

PARLIAMENT OF WESTERN AUSTRALIA
LEGISLATIVE COUNCIL

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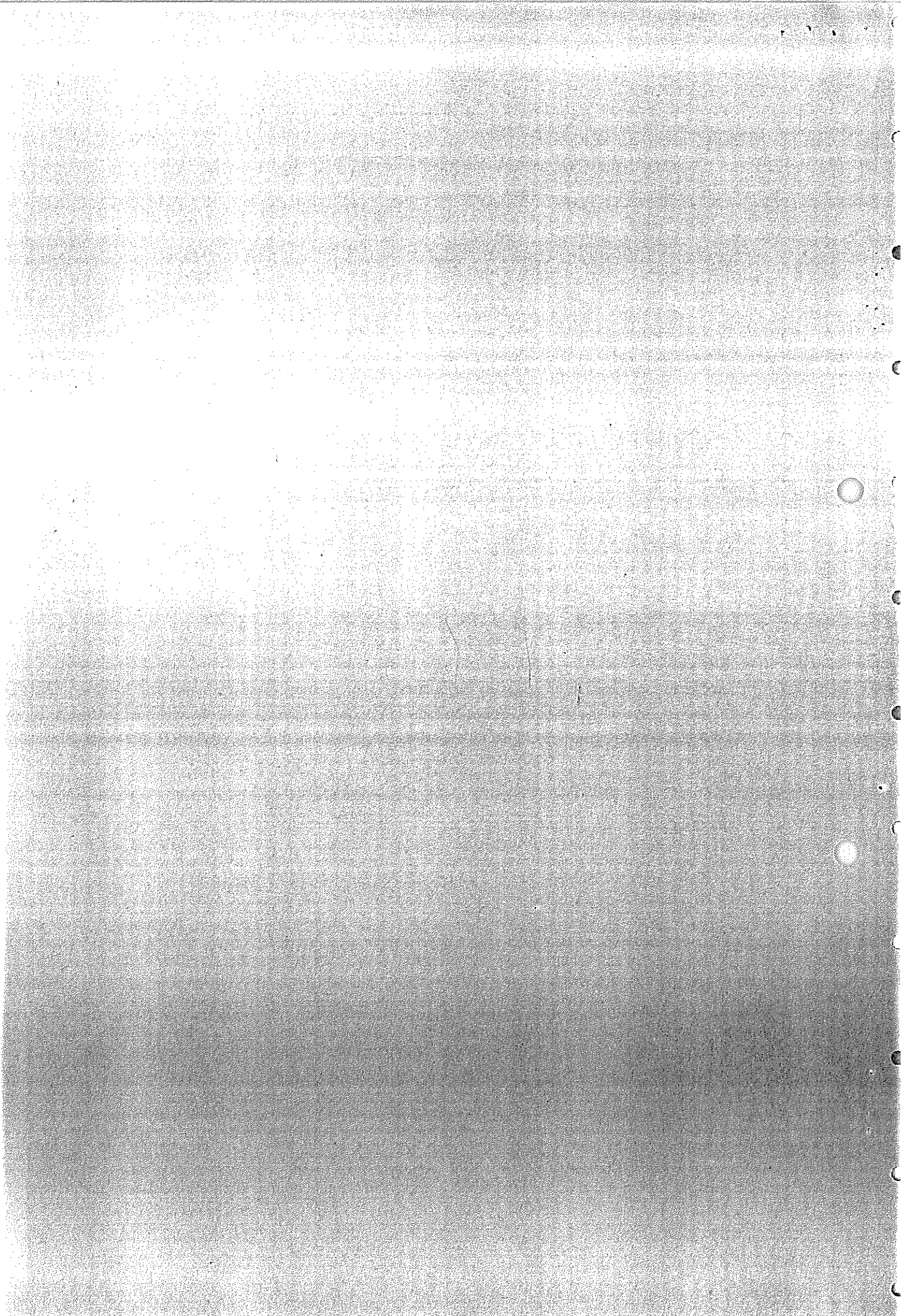
NINETEENTH REPORT
OF THE
STANDING COMMITTEE
ON
GOVERNMENT AGENCIES

THE USE OF PLAIN ENGLISH IN GOVERNMENT WRITING:
SOME PRELIMINARY FINDINGS

Presented by the Hon. MARK NEVILL (Chairman)

19

MAY 1988



**Parliament of Western Australia
Legislative Council**

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PREVIOUS REPORTS OF THE COMMITTEE

- First Report: November 1982.
- Second Report: "Government Agencies in Western Australia":
 First Edition: July 1983.
 Second Edition: May 1985.
 Third Edition: November 1987.
- Third Report: "Annual Reporting Requirements for Government Agencies":
 December 1983.
- Fourth Report: "Review of Operations 1984": February 1985.
- Fifth Report: "Review of Annual Reports for 1984": March 1985.
- Sixth Report: "A Framework of Accountability for Government Agencies": June
 1985.
- Seventh Report: "The Urban Lands Council of Western Australia": September 1985.
- Eighth Report: "Review of Operations for 1985": July 1986.
- Ninth Report: "Resumption of Land by Government Agencies: Proposals for
 Reform": August 1986.
- Tenth Report: "A Review of the Lotteries Commission of Western Australia":
 November 1986.
- Eleventh Report: "1985/86 Annual Reports of Government Agencies": December 1986.
- Twelfth Report: "Review of Operations for 1986": April 1987.
- Thirteenth Report: "Resumption of Land by Government Agencies: Final Report": May
 1987.
- Fourteenth Report: "A Review of Coal Industry Agencies": June 1987.
- Fifteenth Report: "A Review of the Builders' and Painters' Registration Boards":
 September 1987
- Sixteenth Report: "Delayed Payment of Accounts by Government Agencies": December
 1987.
- Seventeenth Report: "Review of Agencies: A Statement of Principle": December 1987.
- Eighteenth Report: "Review of Operations for 1987": December 1987.

REPORTS ON BILLS

1. "The Commercial Tribunal Bill 1984": November 6 1984.
2. "The Contraceptives Amendment Bill 1985": October 16 1985.

REPORTS IN PROGRESS

1. Processing of accounts by the State Government Insurance Corporation and Commission.
2. The administration of country high school hostels by the Country High School Hostels Authority and hostel management committees.
3. Plain English in government forms and documents: further reports.

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I CAN'T UNDERSTAND THIS!

If you have ever felt this way about a form or other document given to you by a State Government agency, the Legislative Council's Standing Committee on Government Agencies would like to hear from you.

The Committee is currently examining the need for Plain English in State Government documents and would like to receive examples of documents which members of the public find difficult to understand. If you have any examples, please contact:

**The Secretary,
Standing Committee on
Government Agencies
Parliament House
PERTH, WA 6000
Telephone: 222 7337
(008) 19 9187**

"Western Mail"
5/12/87

PART 1: INTRODUCTION

Gobbledegook: n. pompous or unintelligible official, or professional, jargon.

Jargon: n. unintelligible words, gibberish; barbarous or debased language; mode of speech familiar only to a group or profession.

(Concise Oxford Dictionary 1982 Ed.)

- 1.1 The key word in these definitions of "gobbledegook" and "jargon" is "unintelligible". During its existence the Committee, like any person or organisation constantly dealing with government and the bureaucracy, has found many examples of official writing which, if not entirely unintelligible, are at least exceptionally difficult to understand. In December 1987 the Committee decided to try and identify possible solutions to this problem and commenced an inquiry into the use of plain English in forms and other documents produced by government agencies.
- 1.2 The purpose of the Committee's inquiry is to identify poorly worded or designed documents and suggest to ministers and public sector management ways to overcome the problem and take steps to correct it.
- 1.3 The quest for clear expression in public sector writing is of course not unique to this Committee. Much work has been done on this in other jurisdictions, particularly the United States of America, United Kingdom and Victoria; (Part 3 of this report). The private sector has also pushed ahead with the development and implementation of plain English contracts. These developments encourage the Committee in its view that worthwhile improvements can be made in Western Australia. Plain English insurance contracts have demonstrated that complicated legal documents can be written in plain English. International studies have proven that considerable cost savings are produced by ensuring that forms and other documentation can be easily understood by readers.
- 1.4 The Committee intends to continue its inquiry until October 1988. It will examine a wide range of written material produced by government agencies. This report is one of a series of interim reports which the Committee intends releasing to increase discussion of the worth of plain english. The Committee requested a number of government agencies to provide it with copies of all documents intended for use by the public. In addition, the Committee has examined documents such as annual reports, advertisements and various official notices.

Acts of Parliament

- 1.5 One of the major areas of concern to the Committee is the drafting of Acts of State Parliament and Regulations. This report refers in part to legislative drafting, however, future reports will deal with this topic in greater detail.

PART 2: PROBLEMS IDENTIFIED

- 2.1 The Committee's examination of various forms of government writing has disclosed a number of common faults which limit the effectiveness of that writing. The Committee believes a plain English policy would remove these faults which include:
- (a) use of unfamiliar words and phrases;
 - (b) minimal use of punctuation;
 - (c) complex presentation of information; and
 - (d) undue reliance on precedents.

Unfamiliar Words and Phrases

Use familiar words rather than the far fetched, if they express your meaning equally well; for the familiar are more likely to be readily understood."

(The Complete Plain Words, Sir Ernest Gowers HMSO 1973 p51.)

- 2.2 Good advice from Sir Ernest Gowers, advice which has obviously been unheeded by many draftsmen. One of the major contributors to government writing being difficult to understand is the unnecessary use of old fashioned, unfamiliar words such as:

*abovementioned
aforesaid
hereby
herein
hereinafter
hereunder
herewith
said
thereof
whereas*

- 2.3 These words, and other similar words, regularly appear in many government documents:

"All vessels entering the Port shall, unless hereinafter exempted pay the Tonnage Rates prescribed by these Regulations."

(Regulation 54 Albany Port Authority Regulations.)

WHEREAS Minister for Lands being the owner of the land which adjoins the street hereunder described has agreed to the request of the Shire of Broome to close the said street ..."

(Extract from notice published in the *Government Gazette* 5/12/87)

"By submitting a coupon the subscriber acknowledges as binding the rules issued by the Commission and agrees to be bound thereby and by all decisions and determinations made pursuant thereof."

(Extract from back of Lotteries Commission Lotto coupon.)

"Now, therefore, His Excellency the Governor, acting pursuant to section 4 of the

said Act, and by and with the advice and consent of the Executive Council, hereby constitutes that part of the State as defined in the Schedule hereunder as a sewerage area and assigns the name of Jurien Sewerage Area thereto."

(Extract from Order in Council published in the *Government Gazette* 11/12/87.)

- 2.4 Almost without exception, the use of these words is unnecessary and only serves to complicate or confuse:

"If any person or thing is mentioned it has been the custom whenever the name or description occurs again to preface it by the words "the said" or "the aforesaid". Commonsense suggests that, if a person is referred to in a document by name, a subsequent mention of that name unqualified by 'said" or "aforesaid" will be understood as referring to the person unless a contrary intention appears."

(The Elements of Drafting, E L Piesse, 6th ed 1981 at p64.)

- 2.5 The Committee believes that clear expression should prevail. One of the best ways to achieve clear expression in government writing would be to eliminate these words immediately.

Minimal Use of Punctuation

"Some of the typical sections of a modern Act are a veritable cobweb of words and in the forest of their verbosity the reader dare not enter, or, if he enters, he is apt to get lost in no time."

(An Introduction to Legislative Drafting, P M Bakshi p35.)

- 2.6 There is no doubt that lack of punctuation makes the reader's task more difficult. The most common problem is sentence length. Long sentences are difficult to comprehend. By the time a reader has come to the end of a 40 or 50 word sentence, the beginning of the sentence is likely to have become a dim memory. This is especially so where the sentence deals with complex matters which require understanding:

- 2.7 The importance of sentence length to comprehension is recognised by most so called "readability tests". These tests are mathematical equations designed to predict the level of reading ability needed to understand a particular piece of prose. The Gray-Leary Formula, the Flesch Scale, the Fog Index, and the Kincaid-Flesch Formula all include sentence length as an important factor in assessing readability.

Complex Presentation of Information

"(The proviso) is the bane of all correct composition. It is most desirable that the use of provisos should be kept within some reasonable bounds. It is indeed a question whether there is ever a real necessity for a proviso."

(The Legislative Drafting, G C Thornton 2nd Ed at p66.)

- 2.8 Apart from the use of unfamiliar words, there are a number of other ways in which writers can confuse their readers, particularly in relation to the way in which their work is structured. The use of provisos, lengthy sentences and parentheses all impact directly on comprehension of writing.

- 2.9 Research has demonstrated that:

(a) readers find sentences couched in negative terms (e.g. "seven is not an even number" rather than "seven is an odd number") difficult to understand;

- (b) provisos and other negative qualifiers (e.g. "except") impede comprehension;
- (c) segmenting and indenting text improves comprehension.

(Document Design: A Review of the Relevant Research, D B Felker Ed 1980 pp 13-15 and p57.)

Examples

- 2.10 The following recent examples of government notices illustrate the effect of poor writing and structure on comprehension.

Example A: Water Authority of WA



**WATER
AUTHORITY**
of Western Australia

**WATER
RESTRICTIONS**

Ratepayers and consumers in the Caron-Bunjil-Latham Country Water Area are hereby notified that as from 6.00am on December 10, 1987 the following restrictions will apply:

1. No person shall at any time use or consume any water which is supplied under this Act:
 - a) For watering any domestic or private lawn or garden;
 - or
 - b) For filling any private swimming pool, provided that losses through natural evaporation may be replaced by using a hose held in the hand; or
 - c) For filling or partially filling any underground storage tank, or any tank or receptacle used for the storage of water, for the purpose of watering any domestic or private lawn or garden.

Provided that the watering at any time of a domestic or private lawn or garden by means of a hose held in the hand, if such hose permits water being emitted from one outlet only, is not prohibited.

2. Except as herein provided, no person shall for any purpose whatsoever allow water supplied by the Authority to escape from an unattended tap or from a hose, unless that hose is held in the hand.
3. No person shall allow any water supplied by the Authority to run to waste.

MANAGING DIRECTOR
WATER AUTHORITY OF WESTERN AUSTRALIA

("West Australian" 11/12/87)

PERENJORI SOUTH

NOTICE OF WATER RESTRICTIONS

(Caron-Bunjil-Latham Country Water Area)

As from 6.00am on Thursday December 10 1987, and until further notice, the following restrictions will apply to the use of water in the Caron-Bunjil-Latham Country Water Area:

(A) Water may not be:

- (i) used to water lawns or gardens other than by using a hand held hose;
- (ii) used to fill private swimming pools;
- (iii) used to fill or top-up any tanks used to store water to water lawns or gardens; or
- (iv) allowed to run to waste or to run from an unattended tap or hose.

(B) Water may be used to top-up private swimming pools by the use of a hand held hose to replace water lost through evaporation.

The penalty for breach of these restrictions is (?).

For further information contact (Name, address and telephone number of contact officer.)



**WATER
AUTHORITY**
of Western Australia

(Suggested Alternative)

2.11 There are a number of features of this Water Authority notice which impede comprehension and reduce its effectiveness.

The notice:

- (1) Gives no indication of the location of the "Caron-Bunjil-Latham Country Water Area". It depends on readers knowing whether they are in that particular country water area.
- (2) Contains multiple provisos/exceptions which require readers to refer back to point 1 of the notice to determine how the restrictions operate.
- (3) States points in a negative fashion (e.g. "is not prohibited").
- (4) Uses complex terms (e.g. "Except as herein provided").
- (5) Uses excess words (e.g. "a hose held in the hand" instead of "a hand held hose").
- (6) Gives no indication of whether there is any penalty for breach of the restrictions.
- (7) Contains no contact telephone number or address for people seeking further information about the matters contained in the notice.

Each of these faults could have been avoided with a little thought.

Example B: Agriculture Protection Board

**AGRICULTURE
AND RELATED
RESOURCES
PROTECTION ACT
1976**

**AGRICULTURE
AND RELATED
RESOURCES
PROTECTION
(PROPERTY
QUARANTINE)
NOTICE 1988**

MADE BY THE AGRICULTURE
PROTECTION BOARD

Citation

1. This notice may be cited as the Agriculture and Related Resources Protection (Property Quarantine) Notice 1988.

Commencement

2. This notice applies on and from February 1, 1988.

Interpretation

3. In this notice "The regulations" means the Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981, published in the Government Gazette on May 8, 1981.

Quarantine area

4. (1) The land specified in the Schedule to this notice is declared to constitute a property quarantine area.

(2) Land in the property quarantine area constituted by this notice is quarantined land for the purposes of the regulations by reason of the presence of the declared plant Noogoora burr (*Xanthium occidentale*, *Xanthium cavanillesii*, *Xanthium italicum*, *Xanthium orientale*).

Removal from quarantined land

5. (1) Where land is pursuant to this notice, quarantined land, any —

(a) animal;

(b) animal hide, skin, coat or fibre;

(c) animal excrement;

(d) soil;

(e) hay, chaff, fodder or grain made or produced from any crop grown on the quarantined land; or

(f) vehicle or machine that has been used for agricultural excavation or earth moving purposes on the quarantined land, that is on the quarantined land shall not be moved from the quarantined land except pursuant to an approval given under regulation 7 of the regulations or a general exemption having effect under regulation 9 of the regulations.

(2) Application for approval to move any thing the movement of which would otherwise be contrary to this notice may be made to an inspector or authorised person in accordance with regulation 7 of the regulations.

Entry upon quarantined area

6. A person other than —

(a) the owner or occupier of the land; or

(b) a person employed by the occupier of the land,

shall not enter upon any part of land the subject of this notice, other than a residence on that land or the usual access through that land to any such residence, except pursuant to and in accordance with the written approval of an inspector or authorised person.

ALL that portion of land bounded by lines starting from the junction of the western boundary of Gogo Station and Great Northern Highway (H6), travel generally in a northeasterly direction along the western boundary of Gogo Station parallel to the Fitzroy River for 13.75km to the junction of the Fitzroy and Margaret Rivers, thence south-southeast along this same boundary parallel to the Margaret River for 3.75km, thence east for 5km, southeast for 42.5km, then northeast for 18.75km, thence due south from the Margaret River for 27.5km, west for 1km thence generally southeast for 15km, west for 16.5km, south for 15.6km, west for 16.25km, north for 17.5km, west for 31.9km, south for 13.75km to the intersection of the common boundary between Gogo and Cherrabun Stations, thence follow this boundary west along Christmas Creek for 6.25km, thence northwest for 21.25km, thence leave Christmas Creek and continue to follow this same fence line west for 3.75km, west-northwest for 14.5km, southwest for 7.5km, westerly for 13.5km, thence due south for 35km along the common boundary between Cherrabun and Millijiddee Stations, thence west for 11.25km, south for 8.1km, west for 24.5km, north for 6.25km, west for 26km, thence north for 12.5km to the Kalyeeda boundary, thence west along the southern boundary of Kalyeeda Station for 11km, thence continue in a westerly direction along the southern boundary of Herrema Station for 40.25km, thence north for 29.4km to the Lukkuk boundary, thence west for 40.5km, north for 48.75km, west for 19.25km, north for 31.5km, thence east for 16.75km to the eastern bank of the Fitzroy River, thence generally in a south-southeast direction along the Fitzroy River for 51km to the Liveringa Station boundary, thence north along the western boundary of Liveringa Station for 36.75km, thence east for 27.5km to the western boundary of Blina Station, thence south for 4.75km, east for 40km, south for 15km, east for 6.7km to the Calverlyardan west boundary, thence south for 13.25km to the Noekkanon boundary, east for 20.25km, south for 10.25km, east for 13.75km to the Quanbun Downs west boundary, thence north following the Quanbun Downs western boundary for 17.5km, thence east for 39.25km, south-east for 7.5km, thence south for 0.75km, east for 1.6km, north for 0.5km, east for 0.75km, thence north for 1.5km along the Jubilee Downs boundary, thence east for 6km, south for 15km following the eastern boundary of Jubilee Downs Station to an intersection with the north boundary of the Great Northern Highway (H6) road reserve, thence in a generally easterly direction following this boundary across the Fitzroy Crossing Bridge to the starting point on the western boundary of Gogo Station.

H.J. HALSE
Chairman

Agriculture Protection Board

KIMBERLEY REGION

NOOGOORA BURR

**QUARANTINE RESTRICTIONS AFFECTING
GOGO, CHERRABUN, MILLIJIDDEE,
KALYEEDA, NERRIMA, LIVERINGA,
BLINA AND JUBILEE DOWNS STATIONS.**

The Agriculture Protection Board has declared land covering the above stations to be quarantined under the Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981 because of the presence of Noogoora burr.

Restrictions

As from February 1 1988 these restrictions will apply to quarantined land:

1. No:

(a) animal;

(b) animal hide, skin, coat or fibre;

(c) animal excrement;

(d) soil;

(e) hay, chaff, fodder or grain from any crop grown on the land; or

(f) vehicle used in earth moving on the land,

may be removed from the quarantined land without approval or exemption from the Agriculture Protection Board.

2. No one other than an owner, occupier or employee may go on to quarantined land without approval from the Agriculture Protection Board unless they are visiting a station residence by a normal access route.

Further information

Detailed information about these quarantine restrictions may be obtained from: (contact officers and telephone numbers).

("West Australian" 23/1/88)

(Suggested Alternative)

- 2.12 This Agriculture Protection Board quarantine notice suffers from a number of faults:
- (1) The heading gives no indication of the real subject matter of the notice (i.e. a quarantine of land because of the presence of Noogoora burr), all of the important details are hidden in the text.
 - (2) The whole notice is far too long. The length is a deterrent to people reading it.
 - (3) Sentences and clauses used in the notice are too long (e.g. point 4.(2) 38 words long, point 5 (f) 56 words long).
 - (4) Important aspects of the notice rely on the use of provisos.
 - (5) The notice requires readers to be familiar with the content of various Regulations.
 - (6) The notice does not provide any contact details for persons seeking further information.
- 2.13 - One half of this notice is given over to a detailed description of the land which is subject to the quarantine order. The Committee accepts that such a precise definition is necessary for legal reasons. However, the Committee believes that a newspaper notice should be written to catch the attention of people affected by the notice and to provide clear notification of essential information. This notice fails to do that. In the Committee's opinion it would be far better for the Agriculture Protection Board to have published a shorter, clearer, less detailed notice and to have provided detailed information on request or via the more formal *Government Gazette*.

Example C: Water Authority of WA



**WATER AUTHORITY ACT 1984
WATER SUPPLY — COUNTRY
NOTICE OF AUTHORISATION**

File F1436

Project W70.084

WHEREAS BY the Water Authority Act 1984 it is provided that, subject to the provisions of the Act, The Water Authority, with the authorisation of the Minister for Water Resources, has power to construct or provide major works, AND WHEREAS the preliminary requirements of the said Act have been complied with NOW THEREFORE, I, Ernest Francis Bridge, Minister for Water Resources, by and with the advice of the Water Authority Board do hereby authorise the Water Authority to undertake the construction or provision of the following works, namely:

**GERALDTON REGIONAL WATER SUPPLY —
25,000 cu m TANK AT BOOTENALL
SHIRE OF GREENOUGH**

The proposed works consist of the construction of a steel water tank of 25,000 cubic metre capacity, 52.6 metre diameter and 12.5 metre wall height, complete with a metal roof, pipework, an excavated overflow sump and all other necessary apparatus.

The above works are to be completed with all equipment and materials necessary for the undertaking.

All the proposed works will be within Lot 14 Verita Road, Bootenall.

The above works and localities are shown on plan BA61.

The purpose of the proposed works is to improve the water supply to the Geraldton Region.

This Authority to construct and provide the works shall take effect from February 5, 1988.

E BRIDGE,
Minister for Water Resources

**GERALDTON REGIONAL WATER SUPPLY
CONSTRUCTION OF 25,000 CU M TANK
AT BOOTENALL SHIRE OF GREENOUGH**

Notice of Authorisation

In accordance with the provisions of the Water Authority Act 1984, the Minister for Water Resources has authorised the Water Authority to construct a 25,000 cubic metre steel water tank, 52.6 metre in diameter and 12.5 metre in height with a metal roof and necessary piping and drainage works, on Lot 14 Verita Road, Bootenall.

Construction of the water tank is intended to improve the water supply in the Geraldton Region. The works and its location are shown on Water Authority plan BA61 (which may be inspected at Water Authority offices in Geraldton and Perth). Construction will commence after February 5 1988.



("West Australian" 20/2/88)

(Suggested Alternative)

2.14 As with the other two notices, this Water Authority notice contains several serious faults:

- (1) It includes several redundant words (e.g. "Whereas", "Now Therefore", "do hereby authorise").
- (2) The most relevant information is not set out in the heading.
- (3) Irrelevant information is included (e.g. file and project numbers).
- (4) The length of the notice is increased by stating the obvious - "The above works are to be completed with all equipment and materials necessary for the undertaking". If the equipment and materials are in fact necessary for the undertaking, how could the works be completed without them?
- (5) The notice doesn't actually give readers the reason for its publication. Is it simply published as a matter of record or are readers required to or invited to respond in some manner? (In the latter case a contact address should be provided.)

Example D: Order in Council

"Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council, does hereby direct that the beforementioned Reserves shall vest in and be held by the aforementioned bodies in trust for the aforesaid purposes with power to the said bodies subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding 21 years from the date of the lease, subject nevertheless to the powers reserved to me by section 37 of the said Act; provided that no such lease or assignment of lease shall be valid or operative until the approval of the Minister for Lands or an officer authorised in that behalf by the Minister, has been endorsed on the Lease Instrument, or Deed to Assignment, as the case may be."

(Extracted from Order in Council under the Land Act 1933 in *Government Gazette* 8/1/88.)

2.15 This extract from an Order in Council displays a number of the faults referred to earlier in this Part. It is constituted by one sentence of 153 words; clearly far too long. The extract also contains a number of unfamiliar words, such as "hereby", "beforementioned", "aforenamed", "aforesaid" and "said". The sentence also contains three separate provisos:

- (a) "... subject to the approval in writing of the Minister for Lands...";
- (b) "... subject nevertheless to the powers reserved to me..."; and
- (c) "... provided that no such lease or assignment shall be valid...".

PART 3: PROGRESS

- 3.1 Although the general standard of government writing is justifiably subject to criticism, there are examples of good, clear writing to show the way.



("West Australian" 22/1/88)

Now in force!

Bus Bays are specially built embayments adjoining a road and enable buses to park out of the traffic lane while passengers board or are set down.

Without bays buses would stop in traffic lanes causing delays and potentially dangerous lane changing may occur.

It is now a legal requirement for motorists to give way to buses signalling their intention to rejoin the traffic lane. This regulation will be trialled for six months.

Most drivers won't be affected by the regulation as they have been giving way to buses for many years.

For the few who don't we ask you to think 'Bus Bay Give Way'.

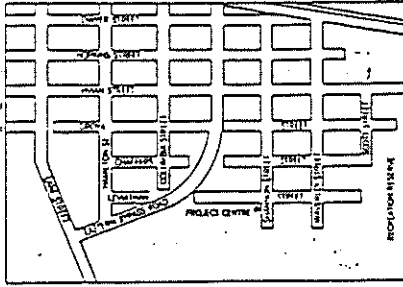
It is now law.

This information is provided by Transperth and the Western Australian Police Department. An information leaflet is available from Transperth Information Offices and Police Stations in the metropolitan area.

- 3.2 This Transperth notice has a number of commendable features:
- (1) It is designed so as to catch the eye.
 - (2) The essential information (giving way to buses) is prominently featured at the beginning of the notice.
 - (3) The notice is clearly written in plain language, with the exception of the word "embayment" which is a more complicated form of "bay" (see Macquarie Dictionary).
 - (4) The notice indicates where further information may be obtained, although a contact telephone number and/or address should have been included.

PUBLIC NOTICE
Power Supply
Interruption
South Boulder

("Kalgoorlie Miner"
 20/1/88)



The State Energy Commission wishes to advise all customers residing in the area above, that electricity supplies will be unavailable for three and a half hours (3½) between 8.30am and 12 noon on Sunday 21st February, 1988.

This shutdown is necessary to allow commissioning of new equipment in the Boulder system.

We apologise for any inconvenience this shutdown may cause. Please contact the District Supervisor at the Kalgoorlie Depot on 210 555 if you have any queries.



- 3.3 This SEC notice is also a good example of clear, concise presentation of information. As with the Transperth notice, the essential information is given prominent treatment, the language is clear and a contact telephone number is given for enquiries.
- 3.4 The Environmental Protection Authority has taken the initiative of producing a guide to the Environmental Protection Act 1986 to explain in less complex terms the most important features of the Act. The 17 page document is well written and provides a useful layman's guide to the Act. As long as legislation in this State continues to be drafted in a complex, legalistic manner such guides serve a very useful purpose and many other agencies could follow the Environmental Protection Authority's lead.
- 3.5 The difference which commitment to plain English in drafting legislation can make has been clearly demonstrated in Victoria where considerable progress has been made towards simplifying government writing. The Victorian Government recently enacted its first plain English Act, the Planning and Environment Act 1987. This Act replaced the traditionally written Town and Country Planning Act 1961. The following comparison of provisions from these Acts demonstrates the impact of the changes.

Town & Country Planning Act
 1961

"Public authority" means any corporation board commission trust or other body corporate or unincorporate established or constituted by or under any Act for any public purpose, but does not include any municipality or the council of any municipality."

Planning & Environment Act 1987

"Public authority means a body established for a public purpose or by or under any Act but does not include a municipal council."

- 3.6 The advances made by the new Act are not simply in the use of fewer words but also in structural improvements through better headings and shorter sentences and sections. The following two extracts demonstrate how structural changes can assist comprehension. Both extracts deal with essentially the same subject matter (appeals). The first ("A") comes from the Town and Country Planning Act 1961 in which one section covers the whole subject matter. The second ("B") comes from the Planning and Environment Act 1987 in which six separate sections have been used.

Extract A

*19. Any person -

(a) who feels aggrieved -

- (i) by a determination of the responsible authority refusing to grant to him a permit for any use or development of any land or for the erection construction or carrying out of any buildings or works on any land; or
- (ii) by the failure of a responsible authority to grant to him such a permit within a period of two months or, where notice of the application was given or published as aforesaid, three months after receipt by the authority of the application for the permit;

(b) who feels aggrieved by any of the conditions specified in any permit determined to be granted to him by the authority pursuant to this section;

(c) who feels aggrieved by any restriction on the use or development of any land or on the erection construction or carrying out of any building or works on any land (which use development erection construction or carrying out is permitted or not prohibited by the interim development order or is expressly authorized by a permit granted or determined to be granted to him by the authority under this section) where the restriction results from or arises under any by-law made by a council pursuant to sub-paragraph (a) of paragraph (xxxviii) of sub-section (1) of section one hundred and ninety-seven of the Local Government Act 1958; or

(d) who, being an objector, feels aggrieved by a determination of the authority to grant any such permit -

may by notice of appeal served within the prescribed time and in the prescribed manner appeal to the Minister against the determination failure condition or restriction (as the case may be) and different prescriptions as to time and manner of appeal may be made in respect of different kinds of appellants."

Extract B

*Appeals against refusal.

77. An applicant for a permit may appeal to the Administrative Appeals Tribunal against a decision by a responsible authority to refuse to grant the permit.

Appeals against requirements.

78. An applicant for a permit may appeal to the Administrative Appeals Tribunal against -

- (a) a requirement by the responsible authority to give notice under section 52 (1)(d); or
- (b) a requirement by the responsible authority for more information under section 54.

Appeals against failure to grant permit.

79. An applicant for a permit may appeal to the Administrative Appeals Tribunal against the failure of the responsible authority to grant the permit within the prescribed time.

Appeals against conditions on permits.

80. An applicant for a permit may appeal to the Administrative Appeals Tribunal against any condition in a permit which the responsible authority has issued or decided to grant to the person.

Appeals relating to extensions of time.

81. Any person affected may appeal to the Administrative Appeals Tribunal against -

- (a) a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
- (b) the failure of the responsible authority to extend the time within one month after the request for extension is made.

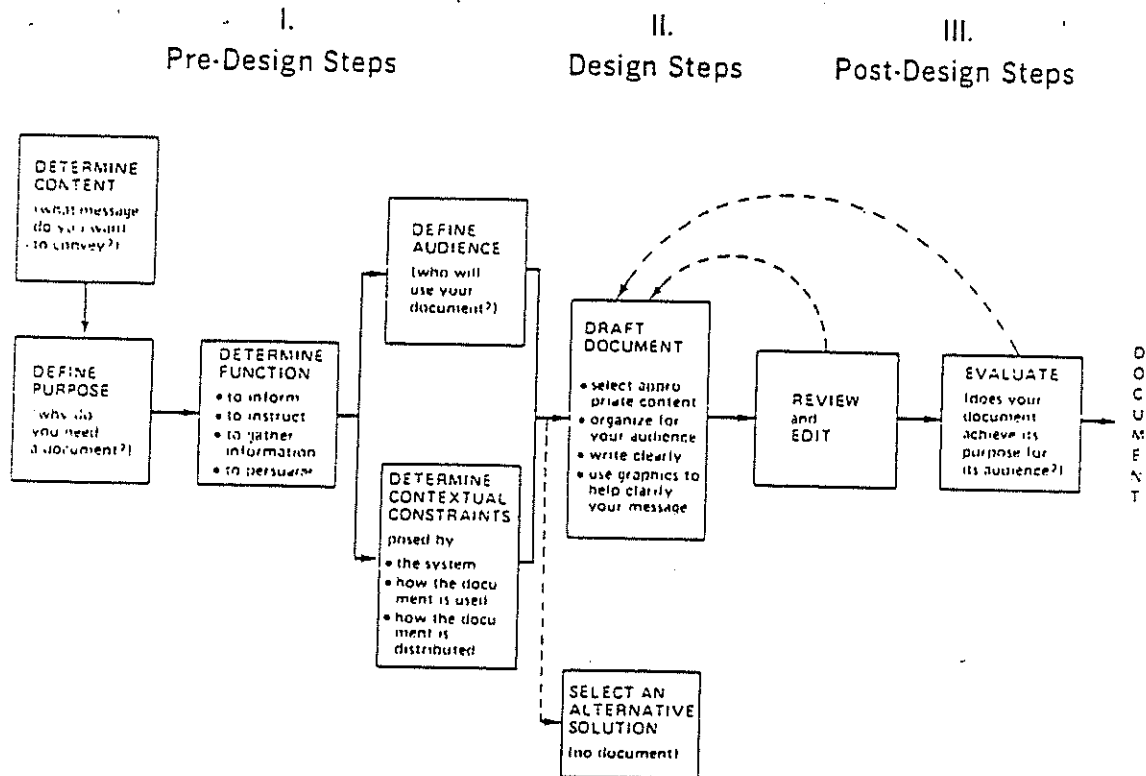
Appeals where objectors.

82. (1) An objector may appeal to the Administrative Appeals Tribunal against a decision of the responsible authority to grant a permit.

(2) Any other person who is affected may appeal to the Administrative Appeals Tribunal against a decision of the responsible authority to grant a permit in any case in which a written objection to the grant of the permit was received by the responsible authority."

PART 4: INTERIM CONCLUSIONS AND RECOMMENDATIONS

- 4.1 Because this is an interim report the Committee has not attempted to cover all of the issues involved in the usage of plain English. However, even at this comparatively early stage of the inquiry there are a number of conclusions which can be drawn and recommendations which can be made.
- 4.2 The test which the Committee has applied to assess the standard of writing has been whether it simply and clearly communicates information to its intended readers (usually the general public). Unfortunately, as some examples included in this report have demonstrated, most government writing cannot pass this test. The major factors contributing to this failure are the use of unfamiliar words and phrases, lack of sensible punctuation, complex presentation of information and poor layout. Insufficient thought is being applied to writing and layout by government authors. It is obvious from the documents examined by the Committee that the use of precedents is widespread and is an inhibiting factor in improving government writing. Over reliance on precedents simply perpetuates problems. It is easier to rely on an existing precedent than to assess whether the precedent should be modified or replaced to increase its effectiveness.
- 4.3 The American Institute for Research developed a model for designing documents which provides a sensible guide to all authors:



(Document Design: A Review of the Relevant Research, D B Felder 1980 at p66.)

- 4.4 This process, if followed for each document, would ensure that the document is written in such a way as to effectively communicate its central message to its target readership.
- 4.5 The Committee's concern with the standard of government writing is not based in some academic concern with language but in real concerns over cost effectiveness. If a document is written in a lengthy, convoluted fashion it is going to be both more costly to publish and less effective in getting its message across than a concise

and simply written document. The less effective a document is in getting its message across, the more people to whom it is addressed are going to either make mistakes or require further information or assistance: both of which increase costs to the community: Plain English makes plain economic sense.

4.6 As a result of inquiries to date the Committee recommends that government advertisements, notices and other documents should:

- (1) be written in a style suitable for the intended audience;
- (2) not contain old fashioned or unfamiliar words or jargon;
- (3) include keywords in their headings which quickly allow readers to identify the scope and subject matter of the notice;
- (4) use maps and other graphics where suitable;
- (5) keep the use of provisos and other qualifying statements to a minimum;
- (6) use short sentences;
- (7) state information in positive, rather than negative, terms;
- (8) use headings to attract attention to major points of information and break up large blocks of text; and
- (9) not try to rely on pomposity or length in an attempt to increase the importance of the subject matter.

4.7 The Committee also recommends that those government agencies responsible for producing a large number of advertisements and public notices should consider taking professional advice with regard to style and layout.

