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International Plenary Panel:
Plain Language Progress Around the World

New Zealand

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New Zealand: Jacquie Harrison

In New Zealand, the plain language movement started in the mid 1980s with *Consumer* magazine articles about gobbledegook in consumer business documents such as insurance contracts. The media gave some attention to *Consumer's* Gobbledegook Awards, and a Plain English Campaign headquarters was established. In the government sector, departments and agencies were cautious about adopting plain language.

In 1985, the New Zealand Labour government established the Law Commission, an organisation designed to undertake legal research, write reports and make recommendations to the Minister of Justice. One of the main aims of the Law Commission is to provide practical suggestions for making legislation as understandable and accessible as possible. In 1993, the Law Commission published Report No 27, *The Format of Legislation*, which promoted changes to the standard typography and design of New Zealand statutes that would increase reader comprehension.

The Law Commission has since published other reports, including the June 1996 *Legislation Manual: Structure and Style*, which included a set of plain language guidelines for the use of legal drafters. The adoption of the guiding principles and their subsequent effect on New Zealand statutes were left up to the enthusiasm of individual drafters within various government bodies, the drafting policy of those bodies and the policy and direction of the Parliamentary Counsel Office.

By 1988 the Ministry of Consumer Affairs was producing plain language standard forms for credit contracts and the Public Trust Office was advertising and using plain language legal documents.

In the early 1990s the Ministry of Internal Affairs and the New Zealand Ministry of Transport employed private firms specialising in plain language and document design to re-design standard forms, resulting in reduced error rates and considerable cost savings for these government agencies.

The Valabh Committee, reporting in 1990 on the core provisions of the *Income Tax Act 1976*, recommended substantial changes to that Act, which led to the establishment of an Inland Revenue Department team to rewrite the Act. This proved to be a significant development for plain language in New Zealand. The rewrite, now in its tenth year, has taken rather longer than originally anticipated. The first stage, introduced in 1994, involved the reordering and renumbering of the Act and the grouping together of core provisions. The second stage, introduced in 1996, rewrote the core provisions to provide an overview of the scheme and purpose of the Act and re-structured the Act to operate on a gross rather than a net income basis. At our 2000 PLAIN conference in Houston I reported on a pilot testing project comparing the accessibility of the original and rewritten tax legislation that I conducted during 1998-1999 with Elizabeth McAra, then Chief Law Drafter for the IRD and leader of the rewrite team and Professor Margaret McLaren of the University of Waikato. The third stage was introduced into Parliament in the form of a bill in November 2002.

Some reservations have been expressed about the rewritten legislation. Records from the Executive Committee of Government outline a concern that people may have unrealistic expectations about the ease of reading of the rewritten Income Tax Act, and question the merits of the gross income approach that the rewrite team adopted.

However, it is clear that plain language is now part of a mainstream government approach to public information. The Transport Accident Investigation Commission provided a ministerial briefing paper in August 2002 that stated unequivocally: "Reporting in plain language helps prevent accidents and, in times of controversy, minimises speculation and confusion." The Cabinet Office *Step by Step Guide to Cabinet and Cabinet Committee Processes* includes a chapter on presenting papers for cabinet that is essentially a requirement for writers to follow plain language principles.

Specific government projects to increase the accessibility of law and legislation in New Zealand include one that will make judicial decisions available on the Internet. The database for this is now in prototype and, according to Attorney-General Margaret Wilson in September 2002, is near to going live. The second is the Parliamentary Counsel Office's Public Access to Legislation (PAL) project, which offers free public access to legislation and regulations. The PCO launched its unofficial website for the PAL project in the late 2002, and the Attorney-General

described the project as one of several PCO initiatives to improve accessibility and an essential part of Government's efforts to improve interaction with citizens and to improve democratic processes in New Zealand.



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