | Rwanda |
| Marina Farnan | Australia |
| Calum Ross | United Kingdom |
| Sónia Rodrigues | Portugal |
| Rockson-Nelson Etse Kwami Dafeamekpor | Ghana |
| Georgios Stavris | Cyprus |
| Sulayman Sumbundu | Gambia |
| Andy Neale | New Zealand |
| Karl-Heinz Waldemar Kuhn | South Africa |
| Pareemala Mauree | Mauritius |
| Pam Charan | United Kingdom |
| Muhammad Usman | Pakistan |
| Gideon Osabutey | Ghana |
| Yoav Harel | |
| Jean Maurice Ukobizaba | Rwanda |
| Nsikan Essien | Nigeria |
| Jennifer Jackson | United States |
| Mark Kamar | Kenya |
| Kayumba Kanjeru Rose | Rwanda |
| Felix Habumugisha | Rwanda |
| Christophe Gacenderi | Rwanda |
| Claver-Regis Kayiranga | Rwanda |
| Marcie Nyiraneza | Rwanda |
| Scott Wortley | United Kingdom |
| Timothy Clulow | Australia |
| Pasha Peyrovi | Australia |
| Olatunde Agbaje | Nigeria |
| Owiso Owiso | Kenya |
| Imaan Toulon | Seychelles |
| Nassoma Cammock-Graham | Jamaica |
| Timothy Ojara | Uganda |
| William Wilson | United States |
| Wancy Lam | Australia |
| Debra Angus | New Zealand |

| Name | Country |
|------------------------------------|-----------------|
| Sven Hombach | Canada |
| Alma Ahmed | Maldives |
| Enver Daniels | South Africa |
| Jane Irving | United Kingdom |
| Elizabeth Murray | New Zealand |
| Katrina Melville | New Zealand |
| Anuroop Asokan | India |
| Christina Duffy | Canada |
| Valera Fikile Dlamini | Swaziland |
| Lisa Venables | United Kingdom |
| Reena Matharoo | United Kingdom |
| Ivy Madziwo | Zimbabwe |
| Graham Chua | Singapore |
| Eloise Layzell | Jersey |
| Amelie Krystel Jacqueline Nourrice | Seychelles |
| Bunhong Taing | Cambodia |
| Doris Tabepuda | Solomon Islands |
| Alex Dowty | United Kingdom |
| Ambra Gobena | |
| Graham Halpin | Jersey |
| Kate Rabiotti | |
| Uday Kiran Naidoo | South Africa |
| David O'Brien | United States |
| Kerrie Faradatolo | Solomon Islands |
| Gibson Tampura Amiki | Solomon Islands |
| Sinead McGarrigle | Ireland |
| Sam Hastings | Australia |
| Muhammad Yousuf Alimohamed | Mauritius |
| Amanza Walton-Desir | Guyana |
| Mabuti Mutua | Kenya |
| Martin Perron | Canada |

Newsletter information

The Newsletter is published on an ad hoc basis by the CALC Council. It contains articles, news and other updates on anything of interest to drafters of legislation and the staff and agencies that support them. The items are written by members and friends of CALC from around the Commonwealth.

Great thank yous to everyone who contributed to this Newsletter – articles, pictures, news, suggestions, reassurance, everything.

Do you have an item you would like included in the next edition of the Newsletter? Contact CALC's Secretary (and Newsletter editor), Kate Hannah: k.hannah@gov.je.

You can also ask about membership, or any other CALC matter.