



STANDING COMMITTEE ON PUBLIC ACCOUNTS

ELIZABETH KICKERT MLA (CHAIR), MICHAEL PETTERSSON MLA (DEPUTY CHAIR), ANDREW BRADDOCK  
MLA

**Inquiry into Auditor-General Report No.1 of 2021**  
**ANSWER TO QUESTION TAKEN ON NOTICE**  
**17 June 2021**

Asked by Mr Braddock:

In relation to: Approved forms - Parliamentary council advice

**Mr Rutledge:** So the question is, do you need an approved form, or can you use another form or form, our advice is that you can use—you do not need to make it an approved form for it to be used.

**MR BRADDOCK:** I would be interested—sorry, you have said you received parliamentary council advice on that?

**Mr Rutledge:** Yes, yes.

**MR BRADDOCK:** I would be interested in obtaining a copy of that advice, if possible.

**Mr Rutledge:** Yes, yes, no happy to, happy to share with you. Because as I say, this is not a—this is not unique to this, there is a view that is held that approved forms might be not better practice in a modern statute book.

**MR BRADDOCK:** As a legislator, I will be very interested in understanding that.

MINISTER GENTLEMAN: The answer to the Member's question is as follows:—

In general, the use of approved forms is a policy question for the Attorney-General.

The effect of approving a form is that:

1. The approved form must be notified on the Legislation Register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)); and
2. If a form is approved for a particular purpose, the approved form must be used for that purpose (see, for example, section 425(2) of the *Planning and Development Act 2007*).

If a form is not 'approved', an alternative type of form can be made that does not need to be notified on the Legislation Register. This could include a smartform or a form published on a directorate's website rather than the Legislation Register.



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**QTON No. 01**

**STANDING COMMITTEE ON PUBLIC ACCOUNTS**

ELIZABETH KICKERT MLA (CHAIR), MICHAEL PETTERSSON MLA (DEPUTY CHAIR), ANDREW BRADDOCK  
MLA

Following Parliamentary Counsel's Office review of the use of approved forms in various pieces of legislation, the *Statute Law Amendment Act 2021* was passed by the Assembly on 2 June 2021 and commenced on 23 June 2021. That Act removed provisions relating to approved forms in legislation where it was identified that the approved form provisions were redundant or outdated. The explanatory statement for that legislation provides the following discussion on the use of approved forms:

The standard provision [for approved forms] authorises the Minister or another official to approve forms for an Act and provides that an approved form is a notifiable instrument. While originally the publication of approved forms on the Legislation Register increased their accessibility, this is no longer necessarily the best location for them. Many government agencies now have their own websites and make their forms available directly there. Additionally, forms that are of an interactive 'smart' nature and feed information directly into agency databases cannot be hosted on the Legislation Register.

Approved for circulation to the Standing Committee on Public Accounts

Signature: 

Date: 25/6/2021

By the Minister for Planning and Land Management, Mick Gentleman