Words and Phrases Guide

A Guide to Plain Legal Language

December 2016
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We may be contacted at pco@act.gov.au
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Some thoughts

‘Make everything as simple as possible—but no more simple than that.’
Albert Einstein

“(L)aws are not abstract propositions. They are expressions of policy arising out of specific situations and addressed to the attainment of particular ends.’
Justice Felix Frankfurter

‘The main aim of communication is clarity and simplicity. Usually they go together—but not always.

‘Communication is always understood in the context and experience of the receiver—no matter what was intended.

‘If unnecessary things add to clarity or simplicity they should be retained.’
Edward De Bono

‘Legislation should be written so that it is feasible for the ordinary person of ordinary intelligence and ordinary education to have a reasonable expectation of understanding and comprehending legislation and of getting the answers to the questions he or she has.

‘We need to balance two important principles. The first is that clarity of language should be an aim in itself, so that the ordinary person can have a reasonable expectation of being able to comprehend legislation. The second is that the clarity of the language should enhance and not detract from the legal policy and the substance of the legislation. In the end result, clarity of language should assist with the development and formulation of legislative policy.’
Dennis Murphy QC
How to use this guide

The entries

Words and phrases are listed in alphabetical order and cross-referenced to other entries if appropriate.

How entries are arranged

Entries are listed in alphabetical order, arranged on a letter-by-letter basis.

In a letter-by-letter arrangement, spaces are ignored in entries consisting of 2 or more words. For example:

all
allay (ie allay)
allege (ie alle...)
all ... not (ie alln...)
allocate (ie alloc...)
all of (ie allof)
allowed (ie allow...).

If a phrase contains 2 or more alternative words, only the first alternative is taken into account in working out the order of entries. For example, in the following phrases the second alternative ‘are’ is disregarded:

is/are not to (ie isn...)
is/or (ie iso...)
is/are required to (ie isr...).

What each entry consists of

usage
try ►
extra information
examples of no change
examples of change
further reading

Each main entry contains a usage recommendation and suggested alternatives.

Suggested alternative words and phrases appear in italic type. Some suggested alternatives have an arrow before them (eg ►remove as a suggested alternative for abate). This means there is an entry for the suggested alternative. Check this entry before using the alternative. Not all alternatives are synonyms for the main entry. There may be other words that may work in the context or suggestions to recast or omit. Recasting may involve changing the narrative in the provision.
Extra information, examples of change and no change and references to relevant texts (under the heading ‘further reading’) are also included in many entries. In an entry containing an example of change, the changed words are struck through (eg abated) and the alternative words are underlined (eg reduced).

**Macquarie Dictionary**

Though it is not listed under ‘further reading’, the Macquarie Dictionary is the primary source to be used when drafting ACT legislation.

**Model laws**

The following usage recommendations are not intended to apply to ACT legislation that adopts or is based on model law.

**Usage recommendations**

There are 3 recommendations for usage:

- 🎧 never use
- 🎧 avoid using
- 😊 consider alternatives

### 🎧 never use

**Practice**  The word or phrase must *never* be used.

**Example**

**construe**

- ☞ usage—never use
- 🔷 try—interpret / omitting / recasting

**example of change**

1. in a proceeding to **construe** interpret a will, evidence of the testator’s intention

**further reading**

Fowler’s English Usage pp 175–6 (*construct/construe*)
avoid using

Practice If possible, avoid using the word or phrase.

Example

forward
[as a verb]

usage—avoid using
try—send / give
extra information
1 Except to mean send on, prefer send or give.
example of no change
1 For this Act, sell means send, forward or deliver for sale.
example of change
1 forward give a copy of the claim to the fund manager

further reading
Gowers’ Plain Words p 230
Howard’s Guide p 174
Howard’s Handbook p 175
Longman English Usage p 294

consider alternatives

Practice Before using the word or phrase, consider the alternatives. The alternatives are generally preferred, but always consider whether they are appropriate. Some entries include the option of omitting the word in question. Prefer brevity and omit the word or phrase if the meaning remains the same. ‘No change’ may be given as an option, but do this only if the alternative words are inappropriate.

Example

get

usage—consider alternatives
try—recasting (using more specific words, eg become / buy / obtain / receive / take) / omitting
extra information
1 Get is generally more appropriate in informal spoken English.
example of no change
1 adjourn the proceeding so the party can get representation
example of change
1 get acquire or use an assumed identity

further reading
Cambridge Guide pp 328-9 (get, got and gotten)
Working Words p 240
## Classification of entries

Many entries are classified in the ‘extra information’ section of the entry into broad groups, eg formal words and archaisms.

This part of the guide gives an explanation of the classifications and examples.

### Archaisms

**Rule**
Avoid using archaisms. Prefer a modern alternative.

**Explanation**
Archaisms are old-fashioned words and expressions that are no longer used in ordinary speech and writing.

Archaisms are often used to achieve a legalistic and formal style. However, they are not necessary and can always be readily replaced.

**Examples**

<table>
<thead>
<tr>
<th>Archaism</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<tr>
<td>aforementioned</td>
<td>recasting / omitting</td>
</tr>
<tr>
<td>aforesaid</td>
<td>recasting / omitting</td>
</tr>
<tr>
<td>amongst</td>
<td>among / between</td>
</tr>
<tr>
<td>albeit</td>
<td>recasting / omitting</td>
</tr>
<tr>
<td>beforementioned</td>
<td>the [item] mentioned in / omitting / recasting</td>
</tr>
<tr>
<td>belowmentioned / belowlisted / belowquoted</td>
<td>the [item] mentioned in / omitting / recasting</td>
</tr>
<tr>
<td>forth</td>
<td>out / recasting</td>
</tr>
<tr>
<td>henceforth</td>
<td>from now on / recasting (using eg on and after) / omitting</td>
</tr>
<tr>
<td>henceforward</td>
<td>from now on / recasting (using eg on and after) / omitting</td>
</tr>
<tr>
<td>hereafter</td>
<td>after [X] / from now on / recasting</td>
</tr>
<tr>
<td>hereby</td>
<td>then / by [X] / because of [X] / omitting / recasting (supplying any necessary details)</td>
</tr>
<tr>
<td>herein</td>
<td>in [X] / recasting</td>
</tr>
<tr>
<td>hereinafter</td>
<td>after [X] / recasting / omitting</td>
</tr>
<tr>
<td>hereinbefore</td>
<td>before [X] / recasting / omitting</td>
</tr>
<tr>
<td>hereof</td>
<td>of [X] / recasting</td>
</tr>
<tr>
<td>hereto</td>
<td>to [X] / recasting</td>
</tr>
<tr>
<td>hereetofore</td>
<td>before [X] / recasting / omitting</td>
</tr>
<tr>
<td>hereunder</td>
<td>under [X] / recasting (using, eg follows / below)</td>
</tr>
<tr>
<td>Archaisms</td>
<td>Try</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>hereunto</td>
<td>to [X] / recasting</td>
</tr>
<tr>
<td>herewith</td>
<td>attached / with [X] / here is / recasting</td>
</tr>
<tr>
<td>hitherto</td>
<td>before [X] / previously / recasting</td>
</tr>
<tr>
<td>howsoever</td>
<td>no matter how / however / recasting</td>
</tr>
<tr>
<td>in lieu of</td>
<td>instead of / in place of / in substitution for</td>
</tr>
<tr>
<td>pertaining to</td>
<td>about / of / in relation to / on</td>
</tr>
<tr>
<td>relict</td>
<td>surviving spouse / spouse / domestic partner</td>
</tr>
<tr>
<td>thence</td>
<td>from that place / from there / from that source / recasting / from that direction / for that reason / therefore</td>
</tr>
<tr>
<td>thenceforth / thenceforward</td>
<td>from that time on(wards) / since then / from then / omitting / recasting</td>
</tr>
<tr>
<td>thereofabout(s)</td>
<td>recasting</td>
</tr>
<tr>
<td>thereafter</td>
<td>afterwards / after [X] / then / omitting</td>
</tr>
<tr>
<td>thereat</td>
<td>recasting (using, eg at it / there)</td>
</tr>
<tr>
<td>thereby</td>
<td>by [X] / by way of [X] / recasting</td>
</tr>
<tr>
<td>therefor</td>
<td>for [X] / recasting / omitting</td>
</tr>
<tr>
<td>therefrom</td>
<td>from [X] / recasting</td>
</tr>
<tr>
<td>therein</td>
<td>in [X] / recasting</td>
</tr>
<tr>
<td>thereinto</td>
<td>in [X] / recasting</td>
</tr>
<tr>
<td>thereof</td>
<td>of [X] / from / out of / recasting</td>
</tr>
<tr>
<td>thereon</td>
<td>on / then / recasting</td>
</tr>
<tr>
<td>thereout</td>
<td>out of [X] / from [X] / recasting</td>
</tr>
<tr>
<td>thereto / theretofore</td>
<td>to [X] / recasting</td>
</tr>
<tr>
<td>thereunder</td>
<td>under [X] / recasting</td>
</tr>
<tr>
<td>thereunto</td>
<td>recasting</td>
</tr>
<tr>
<td>thereupon</td>
<td>recasting</td>
</tr>
<tr>
<td>therewith</td>
<td>with [X] / recasting</td>
</tr>
<tr>
<td>touching [as a preposition]</td>
<td>for / about / in relation to</td>
</tr>
<tr>
<td>to wit</td>
<td>omitting / recasting / for example / that is</td>
</tr>
<tr>
<td>under the hand of</td>
<td>signed by</td>
</tr>
<tr>
<td>undermentioned</td>
<td>the [item mentioned in section x] / omitting / recasting</td>
</tr>
<tr>
<td>unto</td>
<td>to / omitting / recasting</td>
</tr>
<tr>
<td>verily</td>
<td>omitting</td>
</tr>
<tr>
<td>whatsoever</td>
<td>of any kind / whatever / recasting</td>
</tr>
<tr>
<td>whence</td>
<td>from where / from which place / recasting</td>
</tr>
<tr>
<td>whenever</td>
<td>when / whenever / omitting</td>
</tr>
<tr>
<td>whereabout</td>
<td>about that / about which / whereabouts / recasting</td>
</tr>
</tbody>
</table>
### Archaism

<table>
<thead>
<tr>
<th>Archaism</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<tr>
<td>whereat</td>
<td><em>at which / recasting</em></td>
</tr>
<tr>
<td>whereby</td>
<td><em>under which / by which / according to which / recasting</em></td>
</tr>
<tr>
<td>wherefor(e)</td>
<td><em>for that / for which / why / for what purpose / therefore / recasting</em></td>
</tr>
<tr>
<td>wherefrom</td>
<td><em>from that / from which / recasting</em></td>
</tr>
<tr>
<td>wherein</td>
<td><em>in which / where / recasting</em></td>
</tr>
<tr>
<td>whereof</td>
<td><em>of which / recasting</em></td>
</tr>
<tr>
<td>whereon</td>
<td><em>on which / where / on what / recasting</em></td>
</tr>
<tr>
<td>wheresoever</td>
<td><em>wherever / recasting</em></td>
</tr>
<tr>
<td>whereto</td>
<td><em>to which / recasting</em></td>
</tr>
<tr>
<td>wheretofor</td>
<td>recasting</td>
</tr>
<tr>
<td>whereunder</td>
<td>recasting</td>
</tr>
<tr>
<td>whereupon</td>
<td><em>at / after which / and then / recasting</em></td>
</tr>
<tr>
<td>wherewith</td>
<td><em>with which / recasting</em></td>
</tr>
<tr>
<td>whichever</td>
<td>omitting / recasting / <em>whichever</em></td>
</tr>
<tr>
<td>whilst</td>
<td><em>while / although / and / but / when</em></td>
</tr>
<tr>
<td>whither</td>
<td><em>to where / to which place / where / in which direction</em></td>
</tr>
<tr>
<td>whosoever / whomsoever</td>
<td><em>whoever / whomever / omitting</em></td>
</tr>
<tr>
<td>withal</td>
<td><em>in addition to / also / as well / nevertheless / with / omitting / recasting</em></td>
</tr>
<tr>
<td>within / within-named</td>
<td><em>as an adjective</em></td>
</tr>
<tr>
<td></td>
<td><em>omitting / enclosed / recasting</em></td>
</tr>
</tbody>
</table>

### Further reading
- Cambridge Style Guide p 57
- Cutts pp 22, 77-8
- Fowler’s English Usage pp 65-6
- Garner’s Dictionary p 74
- Garner’s Legal Style pp 182-4
- Longman English Usage pp 54-5
- Partridge pp 31-6

### Commercialese

#### Rule
Avoid using commercialese. Prefer plain language.

#### Explanation
Commercialese is the complex style of writing often found in older business documents, particularly correspondence. It sounds stilted and old-fashioned because it often uses many words and Latin abbreviations. Replace it with polite, but plain language.
Examples

- advise
- as per

Further reading

Cambridge Style Guide p 149
Fowler’s English Usage p 163
Gowers’ Plain Words pp 16–17
Partridge pp 216–18 (officialese, journalese and commercialese)
Working Words p 122

Compound prepositions

Rule

Use the simplest, appropriate preposition.

Explanation

A compound preposition is a preposition consisting of 1 or more elements, eg *because of* and *in the event of*.

A simple preposition consists of only 1 element, eg *about, above, after, as, at, between, by, for, from, in, into, of, off, on, over, since, than, to, under, up, with* and *without*.

Some compound prepositions have simpler alternatives (either a simple preposition or a shorter compound preposition) and can be readily replaced. Use of these compounds is rarely justified.

Other compound prepositions are entirely satisfactory (eg *because of*) or have useful roles in some contexts. Because of their lack of precision, compound prepositions can be especially useful in drafting to describe a relationship between concepts in the widest terms. However, frequently compound prepositions are unnecessary and are only clumsy devices applied mechanically without thought. Before using a compound preposition, always consider whether a simpler preposition would do.

Examples of compound prepositions that have ready alternatives

- as a consequence of
- as regards
- as to
- by means of
- by virtue of
- for the purpose/purposes of
- for the reason that
- for which (there is)
- in accordance with
- in addition to
- in association with
- in case of
- in conjunction with
- in connection with
- in excess of
- in favour of
- in order that/to
- in regard to
- in respect of
- in terms of
 Classification of Entries

- in the absence of
- in the affirmative
- in the case of
- in the context of
- in the course of
- in the event that/of
- in the nature of

Example of compound preposition to be used with care
- in relation to

Further reading
Fowler’s English Usage p 167
Gowers’ Plain Words pp 54–7

Dogmatic words

Rule
Avoid the unjustified use of dogmatic words.

Explanation
Legal writing suffers from two contradictory vices. On the one hand, lawyers overqualify, and sound timid and doubtful or even evasive (see Timid phrases). On the other hand, lawyers overuse dogmatic words such as clearly, obviously and undoubtedly.

Used properly, dogmatic words are intensifiers. They reinforce the impact of other words by emphasising the writer’s conviction about them. They are, however, often used unnecessarily or inappropriately.

Dogmatic words should be reserved for cases where their use is necessary and beyond contention. For example, clearly should be reserved for what is truly clear. If a dogmatic word is used to prop up an argument (especially a weak one), the word becomes a weasel word (see Weasel words). Rather than supporting the argument, the would-be intensifier destroys its force by obvious exaggeration.

Examples
- actually / actual
- certain / certainly
- clearly / clear
- manifest / manifestly
- mere / merely
- necessarily
- obviously

Further reading
Garner’s Legal Style pp 32, 36–7, 188–90
Gowers’ Plain Words pp 53–4
Doublets, triplets and synonym-strings

Rule
Avoid using doublets, triplets and longer synonym strings. Prefer the most specific suitable word.

Explanation
A doublet or triplet is a collection of 2 or 3 synonyms that express what can be said by 1 word. Doublets and triplets reflect the diverse sources of the English language and the resulting availability of synonyms (and near synonyms), drawn from different sources, for many ideas.

During the medieval period, lawyers used a mixture of Latin, French and English. So that the meaning would be understood by all, and to avoid ambiguity, lawyers often used pairs of words from different languages. Examples of these kind of doublets include rest and residue (English/French), lands and tenements (English/French) and will and testament (English/Latin).

According to Garner, there are several reasons why doublets and triplets have become part of legal language:

- the language of the law originated in the more leisurely prose of past times
- English oral tradition led to the use of repetition to allow listeners time to understand the speaker’s point
- unfamiliar words could be given meaning by using them with 1 or more synonyms
- lawyers seem to have a natural distrust of their ability to fully convey the intended meaning using just a single word, and so often use a number of synonyms in the hope of avoiding unintended meanings and potential misinterpretation. (A verbal scattergun instead of a rifle shot.)

Doublets and triplets detract from precise, concise and specific meaning. In most cases, a single word from a doublet or triplet will be enough to express the meaning given by each word of the group. Occasionally, it may be necessary to use a doublet or triplet as a term of art, eg aid and abet. However, these occasions are rare.

Examples

<table>
<thead>
<tr>
<th>Doublet or triplet</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<tr>
<td>all and every</td>
<td>►all / a / ►each / the / omitting</td>
</tr>
<tr>
<td>all and singular</td>
<td>►all / ►each / the / omitting</td>
</tr>
<tr>
<td>any and all</td>
<td>►all / ►any / each / 1 or more of / (2 or more of) / recasting</td>
</tr>
<tr>
<td>as and from</td>
<td>►from / after / ►on and after / recasting (using eg 6 months beginning on)</td>
</tr>
<tr>
<td>as and when</td>
<td>►when / ►if / recasting</td>
</tr>
<tr>
<td><strong>Doublet or triplet</strong></td>
<td><strong>Try</strong></td>
</tr>
<tr>
<td>------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>authorise and empower</td>
<td>recasting (using ▶may) / ◀authorise / allow</td>
</tr>
<tr>
<td>by and under</td>
<td>under / recasting</td>
</tr>
<tr>
<td>by and with</td>
<td>recasting</td>
</tr>
<tr>
<td>due and payable</td>
<td>see entry for ‘due’</td>
</tr>
<tr>
<td>each and all</td>
<td>▶each / ◀all / a / an / the / recasting</td>
</tr>
<tr>
<td>each and every</td>
<td>▶each / ◀every / a / an / the / ▶all / recasting</td>
</tr>
<tr>
<td>entirely and completely</td>
<td>completely</td>
</tr>
<tr>
<td>fair and equitable</td>
<td>fair / ◀equitable</td>
</tr>
<tr>
<td>final and conclusive</td>
<td>final / recasting</td>
</tr>
<tr>
<td>finish and complete</td>
<td>finish / ▶complete / recasting</td>
</tr>
<tr>
<td>fit and proper</td>
<td>▶appropriate / suitable / recasting</td>
</tr>
<tr>
<td>fit and suitable</td>
<td>▶appropriate / suitable / recasting</td>
</tr>
<tr>
<td>fitting and proper</td>
<td>▶appropriate / suitable / recasting</td>
</tr>
<tr>
<td>for and during</td>
<td>▶while / ▶during / for</td>
</tr>
<tr>
<td>for and in connection with / for or in connection with</td>
<td>in / ▶in connection with / ▶in relation to / about / for / to / of</td>
</tr>
<tr>
<td>for and on behalf of / for or on behalf of</td>
<td>for / ▶on behalf of</td>
</tr>
<tr>
<td>force and effect / for or effect</td>
<td>recasting (using has ▶effect / force)</td>
</tr>
<tr>
<td>from and after</td>
<td>▶from / after / ▶on and after / recasting (using eg 6 months beginning on)</td>
</tr>
<tr>
<td>full and complete</td>
<td>▶complete / recasting</td>
</tr>
<tr>
<td>full force and effect</td>
<td>▶effect</td>
</tr>
<tr>
<td>good and sufficient</td>
<td>▶adequate / enough / ▶sufficient / suitable / ▶appropriate / satisfactory</td>
</tr>
<tr>
<td>give, devise and bequeath</td>
<td>give / give by will</td>
</tr>
<tr>
<td>hear and decide</td>
<td>hear / decide / deal with / no change</td>
</tr>
<tr>
<td>hear and determine</td>
<td>hear and decide / hear / decide / deal with</td>
</tr>
<tr>
<td>if and when</td>
<td>▶if / ▶when / ▶whenever / recasting</td>
</tr>
<tr>
<td>in and / or in connection with</td>
<td>about / for / in / of / over / to / with / ▶in relation to / ▶in connection with / recasting</td>
</tr>
<tr>
<td>jointly and severally [also joint and several]</td>
<td>recasting (using ▶together / alone / individually / each of them)</td>
</tr>
<tr>
<td>just and reasonable</td>
<td>just / fair / ◀reasonable / impartial</td>
</tr>
<tr>
<td>means and includes</td>
<td>means</td>
</tr>
<tr>
<td>no force or effect</td>
<td>▶void / invalid / recasting (using of no (legal) effect)</td>
</tr>
<tr>
<td>pay, satisfy and discharge</td>
<td>▶satisfy / discharge / comply with</td>
</tr>
<tr>
<td>perform and discharge</td>
<td>▶perform / discharge / recasting</td>
</tr>
<tr>
<td>possession, custody and control</td>
<td>possession / ownership</td>
</tr>
<tr>
<td><strong>Doublet or triplet</strong></td>
<td><strong>Try</strong></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>power and / or authority</td>
<td>power / omitting</td>
</tr>
<tr>
<td>relieve and discharge</td>
<td>discharge / recasting</td>
</tr>
<tr>
<td>rest, residue and remainder</td>
<td>all other property / all remaining property / all the rest of the property / the balance of the property / all property left over / rest / balance / residuary estate (in a will)</td>
</tr>
<tr>
<td>right, title and interest</td>
<td>interest / recasting</td>
</tr>
<tr>
<td>save and except</td>
<td>▶ except / other than / ▶ subject to / ▶ unless / recasting</td>
</tr>
<tr>
<td>separate and apart</td>
<td>separate / apart</td>
</tr>
<tr>
<td>separate and distinct</td>
<td>separate / distinct</td>
</tr>
<tr>
<td>signed, sealed and delivered</td>
<td>recasting</td>
</tr>
<tr>
<td>sole and exclusive</td>
<td>exclusive / ▶ only / recasting</td>
</tr>
<tr>
<td>terms and conditions</td>
<td>terms / conditions</td>
</tr>
<tr>
<td>terms and provisions</td>
<td>terms / provisions</td>
</tr>
<tr>
<td>to and / or in relation to</td>
<td>to / about / for / of / ▶ in relation to</td>
</tr>
<tr>
<td>to and / or in respect of</td>
<td>about / for / to / of / ▶ in relation to</td>
</tr>
<tr>
<td>transfer and assign</td>
<td>transfer / give / sell / recasting (using more precise words)</td>
</tr>
<tr>
<td>true and correct</td>
<td>correct / accurate / true</td>
</tr>
<tr>
<td>type and kind</td>
<td>omitting / ▶ kind / ▶ type</td>
</tr>
<tr>
<td>uncontroverted and uncontradicted</td>
<td>not disputed / not denied / not opposed</td>
</tr>
<tr>
<td>under and subject to</td>
<td>under / recasting</td>
</tr>
<tr>
<td>understood and agreed</td>
<td>recasting (using agreed) / omitting</td>
</tr>
<tr>
<td>undertake and agree</td>
<td>▶ agree</td>
</tr>
<tr>
<td>unless and until</td>
<td>unless / ▶ when / ▶ if / until / recasting</td>
</tr>
<tr>
<td>void and of no effect / void and unenforceable</td>
<td>▶ void / of no (legal) effect / has no (legal) effect / invalid</td>
</tr>
<tr>
<td>when and as</td>
<td>▶ when / ▶ whenever / ▶ as / recasting</td>
</tr>
</tbody>
</table>

**Further reading**
Garner’s Dictionary pp 292–5
Garner’s Legal Style pp 187–8
Euphemisms

Rule
Avoid the unnecessary use of euphemisms. Use the most direct word if appropriate.

Explanation
The word euphemism comes from 2 Greek words meaning speaking nicely. A euphemism is a vague, indirect word or phrase used to say something unpleasant in a less direct or confronting way. Euphemisms are used in 3 ways:

• to disguise harsh or disagreeable facts (eg correctional facility for prison)
• to dress things up or add status to something (hair consultant for hairdresser)
• as genteel substitutes for words considered to be indelicate (lavatory for toilet)

Euphemisms are generally not appropriate for legislation because of their tendency to become dated.

Examples
ablution facilities
▶decease / deceased
▶demise (for death)
▶imbibe
inebriated
▶intoxicated
permanent layoff
▶predecease
revenue enhancement

Further reading
Cambridge Style Guide pp 256-7
Fowler’s English Usage pp 267-8
Garner’s Dictionary pp 330–1
Garner’s Legal Style pp 34–5
Gowers’ Plain Words pp 42–4
Howard’s Guide p 154
Longman English Usage p 254
Partridge pp 108-10
Right Words pp 143-4
Working Words p 212

Foreign words and phrases

Rule
Avoid using foreign words. Write in English, not in Latin, Norman French or any other foreign language.

Explanation
Foreign words that have not been fully absorbed into English are obscure and irritating to readers who do not know the word or its meaning. They can be a sign of the writer’s disregard for readers.
Technical legal expressions in Latin or Norman French are especially objectionable (see Technical words). Their obscurity can prevent non-lawyers from arriving at even a minimal understanding of the law.

Foreign words are sometimes used as a substitute for proper reasoning and to cloak an unjustified assumption with figleaf respectability. Their misuse can lead to the embarrassment of the pretentious blunder.

Foreign words usually have an English equivalent that can be readily substituted. If possible, use the English equivalent.

**Examples**

<table>
<thead>
<tr>
<th>Foreign word</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<tr>
<td>ab initio</td>
<td>see—▶ab initio</td>
</tr>
<tr>
<td>ad hoc</td>
<td>see—▶ad hoc</td>
</tr>
<tr>
<td>ad idem</td>
<td>see—▶ad idem</td>
</tr>
<tr>
<td>alia</td>
<td>see—▶inter alia</td>
</tr>
<tr>
<td>ex officio</td>
<td>without further appointment / recasting</td>
</tr>
<tr>
<td>force majeure</td>
<td>see—▶force majeure</td>
</tr>
<tr>
<td>in camera</td>
<td>see—▶in camera</td>
</tr>
<tr>
<td>in loco parentis</td>
<td>see—▶in loco parentis</td>
</tr>
<tr>
<td>in personam</td>
<td>see—▶in personam</td>
</tr>
<tr>
<td>in re or re</td>
<td>omitting / about / ▶regarding / on / ▶concerning / recasting</td>
</tr>
<tr>
<td>in rem</td>
<td>against the thing / against the world at large / in the matter of / recasting</td>
</tr>
<tr>
<td>in situ</td>
<td>on site / on-the-spot / in [its] usual place / in [its] original place / undisturbed</td>
</tr>
<tr>
<td>in toto</td>
<td>completely / as a whole / entirely / fully / ▶totally / ▶wholly / without exception / total / in all / recasting</td>
</tr>
<tr>
<td>ipso facto</td>
<td>by that very fact / recasting</td>
</tr>
<tr>
<td>per annum</td>
<td>a year / by the year / for each year / ▶per year / annually</td>
</tr>
<tr>
<td>per diem</td>
<td>a day / by the day / for each day / ▶per day / daily</td>
</tr>
<tr>
<td>per procurationem / per proc. / per pro. / p.p</td>
<td>for / ▶on behalf of</td>
</tr>
<tr>
<td>per se</td>
<td>by itself / in itself / ▶as such / essentially / for its own sake / standing alone / as a matter of law</td>
</tr>
<tr>
<td>per stirpes</td>
<td>recasting (adding an explanation of the phrase)</td>
</tr>
<tr>
<td>precis</td>
<td>summary</td>
</tr>
<tr>
<td>primus inter pares</td>
<td>first among equals / having precedence but no greater authority</td>
</tr>
<tr>
<td>Foreign word</td>
<td>Try</td>
</tr>
<tr>
<td>--------------</td>
<td>-----</td>
</tr>
<tr>
<td>pro forma</td>
<td>as a matter of form / for the sake of form / as a gesture / recasting</td>
</tr>
<tr>
<td>pro tanto</td>
<td>in part / to that extent / as far as it goes / so much / recasting</td>
</tr>
<tr>
<td>pro tem(pore)</td>
<td>for the time being / temporarily / recasting (using interim arrangement / informal arrangement)</td>
</tr>
<tr>
<td>proximo mense or prox.</td>
<td>recasting (using next month or the name of next month eg February)</td>
</tr>
<tr>
<td>qua</td>
<td>▶ as / in the capacity of / recasting (using eg as such)</td>
</tr>
<tr>
<td>quantum</td>
<td>amount / share / ▶ portion</td>
</tr>
<tr>
<td>rata</td>
<td>see—pro rata</td>
</tr>
<tr>
<td>re</td>
<td>omitting / about / ▶ regarding / on / ▶ concerning / recasting</td>
</tr>
<tr>
<td>seriatim</td>
<td>in a series / in turn / one after another / in sequence / successively / serially / one at a time / in the same order</td>
</tr>
<tr>
<td>simpliciter</td>
<td>taken alone / taken by itself / summarily / unconditionally / absolutely / on its own</td>
</tr>
<tr>
<td>sine die</td>
<td>indefinitely / without fixing a day</td>
</tr>
<tr>
<td>sine qua non</td>
<td>recasting (using essential / indispensable / necessary / necessity)</td>
</tr>
<tr>
<td>sui generis</td>
<td>▶ unique / one of a kind</td>
</tr>
<tr>
<td>sui juris</td>
<td>of full legal capacity</td>
</tr>
<tr>
<td>uberrima fidei</td>
<td>of the utmost good faith / recasting (adding an explanation of the phrase)</td>
</tr>
<tr>
<td>ultimo mense or ult.</td>
<td>recasting (using last month or the name of the last month eg July)</td>
</tr>
<tr>
<td>videlicet or viz</td>
<td>▶ namely / that is to say / recasting (using the following) / omitting</td>
</tr>
<tr>
<td>vires</td>
<td>power / ▶ authority</td>
</tr>
<tr>
<td>vis-à-vis</td>
<td>face to face / opposite / ▶ in relation to / about / ▶ as regards / ▶ regarding / on / for / in / of / over / to / with / recasting (using more precise words)</td>
</tr>
<tr>
<td>viva voce</td>
<td>orally / spoken oral examination</td>
</tr>
<tr>
<td>vivos</td>
<td>see—intervivos</td>
</tr>
</tbody>
</table>

Further reading
Cutts pp 37-9
Garner’s Legal Style pp 3–4, 185–7
Gowers’ Plain Words pp 16, 74–5

Words and Phrases: A Guide to Plain Legal Language
December 2016
xviii
Legalese

Rule

Avoid using legalese. Prefer plain language.

Explanation

Legalese is the complicated, technical language and complex style of writing used in older legal documents. The reason for using legalese seems to be that it is believed to result in certainty. However, this is not always the case. Using legalese often makes documents incomprehensible—not only to non-lawyers, but often to lawyers as well.

Examples

- as appropriate
- as the case may be / as the case requires / as the case may require
- but for
- call in question
- derogate
- except as otherwise provided
- pursuant to
- resemble
- several
- show cause
- subject of
- time is of the essence
- unless the contrary intention appears
- wherever occurring
- without limiting the generality of

Further reading

Cutts pp 140-7 (lucid legal language)
Fowler’s English Usage pp 448–9
Garner’s Dictionary p 516
Garner’s Legal Style pp 182–90
Gowers’ Plain Words pp 6–7, 71–4
Howard’s Guide p 242 (legal English)

Padding

Rule

Do not use throat-clearing phrases, flotsam phrases or other padding. Write simply and directly.

Explanation

Padding is using woolly words, phrases and even sentences that contribute nothing to the reader’s understanding of the writer’s meaning. Much padding is the oral equivalent of throat-clearing—an opening flourish before the writer gets down to saying what he or she wants to say.
Other padding consists of the standard flotsam phrases (e.g. *the fact that*) that float idly in a sentence without carrying any meaning. Often using padding comes partly from an exaggerated feeling that wordiness is an ingredient of politeness, and that a blunt statement is crude, if not rude.

Padding can usually be left out or replaced by simpler words. Eliminating padding helps develop a simpler, more direct writing style.

**Examples**

- *in terms of*
- *the fact that*

*on a … basis* (see *basis*)

**Further reading**

Garner’s Legal Style pp 55–7
Gowers’ Plain words pp 65–9

### Technical words

**Rule**

Avoid using technical words. Explain any technical words that are necessary.

**Explanation**

Legal and other technical words are obscure and irritating to readers who do not know the words or their meaning. They can be a sign of the writer’s disregard for the reader.

Technical legal expressions in Latin or Norman French are especially objectionable (see *Foreign words and phrases*).

Some legal expressions have no special legal meaning. They are either pomposities that have a non-technical, English equivalent, or expressions of imprecise meaning whose use merely provides a delusion of certainty. Before using a legal expression, decide whether it is either of these kinds.

Substitution of a non-technical equivalent for a legal or other expression may not, of itself, provide an appropriate solution. Your readers may be misled into believing that they understand the non-technical equivalent. If a technical expression is necessary, consider providing a brief, plain English explanation of its meaning using a textual note, footnote or explanatory provision.

**Examples**

- *chose in action*
- *in personam*
- *in rem*

**Further reading**

Cambridge Style Guide p 741 (technologese)
Cutts p 21
Garner’s Legal Style p 185–7
Gowers’ Plain Words pp 6–7, 71–2, 178–81
Law Words 1995
Vogue words and phrases

Rule
Avoid vogue words and phrases.

Explanation
A vogue word or phrase is a word or phrase that goes in and out of fashion; that has a relatively short life.
Garner (in Garner’s Legal Style, at p 32) states:

Whenever you write a word or phrase that is on the tip of everyone’s tongue, strike it out. Vogue words cheapen prose, partly because their fashionableness wears down their meaning to the blandest generality, and partly because they make you sound like an unthinking writer of ready-made phrases.

Examples
► amenity
aware (in its meaning as a blanket term of approval, eg a politically aware person or even an aware person) (see ► aware)
► capability
ceiling (meaning maximum) (see ► ceiling)
► identify with
► target
► ultimate

Further reading
Garner’s Legal Style pp 32–3

Weasel words

Rule
Avoid weasel words.

Explanation
Webster’s Third New International Dictionary (Vol. III, p 2590) defines ‘weasel word’ in the following way:

weasel word n [ weasel = word; fr. the weasel’s reputed habit of sucking the contents out of an egg [while] leaving the shell superficially intact]: a word that destroys the force of a statement by equivocal qualification ... : a word used in order to evade or retreat from a direct or forthright statement or position weasel words are the adman’s way of crossing his fingers behind his back when he makes a somewhat elastic statement - Robert Littell.
The *Reader’s Digest Reverse Dictionary* (pp 764–765) defines ‘weasel words’ as ... unreliable words or expressions, as in *We will use our best endeavours*, suggesting yet evading a promise or commitment [referring to eggs that when sucked dry by weasels keep their shape but are drained of their content].

Lawyers are notorious for qualifying every statement they make with weasel words. Weasel words are also dealt with under *Dogmatic words* and *Timid phrases*.

**Examples**

- compelling
- if practicable
- substantial
- unduly
- very

**Further reading**

Garner’s Dictionary p 926
Garner’s Legal Style pp 36, 123, 129, 144, 192
Howard’s Guide p 407
# References

<table>
<thead>
<tr>
<th>Source</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPG</td>
<td>Parliamentary Counsel’s Office, <em>Drafting Practice Guide</em>, Canberra</td>
</tr>
<tr>
<td>LA</td>
<td><em>Legislation Act 2001</em></td>
</tr>
<tr>
<td>References</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Macquarie Dictionary</td>
<td></td>
</tr>
<tr>
<td>Partridge</td>
<td></td>
</tr>
<tr>
<td>Pearce and Geddes</td>
<td></td>
</tr>
<tr>
<td>Spelling Guide</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Counsel’s Office, <em>Spelling, Abbreviations and Symbols Guide</em>, Canberra</td>
<td></td>
</tr>
<tr>
<td>Working Words</td>
<td></td>
</tr>
</tbody>
</table>
### abate

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>end / stop / lapse / diminish / reduce / remove / recasting</td>
</tr>
</tbody>
</table>

#### extra information
1. formal word
2. For the use of *end* and *stop*, see *cease*.

#### example of no change
1. counted to abate a greenhouse shortfall carried forward

#### examples of change
1. A proceeding by or against the Attorney-General does not *abate end* because of a change of office holder.
2. the practical measures that may be taken to prevent, control, *abate reduce* or mitigate environmental harm
3. The person must act to *abate remove* the nuisance caused by smoke emissions.
4. If the applicant dies before the application is decided, the application *abates lapses*.
5. rent *abates is not payable* for the period that the premises are unable to be used

#### further reading
- Butterworths Legal Dictionary p 2 (*abatement; abatement of criminal proceedings; abatement of legacies; abatement of nuisance; abatement of purchase money*)
- Garner’s Dictionary p 4

### abide

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>comply with / live / accept / stay</td>
</tr>
</tbody>
</table>

#### extra information
1. Archaism in most senses.
2. Becoming an archaism when used to mean ‘to accept and continue to observe’ (eg ‘to abide by the decision’).

#### examples of change
1. The licensee must *abide by comply with* the licence conditions.
2. where the party *abides lives*
3. The person must *abide by accept* the arbitrator’s decision.

#### further reading
- Fowler’s English Usage p 4
- Garner’s Dictionary p 5
- Longman English Usage p 2
- Partridge p 31
### ab initio

**usage**—never use

- try—from the start / from the beginning / omitting

**extra information**

1. foreign phrase
2. For the use of start and begin, see commence.
3. It is not necessary to say that something is void ab initio. The words ab initio are redundant if the thing is void.

**example of change**

1. The contract was void ab initio.

**further reading**

- Asprey pp 162, 220
- Butterworths Legal Dictionary p 1
- Garner’s Dictionary pp 5–6 (ab initio; in initio), 919–20 (void ab initio)
- Garner’s Legal Style p 194

### able

**see**—is / are able to

### abode

**usage**—never use

- try—home / house / address / recasting (using, eg place where the person lives / usually lives)

**extra information**

1. formal word

**examples of change**

1. a person’s abode home
2. a person who has no fixed abode address
3. the person’s usual place of abode place where the person usually lives

**further reading**

- Black’s Law Dictionary p 5 (abode)
- Butterworths Legal Dictionary p 3
- Garner’s Dictionary pp 7 (abode, place of), 301 (dwelling house; dwelling; usual place of abode)
- Longman English Usage p 5
- New Oxford Dictionary p 4
- Partridge p 103
above

Usage—consider alternatives

Try—recasting (using at least) / mentioned in (state the provision) / greater than / heavier than / larger than / longer than / more than / older than / taller than / over / omitting

Extra information

1 Informal word for more than, longer than etc

2 For describing quantities, weight, age etc, prefer an alternative. Generally, prefer over, at least, or a more specific alternative, eg older than, to other alternatives.

3 Above also means on a higher level or in a higher position (than). Over means directly above or across. In some contexts the meaning of the words is identical.

4 If referring to text mentioned earlier in a document, state the location of the text in the document (‘mentioned in section 14’ rather than ‘mentioned above’).

Examples of no change

1 8m above ground level

2 an employee who is classified at or above Legal 1

3 at a concentration above a stated concentration

4 airspace above the area

Examples of change

1 The person must be above the age of 16 years at least 17 years old.

2 The mesh size specified above mentioned in section 52

3 prohibit vehicles and combinations larger or above heavier than a limit shown on a sign relating to a road

4 above for longer than the agreed term of 6 months

5 subject to section 14 above

6 the above vehicle (ie can rely on the narrative (‘the vehicle’), so there is no need to use ‘above’)

Further reading

Asprey pp 124, 165, 220
Fowler’s English Usage p 9
Garner’s Dictionary p 8
Howard’s Handbook p 330 (see above and below)
Longman English Usage p 5
Partridge pp 2 (above and below), 2–4 (above and over; below and beneath and under)
Working Words p 7 (above/over)
abovementioned / abovelisted / abovequoted

usage—never use
try—recasting
extra information
1 archaism
2 If referring to text mentioned earlier in a document, state the location of the text in the document (‘mentioned in section 14’ rather than ‘mentioned above’).
example of change
1 the abovementioned officer mentioned in section 14

further reading
Asprey pp 124, 220 (abovementioned)
Garner’s Dictionary pp 8–9 (above B; above-mentioned; above-quoted; above-styled; above-captioned)
Garner’s Legal Style p 100 (above-mentioned; above-listed)
Longman English Usage p 5 (above)

abscond

usage—avoid using
try—leave / recasting
extra information
1 Used in the context of criminal law and proceedings.
examples of no change
1 If a judge is satisfied that a person in relation to whom a summons has been issued has absconded or is likely to abscond, the judge may issue a warrant for the person’s arrest.
2 This rule applies if—
   (a) an application for punishment of a person for contempt has been filed in the court; and
   (b) the court considers that the person is likely to abscond or otherwise withdraw from the court’s jurisdiction.
example of change
1 If a child absconds from leaves the school grounds without permission.

further reading
Butterworths Legal Dictionary p 7

absence

see—in the absence of
abuts

usage—never use
try—► adjoins / is ► adjacent to / is ► next to / recasting

extra information
1 formal word

examples of change
1 if the lots have a boundary abutting adjoining the same part of a road,
2 the lessee of land that abuts adjoins the land where the tree is located
3 the road abutting adjacent to the development

further reading
Butterworths Legal Dictionary p 10
Garner’s Dictionary p 12 (abutment; abuttals)
Garner’s Legal Style p 191 (abutting)

accede

usage—avoid using
try—► agree on/to / ► grant / allow / ► consent / ► permit

extra information
1 Used in the context of a country formally agreeing to a convention, protocol etc.
2 formal word

example of no change
1 when Australia accedes to the convention

example of change
1 if the party accedes agrees to the other party’s request

further reading
Butterworths Legal Dictionary p 11
Garner’s Dictionary p 12 (accede; exceed)
Gowers’ Plain Words p 198
Longman English Usage p 7 (accede, exceed, succeed)
Partridge p 5 (access; accession)
Working Words p 8

accept

see—except
accommodation

😊 usage—consider alternatives

try—housing / houses / home / settlement / compromise / recasting using eg adapt

extra information
1 Prefer a less formal alternative if appropriate.
2 Avoid using to mean adaptation or a settlement of differences.

example of no change
1 a high standard of accommodation

examples of change
1 accommodation housing for mine workers
2 any form of financial accommodation arrangement
3 If the parties reach an accommodation about settle the outstanding matters

further reading
Cambridge Guide p 13 (accommodate)
Fowler's English Usage p 15 (accommodate, accommodation)
Garner’s Legal Style p 100
Gowers’ Plain Words pp 198–9
Howard’s Handbook p 6 (accommodate/accommodation)
Longman English Usage p 10 (accommodation(s))

accompany

😊 usage—consider alternatives

try—recasting (using attached)

examples of no change
1 the care instructions for goods may be given in a pamphlet accompanying the goods
2 the work safety representative for a worker may accompany an inspector during an inspection
3 An application for an employee licence must be accompanied by a certificate from an employee organisation.
4 (1) A person may apply to the licensing authority for a dangerous goods driver licence.
   (2) The application must be accompanied by—
   (a) the driver licence evidence; and

two examples of change
1 the question, the ground for objection, the answer (if any) and the opinion of the examiner must be set out in the deposition of the person being examined or in a statement accompanying the deposition; and

further reading
Gowers’ Plain Words p 199
Longman English Usage p 10
accord

- **usage**—avoid using
  - try— ► agree on / to / recognise / recasting (using more direct language)
- **extra information**
  1. Used to mean a formal agreement.
  2. formal word
- **example of no change**
  1. the accord between Australia and Indonesia
- **examples of change**
  1. if a person attends of the person’s own accord voluntarily attends
  2. If the parties’ views accord the parties agree
- **further reading**
  - Butterworths Legal Dictionary p 14
  - Fowler’s English Usage p 15
  - Garner’s Dictionary pp 14 (accord; accordance), 14–5 (accord; afford), 15 (accord; concord)
  - Longman English Usage p 10 (accord, account)

accordance

- **see**—in accordance with

accordingly

- **usage**—avoid using
  - try—recasting (using neutral words or changing the narrative) / omitting
- **extra information**
  1. Used in phrases ‘punishable accordingly’ and ‘enforced accordingly’ to make it clear that punishment or enforcement is a consequence of deeming, eg, someone to have committed an offence or something to be a court order.
  2. Can be a sentence adverb. For example, ‘He did not breach the rules; accordingly, there will be no inquiry.’
- **examples of no change**
  1. If a person (the offender) who is a partner in a partnership commits an offence against a heavy vehicle road law in the course of the activities of the partnership, each other partner in the partnership, and each other person who is involved with, or takes part in, the management of the partnership, is taken to have committed the offence and is punishable accordingly.
  2. A person who contravenes the order is taken to be in contempt of the Supreme Court and is punishable accordingly.
  3. A registered family group conference agreement has effect as if it were a care and protection order of the Childrens Court and may be enforced accordingly.
accordingly [continued]

examples of change
1  (1) The imposition of a condition on an authorisation does not create a right in anyone other than the Territory.
   (2) Accordingly, a decision to impose (or not to impose) a condition on an authorisation is final.
2  If a person fails to comply with a condition of a mass, dimension or loading concession—
   (a) the concession does not operate while the failure to comply continues; and
   (b) accordingly, the concession must be disregarded in deciding whether there has been a breach of a mass, dimension or loading requirement.

further reading
Asprey pp 182, 220
Fowler’s English Usage pp 15, 702–3 (sentence adverbs)
Garner’s Dictionary p 791 (sentence adverbs)

according to

usage—consider alternatives
try—recasting (using eg show) / under / in line with / in accordance with
extra information
1  compound preposition
2  According to can be a weak form of attribution that carries a hint of doubt or even suspicion.

examples of no change
1  A person must operate the equipment according to the instructions.
2  dishonest according to the standards of ordinary people

examples of change
1  according to the records show that
2  the buyer wrongfully neglects to pay for the goods according to the terms of under the contract

further reading
Fowler’s English Usage pp 15 (according), 167 (compound prepositions)
Garner’s Dictionary pp 15 (according), 81 (as regards; as respects; as concerns)
Gowers’ Plain Words p 199
Longman English Usage p 10 (according)
Partridge p 80 (conjunctions, disguised)

account

see—on account of
**accountable / accountability**

😊 **usage**—consider alternatives

try—responsible / liable / answerable

**extra information**

1. formal word implying a high sense of personal responsibility
2. *Accountable* means to be personally responsible to someone for something, and is not appropriate to use for things, eg the weather.

**examples of no change**

1. does not make the non-government entity accountable to ATSIEB for its operations
2. to require a registered agent to be accountable to the client
3. fiduciary safeguards established, or to be established, to provide for accountability to the licensee-in-charge

**example of change**

1. A director-general is accountable/responsible for the efficient and effective operation of the director-general’s directorate.

**further reading**

Butterworths Legal Dictionary p 15
Fowler’s English Usage p 16
Garner’s Dictionary pp 15–6
Gowers’ Plain Words pp 199–200
Howard’s Handbook pp 6–7 (accountable/responsible)
Longman English Usage p 11
Partridge p 5

**accrue**

😊 **usage**—consider alternatives

try—add / gain / arise / recasting

**extra information**

1. formal word
2. *Accrue* does not mean simply to increase in size but rather to be added to bit by bit.
3. It may be appropriate to use *accrue* rather than *arise* in relation to a cause of action (see Garner’s Dictionary).

**examples of no change**

1. interest accrues on the part of the original amount that remains unclaimed
2. the employee’s long service leave accrues
3. a period when benefits did not accrue to the person
accrue [continued]

example of change
1 a benefit from any added value that may accrue to the premises of the club value added to the club’s premises because of a gaming machine licence being issued to the club

further reading
Butterworths Legal Dictionary p 16
Garner’s Dictionary p 16

accustomed to

usage—avoid using
try—usually/ used to / recasting
extra information
1 formal phrase

example of no change
1 a person in accordance with whose instructions or wishes the directors of the corporation are accustomed to act

event of change
1 if a person is accustomed to used to getting goods or services

further reading
Garner’s Dictionary p 17 (accustomed)
Longman English Usage p 11 (accustom)

achieve

usage—consider alternatives
try—get / reach / recasting (using, eg becoming)
extra information
1 Achieve implies successful effort in reaching a definite, desirable goal. It should not be treated as only the equivalent of getting or reaching.
2 A challenge can be taken up, answered or rejected, but it cannot be achieved.

example of no change
1 to achieve zero net emissions

events of change
1 will allow the vehicle to achieve meet the response time required by the standards manual
2 If the resignation takes effect on or after the day the person achieves the age of turns 55 years old

further reading
Gowers’ Plain Words p 200
Longman English Usage p 12 (achieve, achievement)
**acknowledge**

 使用—考虑替代方法
尝试—认识到/承认/改写
额外信息
1. 形式、非个人用语，用于书信写作，例如：I acknowledge …

  例子：无变化
  1. 可能要求对方承认收到通知
  2. 一个孩子或年轻人都应该以承认其需要的方式来对待

  例子：变化
  1. 一个人承认/认识到是该领域的世界权威
  2. 犯罪者承认/承认/承认犯罪

  附加阅读
Garner’s Legal Style p 100 (acknowledgment)
Gowers’ Plain Words p 200
Howard’s Handbook p 7 (acknowledge/acknowledgement)

**acquaint**

 使用—永远不要使用
尝试—告诉/通知/陈述/提及/说/找到/知道/改写
额外信息
1. 正式用语

  例子：变化
  1. 转让人允许有合理的时间来通知/告诉他们的继承人

  附加阅读
Butterworths Legal Dictionary p 18
Gowers’ Plain Words pp 18, 200
Longman English Usage p 12
Partridge p 5 (acquaint with)
Working Words p 11

**acquire**

 使用—考虑替代方法
尝试—得到/购买/获得
额外信息
1. 正式词在某些语境中

  例子：无变化
  1. 获取或使用一个假设的身份
  2. 土地的权益可以通过协议或强迫获得

  附加阅读
Working Words p 11
acquire [continued]

examples of change
1 how to acquire get the information
2 if the person acquired bought the car from a licensed dealer
3 it is a condition of the licence that the licensee acquire obtain the person’s authority

further reading
Butterworths Legal Dictionary p 18
Gowers’ Plain Words p 200
Howard’s Handbook p 7
Longman English Usage p 13
Partridge p 5 (acquirement/acquisition)

ACT

see—DPG, ch 14, ‘ACT or Territory’

acting [in an office]

😊 usage—consider alternatives
try—omitting
extra information
1 It is usually unnecessary to refer to the person acting in an office (see LA, s 185 and s 220).

examples of no change
1 a broker or other person acting for a licensed insurer
2 I, Minister for ABC, acting under the XYZ Act, section 10 …

examples of change
1 assessor includes a person acting as assessor
2 agent acting for …

action

see—chose in action
activate

**usage**—avoid using

**try**—operate / motivate / inspire

**extra information**

1. Used in scientific and mechanical contexts.
2. formal word
3. It is inappropriate to use in relation to people ie a person may activate something but is not him/herself activated.
4. *Activate and operate do not necessarily mean the same thing. To activate means to ‘make active’ ie to start something; to operate means to work or use a machine, apparatus etc.*

**examples of no change**

1. activated carbon
2. a brake control on the towing vehicle, which independently activates the service brake on the trailer

**example of change**

1. the controls that operate the vehicle’s gears *[where the controls do more than just start the gears]*

**further reading**

- Fowler’s English Usage pp 18–9 (*activate*/*actuate*)
- Garner’s Dictionary p 21 (*actuate; activate*)
- Howard’s Handbook p 8 (*activate/motivate*)
- Longman English Usage p 14 (*activate*/*actuate*)
- New Oxford Dictionary p 18
- Partridge p 6 (*activate*/*actuate*)
actually / actual

usage—consider alternatives

try—omitting / recasting

extra information

1 Actually and actual are frequently used unnecessarily in writing, particularly for emphasis. However, actual is used in a number of legal concepts to distinguish things that arise from the facts rather than by operation of law.

2 Actually can be a sentence adverb. For example, ‘He actually expected me to be pleased about it!’

3 In actual fact is a tautology.

4 See also definite / definitely / definitive and real / really.

examples of no change

1 actual possession

2 a representative’s actual or apparent authority

3 a party may lodge a bond for the amount with the registrar instead of actually paying the amount into court

4 consignee, of goods, means a person who—
   (a) is named or otherwise identified as the intended consignee of the goods; or
   (b) actually receives the goods.

examples of change

1 when the machine, winch, or mechanism is not actually in use for raising or lowering the platform

2 The entire amount of the wages earned by, or payable to, a worker must be actually paid to the worker in money, and not otherwise.

further reading

Butterworths Legal Dictionary pp 23–4
Fowler’s English Usage pp 19 (actually), 702–3 (sentence adverbs)
Garner’s Dictionary pp 20–1 (actual; constructive), 21 (actual fact, in), 791–2 (sentence adverbs)
Gowers’ Plain Words p 54
Longman English Usage p 14 (actual/actually)
Partridge pp 6 (actual and actually), 280 (really, actually and definitely)
Working Words p 13 (actual/actually)
actuate

Usage—never use
Try—motivate / operate / ✅ activate

Extra information
1 Formal word
2 Actuate means to incite to action; to put into action.

Examples of change
1 If the person was not actuated motivated by ill will or any other improper motive
2 Proof that the publication was actuated motivated by malice
3 Holding apparatus must not be actuated operated by foot

Further reading
Fowler’s English Usage pp 18–9 (activate/actuate)
Garner’s Dictionary p 21 (actuate; activate)
Longman English Usage p 14 (activate, actuate)
Partridge p 6 (activate/actuate)

adapt / adaptation / adaption

Usage—consider alternatives
Try—change / ✅ adjust

Extra information
1 Adapt means to make suitable to requirements or conditions, or to adjust or change appropriately. This meaning is not picked up by using change.
2 For the differences between adapt and adjust, see adjust.
3 Use adaptation rather than adaption.

Examples of no change
1 Address and adapt to climate change
2 Change software to adapt to any changes to the configuration of hardware
3 A substance that has undergone the processes necessary to adapt it for medical use
4 A thing, system or process that is the subject of a patent, registered design or copyright (or an adaptation or modification of the thing, system or process)

Example of change
1 With any necessary adaptations changes

Further reading
Cambridge Guide p 18 (adaptation or adaption)
Fowler’s English Usage p 20 (adaption)
Garner’s Dictionary p 21 (adapt and adopt, adaptation)
Garner’s Legal Style p 101 (adapt; adopt)
Longman English Usage p 15 (adapt, adopt, adept)
Partridge p 6 (adapt and adopt)
Working Words p 14 (adaptation/adaption)
## addition / additional

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>more / extra / another / omitting</td>
</tr>
</tbody>
</table>

**extra information**

1. Can lead to verbosity.
2. Do not use with *add*.
3. Use ‘more’, not ‘further’ information.
4. See also *in addition to*.

### examples of no change

1. If the claimant adds a later respondent under this section, the claimant must tell each other respondent about the addition.
2. The offender admits guilt to the additional offence

### example of change

1. The authority may, by written notice, ask the applicant for additional *more* information.

**further reading**

Cambridge Guide p 18 (*addition or additive*)

## additionally

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>also / omitting</td>
</tr>
</tbody>
</table>

**extra information**

1. verbosity
2. See also *in addition to*.

### example of change

1. The owner must give reasonable notice to the other lot’s owner (and, additionally, if the owner is not the occupier, the other lot’s occupier)

**further reading**

Longman English Usage p 16 (*additionally*)

## adduce

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>present / give / introduce / offer / lead</td>
</tr>
</tbody>
</table>

**extra information**

1. formal word
2. *Adduce* should not be confused with *educe* or *deduce*. *Adduce* is to put forward for consideration evidence or arguments. *Educe* is to draw out, evoke or elicit. *Deduce* is to infer.
adduce [continued]

examples of change
1 The defendant may adduce present evidence.
3 evidence adduced given by a witness

further reading
Butterworths Legal Dictionary p 26 (adducing evidence)
Garner’s Dictionary p 22 (adduce; educe; deduce)
Garner’s Legal Style p 134 (proof/evidence/testimony)
Longman English Usage p 16 (adduce, deduce)
Partridge pp 6 (adduce), 113 (evidence and testimony)
Working Words p 16 (adduce/deduce)

adequate

😊 usage—consider alternatives
try—recasting using more precise words / enough / meets

extra information
1 It is sometimes unclear when this word is used if it is referring to number or quality or both. Prefer recasting to achieve more precise meaning as alternatives such as suitable, appropriate, sufficient or satisfactory may also be unclear.
2 For the use of enough, sufficient and adequate, see sufficient.
3 Do not use adequate enough.
4 See also adequate number of (an).

examples of no change
1 whether the form of notice given to the person about the person’s obligations under this Act was adequate to tell the person about the obligation
2 appropriate, and adequate, food, water, shelter or exercise

example of change
1 the applicant’s proposed plan is adequate to give effect to meets the program’s purpose

further reading
Fowler’s English Usage p 21
Garner’s Dictionary p 23 (adequate; sufficient)
Garner’s Legal Style p 191 (adequate number of, an)
Gowers’ Plain Words p 200
Howard’s Handbook p 153 (enough/sufficient/adequate)
Longman English Usage p 17
Partridge pp 6 (adequate enough—adequate standard of living), 351 (tautology—adequate enough)
adequate number of (an)

- **usage**—never use
- **try**—recasting (using *enough*)
- **extra information**
  1. verbosity
  2. examples of change
     - the random selection of an adequate number of *enough* jurors for a trial
     - ensuring that an adequate number of *enough* taxis are available to operate the taxi service

**further reading**
- Garner’s Legal Style p 191
- Gower’s Plain Words p 200
- Howard’s Handbook p 153 (*enough/sufficient/adequate*)
- Partridge p 6 (*adequate enough*)

ad hoc

- **usage**—avoid using
- **try**—recasting / *as required* / omitting
- **extra information**
  1. Foreign phrase. However, *ad hoc* has become assimilated into English. For example, an *ad hoc* committee is a committee set up for a particular and limited purpose, usually alongside a regular committee. An *ad hoc decision* is a decision that applies only to the present case and need not be a precedent for similar cases.
  2. *Ad hoc* is never qualified by *very* or *fairly*.
  3. *Ad hoc basis* (or *way*) is a verbose way of saying *ad hoc*.
  4. May imply hasty improvisation.

**examples of no change**
  1. an *ad hoc* committee
  2. an *ad hoc* decision

**examples of change**
  1. The Scientific Committee may ask other scientists and experts for advice *on an ad hoc basis as required*.
  2. continuing or specialist *ad hoc* tasks

**further reading**
- Butterworths Legal Dictionary p 24
- Cambridge Guide p 17
- Fowler’s English Usage p 21
- Garner’s Dictionary pp 24, 813 (slipshod extension)
ad idem

usage—never use
try—to the same effect / to that effect / in agreement

extra information
1 foreign phrase

example of change
1 The parties must be ad idem in agreement.

further reading
Butterworths Legal Dictionary p 25
Fowler’s English Usage p 21
Garner’s Dictionary pp 24, 366 (forbidden words and phrases—A. generally useless words and phrases)

adjacent

usage—consider alternatives
try—near / close to / next to / adjoining

extra information
1 *Adjacent* is less specific than adjoining and may be used to mean close to, but not actually touching, as well as right up against.
2 See also adjoining. However, its meaning may not be completely clear in some contexts.

examples of no change
1 adjacent houses
2 Each designated outdoor smoking area must have a buffer on its perimeter wherever it is adjacent to other parts of the outdoor area of the premises ordinarily accessed by patrons.
3 *road related area* means...a footpath or nature strip adjacent to a road

examples of change
1 shed, store or premises attached to or adjacent to near the wharf
2 licensed premises should not be located where they would be likely to cause undue disturbance, inconvenience or offence to people lawfully at adjacent adjoining or nearby premises

further reading
Butterworths Legal Dictionary p 27
Cambridge Guide p 19 (adjacent or adjoining)
Fowler’s English Usage pp 21–2
Garner’s Dictionary p 24 (adjacent; contiguous)
Gowers’ Plain Words p 201
Howard’s Handbook p 265 (next to/adjacent/adjoining)
Longman English Usage p 17
Partridge p 6 (adjacent; contiguous)
Working Words p 16
adjoining

usage—consider alternatives

try—connecting / connected to / near / adjacent

extra information

1 If things are adjoining, they are actually touching each other, eg adjoining walls share a common wall; adjoining parcels of land share a common boundary.
2 If things are next to each other but not touching, see adjacent.
3 See also contiguous.

examples of no change

1 the adjoining terrace houses
2 entry onto the adjoining premises
3 licensed premises should not be located where they would be likely to cause undue disturbance, inconvenience or offence to people lawfully at adjoining or nearby premises

examples of change

1 each designated outdoor smoking area must have a buffer on its perimeter wherever it is adjoining adjacent to other parts of the outdoor area
2 land that is adjoining next to other land
3 shed, store or premises attached to or adjoining near the wharf

further reading

Butterworths Legal Dictionary p 27
Cambridge Guide p 19 (adjacent or adjoining)
Garner’s Dictionary p 26 (adjoin)
Howard’s Handbook p 265 (next to/adjacent/adjoining)
Longman English Usage p 19 (adjoin, adjourn)

adjust

usage—consider alternatives

try—change / adapt / recasting

extra information

1 Adjust, like adapt, can mean to make suitable to requirements or conditions. It can also mean to adapt to changed conditions. These meanings are not picked up by using change.
2 Adapt involves considerable change to meet new requirements, while adjust implies a minor change. Adapt also emphasises the purpose for which the change is made.

examples of no change

1 if the equipment was adjusted to comply with the standard
2 if the prices are adjusted for inflation
3 an authorised person may adjust a tap or other water outlet
adjust [continued]

<table>
<thead>
<tr>
<th>examples of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 adjust change the office’s opening hours</td>
</tr>
<tr>
<td>2 to help parties adjust adapt to a court order [Note: this would be in the context of people affected by the order having to change the way they do every day things. In other contexts, it might be more appropriate to use ‘comply with a court order’.]</td>
</tr>
<tr>
<td>3 The insurer must adjust work out the amount to pay the insured person for the loss.</td>
</tr>
</tbody>
</table>

**further reading**
Fowler’s English Usage p 24
Gowers’ Plain Words p 201
Partridge p 103 (Elegancies—adjust one’s dress)

administrate

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>administer</td>
</tr>
</tbody>
</table>

**extra information**
1 Administrate is a backformation from administration.

<table>
<thead>
<tr>
<th>example of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 the body must administer the program</td>
</tr>
</tbody>
</table>

administrator

**see**—heirs, executors, administrators, successors and assigns

admittedly

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>admit / recasting / omitting</td>
</tr>
</tbody>
</table>

**extra information**
1 Sentence adverb. For example, ‘Admittedly, the salary was not wonderful but the duties were light’.

<table>
<thead>
<tr>
<th>example of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 if a document is admittedly misdated a person admits to incorrectly dating a document</td>
</tr>
</tbody>
</table>

**further reading**
Fowler’s English Usage pp 702–3 (sentence adverbs)
Garner’s Dictionary pp 791–2 (sentence adverbs)
adumbrate

Usage—never use
Try—outline / recasting
Extra information
1 Formal word
Examples of change
1 Counsel must adumbrate outline the plaintiff’s case.
2 This division adumbrates outlines the meaning of net IBNR exposure.

Further reading
Fowler’s English Usage pp 26, 350–1 (hard words)
Garner’s Dictionary p 31
Gowers’ Plain Words p 201

advantageous

Usage—consider alternatives
Try—useful / helpful / beneficial / favourable

Example of no change
1 The lessor may offer to lease the premises to someone other than the tenant only if it would be substantially more advantageous to the lessor to lease the premises to the other person.

Examples of change
1 An electricity supplier must not supply electricity to a person who uses alternative energy services on terms less advantageous favourable than the supplier’s standard customer contract.
2 The award or agreement gives an employee rights that are more advantageous favourable to the employee.

Further reading
Gowers’ Plain Words p 201

adverse

Usage—consider alternatives
Try—unfavourable / harmful / against

Extra information
1 Used if it has a technical legal meaning
2 Formal word with archaic overtones
3 For adversely affected, see aggrieved.

Example of no change
1 The person in adverse possession obtained good title against the owner.
adverse [continued]

examples of change
1 the judge made an adverse finding a finding against
2 No adverse unfavourable inference may be drawn from the defendant’s silence.
3 The drug had adverse harmful side effects.

further reading
Butterworths Legal Dictionary pp 32 (adverse effect discrimination, adverse inference, adverse possession), 33 (adverse security assessment, adverse witness)
Fowler’s English Usage p 28 (adverse, averse)

advert to

usage—never use
try—mention / referred to / avert
extra information
1 formal phrase
2 Advert is sometimes confused with avert. Advert to is to refer to or mention something. Avert is to ward off, turn away or avoid something.

examples of change
1 The person must not advert to matters that are not necessary for that purpose.
2 Counsel must not advert to evidence that is not admissible.

further reading
Fowler’s English Usage p 28
Garner’s Dictionary pp 33 (advert; avert), 93 (avert)
Gowers’ Plain Words pp 18, 201
Longman English Usage p 21 (advert, avert)
Partridge p 7 (advert; avert)
Working Words p 20 (advert/avert)

advise

usage—consider alternatives
try—tell / inform / state / say / mention / notify / announce / recasting
extra information
1 commercialese or pomposity for tell, say or mention
2 Advise has the connotation of counselling; of giving advice. It does not mean the same as tell.

examples of no change
1 A lawyer may advise a client about how to plead to a charge.
2 The functions of the council are ... to advise the Minister on any aspect of the ACT government school system.
advise [continued]

division of change

1 The director-general must advise [-] the person, in writing, about the decision.

further reading
Fowler’s English Usage pp 29 (advise, advice), 163 (commercialese)
Garner’s Dictionary p 33
Gowers’ Plain Words p 18
Longman English Usage p 22 (advice, advise)
Partridge pp 7, 225 (commercialese or business English)
Working Words pp 20–1 (advice/advise/counsel)

affect

usage—consider alternatives

try—change / hinder / delay / stop / ♦ effect

extra information

1 vague word

2 Affect and effect are frequently confused. Affect is normally used only as a verb, meaning to influence, have consequences, make a change in, impress or assume a pose. Effect is used both as a verb and a noun, but most commonly as a noun. As a verb, it means to bring about, cause, accomplish, produce or result in. As a noun, it means a result, consequence or impression.

3 For the use of stop, see cease.

examples of no change for affect and effect

1 A person whose interests are affected by a reviewable decision may apply to the ACAT for review of the decision. (verb)

2 A person must not make a false or misleading representation about the effect of a warranty, guarantee, right or remedy. (noun)

examples of change

1 if the procedures will be affected by changed because of the incident

2 if the flight is affected delayed by bad weather

3 there is potential for the affects effects of waste to be cumulative

4 if a person does something to a fire alarm that affects hinders the effective use of the alarm

further reading
Cambridge Guide p 27 (affect or effect)
Fowler’s English Usage p 31 (affect, effect)
Garner’s Dictionary p 34 (affect; effect)
Garner’s Legal Style p 101 (affect; effect)
Gowers’ Plain Words p 201
Howard’s Handbook p 12 (affect/effect)
Longman English Usage p 23 (affect, effect)
Partridge p 8 (affect and effect)
Working Words p 21 (affect/effect)
**affirm**

**[as to truth]**

😊 usage—consider alternatives

try—swear / take / state (as a fact) / assert (strongly and publicly) / declare (support for) / omitting

extra information

1 formal word

2 Consider if it is necessary to deal expressly with both swearing and affirming. Usually it is sufficient to deal only with swearing an oath (see LA, dict, pt 1, defs oath, swear an oath and take an oath).

example of no change

1 A person must take an oath or make an affirmation before giving evidence.

example of change

1 an affidavit that has been properly sworn or affirmed

**affirm**

**[confirm]**

😊 usage—consider alternatives

try—confirm / uphold

extra information

1 formal word

examples of change

1 The court may affirm confirm the decision appealed against.

2 The magistrate’s order was affirmed upheld on appeal.

further reading

Garner’s Dictionary p 35
Partridge p 39 (assert)

**affirmative**

😊 usage—avoid using

try—recasting (using words to the effect of yes or in favour) / positive

extra information

1 formal word

2 See also in the affirmative.

example of no change

1 affirmative action
**affirmative [continued]**

**examples of change**
1. if members vote **in the affirmative** for the resolution
2. the test affirmed a positive test result

**further reading**
Fowler’s English Usage p 32
Garner’s Dictionary p 36 (affirmative, in the; negative, in the)
Gowers’ Plain Words p 201
Longman English Usage p 24
Partridge p 28 (answer was...)

**affix**

😊😊  **usage**—never use

try—attach / fix

**extra information**
1. formal word

**examples of change**
1. if the seal of the corporation is affixed, fixed to the document
2. The notice may be served by securely affixing attaching it to the vehicle.
3. whether or not affixed attached to land

**afford**

😊  **usage**—consider alternatives

try—give / provide

**extra information**
1. formal word

**example of no change**
1. if the person cannot afford the cost of obtaining assistance from a private lawyer

**examples of change**
1. The thing will afford provide evidence of the commission of an offence.
2. afford give a person a reasonable opportunity to make submissions

**further reading**
Garner’s Dictionary pp 14–15 (accord; afford)
Gowers’ Plain Words p 202

**after**

see—on and after
### afternoon

[for time]

<table>
<thead>
<tr>
<th>usage—avoid using</th>
<th>pm</th>
</tr>
</thead>
</table>

**extra information**

1. Use pm/am, without full stops and with a space between the number and pm/am.
2. *Afternoon* is not usually precise enough for formal writing.
3. See also *12 am / pm* (in the chapter on figures).

**example of no change**

1. A shift worker is entitled to extra pay for non-rotating afternoon and night shifts.

**example of change**

1. five o’clock in the afternoon 5 pm

**further reading**

Partridge p 17 (*a.m., pm.*)

### afterward / afterwards

[as an adverb]

<table>
<thead>
<tr>
<th>usage—consider alternatives</th>
<th>afterwards / later</th>
</tr>
</thead>
</table>

**extra information**

1. Prefer *afterwards* to afterward.
2. However, for the increasing trend not to use an ‘s’ in words ending in -ward(s), see *forward / forwards*.

**examples of no change**

1. The making of a roads compensation order does not prevent another court or tribunal from afterwards awarding damages or compensation in a civil proceeding.
2. The person executing the order must afterwards return the prisoner to the custody from which the person has been brought.

**example of change**

1. a person who was a director of the corporation when the corporation first became liable to pay the assessment amount, or at any later time afterward

**further reading**

Cambridge Guide pp 849-50 (*-ward or -wards*)
Fowler’s English Usage pp 32–3
Garner’s Dictionary p 924 (*-ward(s)*)
Howard’s Handbook p 13 (*after/afterwards/in the wake of*)
Longman English Usage p 24
Working Words p 23
age

usage—consider alternatives
try—recasting / omitting

extra information
1 In describing a particular age, generally prefer an alternative.
2 See DPG, ch 14, ‘Age’.

example of no change
1 if the child is under the age that the first of the following happens

examples of change
1 Adult means an individual who has attained the age of 18 years is 18 years old or older.
2 Child means an individual who is under 18 years of age old.

further reading
Fowler’s English Usage p 33
Longman English Usage pp 24–5

aggregate

usage—consider alternatives
try— ► total / ► sum / amount / quantity / recasting (using, eg all)

extra information
1 The primary meaning of aggregate is ‘to bring together a mass of discrete things or individuals into a whole’. (Garner’s Dictionary)
2 Aggregate should not be used as a pretentious word for total.
3 Aggregated together is a redundancy.

examples of change
1 fines aggregating totalling $100 000 or more
2 for a period of, or for periods that aggregate total, not less than 3 years
3 the aggregate of total amounts paid or payable by the person

further reading
Garner’s Dictionary pp 39 (aggregate; aggregation), 39 (aggregate)
Longman English Usage p 25
Partridge p 9

aggrieved

usage—avoid using
try— (adversely) affected / recasting

extra information
1 Use only as a defined term.
2 Aggrieved implies a feeling of resentment at having been unfairly treated.
3 For a party’s appeal or review rights, only need to specify who can appeal or seek review.
aggrieved [continued]

4 For reference to third-party appeal or review rights, use adversely affected other than for ACAT review. Avoids emotional overtones of aggrieved. For ACAT review, see example of change 3 and the ACT Civil and Administrative Tribunal Act 2008, s 22Q (4) (which provides that the tribunal may decide whether or not a person’s interests are affected by a decision).

examples of no change

1 aggrieved person means a person against whom conduct that may be domestic violence has been, or is likely to be, directed.

2 For this Act, a reference to a person aggrieved by a decision includes a reference to a person whose interests are adversely affected by the decision.

examples of change

1 In deciding whether to issue a notice, the registrar must consider any reasonable precautions that a person aggrieved adversely affected by the nuisance has or has not taken to avoid or minimise the effects of the nuisance.

2 An application for reinstatement of the registration may be made to the court by a person aggrieved adversely affected by the deregistration.

3 The following may apply to the ACAT for review of a reviewable decision:

   (a) an entity prescribed by regulation in relation to the decision;
   (b) any other person aggrieved whose interests are affected by the decision.

4 If the applicant is aggrieved by the authority’s decision, the applicant may appeal. The applicant may appeal against the authority’s decision.

further reading

Butterworths Legal Dictionary p 40 (aggrieved; aggrieved person)
Garner’s Dictionary p 39 (aggrieve)

agree on / to

😊 usage—consider alternatives

try—permit / approve

extra information

1 Agreeing on something implies mutual consent between people. Agree on is, therefore, not appropriate for a permission or approval given unilaterally.

2 See also mutually agree.

examples of no change

1 if the parties are unable to agree on a provider

2 the parties may agree on the process to be used by the mediator

3 a statement signed by the employer, and each organisation, that they agree to the extension

example of change

1 if the authority agrees to approves the application

further reading

Butterworths Legal Dictionary p 41 (agreement)
Fowler’s English Usage p 34
### agree on / to [continued]

Garner’s Dictionary pp 39–40 (agree with; agree to; agree on)
Garner’s Legal Style p 196 (agree and covenant)
Gowers’ Plain Words p 202
Longman English Usage p 26
Partridge p 9

### aid

👩‍💻 usage—consider alternatives
try—help / assist / encourage / recasting

#### extra information

1. Aid, abet, counsel and procure are still to be used in relation to the commission of offences (see the Criminal Code, s 45 (Complicity and common purpose)).

#### examples of no change

1. foreign aid
2. legal aid

#### examples of change

1. An enforcement officer executing the warrant may ask a police officer to aid help the enforcement officer exercise the enforcement officer’s powers under the warrant.
2. that the person may be able to aid assist the police officer execute a preventative detention order

#### further reading

Butterworths Legal Dictionary p 42 (aid and abet)
Cambridge Guide p 33 (aid or aide)
Fowler’s English Usage pp 36–7
Garner’s Dictionary p 40 (aid and abet)
Garner’s Legal Style p 196 (aid and abet)
Gowers’ Plain Words p 202
Longman English Usage p 26 (aid, aide)
Partridge p 39 (assist to)

### aim for

🎈 usage—never use
try—aim at

#### extra information

1. non-standard English

#### further reading

Fowler’s English Usage p 37 (aim)
Garner’s Dictionary p 40 (aim to; aim at)
Gowers’ Plain Words p 190

### alia

see—inter alia
alibi

**usage**—consider alternatives

**try**—excuse / defence

**extra information**

1. Only use for contexts consistent with original meaning.
2. To plead an *alibi* originally meant to rebut a charge by providing evidence that the person charged was somewhere else at the time of the offence. However, *alibi* is now frequently used to mean any excuse or defence.

**examples of no change**

1. call a person to give evidence in support of an alibi
2. evidence to disprove an alibi

**example of change**

1. if the person has an alibi excuse for not voting

**further reading**

Butterworths Legal Dictionary p 45
Fowler’s English Usage p 40
Garner’s Dictionary pp 41–2, 813 (slipshod extension)
Garner’s Legal Style pp 101, 194
Gowers’ Plain Words pp 202–3
Howard’s Handbook p 15
Longman English Usage pp 27–8
Partridge p 12
Working Words p 25

all

**usage**—consider alternatives

**try**—a / an / the / omitting

**extra information**

1. *All* should be used only when necessary. *All* may be appropriate if the collective application of a provision needs to be emphasised. However, *all* is generally unnecessary for plural subjects.
2. See also *all ...not; all of; any and all; at all times.*

**examples of no change**

1. The committee must report all findings to the director-general.
2. if the applicant took all reasonable steps to ensure

**examples of change**

1. All members hold A member holds office for 3 years.
2. All applicants An applicant served with a copy of a notice

**further reading**

Fowler’s English Usage p 41
Partridge p 13
### allay

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>remove / avoid / relieve / alleviate / diminish / reduce</td>
</tr>
</tbody>
</table>

### extra information

| 1 | formal word |

#### example of change

| 1 | to allay remove any doubt, the outworker is taken to be a worker if |

### allege [also allegation]

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>claim / state / mention / contend / declare / assert / maintain / recasting (using eg charge)</td>
</tr>
</tbody>
</table>

### extra information

| 1 | formal word |
| 2 | To allege is formally to state a matter of fact as being true or provable, without yet having proved it (Garner’s Dictionary). |
| 3 | Alleged has accusatory connotations and may suggest guilt of a crime or misconduct. It may be appropriate for contexts involving proceedings. It is inappropriate for more neutral contexts. |

#### examples of no change

| 1 | if a pleading alleges or otherwise deals with several matters |
| 2 | damage alleged to have happened because of the defendant’s negligence |

#### examples of change

| 1 | may allege claim that the person is a related victim |
| 2 | The commissioner must, in writing, allege state the name and postal address of each candidate. |

#### further reading

- Butterworths Legal Dictionary p 47 (allegation)
- Fowler’s English Usage p 41 (alleged)
- Garner’s Dictionary pp 43 (allege; contend), 43–4 (allegedly)
- Garner’s Legal Style p 107 (claim)
- Howard’s Handbook p 16 (allege/allegation)
- Longman English Usage p 28
- Partridge p 13

### all … not

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>not all / every / no</td>
</tr>
</tbody>
</table>

#### extra information

| 1 | Recast in positive terms if possible. |
| 2 | For negative constructions, prefer not all to avoid ambiguity. |
| 3 | See also not. |
all ... not [continued]

examples of change
1 This section applies if all parties do not concur in the appointment of an arbitrator. Every party does not agree to the appointment of an arbitrator OR a party does not agree to the appointment of an arbitrator.
2 All rules to be followed by road users are not included in the Australian Road Rules. The Australian Road Rules do not include all the rules to be followed by road users.

further reading
Garner’s Dictionary p 43 (all B)
Garner’s Legal Style p 101

allocate

Usage—consider alternatives
Try—give / divide / set apart / designate / assign / distribute

extra information
1 formal word

example of no change
1 The president must not allocate an assessor to a tribunal unless

examples of change
1 The shares must be allocated distributed among the survivors.
2 An agency head must allocate give an approved classification level to each job in the agency.
3 to allocate divide the costs of environmental protection and restoration equitably the Minister must

further reading
Butterworths Legal Dictionary p 47

all of

Usage—consider alternatives
Try—All

extra information
1 All of is needed before personal pronouns (eg them) and whom, whose and which. In other cases, all of is unnecessary and should be replaced by all.

examples of no change
1 if 1 or more, but not all of them, stops being a pensioner
2 This section does not apply to a bare trustee for people all of whom are entitled in possession.
all of [continued]

example of change

1 All of the claims were dismissed.

further reading

Fowler’s English Usage p 41 (all 1)
Garner’s Dictionary p 43 (all A)
Garner’s Legal Style p 102
Howard’s Handbook p 16
Longman English Usage p 28 (all 1)
Partridge p 13 (all)
Working Words p 25 (all/all of)

allowed

see—is / are allowed to

allows

see—where / if the context permits / allows

allude to

😊 usage—consider alternatives

try—▶ referred to / (indirectly or briefly) ▶ mention / suggest

extra information

1 formal word
2 For the difference between illusion, delusion and allusion—see illusion.
3 To allude is to indirectly mention, to refer is to directly or specifically mention.
4 Allude and elude are sometimes confused. To elude is to avoid, escape or evade or an elusive concept is one that is difficult to understand (Blamires Plain English).

eamples of no change

1 For this section, the publication of a reference or allusion to a person is taken to be a publication of the person’s name if—
2 A person must not make, or allude to, allegations under privilege against someone else.

eample of change

1 the definition of the term alluded to mentioned in subsection (1)

further reading

Cambridge Guide pp 207 (delusion or illusion), 250 (elusive or allusive)
Fowler’s English Usage p 44 (allusion, allude)
Garner’s Dictionary pp 45–6
Garner’s Legal Style pp 102 (allude; elude)
Howard’s Handbook p 17 (allude/refer)
Longman English Usage p 29 (allude, elude)
Partridge p 15 (allude) and (allusion; reference)
Working Words p 27 (allude/elude/evade; allusion/illusion/delusion; allusive/elusive/illusive)
alter

usage—consider alternatives

try—change / amend / modify

extra information
1 Alter and change overlap in their meanings. However, alter may suggest a relatively slight change.
2 Use amend for changes to legislation.
3 Do not use alter in the sense of an amendment, change or modification altering something.

examples of no change
1 the date when the machine was opened, repaired, adjusted or altered
2 A person commits an offence if—
   (a) a notice is displayed under subsection (1); and
   (b) the person removes, alters, damages, defaces or covers the notice while the notice is in force.

examples of change
1 The director-general must alter amend the licence or refuse to alter amend the licence.
2 A person’s name may be altered changed by registration of the alteration change.

further reading
Butterworths Legal Dictionary p 49 (alteration)
Gowers’ Plain Words p 203
Howard’s Handbook pp 18–9 (alter/change)
Longman English Usage p 31 (alter/alter)
Working Words p 29 (alter/alter)

alternate
[also alternately]
[as an adjective]

usage—consider alternatives

try—recasting / alternative

extra information
1 Alternate strictly means by turns, or every other one or second in a series—compare alternative.

examples of no change
1 a government member elected in accordance with the relevant procedures or an alternate government member elected
2 The lessor must, in every alternate year, paint the outside woodwork.
3 The air pipe must be made of alternate layers of rubber and canvas and must be reinforced with steel wire.
**alternate**  
*also alternately*  
*as an adjective*  
[continued]

### example of change

1. The *alternate* energy efficiency requirements for the unaltered part of a substantially altered building are as follows

### further reading

Cambridge Guide p 39 (*alternate* or *alternative*)  
Fowler’s English Usage p 45  
Garner’s Dictionary p 47 (*alternate*; *alternative*)  
Garner’s Legal Style p 102 (*alternative*; *alternate*)  
Gowers’ Plain Words pp 203–4 (*alternate(ly), alternative(ly))  
Howard’s Handbook p 19 (*alternate/alternative*)  
Longman English Usage p 31 (*alternate, alternative*)  
Partridge p 16 (*alternate and alternative*), 377 (vogue words)  
Working Words p 29 (*alternate/alternative*)

### alternative

*also alternatively*

😊 **usage**—consider alternatives  
**try**—different / other / new / revised / fresh / or / substitute / alternate / option

#### extra information

1. Can be a vague word (eg alternative energy, alternative medicine)  
2. *Alternative* means available as another possibility or choice—compare *alternate*.  
3. *Alternative* originally meant 1 of 2 choices. However, the word is now used to mean 1 of any number of choices.  
4. Use *no alternative* rather than *no other alternative*.

#### examples of no change

1. If a performance requirement of the building code is to be complied with by use of an alternative solution under the code  
2. May find the defendant not guilty of the offence charged but guilty of the alternative offence  
3. Establish alternative dispute resolution committees and prescribe the functions the committees may exercise
**alternative**

[also alternatively] [continued]

examples of change

1 alternative solar energy [What can be substituted depends on the context.]

2 if the destination of the driver’s vehicle is a place reached from the road and there is no alternative other route by which to reach the destination

3 for a period less than 36 hours with no alternative other carer arrangements in place

further reading

Cambridge Guide p 39 (alternate or alternative)

Fowler’s English Usage pp 45–6

Garner’s Dictionary p 47 (alternate; alternative)

Garner’s Legal Style p 102 (alternative; alternate)

Gowers’ Plain Words pp 17, 203–4 (alternate(ly), alternative(ly))

Howard’s Handbook p 19 (alternate/alternative; alternative)

Longman English Usage pp 31 (alternate, alternative), 31–2 (alternative)

Partridge pp 16 (alternate and alternative), 17 (alternative and choice), 377 (vogue words)

Working Words p 29 (alternate/alternative)

**ambiguous**

see—ambivalent

**ambivalent**

_usage_—never use

_try_—ambiguous / recasting

**extra information**

1 formal word

2 Ambivalent means wavering or uncertain in direction or tendency. Originally it meant a psychological state in which a person suffers from irreconcilable desires.

3 Ambiguous means have more than 1 possible meaning. Ambivalent and ambiguous are often confused. There is a tendency to consider ambiguous as derogatory.

4 Ambiguous is sometimes used as a synonym for vague, but this should be avoided.
ambivalent [continued]

examples of change
1 if the provision is ambivalent ambiguous
2 a person whose sex is ambivalent an intersex person

further reading
Cambridge Guide p 41 (ambiguity)
Fowler’s English Usage p 47
Gowers’ Plain Words pp 40, 204
Howard’s Handbook p 20 (ambiguous)
Longman English Usage pp 34–5 (ambiguous, ambivalent)
Partridge p 377 (vogue words)
Working Words pp 30–1 (ambiguous/ambiguity), 31

ameliorate

😃😃 usage—never use
try—improve / lessen / mitigate / reduce / recasting

extra information
1 formal word
2 *Ameliorate* means to make or become better. It is not a synonym for *lessen* or *reduce*.
3 *Ameliorate* is also sometimes confused with *counteract* or *mitigate*. You can *ameliorate* conditions, but not difficult circumstances.

examples of change
1 The official visitor must return to the facility to find out if the conditions have *ameliorated* improved.
2 that the development incorporates measures to *ameliorate* reduce potential traffic noise
3 limit the consequences of the offence or *ameliorate* mitigate the damage caused by the offence

further reading
Garner’s Dictionary p 50 (ameliorate; meliorate)
Gowers’ Plain Words p 204
Longman English Usage p 35
Partridge p 25
Working Words p 31

amend

see—alter

amend and alter

see—alter
amenity

Usage—consider alternatives

Try—facilities / recasting (using agreeable / useful / convenient / comfortable) / omitting

Extra information

1 form word
2 vogue word to describe facilities (generally of an attractive or desirable kind)
3 Amenity is a concept in planning law.

Examples of no change

1 will not detract from the amenity of the surrounding area
2 amenities means facilities for the welfare or personal hygiene needs of people.

Examples toilets, seating, meal rooms, change rooms, drinking water, lockers for personal belongings and showers or washing facilities.

Examples of change

1 a description of the amenities facilities to be provided as part of the proposed development
2 A privilege, in relation to a young detainee, is any amenity, facility or opportunity the young detainee may have the benefit of in detention.

Further reading

Butterworths Legal Dictionary p 52
Fowler’s English Usage p 48
Garner’s Dictionary p 50 (amenability; amenity)
Gowers’ Plain Words p 204
Longman English Usage p 35

among

Usage—consider alternatives

Try—between

Extra information

1 Between should be used to express the relation of a thing to many surrounding things together and individually. Among should be used to express a relationship between them collectively and vaguely.

2 Between suggests the idea of separating, and among suggests right in the middle of.

3 It is not correct that between must be used for 2 things and that among must be used if there are more than 2. However, among is generally still reserved for situations where at least 3 things are involved.

Examples of no change

1 The Minister must, to the greatest extent practicable, ensure that the following people are among the members appointed:
2 trade and commerce with other countries, and among the States
among [continued]

**examples of change**
1. a treaty among between 4 countries
2. choose among between the 5 candidates
3. among between 2 spouses

**further reading**
- Cambridge Guide pp 44 (amid(st) or among(st)), 90 (between or among)
- Fowler’s English Usage pp 49 (among, amongst), 106 (between 2)
- Garner’s Dictionary pp 53, 105–6 (between A), 857 (superstitions—H. Never use between with more than two objects)
- Garner’s Legal Style p 103 (among; between)
- Gowers’ Plain Words pp 107–8
- Howard’s Handbook p 49 (between; between/among)
- Longman English Usage p 37 (among(st))
- Partridge p 48 (between and among)
- Working Words p 32 (among/between)

**amount equal to (the)**

 себе—avoid using

try—omitting / recasting

**extra information**
1. verbosity

**examples of no change**
1. The change of use charge for the variation must be increased by an amount equal to 25% of the added value for the variation.
2. The territory entity must pay to the ACAT trust account an amount equal to the filing fee for the application.
3. the payment by the grantee to the Minister of an amount equal to the amount of the grant or part of the grant if the grantee contravenes the agreement
4. The amount payable to the insurer is the amount equal to double the difference between the premium the employer paid and the premium the employer would have paid

**example of change**
1. an order that the person pay the Territory an amount equal to no more than—
   (a) for an individual (other than a utility)—$10 000; or
   (b) for a corporation (other than a utility)—$50 000; or

**analogous**

 себе—consider alternatives

try—similar

**extra information**
1. formal word
analogous [continued]

example of no change
1 an amount that, although not payable under a contract of employment, is analogous to wages or salary

examples of change
1 overbraced or underbraced jib cranes used in blacksmithing, boilermaking, welding or analogous similar duties
2 must not include compensation for shock, distress or humiliation, or other analogous similar hurt, caused to the person

further reading
Fowler’s English Usage p 51
Garner’s Dictionary p 54 (analogous; analogical)
Gowers’ Plain Words p 205
Longman English Usage pp 38–9
Partridge p 27 (analogous and similar)
Working Words p 33 (analogy/analogous)

and

😊 usage—consider alternatives
try—recasting / both … and / omitting and starting a new sentence

extra information
1 And should be used only in a conjunctive sense, ie to join matters.
2 However, and has been judicially interpreted in a disjunctive sense. If necessary, the conjunctive sense of and can be made more certain by recasting or using both ... and (see both).
3 It is incorrect to write and which (and similar expressions such as and who, and where, but which and or which) except by way of introducing a second relative clause with the same antecedent as the one that has just preceded it. Gowers (in Gowers’ Plain Words) states that ‘she is a young woman of amiable manners and who does honour’ is wrong, but it is correct usage if there is a relative in the first part of the sentence: ‘She is a young woman whose manners are amiable and who’. If possible, avoid the use of and which and similar expressions.
4 And should be used to join units of the same kind and not, for example, unequal phrases.
5 Nouns joined by and require a plural verb form unless they are considered a unit, eg Hide and seek was fun.
6 If and joins 2 different concepts, consider making 2 provisions out of them.
7 Do not substitute while for and just to vary the connective.
8 See DPG, ch 15, “‘And’ and ‘or’ at end of paragraphs”.
and [continued]

example of change
1 if the buyer is both a wholesaler and retailer

further reading
Asprey pp 187–192 (*And and or*)
Cambridge Guide p 49
Fowler’s English Usage pp 52–3
Garner’s Dictionary pp 55–6
Garner’s Legal Style pp 18, 49–50, 71, 76
Gowers’ Plain Words pp 98 (sentences beginning with *and*), 98–100 (*And which*), 188 (*and which*)
Howard’s Handbook p 24
Longman English Usage pp 39–41
Partridge pp 27-8 (*and to and yet which*)
Working Words pp 34–5, 35–6 (*and which*)

and / or

usage—never use
try—▶ or ▶ *and / recasting (using A or B or both)*

extra information
1 *And/or* is a way of giving 3 alternatives by only mentioning 2, ie A and/or B means A alone, B alone or both A and B. If it involves more than 2 items, the reader may have to think too much about the alternatives.

example of change
1 During the peak business period, an employee may only take annual leave on the first and/or the second day of the period [*Can the employee take leave on both days, or only 1 day?*] Recast:
   During the peak business period, an employee may only take annual leave on the first or second day of the period, but not on both days.
   or
   During the peak business period, an employee may only take annual leave on the first or second day of the period, or on both days.

further reading
Asprey pp 192–3
Cambridge Guide pp 49-50
Fowler’s English Usage p 53
Garner’s Dictionary pp 56–7
Garner’s Legal Style pp 28, 103
Gowers’ Plain Words pp 16, 188
Howard’s Handbook p 24
Longman English Usage p 41
Partridge p 27
Working Words p 35

angle

usage—consider alternatives
try—recasting / *approach*
angle [continued]

extra information
1 Used in the context of mathematical angles. Do not use to mean point of view, standpoint or viewpoint. Also, do not use angle in the sense of approach or technique.

examples of no change
1 The distance measured at right angles between the rear overhang line of a vehicle and the rear of any load the vehicle is carrying
2 angle parking

example of change
1 if the problem-solver decides that a new angle approach is needed to solve the problem

further reading
Fowler’s English Usage p 54
Gowers’ Plain Words pp 61–2
Longman English Usage p 42
Partridge pp 28, 330 (standpoint; point of view; viewpoint; angle and slant)

annex
[as a verb]

 usage—avoid using
 try—attach / add / take (without permission)

extra information
1 formal word
2 The verb is always spelt annex. The noun is spelt annexe.
3 Generally used only in court rules.

example of no change
1 the following documents must be annexed to the supporting affidavit (or a relevant supporting affidavit)

examples of change
1 the examiner must annex attach to the deposition of the other person the consent of each party
2 a certificate of conviction, or certified copy of conviction annexed attached to the affidavit

further reading
Fowler’s English Usage p 55
Garner’s Dictionary pp 59, 369 (formal words)
Howard’s Handbook p 25
Partridge p 28
Working Words p 36 (annex/annexe)

another person

see—DPG, ch 14, ‘Another person / someone else’
anticipate / anticipation

 usage—consider alternatives

 try—expect / predict

 extra information

1 It has been suggested (e.g., see Gowers’ Plain Words and Garner’s Dictionary) that anticipate should not be used as a synonym for expect and that anticipate should be used to convey the idea of forestalling an event or foreseeing an event and doing something about it before it happens. On this approach, anticipate is used only with a noun or pronoun, never with an infinitive or that-clause.

2 Although anticipate is now frequently used as synonym for expect, the better approach is to use anticipate only in the narrower sense suggested above.

3 Anticipate may mean to predict and sometimes also to act before a predicted event occurs. If action is required then this should be made clear, if necessary, as in example 2 of examples of change.

 examples of no change

1 the commissioner may authorise payment of a grant in anticipation of compliance with the residence requirements

2 the Supreme Court may make an order in a proceeding or in anticipation of a proceeding in the court

 examples of change

1 it was reasonable to anticipate expect that the information would be readily accessible

2 to anticipate predict and resolve problems that may arise in the application of this Treaty

3 taking into account anticipated expected land releases

 further reading

Fowler’s English Usage pp 56–7
Garner’s Dictionary p 63
Gowers’ Plain Words pp 33, 51, 205
Howard’s Handbook p 26 (anticipate/expert)
Longman English Usage p 46
Partridge pp 28–9 (anticipate and expect)
Working Words p 37
any

 usage—consider alternatives
 try—a / an / each / the / 1 or more / 2 or more / omitting / recasting

 extra information
 1 Any is frequently overused in drafting.
 2 Use any (or if any) to indicate the possibility that there will not be any. Any may also be used (sparingly) for emphasis.
 3 Any may be ambiguous. In some contexts it can mean every.
 4 Any should not be followed by a negative verb.
 5 Any may be either singular or plural, but the singular usage is rarer.
 6 See also any and all / any or all; any other; at any time; if any.

 example of no change
 1 if, for any reason, it is not practicable to comply with subsection (1),

 examples of change
 1 without any a resolution of the merging council
 2 in giving any information or advice to the Minister
 3 a person who exercises any of the powers a power of the owner
 4 The authority may remove any a buoy that is obstructing navigation.
 5 The committee may be given any 1 or more of the following functions in a reference:
 6 A licence may authorise the licensee to do any 1 or more of the following things:

 further reading
 Asprey pp 165–6, 220 (any, each, every and all)
 Fowler’s English Usage pp 57–9
 Garner’s Dictionary pp 26 (adjectives G), 65
 Garner’s Legal Style p 196 (any and all)
 Longman English Usage p 45
 Partridge p 29
any and all / any or all

usage—never use
try—► all / ► any / ► each / 1 or more / (2 or more) / recasting
extra information
1 doublet
2 unclear

examples of change
1 The Minister may appoint the same person to any and all 2 or more of the following offices: … [if the power to appoint exists elsewhere]
2 The Minister may appoint a person to any and all 1 or more of the following offices: … [if the provision contains the power to appoint]

further reading
Garner’s Dictionary p 65
Garner’s Legal Style p 196

any other

usage—consider alternatives
try—another / recasting (using eg anyone else / someone else / ► any)

examples of no change
1 the register may include information about licences and any other information the commissioner considers appropriate
2 this section is additional to the court’s other powers under this Act or any other territory law

examples of change
1 if goods are found by the manager of a public pool or any other person someone else
2 A proceeding may be brought against the person who did the act or any other person anyone else knowingly concerned in the doing of the act.
3 address for service, for a plaintiff, defendant or any other person anyone else, means

further reading
Howard’s Handbook p 27 (any/any other)
apparent

😊 usage—consider alternatives
try—clear / plain / obvious / recasting / omitting
examples of no change
1 property in apparent control of a person
2 a thing’s apparent value
examples of change
1 unless it is apparent obvious from the circumstances of any health service provided
2 if it becomes apparent clear to the trustee that the trustee has an actual or potential conflict of interest
3 to correct a clerical error or apparent mistake

further reading
Fowler’s English Usage p 62
Garner’s Dictionary p 66
Gowers’ Plain Words p 205

appear

see—it appears that / it would appear that

append

😊😊 usage—never use
try—attach / give with / recasting (using eg at the end / add to the end)
extra information
1 formal word
example of change
1 a document appended attached to the certificate

further reading
Garner’s Dictionary p 369 (formal words)

applicable

😊 usage—avoid using
try—that applies / applying / recasting
extra information
1 Can be used as part of a defined term. See the example of no change.
2 formal word
**applicable [continued]**

**example of no change**
1. This section is a determinative provision so far as it applies to an applicable law or applicable provision.

**examples of change**
1. meet any relevant ACT or Commonwealth government policies applicable that apply to the proposed use of the land
2. subject to the same conditions as were applicable that applied immediately before that time
3. may be made by an industrial award to vary the salary applicable applying in relation to an office

**further reading**
Fowler’s English Usage p 63
Garner’s Dictionary p 68

**application**

see—*make application*

**applies**

see—*to which this [provision] applies*

**appoint**

*[for date or time]*

😊😊 **usage**—never use
try—*fix / set / decide / recasting*

**extra information**
1. formal word

**example of change**
1. conclusive evidence that the day has been duly appointed in accordance with set under this section
appraise

usage—consider alternatives
try—value / assess (the value, quantity or performance of) / estimate (the value or quantity of)
extra information
1 formal word
2 For the use of appraise and apprise, see apprise.

examples of no change
1 representing the client in a case appraisal, mediation, arbitration, collaborative law practice and procedures, and any other form of alternative dispute resolution
2 performance appraisal of officers and employees
3 appropriate appraisal and pricing of environmental resources

examples of change
1 a balanced appraisal assessment of the consequences of any possible decision
2 the actuarial report must contain an appraisal estimate of the employer’s current outstanding liability in relation to compensable injuries

further reading
Fowler’s English Usage p 63 (appraise, apprise)
Garner’s Dictionary pp 69–70 (appraise; apprise)
Garner’s Legal Style p 103 (appraise; apprise; apprize)
Gowers’ Plain Words pp 205–6 (appraise, apprise)
Longman English Usage p 52 (appraise, apprise)
Partridge p 30 (appraise; apprise; apprize)
Working Words p 43 (appraise/apprize)

appreciable

usage—consider alternatives
try—considerable / substantial / significant / recasting / omitting
extra information
1 The alternative words may also be vague. Prefer a more precise description if possible.
2 May be used if policy requires flexibility.

examples of no change
1 in deciding whether a breach of a mass, dimension or loading requirement involves an appreciable risk of harm to public safety
2 may issue guidelines to be applied in deciding whether a proposed subordinate law or disallowable instrument is, or is not, likely to impose appreciable costs on the community or a part of the community
appreciable [continued]

examples of change
1 would cause appreciable substantial hardship for the customer
2 members who have demonstrated over an appreciable a considerable period of time

further reading
Gowers’ Plain Words p 52
Howard’s Handbook p 30

appreciate

usage—consider alternatives
try—understand / realise / recognise / increase (in value) / value (highly) /
 omitting

extra information
1 May be used in a financial context.

examples of no change
1 the owner or prospective owner of a lot may recover damages for the loss of a reasonably expected capital appreciation of the lot
2 those in the local Canberra community who value architecture and its contribution to the environment and the arts appreciate the innovative and visionary plan

examples of change
1 the ability of the person entering the premises to appreciate recognise the danger
2 impair their capacity to access and appreciate understand the warnings and public information being provided

further reading
Fowler’s English Usage pp 63–4
Garner’s Dictionary p 70
Gowers’ Plain Words p 206
Longman English Usage pp 52–3
Partridge p 30
Working Words p 43
**apprehend**

😊 usage—consider alternatives

try—arrest / detain / seize / believe / understand

extra information

1 Use only in the context of a person being detained.

example of no change

1 use the force and assistance that is necessary and reasonable to apprehend the person

examples of change

1 if there is reason to apprehend believe that a danger to people employed in any excavation work

2 If a warrant has been issued for a person’s arrest but the person has not yet been apprehended arrested.

further reading

Butterworths Legal Dictionary p 66 (apprehension)

Fowler’s English Usage p 64 (apprehend, comprehend)

Garner’s Dictionary p 70 (apprehend; comprehend)

Howard’s Handbook pp 30–1 (apprehend/comprehend)

Longman English Usage p 53 (apprehend, comprehend)

Partridge pp 30 (apprehended that, it is), 285 (reprehend)

Working Words p 43 (apprehend/comprehend)

**apprise**

😊😊 usage—never use

try—tell / appraise

extra information

1 formal word

2 Appraise and apprise are sometimes confused. To appraise is to fix the value of something or to assess the value of someone or something. By contrast, to apprise is to tell someone about something.

examples of change

1 agent must apprise tell the principal of all offers

2 a victim must be apprised of told about the charges against the accused

further reading

Fowler’s English Usage p 63 (appraise, apprise)

Garner’s Dictionary pp 69–70 (appraise; apprise)

Garner’s Legal Style p 103 (appraise; apprise; apprise)

Gowers’ Plain Words pp 205–6 (appraise, apprise)

Longman English Usage p 52 (appraise, apprise)

Partridge p 30 (appraise; apprise; apprize)

Working Words p 43 (appraise/apprize)
appropriate

usage—consider alternatives
try—right / suitable / proper / recasting (using more precise words)
extra information
1 Can be used in relation to the appropriation of funds.
2 Try to be more specific if possible.
3 See also as appropriate.
examples of no change
1 the Supreme Court may transfer the federal proceeding if it considers it appropriate, having regard to the interests of justice
2 all payments made under this section for the next financial year are taken for all purposes to have been paid out of money appropriated by that Act
examples of change
1 in accordance with appropriate proper accounting standards
2 In deciding whether premises are appropriate suitable premises for a licence or permit, the commissioner must consider [suitable premises is a defined term]

further reading
Gowers’ Plain Words pp 206–7
Longman English Usage p 53

approximately / approximate

usage—avoid using
try—about / nearly / almost
extra information
1 Prefer about for approximations.
2 Approximately about is a tautology.
3 Approximate means very close. An approximate estimate is one that need not be exact, but should be as near to exact as you can conveniently make it.
4 Never use very approximate.
example of no change
1 upper surfaces of all catwalks must be approximately horizontal in transverse planes
examples of change
1 a bag that is designed to be used on a regular basis for approximately about 2 years
2 the lessor intends to repair or reinstate the premises or building between the dates approximately stated in the notice.

further reading
Garner’s Dictionary pp 8 (about; approximately), 71 (approximate; approximal; proximate; approximately), 369 (formal words)
Gowers’ Plain Words p 207
Partridge p 30
are

see—is / are to

area

😊 usage—consider alternatives
try—topic / issue / matter
extra information
1 Avoid using area as an omnibus word.
2 See also kind.

eamples of no change
1 the defendant had no reasonable grounds for suspecting that entry into the reserved area was prohibited
2 There may be more than 1 designated outdoor smoking area at the premises.

examples of change
1 the Governor-General has power to make ordinances for the ACT on a limited number of areas topics
2 rules dealing with similar areas matters under the Court Procedures Rules 2006

further reading
Garner’s Legal Style p 215

arguably

😊😊 usage—never use
try—recasting (using regarded as / might / may)
extra information
1 Sentence adverb. For example ‘She is arguably the greatest woman golfer of all time.’
2 ambiguous

eamples of change
1 leave may be granted if the judge is satisfied that the associate judge’s decision is arguably might be affected by error
2 financial or investment advice that could arguably be reasonably be regarded as being intended to influence the person to whom it is given

further reading
Fowler’s English Usage pp 66, 702–3 (sentence adverbs)
Garner’s Dictionary pp 791–2 (sentence adverbs)
Longman English Usage p 55
arising

😊 usage—consider alternatives
try—recasting (using eg because of / resulting from) / omitting
extra information
1 vague word
examples of no change
1 arising out of or in the course of employment
2 arising under the Constitution
examples of change
1 each question arising for decision to be decided
2 any shortfall arising because the levy is not enough
3 the respondent is liable for costs to the claimant arising resulting from the failure

further reading
Gowers’ Plain Words p 4 (arise)
Partridge p 36 (conjunctions disguised)

around

😊 usage—consider alternatives
try—about / nearly
extra information
1 Prefer about for approximations.
2 See also approximately.
example of no change
1 an inspector may enter land around the premises
example of change
1 if a person releases 20 or more balloons at or around about the same time

further reading
Fowler’s English Usage pp 67–8 (around, round)
Garner’s Dictionary p 75
Gowers’ Plain Words p 207
Howard’s Handbook p 3 (about/around/round)
Longman English Usage pp 56–7
Partridge p 36
Working Words pp 7 (about/around), 46 (around/round)
as

 usage—consider alternatives
 try—\textit{when} / \textit{while} / \textit{since} / \textit{because} / \textit{for} / \textit{like} / omitting

 extra information
 1 \textit{As} should generally not be used in the temporal sense of \textit{while} or \textit{when}, or in the sense of \textit{since} or \textit{because}. Its use in these senses may be ambiguous (see examples of change, example 2).
 2 See also other entries starting with \textit{as}; \textit{during such time as}; \textit{except as otherwise provided}; \textit{regarded as being}.

 examples of no change
 1 A regulation may apply, adopt or incorporate an instrument as in force from time to time.
 2 a person may apply for full registration as a teacher

 examples of change
 1 if the occupier is present at the premises \textit{as while} a search warrant is being executed
 2 the suspension takes effect \textit{as when} the notice is given to the licensee

 further reading
 Cambridge Style Guide p 65
 Fowler's English Usage pp 68–72
 Garner’s Dictionary pp 77–8, 78 (\textit{as} ... \textit{as} \textit{A}. And so ... \textit{as})
 Garner’s Legal Style pp 104–5
 Gowers’ Plain Words pp 100–1
 Howard’s Handbook p 34
 Longman English Usage pp 58–61
 Partridge pp 36–7
 Working Words pp 47–8, 48 (\textit{as\slash since\slash because\slash for})

 as a consequence of

 usage—avoid using
 try—\textit{because of} / recasting

 extra information
 1 compound preposition

 example of no change
 1 material that spontaneously emits ionising radiation \textit{as a consequence of} nuclear transformation

 examples of change
 1 if, \textit{as a consequence of} the operation \textit{because of} section 4,
 2 any covert surveillance records made \textit{as a consequence of} the covert surveillance

 further reading
 Gowers’ Plain Words pp 55, 216
as appropriate

<table>
<thead>
<tr>
<th>usage—never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—omitting / recasting</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 legalese</td>
</tr>
<tr>
<td><strong>example of change</strong></td>
</tr>
<tr>
<td>1 outside the time allowed under section 15 (1), (2) or (3), as appropriate [or under section 15].</td>
</tr>
</tbody>
</table>

as a / the result of

<table>
<thead>
<tr>
<th>usage—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—because of / recasting</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 compound preposition</td>
</tr>
<tr>
<td><strong>example of no change</strong></td>
</tr>
<tr>
<td>1 the child born as a result of the pregnancy</td>
</tr>
<tr>
<td><strong>example of change</strong></td>
</tr>
<tr>
<td>1 the claimant has incurred the cost of the rehabilitation services as a result of because of the personal injury caused by the motor accident</td>
</tr>
</tbody>
</table>

**further reading**
Gowers’ Plain Words p 260
Howard’s Handbook p 35

ascertain

<table>
<thead>
<tr>
<th>usage—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—find out / decide / determine / work out / calculate / learn / recasting</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 formal word</td>
</tr>
<tr>
<td>2 <em>Ascertain</em> means to find out by trial, examination or experiment, so as to know for certain (Macquarie Dictionary). It is not a synonym for find out.</td>
</tr>
<tr>
<td><strong>example of no change</strong></td>
</tr>
<tr>
<td>1 to ascertain whether the blood contains a pathogen</td>
</tr>
<tr>
<td><strong>examples of change</strong></td>
</tr>
<tr>
<td>1 The result of the polling at an election must be ascertained worked out by scrutiny in accordance with this part.</td>
</tr>
<tr>
<td>2 the wishes and feelings of the child or young person have been ascertained are known</td>
</tr>
</tbody>
</table>

**further reading**
Gowers’ Plain Words p 208
Longman English Usage p 62
Working Words p 49
as concerns / as regards / as respects

usage—never use
try—for / about / regarding / concerning / respecting / in relation to / omitting / recasting

extra information
1 compound preposition
2 verbose

examples of change
1 if a partnership is dissolved after a partner has assigned the partner’s share in the partnership, whether as respects in relation to all the partners or as respects the assigning partner,
2 as regards applications in respect of for applications in relation to a life estate or leasehold

further reading
Fowler’s English Usage p 663 (regard)
Garner’s Dictionary p 81 (as regards; as respects; as concerns)
Gowers’ Plain Words pp 55–6 (as regards)
Howard’s Handbook p 36 (as regards)

as / so far as … is / are concerned

usage—never use
try—on / for / to / recasting

extra information
1 verbose, vague
2 See also in so far as/insofar as.

examples of change
1 so far as concerns the formalities of for the making, varying or discharging of a contract
2 Except so far as concerns in relation to income converted by a trustee, this section does not apply to an action to recover arrears of income.

further reading
Fowler’s English Usage pp 169 (concerned), 284 (far 4)
Garner’s Dictionary p 79 (as far as)
Garner’s Legal Style p 104
Longman English Usage pp 158–9 (concerned)

as for

see—as to / as for
as from

Usage—avoid using
try—► from / after / ► on and after / recasting (using eg 6 months beginning on)

Extra information
1 compound preposition
2 As from may be ambiguous and should be used, if at all, with care.
3 Except when dealing with a retrospective date, the as in as from is a redundancy (but see LA, table 151, item 2 (Working out periods of time generally)).
4 See also as of.

Example of no change
1 Costs must be awarded to the claimant as from the day the proceeding began.
2 A statement to the effect that, as from registration of beginning on the day the transfer is registered, the transferee holds the shares non-beneficially
3 A partnership is dissolved as from on the date mentioned in the notice as the date of dissolution.

Further reading
Fowler’s English Usage p 70 (as 7)
Garner’s Dictionary p 79
Gowers’ Plain Words p 60
Howard’s Handbook p 35 (as from/as of)
Longman English Usage p 60 (as 11)
Working Words p 47 (as)

as of

Usage—never use
try—on / by the time / recasting (using eg when)

Extra information
1 As of can indicate the effective legal date of a document, eg when the document is backdated or the parties sign at different times (Garner’s Dictionary) but in other cases on or a more direct alternative, eg when, should be used.
2 See also as from; as of right.

Examples of change
1 The fee applies as of on and after the date of the notice.
2 The date as of which an order is entered is the date the order is taken to be made.
3 This Act is taken to have commenced as of on 1 January 2008.

Further reading
Fowler’s English Usage p 70 (as 7)
Garner’s Dictionary p 80 (as of A)
Howard’s Handbook p 35 (as from/as of)
Longman English Usage p 60 (as 11)
as of right

- usage—avoid using
- try—without leave / recasting
- extra information
  1. *As of right* is legal shorthand for as a matter of right. It means ‘by virtue of a legal entitlement’ (Garner’s Dictionary).
  2. When used in relation to a legal proceeding, it often means that a party may take action without permission of the court, as opposed to requiring the leave of the court.

example of no change
  1. This rule does not apply in relation to any debt on which interest is payable as of right, whether by agreement or otherwise.

eamples of change
  1. An appeal may be brought as of right without leave from an order of an amount of $2,000 or more.
  2. An appeal as of right lies. A person may appeal without leave to the Supreme Court in relation to any of the following orders of the Magistrates Court:

further reading
Garner’s Dictionary p 80 (*as of right*)

as long as / so long as

- usage—consider alternatives
- try—➤while / only if / ➤if
- extra information
  1. compound preposition that often implies a condition

example of no change
  1. A police officer may detain a person for as long as is reasonably necessary to conduct a search.
  2. The suspension period is twice as long as the suspension period that would have applied to the person if the person had not made the election.

example of change
  1. An auditor is taken to be on the list for so long as while the auditor’s name is on a list of auditors maintained under a corresponding law.
  2. A corporation is eligible to be licensed as long as only if the corporation has a nominee who is licensed.
  3. The building may be sublet with the part of the building separately from the remainder of the parcel of land, as long as if the part of the parcel of land sublet adjoins the part of the parcel of land with the building on it.

further reading
Fowler’s English Usage p 468 (*long*)
Garner’s Dictionary p 80
aspect

usage—consider alternatives

try—omitting / recasting

extra information

1 Aspect has the same traps for writers as angle and viewpoint. Its use can lead to vagueness.
2 Avoid using aspect as an omnibus word. See also kind.
3 See also angle.

eamples of no change

1 compliance with heavy vehicle road laws or stated aspects of heavy vehicle road laws
2 including any aspect of the treatment, living conditions, work or activities of the detainee

examples of change

1 The assessment must identify the positive aspects or benefits of the gaming machine proposal.
2 a plan for coordinating and managing the aspects of injury management

future reading

Garner’s Legal Style pp 31 (vague word), 215 (omnibus word)
Gowers’ Plain Words p 62
Longman English Usage p 62
Partridge pp 4 (abstract nouns), 39

as per

usage—never use

try—according to / in accordance with / through / by / as / recasting

extra information

1 commercialese

example of change

1 The executor must distribute the estate as per in accordance with the will.

future reading

Fowler’s English Usage p 71 (as 10)
Garner’s Dictionary pp 80–1
Garner’s Legal Style p 104
Partridge p 38
as provided by

usage—consider alternatives
try—under / in accordance with / mention / mentioned / recasting
extra information
1 compound preposition

examples of no change
1 A civil partnership terminates only as provided by division 2.4.
2 If an offence is expressly mentioned in the provision, the penalty indicates that the offence is punishable on conviction as provided by subsection (4).

examples of change
1 bankrupt as provided by under the Bankruptcy Act 1966
2 legal practice engaged in by an incorporated legal practice as provided by in accordance with part 2.
3 (2) Nothing done under this part affects any civil proceeding arising under a construction contract, whether under this part or otherwise, except as provided by subsection (3).
   (3) In—However, in any proceeding

as quickly as possible / practicable

see—as soon as possible / practicable

assign
[as a verb]

usage—consider alternatives
try—transfer / give / allocate / appoint
extra information
1 formal word
2 Historically, assign was used in the context of the transfer of rights in personal property and leases (transfer was used for real property).
3 However, the term is also used in a legal context as a synonym for transfer in a general sense; in these cases transfer should be used instead.

examples of no change
1 The rights in the contract are assigned on the date the instrument of acceptance is signed.
2 The tenant may assign, sublease or mortgage the tenant’s interest in the premises only if the tenant has the written consent of the lessor.

example of change
1 the chair may assign allocate board members to a division for the exercise of the board’s supervisory functions

further reading
Butterworths Legal Dictionary pp 79–80 (assignment)
Garner’s Dictionary pp 83, 369 (formal words)
Howard’s Handbook p 36 (assign/transfer)
assign
[as a noun]

❖❖ usage—never use
try—assignee / omitting / recasting
extra information
1 Assignee is the more commonly understood word.
2 Assign is usually only used in the plural in the doublet heirs and assigns.
3 It is unnecessary to define a person with an interest in property to include the person’s assigns (see LA, s 168).
4 See also heirs, executors, administrators, successors and assigns.

further reading
Garner’s Dictionary p 83 (assign; assignee)

assist / assistance

❖ usage—consider alternatives
try—help / encourage / recasting
extra information
1 Assist is often a formal way of saying help and may sound pretentious.
2 Assist usually suggests less physical involvement in performing a task than help.
   You normally assist someone in doing something, but you help them to do something.
examples of no change
1 authorising the parliamentary counsel to do anything else in relation to an instrument to assist users of the register to identify or refer to the instrument
2 The registrar may do anything else to assist the hearing of the application that the registrar considers appropriate.
example of change
1 anyone who the organisation proposes to engage to assist help it to promote or conduct the game or the event at which it is to be conducted

further reading
Fowler’s English Usage pp 73–4
Garner’s Dictionary p 83 (assist; assistance)
Longman English Usage p 63 (assist, assistance)
Partridge p 39 (assist to)

association

see—in association with
as soon as is possible / practicable

Usage—never use

Try—► as soon as possible / practicable / recasting (mentioning a period, eg within 14 days)

Extra information

1. Verbosity

as soon as possible / practicable

Usage—consider alternatives

Try—recasting (mentioning a period, eg within 14 days)

Extra information

1. It is not necessary to state that a thing must be done as soon as possible, as it is the default if no time is provided for doing a thing (see the LA, s 151B (Doing things for which no time is fixed)).

2. If using as soon as possible or as soon as practicable, consider which is more appropriate in the context; courts have determined that they do not mean the same thing. Andrews CJ in Wills v Whiteside; Ex parte Wills [1987]1 stated that as soon as possible is “a more stringent requirement” than as soon as practicable, and that “‘as soon as practicable’ means ‘as soon as reasonably practicable’ ” (note that as soon as reasonably practicable is not to be used in legislation).

3. “Presumably, ‘as soon as possible’ requires a higher degree of expedition [than a requirement for notice within a reasonable time].”2

4. As soon as practicable appears to be more flexible than as soon as possible: see Creely v Ingles3. Pearce and Geddes4, relying on Martin v Commonwealth5, state that “The length of time permitted is to be judged against what is practicable from the viewpoint of the person or body who has to comply with the requirement having regard to its normal procedures and all other surrounding circumstances”.

5. “The words ‘as soon as possible’ express a relative concept; possibility must be measured by reference to limiting factors...[A] contract to do something ‘as soon as possible’ [does not mean] to do it as soon as anyone could do it...[T]he phrase means as soon as possible in the circumstances.”6

Examples of no change—as soon as possible

1. If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

2. The Minister must review the operation of this Act as soon as possible after 1 July 2012.

3. The person in charge of a school must, as soon as possible, tell the chief health officer if the person in charge knows or suspects that a member of staff of the school has a vaccine preventable disease.
as soon as possible / practicable [continued]

examples of no change—as soon as practicable
1 The institute must, as soon as practicable—
   (a) if the institute decides not to register a person or grant a permit to teach—
      refund the fee, if any, paid by the person; or
2 the licensee must tell the commissioner, in writing, about the change as soon as
   practicable (but not later than 7 days) after the day the change happens
3 If a tribunal member (the interested member) has a material interest in a matter
   in an application, the interested member must, as soon as practicable after the
   relevant facts come to the interested member’s knowledge, disclose the nature of
   the interest

further reading
Butterworths Legal Dictionary p 77 (as soon as reasonably possible)
1 Wills v Whiteside; Ex parte Wills [1987] 2 Qd R 284 at 288, per Andrews CJ; See also Martin v R
   (1975) 7 ACTR 1 at 3, per Joske J.
2 Vines v Djordjevitch (1995) 91 CLR 512 at 522 (High Ct).
3 Creely v Ingles [1969] VR 732 at 734, per Little J; See also Wills v Whiteside; Ex parte Wills
   (1987) 2 Qd R 284 at 295, per Demack J.
4 DC Pearce, RS Geddes, Statutory Interpretation in Australia, 8th edition, 2014, p469
5 Martin v Commonwealth (1975) 7 ACTR 1.
6 Amann Aviation Pty Ltd v Commonwealth (1997) 92 ALR 600 at 632 (Full Fed Ct), applying
   Verelst’s Administrative v Motor Union Insurance Co Ltd [1925] 2 KB 137 at 142, per Roche J.

as soon as reasonably possible / practicable

😊😊 usage—never use
     try—► as soon as possible / practicable / recasting (mentioning a period, eg within
     14 days)

extra information
1 verbosity

further reading
Butterworths Legal Dictionary p 77 (as soon as reasonably possible)

as such

😊😊 usage—never use
     try—omitting / recasting / ► so

extra information
1 Often a redundancy, but is also used to avoid repeating earlier text.
2 The meaning of as such can be ambiguous.
as such [continued]

**examples of change**

1 Property *directly derived or indirectly derived* from a drug offence does not lose its identity as such as that kind of property only because it is deposited with a financial institution or other entity for credit to an account or for investment.

2 the identification on a genuine basis by a person of one sex as a member of the other sex (whether or not the person is recognised as such as a member of the other sex)

3 *emergency vehicle* means a vehicle that:
   (a) is designed and permanently fitted out for emergency response or search and rescue operations; and
   (b) has external markings that identify it as such as a vehicle mentioned in paragraph (a).

**further reading**
Fowler’s English Usage p 71 (*as 11*)
Gowers’ Plain Words p 60
Longman English Usage p 59 (*as 5*)

**assume**

see—presume

**as the case may be / as the case requires / as the case may require**

🚫🚫 usage—never use

try—omitting / recasting

**extra information**

1 formal phrase or verbosity

2 legalese

3 Use of ‘or’ is all that is needed to indicate alternatives.
as the case may be / as the case requires / as the case may require

examples of change

1. If a law practice does not disclose to a client or an associated third party payer anything required by this division to be disclosed, the client or associated third party payer (as the case may be) need not pay the legal costs unless they have been assessed under division 3.2.7.

2. If a disqualifying circumstance happens in relation to a registered unit trust scheme, the commissioner must make an assessment of duty chargeable under this Act in relation to any acquisition of an interest in the unit trust scheme as if the unit trust scheme had not been a wholesale unit trust scheme or public unit trust scheme, as the case requires, on and after the disqualification date.

3. **accredited ART centre** means an entity accredited to carry out assisted reproductive technology by—
   - (a) the Reproductive Technology Accreditation Committee of the Fertility Society of Australia; or
   - (b) if a regulation prescribes another body or other bodies in addition to, or instead of, the body mentioned in paragraph (a)—that other body or any of those other bodies, as the case requires.

Further reading

Garner’s Dictionary p 133 (case)
Garner’s Legal Style p 106 (case of, in the)

as to / as for

Usage—avoid using

Try—► by / in / into / for / of / on / to / with / about / ► in relation to / omitting / recasting

Extra information

1. compound preposition
2. vague phrase
3. Can be a redundancy.
4. See also as to whether / as to who / as to how / as to what etc.

Examples of no change

1. the surveyor has, deliberately or through carelessness or incompetence, carried out a survey or a measurement survey that is so inaccurate or defective as to be unreliable.

2. If the investigator certifies the failure to the Supreme Court, the court may—
   - (a) order the involved person to comply with the investigator’s requirement within a stated period; or
   - (b) instead of, or in addition to, making that order, punish the involved person as for a contempt of the court if satisfied that there was no lawful excuse for the failure to comply with the investigator’s requirement.
**as to / as for [continued]**

**examples of change**

1. restrictions as to on imports
2. The person must give a clear indication as to of the person’s intention.
3. if the officer is not satisfied as to about the matters mentioned in subsection (1)
4. at any time, enter premises if the inspector suspects on reasonable grounds that the circumstances are of such seriousness and urgency as to require immediate entry to the premises without the authority of a search warrant so serious and urgent that immediate entry to the premises without the authority of a search warrant is necessary

**further reading**

Fowler’s English Usage p 71 (as 12)
Garner’s Dictionary pp 85–6 (as to)
Garner’s Legal Style pp 104–105
Gowers’ Plain Words pp 55–7
Longman English Usage p 61 (as 12)
Partridge pp 38, 362 (to)
Working Words p 50 (as for/as to)

**as to whether / as to who / as to how / as to what etc**

😊😊

**usage**—never use

**try**—omitting as to / of / about / recasting

**extra information**

1. compound preposition
2. As to is a redundancy before whether.
3. See also issue as to whether and whether / whether or not.

**examples of change**

1. a decision as to whether
2. a statement as to of whether each application made by a law enforcement officer for a warrant was granted
3. The correction tribunal may hear submissions from the parties as to about whether the correction should be made.
4. it is a matter for the court as to what weight should be given must decide the weight to be given

**further reading**

Fowler’s English Usage p 71 (as 12)
Garner’s Dictionary pp 86 (as to 9); 727 (question (as to) whether; question (of) whether), 930 (whether)
Garner’s Legal Style pp 104–105 (as to), 136 (question as to whether; question of whether)
Gowers’ Plain Words pp 55–7 (as to), 57 (as to whether)
Longman English Usage p 61 (as 12)
Partridge p 38 (as to whether)
Working Words p 50 (as for / as to)
as well as ... both

see—both

as yet / as of yet

- usage—never use
- try—omitting / recasting
- extra information
  1 verbosity
- examples of change
  1 If no agreement has been reached as yet.
  2 If the damage is as yet undetermined has not been assessed.

further reading
Garner’s Dictionary p 87
Garner’s Legal Style p 105
Partridge p 38 (as yet)

at all times

- usage—consider alternatives
- try—always / omitting / recasting
- extra information
  1 Can be a redundancy, but may be useful for emphasis.
- example of no change
  1 If more than 6 firearms are on display, 2 people, each of whom has an appropriate licence for each category of firearm displayed, must be present at all times when the firearms are displayed.
- examples of change
  1 the prisoner must always be escorted at all times
  2 carry the required authorisation at all times while driving a vehicle in the ACT carrying explosives
  3 A person working with compressed air must at all times wear a compressed air worker’s badge. If a person is working with compressed air, the person must wear a compressed air worker’s badge.

at any time

- usage—consider alternatives
- try—omitting
- extra information
  1 Can be a redundancy, but may be useful for emphasis.
  2 See also from time to time.
at any time [continued]

**examples of no change**
1. This section applies if, at any time during the preliminary conference for an application for a non-emergency protection order, the registrar is satisfied that the application is likely to be more effectively resolved by mediation than by a hearing.
2. An authorised person may enter premises at any time when there are reasonable grounds for suspecting that liquor is being sold on the premises.

**examples of change**
1. A respondent may give an adjudicator a response to a claimant's adjudication application at any time before the later of the following:
2. An application may be made at any time during the term of the lease.

**at present**

 Emblem

**usage**—never use
**try**—now / current / currently / omitting

**extra information**
1. verbosity

**examples of change**
1. The chair may adjourn the meeting to a time, date and place to be decided by the people present at the meeting if the chair considers on reasonable grounds that in the circumstances it would be unfair to allow the meeting to go ahead at present.
2. establish reasonable grounds for believing that the person is at present now of unsound character
3. The ACT legislation register must contain authorised republications of laws at present currently in force.

**further reading**
Garner’s Dictionary p 90 (at the present time; at this time; at present)
Garner’s Legal Style p 192

**attain**

 Emblem

**usage**—never use
**try**—reach / achieve / become / turn / obtain / recasting

**extra information**
1. formal word
2. Attain (which means achieve or reach) is sometimes confused with obtain (which means get).
3. Use ‘turns’ rather than ‘reaches’ for age (see example 5).
attain [continued]

**examples of change**

1. An officer is inefficient only if the officer fails, in the performance of the duties that the officer is required to perform, to *attain* reach or sustain maintain a standard of efficiency.

2. The vehicle *attains* reaches a speed 40% greater than its rated speed.

3. If a company *attains* insolvency becomes insolvent.

4. *Adult* means an individual who has attained the age of 18 years is at least 18 years old.

5. The date when the person will *attain* the age of turns 65 years old.

**further reading**

Garner’s Dictionary pp 88–9 (*attain*; *obtain*)

Working Words p 53

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**attempt**

😊 **usage**—consider alternatives

**try**—try

**extra information**

1. *Attempt* is a more formal word than *try*.

2. The use of *attempt* as a verb instead of *try* may sound pretentious and excessively formal. Prefer *try* as a verb unless the context needs a more formal word like *attempt*, for example, in a context implying a considerable effort to achieve a difficult task.

3. On the other hand, *attempt* should be used as a noun instead of *try* except in very informal contexts. In legislation the use of *try* as a noun is inappropriate.

4. *Attempt* is also the offence under the Criminal Code (and the common law) of attempting to commit an offence. This means it is not necessary to expressly mention an attempt to do something in a provision that makes it an offence to do that thing.

**examples of no change**

1. Allow the person to attempt the examination.

2. An attempt to commit an offence is punishable as if the offence had been committed.

**examples of change**

1. Likely to attempt try to evade service of the summons.

2. *Sell* includes offer, agree or attempt try to sell.

**further reading**

Butterworths Legal Dictionary p 84

Garner’s Dictionary p 89

Longman English Usage pp 65–6

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**attendance**

see—in attendance
attest

☀ ☀ usage—never use
  try—witness / certify (to the genuineness of) / give evidence (about) / declare / say
extra information
  1 formal word

examples of change
  1 The attaching of the seal must be attested witnessed.
  2 if a witness attests gives evidence that the defendant

further reading
  Butterworths Legal Dictionary p 84

at the time of

☀ usage—avoid using
  try—► when / recasting
extra information
  1 verbosity

examples of no change
  1 if the consignor of the freight container is in Australia at the time of the consignment
  2 The judge may comment on a failure to give evidence by a person who, at the time of the failure, was the defendant’s domestic partner.
  3 if the victim is under 10 years old at the time of the offence

examples of change
  1 if a person does not have a will at the time of the person’s death when the person dies
  2 at the time of the sale when the sale happens
  3 required to be paid at the time of making an application when an application is made

further reading
  Garner’s Dictionary pp 90 (at the time that; at the time when), 912 (at the time of in verbosity)
  Garner’s Legal Style p 192 (at the time when)
### at the time that / at the time when

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>$\rightarrow$ when / omitting</td>
</tr>
</tbody>
</table>

#### extra information

1. verbosity

#### examples of change

1. If, at the time that the defendant is sentenced, the defendant is not before the court or is not represented before the court by a lawyer.

2. A photograph or signature may be used for a purpose mentioned in this section at the time that the photograph or signature is taken by, or given to, the road transport authority or at any later time.

3. The value that the animal, premises or other thing would have had if, at the time when the assessment for compensation is made, it had not been infected with a disease.

**further reading**

Garner’s Dictionary pp 90 (*at the time that; at the time when*), 912 (*at the time of* in verbosity)

Garner’s Legal Style p 192 (*at the time when*)

### at this time / at this point of time / at this moment in time

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>omitting / recasting</td>
</tr>
</tbody>
</table>

#### extra information

1. vague phrase

2. verbosity

#### example of change

1. Criteria to be satisfied at time of decision

   (1) The applicant has undergone a chest x-ray examination performed by a medical practitioner who is qualified as a radiologist in Australia.

   (2) However, subsection (1) does not apply to an applicant if the applicant is a person who the Minister is satisfied should not be required to have a chest x-ray at this time.

**further reading**

Asprey pp 173, 220 (*at this particular point in time; at this point in time*)

Garner’s Dictionary p 90 (*at the present time; at this time; at present*)

Garner’s Legal Style p 32 (*point in time*)

Gowers’ Plain Words p 184

Howard’s Handbook p 39 (*at this moment in time/at the end of the day*)

Working Words p 53 (*at this moment in time; at this point in time*)
attribute

[as a noun]

Usage—consider alternatives
Try—►feature / quality / property
Extra information
1 An attribute of someone or something is a feature or quality that is attributed to the person or thing.

Examples of no change
1 based on verification and assessment of the practitioner’s qualifications, experience, skill, professional standing and any other relevant professional attributes
2 the duties of the position can be performed only by a person having particular physical attributes (other than attributes of strength or stamina)

Examples of change
1 any other attribute feature of the goods
2 specifications, of a vehicle, means the physical dimensions and other physical attributes features of the vehicle and its fittings.

Further reading
Garner’s Dictionary p 91 (attribute; attribution)
Partridge pp 38 (ascribe and attribute), 40 (attribute, attributed)
Working Words p 53

attribute

[as a verb]

Usage—consider alternatives
Try—recasting (using, eg caused by) / ►result / ►effect

Examples of no change
1 attribute the direct costs to the different parties
2 the part of the rate attributable to land occupied only by a pensioner

Example of change
1 if the medical condition may be attributable to caused by smoking

Further reading
Partridge pp 38 (ascribe and attribute), 40 (attribute; attributed)
Working Words p 53
Australia

usage—consider alternatives
try—omitting
extra information
1 can be a redundancy
2 Connection with Australia is often implied and need not be stated.
3 See LA, dict, pt 1, defs *Australia* and *Commonwealth*.
examples of no change
1 the person has a work visa allowing the person to work in Australia
2 because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction
example of change
1 the Commonwealth of Australia

Australian Capital Territory

*see*—*Territory*, DPG, ch 14, ‘ACT or Territory’

authorise

usage—consider alternatives
try—recasting (using *may* / *permit* / *allow* / *approve*)
extra information
1 *Authorise* is an active word. It means to give official or legal approval to someone or permission to do something. (Often the approval will confer permission to do something.) By contrast, *permit* and *allow* can be passive words. They can mean to let something be done or happen.
2 See also *is* / *are authorised*.
examples of no change
1 an authorised act
2 authorised officer
3 *general licence* means a licence that authorises the licensee to sell liquor.
4 The parliamentary counsel may authorise written or electronic versions of a law.
examples of change
1 The person is authorised to *may* use a power boat.
2 This section applies if an Act requires or *authorises* *allows* a document to be served by post.

further reading
Butterworths Legal Dictionary p 97
**authority**

😊 usage—consider alternatives

try—recasting (using ►may) / power / right / omitting

extra information

1 Prefer alternative of saying that someone has a right (or is permitted / has power) to do something.
2 See also power and/or authority; is / are authorised.

examples of no change

1 the administering authority may
2 the planning and land authority
3 authority to take affidavits
4 authority to complete

examples of change

1 powers and authorities
2 the port captain may give a person written authority permission
3 have the authority to are allowed to

further reading
Butterworths Legal Dictionary p 98
Gowers’ Plain Words p 208
LA, dict, pt 1, def power
Longman English Usage p 69

**availability**

😊 usage—consider alternatives

try—recasting (using more precise words)

extra information

1 Using availability can contribute to abstract, loose writing.

examples of no change

1 The conservator must consider the impact of issuing the licence on the availability of fish of a priority species.
2 make a false or misleading representation about the availability of facilities for the repair of goods

examples of change

1 The committee must prepare a written notice telling the public about the availability that copies of the documents are available for public inspection at the electoral commission’s office of the copies of the documents.
2 the availability of whether the personal information is available from publicly accessible sources

further reading
Gowers’ Plain Words pp 80–1
aver
[also averment]

Emily used legislation to aver that the product was defective.

Usage—Avoid using

- **try**—try to state (positively) / say / assert (as a fact) / swear / affirm / claim (as a fact) / declare / allege / recasting

Extra Information

1. formal word
2. technical legal term, but allegations are usually preferable even in this context
3. Use aver in solemn, formal context only.
4. *Say* is more neutral than *aver* and may not be a suitable alternative.

Example of no change

1. A law that allows the prosecution to make an averment (however expressed) does not allow the prosecution to aver any fault element of an offence.

Examples of change

1. a particular averred stated in a complaint
2. if a person avers alleges that the person is or would be a victim of the contravention

Further Reading

Butterworths Legal Dictionary pp 100 (aver), 101 (averment)
Fowler’s English Usage pp 80–1
Garner’s Dictionary p 93 (aver; asseverate; averment; averral)
Longman English Usage p 70

avert

Emily used legislation to aver that the product was defective.

Usage—Avoid using

- **try**—avoid / prevent / deflect

Extra Information

1. formal word
2. To avoid something is to keep away from it; to prevent something is to stop it happening; to avert something is to ward it off, to turn it away or deflect it.
3. *Avert* is sometimes confused with advert. For the use of avert and advert, see advert to.

Example of no change

1. a person’s life, health or property is under serious and imminent threat and the disclosure [of information obtained in a mediation session] is necessary to avert the threat
avert [continued]

**example of change**
1 The driver of a vehicle approaching an intersection must take the action necessary to avert avoid the collision at the intersection.

**further reading**
Garner’s Dictionary pp 33 (advert; avert), 93
Longman English Usage pp 21 (advert, avert), 70–1 (avoid, prevent, avert)
Partridge p 7 (advert; avert)
Working Words p 20 (advert/avert)

**aware**

😊 **usage**—consider alternatives

**try**—recasting (using, eg know)

**extra information**
1 *Aware* is a vogue word that has become a blanket term of approval, eg a politically aware person or even an aware person.
2 A person can be made aware of something. But a person cannot be made to know something.

**examples of no change**
1 the licensee was aware that the breath-testing machine was not operating correctly
2 The objection must be made as soon as practicable after the person becomes aware of the right to object.

**example of change**
1 A person commits an offence if the person becomes aware knows a game is an unlawful game.

**further reading**
Fowler’s English Usage p 82
Gowers’ Plain Words p 208
Longman English Usage p 71
Partridge p 377 (vogue words)
Working Words p 59
background

 usage—consider alternatives
 try—explanation / cause / recasting (using more precise words)
 extra information
 1 vague word
 2 Do not use as a verb.

 examples of no change
 1 The court must take into account the ethnic and cultural background of the witness.
 2 A sign displayed at premises must be printed in a colour that contrasts with the background colour of the sign.
 3 The commission may have regard to the business associate’s current financial position and financial background.

 example of change
 1 The written notice must set out the background for an explanation of how the amount was worked out.

 further reading
 Gowers’ Plain Words pp 208–9
 Longman English Usage p 73

backward / backwards

 usage—consider alternatives
 try—backwards / backward / recasting
 extra information
 1 Use backward as an adjective.
 2 As an adverb, prefer backwards if appropriate. However, for the increasing trend not to use an ‘s’ in words ending in ward(s), see forward / forwards.

 examples of no change
 1 travel backwards and forwards
 2 if the light faces backwards
backward / backwards [continued]

example of change
1 The backwards backward movement, towards the truck, must not be more than 6° from the vertical.

further reading
Fowler’s English Usage p 86
Garner’s Dictionary p 924 (-ward(s))
Howard’s Handbook p 42
Longman English Usage p 73
Working Words p 62

basis

😊 usage—consider alternatives
try—recasting / reason

extra information
1 vague word
2 often associated with padding
3 Phrases using on a ... basis can usually be more succinctly stated (eg on a regular basis regularly)
4 See also on the basis of.

examples of no change
1 The employer’s records must show the way the contribution is worked out and any actuarial basis for it.
2 A former caregiver does not include a person providing care for the child or young person if the person provides care on a casual basis and is not a family member.

examples of change
1 a bag that is designed to be used on a regular basis regularly over a period of approximately 2 years
2 Subsection (1) (b) does not apply if the registered keeper is unable to care for the dog and the person is temporarily caring for the dog on a temporary basis.
3 A prohibition notice must state the basis reason for the authorised person’s belief that the activity is a dangerous activity.

further reading
Fowler’s English Usage pp 93–4 (base)
Garner’s Dictionary pp 100, 362 (flotsam phrases)
Garner’s Legal Style pp 56, 105
Gowers’ Plain Words pp 4, 85–6
Partridge p 45
bear
[as a verb]

😊 usage—consider alternatives  
try—have / carry / [be / is] responsible for

extra information
1  formal word

examples of no change
1  The parties to an application must bear their own costs.
2  relevant proportion, in relation to GST payable on a supply to which wages relate, means the proportion that the amount or value of the wages bears to the consideration for the supply to which the wages relate.

examples of change
1  A defendant bears has an evidential burden in relation to the matters mentioned in subsections (1) and (2).
2  non-structural work means work on a part of a building that does not, or is not intended to, bear carry a structural load imposed or transmitted by another part of a building.
3  The charitable organisation bears responsibility is responsible for the promotion and conduct of the game.

further reading
Fowler’s English Usage p 309 (formal words)
Longman English Usage pp 79 (bear (verb)), 92 (born/borne)

before

see—before the end of; on or before

before the end of

😊 usage—consider alternatives  
try—recasting (using before / within / by / not later than / no later than)

extra information
1  See DPG, chapter 14, ‘Within / not later than’.
2  See LA, s 151 (Working out periods of time generally).

example of no change
1  unless the person pays the fee before the end of the financial year

examples of change
1  If a postponed law has not commenced before the end of the period of within 6 months beginning on its notification day, it automatically commences on the first day after that period.
2  The treasurer must lodge financial statements before the end of the period of within 28 days after 1 July. [This change means the financial statements cannot be lodged before the end of the financial year.]
begin

see—commence

behalf

see—on behalf of

being

usage—consider alternatives

try—recasting / omitting

extra information

1 Do not use being and not being to join relative (or adjectival) clauses. A relative clause serves either to define, or to describe and evaluate, the noun to which it is attached.

2 See not being; regarded as being and DPG, ch 14, ‘Being and not being’.

domestic

examples of no change

1 an issue being considered

2 a misrepresentation resulting in a vehicle being incorrectly classified

3 if the person stops being an inspector

examples of change

1 a person who is 70 years old or older being a person who has a driving licence and has a driving licence

2 The land is to be taken as being taken to be land granted in fee simple.

3 the authority must have regard to a decision being a decision if ...

4 If the person:

   (a) being for a person who has received household support—has a child …

5 the document known as …, being the document as in force …

below

usage—consider alternatives

try—under / less than / lighter than / shorter than / smaller than / younger than / omitting / recasting (using not more than)

extra information

1 informal word for less than, shorter than etc.

2 For describing quantities, weight, age etc, prefer an alternative. Generally, prefer under, less than, or a more specific alternative, eg younger than, to other alternatives.
below [continued]

3 Below, beneath, under and underneath are all prepositions that mean lower than. Below is the opposite of above and is often used in relation to levels. Under is generally the opposite of over, and can mean covered by. Under also means subject to. Beneath can often be substituted for the other 3 and can also mean unworthy. Underneath can be used for under to mean covered by. The choice between the 4 prepositions often depends on what is most natural for the context. However, beneath has become somewhat restricted in its use and is becoming slightly archaic. Under has the broadest range of meanings.

examples of no change
1 below ground level
2 providing education at or below the secondary level of education
3 below average general intellectual function

examples of change
1 below fewer than 7 people
2 The page of the register for the Act contains the heading ‘Legislative instruments’ and the agreement is listed below underneath.
3 below less than the minimum age
4 The signature of the testator on a will does not give effect to a direction that is below under or after that signature.

further reading
Asprey pp 165, 220 (above, below)
Fowler’s English Usage p 103 (below, under; beneath)
Garner’s Dictionary p 103
Howard’s Guide p 362 (see above and below)
Longman English Usage pp 82–3
Partridge pp 2–4 (above and over; below and beneath and under)
Working Words p 67 (below/beneath/under/underneath)

beneficial

😊 usage—consider alternatives
try—useful / helpful / favourable

extra information
1 Beneficial has several technical legal meanings.
2 In other contexts, beneficial can be a vague word.

examples of no change
1 a legal or beneficial interest in the business
2 beneficial owner of the shares
3 ecosystem sustainability and integrity and beneficial use of the environment
examples of change

1  if the authority considers it necessary or beneficial — helpful — state where the plan is available for inspection
2  if the commission is satisfied that the thing is likely to be beneficial — useful to the investigation
3  a second offer on terms no less beneficial — favourable than the first offer

further reading

Butterworths Legal Dictionary pp 120 (beneficial interest; beneficial legislation), 120–1 (beneficial owner), 121 (beneficial ownership; beneficial ownership; beneficial use)
Garner’s Dictionary pp 103–4 (benefic(ent); beneficial; benevolent)
Gowers’ Plain Words pp 209
Working Words p 68 (beneficent; beneficient; beneficial; benign)

beneath

see—below

bequeath

usage—never use
try—give / present / give by will / leave

extra information

1  Bequeath is a technical legal term meaning to give personal property by will. The equivalent term for real property is devise. However, bequeath will be taken to include real property if that is clearly the intention of the testator.
2  If give by will is used in legislation, consideration should be given to including a note explaining that it means the same as the technical legal term.
3  Sometimes bequeath is used as a pretentious way of saying give or present.
4  See also devise [by will].

example of change

1  A person may, by his or her will, devise, bequeath or dispose of give by will any real or personal property to which the person is entitled at the time of the person’s death.

further reading

Butterworths Legal Dictionary p 123
Garner’s Dictionary pp104-5 (devise, bequeath)
## between

😊 **usage**—consider alternatives  
**try**—among  
**extra information**
1. For the use of *between* and *among*, see *among*.
2. Avoid using *between* with *each* or *every*.
3. Do not use *between … or … or between … to …* (e.g., *between 10 to 20%*). Instead, use *between … and …*.
4. *Between … and …*, like *both … and …*, needs proper balancing of the sentence—see *both*.
5. Be careful using *between* in relation to time, age, measurement, etc. Using *between* normally excludes the mentioned limits, e.g., the period *between 1 October and 1 November* does not include either of the mentioned dates (see LA, table 151, item 5 (Working out periods of time generally)).

### examples of no change
1. For a law of this jurisdiction, unless otherwise agreed between the originator and the addressee of an electronic communication.
2. To maintain consistent numbering between this Act and the Commonwealth Act.

### example of change
1. The Advisory Council may conduct its business by circulating papers *between* all the members of the Advisory Council.

**further reading**
- Cambridge Guide pp 90 (*between or among*)
- Fowler’s English Usage pp 105–7
- Garner’s Dictionary pp 105–6
- Garner’s Legal Style pp 103 (*among; between*), 105
- Gowers’ Plain Words pp 102, 107–9
- Partridge p 48

## blueprint

😢😢 **usage**—never use  
**try**—scheme / plan / model  
**extra information**
1. Metaphorical word often used inappropriately.
2. Historically, in engineering and architecture the *blueprint* referred to a particular technological process for printing the final stage of design. The *blueprint* has been replaced by other printing and digital technology so that technical use of the term can now be regarded as archaic.
blueprint [continued]

example of change
1 In 1993, the National Occupational Health and Safety Commission released a package of regulations, standards and codes of practice as a blueprint model for legislation to control hazardous substances in the workplace.

further reading
Gowers’ Plain Words pp 40, 88, 209
Longman English Usage p 91
Partridge p 377 (vogue words)

body

see—body corporate; person or body

body corporate

usage—avoid using
try—corporation
extra information
1 legal term
2 See LA s160 and dict, pt 1, defs corporation, person and body.
3 Use corporation instead of body corporate when referring to an entity that has its own legal identity.
4 Body corporate may be necessary if referring to certain entities under the Corporations Act. See Corporations Act, s 9 (def body corporate) and s 57A (def corporation).

different of no change
1 a private company and a trustee are associated people if a related body corporate of the company is a beneficiary of the trust

different of change
1 The commission is a body corporate corporation.
2 On the registration of a community title scheme, a body corporate corporation is established.

further reading
Butterworths Legal Dictionary p 135 (body corporate), p 286 (corporation)
Garner’s Dictionary p 112 (body corporate), p 225 (corporation)
bona fide

usage—never use
try—in good faith / genuine / honest

extra information
1 foreign phrase that has become assimilated into English
2 legal term for in good faith
3 Careful consideration should be given if using alternatives to good faith. While good faith has a core meaning of honesty, the courts have interpreted the expression in the context of the particular statute. In some instances, good faith has been interpreted as having an additional, objective standard of reasonableness: (see Words and phrases legally defined (4th ed), Butterworths).

examples of change
1 No action or proceeding, civil or criminal, lies against a health professional in relation to bona fide reliance by the health professional, in good faith, on consent given by a health attorney.
2 a person who is living with the pensioner as the pensioner’s spouse on a bona fide genuine domestic basis although not married to the pensioner
3 The charge does not have effect against a bona fide an honest purchaser of the parcel of land for value.

further reading
Cambridge Guide p 99 (bona fides and bona fide)
Fowler’s English Usage p 112 (bona fide(s))
Garner’s Dictionary p 113 (bona fide and bona fides/good faith/bonne foi)
Garner’s Legal Style p 194
Gowers’ Plain Words p 209 (bona fides)
Howard’s Handbook p 54
Partridge p 50
Working Words p 76 (bona fide/bona fides)

both

usage—consider alternatives
try—omitting / each

extra information
1 Both is often superfluous.
2 Both should be used with and only if particular emphasis is needed or it is otherwise necessary to clarify the meaning of a sentence.
3 When using both … and, make sure the words are in their right positions and carry equal weight. Nothing that comes between both and and can be regarded as applying to anything after and, it must come before both; if it does not come before both, it must be repeated after and.
4 Both should not be used to refer to more than 2 people or things.
5 Never use both with as well as.
both [continued]

examples of no change
1 Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
2 it may be seized under the warrant if both of the following apply

examples of change
1 Both form A and form B Forms A and B must be given to the registrar.
2 The judge must decide all questions both of law and of fact of law and fact.

further reading
Fowler’s English Usage pp 113–4
Garner’s Dictionary p 115
Garner’s Legal Style p 71 (both ... and)
Gowers’ Plain Words pp 101–2
Howard’s Handbook pp 55–6
Longman English Usage pp 93–4
Partridge pp 38 (as well as), 50
Working Words p 77

break down / breakdown

😊 usage—consider alternatives
try—analyse / divide / classify / change / alter / convert / recasting (using more precise words)

extra information
1 Break down is a verb. Breakdown is a noun.
2 officialese
3 Avoid contexts where there is a possibility of confusion with the literal meaning, eg a complete breakdown of the processes.

examples of no change
1 it was not practicable for the defendant to move the vehicle because the vehicle was broken-down
2 a breakdown in the relationship between the adopted person and the adoptive parents must not be taken to be a circumstance justifying a discharging of the order

examples of change
1 a person whose function is to identify and break down analyse security risks and provide solutions
2 The Minister must, by deposited plan, break down divide the land in the ACT into districts.

further reading
Fowler’s English Usage p 116 (breakdown)
Garner’s Dictionary p 117 (breakdown)
Gowers’ Plain Words p 210
Howard’s Handbook p 58 (breakdown/break down)
Longman English Usage p 97 (breakdown, break down)
Partridge p 52
but

see—*but for*

but for

😊 **usage**—avoid using

**try**—*apart from / other than for / unless / recasting*

**extra information**

1 legalese

**example of no change**

1 where an arbitration is commenced but for any reason the arbitration fails

**examples of change**

1 remuneration that but for the cessation of employment, would have been payable by the employer *if the employment had not ended*

2 Where, but for this subsection, there would be payable to the public trustee and guardian under this section an amount in respect of fees or expenses *An amount for fees or expenses is payable to the public trustee and guardian under this section unless*

**further reading**

Garner’s Dictionary p 124

by

😊 **usage**—consider alternatives

**try**—*under / recasting (using another preposition)*

**extra information**

1 *By* has many meanings and care needs to be taken to avoid ambiguity in its use.

2 Be careful not to draw artificial distinctions in legislation by using different words to say essentially the same thing. In particular, take particular care in legislation not to draw unnecessary distinctions between *by* and *under*. As *under* is the word with the widest meaning, prefer *under* to *by* if appropriate.

**examples of no change**

1 The relevant instrument may make provision about the matter by applying an ACT law.

2 This Act commences on a day fixed by the Minister by written notice.

**example of change**

1 A preventative detention order cannot be applied for, or made, *by under* this Act for the person on the basis of preserving evidence of, or relating to, the same terrorist act.

**further reading**

Fowler’s English Usage p 123

Longman English Usage p 103

Partridge p 57 (*by for beside*)

Working Words p 561 (*with/by/of*)
by and / or under

usage—never use
try—under / recasting
extra information
1 doublet
2 redundancy
3 LA dict def under (in relation to an Act or statutory instrument) includes ‘by’
examples of change
1 a percentage prescribed by or under regulation
2 the tests required by or under section 10
3 by or under a law of the Territory law

by means of

usage—avoid using
try—omitting / by / with / using
extra information
1 compound preposition
2 usually verbose for by
example of no change
1 tow coupling means a mechanical assembly by means of which a flexible connection is made between 2 vehicles in a combination.
example of change
1 if the equipment indicates by means of a signal or other message that the document has been sent

further reading
Garner’s Dictionary p 125
Gowers’ Plain Words p 55

by reason of

usage—never use
try—because of
extra information
1 compound preposition
2 verbose for because of
example of change
1 if a person dies by reason because of the injuries

further reading
Garner’s Dictionary p 125
by reason only

usage—never use
try—only because / recasting
extra information
1 compound preposition
2 See also by reason of
game of change
1 The effect of a savings law does not end by reason only of only because of its repeal.

by the name of

usage—never use
try—omitting / called / named
extra information
1 compound preposition
2 can be a redundancy
further reading
Gowers’ Plain Words p 247
Partridge p 57

by virtue of

usage—never use
try—because of / under / by
extra information
1 compound preposition
further reading
Garner’s Dictionary p 917 (virtue of, in and by)
Gowers’ Plain Words p 55
by way of

usage—avoid using
try—by / with / using / recasting

extra information
1 compound preposition

example of no change
1 The parliamentary counsel may make editorial changes by way of format, layout and printing style.

example of change
1 The registrar-general may give the information in any form (including by way of electronic data electronically) that the registrar-general considers appropriate.

further reading
Garner’s Dictionary p 125 (by means of)
calculate

😊 usage—consider alternatives
  try—work out / find out / decide / suppose / assume / recasting (using, e.g. a formula)
extra information
  1. Do not use calculate for suppose or assume.
  2. Prefer work out for formulas.
example of no change
  1. A person must separately calculate the correct amount of payroll tax.
example of change
  1. The daily rate is calculated in accordance with the following formula worked out as follows:

\[
\text{yearlyrate} = \frac{365}{365}
\]

further reading
  Fowler’s English Usage p 125 (calculate for suppose/reckon)
  Howard’s Handbook p 64
  Longman English Usage p 105 (calculate for suppose/assume)
  Partridge p 58

calendar month

😊 usage—avoid using
  try—month
extra information
  1. See LA, dict, pt 1, defs month and calendar month
  2. Month is defined as calendar month.

call in question

😊😊 usage—never use
  try—challenge / recasting
extra information
  1. Formal phrase
  2. Legalese
  3. See also question.
example of change
1 If the Full Court is divided in opinion about the decision to be given on a question, the question must be decided according to the majority’s opinion, if there is a majority, but if the judges are equally divided in opinion—
   (a) if an order of the master is called in question the question is about an order of the master—the order is confirmed; and

called

see—in this [provision] called

can
[also could]

😊 usage—consider alternatives
try►may / is / are able to

extra information
1 *Can* generally emphasises the objective (or physical) *ability* to do something. *May* (or *might*) generally emphasises permission or possibility. However, in practice the meaning of *can* and the meaning of *may* are hard to distinguish.
2 If in doubt prefer *may*.
3 See LA, s 146 (Meaning of *may* and *must*).

examples of no change
1 to ensure that users can authenticate an approved web site or the material accessible on an approved website
2 believes on reasonable grounds that a person can give information or produce a document or something else

examples of change
1 The committee *can* *may* be given any of the following functions
2 a standby person *can* *is able to* communicate continuously with anyone in the confined space

further reading
Cambridge Guide pp 114–5 (*can* or *may*), 179–80 (*could* or *might*), 356 (hedge words)
Fowler’s English Usage pp 126, 186 (*could*)
Garner’s Dictionary p 128 (*can; may*)
Garner’s Legal Style p 106 (*can; may*)
Howard’s Handbook pp 64–5 (*can/may*)
Longman English Usage p 106 (*can/may*)
Partridge p 58 (*can and may*)
Working Words p 90 (*can/may*)
cancel

😊 usage—consider alternatives
try— ► revoke / end
extra information
1 For the use of cancel and revoke, see revoke.
example of no change
1 the commissioner for fair trading must cancel a licence if
examples of change
1 The Minister may amend or cancel revoke an exemption at any time on reasonable grounds
2 The Minister may cancel end a person’s appointment
further reading
Garner’s Legal Style p 196

capability

😊 usage—avoid using
try— capacity / ability / omitting
extra information
1 vogue word
examples of no change
1 The chief officer of an emergency service must advise the commissioner on the service’s capability.
2 if the firearm has a rapid fire capability
examples of change
1 capability capacity to contract
2 evidence of the applicant’s capability ability to collect and analyse information
further reading
Garner’s Dictionary p 129 (capacity; capability)
Gowers’ Plain Words p 211

capable of

😊 usage—consider alternatives
try—recasting (using eg ◄ can, ► may or ◄ must)
examples of no change
1 optical surveillance device means a device capable of being used to record visually or observe an activity.
2 if the facilitator considers the support person appropriate and capable of giving the participant assistance
capable of [continued]

examples of change
1 *liquor* means a substance that is capable of being can be ingested
2 However, the clerk is not capable of being must not be retired from office on the ground of invalidity unless

further reading
Garner’s Dictionary p 129
Gowers’ Plain Words p 137 (capable of doing)
Partridge p 61

capita

see—per capita

carry on / out

😊 usage—consider alternatives
try—make / conduct / ►perform / recasting (using more specific words)
extra information
1 See also undertake.
examples of no change
1 a person does not carry on business as a motor vehicle repairer only because the person
2 carry out work in the person’s business or undertaking
examples of change
1 If an inspector may carry out make inquiries
2 carry out conduct an inquiry

case

😊 usage—consider alternatives
try—recasting (using more precise words) / omitting
extra information
1 Using case can contribute to loose writing.
2 Avoid using case as an omnibus word. See kind for extra information.
3 See also as the case may be / as the case requires / as the case may require; if this is not the case; if this is the case; in a / any case in which / to which / where; in any case; in case; in every case; in the case of.
examples of no change
1 in any other case—the jurisdiction in which the employer’s principal place of business is located
2 a party may re-open the party’s case
category

usage—consider alternatives
try—omitting / kind
extra information

1 Most legal drafting is expressed in the singular and it is usually unnecessary to distinguish between a class (using, eg category) and its members (see LA, s 145 (b)). Avoid mentioning category unless it is necessary. See class for extra information.

2 If it is necessary to mention class, prefer kind if appropriate.

3 Category originally had a narrower meaning than class. Although the extension of its meaning to a synonym for class has been criticised, it is now well established.

eexample of no change

1 For this Act, breaches of mass, dimension or loading requirements are categorised as follows:

eexample of change

1 different levels of services for different categories kinds of victim, or for victims in different circumstances

further reading

Fowler’s English Usage p 135
Partridge p 62
**cause**

- **usage**—consider alternatives
- **try**—proceeding / ensure / omitting / recasting

**extra information**

1. Actions need not usually be taken personally, but can be taken by employees, agents, delegates or, for Ministers and senior officers, by officers of their directorates. It is, therefore, usually unnecessary to talk of someone causing something to be done.

2. However, in drafting offences it may be necessary to use *cause* as a verb to ensure that the thing caused is a result of conduct, eg use ‘cause harm’ rather than use harm as a verb.

3. A *cause* is someone or something that makes an event happen. Since the word *cause* itself covers the idea of an explanation of an event, it should not be combined with *because of*, *due to*, *as a result of* or a similarly linking phrase.

4. legal term for lawsuit or proceeding

5. See also *show cause*.

**examples of no change**

1. the costs of an adjournment caused by the failure
2. cause of action
3. would cause financial hardship to the applicant
4. A unit owner must not use the unit in a way that causes a nuisance.
5. the coroner’s findings about a cause of death

**examples of change**

1. The Minister must *cause* give a copy of the reference to be given to the authority.
2. The Minister must *cause* present a copy of the report to be tabled
3. remove a vehicle that is causing, or may cause, an obstruction to obstructing, or may obstruct, an emergency vehicle
4. The registrar must *cause* enter the notice to be registered in the register.
5. The directors of a company must *cause* accurate accounts to be kept keep accurate accounts.
6. If the authority refuses the application, it must *cause* the applicant to be informed of tell the applicant about its decision.

**further reading**

Butterworths Legal Dictionary pp 38 (agent), 341–2 (delegate)
Garner’s Dictionary pp 138–9 (causation), 139–40 (cause), 140 (cause of action; right of action; ground of action) and (cause to be)
Garner’s Legal Style p 192 (cause to be done)
Howard’s Handbook p 71 (cause/causation)
Longman English Usage p 118
Partridge pp 62-3 (cause and reason) and (cause to be informed), 317 (source and cause)
**cease**

😊 **usage**—consider alternatives

**try**—*stop / end / recasting*

**extra information**

1. formal word
2. Do not use *stop* or *end* if use seems artificial or unusual, but don’t use ‘cease’ just to avoid using ‘stop’ more than once (see example of change 4).

**example of no change**

1. The existing Act ceases to have effect at the registration commencement time.

**examples of change**

1. the appointment of a person ceases ends
2. The court may issue an injunction even though the conduct has ceased stopped.
3. This section applies if a person who is a tribunal member allocated to the tribunal for an application ceases to be stops being a tribunal member, or ceases to be available becomes unavailable, before the tribunal finishes dealing with the application.
4. the individual stops being a working director other than because the individual ceases to carry stops carrying out work

**further reading**

Fowler’s English Usage p 137
Garner’s Dictionary pp 141, 369 (formal words)
Garner’s Legal Style p 196 (*cease and desist*)
Howard’s Handbook p 344 (*stop/cease/discontinue/terminate*)
Longman English Usage p 119

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**ceiling [meaning maximum]**

😊 **usage**—avoid using

**try**—► maximum / *upper* limit

**extra information**

1. vogue word

**example of no change**

1. *statutory ceiling*, in relation to an amount, means 150% of AWE at the time the amount is to be paid.

**example of change**

1. A person is not liable in damages in relation to the cause of action above the monetary ceiling maximum if the person can satisfy the court that
certain / certainly

usage—avoid using
try—omitting
extra information
1 Use only if unable to describe more precisely.
2 Certain may be used in provision heading where details are contained in the provision itself.
3 Certain is often redundant, eg A certain car ran him over.
4 Certainly is a sentence adverb.
5 Certain and certainly can be dogmatic words.

eamples of no change
1 Engagement of certain former officers and employees prohibited [in heading]
2 if the DNA testing of the blood shows that the blood is almost certainly not the victim’s blood

eamples of change
1 the collection of certain amounts the amounts mentioned in section 6
2 collect, manage, and administer the personal estate of the supposed dead persons as if the person were certainly dead

further reading
Garner’s Dictionary pp 142–3 (certain), 161 (clearly), 611 (obviously), 632 (overstatement), 791–2 (sentence adverbs), 926 (weasel words)
Garner’s Legal Style pp 129–30 (obviously; certainly; clearly; undeniably)
Howard’s Handbook p 73
Partridge pp 64 (certain), 72 (comparatives, false)

chairman / chairwoman

usage—never use
try—chair / convenor / coordinator / moderator / president / presiding member
extra information
1 gender-specific word
2 LA, s 187 (1) provides that, if a law establishes a position of chair or chairperson of an entity, the chair or chairperson may be referred to as the chairman, chairwoman, chairperson or chair. LA, s 187 (2) makes similar provision for deputy chairperson.
chairman / chairwoman [continued]

example of change
1 if the chair adjourns the meeting

further reading
Cambridge Guide pp134-5 (chairman), 611 (-person)
Fowler’s English Usage p 140 (chair, chairperson)
Garner’s Dictionary pp 144–5 (chairman; chairwoman; chairperson; chair), 799–803 (sexism)
Garner’s Legal Style p 212 (chairman)
Gowers’ Plain Words pp 177–8 (chairman, chairperson)
Howard’s Handbook p 74 (chairman/chairperson/the chair)
Longman English Usage p 122 (chairperson)
Partridge p 64 (chairman)

chairperson [for chair]

खेल usage—avoid using
try—chair / convenor / coordinator / moderator / president / presiding member

extra information
1 Prefer chair, which can be used for either sex with ease.
2 This term was created as a gender-neutral alternative to chairman or chairwoman.
3 See also LA, s 187 (Chair and deputy chair etc).

eexample of change
1 if the chairperson chair adjourns the meeting

further reading
Cambridge Guide p 134-5 (chairman)
Fowler’s English Usage p 140 (chair, chairperson)
Garner’s Dictionary pp 144–5 (chairman; chairwoman; chairperson; chair), 799–803 (sexism)
Garner’s Legal Style p 213 (chair)
Gowers’ Plain Words pp 177–8 (chairman, chairperson)
Howard’s Handbook p 74 (chairman/chairperson/the chair)
Longman English Usage p 122
Partridge p 64 (chairman)
Working Words p 103 (chair)

change and alter

see—alter
character

Usage—consider alternatives

Try—omitting / recasting / ▶ kind

Extra information

1 Words like character are vague and abstract, but can be useful on occasion. However, they are often overused and are occasionally redundant.
2 Prefer available words that are more direct and specific.

Examples of no change

1 if evidence presented to prove (directly or by implication) that a defendant is generally a person of good character has been admitted
2 satisfied about the appointee’s suitability (whether in terms of knowledge, experience, character or any other personal quality)
3 the characters (whether numbers, letters or both) in the field

Examples of change

1 conduct of an unethical character unethical conduct
2 offences of the same character kind

Further reading

Fowler’s English Usage p 141
Garner’s Dictionary p 148 (character; reputation)
Garner’s Legal Style p 106 (character; reputation)
Gowers’ Plain Words p 189
Howard’s Handbook p 74 (character/personality/persona)
Partridge pp 5 (abstract nouns), 65 (character)

chattels

Usage—never use

Try—goods (if necessary, listing or defining the items to be covered) / personal property

Extra information

1 legal archaism
2 A chattel is personal property, as distinct from real property. The property may be a leasehold (chattel real) or a movable article of property (chattel personal) (see Butterworths Legal Dictionary).
3 If personal property is used as an alternative, consider including a note explaining what it means. For example, a note along the following lines could be included:

Note Personal property can include intangible personal property, eg a right.
chattels [continued]

**examples of change**

1. **bill of sale** includes bills of sale, assignments, transfers, declarations of trusts without transfer, and other assurances of personal chattels—property.

2. The public trustee and guardian may accept for safe custody a trust instrument, a debenture or other security, a document of title to property, any other document and any chattel or personal property.

3. **goods** includes all chattels personal property other than things in action and money.

**further reading**

Butterworths Legal Dictionary pp 185–6
Garner’s Dictionary p 149

**chose in action**

Usage—never use

Try—recasting (eg by defining what is intended) / thing in action

**extra information**


2. A note should be included explaining what a thing in action is:

   **Note** A thing in action (also called a chose in action) is an intangible personal property right recognised and protected by the law. Examples include debts, money held at a bank, shares, rights under a trust, copyright, and the right to sue for breach of contract.

**example of change**

1. the right may be deemed or held to be a chose thing in action [and include note]

**further reading**

Butterworths Legal Dictionary pp 192–3
Garner’s Dictionary p 153 (chose)

**Christian name**

Usage—never use

Try—given name / full name [by contrast with surname / family name]

**extra information**

1. Inappropriate term for non-Christians

**example of change**

1. A person’s surname and each Christian given name must be entered on the roll.

   OR A person’s full name must be entered on the roll.

**further reading**

Cambridge Guide p 297(first name or forename)
Garner’s Dictionary pp 153, 859–60 (surname; Christian name)
Gowers’ Plain Words p 229 (forenames)
Partridge p 66 (Christian name)
claim
[as a verb]

usage—consider alternatives
try—assert / ▶ allege / charge / declare / ▶ mention / say / ▶ state

extra information
1 The strict meaning of to claim is to demand recognition of a right.
2 Claim may imply a degree of suspicion about the truth of what is claimed.
   Consider a more neutral alternative.
3 The use of claim as a substitute for charge, declare, mention, say or state is still
   considered incorrect by some.

e xamples of no change
1 a claim for compensation
2 a claim against the estate
3 A person commits an offence if the person claims to provide an accredited
   education program and the program is not an accredited education program.

example of change
1 if the authority claims states that restructuring is necessary

further reading
Fowler’s English Usage pp 148–9
Garner’s Dictionary p 159
Garner’s Legal Style p 107
Gowers’ Plain Words pp 33, 213
Howard’s Handbook p 79
Partridge pp 66-7

class

usage—consider alternatives
try—omitting / ▶ kind

extra information
1 Most legal drafting is expressed in the singular and it is usually unnecessary to
   distinguish between a class (using, eg category, class, group, kind or type) and
   its members (see LA, s 48 and s 145 (b)). Avoid using class unless it is
   necessary.
2 If it is necessary to use class, use it as infrequently as possible consistently
   throughout the draft. Avoid making unnecessary, artificial distinctions in using
   classes (eg the use of kind and type, or class and kind).

e xamples of no change
1 a class 2 dangerous substance
2 a class action
class [continued]

**examples of change**
1. the Minister may authorise a person included in a class of persons or persons included in a class of persons of different kinds of victim, or for victims in different circumstances

**further reading**
Garner’s Dictionary p 159

**clearly / clear**

😊

**usage**—consider alternatives

**try**—omitting

**extra information**
1. *Clearly* may be a sentence adverb.
2. *Clearly* and *clear* are dogmatic.

**examples of no change**
1. clearly marked
2. clearly visible

**example of change**
1. if the party’s conduct is *clearly* harsh and oppressive

**further reading**
Fowler’s English Usage p 150 (*clear, clearly*)
Garner’s Dictionary pp 161, 632 (overstatement), 792–3 (sentence adverbs), 926 (weasel words)
Garner’s Legal Style pp 35, 129 (*obviously; certainly; clearly; undeniably*), 200
Howard’s Handbook p 80 (*clear/clearly; clear/plain*)
Longman English Usage pp 137–8

**close proximity**

*see*—*in close proximity*

**cohabit**

😭

**usage**—never use

**try**—*live together (in a domestic relationship)*

**extra information**
1. formal word
2. See also LA s 169 (References to *domestic partner* and *domestic partnership*).

**example of change**
1. The hearsay rule does not apply to evidence of reputation about whether a man and a woman cohabiting (living together) at a particular time were married to each other at the time.
commence

usage—consider alternatives
try—\(\rightarrow\) start / begin
extra information
1 formal word
2 However, *commence* should be used to describe legislation starting (see LA, s 11 (Meaning of *commencement notice*) and s 80 (References to *commencement of law*)).
3 Definite nuances exist with *start* as opposed to *begin* or *commence*. Usually used for physical movement, in some contexts *start* may suggest an abruptness.
4 Use *begin* for periods of time (use *begin* with *end*, not *finish*).
5 See also DPG, ch 14, “‘Commencement day’ when used as a defined term”.
6 For working out periods of time, see LA, s 151 (Working out periods of time generally).

example of no change
1 on the commencement of this section

examples of change
1 to commence *start* an appeal
2 the period commencing *beginning* on the day the appointment takes effect
3 to commence *start* a proceeding

further reading
Fowler’s English Usage pp 163, 309 (formal words)
Garner’s Dictionary pp 102 (*begin*), 174–5 (*commence, begin, start*), 369 (formal words)
Garner’s Legal Style p 107
Gowers’ Plain Words p 213
Howard’s Handbook p 90 (*commence/start*)
Longman English Usage p 151
Partridge pp 71, 331 (*start*)
Working Words p 122

common

usage—consider alternatives
try—\(\rightarrow\) mutual / reciprocal
extra information
1 *Common* means shared by 2 or more. *Mutual* involves reciprocity. *Common* contrasts with *mutual* in emphasising sharing rather than reciprocation in a relationship.

examples of no change
1 common interest
2 common to each of them
3 common property
common [continued]

examples of change
1 the sharing of information between insurers for the common mutual benefit of insurers
2 The commission, if it is practicable to do so, must make common reciprocal arrangements with other commissions.

further reading
Cambridge Guide p 159 (common or mutual)
Garner’s Legal Style p 107 (common; mutual)
Howard’s Handbook p 91 (common/mutual)
Longman English Usage p 463 (mutual/reciprocal/common)
Partridge pp 71-2 (common)
Working Words p 122 (common/mutual/reciprocal)

Commonwealth

😊 usage—consider alternatives
try—omitting / Australia / federal

extra information
1 can be a redundancy
2 Connection with the Commonwealth is often implied and need not be stated.
3 For geographical references, prefer Australia. For other references, use Commonwealth or Australia as is most appropriate in the context.
4 See also LA, dict, pt 1, def Commonwealth

further reading
Cambridge Guide p 160
Cwlth Style Manual p 124

comparatively

😊 usage—consider alternatives
try—omitting / recasting

extra information
1 Comparatively can only properly be used if something has been mentioned or implied giving a standard of comparison. If there is no standard of comparison (direct or implied), the use of comparatively is meaningless.

effective of no change
1 The criteria for the assessment of the heritage significance of places are...a place which is the only known or only comparatively intact example of its kind.

example of change
1 The responsible officer must ensure that the time for making submissions is comparatively short.

further reading
Fowler’s English Usage p 164
Gowers’ Plain Words p 50
Working Words p 124 (comparatively/relatively)
compare to / with

**usage**—consider alternatives

**try**—compare with / compare to / recasting

**extra information**
1. Something can be *compared to* or *with* something else. Historically, a distinction has existed between compare to and compare with, but is no longer consistently observed. *Compare to* was used to emphasise the way in which people or things are similar to others. In other words, *compare to* was used when *liken to* could be substituted. *Compare with* was used when both similarities and differences are being considered.

2. However, *compared to* and *compared with* are becoming indistinguishable in meaning.

3. If *compare* is used without an object, only *with* can be used.

4. In using *compare*, make sure that like is compared with like.

**example of no change**
1. information may be compared with information from the databases of other participating jurisdictions

**examples of change**
1. The person’s entitlement is smaller compared to than the other person’s entitlement.

2. proof that the copy was compared to with the original

**further reading**
- Cambridge Guide p 161 (*compare with or compare to*)
- Fowler’s English Usage pp 164–5
- Garner’s Dictionary p 183 (*compare (with) (to)*)
- Garner’s Legal Style pp 107–8 (*compare (to) (with)*)
- Gowers’ Plain Words pp 213–4
- Howard’s Handbook p 93 (*compare to/with*)
- Longman English Usage pp 152–3
- Partridge p 73 (*compare to; compare with*)
- Working Words pp 124–5

compelling

**usage**—consider alternatives

**try**—recasting (using more precise words) / persuasive

**extra information**
1. Can be a weasel word.

2. *Compelling* is not synonymous with *impelling*. If something is *compelling*, it forces you to do something; if something is *impelling*, it encourages or urges you to do something.

3. *Compelling* should not be used as an adjective.
### compelling [continued]

**Example of no change**
1. the lessor's conduct has the effect of preventing a tenant from forming or joining, or compelling a tenant to form or join, an association to represent or protect the interests of tenants

**Examples of change**
1. on compelling compassionate grounds
2. satisfied that there are compelling persuasive reasons of public policy

**Further reading**
- Garner’s Dictionary p 926 (weasel words)
- Howard’s Handbook pp 93-4 (compelling/compulsive)
- Longman English Usage p 155 (compel/impel)

### compile

- **Usage**—avoid using
- **Try**—prepare

**Extra information**
1. **Compile** means to make a book, list, report etc by putting together information from different places.

**Example of no change**
1. to compile and maintain up-to-date information about the water resources of the Territory

**Example of change**
1. The board must compile prepare a list of approved service providers.

**Further reading**
- Butterworths Legal Dictionary p 233 (compilation)
- Longman English Usage p 157 (compile)

### complete

**[as adjective]**

- **Usage**—consider alternatives
- **Try**—recasting *(using more precise words)*

**Extra information**
1. **Complete** means having all its parts or elements, whole, entire, full. Do not qualify complete, eg more complete, less complete, most complete and least complete.

**Example of no change**
1. include complete details of suitability information
complete
[as adjective] [continued]

example of change
1 a further or more complete post-mortem examination

further reading
Howard’s Handbook p 94 (complete)
Longman English Usage p 156

complete
[as verb]

😊 usage—consider alternatives
try—finish / end / fill in

extra information
1 formal word
2 For the use of end, see cease.

example of no change
1 The warrant form was properly completed.

examples of change
1 if the person has satisfactorily completed finished a course of training
2 on the completion of when the repairs are finished
3 payable by the party to the party’s lawyer up to the completion end of the conference

further reading
Garner’s Dictionary p 369 (formal words)
Howard’s Handbook p 94 (complete)
Longman English Usage p 156

completely void

😢😢 usage—never use
try—► void

extra information
1 redundancy

further reading
Butterworths Legal Dictionary p 1249 (void; voidable)
Black’s Law Dictionary p 1604 (void)
Garner’s Dictionary p 919 (void; voidable)

compliance

see—in compliance with
comply

see—fail to / fail to comply

component

😊 usage—consider alternatives
try—part

extra information
1 May be used in technical or mechanical contexts.

example of no change
1 the speed measuring device component of the camera detection device
2 example of change
1 This section applies to a component part of the worker’s earnings or hours attributable to overtime.

compose

see—comprise

compound

[as a verb]

😊 usage—consider alternatives
try—add to / aggravate / complicate / exacerbate / heighten / increase / multiply / worsen

extra information
1 formal word
2 Compound means, among other things, to mix together into a composite whole, to settle by mutual agreement. It does not mean (or, at least, did not originally mean) to multiply, make worse, aggravate or complicate. However, usage is shifting.

examples of no change
1 mix, compound or formulate the substance with another regulated substance or any other substance
2 The amount of penalty payable under subsection (2) compounds at 3-monthly intervals.

example of change
1 compound exacerbate the adverse consequences of a serious danger to public health

further reading
Fowler’s English Usage p 167
Garner’s Dictionary pp 187–8, 813 (slipshod extension)
Gowers’ Plain Words pp 214–5
Longman English Usage p 157
comprise

 désormais—never use
 try—to consist of / composed of / include / contain / made up of / have / formed of / constitute / is / state / set out / described in
 extra information
 1 formal word
 2 Comprise can mean ‘include’. However, that use is criticised in favour of it meaning all of the components that make up a thing.

examples of change
 1 The application must be accompanied by the documents that comprise make up the proposed community title scheme.
 2 A statement of responsibility must comprise consist of—
 3 The register must comprise set out particulars of land in relation to an order made under section 91.
 4 the whole of the land comprised described in the new lease is land that was comprised described in the development lease.

further reading
Cambridge Guide p 165 (comprise or composed of)
Fowler’s English Usage pp 167–8, 387 (include, comprise)
Garner’s Dictionary p 187 (compose; comprise)
Garner’s Legal Style p 108 (comprise; compose)
Gowers’ Plain Words p 215
Longman English Usage pp 157–8 (comprise, consist, compose, constitute, include)
Partridge p 76 (comprise and constitute)
Working Words pp 126–7 (compose/comprise/constitute)

conceal

 désormais—consider alternatives
 try—to hide
 extra information
 1 formal word
 2 Conceal is commonly used in relation to offences and offending behaviour. However, drafting practice is moving towards hide.

example of no change
 1 a modified article of clothing, accessory or adornment to disguise or conceal a weapon

example of change
 1 A person commits an offence if the person conceals hides an infected animal.

further reading
Fowler’s English Usage p 309 (formal words)
Garner’s Dictionary pp 189–90, 369 (formal words)
Howard’s Handbook p 95 (conceal/hide)
Longman English Usage p 158
concept

usage—consider alternatives
try—idea / plan / design / invention
extra information
1 vogue word
example of no change
Chapter 3 Important concepts
example of change
1 the concepts ideas in the 2 provisions must not be regarded as different only because different words are used

further reading
Fowler's English Usage p 169
Garner’s Dictionary p 190 (concept, conception)
Gowers’ Plain Words p 215
Longman English Usage p 158
Working Words p 128

concerned

see—as / so far as … is / are concerned

concerning

usage—avoid using
try—about / in relation to / affect
extra information
1 formal word
2 Concerning can be used as a conjunction (introducing a clause) or a preposition (introducing a noun).
3 Concerning is often used in sentences constructed in the passive voice. The passive voice should be avoided, if possible, in drafting legislation.
4 For the use of affecting, see affect.
example of no change
1 an alleged deficiency concerning the vehicle or dangerous goods
concerning [continued]

examples of change
1 arrangements between licensed distributors and suppliers concerning about the use of a network
2 Any relevant indigenous organisation must be consulted about every issue concerning affecting the child or young person.
3 doing work, or transacting business, concerning in relation to the law of a foreign country where the lawyer is registered

further reading
Garner’s Legal Style p 47 (as acceptable dangler)
Gowers’ Plain Words pp 18, 135
Partridge p 80 (conjunctions, disguised—concerning)

concerns

see—as concerns / as regards / as respects

conclude

∞ usage—avoid using
    try—end / finish / decide
extra information
1 formal word
2 May be used to refer to ratifying or formalising a treaty or convention.
example of no change
1 the countries concluded a free trade agreement
examples of change
1 The first day of the period concludes ends at midnight on the day when the unpaid rent was due.
2 it would be reasonable to conclude decide that the person entered into or carried out the scheme principally for the purpose of obtaining the tax reduction

further reading
Garner’s Dictionary p 191
Fowler’s English Usage p 170
Partridge p 77
concur

usage—avoid using
try—agree on/to
extra information
1 formal word

example of no change
1 A person commits an offence if the person dishonestly makes, or concurs in making, an entry that is false or misleading.

examples of change
1 the parties concur agree that environmental considerations will be integrated into government decision-making
2 if the regulator and the owner do not concur agree on the amount of compensation

further reading
Fowler’s English Usage p 170
Garner’s Dictionary p 194

conditions

see—terms and conditions

confer

usage—avoid using
try—consult / discuss / give
extra information
1 formal word
2 Confer and give, in relation to a function, include impose (see LA, dict, pt 1).

example of no change
1 supply includes—
   (a) in relation to goods—supply (or re-supply) by way of sale, exchange, lease, hire or hire-purchase; and
   (b) in relation to services—provide, grant and confer.

examples of change
1 confer a function on give a function to
2 confer discuss with the group’s representative
3 under the authority conferred given by a search warrant
4 conferring jurisdiction on giving jurisdiction to the ACAT
conform

😊 usage—consider alternatives
try—comply / recasting (using eg ► in accordance with)
extra information
1 formal word
examples of no change
1 existing data collections and assessment processes that conform to national estate assessment criteria
2 material presented as fact is based on and conforms with accurate, verifiable facts
example of change
1 the applicant conformed to complied with the direction
further reading
Cambridge Guide p 167 (conform to / conform with)
Garner’s Dictionary p 201
Howard’s Handbook p 97 (conform to/with)

conformity

😊 usage—avoid using
try► in accordance with / in agreement with / under
extra information
1 formal word
example of no change
1 If the goods do not conform with the contract, the buyer may require delivery of substitute goods only if the lack of conformity is a fundamental breach of contract.
examples of change
1 The registrar must register an instrument lodged in conformity accordance with this Act.
2 an act done in conformity with under a registered power of attorney

conjunction

see—in conjunction with

connection

see—in connection with
**Consensus**

- **usage**—avoid using
  - try—agreement
- **extra information**
  1. *Consensus* is inappropriate for an agreement between 2 people because it means general agreement or collective opinion.
  2. Do not use *consensus of opinion* or *general consensus*.

**example of no change**
1. has been adopted based on the consensus of the literature reviewed

**example of change**
1. The mutual rights and duties of partners, whether by consensus agreement or defined by this Act

**further reading**
Cambridge Guide p 171 (consensus or concensus)
Fowler’s English Usage p 172
Garner’s Dictionary p 205
Garner’s Legal Style p 108
Gowers’ Plain Words p 216
Howard’s Handbook pp 98–9 (consensus of opinion)
Partridge p 80

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**Consent**

- **usage**—consider alternatives
  - try—agree on/to / approve / permit
- **extra information**
  1. In general terms, to *consent* means to give permission for something to happen or to agree to something. *Consent* has different elements in various areas of the law and needs to be used with care.

**examples of no change**
1. a suspect gives informed consent to a forensic procedure if
2. the occupier gives a conservation officer consent to enter the place and exercise powers under this Act

**examples of change**
1. if the authority consents agrees to the request
2. the solicitor must not accept service without the client’s consent permission

**further reading**
Butterworths Legal Dictionary pp 249–50, 250 (consent award or decision; consent judgment; consent of the owner; consent order; consent to prosecution; consent to act; consent to marriage; consent to nomination)
Working Words p 48–9 (ascent/assent/consent)
### consequence

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>- result / effect / outcome</td>
</tr>
</tbody>
</table>

#### Extra information
1. **Formal word**
2. See also as a consequence of; in consequence of

#### Example of no change
1. The consequences of any failure by the person to comply with the condition

#### Example of change
1. Minimise the consequence *effect* of a motor vehicle accident
2. A financial hardship or other consequence *result* of the interest remaining subject to the order

### consequential

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>- follows from / effect</td>
</tr>
</tbody>
</table>

#### Example of no change
1. The court may make consequential or ancillary orders
2. Working with Vulnerable People (Consequential Amendments) Act 2011

#### Example of change
1. Minimise the consequential *effect* of a motor vehicle accident

#### Further reading
- Fowler’s English Usage pp 172–3
- Garner’s Dictionary p 205 (consequent/consequentials)
- Gowers’ Plain Words p 216
- Howard’s Handbook p 99 (consequent/consequential)
- Partridge p 80
- Working Words p 131 (consequent/consequential/subsequent)

### consequently

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>- as a result / recasting</td>
</tr>
</tbody>
</table>

#### Extra information
1. Sentence adverb

#### Example of change
1. Consequently, to terminate a community title scheme other than a basic scheme, it is necessary for the scheme first to become a basic scheme. For a community title scheme to be ended it must be, or become, a basic scheme.

#### Further reading
- Fowler’s English Usage pp 702–3 (sentence adverbs)
- Garner’s Dictionary pp 791–2 (sentence adverbs)
**consequent on**

⚠️ **usage**—avoid using

**try**—because of / under / omitting / recasting

**extra information**

1. May be used if the provision describes something that follows in time from or comes as a direct result of some other thing. It may not be necessary to use *consequent on* if the association between the elements, while related, is more indirect.

2. compound preposition

**example of no change**

1. an Act relating to personal property securities to make provision consequent on the enactment by the Parliament of the Commonwealth of the *Personal Property Securities Act 2009* (Cwlth)

**examples of change**

1. the territory authority or an associated person may give the information to someone else for a purpose related to, or consequent on, the transfer of the authority’s assets

2. any claim for gratuitous services consequent on because of the claimant’s personal injury

**further reading**

Garner’s Dictionary p 205 (*consequent*)

Howard’s Handbook p 99 (*consequent/consequential*)

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**consider**

*see*—give consideration to and DPG, ch 14, ‘Consider / take into account / have regard to’

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**considerable**

⚠️ **usage**—avoid using

**try**—significant / substantial / omitting / recasting

**extra information**

1. It is sometimes unclear whether *considerable* refers to number or quality or both.

2. As alternatives such as *significant* or *substantial* may also be unclear, consider if the context requires recasting to achieve a more precise meaning.

3. *Considerable* is not generally appropriate for concrete things, eg a ‘large’ house rather than a ‘considerable’ house.

**example of no change**

1. members who have demonstrated a capacity for outstanding service as practising barristers over a considerable period of time
considerable [continued]

example of change
1 the exemption is not likely to cause a considerable substantial detriment to consumers

further reading
Fowler’s English Usage pp 173–4
Gowers’ Plain Words p 52
Longman English Usage p 163
Partridge p 81
Working Words p 131

consideration

usage—consider alternatives
try—consider / recasting

extra information
1 Use in the legal sense of a promise by which a right or benefit accrues to one party in return for which the party who receives the benefit promises or conveys something to the other (see Macquarie Dictionary).
2 Sometimes used as a defined term—see example of no change 2.
3 Sometimes used in a section heading where the provision lists a number of matters to be considered.

dexamples of no change
1 a contract with a total consideration, or estimated total consideration, worth less than $20 000
2 The consideration must be a commission-initiated consideration.
3 the planning strategy is not a relevant consideration for a decision under the following provisions
4 Import and export licences—relevant considerations

example of change
1 the regulator’s consideration must relate to regulator must consider

further reading
Fowler’s English Usage p 174 (Considerateness, consideration)
Garner’s Legal Style p 31, 215
Gowers’ Plain Words p 4

constitute

usage—consider alternatives
try—form / establish / is / made up / be / recasting

extra information
1 Constitute should not be used to identify behaviour that is the subject of an offence (see Drafting Standards Decisions of 16 August 2016).
2 Do not use constitute in relation to the formation of tribunals or meetings. In this context, use less formal words such as form, establish and make up.
**constitute** [continued]

**example of no change**
1. This section applies if a law changes how an entity established under a law is constituted.

**examples of change**
1. evidence of what constitutes is appropriate professional conduct or practice
2. the terms of the standard customer contract constitute form an enforceable contract between the utility and the person
3. to be reviewed by a court, or by a tribunal constituted by or under an enactment established under a law
4. an appeal tribunal is constituted by made up of
5. to prevent the act or omission alleged to constitute form the offence or an element of the offence

**further reading**
Partridge p 76 (comprise and constitute)

**construct**

😊

**usage**—consider alternatives
try—build / form / make

**extra information**
1. Construct and construction are frequently used in laws regulating planning and development, in relation to the construction industry and the occupations that are involved in that industry.

**examples of no change**
1. A licence authorises the licensee to provide construction services in each construction occupation or occupation class to which it relates.
2. A registered worker for the building and construction industry is entitled to long service leave in accordance with this schedule.
3. require the owner of the land to construct the drains in the situations stated in the notice

**examples of change**
1. construct build additional retail space at the shopping centre
2. install includes construct build, place, connect or erect.

**construe**

😢😢

**usage**—never use
try—interpret / omitting / recasting

**example of change**
1. in a proceeding to construe interpret a will, evidence of the testator’s intention

**further reading**
Fowler’s English Usage pp 175–6 (construct/construe)
consult with

usage—never use
try—consult / ask / seek (information or advice) / discuss (with) / recasting

extra information
1 phrasal verb
2 use the simple verb

examples of change
1 the employer must consult with the worker in good faith about
2 in exercising its functions, an advisory committee may consult with ask for comments from members of the public
3 the planning and land authority must consult with the entities prescribed by section 26 (1)

further reading
Cambridge Guide p 618 (phrasal verbs)
Fowler’s English Usage pp 594–5 (phrasal verbs)
Gowers’ Plain Words p 184
Howard’s Handbook p 98 (consult or consult with)
Longman English Usage p 164 (consult)

contained in

usage—never use
try—in / under

extra information
1 verbosity

examples of change
1 the integrity of the information contained in the document
2 a restriction or prohibition contained in under the objects or rules of the association

contemplate / contemplation

usage—avoid using
try—consider / think / regard / recognise / realise / intend / plan / expect / anticipate / recasting

extra information
1 vague word
contemplate / contemplation [continued]

examples of change
1 The advisory committee must contemplate consider actions required to give effect to the policy.
2 if the representation was prepared or obtained for the purpose of conducting, or for or in contemplation of or in relation to, an Australian or overseas proceeding
3 the transferor’s contemplation of the transferor’s marriage to, or intention to marry or enter into a civil partnership with, another person
4 a will made by a child who may marry or enter into a civil union and that is made in contemplation anticipation of a marriage or civil union

context

see—in the context of; where/if the context permits/allows

contiguous

usage—avoid using
try—▶ adjoining / next to / ▶ adjacent
extra information
1 formal word
2 used in planning and land contexts
examples of no change
1 a lease of public land to the lessee of a contiguous lease
2 the lessee of a lease that is contiguous with the proposed lease
3 The registrar-general may issue 1 certificate of title for several parcels of land even if they are not contiguous.
example of change
1 if a person parks a vehicle contiguous with next to an emergency vehicle

further reading
Butterworths Legal Dictionary p 260 (contiguous; contiguous zone)
Garner’s Dictionary pp 24 (adjacent; contiguous), 26 (adjoin), 213
Garner’s Legal Style p 192
Longman English Usage p 166 (contiguous, contagious)
Partridge p 6 (adjacent; contiguous)
contrary intention

see—except where a contrary intention appears; unless the contrary intention appears

controvert

usage—never use
try—dispute / deny / oppose
extra information
1 formal word
example of change
1 if a person controverts disputes another person’s statement

convene

usage—never use
try—call / arrange
extra information
1 formal word
example of change
1 the commissioner may, by reasonable written notice given to the other liquor advisory board members, convene call a meeting.

convey

usage—avoid using
try—give / transmit / communicate / tell / inform / advise / take / transfer / carry
extra information
1 formal word
2 has a technical meaning in land law: convey means to transfer real property
examples of no change
1 high pressure consumer piping system means a consumer piping system that conveys gas at a pressure greater than 21 kPa.
2 In a conveyance, it is not necessary to use the word ‘grant’ to convey land.
examples of change
1 A police officer who conveys takes an accused person to an approved health facility
2 to ensure that firearms are stored and conveyed carried in a safe and secure way
**convict**

😊 **usage**—consider alternatives

**try**—find guilty / recasting

**extra information**
1. *Convict* needs to be used with care. It may be possible for a defendant to be found guilty of an offence, but be discharged without conviction.
2. Do not use *convict* in provisions creating offences.
3. See also LA, dict, pt 1, def **found guilty**.

**example of no change**
1. A court in a proceeding against a person for a speeding offence in which the prosecution is relying on evidence of the average speed of the vehicle may convict a person, or find a person guilty, of the offence.

**example of change**
1. A person who contravenes a notice is guilty of an offence punishable on conviction by... A person must not contravene a notice.

Maximum penalty:

---

**corporate**

**see**—body corporate

---

**could**

**see**—can

---

**course**

**see**—during the course of; in the course of

---

**covenant**

😊 **usage**—consider alternatives

**try**—contract under seal / contract / agreement / condition

**extra information**
1. formal word
2. vague word (with a number of meanings)
3. *Covenant* has a technical legal meaning ie a formal agreement (including an international covenant) or promise in a deed or under seal.

**examples of no change**
1. A lease permitting the carrying of stock on land is taken to include a covenant by the occupier of the land to pay stock levy payable in relation to the land.
2. A copy of any encumbrance that is shown on the certificate of title (for example, a restrictive covenant or an easement)
covenant [continued]

example of change
1 The board may enter into a covenant contract to transfer land.

further reading
Butterworths Legal Dictionary pp 297–8
Garner’s Dictionary p 234

credibility

😊 usage—consider alternatives
try—recasting (using credible or a simpler alternative)
extra information
1 formal word
2 Credence, credibility, credible, creditable, credulity and credulous are sometimes confused. Credence means belief or trust and also plausibility; credibility, the quality of being believable or trustworthy; credible, believable, convincing or impressive; creditable, deserving of credit or respect; credulity, the quality of being ready to believe; and credulous, gullible or ready to believe. Credulity, like credulous, has negative connotations and implies being too ready to believe.
3 However, there are different views about whether credible can be used to mean convincing or impressive.

example of no change
1 the assessment of the credibility of the witness or person

example of change
1 warn the jury that the evidence of children as a class has is inherently less credibility credible than the evidence of adults

Crown

😊 usage—avoid using
try—Territory / Commonwealth / State / government / prosecution / recasting

examples of no change
1 the Attorney-General’s functions are to be the chief legal representative of the Crown in right of the Territory and
2 land has become vested in the Commonwealth as Crown land

example of change
1 The property is forfeited to the Crown Territory.

further reading
Fowler’s English Usage pp 191–2
**current / currently**

😊 usage—consider alternatives  
try—recasting / omitting  
extra information

1 *Current* and *currently* are frequently redundant because currency is implicit in the context.

example of no change

1 The ACT legislation register must contain authorised republications of laws currently in force.

examples of change

1 The inquiry must consider whether, on the documents *currently* before the board, the offender should be released on parole.  
2 the premises where the machine is *currently* held  
3 if a person who applies for the issue or amendment of a driver licence under this part is the holder of a *current* an Australian driver licence

further reading

Howard’s Guide p 109  
Howard’s Handbook p 111

**curtilage**

😊😊 usage—never use  
try—recasting  
extra information

1 formal word  
2 What is included in a *curtilage* can be uncertain.

further reading

Butterworths Legal Dictionary p 313  
Garner’s Dictionary p 241

**customary**

😊 usage—consider alternatives  
try—usual  
example of no change  
1 customary laws  
example of change

1 a mercantile agent having in the *customary usual* course of his or her business
date

😊 usage—consider alternatives
try—day / recasting
extra information
1 Do not use date if day would be appropriate.
examples of no change
1 The magistrate must tell the officer the date and time the warrant was signed.
2 the time and date stated in the notice
3 the claimant’s date of birth
examples of change
1 beginning on the date day after its expiry
2 on or before the closing date day

decease / deceased

😊 usage—consider alternatives
try—die / deceased person / dead / death
extra information
1 formal words
2 euphemisms
3 Prefer die, deceased person or death, unless the effect would be too abrupt or harsh.
4 Never use ‘the deceased’. 
example of no change
1 in a proceeding against the estate of a deceased person
example of change
1 A worker is not entitled to weekly compensation if the worker is a deceased person dead.

further reading
Garner’s Dictionary pp 249 (death; demise; decease etc), 251 (decease and deceased etc)
Gowers’ Plain Words p 218
Longman English Usage p 188
Partridge p 88

decide

see—hear and decide
**decide to grant / decide to refuse to grant**

- **usage**—never use
- **try**—give / refuse to give / grant / refuse to grant

**extra information**
1. verbosity

**decision**

*see*—make a decision

**deduct**

- **usage**—consider alternatives
- **try**—subtract

**extra information**
1. *Subtract* and *deduct* both express diminution in total or quantity. However, 
deduct is broader than subtract. Subtract should only be used in mathematical 
contexts.

**examples of no change**
1. The director-general may deduct amounts from a young detainee’s trust account 
   for payment of any fine.
2. *Surplus* means the amount remaining after the following are deducted from the 
   amount paid for the article:

**example of change**
1. The amount charged is deducted/subtracted from the amount of the contribution

**further reading**
Partridge pp 88 (*deduce; deduct*), 338 (*subtract*)
Working Words p 163 (*deduce/deduct*)

**deem / deemed**

- **usage**—avoid using
- **try**—taken / treated as / regarded as / recasting

**extra information**
1. Deem is a formal word for consider, think, judge, treat as or esteem.

2. Deemed used to be frequently used in legislation to create fictions. The 
   abandonment of deemed for this purpose in Australia is now too well established 
   to revert to its previous use. Use taken to create legal fictions.

3. In creating a legal fiction, you should ask—
   - are you actually creating a legal fiction?
   - is the artificiality really necessary and appropriate?
deem / deemed [continued]

4 However, deem or deemed may be useful in a provision heading or note (eg Payroll Tax Act 2011 section heading (Deemed choice of relevant day in special cases) and note (See also s 11 (Wages taxable in the ACT), that deems the wages to be paid or payable in relation to services performed.)

example of change
1 A person is deemed taken to consent if [or, if consent is not ‘fictional’, a person consents if]

further reading
Butterworths Legal Dictionary pp 332 (deem) and (deemed credit sale contract), 333 (deemed dividend), (deemed employee), (deemed employer), (deemed income), (deemed manufacturer), (deemed supply) and (deeming clause)
Fowler’s English Usage p 201 (deem)
Garner’s Dictionary pp 254 (deem), 369 (formal words)
Garner’s Legal Style p 110 (deem)
Gowers’ Plain Words p 218 (deem)
Longman English Usage p 190 (deem)
Partridge pp 32 (archaisms), 89 (deem)
Working Words p 163 (deem)

default

😊 usage—consider alternatives
try—failure / recasting
extra information
1 formal word

eamples of no change
1 the default setting
2 If an offender defaults in paying a fine, the director-general must send the fine defaulter a default notice.

example of change
1 in default of appearance if the person does not appear

further reading
Butterworths Legal Dictionary p 334
Working Words p 165

defer

😊 usage—consider alternatives
try—delay / postpone
extra information
1 Do not use defer if delay is meant. The Macquarie Dictionary distinguishes the terms as follows: defer is defined as ‘to put off to a future time’, and delay as ‘to put off to a later time’. A clearer distinction is that a deferral is a deliberate decision, while a delay is due to circumstances.
defer [continued]

examples of no change
1 The court may defer the operation of the order.
2 The owner of a parcel of land may apply to the commissioner for a
determination deferring payment of rates payable for the parcel.

examples of change
1 a scheduled transport service is deferred delayed or cancelled
2 On application by a party or on its own initiative, the court may adjourn or defer
 postpone a trial at or before the trial.

further reading
Fowler’s English Usage p 201 (extended forms and derivatives)
Longman English Usage p 191

definitely / definitive

usage—never use
try—omitting / recasting

extra information
1 vogue words
2 Definitely and definite are often used unnecessarily as emphasisers.
3 Definitive differs from definite by giving the idea of authority, conclusiveness,
exhaustiveness or finality. A definite offer is an offer clear and precise in its
terms. A definitive offer is an offer said to be the last word by the person making
it.
4 See also actually/actual; real/really.

examples of change
1 if a substance is definitely harmful to a worker’s health
2 if an employer makes a definitive final offer to the employer’s employees

further reading
Cambridge Guide p 206 (definite or definitive)
Fowler’s English Usage pp 19 (actually), 202 (definite, definitely) and (definite, definitive)
Garner’s Dictionary pp 257 (definite; definitive), 919 (vogue word)
Garner’s Legal Style p 32 (vogue word)
Gowers’ Plain Words pp 53, 219 (definitive)
Howard’s Handbook p 120 (definite/definitive)
Longman English Usage p 191 (definite, definitive)
Partridge pp 89 (definite and definitive), 280 (really, actually and definitely)
Working Words p 165 (definite/definitive)
degree

usage—consider alternatives

try—omitting / recasting

extra information

1. Degree is vague and abstract, but can sometimes be useful. Consider if it is necessary because it is often overused.

examples of no change

1. the degree of mutual commitment to a shared life
2. sexual assault in the first degree
3. the degree of rotation allowed
4. the degree of responsibility of the licensee for the act or omission that made up the ground for occupational discipline
5. kind or degree of disability

examples of change

1. to a serious degree seriously
2. the degree of public concern about the action is, or is expected to be, low
3. may use a reasonable degree of force

further reading

Butterworths Legal Dictionary p 339 (degree of force, degree of risk)
Fowler’s English Usage pp 202–3
Gowers’ Plain Words p 189
Howard’s Handbook p 120 (to a degree)
Longman English Usage p 192
Partridge pp 4 (abstract nouns), 89 (degree, in a)

delegate

[as a noun]

usage—consider alternatives

try—omitting

extra information

1. can be a redundancy
2. It is usually unnecessary to refer to delegates exercising powers (see LA, s 239 and on delegations generally, see LA, pt 19.4.)

example of no change

1. A delegate must exercise the delegation subject to any conditions, limitation of directions in the instrument making or evidencing the delegation.

example of change

1. The commissioner, or the commissioner’s delegate, must comply with a direction given by the Minister under subsection (1).

further reading

Butterworths Legal Dictionary p 340
deleterious

usage—never use
try—harmful

extra information
1 formal word

example of change
1 a substance that has a deleterious harmful effect on the user

further reading
Gowers’ Plain Words p 219
Longman English Usage p 192

deliver

usage—consider alternatives
try—give / provide / supply / recasting

extra information
1 can be formal word for give, provide or supply
2 can be a vogue word, eg ‘Will the Government deliver on tax cuts?’

examples of no change
1 if a person in charge of travelling stock delivers stock to someone else
2 sell includes consign or deliver for sale.

examples of change
1 the cost of delivering providing services
2 The tribunal may deliver give the decision on another date or a date to be set.
3 a notice must be delivered given personally to the person

further reading
Butterworths Legal Dictionary p 342 (delivery)
Garner’s Dictionary pp 262–3 (delivery)
Howard’s Handbook p 121
Longman English Usage p 193
Partridge p 377 (vogue words)
demand

usage—consider alternatives
try—require / ask / request

extra information
1 Can be formal word for require or ask but that formality may be appropriate in circumstances such as a letter of demand or similar demands for compliance.

examples of no change
1 letter of demand
2 The authority may, by written notice to the person, demand that the person give possession of the land to the authority within the reasonable period stated in the notice.
demand [continued]

**examples of change**

1. The food must be of the nature or substance demanded by the purchaser.
2. Votes at a general meeting may be cast by proxy (whether or not a poll is demanded).

**further reading**

- Fowler’s English Usage p 204 (for preposition usage with demand)
- Howard’s Handbook p 121 (demand from/of/on)
- Longman English Usage p 193
- Partridge p 89

**demise**

- **usage**—never use
- **try**—lease / transfer / omitting

**extra information**

1. formal word
2. Has various technical legal meanings particularly in relation to freehold or leasehold estates.
3. Do not use demise to mean death, end or downfall.

**example of change**

1. A person must not assign, transfer, demise or sublet the lease.

**further reading**

- Butterworths Legal Dictionary pp 343–4
- Garner’s Dictionary pp 264, 369 (formal words)
- Partridge p 89

**demonstrate**

- **usage**—consider alternatives
- **try**—show

**extra information**

1. Can be formal word for show.
2. Appropriate when used in the sense of ‘making evident by arguments or reasoning; proving’ (see Macquarie Dictionary, 5th ed).

**example of no change**

1. if the average speed demonstrates that the driver exceeded the speed limit

**example of change**

1. a person must be able to demonstrate show that the person is continuing to study
**de novo**

<table>
<thead>
<tr>
<th>usage—never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try—recasting</td>
</tr>
</tbody>
</table>

**extra information**

1 foreign phrase

2 A trial *de novo* is a completely new trial, as distinguished from a review of the first trial.

**example of change**

1 The appeal is a new hearing *de novo* of the matter.

**further reading**

Butterworths Legal Dictionary p 322

**depart**

<table>
<thead>
<tr>
<th>usage—never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try—leave / recasting</td>
</tr>
</tbody>
</table>

**extra information**

1 formal word

**examples of change**

1 depart from leave the ACT

2 if the document departs from the authorised form is not the same as the authorised form

3 If a person carries out the person’s business in a way that departs significantly is significantly different from the business plan, the person must tell the regulator.

**depend**

<table>
<thead>
<tr>
<th>usage—consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try—depend on</td>
</tr>
</tbody>
</table>

**extra information**

1 It is wrong in writing, though common in speech, to omit the *on* after depends.

**example of change**

1 depends on whether

**further reading**

Fowler’s English Usage p 205

Gowers’ Plain Words p 219

Howard’s Handbook p 124 (*depend on/upon*)

Longman English Usage p 195
dependant / dependent

😊 usage—consider alternatives
try—dependent / dependant
extra information
1 Dependant is a noun meaning a person who depends on someone else for support.
2 Dependent is an adjective meaning relying on or subject to something else.

further reading
Cambridge Guide pp 209 (in support of a more flexible approach)
Fowler’s English Usage p 205
Gowers’ Plain Words p 219
Howard’s Handbook pp 96 (conditional/dependent), 123 (dependant/dependent)
Longman English Usage p 195
Partridge p 90
Working Words p 169

derogate

😊😊 usage—never use
try—recasting (using, eg does not limit / is in addition to)
extra information
1 formal word
2 legalese
examples of change
1 This section does not derogate from limit section 10.
2 A regulation may relate to matters other than the health and safety of people or the environment, but must not derogate from adversely affect the health and safety of people or the environment.

described

😊 usage—consider alternatives
try—mentioned / stated
extra information
1 Be careful not to draw artificial distinctions in provisions by using different words to say essentially the same thing, eg do not say in one provision ‘a person mentioned in section x’, and in another provision ‘a thing described in section y’, if the person or thing is only being identified by the reference.
examples of no change
1 a training organisation (however described)
2 the land must be correctly described
examples of change
1 must comply with any condition described stated in the notice
2 a person described mentioned in section 6
**designate**

- **usage**—avoid using
  - try—name / choose / declare

- **extra information**
  1. formal word

- **example of no change**
  1. The purpose of this Act is to designate the ACT as an area in which certain genetically modified plants may not be cultivated.

- **examples of change**
  1. The members of a group may designate a qualified member of the group to be the designated group employer for the group for this Act.
  2. The licensee of the premises may designate part of the licensed outdoor area of the premises as an area in which drinking and smoking is allowed.

**desires**

- **usage**—never use
  - try—wants / wishes

- **extra information**
  1. ‘Desirable’ is frequently used in ACT legislation, most commonly in the phrase ‘necessary or desirable’ (eg Children and Young People Act 2008, Domestic Violence and Protection Orders Act 2008 and Unit Titles (Management) Act 2011), and is also used on its own (eg in LA, s 114).

- **examples of change**
  1. A person who desires to carry out work on a road must give written notice to the authority.
  2. a statutory declaration made by each person stating that the person desires to enter into a civil partnership with the other person

- **further reading**
  Gowers’ Plain Words p 219
  Howard’s Handbook p 125 (desire/want/wish)
  Longman English Usage p 198

**desist**

- **usage**—never use
  - try—stop / end / cease

- **extra information**
  1. formal word
  2. For the use of end and stop, see cease.
**desist** [continued]

<table>
<thead>
<tr>
<th>example of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 a person must desist from entering not enter premises</td>
</tr>
</tbody>
</table>

**further reading**
Garner’s Dictionary pp 270, 369 (formal words)
Gowers’ Plain Words p 219
Longman English Usage p 198

**despatch**

*see—dispatch*

**despite**

😊

**usage**—consider alternatives

**try**—omitting / although / recasting

**example of no change**

1 A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

**example of change**

1 However, the director-general may agree with the occupier of the land that the stock, despite being although impounded by the director-general, remain on the occupier’s land.

**further reading**
Butterworths Legal Dictionary p 803 (*notwithstanding*)
Howard’s Handbook p 126 (despite/despite of/in spite of)
Longman English Usage p 198

**detain**

😊

**usage**—consider alternatives

**try**—hold (in custody) / arrest

**extra information**

1 formal word

2 Used in *Evidence Act 2011* (model legislation).

**example of no change**

1 If a power is exercised in accordance with subsection (1) in relation to a vehicle, the relevant inspector may stop and detain the vehicle.

**example of change**

1 A police officer must not allow a person detained held in custody under subsection (1) to remain at a police station where the person was detained held for longer than 12 hours after the person is first detained held.

**further reading**
Garner’s Dictionary pp 270 (*detention*), 369 (formal words)
**determine**

😊 **usage**—consider alternatives

*try*—*decide / settle / fix / conclude / end / recasting (using work out / find out)*

**extra information**

1 formal word
2 Never use as an alternative to *end*.
3 Never use in the context of courts and tribunals (see example of change 2).

**examples of no change**

1 A determination under subsection (4) is a disallowable instrument.
2 The Minister may determine fees for this Act.

**examples of change**

1 the amount *determined in accordance with* worked out as follows:
2 In determining *deciding* whether to make the order, the court must take into account
3 a device to help *determine fix* a ship’s position
4 Either party may *determine end* the lease.

**further reading**

Butterworths Legal Dictionary p 354
Garner’s Dictionary pp 271, 369 (formal words)
Gowers’ Plain Words p 219
Howard’s Handbook p 126 (*determine/find out*)
Longman English Usage p 200

**detriment**

😊 **usage**—consider alternatives

*try*—*harm / injury / damage / loss*

**extra information**

1 formal word

**examples of no change**

1 An authorised officer must take reasonable steps to ensure that the authorised officer causes as little inconvenience, detriment and damage as practicable.
2 The Minister must not grant the exemption unless satisfied on reasonable grounds that the exemption is not likely to cause a substantial detriment to consumers.

**example of change**

1 the person knows that a consumer of the food who relies on the description will, or is likely to, suffer physical detriment *harm*

**further reading**

Butterworths Legal Dictionary p 354
Gowers’ Plain Words p 219 (*detrimental*)
develop

usage—consider alternatives
try—arise / happen / take place

extra information
1 vague word
2 The primary use of *develop* is to give the idea of a gradual unfolding or building up. But increasingly used in the sense of any change in a situation (eg ‘a sudden development’).

examples of no change
1 The Minister has the following functions...to develop, adopt or promote policies and programs relating to climate change
2 This section applies if an animal or bird develops a condition that is a serious risk to public health.

example of change
1 the liability to pay tax develops arises

further reading
Gowers’ Plain Words pp 17, 220
Howard’s Handbook p 127
Longman English Usage p 200
Partridge p 92

device [by will]

usage—never use
try—give / present / give by will / leave

extra information
1 *Devise* is a technical legal term meaning to give an interest in land by will. The equivalent term for personal property is *bequeath*. However, *devise* will be taken to include personal property if that is clearly the intention of the testator.
2 See also *bequeath*.

example of change
1 A person may, by his or her will, devise, bequeath or dispose of *give by will* any real or personal property to which the person is entitled at the time of the person’s death.

further reading
Butterworths Legal Dictionary p 355
Garner’s Dictionary pp 104–5 (*bequeath*), 273 (*devise; bequeath*)
**devise**
[**plan or invent**]

😊 usage—consider alternatives

try—plan / arrange / work out / design

**extra information**

1 **Devise** means to plan or invent a complex procedure, system or mechanism by careful thought. It should not be used as a synonym for any plan or arrangement.

**example of no change**

1 devise a test for assessing a young person’s functional ability

**examples of change**

1 All manual and semiautomatic brakes must be devised designed, constructed and located so that in an emergency they can be instantly applied.

2 communicate effectively with each other about the dispute and devise work out strategies for resolving the dispute

**further reading**

Longman English Usage p 201 (device, devise)

Partridge p 92 (device; devise)

Working Words p 176 (device/devise)

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**dichotomy**

😡 usage—never use

try—difference / conflict / gap / recasting

**extra information**

1 formal word

2 **Dichotomy** is properly used to differentiate between 2 mutually exclusive groups and should not be used to mean simply difference, conflict or gap.

**example of change**

1 if there is no dichotomy difference between the medical specialist’s assessment and the medical evidence

**further reading**

Fowler’s English Usage p 211

Gowers’ Plain Words p 220

Longman English Usage p 203

Partridge p 93

Working Words p 177
**different than**

😊😊  **usage**—never use

**try**—different from / recasting

**extra information**

1  *Different from* (but *indifferent to*) is the normal usage in Australian English.

2  The use of *different than* has been criticised although it is commonly used in American English.

**example of change**

1  the average premium rate used in the calculation may be different than from the premium rate negotiated by the employer

**further reading**

Cambridge Guide pp 216–217 (*different from, different to, and different than*), 746 (*than*)

Fowler’s English Usage pp 212–3 (*different*)

Garner’s Dictionary pp 275–6 (*different (from) (than]*)

Garner’s Legal Style p 111 (*different than*)

Gowers’ Plain Words p 220 (*different*)

Howard’s Handbook p 131 (*different from/to/than*)

**differ with**

😊  **usage**—consider alternatives

**try**—differ from / recasting

**extra information**

1  In the sense of *to be different*, the idiom is *to differ from*. In the sense of *to disagree*, it is to *differ with*. However, *differ from* is the normal usage.

2  *Differ from* can be ambiguous in some contexts. For example, ‘She differs from her brother’ can mean that they are different in particular respects or hold different opinions.

**example of no change**

1  the commissioner may differ with the Minister in relation to the reporting requirements

**example of change**

1  any law prescribing rules for choice of law that differ with *differ from* the rules prescribed by this section

**further reading**

Fowler’s English Usage p 212 (*differ*)

Garner’s Dictionary p 275 (*differ (from) (with]*)

Gowers’ Plain Words p 220 (*differ*)

Howard’s Handbook pp 131–2 (*differ from/with*)

Longman English Usage p 206 (*differ*)

Partridge p 94 (*differ from; differ with*)
directly

- **usage**—consider alternatives
  - **try**—direct / when / immediately / recasting

**extra information**
1. *Direct*, although an adjective, is, like *directly*, an adverb. To avoid ambiguity, it is better to confine *directly* to its meaning of immediately in time and so avoid the possibility of confusion between, eg ‘the Minister is going to Sydney direct’ and ‘the Minister is going to Sydney directly’.

**examples of no change**
1. the person can, directly or indirectly, control the exercise of the voting power
2. the carrying of grey water directly to a grey-water irrigation area

**example of change**
1. as in force directly immediately before the commencement day

**further reading**
- Cambridge Guide pp 219 (*direct* or *directly*)
- Fowler’s English Usage p 215
- Gowers’ Plain Words p 221
- Howard’s Handbook p 133 (*direct/directly*)
- Longman English Usage p 208
- Partridge p 94

**disburse**

[also disbursement]

- **usage**—avoid using
  - **try**—pay / pay out

**extra information**
1. *Disburse* must only be used in relation to the distribution of money but a simpler word is preferred if appropriate. *Disburse* should not be used to mean distribution of other things, such as crowds or diseases. The word *disperse* should be used instead.

**example of no change**
1. A conditional costs agreement may provide for disbursements to be paid irrespective of the outcome of the matter.

**example of change**
1. The DI fund manager may disburse pay out of the fund any amount the Minister directs be transferred to the terrorism cover temporary reinsurance fund.

**further reading**
- Butterworths Legal Dictionary p 363 (*disbursement*)
- Gowers’ Plain Words p 221
disclaim

usage—consider alternatives  

try—recasting (using not responsible / not claimed / not accepted / deny)  

extra information  

1 formal word  

example of no change  

1 a written statement that the beneficiary has disclaimed a bequest to which the beneficiary was entitled under the will  

example of change  

1 Leave must not be given if the court is satisfied that the insurer is entitled under the terms of the contract of insurance to disclaim deny liability  

further reading  

Butterworths Legal Dictionary p 365 (disclaim) and (disclaimer)  
Garner’s Dictionary p 252 (disclaim; declaim)

disclose

usage—consider alternatives  

try—inform / mention / show / state / tell  

extra information  

1 formal word  

example of no change  

1 A person who is or has been a gaming officer must not disclose any information obtained under or in relation to the administration of a gaming law.  

example of change  

1 The infringement notice must also disclose to state the following:  

further reading  

Gowers’ Plain Words p 221  
Howard’s Handbook p 135 (disclose/reveal)  
Longman English Usage p 210

discontinue

usage—consider alternatives  

try—end / stop / finish / cease  

extra information  

1 Suitable for use in relation to legal proceedings.  

2 Do not use discontinue as a pretentious synonym for end, stop, finish or cease.  

3 For the use of end and stop, see cease.  

examples of no change  

1 proceedings in relation to an offence to which the identification material relates have not been started or have been discontinued  

2 a proceeding for any offence to which the detention relates is discontinued or dismissed
discontinue [continued]

example of change
1 The convenor may cancel or discontinue stop the conference only if there is no significant prospect of promoting the objects of this Act.

further reading
Butterworths Legal Dictionary pp 366–7 (discontinuance of proceedings)
Longman English Usage p 210
Howard’s Handbook p 344 (stop/cease/discontinue/terminate)

disinterested

usage—avoid using
try—unbiased / impartial

extra information
1 Disinterested means unbiased by personal interest. It is sometimes also controversially used to mean uninterested or indifferent. As a result it may be better to use a word that clearly indicates what is intended in the context.

examples of no change
1 A person commits an offence if the person holds the person out to the public as being engaged in a business or activity of making disinterested selections or examinations or expressing disinterested opinions in relation to property or services.
2 a process of the court must be directed to a disinterested person appointed by the court

example of change
1 The allegations can be met without materially diminishing the barrister's disinterestedness impartiality.

further reading
Cambridge Guide p 223 (disinterested or uninterested)
Fowler's English Usage pp 218–9, 808 (uninterested)
Garner's Legal Style p 111
Gowers' Plain Words p 222
Howard's Handbook p 137 (disinterested/uninterested)
Longman English Usage p 212
Partridge p 95
Working Words p 185 (disinterested/uninterested)
**dispatch**

- **usage**—never use
  - **try**—send / post

- **extra information**
  1. formal word for send

- **examples of change**
  1. The Minister must decide the appeal with all reasonable dispatch.
  2. the electronic communication is taken to have been dispatched sent

- **further reading**
  Howard’s Handbook p 137 (dispatch/despach)
  Partridge p 95

**disseminate**

- **usage**—never use
  - **try**—circulate / distribute / publish

- **extra information**
  1. formal word

- **examples of change**
  1. a member must not disseminate publish or present the member’s individual views as the view of the board
  2. publish means communicate or disseminate distribute information in a way or to an extent that makes it available to, or likely to come to the notice of, the public or a section of the public.

**diverge / divergent**

- **usage**—never use
  - **try**—differ / different / move

- **extra information**
  1. If 2 paths diverge, they get further away from each other. Diverge and divergent do not mean the same thing as differ and different. Their meanings differ, but they do not diverge.
  2. See also different than.

- **examples of change**
  1. If a driver diverges moves to the left or right within a marked lane, the driver must give way to any vehicle that is in the lane.
  2. The rules must not diverge differ from the model rules.

- **further reading**
  Gowers’ Plain Words p 222
  Howard’s Handbook p 136 (discrepancy/divergence)
  Longman English Usage p 217
  Working Words p 178 (differ/diverge)
divided into

😊 usage—consider alternatives
try—made up of / separated

extra information
1 An apple, halved, is divided into sections, but an apple is made up of seeds, flesh and skin.

divided into [continued]

examples of no change
1 a section of part 7 that is not divided into subsections
2 Under this Act, licences are divided into 5 classes: master licences, employee licences, trainer licences, temporary licences and temporary visitor licences.

example of change
1 The staff is divided into made up of employees, contractors and volunteers.

does not exceed

😊 usage—consider alternatives
try—≠ not more than / up to / recasting (using under / less than / lighter than / shorter than / smaller than / younger than)

extra information
1 Use a more specific alternative if appropriate.
2 See also exceed; not exceeding; in excess of.

example of no change
1 The provision is valid to the extent to which it does not exceed power.

examples of change
1 the aggregate quantity does not exceed is not more than
2 the building does not exceed is not larger than the size limitation for the block

domicile

😊 usage—avoid using
try—(place of) residence / recasting (using, eg place where the person lives)
extra information
1 Can have technical legal meaning eg domicile of origin, domicile of choice, domicile of dependence
2 The Domicile Act 1982 (Cwlth) applies to the ACT.

example of no change
1 The Supreme Court must not grant the relief sought unless it has made a finding about the domicile of the deceased person at the time of death.

examples of change
1 domiciled lived in the ACT
2 place of domicile residence

further reading
Butterworths Legal Dictionary p 383
Garner’s Dictionary p 291
Partridge p 96

donate
[also donation]

usage—consider alternatives
try—give / gift (donation)

extra information
1 formal word
2 Donation means the act of presenting something as a gift (Macquarie, 5th ed).
   To donate can imply a charitable or benevolent purpose. The less formal give may be appropriate if, for example, the charitable nature of the giving is expressly stated.

example of no change
1 For subsection (1), it is immaterial whether the money or benefit is solicited or received as a donation or otherwise.

examples of change
1 food donor means a person who donates gives food to the public in good faith for a charitable or benevolent purpose.
2 The entity must pay all donations gifts into a tax-compliant fund.

further reading
Fowler’s English Usage pp 225–6, 309 (formal words)
Garner’s Dictionary pp 292, 369 (formal words)
Gowers’ Plain Words p 222
Longman English Usage p 220
doubt whether / if / that

😊 usage—consider alternatives
try—doubt whether / doubt that
extra information
1 Idiom requires whether or if after a positive statement and that after a negative statement.
examples of no change
1 if the court is not satisfied beyond reasonable doubt that the defendant committed the offence
2 This rule applies if a proceeding has been started in the name of the wrong person as plaintiff or there is doubt whether the proceeding has been started in the name of the right person as plaintiff.
further reading
Gowers’ Plain Words pp 222–3
Howard’s Handbook p 142 (doubt if/that/whether)
Longman English Usage p 223
Partridge p 97
**due**

😊 **usage**—consider alternatives

▶ **try**—payable / owing / proper / recasting

**extra information**

1 Traditionally, *due* (when used in relation to a payment) contained an ambiguity, because it could mean either (1) ‘payable; owing; constituting a debt’ or (2) ‘immediately payable’. Sense (1) relates to the fact of indebtedness, sense (2) to the time of payment. Today, sense (2) is almost invariably the intended one.

2 Because a debt cannot be *due* without also being *payable*, the doublet *due and payable* is unnecessary in place of *due*. However, *due and payable* has been interpreted to mean required to be paid immediately. If that meaning is intended, it is preferable to say so rather than use the doublet *due and payable*.

3 The use of *due* to mean the proper quality or extent is often unnecessary.

4 See also *due to*.

**examples of no change**

1 the day when the licence is due for renewal

2 due diligence

3 due date (for, eg payment)

**examples of change**

1 due and payable [or payable immediately]

2 due for payment payable

3 payments due amounts payable

4 the commissioner must have due regard to consider [or take into account]

5 the amount of the levy is due and owing payable

6 debt due payable to the Territory

7 The new boundaries will take effect for the election that is due to be held before 2008.

8 the amount that is due to must be released

9 due proper administration of justice

10 due proper skill and care

**further reading**

Butterworths Legal Dictionary pp 393 (due administration of justice), (due and payable) and (due diligence), 1104-5 (standard of care)

Garner’s Dictionary pp 298–9, 299 (due process of law)
Due to
[as adjective / preposition]

Usage—never use
Try—because of / caused by / recasting
Extra Information
1. Compound preposition
2. The traditional view is that due to (in the sense of because) is an adjective and must be attached to a noun. Despite the increasing use of due to as a preposition, the traditional view still has its strong supporters. Until the use of due to as a preposition becomes more firmly established, it is best not used as a preposition.
3. Due to the fact that can usually be replaced by because (see the fact that).

Examples of Change
1. Loss of hearing due to because of age
2. Damage due to caused by lightning, explosion, fire, or rain

Further Reading
Cambridge Guide p 233 (due to or owing to)
Fowler’s English Usage pp 232–3
Garner’s Legal Style p 111
Garner’s Dictionary pp 298–9
Gowers’ Plain Words p 109
Howard’s Handbook p 144 (due to/owing to)
Longman English Usage p 227
Partridge p 98
Working Words p 66 (because of/owing to/due to)

Duly

Usage—never use
Try—recasting / omitting
Extra Information
1. Formal word
2. Duly is usually unnecessary.

Example of Change
1. The exercise of the power under a warrant issued under this section was duly authorised

Further Reading
Garner’s Dictionary pp 299 (duly authorised), 926 (weasel words)
Howard’s Handbook p 144

Duration

See—for the duration of
during

😊 usage—consider alternatives
try—*in / for / throughout / when / while*

extra information
1 Consider using *throughout* if the law needs to make it clear that something needs to continue to be the case, or continue to happen regularly, during a period.

examples of no change
1 if the direction is given during the journey of the vehicle
2 a period during which an employee was absent

examples of change
1 dividing the total number of hours worked by the employee during in the year by 52
2 the number of claims received during in the previous month
3 During a period for which any *when* a public baths has been reserved for the exclusive use of an organisation
4 an employer who pays or is liable to pay taxable wages during throughout that financial year

during such time as / during the time that

😊😊 usage—never use
try—*while / as long as / during*

extra information
1 verbosity

further reading
Garner’s Dictionary p 300
Gowers’ Plain Words p 60
Longman English Usage p 228 (*during*)

during the course of

😊😊 usage—never use
try—*while / during*

extra information
1 verbosity

examples of change
1 This section does not prohibit a person, during the course of proceedings during a proceeding, publishing or otherwise disclosing
2 at the commencement or during the course of the tenancy

further reading
Garner’s Dictionary p 300
Longman English Usage p 228 (*during*)
**during which**

😊 **usage**—consider alternatives  
**try—► when**  
**extra information**  
1 compound preposition  
**examples of no change**  
1 A direction takes effect at the end of the period during which it is disallowable.  
2 any part of the proceeding during which evidence or information is given  
**example of change**  
1 the hours of the day during which **when**

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**duty**

😊 **usage**—consider alternatives  
**try—function / recasting (using ► must) / role / obligation**  
**extra information**  
1 *Function* is defined in the LA, dict., pt 1 to include authority, duty and power (see also def *exercise*).  
2 Prefer *function* to *duty*, except to refer exclusively to an obligation.  
3 See also DPG, ch 14, ‘Functions powers and duties and their exercise’.  
4 *Duty* may be used to describe a tax imposed on goods or transactions.  
**examples of no change**  
1 A tax default does not happen for the Taxation Administration Act if duty is paid within 90 days after the liability to pay it arises.  
2 A person can have more than 1 duty if the person is in more than 1 class of duty-holder.  
**examples of change**  
1 It is the duty of the insurer to make payments to the claimant. The insurer **must** pay the claimant.  
2 the duties **functions** of an inspector under this Act include the following

---

**dwell**

😊😊 **usage**—never use  
**try—live / ◄ reside / recasting**  
**extra information**  
1 formal word for *live* (as a resident).  
2 becoming an archaism for *live*
dwell [continued]

examples of change
1 members of the same association work or dwell in live in the same premises
2 the child or young person is allowed to dwell reside permanently in Australia

further reading
Fowler’s English Usage p 234
Longman English Usage p 229
Partridge p 32 (archaism)

dwelling

usage—consider alternatives
try—house / home / recasting (using, eg place where the person lives / usually lives / resides)

extra information
1 Dwelling is used frequently in planning and development law in the ACT.
2 In other legislation use an alternative if possible.
3 See also DPG, ch 14, ‘home and business address’.

examples of no change
1 a variation to limit the number of dwellings permitted on the land under the lease
2 if the works assessor or building surveyor assesses that a single dwelling is exempt under schedule 1
3 a parcel of land or dwelling is taken to be rented if it is rented on the 1st day of a quarter

examples of change
1 the chief veterinary officer may, in writing, direct an authorised person or someone else to destroy infected premises (other than a dwelling place where a person usually lives)
2 take reasonable steps to ensure that each child does not enter a private dwelling home

further reading
Garner’s Dictionary p 301 (dwelling)

dwelling house

usage—avoid using
try—house / home / dwelling / recasting (using, eg place where the person lives / usually lives / resides)

extra information
1 formal word
2 Dwelling house has an established legal meaning. It is used in defined terms in the Planning and Development Act 2007, the Crimes Act 1900 and the Administration and Probate Act 1929.


dwelling house [continued]

examples of no change

1. this Act applies to a single dwelling house lease granted by the planning and land authority
2. a partner may require the personal representative of the intestate to have the interest in the dwelling house valued

example of change

1. This regulation does not apply to machinery used only in or about a dwelling house at a home for domestic purposes.

further reading

Butterworths Legal Dictionary p 399 (dwelling house)
Garner’s Dictionary p 301 (dwelling house; usual place of abode)
each

Usage—consider alternatives
Try—a / an / the / all / omitting / recasting

Extra information
1 Each should be used only when necessary.
2 If the subject of the sentence is plural, it is almost never necessary to use each. If the subject is singular, use each only if the meaning of the sentence would be unclear without it, eg use of a would allow the unintended interpretation that an obligation is discharged by applying it to a single member of a class rather than any or all of them.
3 If each is the subject of a sentence, the verb is singular and so is any pronoun, eg ‘Each student has a room to herself’. If a plural noun or pronoun is the subject, with each in opposition, the verb is plural, eg ‘They have a room each’.
4 If singular nouns linked by and are accompanied by each, the verb is singular, eg ‘Each student and graduate is entitled to attend the ceremony’.
5 Avoid using between with each.
6 See also on each occasion when

Example of no change
1 If the owner (or an owner) of the brothel or escort agency is an individual—the name and home address of each individual who is an owner

Example of change
1 The receipts A receipt must each be made in triplicate.

Further reading
Cambridge Guide pp 30–1 (1. verb–subject agreement)
Fowler’s English Usage p 235
Garner’s Dictionary pp 301–2
Gowers’ Plain Words pp 108 (between each), 129–30
Howard’s Handbook p 146 (each; each and every; each other/one another)
Partridge p 99
Working Words p 196

earnt

Usage—never use
Try—earned

Extra information
1 Generally regarded as non-standard English

Example of change
1 The value of any income earnt earned from the asset
earnt [continued]

further reading
Fowler’s English Usage p 236 (earn)
Howard’s Handbook p 146 (earned/earnt)

easterly (direction) /
eastwardly /eastward(s)

😊 usage—consider alternatives
try—east / eastward / eastwards / eastern

extra information
1 *Easterly* is appropriately applied to winds, airstreams, currents etc, and means ‘from the east’. It is also appropriately used to modify words implying motion or a position (notionally) arrived at by previous motion.
2 Do not use *in an easterly direction*. Substitute *east* or *eastwards*.
3 Use *eastward* as an adjective.
4 As an adverb, prefer *eastwards*. However, for the increasing trend not to use an ‘s’ in words ending in *ward(s)*, see *forward*/forwards.

examples of no change
1 the easterly prolongation of a line parallel to, and 5m southerly from, a stone retaining wall
2 the eastern region of the State

examples of change
1 ending *in an easterly direction* east of Tyagarah Street
2 The easterly eastern side of Coulter Drive.

further reading
Cambridge Guide pp 238–9 (*east, eastern or easterly*), 552–3 (*north, northern and northerly*), 748—9 (*south, southern and southerly*), 849–50 (*-ward or *-wards*), 854-5 (*west, western or westerly*)
Fowler’s English Usage pp 236 (*easterly etc*) and (*eastward*), 528 (*northward(s)*)
Garner’s Dictionary pp 278 (*directional words*), 924 (*-ward(s)*), 927 (*westerly*)
Howard’s Handbook pp 268-9 (*North/north; Northern/northern; northward/northwards/northerly...*)
Longman English Usage pp 231 (*eastward*), 478 (*north, northern*) and (*northward(s)*)), 664 (*southward(s)*)), 762 (*-ward(s)*), 767 (*westwards*).
Partridge pp 100 (*easterly and eastern*), 216 (*northward; northwards*), 317 (*southward; southwards*)

economic / economical

😊 usage—consider alternatives
try—financial

extra information
1 *Economic* is used for matters related to economics and the structure of the economy at large. Garner (Garner’s Redbook) suggests that *financial* should be used when writing about a company’s or household’s money. *Economical* is used for economy measures by which extravagance and waste are avoided.
economic / economical [continued]

examples of no change
1 a statement of the economic or other assumptions used to make the budget estimates
2 ensure that legal assistance is provided in the most effective, efficient and economical way

eexample of change
1 provides an economic a financial incentive to undertake activities resulting in the reduction of greenhouse gas emissions by imposing a penalty on greenhouse gas emitters

further reading
Cambridge Guide pp 240-1
Garner’s Dictionary pp 303, 899 (uneconomic(al))
Gowers’ Plain Words p 223
Howard’s Handbook p 148
Longman English Usage p 232
Partridge p 101

effect

 USAGE—consider alternatives
 try—do / produce / is / applies / force / make / operate / begin / ► start / outcome / ► affect / ► result / omitting / recasting (using more precise words)

extra information
1 vague word
2 Do not use effect for make.
3 Use as a noun is more acceptable than as a verb.
4 For the use of effect and affect, see affect.
5 Prefer in force to in effect when referring to legislation.
6 See also affect; to the effect that.

examples of no change
1 The order ceases to have effect.
2 an effective, efficient and accountable system of local government
3 describing the general effect of the recommendation
4 the effectiveness and efficiency of the maritime industry
5 exercise effective control of a motor vehicle
effect [continued]

examples of change
1 This section has effect is subject to section 10.
2 section 11 has effect applies
3 until a further valuation takes effect for applies to the land
4 if an amendment has the effect of changing changes a rate
5 Service of a document by post may be effected made by properly addressing, prepaying and posting the document as a letter.

further reading
Cambridge Guide p 27 (affect or effect)
Fowler's English Usage p 31 (affect, effect)
Garner's Dictionary p 34 (affect; effect)
Garner’s Legal Style p 101 (affect; effect)
Howard's Handbook p 12 (affect/effect)
Longman English Usage p 23 (affect, effect)
Partridge p 8 (affect and effect)
Working Words p 21 (affect/effect)

effectual

Usage—never use
try—effective / adequate / satisfactory / recasting

extra information
1 formal word

example of change
1 an instrument is not effectual in passing does not pass any interest in land until the instrument is entered on the register

effort

see—in an effort to

eg

Usage—consider alternatives
try—for example / recasting

extra information
1 For the use of eg and ie, see ie.
2 Abbreviations such as eg can be freely used in legislation in notes, tables and non-text examples where brevity is of particular importance.
3 A comma or another punctuation mark (eg an opening bracket or dash) should usually be used before eg. A comma should not be used after eg.
4 Use without full stops.
5 See DPG, ch 16.3 ‘Abbreviations and contractions—eg / ie / etc’
Words and Phrases: A Guide to Plain Legal Language
December 2016
E–5

eg [continued]

example of no change
1 defines terms used for offences to which the Code applies (eg conduct, intention, recklessness and strict liability).

further reading
Asprey p 162
Cambridge Guide pp 244-5
Fowler's English Usage p 240
Garner’s Dictionary p 307
Garner’s Legal Style p 112 (eg; ie)
Howard’s Handbook p 150 (eg/ie)
Longman English Usage pp 234–5 (eg, ie)
Working Words p 200 (eg/ie)

either … or

😊 usage—consider alternatives
try—recasting

extra information
1 Either … or requires proper balancing of the sentence.
2 Avoid using either for more than 2 choices because either suggests a duality.
3 When using either … or, make sure the words are in their right positions and carry equal weight. Nothing that comes between either and or can be regarded as applying to anything after or, it must come before either; if it does not come before either, it must be repeated after or. See example of change 1.

example of no change
1 the power of attorney has been revoked, either completely or in relation to the person purporting to exercise power under the power of attorney

example of change
1 The registrar must ensure either the relevant document is either published on the approved website or available for inspection at the registrar’s office.

further reading
Garner’s Legal Style pp 45 (either), 66, 67, 128–9 (either…or)
Gowers’ Plain Words p 102
Howard’s Handbook pp 150-1 (either)
Working Words p 201

elect
[also election]

😊 usage—consider alternatives
try—choose / recasting (using ►may) / omitting

extra information
1 can be a formal word

example of no change
1 an election for members of the Legislative Assembly
elect
[also election] [continued]

**examples of change**
1 A person may elect to make a claim.
2 If the chair is not present at a meeting, the members present may elect choose a member present to preside.

elucidate

|-- usage—never use
|   |-- try—clarify / explain

**extra information**
1 formal word

**example of change**
1 if the record keeper unreasonably fails to elucidate explain the content of the record

**further reading**
Gowers’ Plain Words p 223

emolument

|-- usage—never use
|   |-- try—bonus / pay / wages / salary / remuneration / earnings / money / income / benefit / amount

**extra information**
1 formal word

**example of change**
1 wages or salary, including any fee, bonus, commission, overtime pay or other emolument amount payable in addition to wages or salary

**further reading**
Butterworths Legal Dictionary p 413
Fowler’s English Usage p 309 (formal words)
Garner’s Dictionary p 370 (formal words)
Gowers’ Plain Words p 223 (emoluments)
employ
[as use / apply]

��뱅 使用—never use
try—use / apply
extra information
1  Formal word for use or apply.
examples of change
1  A person must not employ use spurs with sharpened or fixed rowels on an animal.
2  if the computer software can be employed applied without modification

further reading
Garner’s Dictionary p 370 (formal words)
Gowers’ Plain Words p 223

empower

뱅뱅 使用—never use
try—recasting (using ▶ may) / ▶ permit / allow / ▶ authorise
extra information
1  formal word
examples of change
1  subsection (1) does not empower authorise the ombudsman to exercise any of the powers of the Commonwealth ombudsman
2  a trustee may not retire, unless another person is empowered to may appoint trustees

enable

 itk 使用—consider alternatives
try—allow / recasting (using for)
extra information
1  formal word
example of no change
1  to enable people with disabilities to receive services that
examples of change
1  the notice must provide enough information to enable for the tree to be identified
2  The object of this Act is to enable allow the temporary operation of a supervised injecting place.

further reading
Gowers’ Plain Words p 224
Longman English Usage p 242
enclose

😊 usage—consider alternatives
try—attach / recasting (using, eg inside or with)
extra information
1 formal word

example of no change
1 the person covers or encloses a fire hydrant

example of change
1 place it in an envelope, seal the envelope and endorse it to indicate the kind of spoil sw ballot paper enclosed inside the envelope

further reading
Gowers’ Plain Words p 224 (enclosed)
Howard’s Handbook p 152 (enclose/inclose)
Partridge p 107

encounter

😢 usage—never use
try—meet / recasting
extra information
1 formal word

examples of change
1 the person wants to meet an official visitor
2 a police officer encounters the person or is otherwise in a position to arrest the person but is not carrying the warrant at the time

endeavour

😢 usage—never use
try—attempt / try / recasting (using eg reasonable steps) / omitting
extra information
1 formal word

2 Endeavour may suggest more effort than try or attempt. If greater effort is required use reasonable steps or all reasonable steps (see DPG ch 14, ‘Reasonable steps’).
### endeavour [continued]

**examples of change**
1. the public advocate must *endeavour* attempt to find a suitable person to be appointed
2. the director-general must *endeavour* try to give the occupier of premises written notice of any action proposed
3. the council must use its best *endeavours* take reasonable steps to give each person
4. a transferor and a transferee must *endeavour* to assist each other in the provision of evidence

**further reading**
- Fowler’s English Usage p 309 (formal words)
- Garner’s Dictionary pp 314–5, 370 (formal words)
- Gowers’ Plain Words p 18
- Howard’s Handbook p 146

### enhance

[also enhancement]

😊 **usage**—consider alternatives
- **try**—*increase / improve / raise* (the value or price of)

**extra information**
1. formal word
2. *Enhance* may be applied to things, values, reputations.

**examples of no change**
1. the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations
2. provided in ways that promote in the community a positive image of people with disabilities and enhance their self-esteem

**example of change**
1. equipment designed or adapted to provide or *enhance* *improve* security or for the protection or watching of any property

**further reading**
- Fowler’s English Usage p 250
- Longman English Usage p 244

### enjoin

😊😊 **usage**—never use
- **try**—*direct / order / require / recasting (using, eg *must / prevent / stop)*

**extra information**
1. formal word
2. Technical legal word.
enjoin [continued]

**examples of change**

1. The Supreme Court may, on application by the mortgagor, *enjoin* order the mortgagee against starting or continuing *not to start or continue* a proceeding.

2. A person must not *enjoin* require a crane, lift, hoist or scaffolding to be subject to a greater load than the load mentioned in this section.

**further reading**

Garner’s Legal Style p 113

Longman p 244

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enough

*see*—*sufficient*

enquire

⚠️⚠️ **usage**—never use

**try**—inquire / ask / question / investigate / query

**extra information**

1. formal word

2. Like the use of *enquiry* and *inquiry*, there is not a completely settled practice in Australia for the use of *enquire* and *inquire* (see *enquiry*).

3. Use *inquire* rather than *enquire* in all contexts.

**examples of change**

1. an authorised person must *enquire into* investigate

2. A person dealing with a deputy registrar-general need not *enquire* ask whether the deputy registrar-general was subject to a direction of the registrar-general.

**further reading**

Cambridge Guide pp 411–12 (*inquiry* or *enquiry*, *inquire* or *enquire*)

Fowler’s English Usage pp 252, 309 (formal words)

Garner’s Dictionary p 452 (*inquire*; *enquire*)

Gowers’ Plain Words p 224

Howard’s Handbook p 154 (*enquire/inquire/enquiry/inquiry*)

Longman English Usage p 245 (*enquire, inquire*)

Partridge p 108
enquiry

usage—never use

try—enquiry / investigation / recasting (using, eg asked / questioned / queried)

extra information
1 There is not a completely settled practice in Australia for the use of *enquiry* and *inquiry*. However, *inquiry* is increasingly used for all applications. *Enquiry* appears to have formal overtones in Australia and appears to be limited in its use to single or ad hoc queries.
2 Use *inquiry* rather than *enquiry* in all contexts.

examples of change
1 This section applies if the official visitor is satisfied that the complainant cannot be found after reasonable *enquiry* / *investigation*.
2 *after inspection and enquiry / inquiry* by the officer or person

further reading
Cambridge Guide pp 411–12 (*inquiry* or *enquiry*, *inquire* or *enquire*)
Fowler’s English Usage p 252
Gowers’ Plain Words p 224
Howard’s Handbook p 154 (*enquire*/inquire/enquiry/inquiry)
Longman English Usage p 245 (*enquire*, *inquire*)
Partridge p 108

entail

usage—never use

try—need / cause / impose / involve / require / recasting

extra information
1 formal word with technical legal meaning

examples of change
1 the sentence will entail require a period of imprisonment
2 An affirmation has the same force and effect, and entails involves the same liabilities, as an oath.

further reading
Gowers’ Plain Words p 225

enter / entry

usage—consider alternatives

try—add to / include / put / write / note

extra information
1 can be a formal word

examples of no change
1 The registrar-general must register a birth by making an entry in the register relating to the birth.
2 An authorised person may enter premises that the public is entitled to use.
enter / entry [continued]

example of change
1. The registrar must enter include the applicant’s details in the register.

further reading
Gowers’ Plain Words p 225

entered into

😊 usage—consider alternatives
try—omitting
extra information
1. can be a redundancy

example of no change
1. A civil partnership may be entered into by any 2 adults.

example of change
1. the parties who entered into to the agreement

entitled to

see—is/are [not] entitled to

entitlement

😊 usage—consider alternatives
try—claim / right
extra information
1. formal word

example of no change
1. a worker’s entitlement to long service leave

example of change
1. the young detainee’s entitlements rights and obligations under this Act

further reading
Gowers’ Plain Words p 225
**envisage**

Usage—never use

**Try**—consider / think / regard / recognise / realise / intend / plan / expect / anticipate / recasting

**Extra information**

1. Formal word meaning to visualise

**Examples of change**

1. A development application may envisage anticipate the undertaking of development in stages.

2. The transfer is to take place in the way envisaged by mentioned in section 60.

**Further reading**

Fowler’s English Usage p 254 (envisage, envision)
Garner’s Dictionary pp 319–20 (envisage; envision)
Gowers’ Plain Words p 225
Longman English Usage pp 246–7 (envisage, envision)
Partridge p 108
Working Words p 207 (envisage/envision)

**equal**

**See**—amount equal to (the)

**equally as**

Usage—never use

**Try**—equally in / equally to

**Extra information**

1. Non-standard English

**Examples of change**

1. The partners in a firm are entitled to share equally as to equally in the capital and profits of the firm

2. Other than a benefit that is available equally as to equally to all voting members of the club

**Further reading**

Garner’s Dictionary p 320 (equally as)
Gowers’ Plain Words p 225 (Equally)
Howard’s Handbook p 34 (as)
Partridge p 37 (as, equally)
equitable

usage—consider alternatives
try—fair / just / reasonable

extra information

1 formal word with various legal meanings

examples of no change
1 This section applies if 2 or more people are beneficially entitled as tenants in common to an equitable estate in property.
2 Nothing in this Act affects any equitable jurisdiction to refuse relief.

example of change
1 Consultation should be open, equitable fair, respectful and transparent.

further reading
Butterworths Legal Dictionary p 425
Longman English Usage p 248 (equable, equitable)
Partridge p 109
Working Words p 208 (equable/equitable)

equivalent

usage—consider alternatives

try—equal / the same as / corresponding

extra information

1 formal word
2 Something is equivalent to something else, or is the equivalent of it, but not the equivalent to it.

examples of no change
1 participation in any combination of the following that is equivalent to full-time participation in 1 education course
2 whether equivalent evidence or evidence of equivalent probative value could have been obtained by other means

examples of change
1 the public debt of the State less an amount equivalent equal to the sum of the balance standing to the credit of the State
2 the number of candidates nominated is the equivalent to the same as the number of candidates to be elected.

further reading
Gowers’ Plain Words p 226
Longman English Usage p 249
erroneous

- **usage**—never use
  - try—wrong / incorrect / mistaken / false / recasting
- **extra information**
  1 formal word
- **examples of change**
  1 there was an erroneous incorrect omission or understatement in an appropriation
  2 a person does not know that conduct is erroneous wrong if the person cannot reason

escalate

- **usage**—avoid using
  - try—rise / expand / develop / increase / grow
- **extra information**
  1 formal word
  2 Escalate properly means increase step by step and is often overused.
- **example of no change**
  1 understanding the aggravating circumstances that escalate the behaviour
- **example of change**
  1 if the leak or spill has the potential to escalate develop into fire, explosion or release of toxic materials

**further reading**
Garner’s Dictionary pp 325, 919 (vogue words)
Garner’s Legal Style p 33
Gowers’ Plain Words pp 40, 88, 226

escrow

- **usage**—never use
  - try—recasting
- **extra information**
  1 technical legal word
  2 Recast in whichever of the following ways is appropriate:
    - for a conditional deed:
      a deed takes effect only when X [the condition] is satisfied.
    - for a third party holding a deed on trust:
      A third party holds a deed until Y [the condition] is satisfied.
escrow [continued]

**examples of change**
1. Exploration rights to be held in escrow in certain circumstances must not be granted unless agreement is given in the following circumstances:
2. On deposit of the conveyance with the public trustee and guardian the conveyance is taken to be delivered by the vendor in escrow pending discharge of the contract by performance or otherwise. A conveyance that is given to the public trustee and guardian must be held on trust until the contract is discharged by performance or otherwise.

**further reading**
- Butterworths Legal Dictionary pp 429–30
- Garner’s Dictionary p 326

establish

😊 **usage**—consider alternatives

**try**—show / find out / set up / form / prove / recasting

**extra information**
1. *Establish* is defined in LA, dict, pt 1.
2. Use *establish* when legislation creates an advisory or administrative body to perform functions set out in the legislation.

**example of no change**
1. The Work Safety Council is established.

**examples of change**
1. The director-general must assist the community to *establish* set up programs for the protection of children.
2. It is a defence to the publication of defamatory matter if the defendant *establishes* proves that the defamatory imputations

**further reading**
- Gowers’ Plain Words p 226

estate

😊 **usage**—consider alternatives

**try**—interest / recasting

**extra information**
1. *Estate* is broadly defined in LA, dict, pt 1.
2. technical legal word, with archaic overtones
3. Do not use *estate* or *interest*.

**examples of no change**
1. grant probate of the will, or administration of the estate
2. the part of the person’s estate that includes stock bearing the mark is finalised
### estate [continued]

**example of change**
1 adversely affecting, or likely to affect adversely, the estate or interest of the mortgagor

**further reading**
Butterworths Legal Dictionary p 430
Fowler’s English Usage p 264
Garner’s Dictionary p 328

### estop

- **usage**—avoid using
- **try**—stop / prevent / hinder

**extra information**
1 technical legal word
2 For the use of stop, see cease.

**example of no change**
1 If a person acts honestly on a matter stated in a certificate, then, in an action by or against the body corporate, the body corporate is estopped, as against that person, from denying the truth of that or any other matter stated in the certificate.

**example of change**
1 that there are exceptional circumstances that estopped prevented completion before 1 July 2011

**further reading**
Butterworths Legal Dictionary p 431 (estop) and (estoppel)
Garner’s Dictionary p 328

### etc

- **usage**—consider alternatives
- **try**—omitting / recasting

**extra information**
1 Use etc without commas before or after and without a full stop at the end.
2 Use etc only in provision headings and notes. Use etc sparingly and with care in provision headings to avoid overloading provisions. If it is necessary to use etc in a provision heading, always consider whether the provision should instead be broken up.
3 Do not use etc in chapter, part, division or subdivision headings.
4 Do not use etc at the end of a list preceded by ‘including’, ‘for example’, ‘such as’ or a similar expression.
5 Do not use and before etc.
etc [continued]

example of no change
1 Offences against Act—application of Criminal Code etc

further reading
Cambridge Guide pp 269-70
Fowler’s English Usage p 265
Garner’s Dictionary p 329
Garner’s Legal Style pp 113–4
Howard’s Handbook pp 156–7
Longman English Usage p 253
Partridge pp 27 (and etc.), 109
Working Words p 211

even if / though

😊 usage—consider alternatives
try—even if / even though / recasting (using, eg ▶ whether or not)

extra information
1 As a general rule, even should be placed immediately before the word it qualifies:
   • Julia did not even see Tony last night
   • Julia did not see even Tony last night
   • Julia did not see Tony even last night.
2 Although even though and even if are increasingly used as interchangeable terms (even the Macquarie Dictionary states that though can mean even if and if can mean even though), some argue that even though should only be used when referring to a fact, and even if should be used when referring to a possibility, as in the examples below.

examples of no change
1 A test may be carried out on an item even if it may result in the destruction of, or damage to, the item.
2 The Supreme Court may make an order under subsection (4) even though the party is not in the ACT or Australia.

examples of change
1 An affidavit made by a witness is admissible as evidence even though if the witness does not attend the proceeding.
2 the person may install the component in an aircraft even if whether or not the person does not satisfy satisfies the requirements in section 32 (a) and (b)

further reading
Cambridge Guide pp 273-4
Gowers’ Plain Words pp 95, 97
Longman p 255
Partridge p 112
Working Words p 213
event

see—in the event that / of

every

😊

usage—consider alternatives

try—a / an / the / all / omitting / recasting (using, eg each or any)

extra information

1 Every should be used only when necessary. See each for further information.
2 Every takes a singular verb. This rule applies even where every is used with singular nouns linked by and, eg ‘Every school and university was closed that day’.
3 Avoid using between with every.
4 See also in every case.

example of no change

1 at least once every 12 months

example of change

1 Every A reference in a document to the Legislative Assembly secretariat is to be read as a reference to the office, except in relation to anything that happened before this Act commenced.

further reading

Cambridge Guide p 274
Gowers’ Plain Words pp 108 (use of between with every), 129, 150
Howard’s Handbook p 159
Longman p 256
Working Words p 213 (every/everybody/everyone)

evidence

see—proof
evident

usage—avoid using
try—clear / plain / obvious / recasting

extra information
1 formal word

example of no change
1 ensure that the container is sealed with a tamper-evident seal that has a unique identifying number marked on it

examples of change
1 The Legislative Assembly wishes to enact legislation in accordance with the COAG agreement in recognition of the evident need for laws to combat terrorism.
2 if the seller sends the goods to the buyer before the matters mentioned in subsection (1) become evident finding out about the matters mentioned in subsection (1)

evolve

usage—consider alternatives
try—change / develop / omitting

extra information
1 Evolve means a process of natural change or development that is gradual and usually self-generated.

examples of no change
1 flashpoint, of a liquid, means the temperature at which the liquid first evolves vapour in a sufficient quantity to be ignited
2 A wilderness area must be managed to preserve its capacity to evolve in the absence of significant human interference.

example of change
1 the capacities of children may evolve as they mature

further reading
Gowers’ Plain Words p 227
examine

😊 usage—consider alternatives
try—check / consider
examples of no change
1 examine and cross-examine witnesses
2 a thing found at premises entered under a warrant may be moved to another place for examination or processing
examples of change
1 the police officer must examine check the person’s identification
2 The commissioner must examine consider the application

exceed
[also exceeding]

😊 usage—consider alternatives
try—over / greater than / heavier than / larger than / longer than / more than / older than / recasting (using at least)
extra information
1 Use a more specific alternative if appropriate.
2 See also does not exceed; not exceeding; in excess of.
examples of no change
1 a concentration of alcohol in the person’s blood that exceeds the amount permitted by an ACT law
2 if the campaign costs for the campaign are likely to exceed $40 000
**exceed**

*also exceeding* [continued]

**example of change**

1. it may extend that period by a further period not exceeding longer than 28 days

**except**

😊

**usage**—consider alternatives

**try**—other than / but / excluding / apart from / unless / recasting (using only or however)

**extra information**

1. Use except or other than consistently.
2. See also except as otherwise provided; except as provided in; except where a contrary intention appears.

**examples of no change**

1. the person must not sell a stated declared fuel by retail to anyone, except on stated days and at stated times
2. No-one may be deprived of liberty, except on the grounds and in accordance with the procedures established by law.

**examples of change**

1. the interim order (except other than an interim workplace order) may do something mentioned in section 48 (2)
2. within 7 days after the day the offender stops being in government custody (except excluding days in government custody)

**further reading**

Longman English Usage p 257
Partridge p 114

**except as otherwise provided**

😊😊

**usage**—never use

**try**—omitting / recasting (to identify the exceptions)

**extra information**

1. legalese
2. General expressions like except as otherwise provided are very unhelpful to readers, lead to loose drafting, and may give rise to legal uncertainty. The provisions that are the exceptions should be identified as precisely as possible.
3. See also subject to.

**example of change**

1. an appropriation must not, except as otherwise provided in this section, be made in relation to a settled legacy, share or interest unless 1 of the following consents in writing

**further reading**

Garner’s Dictionary p 601 (notwithstanding anything to the contrary contained herein)
except as provided in

 usage—never use
 try—subject to / omitting / recasting

 extra information
 1 legalese
 2 Expressions like except as provided in/prescribed by are technical drafting devices used to indicate that there are exceptions to a provision and what the exceptions are but they have appropriate alternatives (see subject to). To avoid the problems of elegant variation, they should never be used.

 example of change
 1 Except as provided in subsection (4), a ship does not include a seaplane
    (1) A ship does not include a seaplane.
    (2) However,....

exception

 see—with the exception of

except where a contrary intention appears

 usage—avoid using
 try—unless the contrary intention appears / except to the extent that a contrary intention appears / recasting

 extra information
 1 legalese
 2 General expressions like except where/if the contrary intention appears are technical drafting devices that are rarely necessary. If a general expression is necessary, an appropriate alternative may include unless the contrary intention appears.
 3 If the extent to which some statutory concept applies is dependent on the extent of the contrary intention then the use of except to the extent that a contrary intention applies may be justified. See LA, s 155 (Definitions apply subject to contrary intention).

 examples of change
 1 except where a contrary intention appears unless a contrary intention appears in the will—
 2 This section applies to a trust except where a contrary intention appears except to the extent that a contrary intention appears in the trust instrument.

excess

 see—in excess of
excessive number of

usage—never use
try—too many / excessive
extra information
1 verbosity

examples of change
1 a capital contribution charge imposed by the respondent is an excessive number
2 if an excessive number of members are appointed or elected

further reading
Garner’s Legal Style p 183

excluding

usage—consider alternatives
try—apart from / other than / except
extra information
1 Use excluding or other than consistently.

example of no change
1 within 7 days after the day the offender stops being in government custody
(excluding days in government custody)

example of change
1 If semen used in the procedure was produced by a man excluding other than the woman’s domestic partner

further reading
Gowers’ Plain Words p 227

exclusively

usage—consider alternatives
try—only

examples of no change
1 trust money deposited in a general trust account of the practice exclusively for the person on whose behalf it is received
2 born with reproductive organs or sex chromosomes that are not exclusively male or female

example of change
1 words indicating that the person will sell fuel exclusively only to people who operate an account with, or who are regular customers of, the business

further reading
Gowers’ Plain Words p 227
execute

😊 usage—consider alternatives
try—carry out / perform / sign / make / enforce / complete / recasting
extra information
1 formal word
2 Execute has technical legal meanings.
example of no change
1 The warrant may be executed according to its terms.
examples of change
1 An order or direction of the court or tribunal addressed to all escorts may be executed carried out by any escort.
2 A power of attorney does not authorise an attorney to execute sign an assurance or other document, or do anything else, that would result in a benefit being given to the attorney.
further reading
Asprey p 118
Butterworths Legal Dictionary p 444
Garner’s Dictionary p 337

executor

see—heirs, executors, administrators, successors and assigns

exhibit

😊 usage—consider alternatives
try—show / display / recasting
extra information
1 Can be a formal word for show or display.
2 Exhibit also has a technical legal meaning of an object received in evidence when tendered by a party to the proceeding.
example of no change
1 This section does not apply in relation to the inspection of an exhibit by the court or, if there is a jury, by the jury.
example of change
1 Before any vote is taken in the election, the OIC must, in the presence of any scrutineers, exhibit show that the ballot box for the election is empty
further reading
Butterworths Legal Dictionary pp 446-7
### expedient

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>appropriate / suitable / convenient / omitting extra information</td>
</tr>
</tbody>
</table>

1. Formal word with negative overtones.

### examples of change

1. if the court considers it necessary or expedient appropriate to do so
2. if necessary or expedient in the public interest

### expedite

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>recasting (using, eg quickly)</td>
</tr>
</tbody>
</table>

1. Formal word

### example of no change

1. the court has already ordered that the trial be expedited or listed as a special fixture

### example of change

1. if the mediator considers that it would expedite the reaching of an help the parties to reach agreement more quickly on any matter that is the subject of mediation

### further reading

Garner's Dictionary p 370 (formal words)
Gowers' Plain Words p 227

### expeditiously

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>quickly / promptly / immediately / as soon as possible / practicable</td>
</tr>
</tbody>
</table>

1. Formal word
2. ‘Quickly’ or ‘promptly’ is unlikely to be precise enough when imposing a legislative obligation. See as soon as possible / practicable.

### example of change

1. a court may take into account whether it was in the public interest in the circumstances for the matter published to be published expeditiously quickly

### further reading

Gowers’ Plain Words p 228
expend
*[also expenditure]*

- **usage**—avoid using
  - **try**—*spend / pay / recasting (using costs as a noun)*
- **extra information**
  1. formal word
- **examples of no change**
  1. income and expenditure
  2. *expected sinking fund expenditure* means expenditure for the following purposes that the owners corporation reasonably expects will be necessary to maintain in good condition the common property and any other property it holds:
  3. *contribution*, by a licensee, includes the value of a contribution made in kind by the licensee, but does not include expenditure on commercial activities.
- **example of change**
  1. *expend* *spend* money for the repair, maintenance or renovation of property;
- **further reading**
  Garner’s Dictionary pp 340, 370 (formal words)

expire

- **usage**—consider alternatives
  - **try**—*end / ceases to have effect / die / stop*
- **extra information**
  1. formal word
  2. *expire* is used to describe legislation coming to an end (see LA, s 82, def *repeal*).
- **example of no change**
  1. This part expires 3 years after the day it commences.
- **example of change**
  1. An acting appointment *expires* ends if the appointee resigns by signed notice of resignation given to the appointer.
- **further reading**
  Cambridge Guide p 280 (*expiry or expiration*)
  Garner’s Dictionary pp 341, 370 (formal words)
exportation

usage—avoid using
try—export

extra information
1 *Exportation* means the act of exporting.
2 *Exportation* can be a verbose way of saying export.
3 Generally prefer *export*.
4 See also *import*.

example of no change
1 *exportation from the Territory* does not include exportation to Australia or to another Territory

dexample of change
1 an offence that involves the illegal importation or exportation of fauna into or out of Australia

expressed

usage—consider alternatives
try—stated / recasting / omitting

example of no change
1 an electricity supplier’s energy savings obligation must be expressed as a number of tonnes of carbon dioxide

dexample of change
1 the amount expressed in the contract

expression

*see*—*the expression*

expunge

usage—never use
try—strike out / delete / cancel / destroy / remove

extra information
1 formal word

dexample of change
1 the record was expunged destroyed [or deleted]
### extend

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>give</td>
</tr>
</tbody>
</table>

**examples of no change**

1. The Minister may extend the time for making an objection.
2. An example in an Act or instrument...may extend, but does not limit, the meaning of the Act or instrument.

**example of change**

1. extend give credit

**further reading**

Garner’s Dictionary p 370 (formal words)
Gowers’ Plain Words p 228

### extent

*see—to the extent that*

### extinguish

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>end / put out / remove</td>
</tr>
</tbody>
</table>

**extra information**

1. formal word
2. For the use of *end*, see *cease*.

**example of no change**

1. held that native title rights may be extinguished by valid government acts

**examples of change**

1. the right to recover the amount is extinguished *ends*
2. fails to contain or extinguish *put out* a fire that was lit by the person
facilitate

usage—consider alternatives
try—help / assist / encourage

extra information
1 formal word
2 *Facilitate* means to help to bring about. You facilitate what is being done, eg ‘We used the database to facilitate a search for consequential amendments’. You do not facilitate the people who are doing something, eg ‘We were assisted in our search for consequential amendments by the database’ [or we used the database to do a search for consequential amendments].
3 For the use of *help* and *assist*, see *assist / assistance*.

examples of no change
1 the cost of connecting the generator to the network, including any network augmentation that was required to facilitate the connection
2 The underlying principles of this Act are...to facilitate a national approach to the control of firearms.

example of change
1 The registrar may do anything else to facilitate assist the hearing of the application that the registrar considers appropriate.

further reading
Gowers’ Plain Words p 228
Working Words p 220

facility

usage—consider alternatives
try—recasting (using more precise words)

extra information
1 vague word

examples of no change
1 a residential aged care facility that accommodates a person with disability who is less than 65 years old
2 an overdraft or credit facility

examples of change
1 educational facility school
2 a banking facility an authorised deposit-taking institution

further reading
Cambridge Guide p 283 (facility or faculty)
facsimile / facsimile transmission

usage—never use

try—fax / copy / true copy / exact copy

extra information
1 Fax is now standard English and is perfectly appropriate in formal contexts.
2 Fax is both a noun and a verb, and describes—
   • a document sent by fax
   • the method of transmission (including the scanning of the original document and the printing of the transmitted data to produce an exact copy of the original document)
   • a machine that transmits faxes, and
   • the sending of a document by fax.

examples of change
1 an authorised person may apply for a warrant by phone, facsimile fax, radio or other form of communication
2 a facsimile copy of the registrar-general’s signature produced by a stamp, machine imprint or any other method prescribed by regulation
3 the person certified the copy as a facsimile true copy
4 a statement certifying that the electronic copy is a facsimile an exact copy of the text of the subordinate law as made

further reading
Fowler’s English Usage p 288 (fax)
Garner’s Dictionary p 350 (fax)
Working Words p 222 (fax)

fact

see—the fact that

factor

usage—consider alternatives

try—recasting (using more precise words)

extra information
1 The traditional meaning of factor is something contributing to a particular result. Factor has, however, come to be used as an omnibus word and as a substitute for words such as circumstance, component, consideration, constituent, element, event, fact, feature or happening.
2 Factor should be used in its traditional sense. For other meanings, prefer more precise words.
3 Factor also has a technical legal meaning. It means a commercial agent, entrusted with possession of the goods of another to sell in the person’s own name as apparent owner, remunerated by commission (Butterworths Legal Dictionary). However, this meaning is not widely known so it is preferable to use a defined term in this context.
factor [continued]

example of no change
1 the asbestos-related disease was a contributing factor to the person’s death

example of change
1 An offer to settle is a factor circumstance that must be taken into account by the court.

further reading
Butterworths Legal Dictionary p 456
Fowler’s English Usage p 281
Garner’s Legal Style pp 114, 205
Gowers’ Plain Words p 4

fail to / fail to comply
😊 usage—consider alternatives
try—contravene / recasting (using must not) / does not

extra information
1 LA, dict, pt 1 defines contravene as including fail to comply with and fail as including refuse.
2 See DPG, ch 14, ‘fail to comply with and contravene’.

example of no change
1 the corporation’s failure to collect the insurance premium in full

examples of change
1 The Minister may remove all or any members of the corporation if it fails to does not comply with its obligations under the Act.
2 If an insurer fails to does not make a payment

further reading
Gowers’ Plain Words p 228

far

see—as / so far as ... is / are concerned; in so far as / insofar as

farther / farthest

see—further / farther

favour

see—in favour of
### feasible

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>pracitcable / possible</td>
</tr>
</tbody>
</table>

**extra information**

1. *feasible* means practicable or capable of being done. It should not be used to mean probable or plausible.

**example of no change**

1. The conduct may be engaged in if there is no feasible or prudent alternative.

**example of change**

1. It is more feasible practicable to do so having regard to the timeliness and cost of examining or processing the thing.

**further reading**

- Garner’s Legal Style p 144 (*viable*)
- Gowers’ Plain Words p 228
- Working Words pp 222–3

### feature

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>recasting (using more precise words)</td>
</tr>
</tbody>
</table>

**extra information**

1. Avoid using *feature* as a verb in the sense of to offer as a special attraction.

**examples of no change**

1. To contribute to social or cultural features in the ACT
2. *identifying particulars* includes any noticeable distinguishing marks or features

**example of change**

1. Including a person *mentioned* in the report

**further reading**

- Longman English Usage p 273

### feedback

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>answer / response / recasting</td>
</tr>
</tbody>
</table>

**extra information**

1. Vogue word
2. *Feedback* has certain technical meanings in electronic, mechanical and biological systems.

**example of no change**

1. *automatic biocide dosing device* means a device that automatically discharges a measured amount of biocide to a cooling water system using a feedback control loop or timer.
feedback [continued]

examples of change
1 The forum should ensure that opportunities are provided for feedback responses about the area of interest discussed.
2 The provider must give information to service consumers about how feedback comments on the service may be given to the service provider.

further reading
Gowers’ Plain Words pp 228–9
Longman English Usage p 274

fewer

usage—consider alternatives
try►less

extra information
1 Fewer relates to number. Less relates to degree, quantity or extent.
2 A good rule of thumb is to use fewer with plural nouns (eg fewer people, worries etc) and less with singular nouns (eg less land, boredom etc). The same rule of thumb applies to fewer than and less than.
3 Measurements (eg money, time, distance and weight), although expressed in the plural, are thought of as single units and require less than (eg to pay less than $100 and weigh less than 30g).
4 Alternatively, less applies to mass nouns (ie nouns almost always used in the singular because they refer to concepts, substances or quantities with no clear-cut boundaries, eg salt, butter, honesty and education) and fewer applies to count nouns (ie nouns that refer to things that can be counted and so can be pluralised, eg cars, books, people and offices).
5 However, less is gradually replacing fewer in most contexts and the issue of using fewer rather than less is now more a matter of style than grammar. Using fewer is more formal than using less.
6 Note that it is necessary to write a smaller number or fewer rather than a fewer number. Garner (Garner’s Redbook) states that it is redundant to say a fewer number because the sense of a number is included in the meaning of fewer.
7 See also not fewer than.

demonstrations of no change
1 the premises have fewer than 12 rooms
2 A container must be fixed to the floor with no fewer than 2 anchor bolts.
demonstrations of change
1 The appointment must be for the term stated in the appointment, which must be no fewer less than 7 years.

further reading
Cambridge Guide pp 292-3 (fewer or less)
Garner’s Legal Style pp 123–4
Gowers’ Plain Words p 241
Howard’s Handbook p 167 (fewer/less)
Working Words pp 223–4
### field

| usage—consider alternatives |
| try—recasting (using more precise words) / omitting |
| extra information |
| 1 Avoid using *field* as an omnibus word. See *kind* for extra information. |

**example of no change**

1 people with experience or expertise in a field the commissioner considers relevant

**example of change**

1 to conduct an educational institution to foster excellence in the fields of technical and further education

**further reading**

Garner’s Legal Style p 205

### finalise

| usage—consider alternatives |
| try—*end* / complete / decide / finish |
| extra information |
| 1 formal word |
| 2 For the use of *end*, see *cease*. |

**examples of change**

1 sell and finalise complete the sale of property

2 The inspector must finalise finish the investigation within 1 month.

**further reading**

Garner’s Legal Style p 114
Longman English Usage p 279
Working Words p 225

### firstly

| usage—never use |
| try—*first* / recasting |
| extra information |
| 1 needless variant |
| 2 much criticised |
firstly [continued]

example of change
1  firstly first, with payments of amounts due

further reading
Cambridge Guide p 296-7 (first or firstly)
Fowler’s English Usage p 298 (first)
Garner’s Dictionary pp 319 (enumerations), 359
Garner’s Legal Style p 83
Gowers’ Plain Words p 229
Howard’s Handbook p 170 (first, second …/firstly, secondly…)
Longman English Usage p 280
Working Words p 225

firstmentioned / first-mentioned / first mentioned

usage—never use
try—first / recasting

extra information
1  formal word
2  Repeat words rather than use firstmentioned to avoid repetition. Alternatively, use a tagged term. Readers may otherwise have difficulty in working out what is referred to.
3  For similar reasons, avoid substituting former (see former).
4  See also lastmentioned / last mentioned / last-mentioned.

example of change
1  If a person (the buyer) buys stolen goods from a person who stole the goods, the firstmentioned person buyer

first name

usage—never use
try—given name [by contrast with surname / family name]

extra information
1  Use of first name is inappropriate for people in whose culture the family name is given first, eg Chinese, Japanese, Koreans and Vietnamese.
2  See also Christian name.

example of change
1  an application to change the first name given name of the adopted child or young person

further reading
Cambridge Guide p 297 (firstname or forename)
Howard’s Handbook p 170 (first name/Christian name/forename)
first to happen / occur

usage—never use
try—happens first / whichever happens first

extra information
1 needless variant

fit

usage—avoid using
try—appropriate / suitable / recasting (using more precise words)

extra information
1 vague word
2 value-loaded word
3 *Fit for purpose* or *fit for use* may be used in the context of consumer protection law and sale of goods law (see the *Competition and Consumer Act 2010* (Cth), sch 2, part 3-2, div 1 (Consumer guarantees)).
4 Do not use *thinks fit* (see also *think*).
5 See also *fit and proper*.

example of no change
1 the person is apparently physically and mentally fit to drive the vehicle

examples of change
1 if the public trustee and guardian *thinks fit* considers appropriate
2 the building is *suitable* for occupation

further reading
Garner’s Dictionary p 361 (*fit*, *fitted*)

fit and proper

usage—never use
try—appropriate / suitable / recasting (using more precise words)

extra information
1 doublet
2 *Fit and proper* has no settled general legal meaning and only provides an illusion of certainty. It has been suggested that it delegates the job of deciding criteria to the courts.
3 Use an alternative and provide criteria, eg how to work out if a person is suitable (see *Gaming Machine Act 2004*, s 6).

example of change
1 the applicant is a *fit and proper suitable* person to be approved if the applicant meets the following criteria

further reading
Butterworths Legal Dictionary p 481 (*fit and proper*) and (*fit and proper person*)
Garner’s Dictionary pp 293 (doublets, triplets and synonym strings), 361
flat rate

Usage—consider alternatives
Try—omitting flat / recasting (using more precise words)

Extra information
1 Flat rate may not have a clear meaning.

Example of no change
1 A rate of royalty prescribed for this section may be expressed as a flat rate for each animal or plant.

Example of change
1 A service charge imposed by a licensee may be a fixed flat rate.

Further reading
Butterworths Legal Dictionary p 484 (flat interest rate)

following

Usage—consider alternatives
Try—after / next / because (of) / recasting

Extra information
1 The use of following before paragraphs should generally be limited to cases where the paragraphs are pure tabulation or it is desirable to clarify that the paragraphs are both cumulative and alternative (eg using 1 or more of the following:), ie a series of separate things in the form of a list. Applying current drafting practice, the use of following would result in the paragraphs not ending in or or and. Dot points could also be used in appropriate cases without punctuation at the end of each paragraph other than the last.
2 Following should not generally be used before paragraphs that are not pure tabulation, but rather an ordinary sentence broken up into paragraphs.

Examples of no change
1 A licence must include the following information:
2 The medicines and poisons standard sets out the following things to which it does not apply:

Examples of change
1 An arrangement that is completed before the end of the month following after the month in which it is started.
2 An approval holder must give the monthly return to the commission on or before the 14th day of the following next month.
3 If a rate is set between 1 September and the following 30 June in a financial year.

Further reading
Fowler’s English Usage p 305
Garner’s Dictionary p 364
Longman English Usage p 286
Working Words p 228
for

see—but for

forbear

usage—never use
try—recasting
extra information
1 formal word
example of change
1 the Minister may direct an officer to forbear from taking an action—an officer not to act

further reading
Garner’s Legal Style p 115
Working Words p 230

force majeure

usage—never use
try—recasting
extra information
1 foreign phrase
2 Force majeure means a coercion which cannot be resisted; a superior force. A circumstance beyond the control of a party to a contract, that enables the party to escape liability for failing to perform the contract as a result of the circumstance (Butterworths).
3 Force majeure is not a synonym for act of God. Act of God has a more restricted meaning. Neither expression should be used in legislative drafting.

example of change
1 the person’s obligation to make payments is not affected by an event of force majeure a circumstance beyond the person’s control or other circumstance that otherwise would end the agreement

further reading
Butterworths Legal Dictionary p 489
Garner’s Dictionary p 366

foregoing

usage—never use
try—omitting / recasting
extra information
1 archaism
2 Forgoing is sometimes confused with following.
foregoing [continued]

**example of change**
1 An incorporated association has the legal capacity of an individual and, without limiting the generality of the foregoing, has power

Recast as:

(1) An incorporated association has the legal capacity of an individual.
(2) Without limiting the generality of the foregoing subsection (1), an incorporated association has power

**further reading**
Garner’s Dictionary p 367
Garner’s Legal Style p 115
Howard’s Handbook p 174 (forgo/forego)

forename

eldom use
try—given name [by contrast with surname / family name]

**extra information**
1 Forename is open to the same objections as first name (see first name).

**example of change**
1 On the making of a parentage order about a child, the child has as his or her forename given name a name the Supreme Court approves in the parentage order.

**further reading**
Cambridge Guide p 297 (firstname or forename)
Garner’s Dictionary pp 859–60 (surname; Christian name)
Gowers’ Plain Words p 229

forfeit

eldom use
try—lose / give up

**extra information**
1 formal word

**examples of no change**
1 The forfeited property must be transferred to the public trustee and guardian.
2 If this section applies to the seized thing—
   (a) it is forfeited to the Territory; and

**example of change**
1 If a person does not comply with a condition, the person forfeits loses the right to compensation.
former
[as opposite of latter / to refer to 1st of 2 things]

usage—never use
try—recasting / first
extra information
1 formal word
2 Repeat words rather than use former to avoid repetition. Alternatively, use a tagged term. Readers may otherwise have difficulty in working out what is referred to.
3 For similar reasons, avoid substituting firstmentioned and similar terms (see firstmentioned / first mentioned / first-mentioned).

direct example of change
1 If a container is made of plastic or metal—
   (a) a red label must be attached to the container; and
   (b) if the container is made of the former plastic—a blue label must be attached to the container’s lid.

further reading
Cambridge Guide p 307 (former and latter)
Fowler’s English Usage p 309
Garner’s Dictionary p 370
Gowers’ Plain Words p 115
Longman English Usage pp 292–3
Partridge p 122

for the duration of

usage—never use
try—during / for / throughout / while / as long as / so long as / omitting / recasting
extra information
1 compound preposition

direct example of change
1 if a fixed term for the duration of a partnership
2 Each person mentioned in subsection (2) must be present for the duration of throughout the hearing.
3 the running of the limitation period is suspended for the duration of while the person is under the legal disability

further reading
Garner’s Dictionary p 372
Garner’s Legal Style p 183
### for the purpose / purposes of

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>usage</strong></td>
<td><em>in this [eg provision/Act] / for this [eg provision/Act] / because of / under / to / for / omitting / recasting</em></td>
</tr>
</tbody>
</table>

#### Extra information

1. Compound preposition
2. The LA, dict, pt 1 defines *for*, in relation to an Act or statutory instrument, as including for the purposes of the Act or statutory instrument.

#### Example of no change

1. All amounts of wages paid or payable in the same month by the same employer in relation to the same employee must be aggregated for the purpose of deciding whether they are taxable in the ACT.

#### Examples of change

1. Created by a stratum plan for the purposes of *under* this Act
2. For the purposes of *in this Act*, a reference to X does not include a reference to Y.
3. For the purposes of the Act, section 10
4. Amounts not immediately required for the purposes of the fund may be invested
5. The authority may invite a person to attend a meeting for the purpose of *advising* it

**Further reading**

- Gowers’ Plain Words p 55 (*for the purpose of)*
- Longman English Usage p 580 (*purpose*)

### for the reason that

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>usage</strong></td>
<td><em>because</em></td>
</tr>
</tbody>
</table>

#### Extra information

1. Compound preposition

#### Example of change

1. The decision must be taken to be a decision refusing to grant access to the document in accordance with the request for the reason that *because* the document would, if it existed, be an exempt document

**Further reading**

- Garner’s Dictionary p 372
- Garner’s Legal Style p 183
- Gowers’ Plain Words p 55

### forward / forwards

[as adjective / adverb]

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>usage</strong></td>
<td><em>forwards / forward / recasting</em></td>
</tr>
</tbody>
</table>
extra information
1 Most directional words ending in *ward(s)* are used as adverbs, adjectives or
nouns, eg backward(s), downward(s), forward(s) and upward(s). An exception
is *towards* which is used as a preposition.
2 In Australian (and British) English, the adverb form of these directional words
has traditionally ended with an ‘s’, and the adjective and noun forms have not.
In American English adjectives, nouns and adverbs are treated in the same way
and do not usually end in an ‘s’. There is an increasing trend in Australian
English not to end adverb forms with an ‘s’. The trend is more advanced with
some directional words than others.
3 The trend is perhaps most advanced in relation to *forward(s)*. There have been
various attempts to rationalise the cases in which *forwards* should nevertheless
continue to be used as an adverb, eg for moving straight ahead (Longman
English Usage), for a physical movement, or for movement towards a place
(Working Words). However, the rationalisations are not persuasive.
4 It is now too late to say that the adverb form of *forward(s)* *always* ends with an
‘s’. However, as an adverb, prefer *forwards* if appropriate.
5 Use *forward* as an adjective.
6 See also *afterward* / *afterwards*; *backward* / *backwards*; *easterly* (direction) / *eastwardly* / *eastward(s)*; *onward* / *onwards*; *toward* / *towards*.

examples of no change
1 the driver’s forward view (adjective)
2 if the company carries the losses forward to the next year (adverb)

example of change
1 must be able to be driven both backwards and *forward* *forwards* (adverb)

further reading
Fowler’s English Usage pp 311, 833 (-ward(s))
Garner’s Dictionary p 924 (-ward(s))
Howard’s Handbook p 175
Longman English Usage pp 294, 595 (rearward(s)), 762 (-ward(s))
Partridge pp 122-3, 382 (-ward/ -ward(s))
Working Words pp 233, 553 (-ward words)

forward
[as a verb]

usage—avoid using
try—*send* / *give*

extra information
1 Except to mean send on, prefer *send* or *give*.

eexample of no change
1 For this Act, *sell* means send, forward or deliver for sale.
forward

[as a verb] [continued]

example of change
1 forward give a copy of the claim to the fund manager

further reading
Gowers’ Plain Words p 230
Howard’s Guide p 174
Howard’s Handbook p 175
Longman English Usage p 294

for which there is

🌈 usage—avoid using
try—with / recasting
extra information
1 compound preposition

examples of no change
1 uninsured motor vehicle means a motor vehicle for which there is no CTP policy in force
2 A document for use in relation to a proceeding, and for which there is an approved form,

example of change
1 participating jurisdiction means a State for which there is that has in force an Act of its Parliament that refers to the Parliament of the Commonwealth.

frame

[as a verb]

🌈🌈 usage—never use
try—► develop / make / prepare
extra information
1 vogue, vague word

examples of change
1 frame develop a budget
2 a shareholder may frame prepare a question

frequently

🌈 usage—consider alternatives
try—often / regularly
extra information
1 Prefer often if appropriate.
Frequently [continued]

example of no change

1 If the court is satisfied that a person has frequently commenced vexatious proceedings, the court may declare the person to be a vexatious litigant.

example of change

1 provision for the financial statements of the cooperative to be audited annually or more frequently often

Fresh

usage—consider alternatives

try—new / recasting (using again)

extra information

1 overused word

examples of no change

1 the asserted fact was fresh in the memory of the person
2 the fresh or dried parts of a cannabis plant

examples of change

1 the availability of fresh new evidence or information relevant to the granting of bail
2 the planning and land authority may invite fresh applications for the lease to be made again

Further reading

Gowers’ Plain Words p 230
Howard’s Handbook p 265 (new/fresh/renewed)

From

usage—consider alternatives

try—► on and after / after / recasting (using eg 6 months beginning on /
► inclusive)

extra information

1 Be careful using from. Use of the word will usually mean that time is reckoned exclusive of the mentioned day (see LA, table 151, item 2)
2 Prefer after to from, because it is less likely to be ambiguous.
3 In recasting, the words the period of are unnecessary if the period itself is mentioned (see period).
4 See also as from; on and from

examples of change

1 the registrar may give notice that the special resolution has no effect as from the day it was passed
2 within 2 weeks from after the day the person becomes or stops being a partner
from [continued]

further reading
Asprey pp 179–80

from and including

usage—never use
try—▶ on and after / recasting (using eg 6 months beginning on / after / ▶ from / ▶ inclusive)

extra information
1 For working our periods of time see LA, s 151 and s 151A.
2 Pearce and Geddes (Statutory Interpretation in Australia, 8th edition, p 296) suggest using from and including [a particular day] to and including [another day] to precisely fix the beginning and end of a period of time. However, this formulation should not be used in the ACT because the LA, table 151, item 2 provides that a time beginning from a stated day does not include the stated day.
3 In recasting, the words the period of are unnecessary if the period itself is mentioned (see period).

examples of change
1 14 days from and including on and after the day the notice is served
2 continue in force for a period of 2 years from and including beginning on the day the certificate of registration is issued

from time to time

usage—consider alternatives
try—omitting / recasting

extra information
1 can be a redundancy
2 References to from time to time are usually unnecessary. LA, s 197 provides that, if a law gives a function to an entity, the function may be exercised from time to time. See also the following provisions of the LA:
   • s 42 (3) (Power to make statutory instruments)
   • s 47 (2) (b) (Statutory instrument may make provision by applying law or instrument)
   • s 52 (2) (Instrument may authorise determination of matter etc)
   • s 102 (References to laws include references to laws as in force from time to time)
   • s 131 (Signpost definitions)
   • s 148 (Terms used in instruments have same meaning as in authorising laws).
from time to time [continued]

3 However, *from time to time* is necessary if, for example, provision is to be made in relation to a matter by adopting etc the provisions of a law (other than an ACT law or instrument) as in force from time to time (see LA, s 47 (3)). See also the following provisions of the LA:

- s 207 (1) (b) (Appointment may be by name or position)
- s 217 (1) (b) (Acting appointment may be made by name or position)
- s 233 (1) (b) (Delegation may be made by name or position).

**example of no change**
1 A regulation may apply, adopt or incorporate a law or instrument as in force from time to time.

**examples of change**
1 The Loan Council may make rules of procedure and from time to time may alter such rules and alter rules of procedure.
2 as amended from time to time under section 10

**further reading**
Asprey pp 173–5, 222

**fulfil**

😊 **usage**—consider alternatives

try—comply with / ►satisfy / ►carry out / do / ►complete / meets

**extra information**
1 formal word

**example of no change**
1 the applicant’s ability to fulfil the responsibility of a parent

**examples of change**
1 a person is eligible for a licence only if the person fulfils satisfies the conditions mentioned in
2 take reasonable care to fulfil comply with the taxpayer’s obligations under a tax law

**function**

[as a verb]

😢 **usage**—avoid using

try—work / operate / act / ►perform / recasting

**extra information**
1 *Function* should be used only in relation to machinery or something that works like a machine (eg the heart).
2 formal word
function
[as a verb] [continued]

example of no change
1 for the purpose of studying the ideas behind the computer program and the way that it functions

examples of change
1 every part must be proportioned so that it functions operates without excessive vibration
2 a description of the explosive, including the intended use of the explosive and how it functions works

further reading
Gowers’ Plain Words p 230
Partridge p 124
Working Words p 235

furnish
(meaning give)

😊 usage—never use

try—give / provide / supply / send / recasting (using inform, mention or tell)

extra information
1 formal word

example of change
1 require the occupier of the premises to furnish give the inspector with any information or documents

further reading
Garner’s Dictionary p 378 (as a useful vague word for contracts)
Gowers’ Plain Words p 230
Longman English Usage p 300


further / farther

😊 usage—consider alternatives

try—additional / also / and / omitting

extra information
1 formal word
2 Prefer further to farther in all contexts.
3 Further to that is a verbose elaboration of further or furthermore and should not be used.

example of no change
1 if an application for a covert surveillance authority is refused by the Magistrates Court, a further application in relation to the same surveillance may only be made
example of change
1  the further additional information

further reading
Cambridge Guide p 316 (further or farther etc)
Fowler’s English Usage pp 285–6 (farther, further)
Garner’s Dictionary pp 349–50 (farther, further)
Garner’s Legal Style p 114 (farther, further)
Howard’s Handbook pp 164-5 (farther/further)
Longman English Usage p 300 (farther, furthest, farther, farthest)
Partridge p 117 (farther/farthest/further/furthest)
Working Words pp 221–2 (farther/farthest/further/furthest)
**gainfully employed**

 состояние трудоустройства

- **usage**—never use
  - **try**—recasting / employed / working

**extra information**

1 verbosity

**example of change**

1 ill-health (whether physical or mental) that caused the RSA holder to stop being gainfully employed / working

**further reading**

Gowers’ Plain Words p 230

**geared to**

адаптировано к

- **usage**—never use
  - **try**—adapted to / adjusted to / suited to / recast

**extra information**

1 vogue phrase

**examples of change**

1 a prohibited weapon, commonly known as a laser pointer, that is designed or geared to emit a laser beam

2 A light fitted to a vehicle must be built and geared adjusted to provide the necessary amount of light.

3 the desirability of the care provided to a young detainee being geared suited to the particular needs of the young detainee

**further reading**

Gowers’ Plain Words p 231

**gender**

- **usage**—consider alternatives
  - **try**—sex

**extra information**

1 Gender is a grammatical term. The ordinary term for describing whether a person or animal is male or female is sex.

2 However, there is a trend to limit the use of sex to refer to the biological differences between men and women and to extend the use of gender to refer to psychological and social differences.
gender [continued]

examples of no change
1 words indicating a gender include every other gender
2 This Act applies to discrimination on the ground of any of the following attributes:
   (a) sex;
   (b) sexuality;
   (c) gender identity;
3 The following details must be entered in the teachers register in relation to a teacher:
   (e) the teacher’s gender;

example of change
1 identifies as a member of a different gender by living, or seeking to live, as a member of that gender

further reading
Fowler’s English Usage p 325
Howard’s Guide p 182 (gender or sex)
Working Words pp 238–9

generality

see—without limiting the generality of

get

😊 usage—consider alternatives
try—recasting (using more specific words, eg become / buy / obtain / receive / take) / omitting

extra information
1 Get is generally more appropriate in informal spoken English.

direct change
1 adjourn the proceeding so the party can get representation

example of no change
1 get acquire or use an assumed identity

further reading
Cambridge Guide pp 328-9 (get, got and gotten)
Working Words p 240
give consideration to

usage—never use
try—consider / have regard to / take into account
extra information
1 verbosity

example of change
1 In deciding whether to grant or refuse an application, the Minister must give consideration to consider

further reading
Asprey pp 148, 221
Garner's Dictionary p 912 (verbosity)

give recognition to

usage—never use
try—recognise
extra information
verbosity

example of change
1 providing for the care and protection of children and young people in a way that gives recognition to recognises their right to grow in a safe environment

further reading
Garner's Dictionary p 912 (verbosity)

good faith

usage—consider alternatives
try—genuine / honest
extra information
1 Careful consideration should be given if using alternatives to good faith. While good faith has a core meaning of honesty, the courts have interpreted the expression in the context of the particular statute. In some instances, good faith has been interpreted as having an additional, objective standard of reasonableness: see Words and phrases legally defined (4th ed), Butterworths.

got

see—get
grant

usage—consider alternatives
try—give / make / agree to / approve / transfer / accept / issue / omitting

extra information
1 Grant is a word with formal overtones.
2 Give and grant are interchangeable in most contexts. Give is the more general and less formal word. Grant has certain technical meanings in real property law, e.g. a grant of freehold title. In other contexts, grant implies that a person gives something out of generosity, mercy or a sense of justice. It points strongly to the giver’s discretion to do as the giver pleases, and the would-be receiver as depending on that discretion. Applied to the giving of licences and other forms of permission, it has overtones inconsistent with modern administrative law concepts.
3 See DPG, ch 14, ‘grant/issue’.

examples of no change
1 if a lease is surrendered for renewal and a new lease is granted
2 The Magistrates Court may grant an injunction restraining a person from contravening this Act.

examples of change
1 The authority may grant issue a licence.
2 The authority may grant agree to the request.

further reading
Fowler’s English Usage p 341 (granted)
Garner’s Dictionary p 391
Partridge p 80 (conjunctions, disguised—granted/granting)

greater than

usage—consider alternatives
try—more than / heavier than / larger than / longer than / older than / taller than / higher than / over / recasting (using, e.g. at least / or more)

extra information
1 Prefer more than when using numbers to count something or measurements, unless a more specific term is appropriate, for example ‘higher than 7m’.
2 Consider whether it is more accurate to use at least.
3 See also not greater than.

example of no change
1 the latest CPI number is greater than the earlier CPI number
**greater than** [continued]

**examples of change**
1. a motor vehicle with a gross vehicle mass **greater** heavier than 4.5t
2. if the wall is **greater** higher than 4m
3. the runway must be **greater** longer than 500m in length
4. if a factor worked out under subsection (4) is **greater** more than 4

**greatest**

*see*—the greatest number of

**ground**

*see*—on the ground / grounds of / that

**group**

😊 **usage**—consider alternatives

**try**—► *kind* / omitting

**extra information**
1. Most legal drafting is expressed in the singular, and it is usually unnecessary to distinguish between a class (using, eg *group*) and its members (see LA, s 48 and s 145 (b)). Avoid mentioning *group* unless it is necessary. See *class* for extra information.
2. If it is necessary to mention class, prefer *kind* if appropriate.

**examples of no change**
1. a vehicle in a group of vehicles that are physically connected
2. A place has *heritage significance* if it exhibits outstanding design or aesthetic qualities valued by the community or a cultural group.

**example of change**
1. if the directorate is made up of a *group* of 2 or more administrative units

**further reading**
Gowers’ Plain Words p 210 (*brackets, groups*)
guilty of

😊 usage—consider alternatives

try—commits / engages in

extra information

1 A person should not be said to be guilty of an offence unless the context relates to a person who has been found guilty by a court.

2 A person commits an offence by engaging in conduct that constitutes the offence. However, the person is guilty of the offence only if guilt is decided by the trier of fact in a prosecution for the offence.

3 See LA, dict, pt 1, def found guilty.

example of no change

1 a person who is convicted or found guilty of a disqualifying offence

example of change

1 A person is guilty of commits an offence if

further reading

Garner’s Legal Style p 116
# H

**happen**

*see—first to happen / occur*

**happens first**

*see—whichever happens first*

## has / have a liability to

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>must / is liable to</td>
</tr>
</tbody>
</table>

**extra information**

1 verbosity

**example of change**

1 A person has a liability to **must** pay the fee.

## has / have a responsibility to

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>must / responsible for</td>
</tr>
</tbody>
</table>

**extra information**

1 verbosity

**example of change**

1 a person is taken to have responsibility **be responsible** for contamination on land

## has / have knowledge of

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>know / aware</td>
</tr>
</tbody>
</table>

**extra information**

1 verbosity

**example of change**

1 the person has knowledge of **knows** what happened

**further reading**

Garner’s Dictionary p 912 (verbosity)
has / have need of

usage—avoid using
try—needs / requires / wants / wishes

extra information
1 verbosity

further reading
Garner’s Dictionary p 912 (verbosity)

has / have no power to

usage—consider alternatives
try—cannot / must not / may not

extra information
1 verbosity

example of no change
1 This section applies if—
   (a) a child charged with an indictable offence is brought before the Childrens Court; and
   (b) the court—
      (i) has no power to hear and decide the charge summarily; or
      (ii) has the power to hear and decide the charge summarily, but decides not to.

example of change
1 A CTP insurer has no power to must not cancel a CTP policy.

has / have power to

usage—consider alternatives
try—may / can

extra information
1 verbosity

example of no change
1 This section applies if—
   (a) a child charged with an indictable offence is brought before the Childrens Court; and
   (b) the court—
      (i) has no power to hear and decide the charge summarily; or
      (ii) has the power to hear and decide the charge summarily, but decides not to.

example of change
1 the Minister has power to may approve a code of practice
has / have the option of

usage—never use
try—may

extra information
1 verbosity

eexample of change
1 an insurer has the option of avoiding may avoid the contract

he

usage—avoid using
try—recasting (avoiding gender-specific personal pronouns)

extra information
1 Consistent with the recognition of sex and gender diverse people, the use of personal pronouns in the masculine or feminine form should be avoided.
2 Words indicating a gender include every other gender (see LA, s 145 (a)).
3 If a provision applies only to the neuter form (eg to a corporation), a personal pronoun in the neuter form only (eg it) may be used wherever appropriate.
4 See also they.

examples of change
1 a coroner may exercise any of his or her the coroner’s powers under this Act
2 if a child or young person is charged with an offence, he or she the child or young person may apply to
3 if a child or young person who is charged with an offence, he or she may apply to

further reading
Asprey pp 152–61
Cambridge Guide pp 351–3 (he and/or she)
Fowler’s English Usage p 358 (he or she)
Garner’s Dictionary pp 799–803 (sexism)
Garner’s Legal Style pp 45, 200–3
Gowers’ Plain Words pp 118–9 (they for he or she)
Howard’s Handbook pp 190–1 (he or she; he/they), 360 (unisex grammar)
Working Words pp 184 (discriminatory language), 254 (he/she)
hear and decide

**:smile:** usage—consider alternatives

**try**—hear / decide / deal with

**extra information**

1. doublet
2. Use both hear and decide only if necessary.
3. *Hear and decide* may be necessary to refer to the entire court procedure giving rise to issue estoppels (see example of no change).

**example of no change**

1. The magistrate must not hear and decide the charge.

**hear and decide** [continued]

**example of change**

1. if the defendant chooses to have the offence *heard and decided* dealt with by a court

heirs, executors, administrators, successors and assigns

**:smile:** usage—never use

**try**—omitting / recasting

**extra information**

1. word-string with technical legal meanings
2. Contracts occasionally define a *party* to include the party’s *heirs, executors, administrators, successors* and *assigns*. Similar definitions are sometimes included in legislation.
3. Expanding the definition of *party* in this way has little or no legal effect on its own. It is mostly descriptive of the way in which the general law would operate anyway. However, it may give rise to legal difficulties and should be avoided.
4. It is unnecessary to define a person with an interest in property to include the person’s personal representatives, successors and assigns (see LA, s 168).
5. See also *assign*.

**further reading**

Garner’s Dictionary pp 29 (administrator; executor), 83 (assign; assignee), 338 (executor; executer), 400 (heir)

Garner’s Legal Style p 184 (*and the heirs of his body*)

**help**

*see*—assist / assistance
**her**

- **usage**—avoid using
- **try**—recasting (avoiding gender-specific personal pronouns) / omitting extra information
  1. See *she*.

**example of no change**

1. a person may give written consent to the removal from his or her body of stated regenerative tissue

**example of change**

1. a person may give his or her written consent to the removal

**further reading**

Garner’s Legal Style pp 31, 200 (*him/her*)

**him**

- **usage**—avoid using
- **try**—recasting (avoiding gender-specific personal pronouns)
- **extra information**
  1. See also *he*.

**further reading**

Garner’s Legal Style pp 31, 200 (*him/her*)

**his**

- **usage**—avoid using
- **try**—recasting (avoiding gender-specific personal pronouns)
- **extra information**
  1. See also *he*.

**further reading**

Garner’s Legal Style p 201
house

Usage—consider alternatives

Try—home / dwelling / recasting (using, eg place where the person lives / usually lives / resides)

Extra information

1. See LA, dict, pt 1 for definition of home address.
2. See DPG, ch 14, ‘home and business address’.

Examples of no change

1. single residential building means a detached house or building making up not more than 2 residences.
2. boarding house
3. The casino is not a public or private nuisance only because it is used as a gaming house.
4. An intimate relationship may exist between people although they are not part of the same household.
5. This Act does not affect the law relating to privileges of any Australian Parliament or any house of any Australian Parliament.

Examples of change

1. state the driver’s name, date of birth and house home address
2. a motor vehicle driven by the person has stopped at or near the person’s house place where the person usually lives

Further reading
Butterworths Legal Dictionary p 554 (home)
Fowler’s English Usage p 363 (home, house)
Longman English Usage p 341 (home)

How

See—as to whether / as to who / as to how / as to what etc
however

usage—consider alternatives
try—omitting / recasting / but / yet / no matter how / how

extra information
1 There is no rule preventing the use of however at the beginning of a sentence. The placement of however is governed by the nature of the sentence in which it appears.
2 However is often used at the beginning of a sentence to provide a contrast or exception to a provision immediately above, avoiding the need to state ‘subject to’ in that provision.
3 However should generally be used sparingly as an intensifier, and generally only when it is necessary to emphasise the universal application of a provision.
4 See also whatever; whenever; wherever; whichever.

examples of no change
1 (1) The Executive may appoint a person to be the Solicitor-General for the Territory.
   (2) However, the Executive must not appoint a person as solicitor-general unless the person is a legal practitioner and has been for not less than 5 years.
2 the chief of police (however described) of the participating State to which the permit applies

examples of change
1 A parent of a child victim of an offence (however no matter how old the child victim is) is eligible for restorative justice in relation to the offence.
2 The institute board has at least 12, however but not more than 14, members.

further reading
Cambridge Guide pp 258–9 (-ever or ever), 347–8
Fowler’s English Usage p 367
Garner’s Dictionary p 409
Gowers’ Plain Words p 163
Howard’s Handbook p 196
Longman English Usage p 346
Partridge p 147
Working Words p 260 (how ever/h owever)
husband

usage—never use
try—spouse / partner / domestic partner / civil partner / civil union partner

extra information
1 Discrimination on the ground of marital status is unlawful under the Discrimination Act 1991.
2 See LA, s 169 for definition of domestic partner.
3 See LA, dict, pt 1 for definition of civil partner and civil union partner.
idem

See—ad idem

identified in

Usage—consider alternatives
Try—mentioned in
Extra information

1 Be careful not to draw artificial distinctions in provisions by using different words to say essentially the same thing, eg do not say in one provision ‘a person mentioned in section x’, and then in another provision ‘a thing identified in section y’, if the person or thing is only being identified by the reference.

Example of no change

1 a person identified in the police report as being at fault in the motor accident

Example of change

1 state that the judge or magistrate is satisfied of the matters mentioned in section 13 (1) and has had regard to the matters identified in section 13 (2)

Identify

Usage—consider alternatives
Try—name

1 See also identified in; identify with.

Example of no change

1 A discloser need not be told information if the information would identify a person who has given information in relation to the disclosure.

Example of change

1 The registrar-general may require a person to identify the person who last had custody of the books and state where the identified person can be found.

Further reading
Garner’s Legal Style pp 117-8
**identify with**

⚠️ **usage**—avoid using
- **try**—associate with / understand / support / recasting

**extra information**
1 vogue phrase
2 Do not use *identify with* without a direct object.

**example of no change**
1 In deciding whether an adoption order for a child should include an order that the child keep an existing given name, the court must consider whether the child identifies with any of the child’s existing names.

**example of change**
1 A person discriminates against another person on the ground of disability if the person treats the other person unfavourably because the person has a guide dog or other aid identified with *associated with* the disability.

**further reading**
Cambridge Guide pp 384
Garner’s Dictionary pp 413, 919 (vogue words)
Garner’s Legal Style p 118
Gowers’ Plain Words p 233

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**ie**

⚠️ **usage**—consider alternatives
- **try**—that is / eg / for example

**extra information**
1 This is sometimes used (by confusion with *eg*) to introduce an example. It stands for *id est* (that is) and introduces a definition, eg ‘the outposted officers, *ie* Ms X and Mr Y’. *Eg* stands for *exempli gratia* (for the sake of example) and introduces an illustration, eg ‘a domestic animal *eg* a cat’.
2 In legislation, abbreviations such as *ie* can be used in notes and tables where brevity is particularly important. They can also be used in provisions (including examples) inside brackets. However, they should not be used in a provision heading.
3 A comma or another punctuation mark (eg an opening bracket or dash) should usually be used before *ie*. A comma should not be used after *ie*.
4 Use without full stops.
5 See DPG, pt 16.3 (Abbreviations and contractions—eg / *ie* / etc).

**example of no change**
1 *Note* A *devise* is a disposal of real property by will. To *bequeath* property is to dispose of personal property (ie property other than real property) by a will.
example of change

1 A security officer may require a person to open a container, ie for example, a box or carton, that the person is carrying.

further reading
Asprey p 162
Cambridge Guide pp 385
Fowler’s English Usage p 376
Garner’s Dictionary p 414
Garner’s Legal Style p 112 (eg/ie)
Gowers’ Plain Words p 234
Howard’s Handbook p 150 (eg/ie)
Longman English Usage pp 234–5 (eg, ie), 758 (viz, ie)
Working Words p 200 (eg/ie)

if

usage—consider alternatives
try—though / but / ▶ and / ▶ however / ▶ whether / ▶ whether or not / although

extra information
1 The use of if for though, but, and or however may give rise to ambiguity or absurdity (see example 1, examples of change).
2 Care is also needed in the use of if in the sense of whether. This too can give rise to ambiguity. For the use of whether and if, see whether.
3 If can also be a source of ambiguity if combined with not. If not is best avoided.
4 It is usually unnecessary to use then after an if clause (see example 2, examples of change).
5 For the use of if, when and where, see where.
6 Blamires, in The Penguin Guide to Plain English (2000), at pp 212-213, states that the word if should link directly with a verb eg ‘He will die if he continues smoking like that’ (if links directly with the verb will die). It is not correct to make if hang on a noun eg ‘Workers are threatening a strike if their demands are not met (if hangs on a strike). The threat is there without any condition. It is the strike that is conditional. Instead, ‘The workers are threatening to strike if their demands are not met’.
7 See also if and when; if any; if practicable; if this is not the case; if this is the case.

examples of no change
1 if the entity is an individual
2 a vehicle is an emergency vehicle if the vehicle has
if [continued]

examples of change

1 *Spouse*, in relation to a person, includes anyone who, *if* although not legally married to the person, is living with the person in a domestic relationship as the husband or wife of the person.

2 *if* the notice is given, *then* the plaintiff must

further reading

Cambridge Guide pp 387
Fowler’s English Usage pp 376–7
Garner’s Dictionary pp 414, 414–5 (*if not*)
Garner’s Legal Style p 65
Gowers’ Plain Words p 103
Howard’s Handbook pp 34–5 (*as and when/if and when*), 200 (*if/whether*)
Longman English Usage p 355
Partridge p 152
Working Words p 268

if, and only if / if, but only if

usage—avoid using

try—► if / only if / recasting (using eg must not…unless or may…only if)

extra information

1 In legislation, *if, and only if*, is often used simply as a more emphatic form for *if* or *only if* conditional statements.

2 But in legislation *if, and only if*, is sometimes used to combine both a grant of power (*if*) with a restriction on the exercise of the power (*only if*). Care must be taken in recasting existing provisions using the term to ensure that the dual senses of grant and restriction are retained.

example of no change

1 An authorised person who has the care of a cat seized under this division must release the cat to a person claiming its release *if, but only if*, satisfied about the following:

examples of change

1 The integrity of information contained in a document is maintained *if, and only if*, the information has remained complete and unaltered.

2 An act or practice breaches an information privacy principle *if, and only if*, *only if* it is contrary to, or inconsistent with, the principle.

3 An inspector may enter premises *if, and only if*, *only if* the entry is made—
   (a) in accordance with a search warrant; or
   (b) with the occupier’s consent.
if and when

- **usage**—avoid using
  - **try**—recasting (using eg *any*)

extra information
1. doublet
2. compound preposition
3. *If and when* should be reserved for cases where there is substantial doubt about whether an event will happen and it is necessary to reinforce the doubt.

example of no change
1. The lease as varied must provide that the lessee is to pay a nominal rent if and when that rent is demanded.

examples of change
1. if and when there is a dispute between the parents of a child about the child’s name
2. if and when whenever a stated event happens

further reading
- Fowler’s English Usage p 377
- Garner’s Dictionary p 414
- Garner’s Legal Style p 118
- Gowers’ Plain Words p 61
- Howard’s Handbook pp 34-5 (*as and when/if and when*)
- Longman English Usage p 355 (*if 4.*)
- Partridge p 152
- Working Words p 268

if any

- **usage**—avoid using
  - **try**—recasting (using eg *any*)

extra information
1. *If any* should be used sparingly.
2. If used, use brackets not commas, ie (*if any*), not, *if any,*.
3. See DPG, ch 14, ‘*if any*’.

example of no change
1. on the conditions (*if any*) stated in the certificate

example of change
1. if an agent made the sale for the owner—the agent’s name and address (*if any*)

further reading
- Garner’s Dictionary p 414

if not

- *see*—*if*
if possible

😊 usage—consider alternatives
try—if practicable / recasting (using more precise words)
extra information
1 can be weasel words
2 See also possible.

example of no change
1 a brief statement of the facts, including, if possible, the time and place of the offence

example of change
1 if possible practicable, the device must be fitted with a visual indicator

if practicable

😊 usage—consider alternatives
try—if possible / recasting (using more precise words)
extra information
1 can be weasel words
2 See also practicable.

example of no change
1 the application must be accompanied by the grounds the employer has for suspecting a worker is involved in an unlawful activity and the name of the worker (if practicable)

example of change
1 A coroner holding an inquest must find, if practicable possible, the identity of the deceased person.

further reading
Garner’s Dictionary p 926 (weasel words)

if the context permits / allows

see—where / if the context permits / allows

if this is not the case

😊 usage—avoid using
try—if not / recasting
extra information
1 verbosity
if this is the case

- **usage**—avoid using
- **try**—if so / recasting
- **extra information**
  1 verbosity

illusion

- **usage**—consider alternatives
- **try**—delusion / allusion / mirage
- **extra information**
  1 Illusion, delusion and allusion are sometimes confused.
  2 The Cambridge Guide states that illusion and delusion both refer to false perceptions, although their implications are slightly different. Delusion suggests that the misapprehension is subjective and results from distorted thinking or a disordered mind. Illusion suggests that the misapprehension is produced by external circumstances, eg ‘an optical illusion’.
  3 An allusion is, by contrast, a passing reference or an incidental mention of something, either directly or by implication.

**further reading**
Cambridge Guide p 195 (delusion or illusion)
Fowler’s English Usage pp 44 (allusion, allude) 203, (delusion, illusion)
Garner’s Dictionary pp 46 (allusion; illusion), 418 (illusion; delusion)
Garner’s Legal Style p 102 (allusion; illusion)
Garner’s Redbook pp 185 (allusion; illusion), 212 (illusion; delusion; hallucination)
Longman English Usage pp 29 (allusion, reference), 193 (delusion, illusion)
Working Words p 27 (allusion, illusion, delusion)

imbibe

- **usage**—never use
- **try**—drink
- **extra information**
  1 formal word
  2 euphemism

**further reading**
Fowler’s English Usage p 309 (formal words)
Garner’s Dictionary pp 370 (formal words), 418
Longman English Usage p 358
**imbue**

Usage—avoid using

**try**—inspire (with) / infuse (with) / instil (into)

**extra information**

1. Prefer a less formal alternative.

**further reading**

Fowler’s English Usage pp 395–6 (*infuse*)
Gowers’ Plain Words p 235 (*inculcate*)
Howard’s Handbook p 203 (*imbue/infuse*)
Longman English Usage pp 358, 368 (*inculcate*)
Partridge p 153
Working Words p 270 (*imbue/infuse/instil*)

**immediately**

Usage—consider alternatives

**try**—omitting / quickly / promptly / at once / now / as soon as possible / practicable / as quickly as possible / practicable / when / straight away / recasting (mentioning a period, eg *within 14 days*)

**extra information**

1. It is generally unnecessary to use *immediately* with *before* or *after*. For example, it is unnecessary to say in a provision *the day immediately after the day when payment is made*. *The day after the day when payment is made* would be sufficient. *The day after* indicates that the provision cannot be referring to any day after the day of payment, rather it can be referring only to the very next day after that day.

2. For the use of *as quickly as practicable* and *as quickly as possible*, see *as soon as possible / practicable*.

**example of no change**

1. A person who was a member immediately before the commencement of the scheme may …

**examples of change**

1. the immediately preceding last financial year
2. 28 days immediately preceding before the day this Act commences

**further reading**

Asprey pp 176–7
Gowers’ Plain Words p 234
Howard’s Handbook p 203 (*immediately/forthwith/straightaway*)
impact
[as a noun]

😊 usage—consider alternatives
try—►effect / influence / recasting

extra information
1 vogue word
2 Prefer effect or influence if appropriate.

example of change
1 The development of the graphical interface has had a significant impact on the popularity of personal computers.

further reading
Garner’s Dictionary pp 420, 919 (vogue words)
Garner’s Legal Style p 118
Gowers’ Plain Words p 234

impart

😊 usage—avoid using
try—give / tell / pass on / ►inform / instruct / ►mention / point out / say / show /
►specify / ►state

extra information
1 formal word

implement
[as a verb]

😊 usage—consider alternatives
try—►carry out / ►perform / conduct / do / keep / set up / put in place / ►fulfil

extra information
1 formal word

example of no change
1 An agency head must implement fair employment practices.

demo examples of change
1 to implement carry out the commissioner’s recommendations
2 The committee must ensure that an effective quality assurance system is implemented set up for complaints.

further reading
Garner’s Legal Style p 119
Gowers’ Plain Words p 234
**imply**

😊 usage—consider alternatives  
try► infer / suggest / hint  
extra information  
1 For the use of *imply* and *infer*, see *infer*.  
further reading  
Garner’s Legal Style p 119  
Gowers’ Plain Words pp 235–6 (*infer*)  
Working Words p 272 (*imply/infer*)

**import**  
*as a noun in the sense of giving meaning*

😊😊 usage—never use  
try► meaning  
extra information  
1 formal word  
example of change  
1 ‘Try’ does not have the same import meaning as ‘endeavour’.

**important**

😊 usage—consider alternatives  
try► significant / ►substantial / critical / key / recasting (using more precise words)  
extra information  
1 *Important* is a vague, omnibus word. See *kind* for extra information about avoiding omnibus words.  
examples of no change  
1 A person is competent to give unsworn evidence if the court has told the person that it is important to tell the truth.  
2 This chapter defines some important concepts.  
example of change  
1 The statement must state the key financial measures that the government has identified as being important critical.  
further reading  
Fowler’s English Usage pp 382–4  
Garner’s Legal Style pp 31, 215
importation

usage—avoid using
try—import
extra information
1 *Importation* means the act of importing.
2 *Importation* can be a verbose way of saying import.
3 Generally prefer *import*.
4 See also *exportation*.

example of no change
1 This section does not apply if the importation is by an entity prescribed by regulation.

eexamples of change
1 The Minister may declare an area of land outside the ACT to be subject to an importation restriction.
2 The director-general may issue a written permit for the propagation, importation or supply of a thing.
3 *involvement in the transport of dangerous goods* includes importing, or arranging for the importation of, dangerous goods into Australia.

impose

usage—consider alternatives
try—▶ *provide* / ▶ *prescribe* / *give* / omitting / recasting
extra information
1 Use *impose* only for obligations or punishments.

eexamples of no change
1 A penalty is imposed on the operator for an offence against this Act.
2 this regulation imposes an obligation on a person

eexamples of change
1 the obligation imposed on the lessor by lessor’s obligation under the lease
2 the period of limitation imposed under this section

in a / any case in which / to which / where

usage—avoid using
try—▶ *if* / recasting (using eg *for*)
extra information
1 verbosity

eexample of no change
1 This section applies to a case to which section 102 applies if—
in a / any case in which / to which / where [continued]

examples of change

1 in a case in which if the person was believed to have died intestate
2 in a case to which if paragraph (a) does not apply

further reading
Asprey p 163 (where)

in accordance with

usage—consider alternatives

try—under / by / as required under / as required by / according to / as mentioned in / as stated in / agrees with / recasting

extra information

1 compound preposition
2 Generally, prefer under to in accordance with. However, use in accordance with if it is necessary to emphasise, or make it clear, that something must be done in a particular way or in a way complying with certain requirements.
3 See LA, dict, pt 1, def under.

examples of no change

1 An exemption under subsection (1) must be made in accordance with the guidelines (if any) made under subsection (4).
2 A person is authorised under this section to carry out a forensic procedure under this part only in accordance with part 2.6.

example of change

1 Despite the filing of a caveat in the Supreme Court in accordance with under subsection (1) (e)

further reading
Garner’s Dictionary p 14 (accord; accordance)
Gowers’ Plain Words p 55

in actual fact

see—actually/actual

in addition to

usage—consider alternatives

try—additional to / as well as / other than / recasting (using also or and)

extra information

1 compound preposition
2 Can lead to verbosity.
3 See also addition / additional and additionally.
**in addition to [continued]**

**example of no change**
1. This section is in addition to the *ACT Civil and Administrative Tribunal Act 2008*, section 14.

**example of change**
1. (3) In addition to any payment to which the officer is entitled under subsection (2), the officer is also entitled to

**further reading**
- Gowers’ Plain Words p 55
- Longman English Usage p 16 (*additional(ly)*)
- Working Words p 273

**in a ... manner / way**

- **usage**—avoid using
  - try—recasting (using the appropriate adverb ending in *ly*)

**extra information**
1. verbosity
2. See also *in a timely manner / way.*

**example of no change**
1. including behaving in an obscene, indecent, offensive, racist or disorderly way

**examples of change**
1. *in a careful way* *carefully*
2. *in a cautious manner* *cautiously*

**further reading**
- Garner’s Dictionary pp 882–3 (*timely*)
- Garner’s Legal Style p 125
- Gowers’ Plain Words p 85 (*in a cautious manner*)

**in an effort to**

- **usage**—avoid using
  - try—to

**extra information**
1. verbosity

**examples of no change**
1. unless the licensee establishes that the licensee maintained control over and supervision of the activities of the manager of the licensed premises in an effort to prevent the contravention happening
2. the affidavit must state what other legal action has been taken in an effort to enforce the obligation

**example of change**
1. An impounding authority must take all reasonable steps in an effort to find out the name of the owner of an impounded item.
in any case

usage—avoid using

try—omitting / recasting

example of no change

1. An application for a restraining order in relation to an ordinary offence must be made before the end of the longer of the following periods:

(a) if an indictment has been presented against the offender for the offence, and the offender has not been convicted or cleared of the offence—2 years after the day the indictment was presented;

(b) if the offender has been convicted of the offence (and not cleared)—2 years after the day of the conviction;

(c) in any case—6 years after the day the offence was committed (or is alleged to have been committed).

displayed as list of points instead

example of change

1. (h) if the deceased person had been in a domestic partnership at any time—

(i) if the person had been married, in a civil union or civil partnership—the date and place of each marriage, civil union or civil partnership; and

(ii) in any case—the name and any former name of each domestic partner;

[and should switch order of subparagraphs]

further reading

Garner’s Dictionary p 133 (case)
Garner’s Legal Style p 106

in a particular respect

usage—never use

try—omitting / recasting

extra information

1. redundancy

example of change

1. if, apart from this section, the advice or consent of a person would be necessary in a particular respect, the advice is taken to have been obtained or the consent is taken to have been given

in a position

usage—consider alternatives

try—recasting (using more direct words)

extra information

1. vague phrase
in a position [continued]

example of no change
1 the officer was in a position to influence the conduct of the corporation in relation to the contravention

example of change
1 if the chair is not in a position unable to attend the meeting

further reading
Gowers’ Plain Words pp 62 (not in a position), 254

in association with

usage—consider alternatives
try—with / in relation to
extra information
1 compound preposition
2 In association with implies a looser connection with something than with.

example of no change
1 the competition promotes the name or interests of a manufacturer or distributor of a smoking product in association, directly or indirectly, with the smoking product

examples of change
1 establishing and maintaining library, museum, art and other collections either by itself or in association with other entities
2 activities means—
   (a) in relation to an agency that supplies gas, electricity, water or sewerage services—construction, repair or maintenance carried out by the agency in association with in relation to the supply of those services; or

further reading
Gowers’ Plain Words p 55
Longman English Usage p 63 (association)

in a timely manner / way

usage—avoid using
try—promptly / quickly / as soon as possible / practicable / immediately / at once / as quickly as possible / practicable / recasting
extra information
1 verbosity
2 For the use of as quickly as possible / practicable, see as soon as possible / practicable.

example of no change
1 relevant information is provided in a timely and accessible way to allow maximum community participation
in a timely manner / way [continued]

example of change
1 that the residents consulted are advised of the outcome of the consultation in a timely way as soon as practicable

further reading
Garner’s Dictionary pp 882–3 (timely)

in attendance

usage—avoid using
try—present / omitting / recasting
extra information
1 formal phrase
2 verbosity
example of no change
1 if the people in attendance at, or identified during, the neutral evaluation session consent to the admission of the evidence
examples of change
1 the member chosen by the members in attendance present presides
2 Evidence of anything said or done at a negotiation session is not admissible in evidence in any proceeding in a court or tribunal unless the parties in attendance at the session consent to the admission of the evidence.

in behalf of

see—on behalf of

in camera

usage—never use
try—in closed court / in the absence of the public / in chambers / recasting
extra information
1 foreign phrase
examples of change
1 the court may make an order for registration of the foreign confiscation order in camera in closed court and in the absence of the parties
2 the examination hearing may be conducted in open court or in camera in the absence of the public as the registrar directs

further reading
Butterworths Legal Dictionary p 575
Cambridge Guide p 395
Garner’s Dictionary pp 428–9
incapable

😊 usage—consider alternatives
try—cannot / unable / may not
extra information
1 For the use of can and may, see can and may.
example of no change
1 even if the person was legally incapable of forming the intent
examples of change
1 if the person taking an affidavit considers that the person making it is incapable of reading, unable to read the affidavit
2 A child is incapable of cannot consent to the carrying out of a forensic procedure.

incapacitated

😊 usage—consider alternatives
try—unable to (eg work or earn income)
extra information
1 formal word with negative overtones
example of no change
1 suspend or cancel a person’s registration if the person has become mentally or physically incapacitated and the incapacity prevents the person
example of change
1 significant injury means an injury that is likely to result in the injured person being incapacitated for unable to work

further reading
Gowers’ Plain Words p 19

incapacity

😊 usage—consider alternatives
try—illness / disability
extra information
1 formal word with negative overtones
example of no change
1 suspend or cancel a person’s registration if the person has become mentally or physically incapacitated and the incapacity prevents the person
example of change
1 if the offender has a mental or physical incapacity, a disability that makes it impracticable for the offender to make a report in person
in case

usage—avoid using
try—► if
extra information
1 compound preposition
2 See also in the case of.
examples of no change
1 the intruder alarm must be connected to the mains power with a battery in case of power failure
2 the use of the valves in case of emergency
example of change
1 in case of the insolvency of if the buyer is insolvent
further reading
Cambridge Guide p 395 (in case of, in case and in the case of)
Garner’s Legal Style pp 106, 183
Gowers’ Plain Words p 55
Longman English Usage p 112 (case)

inception

usage—avoid using
try—start / beginning
extra information
1 formal word
2 For the use of start and begin, see commence.
example of no change
1 for an entity that has been in existence for less than 2 years—since the entity's inception
examples of change
1 a contract under which a builder undertakes to build a home on land from the inception start of the building work
2 avoid, in relation to a contract of insurance, means avoid from its inception beginning
further reading
Gowers’ Plain Words p 235
incidence

😊 usage—consider alternatives
try—how often / extent
example of no change
1 facilities that are designed to reduce the incidence of mental dysfunction or mental illness in the community
example of change
1 the incidence extent of the disease in the ACT

incidentally

😊 usage—consider alternatives
try—omitting
extra information
1 can be a redundancy
example of no change
1 if it consists only of carbon dioxide and a substance incidentally derived from the process called carbon dioxide capture
example of change
1 if the temporary copy is incidentally made as a necessary part of a technical process of using a copy of the subject-matter

further reading
Garner’s Legal Style pp 119, 120 (incident(al) to)
Gowers’ Plain Words p 54

in close proximity

😊😊 usage—never use
try—near / close / nearby
extra information
1 verbosity
examples of change
1 The child may be placed with a carer who lives in close proximity near the child’s family or community.
2 fails to display a licence details notice at or in close proximity close to the point of sale

further reading
Butterworths Legal Dictionary p 948 (proximity)
Garner’s Dictionary p 711 (proximate; proximal)
Gowers’ Plain Words p 85
Longman English Usage p 575 (proximity)
includes

*see—*the term includes / also includes*

inclusive

😊 usage—consider alternatives

try—omitting / recasting

extra information

1 can be a redundancy

2 See LA, s 106 (References to provisions of laws are inclusive) and s 151 (Working out periods of time generally).

e examples of no change

1 supply food under a contract, together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment

2 must be covered by professional indemnity insurance that is for at least the relevant amount inclusive of any legal costs arising from claims under the insurance

example of change

1 sections 1 to 3 (inclusive)

in compliance with

😊 usage—consider alternatives

try—in accordance with / recasting (using, eg complying with) / under / as required by / as required under

extra information

1 formal phrase

e example of no change

1 The functions of a health and safety representative for a work group are to monitor the measures taken by the person in compliance with this Act in relation to workers in the work group

e example of change

1 If a parentage test is carried out in compliance with in accordance with section 10, ...[or If a parentage test complies with section 10,...]
in conjunction with

Usage—avoid using

try—with / and / in connection with

Extra information

1 compound preposition

Examples of no change

1 This chapter does not apply to care provided for a child—
   (a) at a playgroup; or
   (b) by an education and care service within the meaning of the Education and Care Services National Law (ACT); or
   (c) in conjunction with a meeting, function or similar activity that involves a person who has daily care responsibility for the child, at the same or adjacent premises.

2 provided in conjunction with the person’s usual employment

Examples of change

1 The Act must be read in conjunction with the Taxation Administration Act 1999.

2 if an amateur boxing contest is to be conducted in conjunction with a professional boxing contest

in connection with

Usage—avoid using

try—about / for / in / of / over / with / to / in relation to / recasting

Extra information

1 compound preposition

2 connecting phrase

3 If it is necessary to use a connecting phrase, prefer in relation to wherever appropriate (see in relation to).

Example of no change

1 the record is disclosed to a member of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence

Examples of change

1 The corporation has the legal capacity and powers of an individual for or in connection with the performance of for carrying out its functions. [or omit all words after ‘individual’]

2 The committee may do anything necessary or convenient to be done for, or in connection with relation to, its functions.

Further reading

Butterworths Legal Dictionary p 576 (in connection with or caused by)

Garner’s Dictionary p 434

Gowers’ Plain Words pp 4, 18, 55–6
### in consequence of

<table>
<thead>
<tr>
<th>usage</th>
<th>—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>—because of / recasting (using ▶ so or therefore)</td>
</tr>
</tbody>
</table>

#### extra information

| 1 | compound preposition |

#### example of no change

| 1 | Evidence that was obtained in consequence of an impropriety or of a contravention of an Australian law |

#### example of change

| 1 | Any person deprived of land or of any interest in land in consequence because of fraud |

#### further reading

Gowers’ Plain Words p 216

### increment

<table>
<thead>
<tr>
<th>usage</th>
<th>—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>—step / increase / ▶ addition / growth / profit</td>
</tr>
</tbody>
</table>

#### extra information

| 1 | formal word |

#### example of no change

| 1 | The payment of an increment to a member of staff is subject to the satisfactory conduct of the member of staff. |

#### examples of change

| 1 | the export earnings increment profit of a person for a grant year |
| 2 | the interest rate increment growth applied to determine the credited amount |
| 3 | an increment to increase in the salary of an eligible employee |

### incumbent on

<table>
<thead>
<tr>
<th>usage</th>
<th>—never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>—recasting (using ▶ must)</td>
</tr>
</tbody>
</table>

#### extra information

| 1 | formal word |

#### example of change

| 1 | if the map or plan deposited by the registered proprietor is not approved by the surveyor-general, it shall not be incumbent on the registrar-general is not required to proceed with the registration of register the transfer or lease |

#### further reading

Garner’s Dictionary p 435
incur

usage—avoid using
try—recasting
extra information
  1 formal word
example of no change
  1 the board believes on reasonable grounds that it is likely to incur extraordinary expenses
examples of change
  1 the entity may deduct from the interest received by the entity for the investment the entity’s reasonable expenses reasonably incurred by the entity
  2 incurred expense spent money on
further reading
Butterworths Legal Dictionary p 585 (incurred) and (incuring a debt)

indebtedness

usage—avoid using
try—debt
extra information
  1 formal word
example of no change
  1 the payment of wages in acquittal of the indebtedness of ACTEW for them
examples of change
  1 the employer’s indebtedness debt to the employee
  2 the order is a valid discharge of the indebtedness of the person person’s debt
  3 debenture means a document issued by a cooperative that evidences or acknowledges indebtedness a debt of the cooperative.

indicate

usage—consider alternatives
try—direct / mention / name / nominate / say / show / state / tell
extra information
  1 formal word
examples of no change
  1 factors that indicate whether there is an intimate relationship between 2 people include, but are not limited to
  2 This section applies if it appears to the tribunal that applications to the tribunal indicate a systemic problem
indicate [continued]

examples of change
1 The applicant must indicate to tell the registrar
2 the concentration of alcohol in the person’s blood indicated shown by the test
3 An approved form may indicate state that convictions of a particular kind need not be disclosed for the purposes of the current application.

further reading
Garner’s Dictionary pp 370 (formal words), 438
Garner’s Legal Style p 120
Gowers’ Plain Words p 235

individual

😊 usage—consider alternatives
try ► person / people

extra information
1 Use individual to distinguish a natural person from a corporation (see LA, dict, pt 1, defs individual and person).
2 Individual is also appropriate to contrast a person with an organisation or body of people (whether express or implied).
3 However, it is inappropriate as a synonym for person.

examples of no change
1 An individual may apply to the commission in writing for a casino employee licence.
2 A penalty unit is—
   (a) for an offence committed by an individual—$110; or
   (b) for an offence committed by a corporation—$550.

example of change
1 An individual or corporation A person may apply for a licence.

further reading
Fowler’s English Usage pp 391-2
Garner’s Dictionary p 439
Garner’s Legal Style p 439
Howard’s Handbook p 209
Longman English Usage p 370
Partridge p 157
in every case

.rabbit fish
usage—avoid using
try—►if / always / recasting
example of no change
1 The document is admissible in evidence to the same extent and for that purpose in all ACT courts without further proof in every case in which the original document could have been received in evidence.

eexamples of change
1 in every case in which if the defendant is entitled to indemnity from the Territory
2 the contribution will, in every case, always be taken to be a mandated employer contribution

further reading
Garner’s Dictionary p 133 (case)
Garner’s Legal Style p 106 (case of, in the)

inevitably

.rabbit fish
usage—avoid using
try—omitting
extra information
1 Inevitably is usually only needed if the element of inevitability needs to be stressed.
example of no change
1 adaptation to circumstances that will inevitably be caused by climate change
example of change
1 the defendant acted intentionally knowing that harm would inevitably, probably or possibly may result from the defendant’s act

further reading
Gowers’ Plain Words p 54

in excess of

.rabbit fish
usage—avoid using
try—over / ► exceed [s] / ► greater than / heavier than / larger than / longer than / ► more than / ► older than / taller than / recasting (using at least)
extra information
1 compound preposition
example of no change
1 the cost of any repairs for damage to the residential premises in excess of fair wear and tear
in excess of [continued]

examples of change
1 any amount in excess of over $5 million
2 a concentration of alcohol in the person’s blood that is in excess of exceeds the amount permitted by an ACT law

further reading
Gowers’ Plain Words p 55

infant

usage—avoid using
try—child / not an adult / baby / recasting (using a defined term, eg young person)

extra information
1 Infant is an imprecise term. The Macquarie Dictionary states that an infant is a baby or a child during the earliest period of its life, yet also states that in law it means a person who is not of full age, especially one who is under 18 years old.
2 Prefer child or recasting.
3 If using infant and age is an important factor, you should define the term (see example of no change).

example of no change
1 infant means a person under the age of 2.

example of change
1 an infant a child who can sign his or her name

further reading
Butterworths Legal Dictionary pp 596-7
Gowers’ Plain Words p 235

in favour of

usage—consider alternatives
try—for / supporting

extra information
1 compound preposition

example of no change
1 judgment is entered in favour of the plaintiff against a defendant

example of change
1 sign a document containing a statement that the person is in favour of supports a resolution

further reading
Gowers’ Plain Words p 55
infer

usage—consider alternatives
try—➤ imply / ➤ conclude
extra information
1 It is a common error to use infer for imply. You may imply something by suggesting something with your actions or words, but you infer something by deducing it from something you eg see, hear or read. Although the distinction between infer and imply is becoming blurred in practice, the distinction should continue to be observed.

eamples of no change
1 A reference in this section to disclosing something’s existence includes disclosing information from which a person could reasonably be expected to infer its existence.
2 The existence of the request or direction can be found only by inference from the actions of people or from other relevant circumstances.
example of change
1 if the person infers implies, by refusing to answer questions, that he or she

further reading
Butterworths Legal Dictionary p 597 (inference)
Cambridge Guide pp 392–3 (imply)
Garner’s Legal Style p 119
Gowers’ Plain Words pp 235–6

infirmity

usage—avoid using
try—➤ incapacity / illness / disability
extra information
1 formal word

eamples of no change
1 mental illness is an underlying pathological infirmity of the mind, whether of long or short duration.
2 residential accommodation and nursing care for patients who, because of infirmity, illness, disease, incapacity or disability have a continuing need for nursing care
example of change
1 may suspend the person on the ground of physical or mental infirmity incapacity

further reading
Gowers’ Plain Words p 19
inflammable

usage—never use
try—flammable

extra information
1 Flammable and inflammable both mean easy to set on fire. However, for this meaning, flammable should be used to avoid confusion.
2 Inflammable is sometimes mistaken for a negative. The correct negative is non-flammable.

element of change
1 any explosive, corrosive or inflammable flammable substance

further reading
Cambridge Guide p 299 (flammable or inflammable)
Fowler’s English Usage p 302 (flammable)
Garner’s Dictionary p 361 (flammable; inflammable)
Gowers’ Plain Words p 32
Longman English Usage p 372 (inflammable, flammable, inflammatory)
Partridge pp 120 (flammable), 158 (inflammable and inflammatory)
Working Words p 226 (flammable/inflammable/nonflammable)

inform

usage—consider alternatives
try—mention / say / state / tell / advise / ask

extra information
1 formal word
2 It is incorrect to use inform for tell or ask where someone is being asked to do something.

example of no change
1 the discloser has asked in writing not to be kept informed about the public interest disclosure

examples of change
1 The director-general must inform tell the person, in writing, about the decision.
2 A lawyer may inform advise a client about how to plead to a charge.

further reading
Fowler’s English Usage p 395
Gowers’ Plain Words pp 18, 236
Longman English Usage p 373
Partridge p 158
Working Words p 281
in isolation

 使用—避免使用
尝试—in itself / alone / on its own

 例子：没有改变
 1 该人必须以确保其被隔离在的方式饲养鳄鱼，直到

 例子：改变
 1 一个或多个行为模式中的一部分行为可能构成对儿童或青少年的心理虐待，即使其中一些或全部行为在单独/单独/单独的视图下似乎微不足道或无关紧要。

 进一步阅读
 Gowers’ Plain Words p 239

initial

 使用—考虑替代方案
尝试—first

 例子：没有改变
 1 由作出指控或提供初步信息的人提供

 例子：改变
 1 该人根据本节可重新雇用而无中断其服务，如果—
   (a) 任期不超过5年；且
   (b) 头等官员在与该人最初的first engagement有关的以下事项中遵守了以下事项：

initiate

 使用—避免使用
尝试—begin / start / propose / open / introduce

 额外信息
 1 正式词
 2 有关 start 与 begin, see commence.

 例子：没有改变
 1 策划委员会必须启动、考虑、发展和建议规则制定委员会就制定规则和批准

 例子：改变
 1 计算机程序或其他自动化手段用于启动start一个动作或响应数据消息

 进一步阅读
 Garner’s Dictionary pp 370 (formal words), 448
 Gowers’ Plain Words p 236
in like manner as

_usage—never use

try ► as / in the same way as

e很棒的 example of change

1 sections 6 to 8 apply to performances given in that country in like manner as those provisions in the same way that they apply to performances given in Australia

in loco parentis

_usage—never use

try ► acting in place of a parent / recasting

extra information

1 foreign phrase

e很棒的 example of change

1 a person who is a parent, step-parent, guardian or person in loco parentis acting in place of a parent

further reading

Butterworths Legal Dictionary p 577

in order that / to / for

_usage—avoid using

try ► so / that / so that / to / for / recasting

extra information

1 In order to and in order for are complex prepositions. In order that is used to begin a noun phrase expressing purpose.

2 All are formal phrases and are usually verbose.

3 In order to can usually be replaced by to, and in order for can usually be replaced by for. Sometimes recasting is necessary to preserve clarity. The use of in order to instead of to may be justified by considerations of rhythm, emphasis or the nearby presence of a to – infinitive (see example of no change).

4 In order that can usually be replaced by so, that or so that.

example of no change

1 it is necessary to exercise powers under this section in order to protect the health and safety of people

examples of change

1 return the record to the other court in order that the court may give the judgment

2 resigned in order to become a candidate for election as a member of the Legislative Assembly

3 in order to effect the installation of a speed-limiting device

4 in order for a person to be convicted of an offence
in order that / to / for [continued]

**Further Reading**
Fowler’s English Usage pp 398-9 (*in order that*), 399 (*in order to*)
Garner’s Dictionary pp 450-1 (*in order to (for) (that)*), 517 (*in order to* in legalisms and lawyerisms)
Garner’s Legal Style pp 121, 183 (*in order to*)
Gowers’ Plain Words pp 55 (*in order to*), 249 (*order, in order that*)
Longman English Usage p 500 (*order*)
Working Words p 284 (*in order to/* in order that)

**In Personam**

**:usage:** never use

**Try:** against the person / recasting

**Extra Information**
1 foreign phrase and technical legal term
2 A right *in personam* is a right primarily available against a particular person. By comparison, a right *in rem* is a right available against the world at large (*see in rem*).
3 Civil proceedings are divided into proceedings *in personam* and proceedings *in rem*. A judgment *in personam* is directed at a particular person, eg compelling a person to do what the person is required to do. A judgment *in rem* is a judgment made by a court that directly affects particular property, eg the arrest of a ship.

**Example of Change**
1 an amount payable under a judgment given in an action *in personam* against the person by a court of a country

**Further Reading**
Butterworths Legal Dictionary p 577
Garner’s Legal Style p 121

**In Receipt Of**

**:usage:** never use

**Try:** receiving / have / get / recasting

**Extra Information**
1 verbosity
2 compound preposition

**Examples of Change**
1 if the applicant is not already in receipt of receiving an allowance
2 a person who is entitled to receive, or is in receipt of receiving, a pension
3 if the registrar is in receipt of has a written notice from the owner
### in regard to

#### usage

never use

**try**—about / on / for / in / of / over / to / with / *in relation to* / *recasting*

#### extra information

1. compound preposition and connecting phrase
2. Prefer a simple preposition if appropriate. If it is necessary to use a connecting phrase, use *in relation to* if appropriate (see *in relation to*).
3. See LA, dict, pt 1, def *in relation to*.
4. See DPG, ch 14, ‘In respect of / in relation to / with respect to etc’.

#### example of change

1. the authority’s responsibilities *in regard to* the preservation of heritage buildings

#### further reading

Fowler’s English Usage p 663 (*regard*)
Gowers’ Plain Words pp 18, 55–6

### in relation to

#### usage

consider alternatives

**try**—about / for / in / of / over / to / with / omitting / *recasting*

#### extra information

1. compound preposition
2. If possible, avoid using connecting phrases (eg *in connection with*) as compound prepositions by using simple prepositions (eg *for* or *of*). When defining something that has a relationship with something else, it is not usually necessary to use a connecting phrase. A simple preposition is usually sufficient.
3. If it is necessary to use connecting phrases, use the least number of different connecting phrases and use them consistently throughout the draft. Avoid making unnecessary, artificial distinctions between different connecting phrases.
4. If it is necessary to use a connecting phrase, use *in relation to* if appropriate.
5. See LA, dict, pt 1, def *in relation to*.
6. See DPG, ch 14, ‘In respect of / in relation to / with respect to etc’.
7. See also *and* / or *in relation to*.

#### examples of no change

1. if an inspector exercises a power *in relation to* a person
2. A member of a committee is not subject to the direction of anyone else *in relation to* anything done in his or her capacity as a member.

#### examples of change

1. This part does not apply *in relation to* dangerous goods.
2. (a) *in relation to* for premises—an occupier of the premises;
3. a consumer *in relation to* of particular goods
4. consult with the commission *in relation to* about the allocation of funds
5. vary *in relation to* with the child’s age
in relation to [continued]

further reading
Gowers’ Plain Words pp 18, 55–6

in respect of / to

🚫🚫 usage—never use
try—about / for / in / of / over / to / with / in relation to / recasting

extra information
1 compound preposition and connecting phrase
2 Prefer a simple preposition if appropriate. If it is necessary to use a connecting phrase, use in relation to if appropriate (see in relation to).
3 See LA, dict, pt 1, def in relation to.
4 See DPG, ch 14, ‘In respect of / in relation to / with respect to etc’.

examples of change
1 payments in respect of for the year
2 if the insurer issues a certificate in respect of for the vehicle
3 The amount of compensation to which a mortgagee is entitled under this part in respect of in relation to the acquisition of a mortgage interest
4 This Act does not apply to a construction contract to the extent to which it deals with related goods and services supplied in respect of for construction work carried out outside the ACT.
5 The ombudsman is appointed on the terms (if any) in respect to in relation to matters not provided for in this Act that are prescribed by regulation.

further reading
Fowler’s English Usage p 671 (respect)
Garner’s Dictionary p 764 (respect)
Garner’s Legal Style p 137
Gowers’ Plain Words pp 55–6

in so far as / insofar as

🚫🚫 usage—never use
try—as far as / so far as / as / so that / to the extent that

extra information
1 compound preposition
2 See also as / so far as ... is / are concerned.

example of change
1 except in so far as to the extent that the provision relates to a right of indemnity or a right of subrogation

further reading
Butterworths Legal Dictionary p 578
Gowers’ Plain Words p 104
inspect

😄 usage—consider alternatives
try—check / test

example of no change
1 each visitable place that an official visitor must inspect

example of change
1 The inspector may inspect check the vehicle’s roadworthiness.

instance

😄 usage—consider alternatives
try—example / recasting

extra information
1 *Instance* beguiles writers in the same way as *case* into roundabout ways of saying simple things (Gowers p 58).

examples of no change
1 a single instance of significant harm or multiple instances of harm that together make up significant harm
2 there is clear evidence that 1 or more instances of disclosable conduct mentioned in the disclosure

example of change
1 if the employer has an amount the employer in most instances usually charges employees for making a periodic payment

further reading
Gowers’ Plain Words pp 57–8
Partridge pp 4 (abstract nouns—instance), 159 (instance)

institute

[as a verb]

😢 usage—never use
try—begin / start / commence / set up / establish

extra information
1 formal word
2 For the use of begin and start, see commence.

example of change
1 to institute start a proceeding

further reading
Garner’s Dictionary pp 370 (formal words), 456
**instrument**

😊  usage—consider alternatives

try—document / recasting (using in writing) / omitting

extra information

1 *Instrument* has both general and technical legal meanings. For non-lawyers, *instrument* used in its legal sense can be confusing (or give rise to derision).

2 See LA, s 14 (Meaning of *instrument*).

3 See also instrument in writing; written instrument.

example of no change

1 A determination is a notifiable instrument.

example of change

1 by the person’s agent authorised by instrument in writing

further reading

Butterworths Legal Dictionary p 606

Garner’s Dictionary p 456

**instrument in writing**

😡😡  usage—never use

try—*instrument* / *written notice* / *notice* / *document* / *certificate* / recasting

extra information

1 A redundancy (see LA, s 14, s 42 (2) and dict, pt 1, defs document and writing).

example of change

1 declare by registered instrument in writing that the person no longer holds the property as executor

further reading

Butterworths Legal Dictionary pp 606-7

Garner’s Dictionary p 456 (*instrument*)

**in support of**

😊  usage—consider alternatives

try—for / supporting / to support

extra information

1 compound preposition

example of no change

1 The party whose case is presented first (the *first party*) may make an address opening the first party's case and may then present evidence in support of the case.

examples of change

1 the permit is in support of for the person’s business

2 documents relied on by the applicant in support of to support the application

3 the grounds in support of supporting the application
integrate

😄 usage—consider alternatives
try—amalgamate / coordinate / combine / join / consolidate
extra information
  1 vague word
  2 *Integrate* can be useful to describe the process of combining different elements into a whole, especially to mean bringing racially or culturally different people into equal membership of society.

example of no change
  1 the person’s circumstances, to the extent that they relate to the conduct sought to be prohibited;

Examples
  1 the person’s accommodation, employment, health, cultural and social needs
  2 the need to integrate the person into the community

example of change
  1 decision-making processes should effectively integrate combine both long-term and short-term economic

further reading
Fowler’s English Usage p 403
Gowers’ Plain Words pp 17, 236

inter alia

😊 usage—never use
try—include / recasting
extra information
  1 foreign phrase

example of change
  1 The health profession board for a profession is responsible for, *inter alia* The responsibilities of the health profession board for a profession include—

(a) registering health professionals in the profession; and

further reading
Butterworths Legal Dictionary p 611
Cambridge Guide p 416
Garner’s Legal Style p 121

interim

😊 usage—consider alternatives
try—provisional / temporary
extra information
  1 Prefer the simplest, appropriate word.
interim [continued]

**example of no change**
1 the Chief Minister may make an interim determination of the remuneration

**example of change**
1 the Executive may appoint a person as an interim temporary presidential member of the tribunal

**in terms of**

⚠️ **usage**—avoid using

**try**—about / for / in / of / to / in relation to / recasting / omitting

**extra information**
1 compound preposition
2 often only padding

**example of no change**
1 the appointer (or someone else) to be satisfied about the appointee's suitability (whether in terms of knowledge, experience, character or any other personal quality) before appointing the appointee to the position

**example of change**
1 the protection of consumers from abuses of monopoly power in terms of in relation to prices, pricing policies

**further reading**
Garner’s Legal Style pp 57, 121
Garner’s Dictionary p 872 (terms, in)
Gowers’ Plain Words pp 4, 55–6
Longman English Usage p 702 (terms)

**interrogate**

😊 **usage**—consider alternatives

**try**—question / ask

**extra information**
1 formal word

**further reading**
Garner’s Dictionary p 370 (formal words)

**interval**

😊 **usage**—consider alternatives

**try**—omitting / recasting

**extra information**
1 *Interval* is sometimes misused to describe only a space or period of time, rather than a space or period between 2 things or events (Gowers).
interval [continued]

example of change
1 6-monthly intervals  every 6 months [or twice a year]
further reading
Gowers’ Plain Words p 237

inter vivos

usage—never use
try—between living people / recasting (using, eg during the life of)
extra information
1 foreign phrase
example of change
1 an agreement inter vivos between living people
further reading
Butterworths Legal Dictionary p 612

in the absence of

usage—avoid using
try—without / not having
extra information
1 compound preposition
2 pomposity
example of change
1 In the absence of Without additional information your application cannot be dealt with. [or Your application cannot be dealt with without additional information]
further reading
Gowers’ Plain Words p 55
Howard’s Handbook p 3 (absence)
Longman English Usage p 5 (absence)

in the affirmative

usage—avoid using
try—recasting (using words to the effect of yes or in favour)
extra information
1 formal phrase
2 See also affirmative
in the affirmative [continued]

example of change
1 The court ruled in the affirmative in favour of the plaintiff.

further reading
Fowler’s English Usage p 32 (affirmative)
Garner’s Dictionary p 36 (affirmative, in the; negative, in the)
Gowers’ Plain Words p 201 (affirmative)
Longman English Usage p 24 (affirmative)
Partridge p 28 (answer was...)

in the case of

usage—avoid using
try—for / in / recasting (using if ... applies) / omitting
extra information
1 compound preposition
examples of change
1 ... in the case of for a fatal injury, includes …
2 in the case of for a licence mentioned in subsection (3) (a)

further reading
Cambridge Guide p 372
Garner’s Dictionary pp 133 (case), 877 (the case of)
Garner’s Legal Style p 106 (case of, in the)
Gowers’ Plain Words pp 18, 55–6
Longman English Usage p 112 (case)

in the context of

usage—avoid using
try—for / of / to / recasting
extra information
1 compound preposition
examples of change
1 The emergency beacon is not needed in the context of for the ferry’s normal operations.
2 The operation of the account by a single person is impossible in the context of if there is a proper system of financial control.

further reading
Gowers’ Plain Words pp 56, 188
in the course of

⚠️ usage—avoid using
try—➤ during / ➤ while / ➤ when / throughout / omitting extra information
1 compound preposition
example of change
1 in the course of during the journey
further reading
Gowers’ Plain Words p 55

in the event that / of [also in the eventuality of]

⚠️⚠️ usage—never use
try—➤ if / ➤ when / recasting extra information
1 compound preposition
examples of change
1 In the event of If conflict arises between the public interest and the private interest of a person, …
2 In the event of If there is a short pay by a machine, …[or If a person is short-changed by a machine…]
3 The member presiding at a meeting has a deliberative vote and, in the event of an equality of voting if the votes are equal, a deciding vote.
further reading
Garner’s Legal Style p 183
Gowers’ Plain Words pp 55, 184, 227

in the first instance

⚠️⚠️ usage—never use
try—first extra information
1 verbosity
example of change
1 The parties to a dispute must in the first instance first attend mediation.
further reading
Garner’s Legal Style p 57
Gowers’ Plain Words p 58
### in the interest of

<table>
<thead>
<tr>
<th>Usage</th>
<th>Try</th>
<th>Extra Information</th>
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<tbody>
<tr>
<td>usage—never use</td>
<td>for</td>
<td>extra information 1 compound preposition</td>
</tr>
<tr>
<td><strong>example of change</strong></td>
<td></td>
<td>example of change 1 The tribunal must consider whether releasing the information <strong>is in the interest of</strong> promoting <strong>would promote</strong> the effective exercise of the tribunal’s functions.</td>
</tr>
<tr>
<td><strong>further reading</strong></td>
<td></td>
<td>Garner’s Legal Style p 183</td>
</tr>
</tbody>
</table>

### in the nature of

<table>
<thead>
<tr>
<th>Usage</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>usage—never use</td>
<td>like / similar</td>
<td>extra information 1 compound preposition</td>
</tr>
<tr>
<td><strong>example of change</strong></td>
<td></td>
<td>example of change 1 made under a provision <strong>in the nature of</strong> like those mentioned in section 6</td>
</tr>
<tr>
<td><strong>further reading</strong></td>
<td></td>
<td>Garner’s Legal Style p 128 (nature, of a—)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gowers’ Plain Words pp 55, 247</td>
</tr>
</tbody>
</table>

### in the negative

<table>
<thead>
<tr>
<th>Usage</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>usage—never use</td>
<td>recasting (using words to the effect of no or against)</td>
<td>extra information 1 formal phrase 2 See also in the affirmative</td>
</tr>
<tr>
<td><strong>example of change</strong></td>
<td></td>
<td>example of change 1 if the court rules in the negative <strong>against the plaintiff</strong></td>
</tr>
<tr>
<td><strong>further reading</strong></td>
<td></td>
<td>Garner’s Dictionary p 36 (affirmative, in the; negative, in the)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gowers’ Plain Words p 247</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Partridge p 28 (answer was...)</td>
</tr>
</tbody>
</table>
in the vicinity of

Usage—never use
Try—about / near / nearby
Extra information
1 compound preposition
Example of change
1 a person who is in, or in the vicinity of, or near a prohibited area
Further reading
Gowers’ Plain Words p 55

in this [provision] called

Usage—never use
Try—omitting
Extra information
1 It is unnecessary to state the provisions for which a term is defined unless the term is to have a limited operation within the section in which the term is defined. If a term is defined for a particular provision only and it is used outside that section, a signpost definition should be included in the dictionary.
2 See LA, s 156 (Application of definitions in dictionaries and sections).
Example of change
1 the Minister may prepare a report (in this section called a summary report)

intoxicated

Usage—consider alternatives
Try—under the influence of (eg alcohol or drugs) / recasting (using affected by …)
Extra information
1 Using intoxicated may be useful as a defined term in legislation where there are many references to a person being under the influence of alcohol or drugs, for example, in the Liquor Act 2010.
Example of no change
1 A person is intoxicated if under the person’s speech, balance, coordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance coordination or behaviour is the result of the consumption of liquor.
Example of change
1 A person must not sell a firearm to another person if the person believes the other person is intoxicated under the influence of alcohol or any other drug.
Further reading
Garner’s Legal Style p 33
### in view of

- **usage**—avoid using
  - **try**—`because of` / `as` / `since`

- **extra information**
  1. compound preposition
  2. For the use of `in view of` with *the fact that*, see *the fact that*.

- **example of no change**
  1. Something is *published* if it is publicly exhibited in view of people on a street or in a public place.

- **example of change**
  1. If the registrar-general is satisfied that, in view of because of a finding of a court, an entry in the register is incorrect, the registrar-general must correct the register in accordance with the finding.

- **further reading**
  Gowers’ Plain Words p 55

### involve

- **usage**—consider alternatives
  - **try**—omitting / recasting (using more precise words)

- **extra information**
  1. vague word

- **example of no change**
  1. The Attorney-General may certify that the disclosure of information about a stated matter is not in the public interest because it would involve the disclosure of decisions of the Cabinet.

- **example of change**
  1. details of how copies may be obtained, including an indication of whether there is a cost involved the cost (if any)

- **further reading**
  Gowers’ Plain Words pp 4, 17, 33, 237–8

### involvement

- **usage**—consider alternatives
  - **try**—`connection` / recasting (using more precise words)

- **extra information**
  1. vague word

- **example of no change**
  1. The main objects of this Act include recognising a birth parent’s involvement in making decisions about their child’s future.
### involvement [continued]

**example of change**
1. if the applicant maintained direct involvement in managing eligible investments

**further reading**
Gowers’ Plain Words p 238–9

### in which

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>where / when / how</td>
</tr>
</tbody>
</table>

**extra information**
1. See also which.

**example of no change**
1. the way in which the person’s interests are affected by the decision

**examples of change**
1. the State in which the exemption was granted
2. the month in which the corporation files its claim

### in writing

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>omitting / written / recasting</td>
</tr>
</tbody>
</table>
1. A reference to ‘in writing’ is redundant if the thing required to be in writing is an appointment, delegation or statutory instrument because the Legislation Act requires those things to be in writing (see ss 42, 206 and 232).
2. See also instrument in writing; notice in writing.

**example of no change**
1. only if the defendant agrees in writing

**examples of change**
1. The registrar must note, in writing, make a written note of …
2. a statement in writing written statement
3. a report in writing written report

### irrespective of

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>recasting (using whether or not or even if)</td>
</tr>
</tbody>
</table>

**example of no change**
1. In this Act, a reference to an animal of a particular kind is a reference to an animal of that kind irrespective of age or sex.
irrespective of [continued]

**example of change**

1 This section applies in relation to a person asserted to have a transmissible notifiable condition irrespective of the truth of the assertion whether or not the assertion is true.

**further reading**

Garner’s Legal Style p 121  
Gowers’ Plain Words p 239

**is / are able to**

🔧 **usage**—avoid using  
try—►can / ►may

**extra information**

1 verbosity  
2 See also is/are unable to.

**example of no change**

1 the entity is able, or will be able, to exercise significant influence in relation to the conduct of the business

**example of change**

1 If the child is able to can form and express views about the child’s wellbeing, those views must be sought and considered.

**further reading**

Garner’s Legal Style p 56

**is / are allowed to**

🔧 **usage**—avoid using  
try—►may / ►can

**extra information**

1 verbosity

**example of no change**

1 to the extent that the person is allowed to do the activity under the person’s registration

**examples of change**

1 a person is allowed to may give by will any real or personal property  
2 Other entities are allowed to may choose to be subject to obligations of public authorities.

**further reading**

Garner’s Legal Style p 56
is / are authorised

usage—avoid using

try—may / can

extra information

1 verbosity

eexample of no change

1 A person may be taken to a health facility in another State under this section by a person who is authorised by this Act.

eexample of change

1 An authorised person is authorised to may require a person to state the person’s name and home address.

is / are [not] entitled to

usage—consider alternatives

try—may / can / [may not / must not]

extra information

1 verbosity

2 Is entitled to can be appropriate to make it clear that someone has a right to something. However, often may is sufficient.

examples of no change

1 A member is entitled to be paid the remuneration and allowances the Minister decides. [if a member can decline payment, but otherwise has a right to payment]

2 The complainant and the person about whom the complaint is made are not entitled to legal representation.

eexamples of change

1 The carrier is entitled to may enter the property.

2 A registered insurer is not entitled to must not decline CTP business.

further reading

Garner’s Dictionary p 942 (words of authority)

Garner’s Legal Style p 183

is / are liable to

usage—consider alternatives

try—must / is given to / is likely to / is expected to / is responsible for

extra information

1 verbosity

2 Do not use liable to as a substitute for likely. Use likely to mean expected or probable.

3 Liable to means responsible or subject to liability, eg to taxation, civil or criminal liability.
### is / are liable to [continued]

**example of no change**
1. The licensee is liable to pay the levy.

**examples of change**
1. the workload is likely to increase
2. A beneficiary is liable to must tell the authority about any changed circumstances.

**further reading**
- Cambridge Guide p 471 (liable)
- Fowler’s English Usage 455 (liable, likely), 460 (likely)
- Garner’s Dictionary pp 527 (liable), 530 (likely)
- Garner’s Legal Style p 124 (liable; likely)
- Gowers’ Plain Words p 241
- Longman English Usage p 54 (liable, likely)
- Working Words p 44 (liable/prone/likely)

### is / are [not] required to

- **usage**—avoid using
  - try—► may / ► can / ► must / need not / does not have to / may, but need not,

- **extra information**
  1. verbosity
  2. See also require

**examples of no change**
1. a licence or permission is required to carry on consumer trading
2. containers that are required to maintain the temperature, quality or integrity of the product

**examples of change**
1. an undertaking is required to must be given
2. the records are required to must be kept for 7 years

### is / are not to

- **usage**—avoid using
  - try—must not / does not

- **extra information**
  1. See also is/are to.

**example of no change**
1. a whole number that is the total of the entitlements of all lots that are not to be common property
is / are not to [continued]

examples of change
1 An additional penalty is not to must not be imposed on the person.
2 the rate at which the charges are made are not to must not exceed the maximum rate
3 this agreement is not to does not have effect while the State is a party to another agreement

issue
[as a noun]

usage—consider alternatives
try—subject / concern / dispute / ► matter
extra information
1 formal word
example of no change
1 if the application raises an issue
examples of change
1 if a member has an interest in an issue a matter being considered
2 if the director-general has an issue with a concern about the proposal
3 if the issue dispute relates to the care and maintenance of children

further reading
Gowers’ Plain Words pp 4, 239

issue
[as a verb]

usage—consider alternatives
try—make / give / transfer / send / omitting
extra information
1 formal word
example of no change
1 The registrar may issue licences.
examples of change
1 The Minister may issue make standards.
2 The director-general must issue give an identity card to each inspector.
issue as to whether

usage—never use
try—issue about whether / issue of whether / issue whether
extra information
1 verbosity
2 See also as to whether / as to who / as to how / as to what etc
example of change
1 if the party against whom evidence of the admission is presented has raised in the proceeding an issue as to about whether the admission or its making were influenced in a way mentioned in subsection (1)
further reading
Garner’s Dictionary pp 470, 930 (whether)
Garner’s Legal Style pp 136 (whether, as to), 146 (whether (or not))

is / are to

usage—avoid using
try►must / ►will / omitting / recasting
extra information
1 Use must if a duty is to be imposed.
2 There is no rule preventing must being used in relation to the Executive, Ministers or courts.
3 See also is to be read; is to be taken.
example of no change
1 the committee’s function is to
examples of change
1 if the notice is to be served by post, the notice may be addressed to
2 the election is to must be conducted as if
3 All land is to keep keeps its previous designation.
4 an order that a claimant is to have has leave
5 The commissioner is to be appointed under the XYZ Act.

is to be read

usage—avoid using
try—recasting
extra information
1 verbosity
example of change
1 the provision is to be read applies with the changes
is to be taken

**:usage**—never use

*try*—*is / is taken*

**extra information**

1 verbosity

**examples of change**

1 the proposed resolution is *to be taken as having been taken to be* lost

2 a claimant *is to be taken to have remedied noncompliance if*

**further reading**

Garner’s Legal Style p 199 (*be-verbs*)

is / are unable to

**:usage**—avoid using

*try*—*cannot / may not*

**extra information**

1 verbosity

**examples of change**

1 *is unable to* *cannot* give notice to the owner

2 If a person *is unable to* *cannot* comply with subsection (1)

3 if the detainee *is unable* *cannot*, because of inadequate knowledge of the English language or a disability, to communicate with reasonable fluency in English

it appears that / it would appear that

**:usage**—avoid using

*try*—*omitting / recasting*

**extra information**

1 timid phrase

**example of no change**

1 if, on a trial for murder, it appears that the act or omission causing death occurred under provocation

**example of change**

1 This rule applies if *it appears that* the deceased person may have lived outside the ACT.

**further reading**

Garner’s Legal Style p 35 (*it would appear that*)
item

😊 usage—consider alternatives
try—omitting / recasting

example of no change
1 a provision mentioned in an item in table 33

example of change
1 includes duty paid on any other items goods

further reading
Gowers’ Plain Words p 240

it would appear that

see—it appears that / it would appear that
**jointly and severally**  
*[also joint and several]*

 '..', usage—avoid using  
**try**—recasting (using \[together / together and separately / alone / individually / each of them\])

**extra information**

1 doublet
2 The words *jointly* and *severally* (and *joint* and *several*) are not legal terms of art. They can be replaced with plainer alternatives without loss of legal effect.
3 To clarify the application of a provision to combinations, the words ‘or in any combination’ could be added.

**further reading**

Butterworths Legal Dictionary p 643 (joint and several), (joint and several liability), (joint and several obligation) and (joint and several promise)  
Garner’s Dictionary pp 479 (*joint and several*), 799 (*several*)

**justify**

 '..', usage—consider alternatives  
**try**—prove / defend / give reasons for

**example of no change**

1 exceptional circumstances justify action without a written complaint

**example of change**

1 the prosecution may offer evidence to justify prove the other contention

**juvenile**

 '..', usage—never use  
**try**—child / *not an adult* / young / recasting (using a defined term, eg *young person*)

**extra information**

1 *Juvenile* may have negative connotations.

**example of change**

1 functions under this Act may be exercised for a *juvenile young* offender

**further reading**

Fowler’s English Usage p 431
kind

Usage—consider alternatives
Try—omitting / recasting (using more precise words)

Extra information
1 Most legal drafting is expressed in the singular and it is usually unnecessary to distinguish between a class (using, eg category, class, group, kind or type) and its members (see LA s 48 and s 145 (b)). Avoid using class unless it is necessary.
2 If it is necessary to use class, use it as infrequently as possible consistently throughout the draft. Avoid making unnecessary, artificial distinctions in using classes (eg the use of kind and type, or class and kind).
3 If it is necessary to mention class, prefer kind if appropriate.
4 Avoid using kind as an omnibus word. ‘Whatever is generic in writing is an enemy to good legal writing. Just as glib generalities weaken the arguments they would support, so omnibus words detract from the message they would convey. Expunge these words from your vocabulary and you will find your writing more vigorous, concrete and vivid.’ (Garner)
5 Never use kind of as a hedge word (diminisher), eg ‘He was kind of late’.
6 Never use kind of a as a contraction for a kind of a.

Example of no change
1 A warrant issued under this section must give a description of the kind of thing authorised to be seized.

Examples of change
1 a person of the kind mentioned in section 14
2 A regulation may exempt a vehicle or person, or a kind of vehicle or person.

Further reading
Cambridge Guide p 427 (kind of)
Fowler’s English Usage pp 433–4
Garner’s Legal Style pp 122, 215 (kind of)
Gowers’ Plain English p 134 (those kinds of things)

Knowledge

See—has / have knowledge of
lack

😊 usage—consider alternatives
try—recasting
extra information
1 Lack can contribute to abstract, loose writing.
examples of no change
1 a lack of fire prevention measures
2 the investigating entity is reasonably satisfied that the lack of assistance makes it impracticable for the disclosure to be investigated

further reading
Gowers’ Plain Words pp 80–1

laid before

see—lay / laid before

landlord

😊😊 usage—never use
try—lessor
extra information
1 formal word
2 Landlord is not gender-neutral.

last will and testament

😊😊 usage—never use
try—will
extra information
1 It is not necessary to use last will and testament. The word last serves no legal purpose and the word will includes testament.
example of change
1 An interest in land cannot be created or disposed of by a person except by the person’s last will and testament will.
Lastly

usage—never use
try—last / finally / omitting / recasting

example of change
1 finally, in payment of the balance to or on behalf of the person

further reading
Cambridge Guide p 434

Lastmentioned / last-mentioned / last mentioned

usage—never use
try—recasting / last

extra information
1 formal word
2 It is better to repeat words rather than use lastmentioned. Alternatively, use a tagged term. Readers may otherwise have difficulty in working out what is referred to.
3 For similar reasons, avoid substituting latter (see latter).
4 If you want to refer otherwise than specifically to the first of 2 or more things, try last.
5 See also firstmentioned / first-mentioned / first mentioned.

example of change
1 The power of attorney is revoked in relation to the lastmentioned person mentioned in paragraph (b).

Later

see—not later than / no later than

Latter

usage—never use
try—recasting / last

extra information
1 formal word
2 It is better to repeat words rather than use latter. Alternatively, use a tagged term. Readers may otherwise have difficulty in working out what is referred to.
3 For similar reasons, avoid substituting lastmentioned and like terms (see lastmentioned).
4 Latter can refer to only one of 2 things and if you use it for more than 2 you may puzzle your readers.
latter [continued]  

5 If you want to refer otherwise than specifically to the first of more than 2 things, try first.
6 See also former.

further reading
Cambridge Guide p 291 (former and latter)
Fowler’s English Usage pp 443–4
Garner’s Dictionary p 370 (former)
Gowers’ Plain Words p 115

lawful

usage—consider alternatives
try—valid / legal / omitting / recasting (using ➤ may)

extra information
1 It is sometimes desirable to mention that some conditions depend on whether the action mentioned in the conditions is itself not an offence (see example of no change).
2 Usually, lawful is an unnecessary gloss if what is intended is a reference to legal competency. In phrases such as it is lawful, may is then appropriate (see may).

example of no change
1 without lawful justification or excuse

further reading
Cambridge Guide p 439 (legal, legalistic, legitimate or lawful)

lay / laid before

usage—avoid using
try—present to (the Legislative Assembly)

extra information
1 Present to is the concept used in the Standing Orders of the Legislative Assembly and the LA.

example of change
1 The Minister must lay before present the report to the Legislative Assembly.

legal practitioner

usage—consider alternatives
try—lawyer

extra information
1 formal phrase
2 See LA, dict, pt 1, defs lawyer and legal practitioner.
3 See DPG, ch 14, ‘legal practitioner/lawyer’.
legally

😊 usage—consider alternatives
try—recasting (using ‘neutral’ words)
extra information
1 Legally can be a sentence adverb (ie an adverb that qualified a sentence as a whole)
further reading
Fowler’s English Usage pp 702–3 (sentence adverbs)
Garner’s Dictionary pp 791–2 (sentence adverbs)

less

😊 usage—consider alternatives
try—fewer / lesser
extra information
1 For the use of less and fewer, see fewer.
2 For the use of less and lesser, see lesser.
3 Note that to provide for less than X and more than X has the effect of excluding X itself and leaving it unprovided for.
4 See also not less than; or less.
example of change
1 A container must be fixed to the floor with no less fewer than 2 anchor bolts.

lesser

😊 usage—consider alternatives
try—less
extra information
1 Lesser means smaller in importance, significance or status. It is used with count nouns (see fewer).
2 Less is used with mass nouns (see fewer) and means smaller in amount.
further reading
Cambridge Guide p 441

let

😊 usage—consider alternatives
try—leased / allow / permit / leave
extra information
1 It is unnecessary to refer to both let and leased.
example of no change
1 The individual must not let anyone else possess or use a firearm.
let [continued]

**example of change**

1. if the land were let *leased* at a nominal rent

**further reading**

Fowler’s English Usage p 448 (*leave, let*)

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**level**

😊 **usage**—consider alternatives

**try**—omitting / recasting (using more specific words)

**extra information**

1. *Level* can be vague and abstract, but can sometimes be useful.

**example of no change**

1. state the educational level or levels for which the school is registered

**examples of change**

1. overall level of *total* expenditure
2. significantly higher level of expenditure

**further reading**

Gowers’ Plain Words p 189

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**liable to**

see—*is / are liable to*

---

**liability to**

see—*has / have a liability to*

---

**liaise with**

😊 **usage**—avoid using

**try**—coordinate / contact / work with

**extra information**

1. vogue phrase

**example of change**

1. The directors-general must *liaise with* work with each other.

---

**like**

😊 **usage**—consider alternatives

**try**—►*as / as if / as though / just as / such as / similar / the same*

**extra information**

1. *Like* should not, as a rule, be used as a conjunction (see example of change 1).
like [continued]

2 *Like* should not be used to create an example (see example of change 2).
3 See also *in like manner as.*

**example of no change**
1 All periodic payments in the nature of income are, like interest on an amount lent, taken to accrue daily.

**examples of change**
1 *in like* similar [or the same] circumstances
2 *in working out what is reasonable compensation consideration must be given to any concession given to the tenant, like reduced rent*

**further reading**
Cambridge Guide pp 447–8 (in support of use of like as conjunction)
Gowers’ Plain Words p 104

**likewise**

ień use
try—*also / recasting*

**example of change**
1 *the council must likewise be asked to convene a meeting in accordance with subsection (1)*

**further reading**
Cambridge Guide p 449

**limited number of**

ę use
try—*recasting*

**extra information**
1 *imprecise*

**example of no change**
1 *as a note* the Governor-General has power to make ordinances for the ACT on a limited number of topics

**example of change**
1 The Minister may approve a limited number of no more than [x] licences.

**further reading**
Gowers’ Plain Words p 241 (*limited*)
Partridge p 177 (*limited*)
Working Words p 316 (*limited*)

**limiting**

*see—without limiting the generality of*
listed

😊 usage—consider alternatives
try—mention / state / set out / recasting

extra information
1 Be careful not to draw artificial distinctions in legislation by using different words to say essentially the same thing, eg do not say in one provision ‘a (thing) listed in section x’ and then in another provision say ‘a person mentioned in section y’.
2 Prefer mention or state if appropriate. For the use of mention, state and set out, see state.

example of no change
1 the species was listed in the extinct category of the threatened native species list

example of change
1 Removal allowance is payable if the transfer is to a place listed mentioned in section 50.

livelihood

😊 usage—avoid using
try—living / occupation / business

extra information
1 formal word

locality

😊 usage—avoid using
try—place / area / district

extra information
1 formal word

lodge

😊 usage—consider alternatives
try—file / made to / give / send / recasting

extra information
1 formal word
2 LA, dict, pt 1 defines file to include lodge.

examples of change
1 A claim for compensation must be lodged with made to the director-general.
2 A claimant may apply for compensation by lodging giving a completed form with to the Minister.
3 An application must be lodged made in writing with to the authority.
logically / logical

Hack

**usage**—avoid using

**try**—recasting (using ‘neutral’ words)

**extra information**

1. *Logically* can be a sentence adverb (ie an adverb that qualified a sentence as a whole).
2. *Logically* and *logical* can be value-loaded words.

**further reading**

Fowler’s English Usage pp 702–3 (sentence adverbs)
Garner’s Dictionary pp 791–2 (sentence adverbs)

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long

*see*—*as long as / so long as*
maiden name

Usage—never use
Try—former name

Extra information
1 archaic

Example of change
1 the maiden name any former name or other family name of the child’s mother

maintain

Usage—consider alternatives
Try—keep / continue / have / state / recasting

Examples of no change
1 A regulation may prescribe the standards to be achieved and maintained.

Examples of change
1 The tribunal must maintain keep a register of decisions.
2 To maintain keep consistent section numbering between this Act and the Commonwealth Act.
3 The director-general must maintain provide care and support for a young person.

major

Usage—consider alternatives
Try—main / principal / serious / recasting (using important / large / strong / great)

Extra information
1 vague, overused word

Examples of no change
1 major road (in contrast with minor road)
2 a major political party

Example of change
1 a major serious illness

Further reading
Fowler’s English Usage p 476
Gowers’ Plain Words p 243
**majority**

😊 usage—consider alternatives  
try—recasting (using, eg most / the greater part of)  
extra information  
1 *Majority* may be treated as singular or plural according to whether the people or things mentioned are being considered as a group or individually (see examples of no change).

examples of no change  
1 The majority of members support the decision.  
2 majority shareholder

example of change  
1 if the majority of most of the building was damaged by fire

further reading  
Cambridge Guide pp 461 (*majority*), 486 (*minority*)  
Fowler’s English Usage pp 476–7  
Gowers’ Plain Words pp 133, 243  
Working Words p 324

**make a decision**

😊 usage—avoid using  
try—*decide*  
extra information  
1 verbosity

example of change  
1 it is necessary to *make a decision* decide

**make an order**

😊 usage—avoid using  
try—*order*  
extra information  
1 verbosity

example of change  
1 the court may *make an order* that
make application

- **usage**—avoid using
  - try—recasting (using, eg *apply*)
- **extra information**
  - 1 verbosity
- **example of change**
  - 1 A person may make an application *apply* to the Minister for a licence.
- **further reading**
  - Garner’s Dictionary p 912 (verbosity)

make a statement

- **usage**—consider alternatives
  - try—*state / tell / mention*
- **extra information**
  - 1 verbosity
- **example of no change**
  - 1 the clerk must make a statement to the Legislative Assembly
- **example of change**
  - 1 a person must not make a statement *state*
- **further reading**
  - Garner’s Dictionary p 11 (abstractitis)

make payment

- **usage**—avoid using
  - try—*pay*
- **extra information**
  - 1 verbosity
- **further reading**
  - Garner’s Dictionary p 912 (verbosity)

make provision for

- **usage**—avoid using
  - try—*provide (for)*
- **extra information**
  - 1 verbosity
- **further reading**
  - Garner’s Dictionary pp 543, 912 (verbosity)
make reference to

- usage—avoid using
  - try—\(\rightarrow\) refer to / \(\rightarrow\) mention

extra information
1 verbosity

further reading
Garner’s Legal Style p 125

make sure

- usage—never use
  - try—\(\rightarrow\) ensure / \(\rightarrow\) verify / clarify

man / men

- usage—avoid using
  - try—\(\rightarrow\) person / \(\rightarrow\) individual / human being / recasting

extra information
1 only use man for gender specific application
2 See also man-made.

example of change
1 each man person has 1 vote

further reading
Cambridge Guide pp 463–4
Fowler’s English Usage pp 705–6 (sexist language), 182–5 (discriminatory language)
Garner’s Dictionary pp 799–803 (sexism)

...man / men

- usage—avoid using
  - try—recasting (using gender-neutral words)

extra information
1 gender-specific word
3 See also chairman/chairwoman.

further reading
Garner’s Dictionary pp 801-2 (sexism)
Garner’s Legal Style p 212-13
manhole

**: usage**—never use

**try**—accesshole / sewerhole / utility hole / trapdoor / recasting

**extra information**

1 use a gender-neutral alternative

**further reading**

Garner’s Legal Style p 212-13

manhood

**: usage**—never use

**try**—adulthood / recasting

**extra information**

1 use a gender-neutral alternative

manhour

**: usage**—never use

**try**—working hour / work hours / labour hours / recasting

**extra information**

1 use a gender-neutral alternative

**further reading**

Cambridge Guide p 464

manifestly / manifest

**: usage**—consider alternatives

**try**—recasting (using ‘neutral’ words)

**extra information**

1 dogmatic words

**example of no change**

1 a manifest contrary intention

**further reading**

Garner’s Dictionary pp 161 (clearly), 926 (weasel words)
mankind

💔💔 usage—never use
try—humanity / human beings / humans / people / the human race / humankind / persons / recasting

extra information
1 use a gender-neutral alternative

eexample of change
1 the problems of mankind humanity

further reading
Cambridge Guide pp 463–4 (man)
Fowler’s English Usage pp 479, 705–6 (sexist language)

man-made

💔💔 usage—never use
try—artificial / manufactured / constructed / fabricated / handmade / handcrafted / recasting

extra information
1 use a gender-neutral alternative

further reading
Cambridge Guide p 464

manner

😢 usage—consider alternatives
try—way / method / omitting / recasting (using, eg how)

extra information
1 can lead to verbosity
2 See also in a ... manner / way; in a timely manner / way; in like manner as.

examples of change
1 in like manner the same way as
2 the manner in which how
3 in a manner similar to like
4 The objects of this Act include promoting the protection of children in a manner way that ...

further reading
Garner’s Dictionary p 547 (manner in which)
Longman English Usage p 433
Working Words p 326
manpower

使用——从不使用
尝试——劳动力 / 员工 / 工人 / 雇员 / 人员 / 人员 / 重新定义
额外信息
1 使用性别中性替代
进一步阅读
Working Words p 183 (歧视性语言)

master
[作为名词]

使用——从不使用
尝试——雇主 / 老师 / 校长 / 船长（港口）/ 书记 / 人在控制 / 陪审法官（最高法院）
额外信息
1 使用性别中性替代
2 如果所指代的是主雇关系中主雇双方的关系，雇主和雇员通常是足够的。master 在这种情况下是过时的，且可能有负面含义。
例子的改变
1 高庭法官
2 学校的老师 [或校长]
进一步阅读
Garner’s Dictionary pp 312 (雇主和雇员; 主人和仆人)，550

material
[作为形容词]

使用——考虑其他选择
尝试——必要 / 重要 / 必要 / 重要 / 重要 / 重要 / 重要 / 重要 / 适当 / 重新定义（使用更精确的词语）
额外信息
1 模糊词，可指，例如必要，重要或相关
3 Material 也被用作其他法律概念（见 Butterworths Legal Dictionary）。在这些概念中它也具有一个法律意义上的意义。
例子的无改变
1 误或误导在材料意义上
material

[as an adjective] [continued]

example of change
1. A claim for benefit must include all material information necessary to enable the claim to be decided.

further reading
Butterworths Legal Dictionary pp 731 (material), (material alteration), (material fact) and (material form), 732 (material omission), (material particular), (material personal interest) and (material representation)
Garner’s Dictionary pp 550–1, 813 (slipshod extension)
Garner’s Legal Style p 125 (material; relevant)
Working Words p 239 (germane/material/relevant)

matter

😊 usage—consider alternatives
try—issue / thing / substance / subject / topic / concern / consideration / dispute / recasting

extra information
1. formal word
2. See also any other.

examples of no change
1. A standard may include matters prescribed by regulation.
2. A certificate stating any of the following matters:
3. the matters contained in a document
4. the client’s matter

example of change
1. a change has happened in relation to a matter something that

maximum

😊 usage—consider alternatives
try—recasting (using eg most / biggest / greatest / heaviest / oldest / thickest)

example of no change
1. a motorised wheelchair with a maximum speed of less than 10km/h

further reading
Gowers’ Plain Words pp 245, 246–7
may

😊 usage—consider alternatives

try—▶ can

extra information

1 *May* should be used if a power, permission, benefit or privilege given to someone may, but need not, be exercised—the exercise is discretionary.

2 *May* should not be used in cases where the ability to do something is being emphasised (see *can*).

3 See also *as the case may be / as the case requires / as the case may require*.

example of no change

1 the Minister may, in writing, require the applicant to give

further reading

Cambridge Guide pp 107–8

Garner’s Dictionary pp 128 (*can; may*), 552–3, 942 (words of authority)

means
[as a noun]

😊 usage—consider alternatives

try—way / form / ▶ type / financial resources / income / ▶ kind

extra information

1 formal word

2 See also *by means of*.

example of no change

1 a channel or other means (including mechanical means) by which water could be taken

examples of change

1 another means *kind* of communication

2 *by any means* in any way

measure
[as a noun]

😊 usage—consider alternatives

try—omitting / recasting

extra information

1 can be vague and abstract

2 prefer words that are more direct and specific

example of no change

1 withholding or withdrawal of a life-sustaining measure
measure

[as a noun] [continued]

example of change
1 detained for up to 14 days as a measure of last resort

further reading
Gowers’ Plain Words p 189

medical practitioner

😊 usage—consider alternatives
try—doctor

extra information
1 See LA, dict, pt 1 def doctor and medical practitioner.
2. See DPG, ch 14, ‘medical practitioner / doctor’.

meets the requirements of

😊😊 usage—never use
try—complies with / satisfies / fulfils / recasting

extra information
1 verbosity

example of change
1 if a vehicle meets all the requirements of complies with the vehicle standards

mens rea

😊😊 usage—never use
try—state of mind / mental element / recasting (using means to / intends to)

extra information
1 foreign phrase
2 Technical term in criminal law to describe the state of mind required to constitute an offence: the mental element of the offence.
3 If it is necessary to use the term, include a note explaining what it means.

example of change
1 this section does not apply to a person’s knowledge or mens rea state of mind

further reading
Butterworths Legal Dictionary p 740
Garner’s Dictionary p 556
mention / mentioned

usage—consider alternatives
try—state / set out
extra information
1 See state for a discussion of the use of mention, set out and state.
2 See also abovementioned / abovelisted / abovequoted; firstmentioned / first-mentioned / first mentioned; lastmentioned / last-mentioned / last mentioned.

mere / merely

usage—consider alternatives
try—omitting / recasting
extra information
1 Mere can be used as a depreciative, dogmatic word.
2 Prefer a more ‘neutral’ alternative if appropriate.
example of no change
1 conduct that is more than merely preparatory

further reading
Garner’s Legal Style p 36

method

usage—consider alternatives
try—way / system

methodology

usage—consider alternatives
try—way / method
extra information
1 Methodology means a body of methods or an analysis of procedures.
2 Sometimes used as a formal word for way or method.
3 Prefer way or method if appropriate.

further reading
Gowers’ Plain Words p 246

minimum

usage—consider alternatives
try—recasting (using, eg least / lightest / smallest / thinnest / youngest)
example of no change
1 the director-general may determine minimum qualifications
minimum [continued]

further reading
Gowers’ Plain Words pp 245, 246–7

minor

usage—never use
try—child / not an adult / young / recasting (using a defined term, eg young person)

extra information
1 formal word

example of change
1 a minor child may apply to the Supreme Court

minority

usage—consider alternatives
try—recasting

extra information
1 It has been suggested that minority (and majority) should be used to refer only to people or things that can be counted, and not to a single thing or uncountable nouns, eg tolerance.
2 Minority when used for voting numbers can be ambiguous. It can mean either the shortfall between the votes for and against or the smaller set of votes.
3 Minority may be treated as singular or plural according to whether the people or things mentioned are being considered as a group or individually.

example of no change
1 anyone who belongs to a linguistic minority

example of change
1 The motion was lost by a minority of 4 by a vote of 50 to 4 [or with only 4 voting for it].

further reading
Cambridge Guide pp 461 (majority), 496 (minority)
Fowler’s English Usage pp 476–7 (majority), 496 (minority)
Gowers’ Plain Words pp 133, 243
Working Words p 324
minus

**:usage**—consider alternatives

**try**—

**less** / **without** / **negative** / **recasting**

**extra information**

1. can be a colloquialism as an alternative to **without**

**example of change**

1. **minus** _less_ any administrative costs

**further reading**

Cambridge Guide p 487

modify

**:usage**—consider alternatives

**try**— **change** / **alter** / **adapt** / **amend**

**extra information**

1. **Modify** has a specific meaning under the Legislation Act in relation to legislation.

**example of no change**

1. if a proposed modification of a motor vehicle would change its class

**examples of change**

1. A business plan may be **modified** _changed_ by the corporation.

2. The provision applies with any necessary **modifications** _changes_.

modus operandi

**:usage**—**never use**

**try**— **way of operating** / **way of proceeding** / **way of working** / **method**

**extra information**

1. foreign phrase

**further reading**

Cambridge Guide p 491

Working Words p 348 (modus operandi/modus vivendi)

moneys / monies

**:usage**—**never use**

**try**— **money** / **amounts**

**extra information**

1. In ordinary usage, _money_ is a mass noun (see _fewer_) with a collective sense and should not be pluralised.

2. To express the idea of individual quantities of money, use _amounts_ rather than _moneys_.

Cambridge Guide p 487

Working Words p 348 (modus operandi/modus vivendi)
money / monies [continued]

examples of change
1 must pay all moneys amounts of the fidelity fund into a separate account
2 all moneys amounts must be accounted for

further reading
Cambridge Guide p 492 (supporting use of moneys as pluralised count noun)
Garner’s Dictionary p 571 (monies)
Longman English Usage p 454
Working Words p 349 (supports either spelling)

month

extra information
1 see LA, dict, pt 1, defs month and calendar month
2 Month is defined as calendar month.

moreover

usage—never use
try—omitting / and / also / in addition / further

extra information
1 formal word

further reading
Gowers’ Plain Words p 247
Longman English Usage p 457

more than

usage—consider alternatives
try—exceeds / over / greater than / heavier than / larger than / longer than /
older than / higher than / recasting (using at least)

extra information
1 Generally, prefer over / at least, or a more specific alternative.
2 See also not more than; more than 1.

more than 1

usage—avoid using
try—recasting (using 2 or more)

examples of change
1 if there is more than 1 transferee are 2 or more transferees
2 This Act does not prevent more than 2 or more infringement notices being served on a person for an offence.
morning
[for time]

髦 usage—avoid using
try—am / day
extra information
1 Use pm/am, without full stops and with a space between the number and pm/am.
2 Morning is not usually precise enough for formal writing.
3 See also 12 am / pm (in the chapter on figures).
examples of change
1 6 o’clock in the morning 6 am
2 ending at 7 am in the following morning day
example of no change
1 morning shift

motivation

髦 usage—consider alternatives
try—recasting (using more precise words)
extra information
1 Motivation can be a vague word.

further reading
Garner’s Legal Style p 32

must

髦 usage—consider alternatives

try—◮ should / ◮ will / necessary / ◮ is / are to / ◮ may / recasting (using eg may...only if)

extra information
1 Use must if a duty is to be imposed.
2 There is no rule preventing must being used in relation to the Executive, Ministers or the Courts.
3 Must is sometimes used unnecessarily in declarative expressions, in an attempt to capture a sense of authority and obligation. In such cases, the present tense is often more appropriate.
4 See DPG, ch 14, ‘must’.
must [continued]

examples of change
1 A person must be a resident to be eligible is eligible only if the person is a resident.
2 An applicant must may use only an approved form. [or ...must use an approved form]
3 an applicant must not may bid unless only if

further reading
Garner’s Dictionary pp 577–8, 939–43 (words of authority)

mutatis mutandis

 usage—never use
 try—with the necessary changes / with the appropriate changes

extra information
1 foreign phrase

further reading
Cambridge Guide p 499

mutual

 usage—consider alternatives
 try—▶ common / reciprocal

extra information
1 For the use of common and mutual, see common.

desk
 examples of no change
1 the degree of mutual commitment to a shared life
2 mutual recognition

desk
 example of change
1 that relevant information about the matter is mutually shared

mutually agree

 usage—never use
 try—▶ agree on / to

extra information
1 tautology

desk
 example of change
1 if the parties mutually agree to extend the time
name

see—by the name of; Christian name; first name; forename

namely

usage—never use
try—omitting / recasting
extra information
1 redundancy
examples of change
1 The following information must be included in the application, namely:
2 Section 6 deals with the other kinds of driver licences, namely, conditional and public vehicle licences.

natural person

usage—never use
try—individual / human being
extra information
1 legalese
2 See LA, dict, pt 1, defs individual and person
example of change
1 A natural person or corporation may apply for a licence.
further reading
Garner’s Dictionary p 582

nature

usage—consider alternatives
try—omitting / recasting
extra information
1 Words like nature are vague and abstract, and can be useful on occasion. However, they are often overused. Therefore, consider if use is necessary.
2 See also in the nature of.
example of no change
1 timing, location or nature of the development proposal
### nature [continued]

**example of change**
1. if the officer considers the item is of a dangerous nature

**further reading**
- Garner’s Legal Style p 128
- Gowers’ Plain Words p 189

### necessarily

😊 **usage**—consider alternatives

**:try**—omitting / recasting

**extra information**
1. dogmatic word
2. Only use *necessarily* if there is an element of necessity.

**example of no change**
1. the expenses necessarily incurred by the commissioner

**example of change**
1. This Act does not make unlawful anything done necessarily for the purpose of complying with a requirement of a territory law.

**further reading**
- Gowers’ Plain Words p 54

### necessitate

😊😊 **usage**—never use

**:try**—➤ *require / make necessary / oblige / need / force / cause / have to*

**extra information**
1. formal word

**further reading**
- Garner’s Dictionary pp 370 (formal words), 583

### need

**see**—has / have need of

### negative

**see**—in the negative

### neither

**see**—nor
nevertheless

usage—avoid using

try—however / still / regardless

extra information

1 Prefer the simplest appropriate word.

decision of no change

1 the trier of fact may nevertheless find the defendant guilty of the offence

decision of change

1 Nevertheless However, this section does not apply to a dog owner.

next

usage—consider alternatives

try—recasting

extra information

1 The meaning of next is sometimes unclear when used to mention a future day, eg ‘next Saturday’. Usually it means the relevant day nearest in time. However, many people draw a distinction between this and next, using this to mean the day, eg Saturday, of the current week and next to mean the day, eg Saturday, of the following week.

decision of no change

1 The standards do not apply to a vehicle designed to be controlled by a person walking next to it.

2 The thing must or may be done on the next day that is a working day.

decision of change

1 remains in force until the end of 31 August next immediately following the grant of the licence

further reading

Cambridge Guide p 513

night
[for time]

usage—avoid using

try—pm / am

extra information

1 Use pm/am, without full stops and with a space between the number and pm/am.

2 Night is not usually precise enough for formal writing.

3 See also 12 am / pm (in the chapter on figures)

decision of no change

1 night shift
### Night

**[for time]** [continued]

**example of change**
1. 9 o’clock at night → 9 pm

### No

*see*—*has / have no power to; not later than / no later than*

### No later than

*see*—*not later than / no later than*

### Nonetheless

😊😊 **usage**—never use

*try*—▶ **however** / recasting

**example of change**
1. however, an action nonetheless may be brought

### Non-flammable

*see*—*inflammable*

### Nor

😊 **usage**—consider alternatives

*try*—▶ **or**

**extra information**
1. *Nor* is used with *neither* and *or* with *either*.
2. If the initial negative is *not or no*, either *nor or or* may be used if the meaning of the sentence is clear. However, *nor* is usually used if it is necessary to repeat the negative, and *or* is usually used if it is not necessary to repeat the negative. It is not usually necessary to repeat the negative because the original *not or no* remains in force throughout the rest of the sentence and does not need reinforcing with *nor*.
3. *Neither ... nor* requires proper balancing of the sentence (see *both ... and*).

**example of no change**
1. if the child can *neither* read nor write
nor [continued]

example of change
1 if the child cannot read nor or write

further reading
Cambridge Guide pp 509 (neither with nor), 519 (nor or or)
Garner’s Legal Style pp 66, 128–9
Gowers’ Plain Words pp 102, 148–9

northerly (direction) / northwardly / northward(s)

see—easterly (direction)/eastwardly/eastwards

not

see—is / are [not] entitled to; is / are not to; not being; not exceeding; not fewer than; not greater than; not later than / no later than; not less than; not more than; not un-/in-.

not being

😊 usage—avoid using
try—other than / except / recasting
extra information
1 Do not use not being or being to join relative clauses (see being).
example of no change
1 The interference places the animal in danger of not being able to breed.
example of change
1 a person, not being other than an applicant,

not entitled to

see—is / are [not] entitled to

😊 usage—consider alternatives
try—not greater than / not more than / at most / not over / up to / recasting (using under / maximum / less than / lighter than / shorter than / smaller than / younger than)
extra information
1 Generally, prefer recasting if appropriate.
2 See also exceed.
not exceeding [continued]

example of no change
1 retail value not exceeding the value stated in the permit

example of change
1 it may extend that period by a further period not exceeding longer than 28 days

not fewer than

usage—avoid using
try—at least / recasting (using over / minimum / exceeds / greater than / heavier than / larger than / longer than / more than / older than / taller than / not less than)

extra information
1 Generally, prefer at least or recasting.
2 For the use of fewer and less, see fewer.

example of change
1 a meeting must be held by not fewer than at least 2 members

not greater than

usage—consider alternatives
try—not exceeding / not more than / at most / not over / up to / recasting (using under / maximum / less than / lighter than / shorter than / smaller than / younger than)

extra information
1 Generally, prefer recasting if appropriate.
2 See also greater than.

nothing in this ...

usage—avoid using
try—recasting

extra information
1 indirect phrase
examples of change
1 Nothing in this This section is taken to does not imply
2 Nothing in this Act affects This Act does not affect the operation of any other territory law.
notice in writing

Usage
- never use

Try
- written notice / notice / recasting

not in-

See
- not un-/in-

not later than / no later than

Usage
- consider alternatives

Try
- recasting (using before / within / by)

Extra information
1. *Not later than* is preferred to *no later than* because it is more commonly used, although ‘within’ may be a more appropriate alternative (see DPG, ch 14, ‘no later than/not later than’ and ‘within/not later than’).
2. See *on or before* for further information.
3. See LA, s 151 (Working out periods of time generally).
not later than / no later than [continued]

**examples of change**
1. The registrar must review each standard not later than within 7 years after its approval.
2. no later than 30 June before 1 July
3. no later than by 30 June

not less than

😊 usage—consider alternatives

try—at least / recasting (using over / minimum / exceeds / greater than / heavier than / larger than / longer than / more than / older than / taller than) / not fewer than

extra information
1. Prefer at least or recasting.
2. For the use of fewer and less, see fewer.
3. See also less.

example of change
1. Not less than At least 5 days after the publication of the notice,

not more than

😊 usage—consider alternatives

try—not exceeding / not greater than / at most / not over / recasting (using under / less than / maximum / lighter than / shorter than / smaller than / or less / or fewer / younger than)

extra information
1. Generally, prefer recasting if appropriate.

example of no change
1. The Minister may extend the period for not more than 2 months.

dexample of change
1. was manufactured not more longer than 10 years before the time it is sold

not required to

see—is / are [not] required to

not to

see—is / are not to
**not un- / in-**

👍 **usage**—consider alternatives

**try**—recasting

**extra information**

1 Because they are double negatives, *not in-* and *not un-* constructions (eg ‘not incapable’ and ‘not unwelcome’) should always be used with care. Used appropriately, the constructions can be very useful in avoiding bald assertions and subtly underscoring the tentativeness of a statement. Instead of simply negating the other word, *not* operates to modulate its force. For example, *not impossible* means that something is possible, but difficult.

**further reading**

Cambridge Guide pp 215–6 (double negatives), 521–2

Gowers’ Plain Words p 43

**notwithstanding**

👎👎 **usage**—never use

**try**—▶ despite / although / ▶ even if / though / ▶ subject to / ▶ however / but / still / yet / recasting

**extra information**

1 archaism

2 Avoid using despite [provision / instrument] or subject to [provision / instrument] (see subject to).

**further reading**

Garner’s Dictionary pp 600–1, 601 (*notwithstanding the fact that; notwithstanding that*)

Garner’s Legal Style p 184 (*notwithstanding the fact that*)

**nought**

👎👎 **usage**—never use

**try**—▶ 0 / zero / nil / no

**extra information**

1 Except at the beginning of a sentence, express the number 0 as a figure and not as a word.

2 If a word is necessary, prefer zero.

3 For percentages use nil not ‘0%’—see DPG pt 16.9.

**further reading**

Cambridge Guide p 504
null and void

😊😊 usage—never use

try—void / invalid / recasting (using of no (legal) effect)

extra information
1 doublet

example of change
1 This contract is null and void.

further reading
Garner’s Dictionary pp 293 (doublets, triplets and synonym-strings), 604, 919 (void; voidable)
Garner’s Legal Style p 129

number

see—limited number of; adequate number of (an); excessive number of; the greatest number of

numerous

😊 usage—consider alternatives

try—many

extra information
1 The Macquarie Dictionary defines numerous as meaning ‘very many; forming a great number’.

example of no change
1 if a document appears to be printed or otherwise produced by means adapted for the production of numerous copies

example of change
1 if an authorised person finds numerous many packages at premises

further reading
Fowler’s English Usage p 535
Garner’s Legal Style p 129
**object**

*see*—with the object of

**observe**
**[also observance / observation]**

**:smiley:** usage—consider alternatives

**try**—comply with / see / notice / keep / retain / preserve / remark / maintain / recasting

**extra information**

1 *Observance* is a formal word and should be used only for contexts implying a reverence for custom, ritual or tradition (and duties arising out of them).

2 *Observation* should be used only for contexts implying watching and noticing, including comments based on watching and noticing.

3 For other contexts, prefer a simpler alternative.

**examples of no change**

1 young detainees must have reasonable opportunities for religious, spiritual and cultural observances

2 The person is entitled to observe the search.

3 A document may include a report, observation, opinion, advice, recommendation or any other confidential information.

**examples of change**

1 A licensee must *observe* comply with the licence conditions.

2 A person may make *observations* comments on the report.

**further reading**

Cambridge Guide p 534 (*observance* or *observation*)

Garner’s Dictionary p 611 (*observance*/*observation*)

Fowler’s English Usage pp 538-9 (*observance*, *observation*)

Working Words p 373 (*observance*/*observation*)

**obtain**

**:sad:** usage—consider alternatives

**try**—get / receive / acquire / find out

**extra information**

1 *Obtain* is a formal word for *get*.

**example of no change**

1 the licence was obtained by fraud or mistake
obtain [continued]

example of change
1 The court may adjourn the proceeding so the party can obtain get representation.

further reading
Garner’s Dictionary pp 88-9 (attain; obtain), 611

obviously / obvious

usage—consider alternatives
try—omitting / recasting (using ‘neutral’ words)
extra information
1 Obviously can be a sentence adverb (ie an adverb that qualifies a sentence as a whole).
2 Obviously and obvious are dogmatic words.

example of no change
1 A person in an identification parade must not be dressed in a way that would obviously distinguish the person from the other participants.

example of change
1 The road transport authority may correct any obvious mistake, error or omission in the register.

further reading
Garner’s Dictionary pp 161 (clearly), 926 (weasel words)
Garner’s Legal Style pp 36, 129

occasion [as a noun]

see—on each occasion when

occasion [as a verb]

usage—avoid using
try►cause / leads to / results in
extra information
1 formal word

example of change
1 if the act occasions causes death

further reading
Garner’s Dictionary p 370 (formal words)
occur

😊 usage—consider alternatives
try—happen / omitting
extra information
1 Prefer happen if appropriate.
2 See also whichever first occurs / occurs first.
examples of change
1 a change occurs happen
2 after the occurrence of any of the following events happens

further reading
Longman English Usage p 490
Working Words p 373

of / on its own motion

😊 usage—avoid using
try—on its own initiative
extra information
1 formal phrase
example of change
1 A court may, of its own motion on its own initiative

older than

😊 usage—consider alternatives
try—over / at least
extra information
1 Prefer at least if appropriate.
example of change
1 a person who is older than over 18 years old may

on

see—on or about

on a ... basis

see—basis
### on account of

<table>
<thead>
<tr>
<th>usage</th>
<th>usage—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td><em>because of / for / on behalf of</em></td>
</tr>
</tbody>
</table>

**extra information**

1. compound preposition

**example of no change**

1. a person who holds, or may subsequently hold, money for or on account of the grant recipient

**example of change**

1. detrimental action against people on account because of public interest disclosures

**further reading**

Fowler’s English Usage pp 15-6 (*account*)  
Longman English Usage pp 10-1 (*account*)

### on and after

<table>
<thead>
<tr>
<th>usage</th>
<th>usage—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>recasting (eg after / inclusive / 6 months beginning on)</td>
</tr>
</tbody>
</table>

**extra information**

1. Prefer recasting.  
2. See *on or before* for more information.  
3. See LA, s 151 (Working out periods of time generally).

**example of change**

1. on and after 1 July after 30 June

### on and from

<table>
<thead>
<tr>
<th>usage</th>
<th>usage—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>recasting (eg after 6 months)</td>
</tr>
</tbody>
</table>

**extra information**

1. See also *from*.  
2. See *on or before* for more information.  
3. See LA, s 151 (Working out periods of time generally).
on behalf of

Usage—consider alternatives

Try—\(1/\text{by}\)

Extra information

1. *On behalf of* has 2 current meanings in Australian (and British) English: 1 ‘in the place of’ (someone) or ‘as the agent or representative’ (of someone) and 2 ‘in the interest of or for the benefit of’ (someone else, a cause etc). In American English *in behalf of* is sometimes used for the second meaning. *In behalf of* is not an accepted Australian usage and should never be used.

2. *For* can often be substituted for *on behalf of* without loss of meaning. Prefer *for* if appropriate.

3. *On behalf of* is sometimes confused for *on the part of* (which means *by*).

4. See also *on the part of*.

Examples of no change

1. A claim on behalf of the deceased person’s dependants or estate

2. The application must be signed by or on behalf of the applicant.

Examples of change

1. Conduct engaged in on behalf of for a corporation by its representative

2. The objects of this Act include ensuring that services provided by or on behalf of for government

Further reading

Fowler’s English Usage p 101 (*behalf*)
Howard’s Handbook p 277 (*on behalf of/on the part of*)
Garner’s Dictionary p 102 (*behalf*)
Longman English Usage p 81 (*behalf*)

one

Usage—consider alternatives

Try—\(1/\text{same/recasting}\)

Extra information

1. Except at the beginning of a sentence, express the number *1* as a figure and not as a word.

2. The number *1* should not be confused with the word *one* used in a non-numeric way (see examples 1 to 3, examples of no change).

3. The use of *one* is sometimes unnecessary (see example 4, examples of change).

4. See DPG, ch 14, ‘One or 1’.

Examples of no change

1. One another

2. Anyone

3. No one
one [continued]

examples of change
1 within one year after
2 more than one
3 imprisonment for one year
4 it is constituted by only one person
5 if 2 people die at the same time

further reading
Gowers’ Plain English p 116 (unnecessary use of one)

on each occasion when

usage—avoid using
try—\textit{whenever} / \textit{when} / recasting
extra information
1 compound preposition
2 verbosity

on grounds that

\textit{see}—on the ground / grounds of / that

only

usage—consider alternatives
try—recasting
extra information
1 Adverbs like \textit{only} are sometimes awkwardly separated from the words they are intended to qualify. They should be placed where it will be perfectly clear which word or words they are intended to qualify and where natural usage requires them to be placed. There are no strict rules about where \textit{only} should be placed in a sentence. However, it is usually best to place it directly before the words it qualifies.
2 Misplacement of \textit{only} can lead to ambiguity or unintended outcomes.
3 See also \textit{if, and only if} / \textit{if, but only if}.
examples of change
1 a person may only surrender a licence only if
2 the Minister may only be satisfied only after considering the following

further reading
Cambridge Guide p 541
Garner’s Legal Style p 130
Gowers’ Plain Words pp 95–7
### on or about

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td><em>on / about / near / recasting</em></td>
</tr>
</tbody>
</table>

**Example of no change**

1. If it happened on or about 1 January 1879

**Example of change**

1. Any person working on or about near the crane

**Further reading**

Garner’s Legal Style p 184

### on or before

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td><em>not later than / recasting (using before / not less than / at least / x months ending on or at the end of / inclusive)</em></td>
</tr>
</tbody>
</table>

**Extra information**

1. See LA, s 151 (Working out periods of time generally).

**Example of no change**

1. On or before the date stated in the notice

**Example of change**

1. On or before 30 June before 1 July

**Further reading**

Pearce and Geddes (8th ed) pp 295-301

### on the basis of

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td><em>by / from / because of / using / recasting</em></td>
</tr>
</tbody>
</table>

**Extra information**

1. Compound preposition

**Example of change**

1. The amount of the fee is to be decided on the basis of using the schedule of fees approved by the director-general.

**Further reading**

Gowers’ Plain Words p 56
on the ground / grounds of / that

usage—avoid using
try—because of
extra information
1 compound preposition
2 verbosity
example of change
1 refusal to approve a unit title application on the grounds because of inconsistency

further reading
Garner’s Legal Style p 184
Gowers’ Plain Words p 55

on the part of

usage—never use
try—by / recasting (using, eg by) / among / for / omitting
extra information
1 compound preposition
2 verbosity
example of change
1 a decision on the part of by the plaintiff

further reading
Fowler’s English Usage p 101 (behalf)
Garner’s Dictionary p 620
Garner’s Legal Style p 130
Gowers’ Plain Words p 55
Howard’s Handbook p 277 (on behalf of/on the part of)
Longman English Usage p 81 (behalf)

onward / onwards

usage—consider alternatives
try—onwards / onward / recasting
extra information
1 Use onward as an adjective.
2 As an adverb, prefer onwards. However, for the increasing trend not to use an ‘s’ in words ending in ward(s), see forward / forwards.
example of no change
1 writing numbers from 8 onwards in the other boxes

further reading
Fowler’s English Usage p 554
Howard’s Handbook p 279
Longman English Usage p 497
on which

😊 usage—consider alternatives
try►when
extra information
1 Prefer when if appropriate
examples of change
1 the day on which when the licence is due for renewal
2 the day on which when the application was received by the board

option

see—has / have the option of

or

😊 usage—consider alternatives
try► either ... or ... but not both / ►nor / recasting
extra information
1 Or should be used only in a disjunctive sense (ie to express alternatives).
2 However, or has been judicially interpreted in a conjunctive sense. This is in accordance with normal usage. If necessary, the disjunctive sense of or can be made more certain by recasting or using either ... or ... but not both.
3 Or should be used to join units (eg clauses) of the same type and not, for example, to join unequal phrases.
4 For the use of or which, see and.
5 See also and / or; either ... or.
example of change
1 Buyers who are either wholesaler or retailer, but not both.

further reading
Gowers’ Plain Words pp 98–100

oral
[also orally]

😊 usage—consider alternatives
try►verbal / spoken / unwritten
extra information
1 Oral and verbal are frequently confused. Oral has to do with the mouth; verbal has to do with words. What is spoken is oral. What is expressed in words, whether written or spoken is verbal. Although this distinction is not always observed in practice, maintaining the distinction helps to avoid ambiguity.
examples of no change
1 oral agreement [an agreement expressed by word of mouth, not in writing]
oral
[also orally] [continued]

2 verbal misunderstanding [a misunderstanding about words rather than
substance]

example of change
1 a verbal an oral agreement must be put into writing

further reading
Cambridge Guide p 789 (verbal)
Fowler’s English Usage pp 820–1 (verbal)
Garner’s Dictionary pp 813 (slipshod extension), 910–11 (verbal), 911 (verbal contract)
Garner’s Legal Style p 144
Gowers’ Plain Words p 249
Working Words p 380 (oral/verbal)

or both

😊 usage—consider alternatives
try—omitting

extra information
1 Because or generally includes and, it is not usually necessary to use or both.
examples of no change
1 The officer may exercise the power under either provision or both provisions.
2 The person may recover damages from the owner or driver of the vehicle (or
both).

order

see—make an order; in order that / to / for

or less

😊 usage—consider alternatives
try—► not exceeding / ► not greater than / ► not more than / at most / not over /
up to / recasting (using under / less than / ► maximum / lighter than / shorter than /
smaller than / younger than)

example of no change
1 a maximum capacity of 500L or less
or otherwise

😊 usage—consider alternatives

try—»or / omitting / recasting (substituting the appropriate noun or verb)

extra information

1 Although usage appears to be changing, otherwise has traditionally been regarded as an adverb, to be used only in parallel with other adverbs (see examples of no change). Because there is little to be gained by using otherwise in any other way, this view should be preferred.

examples of no change

1 whether with the occupier’s consent or otherwise
2 the motion has been withdrawn or otherwise disposed of

example of change

1 The court must decide the validity or otherwise of the instrument whether the instrument is valid.

further reading

Cambridge Guide p 550
Fowler’s English Usage pp 559–60 (otherwise)
Gowers’ Plain Words pp 249–50

otherwise

see—any other

otherwise than

😊 usage—avoid using

try—other than / apart from / »however / but / »except / »excluding / recasting (using eg »only)

extra information

1 Other has traditionally been regarded as an adjective and its use as an adverb instead of otherwise has been strongly criticised. However, current usage seems to accept that other than can be used as an adverb. If practicable, the problem should be avoided by preferring an alternative.

example of no change

1 requires service of a document otherwise than as provided under this rule

examples of change

1 A proceeding may not be started in a court otherwise than only under this part.
2 an if an application is not made otherwise than in person
3 a boat used otherwise other than in accordance with
otherwise than [continued]

**further reading**
Cambridge Guide p 550 (*other than* and *otherwise*)
Fowler’s English Usage p 559 (*other*)
Gowers’ Plain Words pp 249–50 (*otherwise*)

outside of

😊 **usage**—consider alternatives
**try**—outside

**extra information**
1 compound preposition
2 can be non-standard English

**example of no change**
1 the outside of the house

**example of change**
1 outside of the ACT

**further reading**
Fowler’s English Usage p 562
Garner’s Dictionary p 629
Garner’s Legal Style p 131
Oxford English Usage p 154

over

**see**—above

overall

😊 **usage**—consider alternatives
**try**—omitting / ▶ *total* / recasting

**extra information**
1 vague word

**example of no change**
1 The overall area of the house, including the verandahs and carport, is 250m³.

**example of change**
1 the overall total output for the month is 550 units

**further reading**
Garner’s Legal Style p 33
Gowers’ Plain Words pp 17, 33, 56, 250–1
### oversee

<table>
<thead>
<tr>
<th>Emotion</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>☺️</td>
<td>usage—consider alternatives</td>
</tr>
<tr>
<td></td>
<td>try—supervise / monitor / direct / manage</td>
</tr>
</tbody>
</table>

**extra information**

1 formal word

**example of no change**

1 to oversee the exercise of the functions of official visitors

**further reading**

- Cambridge Guide p 553
- Fowler’s English Usage p 564

### own motion

*see*—of / on its own motion
### Parameter

<table>
<thead>
<tr>
<th>Icon</th>
<th>Usage</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>😞</td>
<td>avoid using</td>
<td>boundary / framework / limit / variable / recasting</td>
<td>1 vague word</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 <em>Parameter</em> is sometimes confused with perimeter or boundary.</td>
</tr>
</tbody>
</table>

**Further Reading**
- Garner's Dictionary pp 637, 919 (vogue words)
- Garner’s Legal Style pp 33, 131, 205
- Gowers’ Plain Words p 251

### Part

*see* — on the part of

### Partial

<table>
<thead>
<tr>
<th>Icon</th>
<th>Usage</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>😊</td>
<td>consider alternatives</td>
<td>biased / prejudiced / unfair / recasting</td>
<td>1 <em>Partial</em> can mean exhibiting favouritism or bias.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 See also <em>partially</em>.</td>
</tr>
</tbody>
</table>

**Example of No Change**

1 partial discharge of a debt

### Partially

<table>
<thead>
<tr>
<th>Icon</th>
<th>Usage</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>😊</td>
<td>consider alternatives</td>
<td>partly / recasting (using eg biased / prejudiced / unfair / incomplete)</td>
<td>1 <em>Partially</em> and <em>partly</em> are synonyms in most contexts.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 It has been suggested that <em>partly</em> implies that only some parts of the whole are concerned, and <em>partially</em> implies that it is a question of degree over the whole. On this basis, a <em>partly</em> finished draft is a draft only parts of which have been finished, and a <em>partially</em> finished draft is a draft whose parts have all been finished in some degree but which needs further work. The distinction is a fine one and, in most contexts, is of little practical significance. 3 However, <em>partially</em> is stylistically more formal, and grammatically less flexible than <em>partly</em>. Therefore, prefer <em>partly</em> if appropriate. 4 See also <em>partial</em>.</td>
</tr>
</tbody>
</table>

**Further Reading**
- Garner’s Dictionary pp 637, 919 (vogue words)
- Garner’s Legal Style pp 33, 131, 205
- Gowers’ Plain Words p 251
partially [continued]

example of no change
1 a partially constructed nest that has not been used as a nesting place

example of change
1 proceedings in the ACT court that have been heard, or partly heard

further reading
Cambridge Guide p 566
Fowler’s English Usage pp 573–4
Garner’s Dictionary p 640
Garner’s Legal Style pp 131–2
Longman English Usage p 516 (partial)
Working Words p 392

particular

Usage—consider alternatives
try—omitting / respect / detail / fact / information / example
extra information
1 Particular is occasionally used unnecessarily in writing, especially for emphasis.
2 See also in a particular respect; in a material particular (see material)

examples of no change
1 (1) The operator must not change the nature of the service without the chief executive’s written approval.
   (2) In particular, the operator must not increase the number of the service’s child care places without the director-general’s written approval.
2 Subsection (1) does not apply if the statement is not false or misleading in a material particular.

examples of change
1 and, in particular for example
2 has become correct in an essential particular respect
3 this particular section deals with

further reading
Gowers’ Plain Words pp 54 (particular), 97 (in particular)

partly

see—partially

payable .... due

see—due
payment

see—make payment

peaceable

see—peaceful

peaceful

😊 usage—consider alternatives
try—peaceable
extra information
1 Peaceable applies to a person or group of people who are disposed to keep good relations with others. It can also be applied to human character or intentions.
2 Peaceful applies to non-human subjects. It refers to situations, periods or general activities that are calm and free of disturbance and conflict.

further reading
Cambridge Guide p 572

pecuniary

😊 usage—avoid using
try—financial / monetary
extra information
1 formal word
example of change
1 direct or indirect pecuniary financial interest

pending

😊 usage—consider alternatives
try—before / recasting (using, eg until)
extra information
1 formal word
example of no change
1 an anticipated or pending Australian or overseas proceeding
example of change
1 a person must not use the land pending before the commissioner’s decision

further reading
Gowers’ Plain Words p 252

people

see—persons
per

Usage—consider alternatives

Try—through / by / for each / a / for

Extra information

1 foreign phrase, but absorbed into English
2 See also as per; per capita; per cent / percent / per centum; per day / month / year.

Examples of no change

1 $200 a day per person
2 greenhouse gas emissions produced per person in the ACT

Examples of change

1 1 bottle per for each person
2 100 kilometres per hour km/h

Further reading
Cambridge Guide p 572
Cwlth Style Manual pp 202, 205
Fowler’s English Usage pp 583-4
Garner’s Dictionary p 649
Howard’s Handbook p 291

per capita

Usage—never use

Try—for each person / per person / each / recasting (adding an explanation of the phrase)

Extra information

1 foreign phrase
2 Also a technical legal term in succession law relating to the distribution of the estate (or a part of the estate) of a deceased person. A distribution per capita means that the class of distributees take an equal share in the estate in their own right. A distribution per stirpes is the opposite of a per capita distribution. If it is necessary to use the term, include a note (or provision) explaining what it means.

Example of change

1 20 tonnes of carbon per capita for each person

Further reading
Cambridge Guide p 572
Fowler’s English Usage p 584
Garner’s Dictionary p 649
Gowers’ Plain Words p 252
Howard’s Handbook p 291 (per)
per cent / percent / per centum

usage — never use

try — %

example of change

1 9 per cent %

further reading
Cambridge Guide p 573
Fowler’s English Usage p 584
Garner’s Dictionary pp 649–50
Howard’s Handbook pp 291 (per), 292 (per cent/percentage)
Working Words pp 396–7 (per cent / percentage)

percentage

usage — consider alternatives

try — some / few / many / most / recasting (by, eg including a figure or adding an adjective such as high, low, large or small)

extra information

1 A percentage is the proportion of a number to 100.
2 Percentage should be used only to express the relationship between a number and another number, not to express an absolute number.
3 Do not use percentage when you mean some, few, many or most. Percentage should be used only if it is possible to express the size of a relationship either by a number, or by a useful description, eg ‘a high percentage’.
4 A percentage does not mean a small part. ‘A part is always less than the whole, but a percentage may be the whole or more than the whole.’ (Fowler)

example of no change

1 expressed as a percentage of the total amount

example of change

1 a high percentage of the majority of the votes cast

further reading
Cambridge Guide pp 573–4
Fowler’s English Usage pp 584-5
Gowers’ Plain Words pp 252–3
Howard’s Handbook p 292 (per cent/percentage)
Working Words pp 396-7
per day / month / year

😊  **usage**—consider alternatives
    
    **try**—a [day/month/year] / for each [day/month/year]

**extra information**
  
  1  legalese

**further reading**
  
  Fowler’s English Usage pp 583-4 (per)
  Garner’s Dictionary p 649 (per)
  Gowers’ Plain Words pp 16, 252
  Howard’s Handbook p 291 (per)

perform

😊  **usage**—consider alternatives
    
    **try**—carry out / exercise / make / conduct / do / recasting (using more specific words)

**extra information**
  
  1  Prefer the most specific, available word. However, prefer carry out to perform if appropriate.
  
  2  *Exercise* a function includes perform a function (see LA, dict, pt 1, def exercise).

**example of no change**
  
  1  The report must include performance indicators.

**example of change**
  
  1  in performing exercising the function

**further reading**
  
  Gowers’ Plain Words p 253

period

[of time]

😊  **usage**—consider alternatives
    
    **try**—omitting / term / time / day / date / recasting

**extra information**
  
  1  Use of period leads to verbosity. Period of is unnecessary when the period itself is mentioned, eg ‘a period of 20 years’ means no more than ‘20 years’.
  
  2  Do not use period of time.
  
  3  A period is a length of time, not an instant in time. If you want to describe when something happened or is to happen, use day or date rather than period.

**examples of no change**
  
  1  if the offence took place over a period
  2  the period of registration
  3  allowing the claimant a reasonable period
period
[of time] [continued]

examples of change
1 within the period of 1 year beginning on 1 July 2007
2 A member is to be appointed for a period term of not longer than 2 years.
3 For a period of Within 2 weeks before …

further reading
Garner’s Legal Style p 184
Gowers’ Plain Words p 253

permit
[as a verb]

😊 usage—consider alternatives
try—let / allow / recasting (using may)
extra information
1 See also where / if the context permits / allows.

per month

see—per day/month/year

person

😊 usage—consider alternatives
try—individual / corporation
extra information
1 Use individual to distinguish a natural person from a corporation (see LA, dict, pt 1, def individual).
2 See also another person; any other; body corporate; natural person.

person or body

😊 usage—consider alternatives
try—entity (if necessary after defining entity) / person
extra information
1 can be a redundancy
2 See LA, dict, pt 1, defs body, corporation, entity, individual and person.
example of change
1 an instrument made by a person or body an entity
### persons

<table>
<thead>
<tr>
<th>Usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>people / peoples / anyone / someone / omitting</td>
</tr>
</tbody>
</table>

**Extra information**

1. It has been suggested that *persons* is used when speaking of a number of people who can be counted and *people* is used when speaking of a large or uncounted number of individuals (Harper quoted in Fowler’s English Usage). However, in current usage *persons* is tending to yield to *people* in all contexts.

2. It is sometimes necessary to use *persons* in a national law.

**Examples of change**

1. persons people with disability
2. children and young persons people

**Further reading**

- Fowler’s English Usage p 583 (people, persons)
- Garner’s Dictionary pp 649-50 (people)
- Garner’s Legal Style p 132 (people; persons)
- Gowers’ Plain Words p 253
- Howard’s Handbook p 291 (people/persons)
- Longman English Usage p 525
- Partridge pp 241 (people), 244 (persons)
- Working Words p 396 (people)

### personnel

<table>
<thead>
<tr>
<th>Usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>staff / people / employees / workers</td>
</tr>
</tbody>
</table>

**Extra information**

1. Prefer the simplest appropriate word.
peruse

usage—avoid using
try—read / study / consider / examine

extra information
1 Formal word, however, still commonly used in legal practice.
2 One meaning of peruse is to read, study, consider or examine carefully or thoroughly.

example of no change
1 of any other document, if it is necessary to peruse—$6.90 per 100 words
example of change
1 the commissioner may refuse to peruse consider the application further

further reading
Fowler’s English Usage pp 309 (formal words), 591
Garner’s Dictionary pp 370 (formal words), 656
Working Words p 400

per year

see—per day / month / year

phase

usage—consider alternatives
try—recasting (using more precise words)

extra information
1 Avoid using phase as an omnibus word. See kind for extra information.

example of no change
1 a 3-phase electrical system

further reading
Garner’s Legal Style pp 32 (as vague word), 132 (as vague word), 205 (as omnibus word)

point of time

see—at this time / at this point of time / at this moment in time
portion

**usage**—consider alternatives

**try**—*part / share*

**extra information**
1 formal word
2 Prefer *part* or *share* if appropriate.
3 A *portion* is something cut or taken away from the whole (eg ‘a portion of cake’). By contrast, *part* is only a constituent part of the whole (eg ‘a part of the house’).

**example of change**
1 the *portion* *part* of the rate attributable to land occupied only by a pensioner

**further reading**
Garner’s Dictionary pp 370 (formal words), 672

position

[as a noun]

**usage**—consider alternatives

**try**—omitting / recasting (using more precise words)

**extra information**
1 can be a vague word
2 never use *position in regard to*
3 See also *in a position*.
4 See DPG, ch 14, ‘Position’.

**examples of no change**
1 if a law gives a function to the occupant of a position
2 a person the commissioner suspects on reasonable grounds is in a position to exercise significant influence

**further reading**
Gowers’ Plain Words pp 4, 253–4
Partridge pp 4 (abstract nouns—*position*), 251 (*position to do (something), not to be in a*)

position

[as a verb]

**usage**—avoid using

**try**—*place / put*

**extra information**
1 formal word

**example of change**
1 to set up or *position place* the crane
### possess

😊 **usage**—consider alternatives

- **try**—*have / keep / own*

**extra information**

1. formal word
2. See also Criminal Code, s 600, def *possession*.

**further reading**

Garner’s Dictionary pp 370 (formal words), 673

### possession, custody and control

😊😊 **usage**—never use

- **try**—*possession / ownership*

**extra information**

1. triplet
2. If necessary, define *possession* to include particular kinds of control.

**further reading**

Garner’s Legal Style p 186

### possible

**see**—*as soon as is possible/practicable; as soon as possible/practicable; if practicable*

### power

**see**—*has/have no power to; has/have power to*
practicable

usage—consider alternatives
try—practical / possible / feasible / recasting (using more precise words)

extra information
1 Practical, with its implied antithesis of theoretical, means useful in practice or responding effectively to actual conditions. Practicable means capable of being done or used, possible, or feasible (Gowers).
2 Practicable (in the sense of feasible) is virtually a synonym of possible.
3 See also as soon as is possible/practicable; as soon as possible/practicable; if practicable.

further reading
Cambridge Guide p 599
Fowler’s English Usage p 612
Garner’s Dictionary pp 676 (possible/practicable), 678 (practical/practicable)
Garner’s Legal Style p 133
Gowers’ Plain Words p 254
Working Words pp 410-1

practical

see—practicable

practically

usage—consider alternatives
try—almost / nearly / virtually

extra information
1 Since practically can also mean in a practical way, avoid using it in phrases where it might be ambiguous, eg ‘practically trained lawyers’.

further reading
Gowers’ Plain Words p 254

practice

usage—consider alternatives
try—practise

extra information
1 Practice is the spelling for the noun. Practise is the spelling for the verb.

further reading
Cambridge Guide p 599
Garner’s Legal Style p 133

practise

see—practice
preceding

usage—avoid using

try—last / before / earlier / previous / recasting
extra information
1 formal word

examples of change
1 28 days immediately preceding before the commencement day
2 the day immediately preceding before
3 the preceding previous year
4 during the 3 years immediately preceding before the accident

further reading
Gowers’ Plain Words p 255

preclude

usage—avoid using

try—prevent / exclude / recasting
extra information
1 formal word
2 may be appropriate when included in a statement of principle

example of no change
1 to preclude torture or cruel, inhuman or degrading treatment

examples of change
1 a price direction in relation to a regulated industry does not preclude prevent a further investigation of prices in the industry
2 a term of an agreement that purports to preclude exclude any right of action is void

predecease

usage—never use

try—die before

extra information
1 formal word
2 euphemism

further reading
Gowers’ Plain Words p 18
preliminary to

- **usage**—avoid using
  - **try**—*before*
  - **extra information**
  - 1 compound preposition
  - **example of change**
    - 1 site preparation work *preliminary to* *before* the performance of any construction work

**further reading**
Garner’s Legal Style p 133

preparatory

- **usage**—avoid using
  - **try**—*introductory* / recasting (using *prepare for* / *make ready*)
  - **extra information**
    - 1 formal word
  - **example of no change**
    - 1 conduct is more than merely preparatory

**further reading**
Garner’s Legal Style p 133

prerequisite

- **usage**—consider alternatives
  - **try**—*condition*
  - **extra information**
    - 1 formal word
    - 2 *Prerequisite* means a prior condition.

**further reading**
Cambridge Guide p 607
prescribe

usage—consider alternatives

try—set / fix / prescribed ►by regulation / recasting / omitting

extra information

1 formal word

2 *Prescribed* is defined in LA, dict, pt 1 to mean, in an Act, ‘prescribed by the Act or by regulation under the Act’. See also LA, dict, pt 1, def *by* regulation.

3 *Prescribe* should continue to be used, as appropriate, in provisions giving power to make statutory instruments. In other contexts, prefer *set* or *fix*.

4 As *prescribe* is not a well understood concept, in provisions giving power to make statutory instruments prefer an alternative phrase (eg declared by regulation) or recasting. If it is necessary to use *prescribed*, prefer *prescribed by regulation* (or another kind of legislative instrument) rather than just *prescribed*.

5 Avoid using *prescribe* in the sense of prescribed by the Act (or provision of the Act).

6 If an authorising provision states that something may be *prescribed* in a statutory instrument, in prescribing the thing, it is usually unnecessary to use the word *prescribe*. In prescribing things in a statutory instrument, avoid using *prescribe*, especially in provision headings.

7 *Prescribe* and *proscribe* are sometimes confused. To *prescribe* is to lay down rules to be followed. To *proscribe* is to condemn or prohibit something (see *proscribe*).

example of no change

1 A person may apply for a benefit in the way prescribed by regulation.

examples of change

1 The education board *prescribed* set the syllabus for subject.

2 Section X of an Act states: ‘The fee for a licence is as prescribed by regulation.’. The regulation made under that section states:

   Prescribed fee Fee for licences—Act, s X

   ‘Z. The prescribed fee for a licence is $100.’.

3 This section applies to a provision *prescribing* setting a penalty for an offence.

further reading

Cambridge Guide pp 607–9 (*prescribe* or *proscribe*)
Garner’s Legal Style p 133 (*prescribe*; *proscribe*)
Gowers’ Plain Words p 255

prescribed form

usage—avoid using

try—approved form / recasting

extra information

1 Forms should not generally be *prescribed* in legislation, especially Acts.

example of no change

1 keeping a dog or cat without the prescribed form of identification
present

[as an adjective or adverb]

see—at present

present

[as a verb]

😊 usage—consider alternatives
try—give / offer
extra information
1 formal word
2 See LA, s 64 (Presentation of subordinate laws and disallowable instruments).
example of no change
1 a subordinate law or disallowable instrument must be presented to the Legislative Assembly
further reading
Garner’s Dictionary p 370 (formal words)

presently

😊 usage—consider alternatives
try—now / soon / at present / currently
extra information
1 Presently has 3 meanings: now, soon and currently.
2 The use of presently to mean now has been criticised (see Gowers).
3 Because of its possible meanings, use of presently can be ambiguous.
example of change
1 The office is presently currently giving a number of seminars on its role.
further reading
Garner’s Legal Style p 133
Gowers’ Plain Words p 255

preserve

😊 usage—consider alternatives
try—keep
extra information
1 formal word for keep
2 Prefer keep if appropriate.
further reading
Garner’s Dictionary p 370 (formal words)
presume

usage—consider alternatives
try—assume

extra information

1 Presume and assume have similar meanings. When used to mean ‘to suppose’, the words are interchangeable. Otherwise, the choice of word depends on usage and the degree of tentativeness behind the presumption or assumption.

2 In Australian English, assume is more common than presume. Presume is, however, invariably used in certain legal contexts, eg the presumption of innocence and evidentiary presumptions.

3 Outside these legal contexts, a presumption expresses what the writer really believes. By contrast, an assumption can be made for the sake of argument and without implying belief in its truth.

4 Because of its depersonalised nature, assume slips readily into a discussion and draws less attention to itself and more to the particular point the writer wants to highlight. Presume, by contrast, seems to draw attention to itself and to the presumptive act by the writer. It has the faint suggestion of presumptuousness.

further reading
Cambridge Guide pp 62–3 (assume or presume)
Fowler’s English Usage p 74 (assume, presume)
Garner’s Dictionary pp 84 (assume; presume), 689 (presumption)
Working Words p 50

presumptive

usage—consider alternatives
try—presumptuous

extra information

1 formal word

2 Presumptive and presumptuous are sometimes confused. Presumptive means based on a presumption or inference. It also means giving reasonable grounds for presumption or belief. Presumptive is neutral in its connotations. Presumptuous, by contrast, has negative connotations. It means arrogant, presuming too much or taking unwarranted liberties.

3 Presumptive is used in some technical legal expressions, eg heir presumptive.

further reading
Cambridge Guide p 609
Garner’s Dictionary pp 400 (heir), 689
Garner’s Legal Style p 133
previous to

- usage—avoid using
  
  try—before

extraneous information

1 compound preposition

further reading

Garner’s Legal Style p 133
Gowers’ Plain Words p 110

prima facie

- usage—consider alternatives
  
  try—at first sight / on the face of it / a strong case / an arguable case / recasting
  (using, eg, from what can be seen)

extraneous information

1 foreign phrase

2 Prefer an alternative if appropriate (or include a note explaining what it means).

further reading

Butterworths Legal Dictionary pp 914 *(prima facie)*, 914-5 *(prima facie case)*, 915 *(prima facie evidence)*
Cambridge Guide p 611
Gowers’ Plain Words p 207 *(a priori)*
Howard’s Handbook p 31 *(a priori/prima facie)*

principal

*also principally*

- usage—consider alternatives
  
  try—main / chief / major / predominant / leading / first / recasting (using (most)
  ►important / big / large / great) / principle

extraneous information

1 vague word

2 *Principal* and *principle* are frequently confused. *Principal*, as an adjective,
  means chief or most important. As a noun, it means capital, as opposed to
  interest or other income, or the head of a body (eg ‘the principal of a school’).
  *Principle* means a rule, body of beliefs or the like.

examples of no change

1 principal and interest
2 the agent’s principal
3 the school principal
4 the company’s principal Australian register
5 principal executive officer
principal
[also principally] [continued]

example of change
1 The principal main objects of this Act are

further reading
Butterworths Legal Dictionary p 916
Cambridge Guide p 611

principle

see—principal

prior

risk—avoid using
try—earlier / before / previous / omitting / recasting

extra information
1 formal word
2 Although prior can be used as an adjective (eg ‘prior engagement’), prefer earlier or previous if appropriate.
3 Prior to is a compound preposition that can readily be replaced by the simple preposition before. As Bryson (pp 29-30) puts it, there is no difference between before and prior to ‘except that prior to is longer, clumsier and awash with pretension. If, to paraphrase Bernstein, you would use ‘posterior to’ instead of ‘after’, then by all means use prior to instead of before’.

examples of change
1 The trustees must not may exercise a power under subsection (1) without the prior agreement of the Minister only with the Minister’s agreement.
2 An applicant must pay the fee prior to before the application is heard.

further reading
Garner’s Legal Style pp 134, 184
Garner’s Dictionary pp 370 (formal words), 692 (prior, previous), 692 (prior to)
Gowers’ Plain Words pp 55, 110

pro bono / pro bono publico

risk—avoid using.
try—recasting (using more precise words, eg free or in the public interest)

extra information
1 foreign phrase

further reading
Butterworths Legal Dictionary p 927
Garner’s Dictionary pp 695–7
**proceed**

![emoji](image-url)

**usage**—consider alternatives  
**try**—act / go / go ahead / continue / recasting  
**extra information**  
formal word  
**examples of change**  
1 The commissioner must **proceed** act as quickly as possible.  
2 before **proceeding** to consider **considering**  

**further reading**  
Garner’s Dictionary pp 370 (formal words), 680 (*precede. A. and proceed*)

---

**procure**

![emoji](image-url)

**usage**—consider alternatives  
**try**—obtain / get / cause / bring about  
**extra information**  
1 formal word  
2 also technical legal term  
**example of no change**  
1 A person is taken to have committed an offence if the person aids, abets, counsels or procures the commission of the offence by someone else.  

**further reading**  
Butterworths Legal Dictionary p 930

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**promptly**

![emoji](image-url)

**usage**—consider alternatives  
**try**—as soon as practicable / recasting (mentioning a period, eg within 14 days after ...) / quickly  
**extra information**  
1 The expression ‘prompt’ should not be given a meaning different from its ordinary English meaning: *Bowling v Weinert* [1978] 2 NSWLR 282 at 290 per Lee J.  
2 US judicial authority is consistent with prompt or promptly meaning without delay or with reasonable speed. Terms such as as soon as practicable, immediately, promptly, within a reasonable time, in relation to the time when notice of an accident must be given to an insurer all mean essentially the same thing, ie not instantaneous notice, but rather notice within a reasonable length of time, taking into account all the facts and circumstances: *Certified Indem. Co. v Thun* 439 P 2D 28 at 30; 165 Colo. 354 This view is consistent with Lee J’s view in *Bowling v Weinert*.  

---
promptly [continued]

example of no change
1 The director-general must seize personal property that the director-general considers may be sold promptly and without unnecessary expense.

proof

usage—consider alternatives
try—evidence
extra information
1 Proof is evidence found to be conclusive (or sufficiently persuasive) to establish the existence of a fact. Evidence is any way in which a fact in issue might be proved or disproved.
further reading
Butterworths Legal Dictionary p 938
Garner’s Legal Style p 134

proper

usage—consider alternatives
try—appropriate / suitable / adequate
extra information
1 vague word
2 can be value-loaded word
3 For the use of adequate, see sufficient.
4 See also fit and proper.

proportion

usage—consider alternatives
try—some / few / many / most / recasting (using eg a formula including a figure or adding an adjective such as high, low, large or small)
extra information
1 Use formulas instead of provisions that express concepts as proportions of each other. However, avoid the unnecessary use of formulas. For example, there is no point in saying \( \frac{x}{2} \), instead of ‘half of x’.
2 Proportion should be used only to express the relationship between a number and another number, not to express an absolute number.
3 Do not use proportion when you mean some, few, many or most. Proportion should be used only if it is possible to express the size of a relationship either by a number, or by a useful description, eg ‘a large proportion’.
4 See also percentage.
proportion [continued]

example of no change
1  The levy must cover a fair proportion of the estimated cost.

further reading
Gowers’ Plain Words pp 252–3
Working Words p 427

pro rata

 thận

usage—avoid using
try—\textit{proportionately} / \textit{in proportion}
extra information
1  foreign phrase

further reading
Butterworths Legal Dictionary p 927
Garner’s Dictionary p 705

proscribe

 thận

usage—avoid using
try—\textit{prohibit} / \textit{forbid} / \textit{condemn} / recasting (using is not \textit{permitted} / \textit{must not})
extra information
1  formal word
2  \textit{Proscribe} and \textit{prescribe} are often confused. See \textit{prescribe} for more information.

further reading
Cambridge Guide pp 607–9 (\textit{prescribe} or \textit{proscribe})
Garner’s Legal Style p 133 (\textit{prescribe; proscribe})

provide [also provision]

轸

usage—consider alternatives
try—\textit{give} / \textit{supply} / \textit{arrange for} / \textit{make} / \textit{is}
extra information
1  See also \textit{as provided by; except as provided in/prescribed by; except as otherwise provided}.

examples of no change
1  An Act to provide for …
2  an amount provided for in the budget
3  the estimated cost of providing public hospital services
4  provide funds for research and education
5  the provision of aged care services
provide
[also provision] [continued]

examples of change
1 In providing giving information or advice to the Minister, …
2 A board must provide give the Minister with a written report of its findings.
3 The advisory committee may provide give advice to [or advise] the Minister.
4 The committee must provide make regular reports to the Minister.

provided (that)

😊 usage—consider alternatives
try—▷ however / ▷ if / only if / ▷ unless / providing / recasting
extra information
1 Do not use provided that to introduce a proviso.
2 Provided (that) can be a heavyweight way of prefacing a condition. Generally, prefer an alternative (eg if, however or only if) for this purpose.

examples of change
1 on a train, boat or other vehicle, provided that if the vehicle is being used to carry out its ordinary activities
2 The Minister may appoint a member mentioned, provided that the Minister is only if satisfied that the person has relevant qualifications.

further reading
Cambridge Guide p 619
Garner’s Dictionary p 710
Garner’s Legal Style pp 53–4, 135
Gowers’ Plain Words p 104
Longman English Usage pp 574–5
Working Words pp 428–9

provision

see—make provision for

provisions of

😊 usage—consider alternatives
try—omitting / recasting
extra information
1 The phrase the provisions of is usually unnecessary unless it is used as a convenient label to describe a list of different provisions, so that it can be used again later in referring back to the same list of provisions. However, it can frequently be omitted even in these cases.
provisions of [continued]

example of no change
1 The Minister must review the operation of the following provisions of this Act 3 years after its commencement:

examples of change
1 The provisions of section 5 apply
2 On the commencement of this section, the provisions of the management agreement apply as if
3 The provisions of This chapter apply to young offenders.
4 The other provisions of this This section do not apply to

proximity

see—in close proximity

punctually

😊 usage—never use
try—recasting (requiring the obligation to be carried out by a particular date)

extra information
1 Punctually means by the required date specified in the instrument concerned: Sperry Rand Australia Ltd v Arrandale Properties Pty Ltd [1979] VR 409 at 411, 415 per Lush J.
2 Use of punctually is usually unnecessary. If a written notice must be given, a payment made or an obligation carried out by a particular date, the provision should state this.

purchase

😊 usage—consider alternatives
try—buy / acquire / get / obtain

extra information
1 formal word

further reading
Fowler’s English Usage pp 309 (formal words), 639
Garner’s Dictionary pp 370 (formal words), 719
**purchaser**

**: usage**—consider alternatives  
**: try**—buyer  
**extra information**  
1 formal word  
2 Prefer buyer.  
3 See also *purchase*.  
**further reading**  
Garner’s Dictionary p 719

**purport**  
*[as a noun]*

**: usage**—avoid using  
**: try**—substance / purpose / object  
**extra information**  
1 formal word  
**examples of change**  
1 the purport substance of the claim for an extension of time was  
2 a report of the substance, meaning or purport purpose of the conversation or activity  
**further reading**  
Gowers’ Plain Words p 256

**purpose**

**: see**—for the purpose / purposes of

**purposely**

**: usage**—consider alternatives  
**: try**—intentionally / purposefully / purposively  
**extra information**  
1 *Purposely* means done on purpose or intentionally. It is used to emphasise that something happened intentionally, and not just by accident. Its opposite is accidentally.  
2 *Purposefully* means done for a particular purpose. It looks beyond the immediate situation, and sees the action as a step toward a preconceived goal. Its opposite is *aimlessly*.
purposely [continued]

3  *Purposely* means done to serve useful function, although not because of planning. It represents the idea that behaviour is always directed towards an end, and is not random. Unlike *purposely* and *purposefully*, it can be used of non-human and inanimate subjects.

**further reading**
Cambridge Guide p 623
Garner’s Legal Style p 135

pursuant to

usage—never use
try—under / *in accordance with* / *according to* / *for*

**extra information**
1  compound preposition
2  legalese
3  See LA, dict, pt 1 def *under*.

**example of change**
1  an approval given *pursuant to* *under* section 10

**further reading**
Garner’s Dictionary pp 721, 896
Garner’s Legal Style pp 135, 184
Gowers’ Plain Words p 256
question
[as a noun]

😊 usage—consider alternatives
try—subject / topic / issue / problem / matter / dispute / challenge / proposal / omitting
extra information
1 vague word
2 See also call in question; question as to whether / who / what / how etc.
example of no change
1 The Legislative Assembly may refer to the Court of Disputed Elections a question relating to eligibility.
further reading
Gowers’ Plain Words p 256

question as to whether / who / what / how etc

😊😊 usage—never use
try—question about whether / question of whether / question whether
extra information
1 verbosity
2 non-standard English
3 See also as to whether / as to who / as to how / as to what etc.
further reading
Garner’s Legal Style p 135
rate

see—flat rate

read

see—is to be read

real

[also really]

😊 usage—consider alternatives
try—true / genuine / actual / omitting / recasting

extra information
1 Real is often used unnecessarily.
2 See also actually/actual; definitely/definitive; realistic.

example of no change
1 real estate

example of change
1 the employer gives the worker a real genuine opportunity to influence the conduct

further reading
Cambridge Guide pp 641–2
Fowler’s English Usage p 19 (actually)
Gowers’ Plain Words pp 51–2
Partridge p 280 (real; really, actually and definitely)
Working Words p 463 (real/realistic/really)

realistic

😊 usage—consider alternatives
try—feasible / likely / practical / probable / omitting

extra information
1 vogue, question-begging vague word

example of no change
1 whether restoration of the child or young person to his or her parents is a realistic possibility
realistic [continued]

example of change
1 a realistic likeness

further reading
Garner’s Legal Style p 34
Gowers’ Plain Words pp 17, 257
Working Words p 463 (real/realistic/really)

reappoint

😊 usage—consider alternatives
try—omitting / recasting
extra information
1 can be a redundancy
2 It is usually unnecessary to deal with reappointment to an office (see LA, s 208 (1) (c) and dict, pt 1, def appoint).

reason

see—by reason of; by reason only; for the reason that

receipt

see—in receipt of

recognisance

😊 usage—avoid using
try—undertaking / agreement / promise / bail undertaking
extra information
1 Recognisance is often used in criminal law, mainly in setting bail and sentencing.
2 Recognisance is not usually a technical term and can often be given a plain language alternative (if necessary after defining the alternative).

further reading
Butterworths Legal Dictionary p 989

recognition to

see—give recognition to
referred to

😊  usage—consider alternatives
try—mention / set out / state / recasting

extra information
1  Be careful not to draw artificial distinctions in provisions to mean essentially the same thing, eg do not say in one provision ‘a person mentioned in section X’, and then in another provision say ‘a thing referred to in section Y’, if the person or thing is only being identified by the reference.
2  See state for a discussion of the use of mention, set out and state.

example of no change
1  It must be referred to the authority for certification.

examples of change
1  a representation referred to mentioned in paragraph (x)
2  for a licensee to whom mentioned in paragraph (a) refers
3  an exemption to which mentioned in paragraph (a) refers
4  the number of units referred to stated in the schedule
5  the map referred to set out in the schedule

reference

😊  usage—consider alternatives
try—recasting

extra information
1  For use in the context of definitions, see DPG ch 9.
2  See also make reference to; with reference / regard / respect to.

examples of no change
1  A guideline may incorporate a standard by reference.
2  A marine incident may be the subject of a reference by the Minister.

examples of change
1  A reference to X is to be read as not including a reference to Y. X does not include Y.
2  a report about the operation of this Act, with particular reference mentioning particularly
refrain (from)

usage—avoid using
try—recasting (using, eg do not)

extra information
1 formal word

example of change
1 a direction requiring a person to refrain from stop smoking

further reading
Gowers’ Plain Words p 259

refurbish

usage—consider alternatives
try—refurnish

extra information
1 formal word
2 Both refurbish and refurnish deal with renovating.
3 Refurbish means renovating by buying furnishings.
4 Refurnish means renovating by fixing up or otherwise making do with what you already have.

further reading
Cambridge Guide p 648

refurnish

see—refurbish

refuse

[as a verb]

usage—consider alternatives
try—fail / omitting / recasting (using, eg does not or contravene)

extra information
1 It is usually unnecessary to deal with a person refusing to do something.
2 See LA, dict, pt 1, defs breach, contravene and fail.
3 See also decide to grant / refuse.
4 See DPG, ch 14, ‘refuse and fail’.

examples of change
1 if the Minister refuses or fails to does not grant a licence
2 if the person refuses or fails to comply [and include the following note: Fail includes refuse (see Legislation Act, dict, pt 1).]
refute

😊 usage—consider alternatives
try—contradict / deny / rebut / repudiate

extra information
1 formal word
2 Refute has traditionally meant the use of proof to deny a charge or claim. Its use to mean simply deny has been criticised.

example of change
1 refute deny a claim

further reading
Cambridge Guide p 648
Fowler’s English Usage pp 662–3
Garner’s Legal Style p 136
Gowers’ Plain Words p 259

regard

see—as concerns / as regards / as respects; in regard to; regarded as; regarded as being; regarding; with reference / regard / respect to.

regarded as

😊 usage—consider alternatives
try—taken to be

example of no change
1 A forensic procedure in accordance with this Act is not in itself regarded as degrading to the relevant person.

example of change
1 The nominal defendant is to be regarded as taken to be a licensed insurer.

regarded as being

😊 usage—avoid using
try—regarded as

extra information
1 verbosity

example of no change
1 A procedure performed as a cultural custom is not of itself to be regarded as being performed for a genuine therapeutic purpose.

example of change
1 The nominal defendant is to be regarded as being taken to be a licensed insurer.

further reading
Garner’s Legal Style p 136
regarding
[as a preposition]

💡 usage—avoid using
try—about / in relation to / for / recasting
extra information
1  formal word
examples of change
1  wages are paid or payable by an employer regarding for services performed by an employee
2  powers of veterinary surgeons regarding in relation to seized animals

further reading
Fowler’s English Usage p 663 (regard)
Garner’s Legal Style p 48 (as acceptable dangler)
Gowers’ Plain Words p 18

regardless whether

💡 usage—never use
try—regardless of whether
extra information
1  non-standard English

further reading
Garner’s Dictionary p 747

regards

see—as concerns / as regards / as respects

reimburse

😊 usage—consider alternatives
try—repay / pay back / refund / pay
extra information
1  formal word
example of no change
1  The employer must reimburse the employee for the employee’s expenses.
examples of change
1  The beneficiary must reimburse repay the amount of the overpayment.
2  The authority must reimburse refund any overpayments.
3  A care provider must reimburse pay a care recipient the full amount of any unfunded accommodation bond balance.

further reading
Gowers’ Plain Words p 259
relating to

😊 usage—consider alternatives
try—about / for / in / of / over / to / with / in relation to / recasting
extra information
1 compound preposition
2 If it is necessary to use a connecting phrase, prefer in relation to if appropriate (see in relation to).
3 See DPG, ch 14, ‘In respect of / in relation to / with respect to etc’.
examples of no change
1 threatening processes relating to wildlife
2 anything else relating to local government declared by regulation
examples of change
1 an Act relating to about the functions of the Attorney-General
2 a payment relating to in relation to compensation
3 An Act to consolidate and amend the law relating to for the management and development of Capital Metro
4 the person holds a current licence relating to for the vehicle

relation

see—in relation to; to and/or in relation to

relevant

😊 usage—consider alternatives
try—concerned / appropriate / omitting / recasting
extra information
1 Relevant is sometimes used as a tagged term, eg the relevant employee. However, more meaningful tagged terms should be preferred, eg the dismissed employee.
examples of no change
1 the date and, if relevant, time of the sale
examples of change
1 the period for which the relevant rate notice is issued

remainder

😊 usage—consider alternatives
try—rest
extra information
1 formal word
further reading
Garner’s Dictionary p 370 (formal words)
remit

usage—avoid using

try—pay / refer / refund / send back / transfer / waive

extra information

1 formal word

2 Remit has a number of meanings and is often used in legislation in the following ways (see the Macquarie Dictionary, 5th ed):
   (a) to transmit, send or pay money etc;
   (b) to refrain from inflicting or enforcing;
   (c) to transfer or refer (a matter for decision) from 1 decision-maker to another;
   (d) to send back (a case) to a lower court or tribunal.

3 The usages in paragraph (c) and (d) above are common in ACT legislation when referring to courts and the term has a commonly understood meaning in court procedure and practice. Rather than an avoidance of usage in these circumstances, alternatives could be considered if the context is appropriate.

examples of no change

1 the Supreme Court may remit the proceeding to the Magistrates Court

2 Except as provided for in this part, a court does not have jurisdiction to set aside or remit a decision on the ground of error of fact or law on the face of the decision.

examples of change

1 the Minister may **waive** the fee or part of the fee

2 A licensed provider must, if asked by the player in whose name a player’s account is established, **transfer** funds held in the account as directed by the player.

3 The commissioner must **pay** the amount determined under subsection (3).

4 The tribunal must, by order—
   (a) confirm the decision; or
   (b) vary the decision; or
   (c) set aside the decision and—
      (i) make a substitute decision; or
      (ii) **send back** the matter that is the subject of the decision for reconsideration by the decision-maker in accordance with any direction or recommendation of the tribunal.
remittance

😊 usage—avoid using
try—payment / amount / money
extra information
1 formal word
further reading
Gowers’ Plain Words p 259

remove

😊 usage—consider alternatives
try—take away / take off / move
extra information
1 formal word
further reading
Garner’s Dictionary pp 370 (formal words), 755 (remove; removal)

remuneration

😊 usage—consider alternatives
try—pay / wages / salary / salary and allowances / income
extra information
1 formal word

render

😊 usage—avoid using
try—make / give / do / send / carry out / perform / show / omitting
extra information
1 formal word
example of change
1 refuse or neglect to render fail to give assistance if asked
further reading
Gowers’ Plain Words p 259
**repetitious**

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>repetitive</td>
</tr>
</tbody>
</table>

**extra information**

1. Both *repetitious* and *repetitive* deal with repetition.
2. *Repetitious* implies that the effects of the repetition are negative.
3. *Repetitive* is a more neutral word that only acknowledges the physical fact of repetition.

**example of change**

1. evidence by the party that is repetitious unnecessarily repetitive

**further reading**

Cambridge Guide p 654

**repetitive**

*see—*repetitious

**replace**

*see—*substitute

**represent**

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>show / be / act for / is</td>
</tr>
</tbody>
</table>

**extra information**

1. formal word

**example of no change**

1. information identifying who will represent the licensee

**example of change**

1. arranging for a lawyer to act for represent the person

**further reading**

Gowers’ Plain Words p 260

**represents**

[[in a formula]]

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>means</td>
</tr>
</tbody>
</table>

**extra information**

1. Define terms used in a formula in the same way as other terms are defined.

**example of change**

1. *A* represents _means_ the allocated amount.
**request**

😄 usage—consider alternatives

try—ask / ★ require

extra information
1 formal word
2 However, request can be treated as the noun form of ask.

examples of no change
1 The corporation must comply with the request.
2 on the written request of the clerk

example of change
1 The Minister may request ask the corporation to reconsider the plan.

further reading
Garner’s Dictionary p 370 (formal words)

**require**

😄 usage—consider alternatives

try—ask / ★ impose / need / want

extra information
1 Require is useful to indicate a formal, obligatory demand.
2 Require should not be used in the sense of need or want.
3 See also as the case may be / as the case requires / as the case may require; is / are [not] required to.

examples of no change
1 A regulation may require additional information to be provided to the authority.

examples of change
1 The approval is not required to need not be applied for.
2 The authority may, by written notice, require ask the applicant for additional information necessary to consider the application properly.

further reading
Gowers’ Plain Words p 260
requirements of

😊 usage—consider alternatives
 try—omitting
 extra information
 1 can be a redundancy
 2 See also meets the requirements of

example of no change
 1 The committee must compare the provision of the care with the requirements of the standards.

example of change
 1 maintained in accordance with the requirements of chapter 10

rescind
 [also rescission]

😊 usage—consider alternatives
 try—►revoke / repeal / ►cancel
 extra information
 1 formal word
 2 Prefer repeal for legislative instruments and revoke for non-legislative instruments.
 3 Rescission has a technical meaning in contract law.
 4 See LA, dict, pt 1, def repeal.

further reading
Butterworths Legal Dictionary p 1016
Garner’s Dictionary p 761 (rescission; rescission; rescission; rescission)
### residence
[also residential]

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td><em>home</em> / <em>address</em> / <em>home address</em> / recasting (using, eg <em>place where the person lives</em> / <em>usually lives</em> / <em>resides</em>)</td>
</tr>
</tbody>
</table>

**extra information**

1. *formal word for* *home* or *house*
2. Also, term with legal connotations in some contexts.
3. Avoid *place of residence*.
4. See LA, dict, pt 1, def *home address*.
5. See DPG, ch 14, ‘home and business address’.

**example of no change**

1. *building documents*, for a *residence*, means the prescribed documents.

**examples of change**

1. The taxpayer’s *home address* place of residence is relevant in deciding liability to taxation.
2. An employee is entitled to the reasonable cost of travelling from and to the employee’s *place of residence home*.

**further reading**

Butterworths Legal Dictionary p 1018
Partridge p 286 (*reside* and *live*; *residence* and *house*)

### reside

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td><em>live</em> / recasting</td>
</tr>
</tbody>
</table>

**extra information**

1. *formal word*
2. *To reside* is to live permanently or for some time at a particular place.

**examples of change**

1. An officer is entitled to an allowance for a child who ordinarily *resides lives* with the officer.
2. The power to issue a licence *resides* with the *Minister*. *The Minister may issue a licence*.

**further reading**

Partridge p 286 (*reside* and *live*; *residence* and *house*)
Working Words p 472

### respect

*see*—*in a particular respect*, *in respect of*, *to*, *respecting*, *with reference*, *regard* / *respect to*
respecting
[as a preposition]

usage—avoid using
try—about / in relation to / recasting
extra information
1 formal word

further reading
Fowler’s English Usage p 671 (respect)
Garner’s Legal Style p 49 (as acceptable dangler)
Gowers’ Plain Words p 18

respective(ly)

usage—avoid using
try—omitting / recasting
extra information
1 Respective has the role of alerting the reader to the need to match up items in 2 separate series, eg 2 or more subjects with 2 or more verbs. However, respective is often used unnecessarily, because it is usually clear from the context that the provision is to be read distributively between multiple items and the items appropriately matched (see example 1, example of change). If necessary, clarify the relationship between the items by recasting.
2 Respective is also used in a general distributive sense. It can always be omitted in these contexts. If necessary, improve the provisions by recasting.

eexample of no change
1 If there were 2 or more mortgagees the court may make the orders about their respective entitlements

eexample of change
1 The rates of salary, general allowance and jurisprudential expenses payable to the Chief Judge, Senior Judge and other judges of the District Courts are those respectively the rates fixed by the tribunal.

further reading
Cambridge Guide p 657 (respectfully or respectively)
Fowler’s English Usage pp 671–2
Garner’s Legal Style pp 137–8
Gowers’ Plain Words pp 52–3
responsibility

😊 usage—consider alternatives
  try—function / duty / recasting (using must)
extra information
  1 It is unnecessary to use responsibility and duty.
  2 See LA, dict, pt 1, def function.
  3 See also has / have a responsibility to
example of no change
  1 ensuring that young offenders share responsibility for rehabilitation and reintegation
examples of change
  1 advise on the exercise of the commissioner’s statutory responsibilities functions
  2 have a responsibility to must
further reading
  Gowers’ Plain Words p 260

result

😊 usage—consider alternatives
  try—outcome / consequence / effect / recasting (using because)
extra information
  1 See also as a / the result of; with the result that
example of no change
  1 to encourage settlement of claims resulting from motor vehicle accidents
examples of change
  1 resulting from because of the decision
  2 The inspector must report the results outcome of the investigation to the director-general.

retain

😊 usage—avoid using
  try—keep / engage / employ / recasting (using continue to)
extra information
  1 formal word
retain [continued]

**examples of change**

1. the director-general may retain engage a consultant
2. the council may retain possession of keep the document

**further reading**
Garner’s Dictionary p 370 (formal words)

**revoke**

😊 **usage**—consider alternatives

**try**—repeal / cancel

**extra information**

1. Prefer repeal for Acts and subordinate laws and revoke for non-legislative instruments.

2. Revoke and cancel can both mean to put an end to something. Cancel originally pointed specifically to the crossing out of something, eg cancelling an entry by drawing a line through it. It is also particularly apt to deal with the physical marking or alteration of something to render it invalid for further use, eg cancelling a postage stamp by overmarking it, cancelling a cheque by writing cancelled across it or cancelling a bus ticket by perforating it. It is, therefore, the appropriate word to use for bringing instruments to an end in a way that involves (or usually involves) physical marking or alteration, eg cancelling a licences. For bringing instruments to an end in other ways or for bringing rights not necessarily embodied in an instrument to an end, prefer revoke if appropriate, eg revoke an appointment, approval, decision, decree, exemption, permission, promise or right of access.

3. See LA, dict, pt 1, def repeal.

**example of no change**

1. The appointer may amend a delegation or revoke it completely or partly.

**example of change**

1. The power to make an appointment includes the power to revoke end the appointment.

**further reading**
Garner’s Dictionary p 771 (revoke; retract)
### sanction

**[as a verb]**

- **usage**—avoid using
  
  **try**—approve / permit / allow / authorise / recasting (using *may*) / impose a penalty / penalise / confirm

- **extra information**
  1. formal word that can be ambiguous

- **example of change**
  1. The Minister must sanction approve the transfer.

- **further reading**
  - Fowler’s English Usage p 688
  - Garner’s Dictionary p 780
  - Garner’s Legal Style p 139
  - Working Words p 482

### satisfy

- **usage**—consider alternatives
  
  **try**—comply with / complete / fill in / carry on / out / perform / fulfil / answer / meet / make certain

- **extra information**
  1. vague word
  2. See DPG, ch 14, ‘satisfied and believes’.

- **example of no change**
  1. if the Minister is satisfied

- **examples of change**
  1. The notice may state how it must be satisfied complied with.
  2. An applicant must satisfy meet the requirements of the section. [or comply with the section]

- **further reading**
  - Longman English Usage p 632 (*satisfied, happy*)

### servant

- **usage**—consider alternatives
  
  **try**—employee

- **extra information**
  1. Dated word with negative overtones in some contexts.

- **example of no change**
  1. public servant
servant [continued]

defined

example of change
1 servant employee or agent

further reading
Garner’s Dictionary pp 312 (employer and employee; master and servant), 550 (master)
Longman English Usage pp 674–5 (staff)

set out

😊 usage—consider alternatives
try—see state / include / mention / required by / specify / explain / arrange /
omitting / recasting

extra information
1 For the use of state, mention and set out, see state.

examples of no change
1 The approved standard must be set out in the regulation.
2 the notice must set out the grounds

examples of change
1 The application must set out state the grounds on which the warrant is sought.
2 The document must set out include a statement of reasons for the decision.
3 the documents set out in required by chapter 6
4 the people set out mentioned in chapter 4

several

😊 usage—avoid using
try—2 or more / omitting

extra information
1 vague or imprecise
2 See also jointly and severally.

example of change
1 if there are several 2 or more applicants

further reading
Cambridge Guide pp 275–6 (few or a few)
Fowler’s English Usage p 705
Garner’s Dictionary p 799
Right Words p 367

sex

see—gender
shall

usage—never use (in legislation)

try—►must / ►will / ►is / are to / recasting

extra information

1 Traditionally, shall is used for the first person, simple future tense (eg ‘I/We shall go to town tomorrow’), and will is used for the second or third person simple future tense (eg ‘You/he/they will go to town tomorrow’). Avoid the use of shall or will in the first person simple future tense in legislation by recasting. Elsewhere, avoid the use of shall by using must or will or recasting.

2 See DPG, ch 14, ‘must’.

element of change

1 a prosecution shall is to be started

further reading
Cambridge Guide pp 687–8 (shall or will)
Fowler’s English Usage pp 706–7 (shall and will)
Garner’s Dictionary pp 830–1 (statute drafting), 939–42 (words of authority)
Garner’s Legal Style p 139 (shall; will)
Gowers’ Plain Words pp 141–2 (shall and will)
Longman English Usage p 646 (shall, will)
Partridge pp 300–2 (shall and will)

she

usage—avoid using

try—recasting (avoiding gender-specific personal pronouns)

extra information

1 Consistent with the recognition of sex and gender diverse people, the use of personal pronouns in the masculine or feminine form should be avoided.

2 Words indicating a gender include every other gender—see LA, s 145 (a).

3 If a provision applies only to the neuter form (eg to a corporation), a personal pronoun in the neuter form only (eg it) may be used wherever appropriate.

4 See also they.

example of change

1 a coroner may exercise any of his or her the coroner’s powers under this Act

2 if a child or young person is charged with an offence, he or she the child or young person may apply to

3 if a child or young person who is charged with an offence, he or she may apply to

further reading
Asprey pp 152–61
Cambridge Guide pp 351–3 (he and/or she)
Fowler’s English Usage p 358 (he or she)
Garner’s Dictionary pp 799–803 (sexism)
Garner’s Legal Style pp 45, 200–3
Gowers’ Plain Words pp 118–9 (they for he or she)
Howard’s Handbook pp 190–1 (he or she; he/they), 360 (unisex grammar)
Working Words pp 184 (discriminatory language), 254 (he/she)
**should**

😄 **usage**—consider alternatives

**try**—⇒ must / would

**extra information**

1. Use **must** if a duty is to be imposed (see LA, s 146 (Meaning of **may** and **must**)).
2. **Should** can be used to express an assumption about what is likely. **Should** is also used in subordinate clauses to express a judgment, plan, reaction or wish.

**example of no change**

1. if the board president believes on reasonable grounds that someone should no longer be a board member

**further reading**

Cambridge Guide pp 691–3 (**should** or **would**)
Fowler’s English Usage p 711 (**should** and **would**)
Garner’s Dictionary pp 805, 942 (words of authority)
Gowers’ Plain Words p 143
Longman English Usage p 649 (**should**, **would**)
Partridge pp 397–8 (**would** and **should**)
Working Words p 491 (**should**/**would**)

**show cause**

😄 **usage**—consider alternatives

**try**—explain / recasting (using, eg give reasons / make representations)

**extra information**

1. legalese
2. **Show cause** means to give a legally satisfactory reason why action should (or should not) be taken.

**example of no change**

1. the applicant or licensee may give a written submission to the conservator showing cause why the proposed financial assurance condition should not be imposed

**example of change**

1. The registrar may take disciplinary action against a person only if the person has been given a reasonable opportunity to show cause explain why the disciplinary action should not be taken.

**further reading**

Butterworths Legal Dictionary p 1082 (**show cause**) and (**show cause notice**)
Garner’s Dictionary pp 805-6
significant

**:usage:** consider alternatives

**try:** important / considerable / substantial / recasting (using more precise words)

**extra information**

1 Can be a vague word.

**example of no change**

1 The club’s management committee or board does not, for any reason, have complete control over the club’s business or operations, or a significant aspect of the club’s business or operations.

**further reading**

Garner’s Dictionary p 572 (weasel words)

Garner’s Legal Style p 32

Gowers’ Plain Words pp 261–2

situation

**:usage:** consider alternatives

**try:** location / circumstances / position / condition / state of affairs / omitting / recasting (using more precise words)

**extra information**

1 vague, vogue word

**example of no change**

1 This section applies if the conservator considers that the situation is an emergency.

**example of change**

1 This section applies to a power to make an appointment in the following situations circumstances:

**further reading**

Fowler’s English Usage p 716

Garner’s Dictionary p 811

Gowers’ Plain Words pp 4, 190, 253–4

Longman English Usage pp 655–6

Partridge pp 4 (abstract nouns—situation), 369 (vogue words)

Working Words pp 494–5
**so**

**usage**—consider alternatives

**try**—➤as / ➤very / much / therefore / recasting

**extra information**

1. So can be useful to refer back to lengthy or complex concepts. However, it should be used sparingly for this purpose and care should be taken to avoid possible ambiguity or momentary uncertainty.

2. Because so has a number of meanings, care needs to be taken to avoid ambiguity in other contexts.

3. See also as / so far as ... is / are concerned; as long as / so long as.

**example of no change**

1. if a traffic sign is installed at or near a place so that a person parking at the place is likely to see the sign

**examples of change**

1. unless the person has a reasonable excuse for doing so

2. The Minister may make a declaration if it is in the public interest to do so.

3. it is to be read so that it authorises taken to authorise

4. while the vehicle is being driven so as far as is necessary to obtain a permit

**further reading**

Cambridge Guide pp 701–2
Fowler’s English Usage pp 720–2
Garner’s Dictionary pp 813–14
Longman English Usage pp 659–60
Partridge p 312

**soon**

**see**—as soon as is possible / practicable; as soon as possible / practicable; as soon as reasonably possible / practicable

**southerly (direction) / southwardly / southward(s)**

**see**—easterly (direction) / eastwardly / eastwards

**specific**

**usage**—consider alternatives

**try**—➤particular / omitting

**extra information**

1. Specific is occasionally used unnecessarily in writing, particularly for emphasis.

**example of no change**

1. An authorised person may direct a person to leave a facility because the facility is required for a specific purpose.
specific [continued]

element of change
1 this specific section deals with
2 if there is a contract for the sale of specific particular goods

further reading
Gowers’ Plain Words p 54

specify

usage—avoid using
try—mention / state / name / nominate / set out / omitting / recasting

extra information
1 Be careful not to draw artificial distinctions in legislation by using different words to say essentially the same thing, eg do not say in one provision ‘a person mentioned in section X’, and then in another provision say ‘a (thing) specified in section Y’, if the person or thing is only being identified by the reference.
2 Take particular care in legislation not to draw unnecessary distinctions in provisions between state and specify as this can create an artificially complex structure.

examples of change
1 an offence provision specified mentioned in schedule 2, column 2
2 a test specified in required by chapter 4
3 someone else specified nominated by the authority
4 Do not exceed the maximum permitted filling ratio specified in under chapter 10.
5 if chapter 10 specifies the way in which the goods are to be transferred applies to the transfer of the goods
6 the day specified stated by the applicant
7 A map of the area is specified set out in the schedule.

start

usage—consider alternatives
try—begin / commence

extra information
1 For the use of begin and start, see commence.
**state**

*as a verb*

😊  **usage**—consider alternatives

try—mention / declare / say / set out / fix / tell / inform

**extra information**

1. *State* is much stronger than *say* and similar words, and should be reserved for formal or impressive contexts. *State* should be used for the initial declaration of something. To avoid the problem of elegant variation, prefer *state* for this purpose to alternatives such as *specify* or *stipulate* if appropriate. In less formal contexts, however, prefer a simpler alternative, eg *tell*.

2. *Mention* should be used for cross-references, eg ‘a person mentioned in section X’. The use of *mention* for cross-referencing purposes is supported by the comments of Dixon CJ in *Tooheys Limited v Commissioner for Stamp Duties* (1960) 105 CLR 602 at 612.

3. Use *set out* if a document, map, diagram or other item is being incorporated into, and reproduced in, an instrument, eg ‘the map set out in the schedule’, or simply say ‘the map in the schedule’. *Set out* can also be used for identifying text in a schedule or provision eg criteria.

4. See also described; referred to; listed.

**examples of no change**

1. The application must state the grounds on which the warrant is sought.

2. the day stated by the applicant

**example of change**

1. an offence provision stated mentioned in schedule 2, column 2

**further reading**

Gowers’ Plain Words p 18
Longman English Usage p 677
Partridge p 331 (*state* and *say*)

---

**statement**

*see*—make a statement

**State of**

😊  **usage**—avoid using

try—omitting

**example of change**

1. the State of New South Wales

**steps**

*see*—take steps to
stipulate

😊 usage—avoid using
try—set / state / impose / require / insist on / ask / provide (for)
extra information
1 formal word

eamples of change
1 A determination must stipulate set standards to be followed.
2 The application must stipulate state the following details:

further reading
Garner’s Dictionary pp 833–4

stop

see—cease

structure
[as a verb]

😊 usage—consider alternatives
try—organise / set up / prepare / form
extra information
1 formal word

subject of

😊 usage—consider alternatives
try—recasting
extra information
1 legalese

eample of no change
1 the act of violence that is the subject of the application

eamples of change
1 a block that is the subject of a declaration declared to be reserved under
2 The approval need not be the subject of an application applied for.

further reading
Garner’s Dictionary p 839
subject to

Usage—avoid using
try—with / under / on / omitting / recasting (using, eg ▶ However)

Extra information
1 legalese
2 General expressions like subject to this Act/this regulation are very unhelpful to readers, lead to loose drafting and may give rise to legal uncertainty. The provisions to which the relevant provision is subject should be identified (as precisely as possible) or the provisions recast to make it clear what provisions are the dominant ones.
3 It is not necessary to provide expressly that a provision is subject to another provision if this appears unambiguously from the provisions themselves. The relationship between provisions can often be clarified by rearrangement.
4 Alternatively, use However (if necessary after rearranging the order of provisions).

Example of no change
1 Subsection (2) has effect subject to any relevant industrial award or agreement.

Examples of change
1 to be read subject to the modifications with the changes necessary to subject to under the conditions of the licence
2 The licence is renewed subject to on the following conditions:
3 whether the person is or has been subject to a domestic violence order has been made against the person

Further reading
Garner’s Dictionary p 840 (subject to the provisions of this Act)

submit

Usage—consider alternatives
try—refer / send / give / ▶ state / say / put / make

Extra information
1 formal word

Example of no change
1 if the owner had been required to submit plans for approval

Example of change
1 The committee must submit give a report to the Minister.

Further reading
Longman English Usage p 685
subscribe

😊 usage—consider alternatives
try—sign / recasting (using agree (with))
extra information
1 formal word
example of no change
1 a relevant territory authority must not subscribe for shares in a corporation
example of change
1 The summons must be subscribed signed by the magistrate who issues it.
further reading
Garner’s Dictionary p 846

subsequently

😊 usage—consider alternatives
try—after / afterwards / later / then / following
extra information
1 formal word
example of no change
1 subsection (2) does not prevent the thing done by the person being ended or changed by any person subsequently occupying the position
example of change
1 if the corporation subsequently later establishes a superannuation scheme
further reading
Garner’s Dictionary p 846
Gowers’ Plain Words p 262
Longman English Usage p 686
Working words p 131 (consequent/consequential/subsequent)

substantial
[also substantially]

😊 usage—consider alternatives
try—considerable / big / large / omitting / recasting
extra information
1 vague word
examples of no change
1 substantial performance
2 substantial compliance with an approved form is sufficient
further reading
Garner’s Dictionary p 926 (substantially in weasel words)
Gowers’ Plain Words p 52
Longman English Usage p 686 (substantial, substantive)
Partridge p 338 (substantial and substantive)
substitute

usage—consider alternatives
try—replace

extra information
1 Substitute and replace are complementary words. Substitute means to put a person or thing in the place of another. Replace means, among other things, to take the place of another person or thing.

d example of no change
1 set aside the decision and substitute a new decision

d example of change
1 revoke the existing order and substitute replace it with a new order

further reading
Cambridge Guide pp 654–5 (replace or substitute)
Fowler’s English Usage p 748
Garner’s Dictionary p 848
Gowers’ Plain Words p 263
Longman English Usage pp 686–7
Partridge p 284 (replace; substitute)

succeeding
[as a preposition]

usage—never use
try—after / next / following / recasting

extra information
1 formal word

d example of change
1 the next succeeding financial year

further reading
Garner’s Dictionary p 848
Partridge p 338 (succeed and follow)

successor

see—heirs, executors, administrators, successors and assigns
such

**usage**—avoid using

- **try**—the / that / this / these / those / as / a / an / any / omitting / recasting / like / similar

**extra information**

1. Do not use *such* if an article (*the, that, this, these or those*) can be used (see example 1, examples of change).
2. Do not use *the such* … as form if it is not necessary (see examples 2–4, examples of change).
3. *Such ... that/which/who* should not be used for *such ... as*.
4. See also *as such*, *during such time as*.

**examples of change**

1. A member is entitled to be paid *such the* remuneration and allowances as the Minister decides.
2. within 6 months or *such a [or any] longer period as allowed by the director-general*
3. *take such steps as are appropriate steps* [or *take appropriate steps*]
4. subject to *such conditions as are decided by the Minister* [or *subject to the conditions (if any) decided by the Minister*]
5. if no *such an audit has not been carried out*
6. before making or revoking a declaration under subsection (1) or revoking such a declaration

**further reading**

Cambridge Guide pp 725–6 (*such and such as*)
Fowler’s English Usage pp 749–50
Garner’s Dictionary p 849
Garner’s Legal Style pp 140, 187
Gowers’ Plain Words p 114
Longman English Usage pp 687–8
Partridge pp 338–9
suffer

Usage—consider alternatives

Try—permit / allow / have / recasting (using, eg may)

Extra information

1 formal word

Example of no change

1 an animal seized is likely to die or suffer pain

Examples of change

1 the owner of premises must not suffer the premises to be used for

Further reading

Garner’s Dictionary p 850
Longman English Usage p 688

sufficient [also sufficiently]

Usage—consider alternatives

Try—enough / adequate / omitting

Extra information

1 formal word

2 However, whenever considerations of quality or kind are essential, sufficient or adequate is the better word (see example 1, examples of no change).

3 Adequate means suitable to the occasion or circumstances. It can apply to quality as well as quantity, eg ‘an adequate performance’.

4 Sufficient means enough for a particular need or purpose. It implies a quantity adequate for a particular need or to fulfil a particular purpose. It does not imply measuring up to a standard. It emphasises instead the end being sought; the degree to which something contributes to the achievement of the end is what makes the thing sufficient or insufficient.

Example of no change

1 if the child is in need of care and family members cannot provide sufficient care

Examples of change

1 this Act does not make provision or sufficient adequate provision

2 it is sufficient enough to show that a representative had the state of mind

3 a sufficient number enough

Further reading

Fowler’s English Usage pp 251–2 (enough, sufficiently)
Garner’s Dictionary pp 23 (adequate; sufficient), 850 (sufficient number of)
Garner’s Legal Style p 184 (sufficient number of)
Howard’s Handbook p 153 (enough/sufficient/adequate)
Longman English Usage p 245 (enough, sufficient)
Partridge pp 330–1 (sufficient and enough)
**sum**

😊 **usage**—consider alternatives

try—quantity / amount / total

example of no change

1 pay an agreed amount as a lump sum

example of change

1 the sum total of the amounts

**supersede**

😊 **usage**—avoid using

try—replace / set aside

extra information

1 formal word

example of change

1 until it is superseded replaced

further reading

Garner’s Dictionary p 855

**supplementary**

😊 **usage**—consider alternatives

try—additional / extra / more

extra information

1 formal word

example of change

1 supplementary additional benefit

further reading

Gowers’ Plain Words p 263

**support**

see—in support of

**sure**

see—make sure
sustain

Usage—consider alternatives

try—suffer / support / confirm / uphold / receive / get / have / recasting

Extra information
1  formal word
2  Sustain implies endurance without giving way or yielding, not only the fact of something adverse.

Example of no change
1  sustain an injury in the course of employment

Example of change
1  If the trust sustains makes a loss on an investment, the trustees must set aside funds to cover the loss.

Further reading
Fowler’s English Usage pp 756–7
Garner’s Dictionary p 862
Longman English Usage p 693
Partridge p 339
taken

\textit{see—\textit{is to be taken}}

\textbf{take steps to}

\includegraphics[scale=0.6]{emoji.png}

\textbf{usage}—consider alternatives
\textbf{try}—omitting / recasting (using more direct words)
\textbf{extra information}
1 verbosity
\textbf{example of no change}
1 A return-to-work coordinator must take steps to prevent aggravation of an injured worker’s injury.
\textbf{example of change}
1 a solicitor must take steps to tell the opponent as soon as possible
\textbf{further reading}
Gowers’ Plain Words p 63

\textbf{target}

\includegraphics[scale=0.6]{emoji.png}

\textbf{usage}—consider alternatives
\textbf{try}—goal / ambition / purpose / aim / object
\textbf{extra information}
1 vogue word
\textbf{example of no change}
1 the Minister must determine targets for the per person use of electricity
\textbf{further reading}
Fowler’s English Usage p 763
Gowers’ Plain Words pp 40, 75, 88, 263–4
Partridge p 369 (vogue words)

\textbf{tenancy}

\includegraphics[scale=0.6]{emoji.png}

\textbf{usage}—consider alternatives
\textbf{try}—lease / term
\textbf{extra information}
1 formal word with a number of legal meanings in land law.
tenancy [continued]

examples of no change
1 The lessor must not end the tenant’s tenancy agreement.
2 joint tenancy

further reading
Butterworths Legal Dictionary p 1155
Garner’s Dictionary p 869

tenement

😊 usage—avoid using
try—interest (in land) / estate (in land) / house / building

extra information
1 formal word without a fixed legal meaning

further reading
Butterworths Legal Dictionary p 1157
Garner’s Dictionary p 870

term

see—the term; the term includes / also includes

terminate

😊 usage—avoid using
try—end / finish / stop / cancel / dismiss

extra information
1 formal word
2 For the use of end and stop, see cease.

examples of change
1 terminate end an agreement
2 terminate end the chair’s appointment

further reading
Fowler’s English Usage p 768
Garner’s Dictionary p 370 (formal words)
Gowers’ Plain Words p 264

terms and conditions

😊 😎 usage—never use
try—terms / conditions

extra information
1 doublet
2 See also in terms of; the terms of.
terms and conditions [continued]

examples of change
1 on terms and conditions agreed between the parties
2 The terms and conditions on which the members hold office are to be decided by the Minister.
further reading
Garner’s Dictionary p 872

Territory

 errores

usage—consider alternatives
try—recasting / omitting
extra information
1 can be a redundancy
2 Connection with the ACT is often implied and need not be stated (see LA, dict, pt 1, def the Territory).
3 A reference to an office or body of the Territory need not include ‘the Australian Capital Territory’, ‘ACT’ or ‘the Territory’ only because it is included in its name or title.
4 Avoid the unnecessary use of ‘Territory of the’ (see example 2, examples of change).
5 See DPG, chapter 14, ‘ACT or Territory’.
examples of change
1 the Parliamentary Counsel of the Territory
2 the Territory of Christmas Island

than

 errores

usage—consider alternatives
try—as / other than / recasting
extra information
1 Do not use than as a substitute for as or other than.
2 See also different than; greater than; not later than / no later than; otherwise than.
further reading
Fowler’s English Usage p 770
Gowers’ Plain Words p 105
Partridge p 347
Working Words p 517
that

usage—consider alternatives

try—the / omitting / so / recasting / who / which

extra information

1 Use *that* instead of *the* only if it is necessary to avoid ambiguity or for emphasis (see example 6, examples of change).

2 Avoid the false subjects *there is* and *there are* etc. This will also avoid use of the unnecessary *that* (see example 7, examples of change).

3 *That* can frequently be omitted in defining clauses without loss of clarity or inelegance (see example 4, examples of change).

4 *That* is frequently overused in drafting. This can make writing seem formal and even stilted. Used more sparingly, *that* helps to make writing more lively and more in line with everyday speech. Generally, use *that* only if it is grammatically or stylistically necessary, or necessary to avoid ambiguity (including momentary ambiguity).

5 It is difficult to lay down precise rules for when *that* is stylistically necessary. However, *that* is more likely to be necessary as a conjunction after the following verbs: *answer, agree, announce, argue, assert, assume, assure, calculate, ensure, inform, learn, maintain, reckon, request, state, suggest*.

On the other hand, *that* is unusual with the following verbs: *ask, believe, presume, suppose, think*.

The use of *that* is optional with the following verbs: *be told, confess, consider, declare, grant, hear, know, perceive, propose, say, see, understand*.

Generally, do not use *that* if its use is stylistically optional (or unusual). If a less formal writing style is used, *that* is less likely to be stylistically necessary even with verbs usually accompanied by *that* in more formal writing. If in doubt, leave *that* out.

6 The use of *that* as a conjunction can lead to unduly long or complex sentences and structural mistakes.

7 Do not use *that* if *since, if or so* would be appropriate.

8 For the use of *who* and *that*, see *who*.

9 For the use of *which* and *that*, see *which*.

10 See also *the fact that*.

examples of no change

1 The authorised officer must warn the person that it is an offence to fail to state the person’s name.

2 in a way that preserves its confidentiality

3 The court must assume that the exercise of power

4 The application [to set aside a bankruptcy notice] must be accompanied by a copy of any application to set aside the judgment for which the bankruptcy notice was issued and any material in support of that application.
that [continued]

**examples of change**

1. in detail that is sufficient
2. at the times and places that the chairperson determines
3. the date and time that the magistrate signed
4. is satisfied that it is necessary
5. a State that corresponds
6. proposed performance targets for that the year
7. If there are any conditions that do not comply with this section,
8. any salary that is paid
9. a voyage that begins or ends in Australian waters
10. on a day that is not other than a Saturday or Sunday

**further reading**

- Cambridge Guide pp 746–7
- Fowler’s English Usage (2nd ed) pp 622–30 (tentative list of verbs that prefer that expressed/omitted/used or not according to context on p 624)
- Fowler’s English Usage pp 771–5
- Garner’s Dictionary pp 564 (miscues), 876–7 (discussion of usage: wrongly suppressed and unnecessarily repeated)
- Gowers’ Plain Words pp 121–4, 189–90
- Longman English Grammar p 14 (useful discussion on the use of that)
- Partridge p 348
- Working Words pp 517–8

**the course of**

see—during the course of; in the course of

**the effect that**

see—to the effect that

**the equivalent to**

see—equivalent
the expression
[in definitional sense]

😊😊 usage—never use
try—omitting
extra information
1 redundancy
2 formal phrase
example of change
1 A reference to the expression relevant law is a reference to the law of the State where the person lives.

relevant law means the law of the State where the person lives.

the fact that

😊 usage—consider alternatives
try—omitting / recasting (using eg because / although / ▶ that)
extra information
1 The expression the fact that can be useful and appropriate, but it is sometimes a clumsy way of saying what might be said more simply. If it is preceded by because of, despite, in spite of, in view of, notwithstanding or owing to, it may be only an intricate way of saying because or although.
example of no change
1 the fact that a public or other authority exercises or decides to exercise a function does not of itself indicate
example of change
1 owing to the fact that because the public holiday is on a Saturday

further reading
Fowler’s English Usage p 233 (due to the fact that)
Garner’s Dictionary pp 347 (fact that, the), 876 (that (D))
Garner’s Legal Style p 57
Gowers’ Plain Words pp 59–60
Longman English Usage pp 227 (due to the fact that), 264 (fact)
Partridge p 388
Working Words p 66 (because of/owing to/due to)

the generality of

see—without limiting the generality of
the greatest number of

—all usage—never use

try—most / recasting

extra information

1 verbosity

example of change

1 the candidate with the greatest number of most votes is elected

themself

—all usage—avoid using

try—recasting

extra information

1 May be used to avoid using himself or herself.

2 See also they.

example of change

1 an authorised officer must identify himself or herself themself to the person

the nature of

—all usage—never use

try—like / similar

extra information

1 compound preposition

example of change

1 made under a provision in the nature of like those mentioned in section 6

further reading

Garner’s Legal Style p 128 (nature, of a—)

Gowers’ Plain Words pp 55, 247

the option of

—see has / have the option of

the reason

—see for the reason that
the term
[in definitional sense]

- usage—never use
- try—omitting
- extra information
  1 redundancy
  2 formal phrase

the term includes / also includes

- usage—never use
- try—and includes
- extra information
  1 redundancy
  2 formal phrase

the terms of

- usage—consider alternatives
- try—omitting
- extra information
  1 This phrase is the agreement equivalent to provisions of.
  2 The phrase the terms of is usually unnecessary unless it is used as a convenient label to describe a list of different terms, so that it can be used again later in referring back to the same list of terms. However, it can frequently be omitted even in these cases.

example of no change
  1 The court must not make an order that would be inconsistent with the terms of the agreement.

example of change
  1 The person is required by the terms of the person’s appointment to live on the land.

the time when

see—time
they

😊 usage—consider alternatives
try—recasting
extra information

1 They can be used to avoid personal pronouns in the masculine and feminine forms. It works well if the sentence is written in the plural. However, the use of the singular is generally preferred for plain English drafting.

2 The use of the pronoun they (or their) to refer to a singular subject is increasingly accepted in written English eg ‘If a person wants to apply for a licence, they must complete a driving test’.

examples of change

1 the person believes his or her their sex to be the sex nominated in the application
2 tell each person that he or she they may make a written submission to the director-general

thing

😊 usage—consider alternatives
try—recasting / something
extra information

1 Thing can be very useful in contexts where a more specific term is not needed or available. However, it can be overused.

example of change

1 a thing something necessary for their own health or safety

further reading

Garner’s Dictionary p 880

think

😊 usage—consider alternatives
try—consider / recasting
extra information

1 Think has been criticised as colloquial. However, it can be useful in achieving a less formal writing style.

2 Use consider if use of think could be taken to be inappropriate. For example, to say that a corporation thinks something could be regarded as inappropriate. Consider does not solve the problem, but makes it less obvious. The preferable solution would be to recast the provision.

3 Do not use thinks fit.
think [continued]

**example of change**
1 any other condition the executive officer thinks considers appropriate

**further reading**
Fowler’s English Usage p 780
Partridge p 350

**those**

😊 **usage**—consider alternatives

try—the

**extra information**
1 Use those instead of the only if it is necessary for stylistic reasons to avoid ambiguity, or for particular emphasis.
2 As a demonstrative adjective, those should modify a plural noun (eg kinds), not a singular one (eg kind).
3 See also kind.

**further reading**
Garner’s Dictionary pp 259–60 (deictic terms), 880 (these kind of; these type of)

**throughout**

see—during

**time**

😊 **usage**—consider alternatives

try—recasting (using eg when / now)

**extra information**
1 The word time is often superfluous. Phrases mentioning time should generally be simplified unless it is necessary to refer back to an identified time.
2 Mention of time can imply the date as well as the actual time or date.
3 It can be unnecessary to say at the time and when (see example 2, examples of change).
4 See also at all times; at any time; at the time of; at the time that / at the time when; at this time / at this point of time / at this moment in time; from time to time.

**examples of no change**
1 the vehicle was stolen at the time of the offence
2 the time and date of the offence stated in the notice
3 any further time the authority allows
4 The chair may call a meeting at any time.
5 the time when the offender must report
time [continued]

**examples of change**
1 at this point in time now
2 open for business at the time when the person
3 the policy comes into force as from the time when
4 3 days time in 3 days

**further reading**
Working Words p 521

**timely**

see—in a timely manner / way

**times**

see—at all times

**times more than / greater than**

 Disorder usage—never use
 try—recasting (using, eg times)
 extra information
 1 redundancy
 example of change
 1 The monthly output was 3 000 widgets—more than 3 times greater than in the previous month last month’s output.

**further reading**
Gowers’ Plain Words pp 264–5

**to**

see—as to / as for; compare to / with

**to and including**

 Disorder usage—avoid using
 try—► not later than / recasting (using before / ► not less than / at least / x months ending on or ending at the end of)
 extra information
 1 Pearce and Geddes suggest that from and including a particular day to and including another day should be used to precisely fix the start and end of a period. However, this formulation is ungrammatical and is not often used in normal speech.
### to and including [continued]

2 Never use when referring to periods of time.
3 See LA, s 151 (Working out periods of time generally).
4 See also *from and including*.

**example of no change**
1 supply from a primary water source up to and including outlet valves

### to and / or in relation to

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—to / about / for / of / in relation to</td>
<td></td>
</tr>
</tbody>
</table>

**extra information**
1 may be a doublet

**example of no change**
1 anything else done to or in relation to the tree

**example of change**
1 this Act applies to and in relation to

### together

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—omitting</td>
<td></td>
</tr>
</tbody>
</table>

**extra information**
1 *Together* is redundant with words like *assemble, connect, consolidate, cooperate, gather, join, link and merge.*

**further reading**
Garner’s Dictionary p 844
Working Words p 525

### too

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—also / very / either</td>
<td></td>
</tr>
</tbody>
</table>

**extra information**
1 Do not use *too* if *also, very or either* would be appropriate.

**example of change**
1 A notice may also be revoked *too*.

**further reading**
Fowler’s English Usage p 787
Garner’s Dictionary pp 884–5
Garner’s Legal Style p 143
Partridge p 353
total
[also totally]

😊 usage—consider alternatives
try—omitting
extra information
1 Total is often used for emphasis, but can be redundant.
examples of no change
1 The Minister must consider the total number of privacy complaints dealt with by the directorate.
2 a certificate of a doctor certifying that the employee is totally incapacitated
examples of change
1 total absence
2 totally void
further reading
Garner’s Dictionary p 919 (void; voidable)
Working Words p 526

to the effect that

😊 usage—consider alternatives
try—so that
extra information
1 verbosity
example of no change
1 a statement to the effect that the person may be represented
further reading
Garner’s Dictionary p 886

to the extent that

😊 usage—consider alternatives
try—if / when / as far as / so far as / so that
extra information
1 verbosity
example of no change
1 except to the extent that the provision relates to a right of indemnity or a right of subrogation
example of change
1 if the vehicle has been modified to the extent that so that the manufacturer’s specification is no longer appropriate
further reading
Gowers’ Plain Words p 228
# toward / towards

## [as a preposition]

<table>
<thead>
<tr>
<th>Usage</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td></td>
</tr>
<tr>
<td>Extra information</td>
<td></td>
</tr>
</tbody>
</table>

1. **Towards** generally implies movement and is sometimes misused for *to*. Use *to* unless movement is implied (or stated) or the use of *towards* is otherwise appropriate.

2. In other contexts, prefer *towards*. However, for the increasing trend not to use an ‘s’ in words ending in wards(s), see *forward / forwards*.

### Example of no change

1. ensure regular reporting on progress towards ecologically sustainable development

### Example of change

1. a course of teaching and learning directed toward *to* acquiring a particular area of knowledge

### Further reading

- Cambridge Guide p 763
- Fowler’s English Usage p 788
- Garner’s Dictionary pp 886, 924 (*-ward(s)*)
- Longman English Usage p 724
- Working Words p 527

## to which this [provision] applies

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td></td>
</tr>
<tr>
<td>Extra information</td>
<td></td>
</tr>
</tbody>
</table>

1. Redundancy

2. If a provision states that it applies to something, it is unnecessary in later references to the thing to state that it is a thing to which the provision applies.

### Further reading

- Garner’s Dictionary p 888
- Partridge p 354

## transmit

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td></td>
</tr>
<tr>
<td>Extra information</td>
<td></td>
</tr>
</tbody>
</table>

1. Formal word

### Example of change

1. The registrar must transmit *send* a copy of the notice to each party.

### Further reading

- Garner’s Dictionary p 888
- Partridge p 354
transpire

- **usage**—avoid using
  - try—become known / happen / take place / pass / elapse / recasting

**extra information**

1. Apart from its technical botanical or biological meanings, *transpire* originally meant ‘to become known’. Its extension to *happen* or *take place* is contentious.
2. formal word

**examples of change**

1. if it transpires that [X] if [X] happens.
2. Six months transpired passed before the plaintiff filed her claim.

**further reading**
Fowler’s English Usage pp 790–1
Garner’s Dictionary p 888
Garner’s Legal Style p 143
Gowers’ Plain Words p 265
Working Words p 528

transportation

- **usage**—consider alternatives
  - try—transport

**extra information**

1. *Transportation* has a penal meaning. It also means a system, or the act, of transporting or the state of being transported.
2. In other contexts, prefer *transport*.

**example of no change**

1. *ground water* does not include water occurring in or obtained or flowing from any other system for the distribution, reticulation, transportation, storage or treatment of water or waste.

**further reading**
Gowers’ Plain Words p 184

try

- see—attempt
**type**

😊  **usage**—consider alternatives

try—omitting / ►kind / recasting

extra information

1 Most legal drafting is expressed in the singular, and it is usually unnecessary to distinguish between a class (using, eg *type*) and its members (see LA, s 48 and s 145 (b)). Avoid mentioning *type* unless it is necessary. See *class* for extra information.

2 If it is necessary to mention class, prefer *kind* if appropriate.

3 Avoid using *type* as an omnibus word. See *kind* for extra information.

further reading
Garner’s Dictionary p 894 (*type of*)
Garner’s Legal Style p 205
Partridge p 357

**type / typeface (in relation to text)**

😊😊  **usage**—never use

try—*font*

extra information

1 In typography, *typeface* means the visual style or appearance of printed text. A *typeface* can have multiple *fonts* (character sets) like bold and italic.

2 However, *font* is now more common than *typeface* in everyday speech because of the influence of desktop publishing software.

3 When referring to the size of fonts, state the size in points rather than millimetres.

examples of change

1 Arial bold *typeface* *font* not less than 50 point

2 Times New Roman *type* *font*

3 in a similar *typeface* and *typestyle* *font*
<table>
<thead>
<tr>
<th><strong>ultimate</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>usage</strong>—consider alternatives</td>
</tr>
<tr>
<td><strong>try</strong>—final / decisive / best / most advanced / successful / last / eventual</td>
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<tr>
<td><strong>extra information</strong></td>
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<td>1 vogue word</td>
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<td><strong>further reading</strong></td>
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<tr>
<td>Garner’s Dictionary p 895 (ultimate destination)</td>
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<td>Partridge p 72 (comparatives, false)</td>
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<td>Working Words p 535</td>
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<th><strong>ultra vires</strong></th>
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<td><strong>usage</strong>—consider alternatives</td>
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<td><strong>try</strong>—beyond power / unauthorised / invalid</td>
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<td>1 foreign phrase</td>
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<tr>
<td>Cambridge Guide p 776</td>
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<td>Garner’s Dictionary p 895</td>
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<td>see—not un—/in—</td>
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<th><strong>unable to</strong></th>
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<td>see—is / are unable to</td>
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<td>see—below; by and / or under</td>
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<td>see—below</td>
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</table>
undertake
[also undertaking]

usage—consider alternatives
try—carry out / perform / do / take on / agree on / to / promise / attempt / try / say you will / task / recasting

extra information
1 An undertaking can be a formal promise to give, to do or not to do something.

eamples of no change
1 the board may accept an undertaking
2 the commission may undertake, or coordinate the undertaking of, education and training programs

eamples of change
1 a person undertaking carrying out building work
2 the lessor may undertake agree to repair

further reading
Butterworths Legal Dictionary p 1209 (undertaking)
Garner’s Dictionary p 898
Gowers’ Plain Words p 265

unduly
[also undue]

usage—consider alternatives
try—omitting / too

extra information
1 Unduly can only properly be used if something has been mentioned or implied giving a standard of comparison. If there is no standard of comparison, the use of unduly is meaningless.

eample of no change
1 participating in research will not unduly interfere with the principal’s privacy

eample of change
1 results in the parts being unduly too small for accurate analysis

further reading
Garner’s Dictionary p 926 (weasel words)
Gowers’ Plain Words pp 50–2

uninterested

see—disinterested
**unique**

**usage**—consider alternatives

**try**—unusual / uncommon / special / outstanding / remarkable / interesting / novel / rare

**extra information**

1. The traditional meaning of *unique* is something that is one of a kind and has no like or equal. Although it is now often used more loosely, *unique* should be reserved for things that are one of a kind. However, because the meaning of *unique* is now disputed, it is preferable to use other words (eg *sole*) to express the absoluteness implicit in the traditional meaning of *unique*.

2. According to its traditional meaning, *unique* is an absolute and cannot be qualified by words like *comparatively*, *more*, *less*, *most*, *somewhat* or *very*. By implication, there are no degrees of uniqueness. However, modifiers like almost, nearly or absolutely are acceptable because they comment on whether uniqueness has been achieved rather than its quality.

**example of no change**

1. a unique identifying number

**further reading**

Fowler’s English Usage pp 808–9
Garner’s Dictionary pp 24–5 (adjectives (B)), 900
Garner’s Legal Style p 143
Gowers’ Plain Words pp 150–1
Partridge pp 72 (comparatives, false), 361
Working Words p 538

**unlawfully**

*[also unlawful]*

**usage**—consider alternatives

**try**—omitting / recasting

**extra information**

1. Avoid the use of *unlawfully* in contexts where the word begs the question of precisely when the relevant act is unlawful.

**further reading**

Garner’s Dictionary p 902

**unless**

*[in must not ... unless]*

**usage**—consider alternatives

**try**—may ... only if

**extra information**

1. Except in simple offences, avoid the use of double negatives wherever possible.
unless
[in must not ... unless] [continued]

example of change
1 The registrar must not may renew a licence unless only if the determined fee has been paid.

unless the contrary intention appears

usage—avoid using
try—omitting / recasting
extra information
1 legalese
2 General expressions like unless the contrary intention appears are often unhelpful to readers, lead to loose drafting, and may give rise to legal uncertainty. The provisions that are in conflict (or possible conflict) should be identified as precisely as possible and the conflict dealt with in a way that makes it clear what provision is the dominant one.
3 See LA, s 155 (Definitions apply subject to contrary intention).

example of no change
1 This Act must be construed and administered in a way that is consistent with an environment law unless the contrary intention appears from this Act or that law.

further reading
Garner’s Dictionary p 601 (notwithstanding anything to the contrary contained herein)

unrealistic

see—realistic

usage

usage—avoid using
try—use
extra information
1 formal word
2 Usage can be used when referring to treatment or rules, especially rules formed by customary practice. In other contexts, prefer use.

example of no change
1 This part does not prevent a change of name by repute or usage.
usage [continued]

example of change
1 public transport usage use of public transport

further reading
Cambridge Guide p 782
Garner’s Dictionary p 905
Gowers’ Plain Words p 266
Working Words p 540

utilise

usage—avoid using
try—use / make use of

extra information
1 formal word
2 Utilise is generally a pompous synonym for use.
3 However, utilise can connote something more than use. It can imply that a resource has been used to its best advantage. If you need to emphasise an opportunistic element, make use of is a less pompous alternative.

further reading
Cambridge Guide p 783
Fowler’s English Usage p 816
Garner’s Dictionary pp 370 (formal words), 905 (use; utilization), 906
Garner’s Legal Style p 143
Gowers’ Plain Words pp 59, 266
Partridge p 362
Working Words p 543
vary

😊 usage—consider alternatives
try—change / amend / differ
extra information
1 Avoid elegant variation.
2 For the use of amend, see alter.
examples of change
1 the agreement as varied from time to time the amended agreement [or the agreement as amended]
2 The premiums may vary differ according to the class of the vehicle.
3 The Minister may vary amend the order.
4 The authority may vary amend an exemption.

further reading
Garner’s Dictionary pp 907–8 (variance; at variance; variation; variant)

vendor

😊 usage—consider alternatives
try—seller
extra information
1 formal word

further reading
Garner’s Dictionary p 909

verbal [also verbally]

😊 usage—consider alternatives
try—oral
extra information
1 For the use of oral and verbal, see oral.
**verify**

😊 usage—consider alternatives

try—recasting / confirm / check / swear (or affirm) / prove / find out / state (to be true)

extra information

1 formal word

example of no change

1 an insurer must verify an account

further reading

Garner’s Dictionary p 913

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**very**

😊 usage—consider alternatives

try—omitting / recasting (using more precise words) / much

extra information

1 Do not use very unless it adds something. Used too frequently it ceases to have any meaning.

2 Worse still, very can operate as a weasel word and have the effect of weakening rather than strengthening a statement, eg ‘My toothache was very excruciating’.

3 Do not use very to intensify weak or commonplace words, eg very good, very bad, very nice. Recast using more precise words.

4 Very should be used to modify adjectives (eg happy, sad, sorry) and not, properly, past participles (eg enhanced or uninterested). However, the distinction can sometimes be difficult to apply in practice, particularly if the participle is operating as an adjective rather than as a verb (eg tired, drunk or depressed).

example of no change

1 if the offence results in a very serious injury

example of change

1 very numerous

further reading

Fowler’s English Usage pp 823–4

Garner’s Dictionary p 914

Garner’s Legal Style p 144

Gowers’ Plain Words pp 53–4, 267

Partridge p 365

Working Words p 548

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**very approximate**

see—approximately
via

usage—avoid using
try—by way of / by / through / in / using / from / recasting

extra information
1 Via is useful in explaining the precise route taken on a journey, eg ‘London via Athens’.
2 In other contexts, prefer an alternative.

example of no change
1 using a stated bookable vehicle via the booking service

example of change
1 The document may be given via by email.

further reading
Cambridge Guide p 791
Fowler’s English Usage p 824
Garner’s Dictionary p 915
Partridge p 365
Working Words p 548

viable

usage—consider alternatives
try—durable / effective / feasible / lasting / practicable / profitable / successful / useable / workable / recasting (using more precise words)

extra information
1 Viable originally meant capable of independent existence or survival. It is best reserved for cases where its original meaning is appropriate.

further reading
Fowler’s English Usage p 824
Garner’s Dictionary pp 813 (slipshod extension), 915, 919 (vogue words)
Garner’s Legal Style pp 34, 144, 199
Gowers’ Plain Words pp 40, 217, 267
Working Words p 548

vicinity

see—in the vicinity of

view

see—in view of; with a view to

virtue

see—by virtue of
visit with

usage—never use

try—visit

extra information
1 phrasal verb
2 Use the simple verb.
3 See also consult with.

example of change
1 the official visitor must visit with the detainee

further reading
Cambridge Guide p 583 (phrasal verbs)
Fowler’s English Usage pp 594–5 (phrasal verbs), 828
Gowers’ Plain Words p 184
Longman English Usage p 758

vitiate

usage—consider alternatives

try—invalidate / weaken / impair / lessen / reduce / contaminate / corrupt / cure / correct

extra information
1 formal word

further reading
Garner’s Dictionary pp 813 (slipshod extension), 918

void

usage—consider alternatives

try—voidable

extra information
1 Void means of no legal effect at all. A void contract, therefore, gives no rights at all.
2 Voidable, on the other hand, means capable of being voided or confirmed. A voidable contract, therefore, is capable of being enforced until it is ended by one of the parties or declared to be void.
3 See also ab initio.

further reading
Garner’s Dictionary p 919 (void; voidable)

void ab initio

see—ab initio
voidable

see—void

voluntary
[also voluntarily]

😊 usage—consider alternatives
try—by choice / unpaid / intentional / willing
extra information
1 vague word

further reading
Gowers’ Plain Words p 268
warrant
[as a verb]

Usage—consider alternatives
Try—authorize / permit / allow / justify / guarantee / assure

Extra Information
1 formal word

Example of no change
1 The seller warrants that, at the completion of the contract, there are no circumstances likely to prejudice the buyer.

Example of change
1 exceptional circumstances warrant justify action without a written complaint

Further reading
Garner’s Dictionary pp 924–5
Partridge pp 372–3

wastage

Usage—avoid using
Try—waste / recasting

Extra Information
1 Do not use wastage as a long variant of waste.

Further reading
Cambridge Guide p 801 (waste or wastage)
Fowler’s English Usage p 833 (wastage)
Garner’s Dictionary p 925 (wastage)
Gowers’ Plain Words p 268 (wastage)
Howard’s Handbook p 367 (wastage/waste)
Longman English Usage p 763 (wastage, waste)
Working Words p 553 (wastage/waste of)

way

See—by way of; in a ... manner/way; in a timely manner/way

westerly (direction) / westwardly / westward(s)

See—easterly (direction) / eastwardly / eastwards
whatever

usage—consider alternatives

try—► however / omitting

extra information
1 Whatever should be used sparingly as an intensifier, and generally only when it is necessary to emphasise the universal application of a provision.
2 See also however; whenever; whichever.

example of no change
1 the responsible utility may take whatever action is necessary

example of change
1 … (by whatever description) (however described) …

further reading
Cambridge Guide pp 258–9 (—ever or ever)
Fowler’s English Usage p 841
Garner’s Dictionary p 928

when

usage—consider alternatives

try—► where / ► if / and then / ► as

extra information
1 For the use of where, if and when, see where.
2 When is sometimes mistakenly used for and then, as or in.
3 See also at the time that / at the time when; if and when; on each occasion when.

example of no change
1 A retractable axle is taken to be an axle only when it is lowered.

example of change
1 When in deciding whether to give an approval...

further reading
Garner’s Dictionary p 928 (when (A))
Garner’s Legal Style pp 65, 81
Gowers’ Plain Words p 105
Partridge p 375
Working Words p 558
whenever

Usage—consider alternatives

Try—➤ when / ➤ if / omitting / recasting

Extra information

1. Whenever should be used sparingly as an intensifier, and generally only if it is necessary to emphasise a provision’s recurring application.

2. For the use of when and if, see where.

3. See also however; whatever; wherever; whichever.

Example of no change

1. The presumptions set out in this section apply whenever the pregnancy occurred.

Example of change

1. Whenever If the Chief Justice is absent

Further reading

Cambridge Guide pp 258–9 (—ever or ever)
Fowler’s English Usage p 842
Garner’s Dictionary p 928
Working Words p 260 (how ever/however)

where

Usage—consider alternatives

Try—➤ if / ➤ when / ➤ in which / ➤ that / recasting

Extra information

1. Use where for place, but if to introduce a set of facts, conditions or cases. However, avoid the use of double ‘if clauses’ (especially ‘if clauses’ within ‘if clauses’) —preferably by recasting rather than using where for the second if clause.

2. Use if when it is possible that something will happen, but not certain. If an event is so certain that if is inappropriate, use when.

3. Use in which as a relative pronoun rather than where, except to refer to a place. However, in less formal writing, where may be appropriate.

4. See also and (and where); except as otherwise provided.

Examples of no change

1. The officer must leave the notice where the seizure or damage happened.

2. the place where the car was found

Example of change

1. Where If a person is granted a licence

Further reading

Garner’s Dictionary pp 928–9
Partridge p 287 (see where)
whereabouts

Usage—avoid using
try—location/place/recasting
extra information
1 archaism
example of change
1 if a person’s whereabouts are unknown, it is not known where a person is

further reading
Fowler’s English Usage p 843 (where– compounds)
Garner’s Dictionary p 929

whereas

Usage—never use
try—considering/because/while/although/since/on the contrary/but (by contrast)/by which/because of which/recasting
extra information
1 archaism
2 Avoid the use of whereas in preambles, eg by using an introduction like ‘The Legislative Assembly’s reasons for enacting this Act are—’, followed by short, numbered sentences. (The enacting words should remain the same whether or not there is a preamble.)

further reading
Cambridge Guide pp 805–6 (where– ever or ever–)
Fowler’s English Usage p 843 (where– compounds)
Garner’s Dictionary pp 929, 931 (while)
Garner’s Legal Style p 144
Partridge p 35 (archaisms)

wherever

Usage—consider alternatives
try—omitting
extra information
1 Wherever should be used sparingly as an intensifier, and generally only if it is necessary to emphasise the exhaustive application of a provision.
2 See also however; whatever; whenever; whichever.

further reading
Cambridge Guide pp 258–9 (—ever or ever–), 805–6 (where–)
Fowler’s English Usage p 843 (where– compounds)
where / if the context permits / allows

Usage—never use
try—omitting / recasting (using eg unless the contrary intention appears)
extra information
1 legalese

whether / whether or not

Usage—consider alternatives
try—if
extra information
1 Prefer if if appropriate. However, whether is generally preferable to express an alternative or possibility rather than a conditional idea. Whether leaves the possibility of something happening evenly balanced, while if suggests greater uncertainty about whether the possibility will happen. In using if, take care to avoid ambiguity (see example 1, examples of no change).
2 In the phrase whether or not the words or not are usually superfluous, since whether implies or not. Whether or not should be reserved for cases where it means regardless of whether (see example 3, examples of no change).
3 See also as to whether/who/what/how/etc; issue as to whether; regardless whether.

eamples of no change
1 A person must tell the commissioner whether there is any change in the person’s circumstances. [if the person is required to say now whether there is any change, rather than telling of a future change]
2 X’s appointment depends on whether there are sufficient funds.
3 The committee must find whether the provision of the care complies with the standards.
4 The presumption applies whether or not the pregnancy resulted from a procedure carried out in the ACT.

eample of change
1 if the court is considering whether or not to make an order about a child

further reading
Cambridge Guide p 806 (whether)
Garner’s Dictionary pp 414 (if (A)), 930 (whether)
Garner’s Legal Style p 144 (whether (or not))
Gowers’ Plain Words p 103
Howard’s Handbook p 200 (if/whether)
Longman English Usage pp 355 (if 1), 770 (whether)
Partridge pp 148 (if), 376 (whether or no; whether or not)
Working Words pp 268 (if), 558 (whether or not)
usage—consider alternatives

try—► that / ► who / ► whose / ► and / omitting / recasting (using ► where, how or ► when)

extra information

1 That cannot be used in a commenting clause—the relative pronoun must be which. With a defining clause, either which or that is grammatically permissible.

2 Gowers’ Plain Words (p 158) explains defining and commenting clauses in this way:

   If you say, ‘The man who was here this morning told me that’, the relative clause is a defining one, it completes the subject ‘the man’, which conveys no definite meaning without it. But if you say, ‘Jones, who was here this morning, told me that’, the relative clause is commenting; the subject ‘Jones’ is already complete and the relative clause only adds a bit of information about him which may or may not be important but is not essential to the definition of the subject.

3 A useful test for distinguishing between commenting and defining clauses is given by Garner (Legal Style p 141). If putting the clause in brackets leaves the basic meaning of the sentence intact, the clause is a commenting clause (properly introduced by which). If the sentence is rendered nonsensical or its meaning is changed, the clause is a defining clause (properly introduced by that).

4 Commenting clauses should be used infrequently in legislative drafting.

5 Although that as a relative pronoun may not be preceded by a preposition, it is permissible for which to be preceded by a preposition.

6 Do not use which to refer to people, other than people in a body (see that).

7 Do not use which without a proper antecedent. Which should only be used to refer to a specific antecedent, and not to a general idea or whole statement.

8 For the use of whose instead of of which for inanimate objects, see whose.

9 If which is needed as the subject of a subclause, try restructuring as a new provision.

10 See also and (and which/or which); during which; for which (there is); in which; on which; to which this [provision] applies.

examples of no change

1 the salary or wage to which the officer is entitled

2 the claim relates to abuse to which the person was subjected

3 a program by which stated objectives are to be achieved

4 The consequences of entering into the agreement are stated in section Y, which has effect despite anything in the agreement. [However, it would be preferable to recast this as 2 sentences (using separate provisions).]

5 a scheme under which participants

6 as long as the premises are used for the purposes for which they are presently used
which [continued]

examples of change
1 premises at which where
2 the times at which when the road may be used
3 land on which where
4 state the place at which where
5 the day on which notice is given
6 a corporation the assets of which whose assets [or having assets or with assets]
7 the court by which that convicts an insurer is convicted
8 the parts of the land in which where a pensioner has rights to exclusive occupancy
9 state the way in which how the penalty may be paid
10 the month in which when the system is installed
11 property of which the defendant is the sole owner owned solely by the defendant
12 The application must state the grounds on which the warrant is sought for seeking the warrant.

further reading
Cambridge Guide pp 806–7
Fowler’s English Usage pp 774–5 (which/that), 844–5
Garner’s Dictionary pp 765–7 (restrictive and non–restrictive clauses), 930–1
Garner’s Legal Style pp 140–1
Gowers’ Plain Words pp 120–1, 189–90
Partridge pp 376–7
Working Words pp 558–9

whichever

😊 usage—consider alternatives
try—omitting / recasting
extra information
1 Whichver should be used sparingly as an intensifier, and generally only when it is necessary to emphasise the universal application of a provision.
2 See also however; whatever; whenever; wherever.

further reading
Cambridge Guide pp 258–9 (–ever or ever)

whichever first occurs / occurs first

😊😊 usage—never use
try—omitting / recasting (using earlier) / whichever happens first
extra information
1 formal phrase
2 legalese
**whichever happens first**

😊 **usage**—consider alternatives

try—omitting / recasting (using *earlier*)

**extra information**

1 legalese

2 Often it is clear from the context that one event in a list of events will happen first and cause a particular result.

**example of no change**

1 Children must participate in education until they are 17 years old or complete year 12 (whichever happens first).

**examples of change**

1 The licence remains in force until—
   (a) the licence is renewed; or
   (b) a provisional renewal of the licence lapses; or
   (c) an application for renewal is withdrawn or refused; whichever happens first.

2 The notice must be filed and served within 1 week after the earlier of—
   (a) the day when the bill was served; and
   (b) the day when the notice of rights was served; whichever happens first.

**while**

😊 **usage**—consider alternatives

try—*although* / ►*and* / *but* / ►*when*

**extra information**

1 *While* should be used only in its temporal sense, eg ‘Your letter came while I was on holidays’.

2 Its use as a conjunction equivalent to *although* can be ambiguous and inappropriate in formal writing.

3 *While* should not be used as a synonym for *and*. 
while [continued]

example of no change
1 a person may nominate another person to be present while the search is conducted

example of change
1 The council may refer a complaint to the relevant head of jurisdiction if the council is satisfied on reasonable grounds that although the complaint appears to be wholly or partly substantiated it does not justify the attention of the council.

further reading
Cambridge Guide pp 807–8
Fowler’s English Usage p 845
Garner’s Dictionary p 931
Garner’s Legal Style pp 144–5
Gowers’ Plain Words pp 105–6
Partridge p 378
Working Words p 559

who / whom

😊 usage—consider alternatives
try—➤ that / recasting

extra information
1 Normally, who is used as the relative pronoun to refer to human beings, and that (or which) is used to refer to inanimate things. However, that can also be used to refer to people or words that might be thought of as people-substitutes, eg anyone, everyone and someone (although who comes more naturally in most cases).
2 Either who or that may be used to refer to groups of people described using a collective noun (eg a committee), but that should be preferred.
3 Use that to refer to both humans and animals or humans and things.
4 The traditional distinction between who and whom is that who acts as the subject of a verb (eg ‘the person who is talking’) and whom as the object of a verb or preposition (eg ‘the person of whom we spoke’). However, whom is increasingly rarely used (except after prepositions) and often sounds unnatural and even excessively pedantic. If possible, avoid both infringing the traditional distinction and the use of whom by using that, omitting whom, or otherwise recasting.
5 See also and (and who); as to whether/who/what/ how/etc.
**who / whom [continued]**

**examples of change**

1. The corporation who made the decision no longer exists.
2. a person who this section applies to to whom this section applies

**further reading**

- Cambridge Guide pp 809–10 (whom)
- Fowler’s English Usage pp 773 (who or that), 847–9 (who and whom)
- Garner’s Dictionary pp 932–4
- Garner’s Legal Style pp 145 (who; whom), 202 (to avoid sexist language)
- Gowers’ Plain English pp 122, 189–90 (who or that) 124–5 (who or whom)
- Partridge pp 378–9
- Working Words pp 559 (who/that), 559–60 (who/whom)

**whose**

😊 usage—consider alternatives

try—recasting / of which

extra information

1. Although whose is increasingly being used to refer to animals and things as well as people, it should not generally be used in this way in formal writing.
2. Prefer recasting if practicable. If not, prefer whose to of which.

example of no change

1. a person whose residence contract is in the form of a sublease

**further reading**

- Cambridge Guide pp 808–9 (who and whose)
- Fowler’s English Usage pp 849–50
- Garner’s Dictionary p 934
- Garner’s Legal Style p 145
- Gowers’ Plain Words pp 125–6
- Partridge p 379

**wife**

😊😊 usage—never use

try—spouse / partner / domestic partner / civil partner / civil union partner

extra information

1. Discrimination on the ground of marital status is unlawful under the *Discrimination Act 1991*.
2. See LA, s 169 (References to *domestic partner* and *domestic partnership*).
3. See LA, dictionary, part 1 for definitions of *civil partner* and *civil union partner*.
**will**  
*as a verb*

😊 **usage**—consider alternatives  
**try**—►*may* / ►*must* / recasting  

**extra information**  
1 Use *will* for all forms of the simple future tense.  
2 See also *last will and testament*.

**example of no change**  
1 if a new worker starts work with an employer that already conducts surveillance  
or will start conducting surveillance

**example of change**  
1 Payment of the amount will be enforceable may be enforced under this part.

**further reading**  
Cambridge Guide pp 687–8 (*shall or will*)  
Fowler’s English Usage pp 706–7 (*shall and will*)  
Garner’s Dictionary pp 941–2 (*words of authority*)  
Garner’s Legal Style p 139 (*shall; will*)  
Gowers’ Plain English pp 141–2 (*shall and will*)

**will and testament**

see—*last will and testament*

**with**

see—*compare to / with; differ with*

**with a view to**

😊 **usage**— avoid using  
**try**—to / for / recasting  

**extra information**  
1 compound preposition  
2 officialese  

**example of no change**  
1 a system used to enable people to bet money on events or contingencies with a  
view to successfully predicting stated outcomes

**example of change**  
1 cause an investigation to be made with a view to ascertaining conduct an  
investigation to find out

**further reading**  
Gowers’ Plain Words pp 55, 267, 63 (*cause an investigation to be made with a view to ascertaining*)  
Partridge p 380
without limiting the generality of

 usado—never use
 try—without limiting / including, for example / in particular / including / for example
 extra information
 1 formal phrase
 2 legalese
 examples of change
 1 Without limiting the generality of subsection (3),
 2 board a ship and operate it, including, without limiting the generality of the foregoing, for example, by moving it

with reference / regard / respect to

 usado—avoid using
 try—for / for which / to / in / about / concerning / in relation to / recasting
 extra information
 1 compound preposition
 2 connecting phrase
 3 If the broadest power is wanted, prefer in relation to (see LA, dict, pt 1, def in relation to).
 4 See DPG, ch 14, ‘In respect of / in relation to / with respect to etc’.
 examples of change
 1 a standard with reference to about industry-funded support arrangements
 2 Similar considerations apply with regard to the review of decisions.

 further reading
 Gowers’ Plain Words pp 4, 56
 Fowler’s English Usage p 663 (regard)
 Garner’s Dictionary p 747 (regard (A)); 764 (respect)
 Garner’s Legal Style p 137 (respect)

with the exception of

 usado—never use
 try—other than / except / excluding
 extra information
 1 verbosity

 further reading
 Gowers’ Plain Words p 55
### with the object of

<table>
<thead>
<tr>
<th>Usage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Avoid using</strong>: try—to extra information 1 verbosity <strong>Example of change</strong>: with the object of preventing to prevent accidents in the workplace <strong>Further reading</strong>: Garner’s Dictionary p 938</td>
<td></td>
</tr>
</tbody>
</table>

### with the result that

<table>
<thead>
<tr>
<th>Usage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Avoid using</strong>: try—so that / resulting in extra information 1 verbosity <strong>Example of no change</strong>: an entity that has ceased to carry on business, with the result that creditors were not fully paid <strong>Further reading</strong>: Gowers’ Plain Words p 260</td>
<td></td>
</tr>
</tbody>
</table>

### workmanlike

<table>
<thead>
<tr>
<th>Usage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Never use</strong>: skilful / well made / professional / recasting extra information 1 gender-specific word 2 See also man / men.</td>
<td></td>
</tr>
</tbody>
</table>

### would

**See—should**

### writing

**See—in writing; instrument in writing; notice in writing; LA, dict, def of writing**
written instrument

usage — never use
try — in writing / written notice / notice / document / instrument / recasting

extra information
1 redundancy
2 see LA, s 14 (Meaning of instrument).

further reading
Garner’s Dictionary p 456 (instrument)

written notice

usage — consider alternatives
try — notice

extra information
1 can be a redundancy

example of no change
1 The director-general may, by written notice to the chair of the committee, give the committee a reference.

example of change
1 A member may resign by signed written notice of resignation given to the Minister.
Figures

0

see—nought

1

see—more than 1; one

12 am / pm

😊 usage—consider alternatives
try—12 noon / midday / midnight
extra information
1 The correct designation for the time at noon is 12 noon or midday, not 12 am (which strictly speaking means before noon).
2 See also afternoon, morning and night.
further reading
Cambridge Guide p 38
Fowler’s English Usage p 46

[X] days

😊 usage—consider alternatives
try—[Y] weeks/months
extra information
1 Prefer periods expressed in weeks or months rather than days if appropriate. This is consistent with normal usage.
2 See LA, dict, pt 1, defs calendar month, calendar year, financial year and month.
example of change
1 14 days 2 weeks

[X] months

😊 usage—consider alternatives
try—[Y] year(s)
extra information
1 Prefer periods expressed in years rather than days, weeks or months if appropriate. This is consistent with normal usage.
2 See LA, dict, pt 1, defs calendar month, calendar year, financial year and month.
example of change
1 24 months 2 years