Words and Phrases Guide

A Guide to Plain Legal Language

February 2023
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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 (e.g. abated) and the alternative words are underlined (e.g. 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* 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>heretofore</td>
<td>before [X] / recasting / omitting</td>
</tr>
<tr>
<td>hereunder</td>
<td>under [X] / recasting (using, eg follows / below)</td>
</tr>
<tr>
<td>hereunto</td>
<td>to [X] / recasting</td>
</tr>
<tr>
<td>Archaism</td>
<td>Try</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------------------------------------</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>thereabout(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>
<tr>
<td>whereat</td>
<td>at which / recasting</td>
</tr>
<tr>
<td>whereby</td>
<td>under which / by which / according to which /</td>
</tr>
</tbody>
</table>
### Archaism

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>advise</td>
<td>as per</td>
</tr>
</tbody>
</table>

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*Words and Phrases: A Guide to Plain Legal Language*
*February 2023*
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
- 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>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><strong>Doublet or triplet</strong></td>
<td><strong>Try</strong></td>
</tr>
<tr>
<td>------------------------</td>
<td>---------</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 / force 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</td>
<td>recasting (using together / alone / individually / each of them)</td>
</tr>
<tr>
<td>[also joint and several]</td>
<td></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>no 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>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>
</tbody>
</table>
Doublet or triplet | Try
---|---
separate and distinct | separate / distinct
signed, sealed and delivered | recasting
sole and exclusive | exclusive / only / recasting
terms and conditions | terms / provisions
to and / or in relation to | to / about / for / of / in relation to
to and / or in respect of | about / for / to / of / in relation to
transfer and assign | transfer / give / sell / recasting (using more precise words)
true and correct | correct / accurate / true
type and kind | omitting / kind / type
uncontroverted and uncontradicted | not disputed / not denied / not opposed
under and subject to | under / recasting
understood and agreed | recasting (using agreed) / omitting
undertake and agree | agree
unless and until | unless / when / if / until / recasting
void and of no effect / void and unenforceable | void / of no (legal) effect / has no (legal) effect / invalid
when and as | when / whenever / as / recasting

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
Classification of Entries

- demise (for death)
- imbibed
- 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>Foreign word</td>
<td>Try</td>
</tr>
<tr>
<td>------------------------------</td>
<td>------------------------------------------</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 procuracionem / 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>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>
</tbody>
</table>
### Foreign word

<table>
<thead>
<tr>
<th>Foreign word</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<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 / regarding (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  
Howard’s Guide pp 173, 239 (Latinisms)  
Longman English Usage pp 288-9, 405 (Latinisms)  
Right words pp 160-1

### 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
sembl
several

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 (eg 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 /ˈwēzəl/ = 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>Reference</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting Practice Guide</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><strong>Pearce and Geddes</strong></td>
<td>Pearce, DC and Geddes, RS (2014) <em>Statutory Interpretation in Australia</em>, 8th ed, LexisNexis Butterworths, Sydney</td>
</tr>
<tr>
<td><strong>Spelling Guide</strong></td>
<td>Parliamentary Counsel’s Office, <em>Spelling, Abbreviations and Symbols Guide</em>, Canberra</td>
</tr>
</tbody>
</table>
abate

- **usage**—avoid using
  - try—end / stop / lapse / diminish / reduce / remove / recasting
- **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

- **usage**—never use
  - try—comply with / live / accept / stay
- **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

<table>
<thead>
<tr>
<th>usage — never use</th>
<th>try — from the start / from the beginning / omitting</th>
</tr>
</thead>
</table>

**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

<table>
<thead>
<tr>
<th>usage — never use</th>
<th>try — <em>home / house / address / recasting (using, eg place where the person lives / usually lives)</em></th>
</tr>
</thead>
</table>

**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’).

element 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.

elements 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

Example 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 attached to 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.

**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

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
**example 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

**examples 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 £5 turns 55 years old

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

**acknowledge**

😊 usage—consider alternatives
try—recognise / admit / recasting

**extra information**

1. formal, impersonal word used in letter writing, eg I acknowledge …

**examples of no change**

1. may ask the person to acknowledge receipt of the notice
2. a child or young person should be dealt with in a way that acknowledges his or her needs

**examples of change**

1. a person acknowledged recognised as the world authority in the field
2. the offender acknowledges admits guilt to the additional offence

**further reading**
Garner’s Legal Style p 100 (acknowledgment)
Gowers’ Plain Words p 200
Howard’s Handbook p 7 (acknowledge/acknowledgement)
acquaint

Usage—never use
Try—tell / inform / state / mention / say / find out / know / recasting
Extra information
1 Formal word
Example of change
1 Transferees are allowed a reasonable time to acquaint tell their successors
Further reading
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

Usage—consider alternatives
Try—get / buy / obtain
Extra information
1 Formal word in some contexts
Examples of no change
1 Acquire or use an assumed identity
2 An interest in land may be acquired under this Act by agreement or compulsion.
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 (acquisition)

ACT

see—Drafting Practice Guide, 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

笑着

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 activate 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

笑着

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 (adaptation)  
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

😊  usage—consider alternatives  
try—more / extra / another / omitting  
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**

- **usage**—never use
- **try**—also / omitting
- **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**

- **usage**—never use
- **try**—present / give / introduce / offer / lead
- **extra information**
  1 formal word
  2 *Adduce* should not be confused with *educе* or *deduce*. *Adduce* is to put forward for consideration evidence or arguments. *Educe* is to draw out, evoke or elicit. *Deduce* is to infer.

**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 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)**

✉️ use—never use

**try**—recasting (using enough)

**extra information**
1 verbosity
examples of change
1 the random selection of an adequate number of enough jurors for a trial
2 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**

✉️ use—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

eample 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.

eamples 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

eamples 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 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/adjoning)
Longman English Usage p 17
Partridge p 6 (adjacent; contiguous)
Working Words p 16

adjoining

😊 usage—consider alternatives
try—connecting / connected to / near / next to / 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.

eamples 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 (adjoint)
Howard’s Handbook p 265 (next to/adjacent/adjoning)
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

examples of change
1 adjust change the office’s opening hours
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’.]
3 The insurer must adjust work out the amount to pay the insured person for the loss.

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

administrate

usage—never use
try—administer
extra information
1 Administrate is a backformation from administration.
example of change
1 the body must administer administer the program

administrator

see—heirs, executors, administrators, successors and assigns

admittedly

usage—never use
try—admit / recasting / omitting
extra information
1 Sentence adverb. For example, ‘Admittedly, the salary was not wonderful but the duties were light’.
example of change
1 if a document is admittedly misdated a person admits to incorrectly dating a document

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

込込 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

込試 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

込試 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
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 mention matters that are not necessary for that purpose.
2 Counsel must not advert to refer 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.

Example of change
1 The director-general must advise tell 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 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
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]

😊 usage—avoid using
try—pm

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]

😊 usage—consider alternatives
try—afterwards / later

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 Drafting Practice Guide, 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.
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

Garner’s Dictionary pp 39–40, 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**

😊😊  **Usage**—never use

**Try**—remove/avoid/relieve/alleviate/diminish/reduce

**Extra Information**

1. Form word

**Example of change**

1. To allay remove any doubt, the outworker is taken to be a *worker* if

**Allege [also allegation]**

😊  **Usage**—consider alternatives

**Try**—claim/state/mention/contend/declare/assert/maintain

**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. *Allege* 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

Words and Phrases: A Guide to Plain Legal Language
February 2023
A–29
all ... not

Usage—consider alternatives

try—not all / every / no

extra information
1 Recast in positive terms if possible.
2 For negative constructions, prefer not all to avoid ambiguity.
3 See also not.

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 among the survivors.
2 An agency head must allocate 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.

**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).

**examples 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.

**example 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.
example of change
1 the *alternative* 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

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)
Longman English Usage pp 31 (alternate, alternative), 31–2 (alternative)
Partridge p 16 (alternate and alternative), 17 (alternative and choice), 377 (vogue words)
Working Words p 29 (alternate/alternative)
ambiguous

*see*—*ambivalent*

**ambivalent**

 işlemler—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.

 **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**

 işlemler—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
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

![Smiley](image)

**usage**—consider alternatives

**try**—facility / recasting (using agreeable / useful / convenient / comfortable) / omitting

**extra information**

1 formal 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.

eamples 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

eamples 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)

usage—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**

😊 **usage**—consider alternatives

*try*—similar

**extra information**

1 formal word

**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 Drafting Practice Guide, ch 15, “‘And’ and ‘or’ at end of paragraphs”.

**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 28, 103
Howard’s Handbook p 24
Longman English Usage p 41
Partridge p 27
Working Words p 35
angle

Usage—consider alternatives
Try—recasting / approach
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]

Use—all 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.
Examples 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—Drafting Practice Guide, ch 14, ‘another person / someone else’
anticipate / anticipation

**usage**—consider alternatives
**try**—expect / predict

**extra information**
1 It has been suggested (eg 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/expect)
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 (sparely) 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

 yanlış 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

 yanlış 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

#### example of no change

1. This section is a determinative provision so far as it applies to an applicable law or applicable provision.

2. **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/apprise)

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

**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; apprize; 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/apprise)

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 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.

Examples 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
Examples 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—► when / ► while / since / because / for / ► like / omitting
extra information
1 As should generally not be used in the temporal sense of while or when, or in the sense of since or because. Its use in these senses may be ambiguous (see examples of change, example 2).
2 See also other entries starting with as; during such time as; except as otherwise provided; 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 as while a search warrant is being executed
2 the suspension takes effect 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 (as ... as A. And so ... 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 (as/since/because/for)

as a consequence of

usage—avoid using
try—because of / recasting
extra information
1 compound preposition
example of no change
1 material that spontaneously emits ionising radiation as a consequence of nuclear transformation
examples of change
1 if, as a consequence of the operation because of section 4,
2 any covert surveillance records made as a consequence because of the covert surveillance

further reading
Gowers’ Plain Words pp 55, 216

as appropriate

usage—never use
try—omitting / recasting
extra information
1 legalese
example of change
1 outside the time allowed under section 15 (1), (2) or (3), as appropriate [or under section 15].

as a / the result of

usage—avoid using
try—because of / recasting
extra information
1 compound preposition
example of no change
1 the child born as a result of the pregnancy
example of change
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

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

ascertain

usage—avoid using
try—find out / decide / determine / work out / calculate / learn / recasting
extra information
1 formal word
2 Ascertain 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.
example of no change
1 to ascertain whether the blood contains a pathogen
examples of change
1 The result of the polling at an election must be ascertained worked out by scrutiny in accordance with this part.
2 the wishes and feelings of the child or young person have been ascertained are known

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 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 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.

Examples of change

1 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

2 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**

![emoji](https://raw.githubusercontent.com/emojione/emojione/master/1f532.png) **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.

**examples 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*)

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**as long as / so long as**

![emoji](https://raw.githubusercontent.com/emojione/emojione/master/1f532.png) **usage**—consider alternatives

**try**—►*while / only if / if*

**extra information**

1. Compound preposition that often implies a condition

**examples 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.

**examples 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.
examples 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

further 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.

further 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) 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
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 Inglis*3. Pearce and Geddes4, relying on *Martin v Commonwealth*5, 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.

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)
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.

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.

definitions

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.

definitions

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.

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.
 examples 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.
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

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

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).

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

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**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—\textit{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 (\textit{at the time that}; \textit{at the time when}), 912 (\textit{at the time of} in verbosity)
Garner’s Legal Style p 192 (\textit{at the time when})

at the time that / at the time when

usage—never use
try—\textit{when} / omitting
extra information
1 verbosity

examples of change
1 if, at the time that when 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 when 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 (\textit{at the time that}; \textit{at the time when}), 912 (\textit{at the time of} in verbosity)
Garner’s Legal Style p 192 (\textit{at the time when})
at this time / at this point of time / at this moment in time

usage—never use  
try—omitting / recasting  
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, Drafting Practice Guide, 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
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]

- usage—avoid using
  try—\(\text{state (positively) / say / assert (as a fact) / swear / affirm / claim (as a fact) / declare / allege / recasting}\)

extra information
1  formal word
2  technical legal term, but allege is 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 aver 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

- 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.

disclosure [of information obtained in a mediation session] is necessary to avert the threat
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/aven)

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**

 Bunifu

**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 take into account 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**

 Bunifu

**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

**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

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**Words and Phrases: A Guide to Plain Legal Language**  
February 2023  
B–1
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 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)

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**before**

*see*—before the end of; on or before

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**before the end of**

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

**extra information**

1 See Drafting Practice Guide, ch 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.*]

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**begin**

*see*—commence

---

**behalf**

*see*—on behalf of

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**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 Drafting Practice Guide, ch 14, ‘being and not being’.

**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 take into account 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.
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*)
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.

discussion 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

discussion 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 (benevolent; beneficial; 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 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 … (eg 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, eg 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 among 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.
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

—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).

example 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

examples 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 bone 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*)
- 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.

**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

 опасно

 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

 опасно опасно

 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

 опасно опасно

 usage—never use
 try—only because / recasting
 extra information
 1 compound preposition
 2 See also by reason of
 example 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, eg 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:

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

**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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>revoke/ end</td>
</tr>
</tbody>
</table>

#### 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

#### Example 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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>capacity/ ability/ omitting</td>
</tr>
</tbody>
</table>

#### Extra Information

1. Vogue word

#### Example 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

#### Example of Change

1. Capable of / 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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>recasting (using eg <em>can</em>, <em>may</em> or <em>must</em>)</td>
</tr>
</tbody>
</table>

#### Example 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

#### Example 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 specific 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
Examples of change
1 That other body or any of those other bodies, as the case requires
2 In the case of for a share—someone else allots the share to the person

Further reading
Asprey pp163-5 (where)
Garner’s Dictionary p 133
Garner’s Legal Style pp 106, 192, 215
Gowers’ Plain Words pp 57-8
Longman English Usage pp 112-3
Partridge pp 4 (abstract nouns), 61 (case (of))
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.

example of no change

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

example 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/causeation)
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 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 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
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

further reading
Fowler’s English Usage pp 137–8
Garner’s Dictionary p 141
Gowers’ Plain Words pp 40, 75, 88, 211–2
Howard’s Handbook p 72
Longman English Usage p 119
Partridge p 63

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.

examples 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

examples 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.

Example of change

1 If the chairman chair adjourns the meeting

Further reading
Cambridge Guide pp 134-5 (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]

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).

Example 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.

**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.
Chose in action

Usage

Never use

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

Extra information

1 Technical legal term. Sometimes partially anglicised to thing in action.

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 185–6
Garner’s Dictionary p 149

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.
example 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.

element 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).

elements of no change
1 a class 2 dangerous substance
2 a class action

elements of change
1 the Minister may authorise a person or persons included in a class of persons
2 different levels of services for different classes 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.

elements 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—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 Drafting Practice Guide, 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—▶ 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
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.

Example 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)
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.

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 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*, e.g. *more complete*, *less complete*, *most complete* and *least complete*.

- **example of no change**  
  1 include complete details of suitability information

- **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

**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**

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>consist of / composed of / include / contain / made up of / have / formed of / constitute / is / state / set out / described in</td>
</tr>
</tbody>
</table>

**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**

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>hide</td>
</tr>
</tbody>
</table>

**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 conceal hide 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

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

<table>
<thead>
<tr>
<th><strong>usage</strong>—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—consult / discuss / give</td>
</tr>
</tbody>
</table>

**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

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### conform

<table>
<thead>
<tr>
<th><strong>usage</strong>—consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—comply / recasting (using eg ▶ in accordance with)</td>
</tr>
</tbody>
</table>

**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

เกษม—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

เกษม—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
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.

eamples 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

eamples 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

usage—consider alternatives

try—result / effect / outcome

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

eamples 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

usage—consider alternatives

try—follows from / effect

examples 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
consequently

Usage—never use

Try—as a result / recasting

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)

consider

See—give consideration to and Drafting Practice Guide, ch 14, ‘consider / take into account / have regard to’
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, e.g., 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

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.

Examples 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*.

**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*)

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**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

risk usage—avoid using
try—consider / think / regard / recognise / realise / intend / plan / expect /
anticipate / recasting
extra information
1 vague word
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

risk 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

 دقائق

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

 دقائق

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

 دقائق

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)
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.

eample 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— Terrace / 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—
   a are you actually creating a legal fiction?
   b is the artificiality really necessary and appropriate?
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 employe), (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
examples 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.
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 employee’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)*

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**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

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**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.

examples of change
1 The food must be of the nature or substance demanded requested by the purchaser.
2 Votes at a general meeting may be cast by proxy (whether or not a poll is demanded required).

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

usage—never use
try—recasting
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

Usage — never use
Try — leave / recasting
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

Usage — consider alternatives
Try — depend on
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

<table>
<thead>
<tr>
<th>Usage — never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong> — recasting (using, <em>eg does not limit / is in addition to</em>)</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Usage — consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong> — termed / stated</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Usage — avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong> — name / choose / declare</td>
</tr>
</tbody>
</table>

### 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 choose 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 declare 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 wants 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 wishes 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*.

**example of change**
1 A person must desist from entering not enter premises

**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
**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)

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**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 pp 17, 220
- Howard’s Handbook p 127
- Longman English Usage p 200
- Partridge p 92
**devise**  
*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*)

**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)
**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

*进一步阅读*

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.

*进一步阅读*

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 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
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/despatch)
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. |

**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—\textit{not more than} / \textit{up to} / recasting (using \textit{under} / \textit{less than} / \textit{lighter than} / \textit{shorter than} / \textit{smaller than} / \textit{younger than})

extra information

1. Use a more specific alternative if appropriate.
2. See also \textit{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) \textit{residence} / recasting (using, eg \textit{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 \textit{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

\textit{[also donation]}

≤

usage—consider alternatives

try—\textit{give} / \textit{gift (donation)}

extra information

1. formal word
2. \textit{Donation} means the act of presenting something as a gift (Macquarie, 5th ed).
   To \textit{donate} can imply a charitable or benevolent purpose. The less formal \textit{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 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)

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**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 / while 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
## 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

## 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 Drafting Practice Guide, 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. Forma word for live (as a resident).
2. Becoming an archaism for live.

examples of change
1. Members of the same association work or dwell 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 Drafting Practice Guide, 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*.

- **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
exa  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

earned

usage—never use
try—earned
extra information
1 generally regarded as non-standard English
example of change
1 the value of any income earned from the asset

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.

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
example of change
1 provides an economic 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

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

ey

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 Drafting Practice Guide, ch 16.3 ‘Abbreviations and contractions—eg / ie / etc’
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
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.

eucidate

😊😊 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
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]

usage—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

usage—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

<table>
<thead>
<tr>
<th>Usage: consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>usage</strong>—consider alternatives</td>
</tr>
<tr>
<td><strong>try</strong>—allow / recasting (using for)</td>
</tr>
</tbody>
</table>

#### 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 the tree to be identified
2. The object of this Act is to enable the temporary operation of a supervised injecting place.

#### Further reading

- Gowers’ Plain Words p 224
- Longman English Usage p 242

### enclose

<table>
<thead>
<tr>
<th>Usage: consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>usage</strong>—consider alternatives</td>
</tr>
<tr>
<td><strong>try</strong>—attach / recasting (using, eg inside or with)</td>
</tr>
</tbody>
</table>

#### 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 spoilt 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

<table>
<thead>
<tr>
<th>Usage: never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>usage</strong>—never use</td>
</tr>
<tr>
<td><strong>try</strong>—meet / recasting</td>
</tr>
</tbody>
</table>

#### Extra information

1. Formal word

#### Examples of change

1. The person wants to encounter 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—\textit{attempt} / \textit{try} / recasting (using eg \textit{reasonable steps}) / omitting

extra information
1 formal word
2 \textit{Endeavour} may suggest more effort than \textit{try} or \textit{attempt}. If greater effort is required use \textit{reasonable steps} or \textit{all reasonable steps} (see Drafting Practice Guide ch 14, ‘reasonable steps’).

examples of change
1 the public advocate must \textit{endeavour} \textit{attempt} to find a suitable person to be appointed
2 the director-general must \textit{endeavour} \textit{try} to give the occupier of premises written notice of any action proposed
3 the council must \textit{use} its \textit{best endeavours} \textit{take reasonable steps} to give each person
4 a transferor and a transferee must \textit{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
[\textit{also enhancement}]

usage—consider alternatives
try—\textit{increase} / \textit{improve} / \textit{raise} (the value or price of)

extra information
1 formal word
2 \textit{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 \textit{enhance} \textit{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.

Examples of change

1 The Supreme Court may, on application by the mortgagor, enjoin the mortgagor against starting or continuing not to start or continue a proceeding.
2 A person must not enjoin 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

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 enrollment 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.
**example of change**

1. The registrar must enter **include** the applicant’s details in the register.

**further reading**

Gowers’ Plain Words p 225

<table>
<thead>
<tr>
<th>entered into</th>
</tr>
</thead>
<tbody>
<tr>
<td>😊 usage</td>
</tr>
<tr>
<td>try</td>
</tr>
<tr>
<td>extra information</td>
</tr>
<tr>
<td>1 can be a redundancy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>example of no change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 A civil partnership may be entered into by any 2 adults.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>example of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 the parties who entered into the agreement</td>
</tr>
</tbody>
</table>

**entitled to**

*see*— *is/are [not] entitled to*

**entitlement**

😊 usage |— consider alternatives |

| try |— *claim* / *right* |
| extra information |
| 1 formal word |

<table>
<thead>
<tr>
<th>example of no change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 a worker’s entitlement to long service leave</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>example of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 the young detainee’s <em>entitlements rights</em> and obligations under this Act</td>
</tr>
</tbody>
</table>

**envisage**

😊😊 usage |— never use |

| try |— consider / ► *think* / *regard* / *recognise* / *realise* / *intend* / *plan* / *expect* / ► *anticipate* / recasting |
| extra information |
| 1 formal word meaning to visualise |

<table>
<thead>
<tr>
<th>examples of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 A development application may <em>envision anticipate</em> the undertaking of development in stages.</td>
</tr>
<tr>
<td>2 The transfer is to take place in the way <em>envisaged by mentioned in section 60.</em></td>
</tr>
</tbody>
</table>

**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**

<table>
<thead>
<tr>
<th>usage—consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try—<em>equal</em> / <em>the same as</em> / <em>corresponding</em></td>
</tr>
</tbody>
</table>

**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* to the sum of the balance standing to the credit of the State
2. the number of candidates nominated is the *equivalent* of the number of candidates to be elected.

**further reading**

Gowers’ Plain Words p 226
Longman English Usage p 249

**erroneous**

<table>
<thead>
<tr>
<th>usage—never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try—<em>wrong</em> / <em>incorrect</em> / <em>mistaken</em> / <em>false</em> / <em>recasting</em></td>
</tr>
</tbody>
</table>

**extra information**

1. *formal word*

**examples of change**

1. there was an *erroneous* omission or understatement in an appropriation
2. a person does not know that conduct is *erroneous* if the person cannot reason

**escalate**

<table>
<thead>
<tr>
<th>usage—avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try—<em>rise</em> / <em>expand</em> / <em>develop</em> / <em>increase</em> / <em>grow</em></td>
</tr>
</tbody>
</table>

**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* 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.
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

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*.

**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

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### even if / though

**: smile:**

**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 though* the person does not satisfy the requirements in section 32 (a) and (b)

**further reading**

Cambridge Guide pp 273-4
Gowers’ Plain Words pp 95, 97
**event**

*see—in the event that / of*

---

**every**

来看看吧

- **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.

---

**evidence**

*see—proof*

---

**evident**

来看看

- **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 clear 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 develop 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

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 leagalese
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 leagalese
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 appears 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 excessive

2 if an excessive number of too many 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</td>
</tr>
</tbody>
</table>

**Extra information**

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>

**Extra information**

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 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>

**Extra information**

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

try alternative 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 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
example 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
example of change
1 the amount expressed stated in the contract

expression

see—the expression

expunge

usage—never use
try—strike out / delete / cancel / destroy / remove
extra information
1 formal word
example of change
1 the record was expunged destroyed [or deleted]

extend

usage—consider alternatives
try—give
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

😊 usage—consider alternatives

try—end / put out / remove

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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Try</strong></td>
<td>help / assist / encourage</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Try</strong></td>
<td>recasting (using more precise words)</td>
</tr>
</tbody>
</table>

**Extra Information**

1. **Vague Word**

2. **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.

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 Drafting Practice Guide, 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

**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**

😊 **usage**—consider alternatives  
**try**—practicable / possible

**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

😊 usage—consider alternatives
try—recasting (using more precise words)
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 featured mentioned in the report
further reading
Longman English Usage p 273

feedback

😊 usage—avoid using
try—answer / response / recasting
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.
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.

examples 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.

example 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

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**

твержда

**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**

твержда

**usage**—never use

**try**—*happens first* / *whichever happens first*

**extra information**

1 needless variant

**fit**

твержда

**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 fit 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

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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

eexample of change
1 the Minister may direct an officer to forbear from taking an action 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 Foregoing is sometimes confused with following.

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

usage—never 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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>lose / give up</td>
</tr>
</tbody>
</table>

**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]

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>recasting / first</td>
</tr>
</tbody>
</table>

**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).

**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

- **examples 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

- **usage**—consider alternatives
  - try—in this [eg provision/Act] / for this [eg provision/Act] / because of / under / to / for / omitting / recasting

- **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 to advise it

- **further reading**
  - Gowers’ Plain Words p 55 (for the purpose of)
  - Longman English Usage p 580 (purpose)
for the reason that

😊😊 usage—never use
  try—because

extra information
1 compound preposition

eexample 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]

😊 usage—consider alternatives
  try—forwards / forward / recasting

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.

eexamples of no change
1 the driver’s forward view (adjective)
2 if the company carries the losses forward to the next year (adverb)

eexample 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))
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

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.

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
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).
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

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)*

<table>
<thead>
<tr>
<th>usage — never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try — give / provide / supply / send / recasting (using inform, mention or tell)</td>
</tr>
</tbody>
</table>

**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**

<table>
<thead>
<tr>
<th>usage — consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try — additional / also / and / omitting</td>
</tr>
</tbody>
</table>

**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 (further, furthest, farther, farthest)

Partridge p 117 (farther/farthest/further/furthest)

Working Words pp 221–2 (farther/farthest/further/furthest)
### gainfully employed

<table>
<thead>
<tr>
<th>usage</th>
<th>try</th>
<th>extra information</th>
</tr>
</thead>
<tbody>
<tr>
<td>never use</td>
<td>recasting / employed / working</td>
<td>verbosity</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>usage</th>
<th>extra information</th>
</tr>
</thead>
<tbody>
<tr>
<td>never use</td>
<td>vogue phrase</td>
</tr>
</tbody>
</table>

**examples of change**

1. a prohibited weapon, commonly known as a laser pointer, that is designed or geared adapted 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

<table>
<thead>
<tr>
<th>usage</th>
<th>extra information</th>
</tr>
</thead>
<tbody>
<tr>
<td>consider alternatives</td>
<td></td>
</tr>
</tbody>
</table>

**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.
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 sex by living, or seeking to live, as a member of that gender sex

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.

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
give consideration to

 USAGE—never use
 try—consider / take into account
 extra information
 1 verbosity
 2 See Drafting Practice Guide, ch 14, ‘consider / take into account / have regard to’.

 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, eg 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 Drafting Practice Guide, 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, eg 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
examples of change
1 a motor vehicle with a gross vehicle mass greater heavier than 4.5t
2 if the wall is greater than 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
### 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>
<tr>
<th>Usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>must / is 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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid Using</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>never use</td>
<td><em>may</em></td>
<td>extra verbosity</td>
<td>example of change</td>
</tr>
</tbody>
</table>

| 1 | an insurer has the option of avoiding *may avoid* the contract |

### have regard to

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid Using</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>never use</td>
<td><em>consider / take into account</em></td>
<td>extra information</td>
<td></td>
</tr>
</tbody>
</table>

| 1 | Although the dictionary definitions indicate that ‘consider’, ‘take into account’ and ‘have regard to’ do mean the same thing, there are shades of differences between them in ordinary usage, with ‘have regard to’ tending to have the least force, and ‘take into account’ tending to have the most. |

| 2 | See Drafting Practice Guide, ch 14, ‘consider / take into account / have regard to’. |

<table>
<thead>
<tr>
<th>example of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

### he

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid Using</th>
<th>Try</th>
<th>Extra Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>avoid using</td>
<td>recasting (avoiding gender-specific personal pronouns)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 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*. |

<table>
<thead>
<tr>
<th>examples of change</th>
</tr>
</thead>
</table>

| 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 |

<table>
<thead>
<tr>
<th>further reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asprey pp 152–61</td>
</tr>
<tr>
<td>Cambridge Guide pp 351–3 (<em>he and/or she</em>)</td>
</tr>
<tr>
<td>Fowler’s English Usage p 358 (<em>he or she</em>)</td>
</tr>
<tr>
<td>Garner’s Dictionary pp 799–803 (sexism)</td>
</tr>
<tr>
<td>Garner’s Legal Style pp 45, 200–3</td>
</tr>
</tbody>
</table>
hearing and deciding

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.

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

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.

see—assist / assistance

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)
### Her

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>Recasting (avoiding gender-specific personal pronouns) / omitting extra information</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>Recasting (avoiding gender-specific personal pronouns)</td>
</tr>
</tbody>
</table>

**Extra information**

1. See also he.

**Further reading**

Garner’s Legal Style pp 31, 200 (him/her)

### His

<table>
<thead>
<tr>
<th>Usage</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>Recasting (avoiding gender-specific personal pronouns)</td>
</tr>
</tbody>
</table>

**Extra information**

1. See also he.

**Further reading**

Garner’s Legal Style p 201

### House

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>Home / dwelling / recasting (using, eg place where the person lives / usually lives / resides)</td>
</tr>
</tbody>
</table>

**Extra information**

1. See L.A., dict, pt 1 for definition of home address.
2. See Drafting Practice Guide, 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 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
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.

eexample of no change
1 a person identified in the police report as being at fault in the motor accident

eexample 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 mentioned 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 name the person who last had custody of the books and state where the identified named person can be found.

further reading
Garner’s Legal Style pp 117-8
identify with

[rong> 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

ie

[rong> 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 Drafting Practice Guide, 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
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.

tables of no change
1 if the entity is an individual
2 a vehicle is an emergency vehicle if the vehicle has

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**—if / whenever / when

#### 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.)
if any

ém 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 Drafting Practice Guide, 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

ém 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

ém 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

撇 usage—avoid using
try—if not / recasting
extra information
1 verbosity

if this is the case

撇 usage—avoid using
try—if so / recasting
extra information
1 verbosity

illusion

撇 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
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 effect 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.

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.

examples 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.

examples 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.

examples of change
1 The obligation imposed on the lessor by the 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

example of no change
1 This section applies to a case to which section 102 applies if—

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.
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.

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
example 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).

**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

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### in a particular respect

忱忱 **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

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### in a position

😊 **usage**—consider alternatives

**try**—recasting (using more direct words)

**extra information**

1 vague phrase

**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**
Garber’s 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

**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**
Garber’s Dictionary pp 882–3 (*timely*)
in attendance

鸫 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

鸫鸫 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

鸫 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
Example 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

negative 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

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).

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

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

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

usage—avoid using
try—because of / recasting (using so or therefore)

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

usage—avoid using
try—step / increase / addition / growth / profit

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

.rollback

usage—never use

try—recasting (using ▶ must)

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 to proceed with the registration of the transfer or lease.

further reading

Garner’s Dictionary p 435

incur

.rollback

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 (incurring a debt)

indebtedness

.rollback

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 form 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

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

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.

examples 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

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

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

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
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

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

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

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.
examples 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

ёт

usage—avoid using
try—incapacity / illness / disability
extra information
1 formal word
examples 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

ёт

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.
example 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)
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

Usage—avoid using

Try—in itself / alone / on its own

Example of no change

1. the person must keep the crocodile in a way that ensures it is kept in isolation until

Example of change

1. A number of acts that form part of a pattern of behaviour may amount to psychological abuse of a child or young person, even though some or all of the acts, when viewed in isolation alone, may appear to be minor or trivial.

Further reading

Gowers’ Plain Words p 239

initial

Usage—consider alternatives

Try—first

Example of no change

1. provided by the person who made the allegation or provided the initial information
example of change
1 A person engaged under this section may be re-engaged with no break in the person’s service if—
(a) the total period of engagement is not longer than 5 years; and
(b) the head of service complied with the following in relation to the person’s initial first engagement:

initiate

 usage—avoid using
 try—begin / start / propose / open / introduce

extra information
1 formal word
2 For the use of start and begin, see commence.

example of no change
1 the advisory committee must initiate, consider, develop, and advise the rule-making committee on, proposals for making rules and approving

example of change
1 a computer program or an electronic or other automated means used to initiate start an action or respond to data messages

further reading
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

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 person with parental responsibility/ recasting

extra information
1 foreign phrase

example of change
1 a person who is a parent, step-parent, guardian or person in loco parentis acting in place of a parent with parental responsibility

further reading
Butterworths Legal Dictionary p 577
Drafting Practice Guide, 14.34
### 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 so 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 to install a speed-limiting device
4. In order for For a person to be convicted of an offence

**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

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### 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 L.A, dict, pt 1, def *in relation to*.
4 See Drafting Practice Guide, ch 14, ‘in respect of / in relation to / with respect to etc’.

**example of change**
1 the authority’s responsibilities in regard to for the preservation of heritage buildings

**further reading**
Fowler’s English Usage p 663 (*regard*)
Gowers’ Plain Words pp 18, 55–6

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### 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 (e.g. *in connection with*) as compound prepositions by using simple prepositions (e.g. *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 Drafting Practice Guide, ch 14, ‘in respect of / in relation to / with respect to etc’.

7 See also *to* 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

**further reading**

Gowers’ Plain Words pp 18, 55–6

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**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 Drafting Practice Guide, 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]

ือนUsage—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**

ือนUsage—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**

ือนUsage—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, def 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 \textit{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 \textit{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 \textit{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.

**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* a *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

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>question / ask</td>
</tr>
</tbody>
</table>

**extra information**

1. formal word

**further reading**

Garner’s Dictionary p 370 (formal words)

### interval

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>omitting / recasting</td>
</tr>
</tbody>
</table>

**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).

**example of change**

1. *6-monthly intervals* every 6 months [or twice a year]

**further reading**

Gowers’ Plain Words p 237

### inter vivos

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>between living people / recasting (using, eg during the life of)</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>without / not having</td>
</tr>
</tbody>
</table>

**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

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>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>for</td>
</tr>
</tbody>
</table>

**Extra Information**
- 1 compound preposition

**Example of change**
1. The tribunal must consider whether releasing the information is in the interest of promoting would promote the effective exercise of the tribunal’s functions.

**Further reading**
Garner’s Legal Style p 183

### in the nature of

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>like / similar</td>
</tr>
</tbody>
</table>

**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

### in the negative

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>recasting (using words to the effect of no or against)</td>
</tr>
</tbody>
</table>

**Extra Information**
- 1 formal phrase
- 2 See also in the affirmative

**Example of change**
1. if the court rules in the negative against the plaintiff

**Further reading**
Garner’s Dictionary p 36 (affirmative, in the; negative, in the)
Gowers’ Plain Words p 247
Partridge p 28 (answer was...)

### in the vicinity of

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>about / near / nearby</td>
</tr>
</tbody>
</table>

**Extra Information**
- 1 compound preposition

**Example of change**
1. a person who is in, or in the vicinity of, or near a prohibited area
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.

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 the 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

involvex

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.
example of change
1 if the applicant maintained direct involvement in managing eligible investments

further reading
Gowers’ Plain Words p 238–9

in which

usage—consider alternatives
try—where / when / how
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 where the exemption was granted
2 the month in which when the corporation files its claim

in writing

Usage—consider alternatives
Try—omitting / written / recasting
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

elements 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

Usage—avoid using
Try—recasting (using ▶ whether or not or ▶ even if)

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.

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
example 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.
example 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.

examples 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.

example of no change
1 The licensee is liable to pay the levy.

examples of change
1 the workload is liable 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**
- an undertaking is required to **must be given**
- the records are required to **must be kept for 7 years**

**is / are not to**

酤

- **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

**examples of change**
- An additional penalty is **not to** **must not** be imposed on the person.
- the rate at which the charges are made are **not to** **must not** exceed the maximum rate
- this agreement is **not to** **does not** have effect while the State is a party to another agreement

**issue**

【as a noun】

酤

- **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**
- if a member has an interest in an issue a **matter** being considered
- if the director-general has an issue with a **concern** about the proposal
- if the issue **dispute** relates to the care and maintenance of children

**further reading**
Gowers’ Plain Words pp 4, 239

**issue**

【as a verb】

酤

- **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 omnipus 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 lastly 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 last mentioned 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.
 5 If you want to refer otherwise than specifically to the first of more than 2 things, try first.
 6 See also former.
**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 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 291 (former and latter)

Fowler’s English Usage pp 443–4

Garner’s Dictionary p 370 (former)

Gowers’ Plain Words p 115

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**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 L.A., dict, pt 1, defs lawyer and legal practitioner.

**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.

example of change
1 if the land were let leased at a nominal rent

further reading
Fowler’s English Usage p 448 (leave, let)
## level

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>omitting / recasting (using more specific words)</td>
</tr>
</tbody>
</table>

**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

## liable to

**see**—is / are liable to

## liability to

**see**—has / have a liability to

## liaise with

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>coordinate / contact / work with</td>
</tr>
</tbody>
</table>

**extra information**

1. Vogue phrase

### example of change

1. The directors-general must liaise with work with each other.

## like

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>as / as if / as though / just as / such as / similar / the same</td>
</tr>
</tbody>
</table>

**extra information**

1. *Like* should not, as a rule, be used as a conjunction (see example of change 1).
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**

😊😊 **usage**—never 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**

😊 **usage**—avoid using  
**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

date

example of change
1 Removal allowance is payable if the transfer is to a place listed mentioned in section 50.

<table>
<thead>
<tr>
<th>livelihood</th>
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<tbody>
<tr>
<td>usage—avoid using</td>
</tr>
<tr>
<td>try—living / occupation / business</td>
</tr>
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<tr>
<th>locality</th>
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<tbody>
<tr>
<td>usage—avoid using</td>
</tr>
<tr>
<td>try—place / area / district</td>
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<tr>
<th>lodge</th>
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<tr>
<td>usage—consider alternatives</td>
</tr>
<tr>
<td>try—file / made to / give / send / recasting</td>
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<table>
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<tr>
<th>logically / logical</th>
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<tbody>
<tr>
<td>usage—avoid using</td>
</tr>
<tr>
<td>try—recasting (using ‘neutral’ words)</td>
</tr>
</tbody>
</table>

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

see—as long as / so long as
### maiden name

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>Former name</td>
</tr>
</tbody>
</table>

**Extra Information**
- Archaic

**Example of change**
- The maiden name any former name or other family name of the child’s mother

### maintain

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>Keep / Continue / Have / State / Recasting</td>
</tr>
</tbody>
</table>

**Examples of no change**
- A regulation may prescribe the standards to be achieved and maintained.

**Examples of change**
- The tribunal must maintain keep a register of decisions.
- To maintain keep consistent section numbering between this Act and the Commonwealth Act.
- The director-general must maintain provide care and support for a young person.

### major

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Try</td>
<td>Main / Principal / Serious / Recasting (using Important / Large / Strong / Great)</td>
</tr>
</tbody>
</table>

**Extra Information**
- Vague, overused word

**Examples of no change**
- Major road (in contrast with minor road)
- A major political party

**Example of change**
- 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

**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*—*refer to / mention*

**extra information**
1 verbosity

**further reading**
Garner’s Legal Style p 125
make sure

usage—never use
try—ensure / verify / clarify

man / men

usage—avoid using
try—person / 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
2 For a list of gender-neutral alternatives for gender-specific job titles, see Cwlth Style Manual (6th ed) pp 58-60 (Occupational titles).
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
example 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

😡 usage—never use
try—workforce / staff / workers / employees / personnel / people / recasting

extra information
1 use a gender-neutral alternative

further reading
Working Words p 183 (discriminatory language)

master
[as a noun]

😡 usage—never use
try—employer / teacher / principal / captain (of ship/harbour) / registrar / person in charge / person in control / associate judge (of Supreme Court)

extra information
1 use a gender-neutral alternative
2 If what is intended is a reference to the master in a master–servant relationship, employer and employee are usually sufficient. Master in this context is dated and can have negative overtones.

examples of change
1 the master of the Supreme Court associate judge
2 a schoolmaster teacher [or principal]
material
[as an adjective]

Usage—consider alternatives

Try—essential / important / necessary / significant / relevant / appropriate

Extra information

1. Vague word that can mean, eg essential, important or relevant
3. Material is also used in a number of other legal concepts (see Butterworths Legal Dictionary). In these concepts it also has a well-established meaning.

Example of no change

1. False or misleading in a material respect

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

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.

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—\(\Rightarrow\) state / \(\Rightarrow\) 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 / firstmentioned / 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 / \(\Rightarrow\) 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
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

<table>
<thead>
<tr>
<th>usage—consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—change / adapt / amend</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 <em>Modify</em> has a specific meaning under the Legislation Act in relation to legislation.</td>
</tr>
<tr>
<td><strong>example of no change</strong></td>
</tr>
<tr>
<td>1 if a proposed modification of a motor vehicle would change its class</td>
</tr>
<tr>
<td><strong>examples of change</strong></td>
</tr>
<tr>
<td>1 A business plan may be modified changed by the corporation.</td>
</tr>
<tr>
<td>2 The provision applies with any necessary modifications changes.</td>
</tr>
</tbody>
</table>

### modus operandi

<table>
<thead>
<tr>
<th>usage—never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—way of operating / way of proceeding / way of working / method</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 foreign phrase</td>
</tr>
<tr>
<td><strong>further reading</strong></td>
</tr>
<tr>
<td>Cambridge Guide p 491</td>
</tr>
<tr>
<td>Working Words p 348 (<em>modus operandi/modus vivendi</em>)</td>
</tr>
</tbody>
</table>

### moneys / monies

<table>
<thead>
<tr>
<th>usage—never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—money / amounts</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 In ordinary usage, <em>money</em> is a mass noun (see <em>fewer</em>) with a collective sense and should not be pluralised.</td>
</tr>
<tr>
<td>2 To express the idea of individual quantities of money, use <em>amounts</em> rather than <em>moneys</em>.</td>
</tr>
<tr>
<td><strong>examples of change</strong></td>
</tr>
<tr>
<td>1 must pay all moneys amounts of the fidelity fund into a separate account</td>
</tr>
<tr>
<td>2 all moneys amounts must be accounted for</td>
</tr>
<tr>
<td><strong>further reading</strong></td>
</tr>
<tr>
<td>Cambridge Guide p 492 (supporting use of moneys as pluralised count noun)</td>
</tr>
<tr>
<td>Garner’s Dictionary p 571 (<em>monies</em>)</td>
</tr>
<tr>
<td>Longman English Usage p 454</td>
</tr>
<tr>
<td>Working Words p 349 (supports either spelling)</td>
</tr>
</tbody>
</table>

### month

<table>
<thead>
<tr>
<th><strong>extra information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 see LA, dict, pt 1, defs <em>month</em> and <em>calendar month</em></td>
</tr>
<tr>
<td>2 <em>Month</em> is defined as calendar month.</td>
</tr>
</tbody>
</table>
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]

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

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

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 Drafting Practice Guide, ch 14, ‘must’.
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.

examples of no change
1 the degree of mutual commitment to a shared life
2 mutual recognition

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

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

ございます

usage—never use

try—omitting / recasting

extra information

1 redundancy

example 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

ございます

usage—never use

try—individual / human being

extra information

1 legalese

2 See L.A. dict, pt 1, defs individual and person

example of change

1 A natural person An individual or corporation may apply for a licence.

further reading

Garner’s Dictionary p 582

nature

ございます

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

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.
example of no change
1  the trier of fact may nevertheless find the defendant guilty of the offence
example 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.

**examples 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.

**example 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)

**example of no change**

1. night shift

**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

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

not exceeding

- **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*.

**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 This Act does not affect the operation of any other territory law.

notice in writing

😊😊 usage—never use
  try—written notice / notice / recasting

notification

😊 usage—avoid using
  try—notice

extra information
  1 formal phrase
  2 See also LA, dict, pt 1, def notification.

examples of change
  1 On giving notification notice, …
  2 If the person receives notification in writing written notice before...

notify

😊 usage—consider alternatives
  try—inform / instruct / mention / point out / say / specify / state / tell

extra information
  1 formal word

example of no change
  1 The scheme commences 2 months after it is notified.
**example of change**

1. The board must notify each applicant of what the decision is.

**further reading**

Gowers’ Plain Words p 248

<table>
<thead>
<tr>
<th>not in-</th>
<th>see—not un-/in-</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>not later than / no later than</th>
</tr>
</thead>
</table>

- **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 Drafting Practice Guide, ch 14, ‘no later than / not later than’ and ‘within / not later than’).
2. See on or before for further information.
3. See L.A., s 151 (Working out periods of time generally).

**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

<table>
<thead>
<tr>
<th>not less than</th>
</tr>
</thead>
</table>

- **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,

<table>
<thead>
<tr>
<th>not more than</th>
</tr>
</thead>
</table>

- **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.

example 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 Drafting Practice Guide 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 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]

- **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

- **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

**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

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>omitting / recasting (using ‘neutral’ words)</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td><em>Obviously</em> can be a sentence adverb (i.e., an adverb that qualifies a sentence as a whole).</td>
</tr>
<tr>
<td>2</td>
<td><em>Obviously</em> and <em>obvious</em> are dogmatic words.</td>
</tr>
<tr>
<td><strong>example of no change</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>A person in an identification parade must not be dressed in a way that would obviously distinguish the person from the other participants.</td>
</tr>
<tr>
<td><strong>example of change</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>The road transport authority may correct any obvious mistake, error or omission in the register.</td>
</tr>
</tbody>
</table>

**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]**

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td><em>cause / leads to / results in</em></td>
</tr>
<tr>
<td><strong>extra information</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>formal word</td>
</tr>
<tr>
<td><strong>example of change</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>if the act occasions causes death</td>
</tr>
</tbody>
</table>

**further reading**
- Garner’s Dictionary p 370 (formal words)

### occur

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td><em>happen / omitting</em></td>
</tr>
<tr>
<td><strong>extra information</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Prefer <em>happen</em> if appropriate.</td>
</tr>
<tr>
<td>2</td>
<td>See also <em>whichever first occurs / occurs first.</em></td>
</tr>
<tr>
<td><strong>examples of change</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>a change occurs happens</td>
</tr>
<tr>
<td>2</td>
<td>after the occurrence of any of the following events happens</td>
</tr>
</tbody>
</table>
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

usage—avoid using
try—because of / for / on behalf of
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

| **usage**—avoid using |
| **try**—recasting (eg after / inclusive / 6 months beginning on) |

**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

| **usage**—avoid using |
| **try**—recasting (eg after 6 months) |

**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**—for / 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 / 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 Drafting Practice Guide, ch 14, ‘one or 1’.

examples of no change
1 one another
2 anyone
3 no one

examples of change
1 within one 1 year after
2 more than one 1
3 imprisonment for one 1 year
4 it is constituted by only one 1 person
5 if 2 people die at the one same time

further reading
Gowers’ Plain English p 116 (unnecessary use of one)

on each occasion when

😊 usage—avoid using
try—►whenever / ►when / recasting

extra information
1 compound preposition
2 verbosity

on grounds that

see—on the ground / grounds of / that
only

usage—consider alternatives

try—recasting

extra information

1 Adverbs like 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 only should be placed in a sentence. However, it is usually best to place it directly before the words it qualifies.

2 Misplacement of only can lead to ambiguity or unintended outcomes.

3 See also if, and only if / 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

usage—avoid using

try—on / about / near / recasting

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

usage—consider alternatives

try—» not later than / recasting (using before / not less than / at least / x months ending on or at the end of / » inclusive)

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

- usage—avoid using
  try—by / from / because of / using / recasting

- 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**—verb / 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]

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

Other

See—any other

Otherwise

See—except as otherwise provided; or otherwise; otherwise than

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.

Examples 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

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

default

😊 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 250m$^3$.
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

😊 usage—consider alternatives
try—supervise / monitor / direct / manage
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

⚠️ usage—avoid using
try—boundary / framework / limit / variable / recasting

extra information
1 vague word
2 Parameter is sometimes confused with perimeter or boundary.

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

⚠️ usage—consider alternatives
try—biased / prejudiced / unfair / recasting

extra information
1 Partial can mean exhibiting favouritism or bias.
2 See also partially.

example of no change
1 partial discharge of a debt

partially

⚠️ usage—consider alternatives
try—partly / recasting (using eg biased / prejudiced / unfair / incomplete)

extra information
1 Partially and partly are synonyms in most contexts.
2 It has been suggested that partly implies that only some parts of the whole are concerned, and partially implies that it is a question of degree over the whole. On this basis, a partly finished draft is a draft only parts of which have been finished, and a partially 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, partially is stylistically more formal, and grammatically less flexible than partly. Therefore, prefer partly if appropriate.
4 See also partial.
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 partially 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 Partial 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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<tr>
<td>Usage—never use</td>
<td></td>
<td>%</td>
</tr>
</tbody>
</table>

#### 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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<tr>
<td>Usage—consider alternatives</td>
<td></td>
<td>some / few / many / most / recasting (by, e.g. including a figure or adding an adjective such as high, low, large or small)</td>
</tr>
</tbody>
</table>

#### 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, e.g. ‘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

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
<th>Try</th>
</tr>
</thead>
<tbody>
<tr>
<td>Usage—consider alternatives</td>
<td></td>
<td>a [day/month/year] / for each [day/month/year]</td>
</tr>
</tbody>
</table>

#### Extra Information

| 1 | legalese |

#### Further Reading

- Fowler’s English Usage pp 583-4 (per)
perform

使用——考虑替代词

尝试—carry out / exercise / make / conduct / do / recasting （使用更具体

额外信息

1. 优先使用最具体的可用词。然而，如果适当，优先使用 carry out to perform。

2. Exercise a function includes perform a function (see LA, dict, pt 1, def exercise)。

无改变示例

1. The report must include performance indicators.

改变示例

1. in performing exercising the function

进一步阅读

Gowers’ Plain Words p 253

period

[of time]

使用——考虑替代词

尝试—omitting / term / time / day / date / recasting

额外信息

1. Use of period leads to verbosity. Period of is unnecessary when the period itself

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.

无改变示例

1. if the offence took place over a period

2. the period of registration

3. allowing the claimant a reasonable period

改变示例

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 …

进一步阅读

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

😡 usage—never use
try—people / peoples / anyone / someone / omitting
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

😊 usage—consider alternatives

try—staff / people / employees / workers

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 phase 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 Drafting Practice Guide, 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

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>prevent / exclude / recasting</td>
</tr>
</tbody>
</table>

**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

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

**extra information**

1. formal word
2. euphemism

**further reading**

Gowers’ Plain Words p 18

### preliminary to

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>before</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>introductory / recasting (using prepare for / make ready)</td>
</tr>
</tbody>
</table>

**extra information**

1. formal word

**example of no change**

1. conduct is more than merely preparatory
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 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)
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 / 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
previous to

usage—avoid using
try—before
extra 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)
extra 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
extra 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
example of change
1 The principal main objects of this Act are

principle

see—principal

prior

usage—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

usage—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

<table>
<thead>
<tr>
<th>usage—consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—act / go / go ahead / continue / recasting</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>usage—consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—obtain / get / cause / bring about</td>
</tr>
</tbody>
</table>

**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

### promptly

<table>
<thead>
<tr>
<th>usage—consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong>—as soon as practicable / recasting (mentioning a period, eg within 14 days after ...) / quickly</td>
</tr>
</tbody>
</table>

**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*.

**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.
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

- usage—avoid using
  try—▶ proportionately / in proportion

extra information
  1 foreign phrase

further reading
  Butterworths Legal Dictionary p 927
  Garner’s Dictionary p 705

proscribe

- usage—avoid using
  try—prohibit / forbid / condemn / recasting (using is not ▶ permitted / ▶ must not)

extra information
  1 formal word
  2 Proscribe and prescribe are often confused. See prescribe for more information.

further reading
  Cambridge Guide pp 607–9 (prescribe or proscribe)
  Garner’s Legal Style p 133 (prescribe; proscribe)

provide [also provision]

- usage—consider alternatives
  try—give / supply / arrange for / make / is

extra information
  1 See also 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

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.

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 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.
3 Purposively 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.

effect 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

**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 Drafting Practice Guide ch 9.
2 See also make reference to; with reference / regard / respect to.

drafting

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 Refurnish means renovating by buying furnishings.
4 Refurbish means renovating by fixing up or otherwise making do with what you already have.
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 Drafting Practice Guide, 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

regard

see—as concerns / as regards / as respects; in regard to; regarded as; regarded as being; regarding; with reference / regard / respect to.

further reading
Cambridge Guide p 648
Fowler’s English Usage pp 662–3
Garner’s Legal Style p 136
Gowers’ Plain Words p 259
### regarded as

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td><em>taken to be</em></td>
</tr>
<tr>
<td><strong>example of no change</strong></td>
<td></td>
</tr>
<tr>
<td>1 A forensic procedure in accordance with this Act is not in itself regarded as degrading to the relevant person.</td>
<td></td>
</tr>
</tbody>
</table>

| **example of change** |                      |
| 1 The nominal defendant is *to be regarded as* *taken to be* a licensed insurer. | |

### regarded as being

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td><em>regarded as</em></td>
</tr>
<tr>
<td><strong>extra information</strong></td>
<td></td>
</tr>
<tr>
<td>1 verbosity</td>
<td></td>
</tr>
</tbody>
</table>

| **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]*

<table>
<thead>
<tr>
<th>usage</th>
<th>avoid using</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td><em>about / in relation to / for / recasting</em></td>
</tr>
</tbody>
</table>

| **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

<table>
<thead>
<tr>
<th>usage</th>
<th>never use</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td><em>regardless of whether</em></td>
</tr>
</tbody>
</table>

| **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 unrefunded 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 Drafting Practice Guide, 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.
example of no change
1 the date and, if relevant, time of the sale
example 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 remit 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, remit transfer funds held in the account as directed by the player.

3 The commissioner must remit 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) remit 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.

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**remittance**

*usage*—avoid using

**try**—payment / amount / money

**extra information**

1 formal word

**further reading**

Gowers’ Plain Words p 259

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**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)

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**remuneration**

*usage*—consider alternatives

**try**—pay / wages / salary / salary and allowances / income

**extra information**

1 formal word

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**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

usage—avoid using
try—repetitive
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

usage—consider alternatives
try—show / be / act for / is
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]

usage—never use

try—means

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.

example 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 L.A, dict, pt 1, def repeal.

further reading
Butterworths Legal Dictionary p 1016
Garner’s Dictionary p 761 (rescission; rescission; rescission; rescission)

residence

[also residential]

😊 usage—consider alternatives

try►home / address / home address / place where the person lives / usually lives / resides

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 L.A, dict, pt 1, def home address.
5 See Drafting Practice Guide, 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.
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*)

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**reside**

- **usage**—avoid using
  - **try**—*live* / recasting

- **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

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**respect**

*see*—in a particular respect; in respect of / to; respecting; with reference / regard / respect to

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**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

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**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.

**example of no change**

1 If there were 2 or more mortgagees the court may make the orders about their respective entitlements

**example 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

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### 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 reintegration

**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

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### 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
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 licence. 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]

حرف

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 Drafting Practice Guide, 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
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—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 Drafting Practice Guide, ch 14, ‘must’.

example of change
1 a prosecution shall be to 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.

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)
should

![usage—consider alternatives](image)

**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](image)

**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](image)

**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.

**example 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
examples 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
example 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.

eamples of change
1 to be read subject to the modifications with the changes necessary to
2 subject to under the conditions of the licence
3 The licence is renewed subject to on the following conditions:
4 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.
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.

**example of no change**
1 set aside the decision and substitute a new decision

**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

**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 allows
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 allow the premises to be used for
2. The organisation must agree to make good any loss suffered by of a care recipient.

**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.

doi:10.1001/2023.02.01.001

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

doi:10.1001/2023.02.01.002

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

doi:10.1001/2023.02.01.003

example of no change
1 pay an agreed amount as a lump sum

doi:10.1001/2023.02.01.004

eample of change
1 the total of the amounts

supersedee

😊 usage—avoid using
   try—replace / set aside

doi:10.1001/2023.02.01.005

extra information
1 formal word

doi:10.1001/2023.02.01.006

example of change
1 until it is superseded replaced

further reading
Garner’s Dictionary p 855
### supplementary

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>\textit{additional} / \textit{extra} / \textit{more}</td>
</tr>
<tr>
<td>extra information</td>
<td>1 formal word</td>
</tr>
</tbody>
</table>

#### example of change

1 supplementary additional benefit

**further reading**

Gowers’ Plain Words p 263

### support

\textit{see} — in support of

### sure

\textit{see} — make sure

### sustain

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>\textit{suffer} / \textit{support} / \textit{confirm} / \textit{uphold} / \textit{receive} / \textit{get} / \textit{have} / recasting</td>
</tr>
<tr>
<td>extra information</td>
<td>1 formal word</td>
</tr>
<tr>
<td></td>
<td>2 \textit{Sustain} implies endurance without giving way or yielding, not only the fact of something adverse.</td>
</tr>
</tbody>
</table>

#### 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

see—is to be taken

take steps to

😊

usage—consider alternatives
try—omitting / recasting (using more direct words)
extra information
1 verbosity

eexample of no change
1 A return-to-work coordinator must take steps to prevent aggravation of an injured worker’s injury.

eexample of change
1 a solicitor must take steps to tell the opponent as soon as possible

further reading
Gowers’ Plain Words p 63

target

😊

usage—consider alternatives
try—goal / ambition / purpose / aim / object
extra information
1 vogue word

eexample of no change
1 the Minister must determine targets for the per person use of electricity

further reading
Fowler’s English Usage p 763
Gowers’ Plain Words pp 40, 75, 88, 263–4
Partridge p 369 (vogue words)

tenancy

😊

usage—consider alternatives
try—lease / term
extra information
1 formal word with a number of legal meanings in land law.

eexamples 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.

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**

😊 **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 Drafting Practice Guide, ch 14, ‘ACT or Territory’.

**examples of change**

1 the Parliamentary Counsel of the Territory

2 the Territory of Christmas Island

**than**

😊 **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.

**Examples of change**

1 In detail that is sufficient in sufficient detail

2 At the times and places that the chairperson determines decided by the chairperson

3 The date and time that when the magistrate signed

4 Is satisfied that it is necessary

5 A State that corresponds corresponding

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 beginning or ending 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)
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

#### 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

#### 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

#### 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

### the option of

*see*—*has / have the option of*
the reason

\textit{see—\textit{for the reason that}}

the term

\textbf{[in definitional sense]}


\begin{itemize}
  \item \textbf{usage}—never use
  \item \textbf{try}—omitting
  \item \textbf{extra information}
  \begin{itemize}
    \item 1 redundancy
    \item 2 formal phrase
  \end{itemize}
\end{itemize}

the term includes / also includes


\begin{itemize}
  \item \textbf{usage}—never use
  \item \textbf{try}—\textit{and includes}
  \item \textbf{extra information}
  \begin{itemize}
    \item 1 redundancy
    \item 2 formal phrase
  \end{itemize}
\end{itemize}

the terms of


\begin{itemize}
  \item \textbf{usage}—consider alternatives
  \item \textbf{try}—omitting
  \item \textbf{extra information}
  \begin{itemize}
    \item 1 This phrase is the agreement equivalent to \textit{provisions of}.
    \item 2 The phrase \textit{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.
  \end{itemize}
\end{itemize}

\textbf{example of no change}

1 The court must not make an order that would be inconsistent with the terms of the agreement.

\textbf{example of change}

1 The person is required by the terms of the person’s appointment to live on the land.

the time when

\textit{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*.

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

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

😊😊

*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

😊

*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.

2 Never use when referring to periods of time.

3 See L.A, 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

😊

*usage*—consider alternatives

*try*—to / about / for / of / in relation to

*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

😊 usage—consider alternatives
try—omitting
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

😊 usage—consider alternatives
try—also / very / either
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
Gower’s Plain Words p 228

toward / towards
[as a preposition]

😊 usage—consider alternatives
try—if / when / so far as
extra information
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

usage—avoid using
try—omitting / recasting (eg using a tagged term)
extra information
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.

transmit

usage—consider alternatives
try—send / give
extra information
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.

eexample 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)

ştir 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
### Ultimate

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>final / decisive / best / most advanced / successful / last / eventual</td>
</tr>
</tbody>
</table>

**extra information**

1. vogue word

**further reading**

- Garner’s Dictionary p 895 (*ultimate destination*)
- Partridge p 72 (comparatives, false)
- Working Words p 535

### Ultra vires

<table>
<thead>
<tr>
<th>usage</th>
<th>consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>beyond power / unauthorised / invalid</td>
</tr>
</tbody>
</table>

**extra information**

1. foreign phrase

**further reading**

- Cambridge Guide p 776
- Garner’s Dictionary p 895

### Un

**see**—not un–/in–

### Unable to

**see**—is / are unable to

### Under

**see**—below; by and / or under

### Underneath

**see**—below
**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.

**examples of no change**
1. the board may accept an undertaking
2. the commission may undertake, or coordinate the undertaking of, education and training programs

**examples 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.

**example of no change**
1. participating in research will not unduly interfere with the principal’s privacy

**example 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.

d 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.

**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**

ți usage—avoid using
ți 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
<table>
<thead>
<tr>
<th><strong>vary</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>usage—consider alternatives</td>
</tr>
<tr>
<td>try—change / amend / differ</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 Avoid elegant variation.</td>
</tr>
<tr>
<td>2 For the use of amend, see alter.</td>
</tr>
<tr>
<td><strong>examples of change</strong></td>
</tr>
<tr>
<td>1 the agreement as varied from time to time the amended agreement [or the agreement as amended]</td>
</tr>
<tr>
<td>2 The premiums may vary differ according to the class of the vehicle.</td>
</tr>
<tr>
<td>3 The Minister may vary amend the order.</td>
</tr>
<tr>
<td>4 The authority may vary amend an exemption.</td>
</tr>
<tr>
<td><strong>further reading</strong></td>
</tr>
<tr>
<td>Garner’s Dictionary pp 907–8 (variance; at variance; variation; variant)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>vendor</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>usage—consider alternatives</td>
</tr>
<tr>
<td>try—seller</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 formal word</td>
</tr>
<tr>
<td><strong>further reading</strong></td>
</tr>
<tr>
<td>Garner’s Dictionary p 909</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>verbal</strong> [also verbally]</th>
</tr>
</thead>
<tbody>
<tr>
<td>usage—consider alternatives</td>
</tr>
<tr>
<td>try—oral</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 For the use of oral and verbal, see oral.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>verify</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>usage—consider alternatives</td>
</tr>
<tr>
<td>try—recasting / confirm / check / swear (or affirm) / prove / find out / state (to be true)</td>
</tr>
<tr>
<td><strong>extra information</strong></td>
</tr>
<tr>
<td>1 formal word</td>
</tr>
</tbody>
</table>
example of no change
1 an insurer must verify an account

further reading
Garner’s Dictionary p 913

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

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 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)
### vitiate

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>invalidate / weaken / impair / lessen / reduce / contaminate / corrupt / cure / correct</td>
</tr>
</tbody>
</table>

**Extra information**

1. Formal word

**Further reading**

Garner’s Dictionary pp 813 (slipshod extension), 918

### void

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>voidable</td>
</tr>
</tbody>
</table>

**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]**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>try</td>
<td>by choice / unpaid / intentional / willing</td>
</tr>
</tbody>
</table>

**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 form 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.

eexample 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.

eexamples of no change
1 The officer must leave the notice where the seizure or damage happened.
2 the place where the car was found

eexample 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

eexample 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**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>considering / because / while / although / since / on the contrary / but (by contrast) / by which / because of which / recasting</td>
</tr>
</tbody>
</table>

**Extra Information**

1. Archaisms
2. Avoid the use of *whereas* in preambles, e.g., 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–)
- 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**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>Omitting</td>
</tr>
</tbody>
</table>

**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**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Never use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>Omitting / recasting (using eg unless the contrary intention appears)</td>
</tr>
</tbody>
</table>

**Extra Information**

1. Legalese

**whether / whether or not**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Consider alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>try</strong></td>
<td>if</td>
</tr>
</tbody>
</table>

**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*.

**examples 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.

**example 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*)

**which**

😄 **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*).
Commenting clauses should be used infrequently in legislative drafting.

Although *that* as a relative pronoun may not be preceded by a preposition, it is permissible for *which* to be preceded by a preposition.

Do not use *which* to refer to people, other than people in a body (see *that*).

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.

For the use of *whose* instead of *of which* for inanimate objects, see *whose*.

If *which* is needed as the subject of a subclause, try restructuring as a new provision.

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

**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 Whichever 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.
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 while 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.
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

⚠️⚠️ **usage**—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

usage—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 Drafting Practice Guide, 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

usage—never use
try—other than / except / excluding

extra information
1. verbosity

further reading
Gowers’ Plain Words p 55

with the object of

usage—avoid using
try—to

extra information
1. verbosity

eexample of change
1. with the object of preventing to prevent accidents in the workplace

further reading
Garner’s Dictionary p 938
with the result that

- usage—avoid using
  try—so that / resulting in

extra information
  1 verbosity

example of no change
  1 an entity that has ceased to carry on business, with the result that creditors were not fully paid

further reading
Gowers’ Plain Words p 260

workmanlike

- usage—never use
  try—skilful / well made / professional / recasting

extra information
  1 gender-specific word
  2 See also man / men.

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 L.A., 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 L.A., dict, pt 1, defs calendar month, calendar year, financial year and month.

*Example of change*
1 24 months 2 years