



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**QTON No. 02**

**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 Mrs Kikkert:

In relation to: Approved forms – step by step process

**THE CHAIR:** Yes, but where is the form? If it is approved, you just said that it is not approved. You are saying, Minister, that it is an approved form, but he is saying it is not an approved form. He is modernising it. I am confused.

**Mr Rutledge:** I do not think you are alone, Mrs Kikkert, in that part. It goes to the same question Mr Braddock raised, which was whether or not you needed an approved form notified on the legislation register to exist—

**THE CHAIR:** According to the legislation, it does. You need a form approved by the Planning and Land Authority under section 425; so you do need an approved form. Minister, you are saying it is approved, but Mr Rutledge is saying it is not approved—

**Mr Rutledge:** Mrs Kikkert, I have already endeavoured to provide some further advice on that. The best thing would be to take it on notice and try to make it clear for the committee.

**Mr Gentleman:** We will take that on notice, and we will set out in the answer how these forms actually update—

**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.

Section 425(1) of the *Planning and Development Act 2007* (the Act) creates a discretion for the planning and land authority to approve forms for the Act; it does not require the planning and land authority to approve forms.



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If the planning and land authority does decide to approve a form for the *Planning and Development Act 2007*, the effect of approving the 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 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.

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: 30/6/2021

By the Minister for Planning and Land Management, Mick Gentleman