

## **Hon Christopher Finlayson - Speech for Plain English Awards**

Friday, 3 September 2010

'Plain' English does not mean simplistic, dull or inexpressive English. In his article, 'Answering the Critics of Plain Language', plain English campaigner Joseph Kimble notes: "Plain English is the style of Abraham Lincoln, and Mark Twain, and Justice Holmes, and George Orwell, and Winston Churchill, and EB White. Plain words are eternally fresh and fit. More than that, they are capable of great power and dignity."

We often hear humorous stories of terrible uses of English. But the abuse of English by government, government departments and business is not funny. Why? Because it has a direct effect on productivity and on New Zealand's economy.

In this respect, I can think of no more important example than the language used in legislation. I want to talk briefly about that topic tonight.

Clear and accessible law is a fundamental part of the rule of law. People need to be able to understand legislation. The courts need to be able to interpret legislation.

For this to happen, Parliament needs to do its job properly. Waffly and imprecise wording is of no use to anyone.

The Law Commission has rightly said that our statute law, as a whole, currently lacks coherence, is untidy, and can be difficult to understand and use.

I support the efforts of the Parliamentary Counsel Office and Law Commission to address this problem by tidying the statute books and making them easier to understand. The Legislation Bill 2010, which I introduced in the House last month, aims to modernise and improve the law relating to the publication, availability, reprinting, revision, and official versions of legislation.

I was laughed at when I said in the House that I was excited by the bill. But I was telling the truth. This bill could do great things.

The Parliamentary Counsel Office, for which I am responsible, aims to use clear English in bills. I think New Zealand has some of

the best legislation drafters in the world. Admittedly, Parliament and its select committees sometimes muck up their careful work but that's democracy.

The plain English approach has not always been the approach taken in New Zealand legislation. Much of our old legislation is wordy and hard to understand. One real shocker is from the United Kingdom, contained in the Banking Act 1979 Appeals Procedure (England and Wales) Regulations 1979, which say that: "Any reference in these regulations to a regulation is a reference to a regulation contained in these regulations."

Can you believe it? What a pointless sentence.

Things have gotten so bad that some people overseas have suggested citizens should be allowed to sue Parliament for legislative negligence. Legislative negligence means such an obvious inattention to the consequences of the wording of legislation that, if the work had been done by the lawyer drafting a lease, will, trust deed or other legal document, it would have amounted to professional negligence.

This proposal is fundamentally daft but I think it underlines the importance of Parliament doing its job properly. The language used in legislation has huge consequences. One unnecessary word in an Act can lead to years of litigation in the courts.

It takes a great deal more skill to write in plain English than in dense, complex English, a principle summed up by Mark Twain, who apologised for the length of some correspondence by saying he didn't have time to write a short letter, so wrote a long one instead.

The development of clear and concise writing must be a priority for our education system and a goal for all of us. We should follow the maxim of Antoine de Saint-Exupery that "perfection is achieved, not when there is nothing left to add, but when there is nothing left to take away".

In the interests of practising what I preach and being concise, I will finish my comments here. These are important awards; they honour the otherwise unsung heroes who, from behind their desks, are fighting for clarity.

Keep up the good fight; it is worth it.