dull and void. Although he stressed that this was not a vice of lawyers alone, the particular example he used was this:

> I discharged John Doe, his heirs, executors and administrators, of any form and or manner of action or action, cause and causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills, specialities, covenants, controversies, agreement, promises, trespasses, damages, judgments, executions, claims, and demand whatsoever in law or equity, which against him I have had, now have, or which my heirs, executors or administrators, hereafter can, shall, or may have, for or by reason of any matter, cause, or think whatsoever, from the beginning of the world to the day or date to these presents ...

In a word, Mr Palmer said, Acts and legal documents drafted like this are dull. Referring to the newly established New Zealand Law Reform Commission, Mr Palmer pointed out that one of its important functions will be to reform the very language that lawyers use, and bring it up to date. The next step will doubtless be the Palmerisation of the New Zealand statute book.

bioethics

> But why do you want to keep the embryo below par?' asked an ingenious student. 'Ass!' said the Director, breaking a long silence. 'Hasn't it occurred to you that Epsilon embryo must have an Epsilon environment as well as an Epsilon hereditary ... In Epsilons ... we don't need human intelligence.
>
> Brave New World, Aldous Huxley

laboratory humans. A private members Bill was introduced into the Senate at the beginning of May to ban experimentation on human embryos created by in vitro fertilisation procedures. Introducing the Bill, Senator Brian Harradine (Ind, Tas) said that the Bill was designed to prevent the creation of a race of laboratory humans, second class and disposable, that would be used only for the purpose of research. The Bill has been carefully drawn to prevent the carrying out of experiments on human embryos created by IVF, but to allow IVF procedures designed to provide a child for an infertile couple to proceed unhindered. Specifically, it does not prevent anything done in an IVF program that is for the benefit of the embryo. The Bill not only makes it a criminal offence to experiment on an IVF created embryo but ensures that Commonwealth funding of medical research, universities and the like will not be used for these kinds of experiments.

adverse reaction. Perhaps surprisingly, IVF teams have come out strongly against the Bill in view of the frequent calls that have been made for community input into and direction of IVF programs (see [1985] *Reform* 62). Commenting on the Bill, Dr Ian Johnson of the Royal Women's Hospital Melbourne, and Professor Warren Jones, Professor of Obstetrics and Gynaecology at Flinders Medical Centre, on behalf of the Royal Australian College of Obstetricians and Gynaecologists, said on 9 May:

> ... what we at the College object to in Senator Harradine's Bill is that it effectively halts IVF in Australia and also imposes heavy fines and gaol sentences on doctors who proceed. This approach is complete retrogressive and should be regarded as unacceptable by all Australians.

The next day, however, Dr Johnson, appearing on the Derryn Hinch show on Melbourne's 3AW radio station, agreed that under the Bill IVF procedures would not be halted but would have a lower success rate than they presently enjoy. This is because the Bill would impose restrictions on creating so-called surplus embryos.

informed debate. The need for an informed debate of the issues was emphasised by other remarks made by Mr Hinch in the radio program referred to above. Noting that Senator Harradine is the father of 13 children (all by the previous marriages of himself and his wife), Mr Hinch said:

> ... how dare a man, any man with 13 children, try and deprive a couple who have none of having that child and that's what you are trying to do.

senate committee. The Senate Standing Committee for the Scrutiny of Bills also

criticised the Harradine measure. In its fifth report (10 May 1985) the Committee said that it 'recognises the application of the Bill to corporations alone is the result of limitations on the Commonwealth Constitutional power but it observes that it may give the Bill very uneven application ... The application of the Bill to corporations and not to other persons or bodies may be considered discriminatory in the absence of complimentary State legislation applying to natural persons.' No doubt similar criticisms will be made every time the Commonwealth exercises the corporations power.

The Committee also criticised some definitions in the Bill, including the key definition of 'prohibited experimenting'. This definition covers 'any experimenting that is undertaken on, or that involves the use of [an IVF created embryo] before the embryo has been implanted in the womb of a woman' and specifically includes 'any manipulation' and 'any procedure undertaken on' such an embryo. However, the Bill also provides that experimenting is not prohibited if 'it is undertaken primarily for a purpose consistent with the development of the ... embryo's full human potential'. According to the Committee, this is capable of giving rise to a number of uncertainties. But according to Senator Harradine:

> Clearly, anything that is conducive to the embryo's normal development is covered. The question simply is, 'is what I am doing a step toward normal development of the embryo?

UK surrogates. Hard on the heels of Cotton case, and in complete disregard of the warnings of the President of the NSW Court of Appeal, Justice Michael Kirby, that these matters should be referred to law reform commissions before legislation is contemplated (see [1985] *Reform* 63-4), the British Social Service Secretary MrNorman Fowler has introduced a Bill into the United Kingdom Parliament banning commercial agencies from recruiting women to have babies for others in return for cash. Referring to the Kim Cotton case, Mr Fowler said,

> I think we should act quickly and certainly on this abuse and that we should act now.

The Bill (Surrogacy Arrangements Bill 1985) prohibits anyone negotiating to make a surrogacy arrangement or compiling information or directories to use in making surrogacy arrangements, on a commercial basis. Private surrogacies are not prohibited. Reuters reported Mr Fowler as saying that the Bill would be put through as soon as possible and would probably be adopted within a few months. There was total agreement, he said, amongst Members of Parliament that surrogate motherhood for commercial gain was wrong.

civil delays

> To no man will we sell, or deny, or delay, right or justice.
>
> Magna Carta 1215 cl 40

> I expect a judgement. Shortly.
>
> Miss Flite in Charles Dickens' *Bleak House*

disquiet. In *Bleak House* Charles Dickens described a fictional dispute over inheritance which went on for years until it was discovered that legal costs had consumed the entire estate. While no recent factual examples of such disputes have come to light, almost any legal practitioner can recount a tale of embarrasingly protracted litigation, the solicitor's file for which is sheepishly stowed at the bottom of a drawer (*Financial Review*, 5 May 1985).

There can be no denying that the problem of delay in civil proceedings is of great concern. The matter is the subject of a number of studies. Some of these have looked at the problem in relation to all legal proceedings while others have studied only cases proceeding into court lists, that is, those where a hearing is initially requested. As to listed cases, the problem of delay has prompted one correspondent to comment: