



LEGISLATIVE ASSEMBLY OF QUEENSLAND

Scrutiny of Legislation Committee

REVIEW OF PART 8 OF THE *STATUTORY INSTRUMENTS ACT:* FORMS AUTHORISED BY LEGISLATION

REPORT No. 46

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Scrutiny of Legislation Committee

53rd Parliament

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Recommendations

1. Forms for public use authorised by legislation should be regarded as administrative instruments rather than legislative instruments.
2. A new *Forms for Public Use Act* should contain provisions in similar terms to the current:
 - part 8 of the *Statutory Instruments Act*; and
 - section 49 of the *Acts Interpretation Act*, but with clarification as to the degree of 'compliance' required.
3. Within the following instruments, clear information should be provided about ministerial and departmental responsibilities and contact details:
 - Acts, subordinate legislation and other statutory instruments; and
 - administrative instruments, including forms.
4. The Queensland Government portal should provide centralised access to all forms.
5. Unless included on the site, a form or a version of a form should not be regarded as current.
6. The *Financial Accountability Act 2009* should require government entities producing annual reports to include in each report a list of:
 - forms for public issued during the reporting period; and
 - all current forms for public use.

1 The committee's review

The committee

- 1.1. The Scrutiny of Legislation Committee is a statutory committee of the Queensland Parliament, established under the *Parliament of Queensland Act 2001* (the Act). The main object of the provisions of the *Parliament of Queensland Act* regarding parliamentary committees is to enhance the accountability of public administration in Queensland.
- 1.2. The Act gave the committee responsibility to consider (by examining all bills and subordinate legislation):
 - the application of fundamental legislative principles to bills and subordinate legislation; and
 - the lawfulness of particular subordinate legislation.
- 1.3. The Act additionally gave the committee responsibility to monitor generally the operation of:
 - provisions of the *Legislative Standards Act 1992*—
 - section 4 (meaning of ‘fundamental legislative principles’);
 - part 4 (explanatory notes); and
 - provisions of the *Statutory Instruments Act 1992*—
 - section 9 (meaning of ‘subordinate legislation’);
 - part 5 (guidelines for regulatory impact statements);
 - part 6 (procedures after making of subordinate legislation);
 - part 7 (staged automatic expiry of subordinate legislation);
 - part 8 (forms); and
 - part 10 (transitional).
- 1.4. The explanatory notes to the legislative amendments which conferred the committee with responsibility to monitor the operation of these provisions state:¹

The committee will also oversee the operation of provisions of the Legislative Standards Act 1992 and the Statutory Instruments Act 1992 to determine whether these provisions are contributing as intended to the maintenance of a proper standard of legislation.

Background

- 1.5. The committee of the 53rd Parliament has conducted a review of part 8 of the *Statutory Instruments Act*. Consistent with its responsibility under the *Parliament of Queensland Act* to oversee the operation of provisions in the *Statutory Instruments Act*, the committee has examined the practical operation and continuing effectiveness of part 8 which contains requirements regarding the content, notification and availability of forms made under authority conferred by legislation.

Review process

- 1.6. Part 8 of the *Statutory Instruments Act* was enacted in 1994 (as former section 47). The review by the committees of the 52nd and 53rd Parliaments has been the first review of part 8 since its enactment.
- 1.7. In October 2010, the committee tabled and published an issues paper, *Review of Part 8 of the Statutory Instruments Act: Forms Authorised by Legislation – Call for submissions*.² The issues paper invited public discussion and submissions regarding the practical operation and continuing effectiveness of part 8 of the *Statutory Instruments Act*, including the requirements regarding content, notice and accessibility. Submissions were invited by 10 December 2010.

¹ Parliamentary Committees Bill 1995, explanatory notes, 5 at: www.legislation.qld.gov.au.

² <http://www.parliament.qld.gov.au/view/committees/SLC.asp?SubArea=inquiries>

- 1.8. Four submissions were received and are listed at **appendix A**. They were authorised for tabling and publication and are available from the committee's website.³
- 1.9. On 21 March 2011, the committee convened a public forum to hear about and discuss matters relevant to the review. A transcript of the proceedings is available at **appendix B**.

This report

- 1.10. This report of the committee on its review of part 8 of the *Statutory Instruments Act* contains the committee's determinations regarding the operation of part 8. It contains committee recommendations for amendment of the *Statutory Instruments Act*, the *Acts Interpretation Act 1954* and other legislative amendments.
- 1.11. Following chapters relate to the:
- general operation of part 8;
 - content, notice and accessibility; and
 - parliamentary committee oversight of relevant matters.

Ministerial response required

- 1.12. Section 107 of the *Parliament of Queensland Act 2001* requires a minister to respond to parliamentary committee reports setting out:
- any recommendations to be adopted and the way and time within which they will be carried out; and
 - any recommendations not to be adopted and the reasons for not adopting them.
- 1.13. The response must be tabled within three months of the tabling of the committee's report. If for some reason that is insufficient time, an interim response must be tabled within three months and must explain the delay. A final response must then be tabled within six months of the tabling of the committee's report.
- 1.14. Responses from ministers to the recommendations in this report will be required to be tabled in September 2011 or, at the latest, in December 2011.

³ <http://www.parliament.qld.gov.au/view/committees/SLC.asp?SubArea=inquiries>

2 Operation of part 8

Recommendations:

1. **Forms for public use authorised by legislation should be regarded as administrative instruments rather than legislative instruments.**
2. **A new *Forms for Public Use Act* should contain provisions in similar terms to the current:**
 - part 8 of the *Statutory Instruments Act*; and
 - section 49 of the *Acts Interpretation Act*, but with clarification as to the degree of 'compliance' required.
3. **Within the following instruments, clear information should be provided about ministerial and departmental responsibilities and contact details:**
 - Acts, subordinate legislation and other statutory instruments; and
 - administrative instruments, including forms.

Forms for public use

2.1 Often, when people or organisations interact with Government, they do so by way of a form – applications and renewals for licences, giving or requesting information, and matters relating to property all commonly involve a form made available by Government for public use.

2.2 Many, but not all, of these forms are authorised by an Act of Parliament or by regulations made under an Act. Without such legislative authorisation, matters included in forms for public use may be beyond the power of a government entity issuing a form; for example, a request to provide personal information in a form. Accordingly, section 326 of the *Adoption Act 2009*, for example, states:

Approved forms

The chief executive may approve forms for use under this Act.

2.3 In a submission to the review (submission 1), the Minister for Child Safety and Minister for Sport described the role of forms authorised by section 326:

As Minister for Child Safety, I administer Acts which come within the requirements of Part 8, section 58 of the Statutory Instruments Act 1992. In particular, legislation regulating the adoption of children has been reviewed over the past few years and the Adoption Act 2009 has been enacted. That Act provides for 18 forms which apply to critical stages in the adoption process. For example, when a birth parent consents to the adoption of their child, when prospective adoptive parents lodge an expression of interest in being assessed for suitability to adopt a child, or when parties of an adoption apply for access to information about the adoption.

2.4 Forms for public use are integral to many decisions made by Government which may affect rights and liberties of individuals. Generally, forms ensure that an administrative decision-maker is able to consider all relevant information when making a decision or taking action.

2.5 The exercise of individual rights and the protection by people of their interests may be contingent upon the full and accurate completion and submission of the correct version of an appropriate form. Generally, substantial compliance with legislative requirements as to forms is required. Section 49(1) of the *Acts Interpretation Act* states:

If a form is prescribed or approved under an Act, strict compliance with the form is not necessary and substantial compliance is sufficient.

2.6 However, section 49(2) then states that forms may contain mandatory elements:

If a form prescribed or approved under an Act requires—

- (a) the form to be completed in a specified way; or
- (b) specified information or documents to be included in, attached to or given with the form; or
- (c) the form, or information or documents included in, attached to or given with the form, to be verified in a specified way;

the form is not properly completed unless the requirement is complied with.

- 2.7 Similarly, legislation may require a higher standard of compliance. To provide an example, sections 112 and 113 of the *Land Valuation Act 2010*, require objections to valuations to be ‘properly made’; that is, they are to:
- be made in the approved form;
 - be signed by the objector or agent or representative;
 - provide the required content (in section 113); and
 - be accompanied by the fee prescribed under a regulation.
- 2.8 Under the *Land Valuation Act 2010*, although the valuer-general must provide an objector with an opportunity to correct a defective notice, the valuer-general need only consider and decide upon properly made objections.
- 2.9 Currently, part 8 of the *Statutory Instruments Act* prescribes certain matters in respect of forms authorised by legislation.

Section 58 requirements

- 2.10 Part 8 of the *Statutory Instruments Act* sets out requirements for forms. Section 58, the only provision within part 8, states:

58 Forms—notification and availability

- (1) This section applies if under an Act or subordinate legislation (the authorising law) forms are to be approved or made available by an entity.
- (2) A form under the authorising law must have a heading stating the name of the authorising law and briefly indicating the form’s purpose.
- (3) All forms under the authorising law must be numbered using a system that gives each form a unique number.
Examples—
 - 1 Forms may be numbered consecutively starting with the number 1.
 - 2 Forms may be numbered to reflect the provisions of the Act to which they relate.
- (4) All versions of a form under the authorising law must be numbered consecutively using a system that gives each version of the form a unique number.
- (5) The approval or availability under the authorising law of a form, or a new version of a form, must be notified in the gazette.
- (6) Subsection (5) may be complied with—
 - (a) by publication in the gazette of a notice of—
 - (i) the approval or availability of the form; and
 - (ii) the form’s heading, number and version number; and
 - (iii) a place or places where copies are available; or
 - (b) by publication in the gazette of the form.
- (7) On the day the approval or availability of the form is notified or as soon as practicable after the day, copies of the form must be available (for purchase or free of charge) at the place, or each of the places, stated in the notice.
- (8) Failure to comply with this section does not affect a form’s validity.
- (9) This section does not apply to a form declared by regulation under this Act to be a form to which this section does not apply.

- 2.11 Accordingly, section 58 imposes requirements about:

- content;
- notice; and
- accessibility.

- 2.12 The requirements are examined in chapter 3.

2.13 Section 58(8) provides that failure to comply with section 58 does not affect a form's validity. In *Edwards v North Goonyella Coal Mines Pty Ltd* [2005] QSC 242 at [30], Atkinson J considered the compliance with section 58 of 'approved form', a health assessment form made under the *Coal Mining Safety and Health Act 1999*:⁴

This section applies to the health assessment form in question. The form did comply with s 58(2) but not with s 58(3), (4), (5), (6) or (7). This is a serious omission which ought to be rectified but as s 58(8) provides, does not affect the form's validity.

Legislative history

2.14 Part 8 of the *Statutory Instruments Act* was enacted in 1994.

2.15 Prior to 1992, forms for public use were prescribed by, and included in, legislation. They were located in either an Act (in a schedule) or in subordinate legislation. As such, forms were subject to parliamentary scrutiny by way of the introduction and passage of a bill or by way of tabling, disallowance and periodic review mechanisms provided in the *Statutory Instruments Act*.

2.16 However, on 31 December 1991, a new approach to forms was adopted. The Lands Legislation Amendment Regulation 1991 made on that day:

- inserted a new definition of 'prescribed forms' to mean 'a form approved by the Chief Executive'; and
- omitted the regulation's schedule 1 which had contained forms for public use previously made available under the legislation.

2.17 On 2 January 1992, the Chief Executive of the Department of Lands approved new prescribed forms under the Land Regulation 1988. Subsequently, the Government Gazette provided notice of the new forms.

2.18 On 17 March 1992, the Committee of Subordinate Legislation considered the forms notified by Gazette and 'was initially uncertain as to why the Department had chosen to adopt a practice of publishing forms in the Gazette'.⁵ A few months later, in its *Annual Report 1991-92*, the committee stated:⁶

A number of prescribed forms approved by the Chief Executive pursuant to section 5 of the Land Regulation 1988 were gazetted on 25 January 1992. The prescribed forms were previously contained in Schedule 1 to the regulation. Recent amendments to the regulation have been to repeal Schedule 1. The forms used now are those approved by the Chief Executive...

The Minister has replied to the Committee saying that the new procedure was initiated by the Office of the Parliamentary Counsel following amendments to the Acts Interpretation Act 1954.

2.19 Further investigation was undertaken and the *Annual Report 1992-1993* stated:⁷

The Committee was informed by the Minister that a policy decision was made to exclude forms from regulations and legislation unless the forms are required for evidentiary and related purposes. This decision removed forms from regulations and created a category called "approved forms". Approved forms are those made by chief executives of departments, statutory boards and councils and approved by the Minister. Some regulations require that the forms be published in the government gazette while some regulations make no mention of publication or notification. This was not done across the board as some forms are still attached to regulations.

The consequence of approved forms are that they are no longer subordinate legislation and are not subject to scrutiny by the Parliament.

The reason for the change in policy was, as the Committee has been informed, that it is often necessary to change forms and this is more easily achieved if they are not attached to legislation. The cost to both business and government is reduced.

⁴ See also *Johnson v Anglo Coal (Callide Management) Pty Ltd* [2005] QSC 255.

⁵ *Report on Review of Public Use Forms* at 1.

⁶ *Annual Report 1991-1992* at 3, at www.parliament.qld.gov.au/view/historical/formerCommittees.asp?subArea=SUBLIC

⁷ *Annual Report 1992-1993* at 4 at www.parliament.qld.gov.au/view/historical/formerCommittees.asp?subArea=SUBLIC

2.20 Section 58 of the *Statutory Instruments Act* is consistent with the policy described above, as indicated by *The Queensland Legislation Handbook* which states (at 2.12.5) that, during the policy development of a Government bill, the following matters must be considered:

If forms are required for an Act, current legislative drafting practice is generally to provide for the forms to be administratively approved, rather than prescribed by the Act or subordinate legislation. Administratively approved forms are generally approved by the chief executive of the department administering the legislation. These forms can be amended quickly if a deficiency becomes apparent. Each administratively approved form is required to be given a unique number and approval or availability of the form must be notified in the gazette (Statutory Instruments Act 1992, s. 58).

2.21 Initially, section 58 was enacted as section 47 of the *Statutory Instruments Act*. Section 47 received assent on 10 May 1994 and commenced on 1 July 1994. In relation to section 47, explanatory notes indicated:

Proposed section 47 deals with forms that are approved or made available administratively under an Act or subordinate legislation. The proposed section states standard requirements to facilitate access to forms (and the correct versions of forms) by people who wish to use them. The proposed section will also enable information about the forms to be given in the Queensland Legislation Annotations in appropriate cases. This information would then be updated in the Queensland Legislation Update.

2.22 Section 47 was re-enacted as section 58 (commencing on assent on 1 December 1994), with the explanatory notes to the new section 58 stating:

The new section 58 replaces section 47 of the Statutory Instruments Act 1992 and continues its effect.

Evidence considered

Matters identified by past committees

2.23 In 1992 and 1993, the Committees of Subordinate Legislation of the 46th and 47th Parliaments examined the effect of the policy decision to remove forms from legislation. A number of concerns were identified.

2.24 First, the committee of the 46th Parliament noted:⁸

... that as these forms were no longer included in the Regulations, they were not subordinate legislation and therefore not subject to the requirements of the Statutory Instruments Act 1992, ss. 43-46 (tabling and disallowance). Consequently these approved forms are not subject to the scrutiny of the Legislative Assembly.

As a consequence, the committee was concerned that the lack of scrutiny of forms would lead to Departments requesting unnecessary personal information from the public. It was therefore resolved to undertake an investigation into the practices adopted by the various Departments when drafting approved forms.

2.25 Second, the committee of the 47th Parliament identified the Government policy decision made to exclude forms from regulations and legislation unless required for evidentiary or related purposes and stated:⁹

The Committee agrees with the policy behind the decision. It does however have concerns about the lack of uniformity in the decision of what can and cannot be asked of people filling in the forms. An obvious concern is the privacy issue. When is personal information relevant and necessary?

During the Committee's investigation of the matter it found that most of the 18 departments had different policies on the formulation of forms while some departments had no policy regarding the content of forms.

2.26 Each committee identified a need for review of Government practices regarding forms for public use authorised by legislation. The committee of the 46th Parliament resolved to 'undertake an investigation into the practices adopted by the various Departments when drafting approved forms'.¹⁰ Following a State election, the successor committee stated:¹¹

⁸ Report on Review of Public Use Forms at 5.

⁹ Annual Report 1992-1993 at 4.

¹⁰ Report on Review of Public Use Forms at 2.

¹¹ Annual Report 1992-1993 at 4.

It has become increasingly clear to the Committee that there is a need for a uniform policy on the issues surrounding approved forms. The Public Sector Management Commission together with the Business Regulation Review Unit of the Department of Business, Industry and Regional Development are about to embark on a review of government policy in this area. The Committee is expected to have an input into this review.

- 2.27 Section 47 was enacted and commenced operation on the day the former Public Sector Management Commission ceased to exist, 1 July 1994. Its intended operation was to state standard requirements to facilitate access to forms, and the correct version of forms (see above, under 'Legislative History').

Evidence provided in submissions

- 2.28 The Minister for Child Safety and Minister for Sport (submission 1) informed the committee that:

The processes under section 58 are straight forward and not onerous... The current provision meets the need for approving and administering forms under legislation.

- 2.29 The submission from the Premier of Queensland (submission 4) stated:

While there is always room for improvement, in the Government's view the current system for the notification and availability of forms authorised by legislation is working effectively.

Evidence provided at public forum

- 2.30 On 21 March 2011, participants in the public forum to discuss part 8 of the *Statutory Instruments Act* identified a range of concerns about its operation. The transcript is at **appendix B**. Many of the concerns related to the content, notice and access requirements in section 58 and are examined in more detail in chapter 3.

- 2.31 More generally, participants expressed concern that part 8 may no longer be achieving the efficiencies intended when it was enacted. Reasons included failure to utilise new technologies, uncertainty about the degree of compliance necessary when a person completes a form and deficiencies in version control. A number of participants suggested that forms should include information to assist completion of the form and contact details for the relevant Government entity. Evidence from participants indicated significant time and cost burdens to Government, business and individuals as a result.

Committee considerations

- 2.32 Traditionally, forms for public use were legislative in nature as they were incorporated into Acts or subordinate legislation.

- 2.33 The committee notes however that the effect of the policy decision made in 1992 to alter drafting practice to exclude forms from regulations and legislation (unless the forms were required for evidentiary and related purposes) had the effect of altering the nature of the forms. As discussed above, outcomes of the policy change included that:

- forms were no longer subordinate legislation and need not be tabled in the Legislative Assembly;
- administrative efficiencies would result, including easier mechanisms to update or replace forms; and
- costs to Government and business would be reduced.

- 2.34 Accordingly, it appears that, since 1992, forms were likely to fall within one of three categories; namely, forms that are:

- forms required for evidentiary and related purposes;
- forms approved administratively, pursuant to a power conferred by legislation; and
- forms otherwise made within administrative power that do not require legislative authorisation.

- 2.35 In relation to the first category, these may continue to be included in subordinate legislation where relevant. Similarly, legislation authorising the making of the forms could provide expressly that such forms were to be subject to particular requirements to ensure their integrity.

- 2.36 However, the committee suggests that in practice, since 1992, all forms for public use have been administrative instruments, not legislative instruments. In themselves, forms do not determine the law. Generally, they are no longer tabled in the Legislative Assembly nor subject to disallowance. Accordingly, they are no longer treated by the Legislative Assembly as instruments made under delegated legislative power. Further, based on the concerns about forms expressed at the committee's public forum, the people of Queensland and businesses operating in Queensland do not regard forms as legislative instruments – the issues raised were of an administrative nature, relating to difficulties in communicating with Government via forms and in respect of decisions based on information included in forms. In short, forms for public use should be regarded as instruments integral to administrative decision-making, not as instruments made via exercise of legislative power.
- 2.37 The committee suggests that, as administrative instruments, forms should not be regulated by the *Statutory Instruments Act*. The current regulation of forms by that Act may add to ambiguity as to their character. Accordingly, part 8 should be removed from the *Statutory Instruments Act* and relocated to a new Act, to form part of the State's administrative law framework. Similarly, section 49 of the *Acts Interpretation Act* should be:
- re-enacted within the new 'Forms for Public Use Act'; and
 - amended to make it clear that rights and interests should not be affected merely because the wrong version of a form is used.
- 2.38 Consequential benefits of the clarification of forms for public use might include:
- the abolition of the special class of instruments called 'approved forms', which may facilitate greater use of innovative ways of making forms accessible, interactive and current (see chapter 3);
 - the availability of administrative law mechanisms in respect of decisions regarding forms – these may include Ombudsman review, merits review and judicial review;
 - requirements for forms to comply with statutory requirements, such as the *Anti-Discrimination Act 1991*, *Right to Information Act*, the *Information Privacy Act 2009* and the *Public Records Act 2002*;
 - availability of forms in all appropriate languages and formats to ensure access by all people;
 - oversight mechanisms such as review by the Auditor-General would be appropriate; and
 - appropriate examination by portfolio committees of the Legislative Assembly of issues regarding forms within various relevant aspects of their new responsibilities (see chapter 4).
- 2.39 The committee notes, in particular, issues regarding potential discrimination and privacy of personal information. These were identified by previous committees and concerns were raised in submissions and discussion with the committee. As administrative instruments, relevant to decisions made under legislation, forms should be required to comply with the *Anti-Discrimination Act* and *Information Privacy Act*, including the Information Privacy Principles in schedule 3.
- 2.40 In relation to compliance with the *Anti-Discrimination Act*, the committee notes the statement in the submission from Mr Cocks AM (submission 2) that:
- It is ... incumbent on service providers and administrators of State laws and programs to provide information, including prescribed forms, in a manner that is accessible to people with impairments or language barriers.*
- 2.41 With reference to privacy concerns raised, the committee notes that that Act is to provide safeguards for the handling of personal information in the public sector environment, and to allow access to and amendment of personal information (long title). Its objects, in section 3, are in similar terms.
- 2.42 A further recommendation of the committee is for clear information to be provided on the face of instruments regarding ministerial and departmental responsibilities for:
- Acts, subordinate legislation and other statutory instruments; and
 - administrative instruments, including policies, guidelines and forms.
- 2.43 Currently, in exercising its statutory responsibilities, it is sometimes difficult for the committee to determine which minister has relevant responsibility for a legislative instrument or for a form. Similar difficulties were identified by participants in this review. Clear information on the face of an instrument would be beneficial. In particular, the committee suggests that contact details be provided.

3 Content, notice and accessibility

Recommendations:

4. The Queensland Government portal should provide centralised access to all forms.
5. Unless included on the site, a form or a version of a form should not be regarded as current.

Part 8 requirements

3.1 Section 58 sets out requirements for forms, but failure to comply does not affect the validity of a form. Section 58 imposes requirements about:

- content;
- notice; and
- accessibility.

Content

3.2 A form must:

- have a heading stating the authorising law;
- indicate its purpose, briefly;
- be numbered –
 - with each form having its own number; and
 - each version having a unique, consecutive number.

Notice

3.3 Notice must be given in the Government Gazette of the approval or availability, under the authorising law, of:

- a form; or
- a new version of a form.

3.4 The notice may be given by publication in the Gazette of:

- the form; or
- information about the form's –
 - approval or availability;
 - heading, number and version; and
 - availability.

Accessibility

3.5 The same day notice is given of a form, or as soon as practicable, copies of the form must be available as stated in the Gazette notice. The copies may be free of charge or for purchase.

Evidence considered

Content

3.6 Some matters regarding content of forms have been addressed in chapter 2. These include:

- the importance of forms including contact details for the relevant Government entity (raised by the Australia Centre for Philanthropy and Non-profit Studies (ACPNS));
- the need for forms to comply with privacy law and principles (see transcript 2);
- the availability of forms in languages other than English and formats and publications appropriate to facilitate access.

- 3.7 Further, participants in the public forum drew attention to the importance of:
- the currency and updating of information in forms (transcript 3); and
 - including in the instructions about how to fill in a form, information about mistakes commonly made (transcript 8).

Notice

- 3.8 A submission from the Minister for Child Safety and Minister for Sport (submission 1) informed the committee that:

The processes under section 58 are straight forward and not onerous. They are also useful in providing consistency in numbering and tracking of versions of documents within agencies. The current provision meets the need for approving and administering forms under legislation.

- 3.9 The submission from the Premier of Queensland (submission 4) stated:

While there is always room for improvement, in the Government's view the current system for the notification and availability of forms authorised by legislation is working effectively.

- 3.10 Submissions and information provided at the public forum pointed to a need to move away from existing publication practices. The ACPNS (submission 3), for example, pointed out that not everyone has access to the Government Gazette.

- 3.11 In particular, significant concern was raised regarding problems of version control (see transcript 5, for example) and the resultant effects upon individuals and business, including in terms of productivity (see transcript 6, for example). A consistently raised issue was the currency of forms on departmental websites.

Accessibility

- 3.12 The submission from the Queensland Government (submission 4) stated:

... in the Government's view the current system for the notification and availability of forms authorised by legislation is working effectively.

The Government is also of the view that technological advancements have improved the accessibility of forms, which are available on departmental websites.

- 3.13 However, the submission from the Anti Discrimination Commission Queensland (submission 2) indicated significant concerns regarding the accessibility of forms for public use. In particular, concerns were raised regarding the potential for indirect discrimination where prescribed forms are not provided in an accessible format.

- 3.14 Similarly, concerns raised at the public forum included:

- the importance of access to forms without charge (transcript 7);
- the frequent and significant difficulties created by PDF formats and the failure of such format to comply with accessibility guidelines and privacy principles issued by Commonwealth and State Governments (transcripts 2, 5 and 7);
- difficulties in locating forms and failures to rationalise forms – and apparent inconsistencies with the objects of the *Right to Information Act 2009* (transcripts 3 and 5);
- the need for forms to be interactive and able to be copied and saved, consistent with expectations of the community and business (transcripts 3, 5 and 7);
- that some Government portals appear to cater to business users, but not to individual users (transcript 4);
- difficulties in access for people in rural and remote communities, people for whom English is a second or third language, and socially disadvantaged Queenslanders (transcripts 1 and 4);
- possible use of regional Government offices to provide access to forms (transcript 4); and
- security issues regarding forms (transcript 7).

Committee considerations

- 3.15 The committee notes the significant efforts made by Government departments and agencies to ensure compliance with section 58 of the *Legislative Standards Act*. At the public forum, for example, the committee was pleased to hear about 'Mines on Line' and the efforts of the Department of Employment, Economic Development and Innovation to ensure appropriate and innovative content, notice and accessibility of forms for public use.
- 3.16 However, there is a public interest in effective and efficient access to forms and their use by individuals and business. As in relation to the policy change in 1992 which led to the enactment of section 58, the committee notes that costs to business and Government, as well as to individuals, result from difficulties and confusion regarding content, notice and accessibility.

Committee conclusions

- 3.17 The new 'Forms for Public Access' Act should include information regarding how a form should be filled in and the mistakes commonly made.
- 3.18 In relation to notice and accessibility, the committee recommends that the Queensland Government portal should provide centralised access to all forms. Unless included on the site, a form or a version of a form should not be regarded as current.
- 3.19 While an email notice should be sent to email subscribers to a forms notification service (available free of charge), it should be possible for a person to use (without prejudice) a previous form or version of a form in reasonable circumstances.
- 3.20 Otherwise, paper versions of forms should be available in regional Government offices. Where appropriate, any Government office accessible to the public should provide a free service of printing a form from the Queensland Government portal.

4 Parliamentary oversight of forms approved administratively

Recommendation:

6. The *Financial Accountability Act 2009* should require government entities producing annual reports to include in each report a list of:
- forms for public use issued during the reporting period; and
 - all current forms for public use.

Parliament of Queensland Act

- 4.1 When enacted, the *Parliamentary Committees Act 1995* (as replaced by the *Parliament of Queensland Act 2001*) conferred the Scrutiny of Legislation Committee with responsibility for overseeing the general operation of certain provisions of the *Statutory Instruments Act*, including part 8.
- 4.2 To meet this responsibility, the committee has examined all forms notified in the Gazette.
- 4.3 The *Parliament of Queensland (Reform and Modernisation) Amendment Act 2011* has put in place reforms to the parliamentary committee system in Queensland. It will provide for portfolio committees with areas of responsibility that collectively cover all areas of government activity.
- 4.4 Section 92 of the *Parliament of Queensland Act* now states:
- (1) In relation to its portfolio area, a committee may—
- (a) consider Appropriation Bills; and
 - (b) consider other legislation and proposed legislation as provided in section 93; and
 - (c) perform its role in relation to public accounts and public works as provided in this division.
- (2) A committee is to also deal with an issue referred to it by the Assembly or under another Act, whether or not the issue is within its portfolio area.

Evidence considered

Matters identified by past committees

- 4.5 The Committees of Subordinate Legislation of the 46th and 47th Parliaments examined a policy decision to remove forms from legislation. Concerns identified included a move away from parliamentary oversight of forms. The committee of the 46th Parliament, for example, noted:¹²

... that as these forms were no longer included in the Regulations, they were not subordinate legislation and therefore not subject to the requirements of the Statutory Instruments Act 1992, ss. 43-46 (tabling and disallowance). Consequently these approved forms are not subject to the scrutiny of the Legislative Assembly.

As a consequence, the committee was concerned that the lack of scrutiny of forms would lead to Departments requesting unnecessary personal information from the public. It was therefore resolved to undertake an investigation into the practices adopted by the various Departments when drafting approved forms.

Evidence provided in submissions

- 4.6 The Australian Centre for Philanthropy and Nonprofit Studies proposed an expanded scrutiny of legislation role for the relevant parliamentary committee/s to include scrutiny of common form agreements or Government contracts. The ACPNS observed that these are not regulated currently by public or administrative law mechanisms. It was suggested that scrutiny of these documents by a parliamentary committee would 'provide a benchmark of fairness that would work for both government departments and nonprofit organisations'.

¹² Report on Review of Public Use Forms at 5.

Evidence provided at public forum

- 4.7 At the public forum, the ACPNS again raised the need for parliamentary committee scrutiny of standard form contracts entered into by Government. Prof Myles McGregor-Lowndes stated (transcript 9):

Much of the community service sector now receives grants from government and often these come through, say, the Department of Communities or Housing and Disability Services and the grant really takes the form of a contract to deliver services—to deliver units of care or some sort of service to the Queensland community. The contracts or the conditions of those grants have been growing dramatically over the last 10 years and they have developed from gentlemen's agreements in the early nineties to full-blown commercial contracts. Those contracts appear on the web on the department sites and all that needs to be done is to fill in the name and address of the person who is going to have the contract with the department. The department will not alter, unless it is very exceptional, any of the terms and conditions and our friends in Health will not even change the spelling mistakes in the form.

What I am arguing here is that these documents, which are on the web now, really are forms and ought to come into the scrutiny of this committee, and there may even need to be a legislative change. Why am I saying that this committee ought to scrutinise these contracts? It is because ... the conditions in the contract now go far further than what this committee or this parliament would allow in legislation. An example is search and seizure powers. The Department of Communities in a relevantly recent act has search and seizure powers for people who receive grants or deal with the department, and fair enough. In fact, the minister actually argued on a query from this committee that the powers should be a little wider because there were third-party beneficiaries who were often under some sort of disability and that there should be greater search and seizure powers so the department could go in and find out whether they needed to take any further remedial action with respect to the grant.

They are all before a magistrate; you have to get a warrant on good condition. There has to be an appropriate senior level of person who is competent in the department to make the decision to search and seize, there should be notice given, there are confidentiality protections, and when they seize property there are lists made so you can recover it et cetera. If you go and have a look at the clauses under the contract with these organisations, the clauses are incredibly wide for search and seizures, like just turn up and they are there. There is no magistrate. The persons in the department who can make such decisions could be at an extraordinarily low level. I am not saying that they are and I am not saying that the departments are abusing it, but the opportunity is there. So what we have is legislative standards which are being completely circumvented by a private contractual agreement. But it is not a private contractual agreement where people can dicker or barter with the terms. I suppose it could that say we do not want these search and seizure powers and the others there, but because the government and the department are in such a dominant contracting position I know of no cases where they have been altered. So it is in fact a contract of adhesion. We also make the point in the article that if you look at standard form contracts in other parts of government dealing with builders or constructions or legal advice they are far more in line with the community standards of search and seizure and other matters.

So we think that at the very least it should be on the agenda for this committee to scrutinise those forms—those template contracts—so that they at least do not circumvent legislation without good reason. So the same sort of system would apply. The minister may well say, 'We need these special contractual powers because of this, this and this,' and parliament could consider this. But we think that these things ought to be scrutinised before something goes dramatically awry.

Committee considerations

- 4.8 The committee notes that the *Parliament of Queensland Act* provides for portfolio committees to examine matters within a portfolio in depth, across a range of responsibilities (such as policy, financial, legislative and administrative). Accordingly, committees may examine forms for public use authorised by legislation within one or more of these functions: a committee will have responsibility to examine a form within a proposed policy or legislative framework as a whole. This may extend to matters currently within part 8 of the *Legislative Standards Act* and to other matters raised with the committee, such as the accessibility of forms to all people.
- 4.9 In relation to the matters raised regarding common form agreements and Government contracts, the committee notes that these matters will also fall within the ambit of the relevant portfolio committees. Just as the more consistent examination by committees of policy, financial and administrative matters will facilitate a greater ability to effectively scrutinise forms for public use, the committee anticipates the same will be true for standard form contracts and the terms within those contracts.
- 4.10 To facilitate committee review of forms for public use, and public information available about forms, the committee recommends all forms issued by a public sector entity be included in the entity's annual report.

Appendix A: List of submissions

Sub #	Name
1	Hon Phil Reeves MP, Minister for Child Safety and Minister for Sport
2	Ms Neroli Holmes, Acting Commissioner, Anti Discrimination Commission Queensland
3	Professor Myles McGregor-Lowndes, Director, Australian Centre for Philanthropy and Nonprofit Studies, Queensland University of Technology
4	Hon Anna Bligh MP, Premier of Queensland

Appendix B: Transcript of proceedings



SCRUTINY OF LEGISLATION COMMITTEE

Members:

Mrs J-A. Miller MP (Chair)
Ms P-K. Croft MP
Ms V. Darling MP
Dr A. Douglas MP
Ms G. Grace MP
Mr A. Powell MP
Mr P. Wellington MP

PUBLIC FORUM ON THE REVIEW OF PART 8 OF THE STATUTORY INSTRUMENTS ACT

TRANSCRIPT OF PROCEEDINGS

MONDAY, 21 MARCH 2011

Brisbane

MONDAY, 21 MARCH 2011

Forum commenced at 10.34 am

CHAIR: Good morning everyone. My name is Jo-Ann Miller and I am the chairperson of the Scrutiny of Legislation Committee for the Queensland parliament. I would like to welcome everyone here today. I would like to introduce the members of the Scrutiny of Legislation Committee for you. We have Peter Wellington, who is the deputy chair of the committee. We also have Peta-Kaye Croft, Vicky Darling, Dr Alex Douglas Douglas, Grace Grace and Andrew Powell. So we join together in welcoming everyone to our public forum today, which is about a review of part 8 of the Statutory Instruments Act—forms authorised by legislation.

I would like to extend a particular welcome to the delegation from the Gauteng Legislature. We are absolutely delighted that you are with us here today. We would like to thank you for coming and joining us in our particular forum. We would particularly like to welcome Mr Mbatha, who is chairperson of committees and the honourable member of the Provincial Legislature and leader of the delegation here in Queensland. We understand that you will be with us in Queensland for most of the week. We would certainly like to express our delight that you are with us this morning, because I think this starts off your visit to Queensland, and we hope that you have an enjoyable experience here in our parliament.

We also would like to welcome everyone who has submitted to our particular forum. We would like to get together a few rules, if you do not mind, before we start off today. Can I ask everyone to please turn off their mobile phones, because our session here today is going to be recorded by Hansard and we certainly do not want any noises to distract our Hansard reporters. We would also like to advise all of our registrants here today that we will be observing the instructions to committees regarding witnesses. On the tables you will see this particular document, which is provided in relation to the standing orders of the Legislative Assembly. So if you could quickly have a read through the instructions regarding witnesses and if there are any questions or concerns that you have you might just want to talk to one of the committee members around your table or you might want to talk to our secretariat staff. I want you to note that any discussion or anything that you do say will be transcribed by Hansard. So you need to be aware of that. However, we would like to also say that we want to have this particular forum as informal as possible, because we really genuinely want to get any of your thoughts and concerns to us so that we will be able to write an excellent report to the parliament in relation to the forum today.

I would like to quickly go through part 8 of the Statutory Instruments Act. Our committee, the Scrutiny of Legislation Committee, has responsibility for examining legislation and monitoring the operation of the statutory provisions of legislation. This responsibility includes monitoring generally the operation of the Statutory Instruments Act. Consistent with this responsibility, the committee is reviewing the practical operation and continued effectiveness of that act. Section 8 of the act sets out the standard requirements for all forms approved or made administratively under an act or regulation and it imposes requirements about the content, the notice and accessibility. Our committee examines all forms notified in the *Gazette*. Where a form may not meet the requirements of part 8, the committee contacts the person authorised to make the form and draws their attention to the possible noncompliance.

Can I just tell you that I was in my electorate over the weekend and I was telling some of our people that today we were going to have a forum on forms. Can I tell you that everyone—everyone—has an opinion on forms. It absolutely startled me their response. Most people hate forms, if I can certainly let you know that. They do not like filling them out. They regard sometimes the accessibility of the forms to be difficult. In my particular electorate, I have 120 nationalities represented in my area. So the language issue is quite a difficulty. I think that what we are doing today is really important in terms of forms and making these forms accessible to the public as well as bringing out any issues so that we can make sure that public administration in this great state of Queensland improves somewhat. But I can certainly tell you that I think there will be some interest in the general public in relation to what we are discussing today.

We have received a number of submissions from various parties. I would like to acknowledge everyone who is present here today who has made a submission. We are going to invite each and every one of you to speak to the submissions. We have a roving microphone here, but Hansard has asked whether it would be possible if you would be able to present your submission up here. It is only because it is better for our Hansard reporters to be able to hear you more clearly. If that is an issue we do have a roving mike for you. As I said, we intend for this to be as informal as possible. So can I please ask the Anti-Discrimination Commission Queensland to start off with their submission and discussion?

Ms BANNERMAN: Thank you for inviting me here today. I was not aware that I would be speaking in such a public way. I thought we were going to be sitting around a table having a chat, so I am afraid that I have not prepared anything formal. As you know, the review of the section is looking at the practical operation and the continuing effectiveness of part 8. From the Anti-Discrimination Commission's point of view, we administer the Queensland legislation—the Anti-Discrimination Act 1991—and we accept complaints of discrimination on a range of what we call attributes. In this particular instance, the attributes of race and impairment are the two main ones of concern. Impairment is a very broad term, which includes

all kinds of physical, sensory and intellectual impairments. Race includes ethnic origin, ethnicity and a whole range of other things—again, a very broad description of race. So complaints can be brought to the Anti-Discrimination Commission because of an attribute—the act sets up a framework that you must have an attribute in order to complain—and it must happen in an area of public life that is covered by our act. In the case of forms, the two areas that may be relevant are the areas of goods and services—the state would be seen as providing goods or a service in some instances—and in the administration of state laws and programs. There is a specific area of life called the administration of state laws and programs.

When we were looking at part 8, what occurred to us is the great potential for indirect discrimination on the grounds of either impairment or race. Indirect discrimination is the imposition of a term or requirement with which a person with an attribute cannot comply—that people without the attribute can comply—and which is not reasonable. It has to fulfil all of those requirements. The reasonableness test may sometimes be an out for small business but, in the case of the state of Queensland, the reasonableness test probably would not. It would be hard to argue the reasonableness test.

You are probably all familiar with the convention centre case of *Cocks v State of Queensland*, where access for people with an impairment was not through the front door and it was found that it was not reasonable for the state of Queensland not to provide access through the front door. So in a similar way it would be very likely to be unreasonable for the state of Queensland not to provide equal access to its information to all people regardless of their race or impairment. Our submission related to all the international conventions to which Australia is a signatory—and you can refer to those there—but equality of access to the legal system and the administration of government is paramount among this.

We say it is thus incumbent on service providers and administrators of state laws and programs to provide information, including prescribed forms, in a manner that is accessible to people with impairments or language barriers. For those of you who are not familiar with how people access information on the website, and I suspect this is mostly what we are talking about, people tend to access government forms via the website now. Many people access a website through a range of what we call assistive technologies. Probably there are people here who are more skilled than I at discussing those. Screen readers are very common. Screen readers are software that converts text into speech and speaks everything on the screen, including text graphics, control buttons and menus. There are a range of other assistive technologies to assist people with visual impairments, not only blindness but also various degrees of vision impairments.

The rub comes that the portable document format so loved by everyone is not accessible. PDFs abound everywhere for Queensland government forms. It came to our attention, after the function of the Anti-Discrimination Tribunal was moved to the Queensland Civil and Administrative Tribunal recently, that all of those forms are in inaccessible PDF form, so we have a particular interest in ensuring that forms required by Queensland law are accessible. It is not only the Queensland Anti-Discrimination Commission that is aware of the problem. The federal government established the Accessible Digital Office Documents Project, which looked particularly at the issue of the PDF and its accessibility. The conclusion was that the PDF cannot be regarded as a sufficiently accessible format to provide a user experience for a person with a disability that is equivalent to that available to a person without a disability. Furthermore, there is a risk that a complaint under either the federal Disability Discrimination Act or our own Queensland Anti-Discrimination Act could be made unless they make the content available in at least one additional format and in a manner that incorporates principles of accessible document design.

The Queensland Government Chief Information Office administers the information standard 26, internet. It outlines the minimum requirements of Queensland government agencies in the creation, implementation and management of agency internet sites for the delivery of information and services. One of the principles outlined in IS26 is that internet sites must provide for maximum accessibility and usability for all groups of the community and maintain a consistent and customer focused view of the Queensland government. It goes on to discuss W3C, the worldwide web consortium standards for accessible web designs, to which the Queensland government is committed.

In summary, the Queensland legislation requires that services provided to people in the state of Queensland are accessible, despite your race or language and whether or not you have an impairment. Our recommendations include the provision of information, in a variety of languages, on how and where to seek assistance in the completion of forms for those with language barriers, all forms to be made available on the internet, and that this committee adopt the recommendation of the Australian Human Rights Commission that all forms be available in at least one additional format to PDF and that additional formats be published simultaneously with the PDF version and at least one such format be down loadable as a single document if the PDF is also available in that format. Thank you.

CHAIR: Thank you, Helen. Do we have any discussion around Helen's comments?

Mr POWELL: Just clarifying one additional format other than PDF; is there any preferable format such as Word or HTML?

Ms BANNERMAN: If it is a form, it is probably difficult to make it an HTML, but it could be HTML. A Word style document in rich text format is usually sufficient. There might be some technical IT people here? It would have to be constructed in line with the W3C guidelines. RTF is usually fine.

CHAIR: Are there any other comments? Do we have any technical people from the departments here who might like to comment on what Helen said?

Mr MacADAM: Alastair MacAdam, QUT Law School. One of the things I found associated with forms, even if they are in the printed form, PDF or Word, is actually having the ability to find them. I am an accountant as well as a lawyer. There are two notable organisations, one of which is not within the jurisdiction of this parliament, that is, the Australian Taxation Office. The other is within the jurisdiction of this parliament, the Department of Transport. It is almost impossible to find their forms yourself. You invariably have to get in contact with someone who knows the way in which the website works. I like to think that at least I have a few brains to find things, but very often you just give up. It seems to me that not only is it making forms accessible for people who might have difficulties finding things, but for people generally, as I can have extreme difficulty finding things that I know are somewhere on the site.

Dr DOUGLAS: I endorse what Alastair has said. I am a GP as well, and routinely we have to download massive numbers of forms from a variety of different sources, primarily from the federal government. Probably in the past two years, and I can see what has led to some of the problems, there has been almost a move towards making it extremely difficult to acquire forms. There is a kind of logic that goes with it that defeats any scientific argument. I do not know whether or not the department officers would concede that, but I guess the idea is that you virtually have to be deterred in some ways; in other words, you really have to be forced to find that form.

There are systems to get around this. They were invented many years ago. It is called fuzzy logic. That is the technical term. It was invented primarily for photocopiers, for those who did not know how to work them, so when you go to press the buttons you get to the right place. It is cheap and it is available technology. I cannot see why the departments will not use it. It is called fuzzy logic. Basically, the logic is that if you get the words right it will take you to the right place. All systems should use it. In a modern world, it is ridiculous that they are not doing it.

CHAIR: Are there any other contributions?

Ms DARLING: I am interested in people's feedback on the same topic of accessibility for people with English as a second language or with some level of visual disability. There are a couple of different sorts of forms. There is one that you download, fill in with a pen, sign, scan and send back or deliver personally. There are other forms, depending on what is required from the form, where you complete and submit online, and there is some privacy around that. Is there a preference? I am interested in general comment from anyone about whether they are a better technology, whether there are privacy concerns around that or whether there are concerns about how you use that and how you fill those in? The other bit of the discussion of forms relates to an explanation about how to complete the form. Sticking to the online discussion, where do you put that description? If a printed form is collected from a department, generally—hopefully—it will come with a booklet that gives an explanation as to how to complete the form. What would be the best way to navigate that form online for people with English as a second language or some disability? Is there any advice or comment on that?

Mrs LAVARCH: My name is Linda Lavarch. I am a research fellow at the Australian Centre for Philanthropy and Nonprofit Studies. Vicky asked what seemed to be a simple question, but probably it has a very difficult answer. I think the answer lies in the fact that we are now a community or a society that has moved to having our day-to-day dealings online. We interact with our banks dealing with very sensitive information. Every day we interact in many ways with very personal information. I think, as a community, we now have a level of confidence about the security and integrity of that information.

I am speaking generally here, but bear in mind that my day-to-day work deals with forms that deal with incorporated associations with the community sector and charities. I deal with three main acts. One is the Associations Incorporation Act, the second is the Collections Act where you apply for a fundraising appeal licence, and the Charitable and Non-Profit Gaming Act. Each of those acts requires organisations to make applications, in some cases to pay a fee or to give updated information. From the Office of Fair Trading, not one of those forms is available in an interactive mode at this point in time. If you go through all the Office of Fair Trading forms for charities and incorporated associations, you have to print them off and fill them in. However, there is no provision to scan and send it back. You can post, fax or hand it in person to the office. It is all still 19th and 20th century technology. Those organisations have been asked more and more to be tech savvy and have imposts on their time, every day. You know what our volunteer sector is like.

What struck me, and I will talk to our submission in a minute, is that, for example, there is a form 10A for incorporated associations. Anyone here who is involved in a voluntary organisation knows that if there is a change of detail such as for your office bearers, address or other details, you must lodge the form with the Office of Fair Trading. To this very day, that form does not have provision to put in an email address. You have a whole department that cannot communicate with a whole sector via new technology. In answer to your question, in terms of how you communicate, our forms need to be up to date with where the community is at. If there are sensitivities, of course, there are other ways of doing it.

CHAIR: Thank you, Linda. Are there any other contributions? If not, I will ask whether DEEDI would like to make a contribution now.

Mr CLARK: Hello everyone. My name is Barry Clark and I am from the Department of Employment, Economic Development and Innovation. The area that we work in is mining. So there is a lot of resource legislation—that is, minerals and coal, greenhouse gas, petroleum and so on. We are really here today to make sure that we are doing the right thing and to keep a watching brief on the development of our forms and to get them gazetted and approved in accordance with the Statutory Instruments Act. We are currently moving toward what we call 'mines online'. I take the point made by the last speaker. We have a lot of forms, as you can imagine, and they were all in paper format. We have moved them into digital format. We are now moving to applications online. I guess we are here to see what everyone has to say today and make sure that we are following the rules as we go through this process of moving to electronic forms and having people fill them in and email them back to us, that we are doing all the right processes. Thank you.

CHAIR: Thank you, Barry. Barry, do you have email addresses for all of the mines around Queensland that you deal with, just taking up what Linda was saying before?

Mr CLARK: Email addresses are requested on our tenure application forms. There are also publications that come out annually and they have addresses of all the mines for people who wish to contact the mines. They may wish to sell equipment or some such and they can obtain these booklets via the web. Within these booklets is a list of operating mines in Queensland.

CHAIR: I would like to open it up for discussion now. Does anyone have any comments or questions of Barry?

Mrs LAVARCH: I have a question for Barry. With the smart licence provision that is under your department—

Mr CLARK: It possibly is. We are from the Mines area of DEEDI.

Mrs LAVARCH: Okay. I did not know whether you were speaking for all of DEEDI or just that section. The only point I was going to make was that the smart licence portal is one place where people go to look for forms, but in our sector it is not always easy to find them because it is more geared to business forms rather than across-the-board forms.

CHAIR: Are there any other questions or comments? Helen.

Ms BANNERMAN: It is not so much a question of you but a comment that occurs to me. We all want a completely accessible, wonderful online system, but there really is not a one-size-fits-all solution to this, I believe. Certainly we need best practice online, accessible forms complying with W3C standards, but we should not forget other solutions that might be more appropriate, for example, for rural and remote Queenslanders or for socially disadvantaged Queenslanders who do not have access to the internet, and those who do have access to the internet may have really slow internet connections and you can go and make a coffee while you are waiting for a file to download. I believe that there is not one solution. Certainly we do want the best practice, 21st century version of accessible online forms, but we need to be mindful that there needs to be other solutions for groups as well.

CHAIR: Thank you. Barry.

Mr CLARK: As I said before, one of the things we are trying to do is move our clients toward online registration and online lodgement of forms. One of the projects we have at the moment—and perhaps the best way of demonstrating this is by example. We have some small miners in Western Queensland and Central Queensland. These people are very, very good at operating a backhoe, digging holes and finding sapphire and opal. However, they are not that great at filling in government forms. So one of the initiatives that we have at the moment is moving our client base toward applications online, as I said, and we are also moving toward having computers within our district offices where clients can come in and actually do their application online or lodge a form online with the assistance of our regional office staff. So we are trying to educate and communicate and move with the technology to bring these folk along with us so that we can work smarter and be more efficient and so on.

CHAIR: Thank you. Well done, Barry. Where is your closest district office to that area? Do you have an office in Emerald? You talked about the gemfields. I am wondering if you had an office there.

Mr CLARK: Yes, we have an office in Emerald.

CHAIR: I think you are in advance of some of our other departments. I congratulate you on your initiatives. Any other comments or questions at all?

Mr MacADAM: I think the point that has been made about providing assistance is a good point. I have had some assistance mainly with the transport section of what is now Transport and Main Roads—what used to be Queensland Transport. They go to this other extreme of refusing to make certain forms available in electronic form and actually demanding that people attend customer service centres to pick them up. I have never been quite able to understand the logic that is associated with that.

CHAIR: Thank you very much. Are there any further comments or questions? If not, I invite the Law Society to make their presentation.

Mr DUNN: Thanks very much for inviting me here today. I, too, have not prepared anything formal. I will try to keep any comments I have mercifully brief, which for a lawyer is sometimes not an easy thing to do. I will do this in two parts. In the first part I will talk briefly about some practical issues in relation to forms that the profession are finding and in the second part I will address one specific issue if I can.

In relation to accessing forms, as you can imagine, the legal profession is a very heavy user of government forms and a major stakeholder in that regard. There are a number of basic things that come up from our members' experience. I would like to echo the points that the Anti-Discrimination Commission made about accessible formats and alternative formats. That a very big issue for the legal profession. The PDF format in a practical sense is sometimes difficult to access, especially if the new versions of the form are in a very high version of the portable document format itself. Our practitioners might have old computer equipment that do not open up that version very easily or do not allow it to work very well.

The other thing is that, unless you have a very high spec computer and a high version of the software, you often cannot enter any data into those forms, even if it has an availability for you to do that. So what you must do is print the form, hand write the application or the information that you need to, scan it back into your computer and then email it or fax it off to someone. That is generally an inefficient way of doing that and could be completely replaced by Microsoft Word or RTF or some other type of accessible format. The other comment I would like to make in relation to that is that those types of accessible formats can work with document generation programs that legal practitioners have to be able to fill in forms, whereas PDF generally does not. So there is quite a big technical issue there for the legal profession in that regard.

Further on that point, there is always a need to keep a copy or keep some record of what was actually submitted. One of the issues with online form filling is that often at the final stage of that process it does not give you what your responses were in a form that you can then save and take away. So you do not know afterwards what it was you actually said. You might need to rely on it or go back and check what you have said or have some cause to go back to it. The same sorts of things happen with PDF format forms. If your version of the software is not high enough, you often cannot save a copy or if you can save a copy you can only save a copy without the text that you have added which is not particularly useful. Then it is a matter of printing the form, photocopying it on to the file and such things. So they are some of the format issues that the profession faces.

On the issue of finding the form in the first place, it does seem a little crazy that in this day and age the only real way you can know that a form version has changed is to have a paper subscription to the *Queensland Government Gazette*, because the gazette becomes available on a Friday from the shop, it gets posted over the weekend to people who might get it on Monday or Tuesday and then you can look at it to find that your form has changed. I will talk about some instances that are quite acute. If you need to use exactly the right version of a form on a particular day—say, for example, there may be rights that someone may get or lose because you do not use the right version of the form—it is difficult to be sure. I understand that at the moment the way the gazette works is that there are only three editions, I think, that are available via the website and they are cycled to be the most current three editions. So if you want to know whether form version 21 was approved and gazetted on 2 January, you have to go back and find the paper gazette that relates to that in order to make sure you use the right version of the form if that information is not contained on the form itself—which is not always the way. The actual date of gazettal and the date of approval is not always on the form itself. So there are some real practical challenges there about how we go about finding out that the form is actually the new version of the form in the first place.

Probably my final general comment is about actually finding the forms on the various departmental websites, because there is a veritable diaspora of forms in a million different places on a thousand different websites that you need to go and access to be able to do what you need to do. On some occasions, two departments or two areas in a particular department both have a copy of the same form in two different places of the website, and there is also no guarantee that they both update those versions at the same time. That means that in some cases you will have two, three or sometimes even four different versions of the same form available on different government websites at different periods of time. If there could be some way of rationalising that so that there could be one link or one place you can go to to find out where the forms are, that would be of incredible use to the profession or just to have some certainty around the fact that that form that you are now downloading is the right and current form that needs to be used, because that seems to be a little difficult to know.

What some departments or agencies do is they simply just replace the form document itself and there is no notation on the website anywhere that the version has been updated. So the only way you know it has changed is by opening the document, looking at the version of the form and checking it. Some departments have 50 to 60 forms on a page available, and it is a very laborious task to go through all of those forms, opening them up, looking at the versions and closing them just to see if any of them have actually changed and then necessarily finding out what was changed in the form so that you know whether you are actually collecting the right information from your client to allow you to actually fill the form in in the first place. So there are some issues in that.

Those are my general comments. Looking at one specific example if I can, it is the very beloved form 30C under the Property Agents and Motor Dealers Act and form 14 under the Body Corporate and Community Management Act. These two particular forms work in tandem. They are forms that are disclosures of various information from a seller of property to a buyer of property. They deal in house and land or body corporate matters. These are particularly important forms because the legislation says that they must be given prior to a contract for sale of property being entered into. One of the consequences of using the wrong version of the form is that it can give the buyer a termination right to terminate the contract, not because of any prejudice that they have suffered but simply because they have the wrong

version of the form that was delivered in the beginning. That means that there is a heightened need to make sure that you have exactly the right version of that form on any contract on any given day so that simply the wrong version of the form being delivered does not give rise to a termination right. So there is a certainty issue there for sellers.

One of the issues that has arisen is the way these forms are cycled through versions. These forms, like any government form, go through a new version every time the department changes its name, the department changes its telephone number, the department changes its email address. These are not substantive matters that give rise to significant prejudice to a buyer of property. Changing information that relates to section numbers of acts or various rights is important information.

The court has been a little bit unclear and there have been some conflicting decisions about exactly whether or not that is substantial compliance. When you have such drastic consequences that can flow from simply using the wrong section of a form then the previous comments I made are imperative—that is, knowing when the changes are made and how they are made. One of the other issues that arises is the fact that the more substantive changes that are made to these critical forms are normally delivered to the community with a drop dead date.

So simply, version 3 exists on a website until 19 April and then on 20 April there is a new version of the form. Every contract on 20 April must use that new version of the form otherwise there may be a right to terminate the contract. That means that everyone in the legal profession has to know that on 20 April that form has changed. At the beginning of that day they have to go and find the form and download it.

That really means that knowing that those form versions have changed heightens. I go back to one of my original points. Being able to have some certainty around when the form versions change and some accessibility of information about when they change and which versions on the websites are the actual real versions is something that would be of great assistance.

CHAIR: Thank you, Matt. Are there comments or discussion?

Ms GRACE: I am commenting but asking for a view on this. If a version is so sensitive that even a change of phone number requires it to be changed, I was wondering whether a practical way forward would be that unless there is a substantive change to the body or the content or the words—for example, a department just changes a phone number or a name but the substantive details remain the same—then it is not sensitive to the technical matter that someone did not use version 6 instead of version 5 because version 6 has the changed phone number, address or something like that? I am wondering whether something could be put in legislation which says that really a form is rendered technically incorrect if there is a substantive change.

I do not know whether legally there could be such words put in. It would be a nightmare. I know as an industrial practitioner when I was in the union movement that if you did not get the commission forms right you were often technically struck out because it was an old form. It can be very frustrating. Unless you know that something has changed on a specific date it could cause problems.

Maybe a possible solution to it is that unless there are substantive changes which in a way negate the previous form it is not an issue. You can imagine all the forms. For example, if DEEDI is entering a bold new area and all of a sudden your name changes or your phone number changes then all the forms they had before need to be changed. Maybe there could be a clause that addresses those technical inaccuracies?

CHAIR: Matt, would you like to respond to that?

Mr DUNN: Certainly. There is already a provision that says that substantial compliance with a form is enough. I think that might be under the Statutory Instruments Act. What it does not tell you is what substantial compliance is and which parts of the information are substantial and how close you have to get. That has been a matter of judicial consideration in relation to this particular example a couple of times. The courts have had different views and not a settled position around that. I think maybe clarity around what is substantial compliance is required. Is it enough to use either version of the form for a period of 14 days after the new version is made? We could have a statutory running-in period. If the information on the form is of such an important nature that somebody is prejudiced by use of the old form, how do you deal with that? Is it a matter of cutting straight over? Then you need to do education and let people know that that has happened. Perhaps that is one of the answers to those circumstances. It is a bit of a thorny issue. I think some more certainty and some more prescription around what is substantial compliance would be a very helpful thing.

Mr MACADAM: It is indeed in the Acts Interpretation Act section 49(1). It states—

- 1) If a form is prescribed or approved under an Act, strict compliance with the form is not necessary and substantial compliance is sufficient.

It goes on. If we have these trivial changes maybe the way to cover it is to put into section 49 of the Acts Interpretation Act things such as changes of email addresses or telephone numbers. Departmental names are dealt with elsewhere in the Acts Interpretation Act.

Mr SEWELL: My name is Duane Sewell and I am from McInnes Wilson Lawyers. I am also a member of the Queensland precedent network which is a group of precedents lawyers and precedents staff from various law firms in Queensland, mainly in Brisbane. For those who do not know, precedents are really template legal documents. That is what lawyers call templates and forms.

The main issue we have in the legal profession is the usability of the forms that are on the internet. These days most of the forms are in PDF format which is okay, but in many cases the documents are not set up in a usable way. The main issue is that often the forms do not have text fields that you can type into. The main issue for lawyers is that you go to fill out a form, call it up on screen and you cannot actually fill it in. In that case you have to print it out and fill it out by hand or use a typewriter—no law firms have typewriters any more. Filling it out by hand is slow and unprofessional.

The other thing is that we want to be able to save the forms. There is always the possibility that in the future you might want to change something that you have filled out or you have made a mistake and you want to be able to go back to the form and change the element that is incorrect rather than retyping the form.

I think that Word would be preferable. I think there is an issue for government departments with having Word forms in that they can be tampered with and changed. PDF is a bit more secure. If the government must use PDF then please at least put text fields in the forms so that we can type into them and also set the forms up so that what is typed into the fields can actually be saved. Most lawyers and secretaries sitting at their computers will generally have the program Adobe Reader to use to fill out PDF forms. Generally Adobe Reader does not allow you to save what you have typed into the form. As you go to exit it will come up with a message saying that you are going to lose all your text and all you will save is a blank form.

I do not know the technicalities of it, but there is a way to set up those forms so that you can save what you have typed in even though you are only using Adobe Reader. There are some Queensland government forms that allow for that—the Motor Accident Insurance Act forms come to mind. The main application forms there you can type into and save.

The problem from an efficiency point of view is that instead of one public servant sitting there and spending an hour making a form interactive, what we end up having is 150 law firms in Brisbane each spending an hour in their own office making the form usable for that firm which is obviously a great waste of resources within the state. The other thing is that some firms will even take the PDF copy and copy it and make a Word version of it themselves which, again, is a complete waste of time.

The final option is to actually buy the forms. You would expect the government would provide you with the form for free. In many cases because they are not usable we end up having to subscribe to forms from external providers. They provide them to us in Word form. If an external provider can give it to us in Word, why can't the government? The only department I can think of at the moment that gives us good forms in Word is the land title office. We could not survive without those. There are Word versions of forms on the Queensland courts website. They are not really usable as they are. You have to set them up yourself with a court header and things like that. That is the main issue I wanted to raise.

The second thing that was raised with me this morning by a lawyer in another firm is the currency of the forms on the internet. Sometimes they are gazetted but then the version on the internet is not immediately updated. This person I spoke to this morning said that sometimes you will see the gazette come through and for maybe a few weeks later the form is not on the internet. That is the second issue.

The final point I wanted to make is that given that there are so many government forms and so many government departments is it a possibility to actually have a central repository of forms on the internet for the Queensland government? Each time a department has a new form it is submitted to a central place and you have a spot on the internet called 'Queensland government forms'. For the users it would be a lot easier to find them using that method. If there was a central repository like that then all of us lawyers could sign up to an email list and every time they are changed we get an email saying what has been updated.

Ms BANNERMAN: I would like to mention a point that the previous speaker raised. I do not know the answer but it might be something that the committee could investigate. It is the idea that Word or RTF or Microsoft based forms can be tampered with and therefore we should not use them. When I have raised this with any IT people they say that anyone who really wants to can tamper with PDF as well. I am not sure how having a document in PDF makes things more secure. I do not know whether people are suggesting that if you had a Word document then someone could tamper with the document and then re-post it to the website. If they can tamper with a document and re-post it to the website I am sure they could tamper with a PDF document and re-post that to the website. Some specialist people probably need to look at this whole idea. I know there is an exemption for legal judgements to be published in PDF only. It seems to me it is an excuse that is being used to not do something. I do not know that it really has merit and possibly some experts need to advise us.

Ms LAVARCH: It feels funny to be on this side of a committee. Firstly, can I commend the committee for this inquiry. Whilst people think forms are something that we deal with in our everyday life, the issues that are being fleshed out here today show how frustrating simple things can be.

I would like to introduce my colleagues from the Australian Centre for Philanthropy and Nonprofit Studies. Firstly, Professor Myles McGregor-Lowndes who would be well known to many members of this parliament for the great resources he has written for our community groups. I have put a book on your tables that I will refer to, the secretary's handbook. I would also like to introduce Dr Amanda McBratney who is a senior lecturer at the School of Accountancy but works with us at the centre. Rachel Cook is a research assistant at the centre.

We made a submission that has two parts to it. The first part dealt with some of the practical issues about accessibility which have been canvassed here this morning. There is another suggestion or submission we would like to make to add to the comments that have been made this morning.

The second part of the submission refers to section 58 and wants to take that part of the Statutory Instruments Act a little bit further. I did not catch your name, but the precedents lawyers were talking about template legal documents. Professor McGregor-Lowndes and Dr McBratney will speak to where they see the work of the committee can assist our community further by scrutinising some template legal documents, but I will speak to the first part.

I am a lawyer and my recollection from law school and being taught by Alastair MacAdam was that you looked to the regulations to find the forms that are referred to in an act or through the regulations of the act. Of course at some point over the last 20 years the forms have disappeared out of our subordinate legislation and out of our regulation and provision was made that they only needed to be gazetted. The website for the Office of Parliamentary Counsel has the legislation and at the back of each piece of legislation is a part that lists the forms and the date of their gazettal, and of course that is updated immediately upon gazettal of new forms.

We would submit that in that section of the act—and we bear in mind that the general public is not going to go to the legislation website to find their forms, but we would hope their lawyers would—you could easily have the Office of Parliamentary Counsel put a link into the form where it is most current with its own department. The other thing I have noticed in other states is that at the front of their legislation they put in who is the responsible minister and the responsible department. It may well be that you could put a link into the departmental website at the front of the piece of legislation. One of the things that is happening across Australia is Parliamentary Counsels are making their website interactive with the legislation and the regulation. There is no reason why that cannot also be interactive with the forms, who the responsible minister is, the department and have some contacts there as well. So there are many ways to find the forms and that would just add to that way.

With regard to the other point we wanted to make about the forms in terms of the Queensland forms is that—and I only speak for the forms that are relevant to the pieces of legislation I mentioned before, and that is the Associations Incorporation Act, the Collections Act and the Charitable and Non-Profit Gaming Act—each of those forms does not provide with it or within the body of the form a guide as to how to fill in the forms. I do recognise that the Office of Fair Trading on its website has some information about how to register a charity and how to incorporate an association, but the forms themselves stand alone. With the little booklet I have circulated some annexures to give you an example. On the front you have an Associations Incorporation Act form 1, which is the form you use to apply to become an incorporated association in Queensland. If you look at that form it is about six pages long and there is quite a lot of information you need, and it is very tricky to incorporate an association and it is very important to have the right information there. If you go to the back of that stapled sheet I handed around I have an application for incorporation of association from Tasmania. If you look at the back page of their form not only do they set out the requirements of the act for eligibility to incorporate, but there is also a handy guideline and a checklist as to how to fill in the form. But more importantly—and this is something that is missing from a lot of our forms—there is no contact number, no contact person, no-one that you can go to if you are having trouble filling the form in. You have either got to find your way through the website or do a Google search, ask the internet and hope that Wikipedia has got the answer as to how to fill in your form, because there is a lot of time, effort and extreme importance about filling in these forms so that you can advance the mission or the objects of your organisation.

I have put around the *Secretary's Handbook* for you and there is a pink tab. This was produced back in 2008 but nothing has changed since then and there is a commentary there on some common mistakes that organisations have found or the department—the Office of Fair Trading—has found when people fill in their application for incorporation. There are some details there and the publication lists out some information in relation to the forms and what to watch out for. You are welcome to keep that book and read at your leisure that commentary. Is there anything else we need to add to that at all? If not, Myles of course has worked with these forms in this sector for about 20 years or more. So if anyone knows where the pitfalls are, he does.

Prof. MCGREGOR-LOWNDES: Just on that with the forms, we have great relations with our friends in Fair Trading most of the time. In the previous three editions of the *Secretary's Handbook*, which is to help secretaries of voluntary organisations complete the paperwork, we actually reproduced the form and we filled in the form as you would. But they asked us not to put the form in because people were photocopying the form, whiting out what we had put in and then putting their own information in, and because they were changing the forms often they would get a form which was incorrect. So we took the forms out, but what we have done is asked the department to give us the 10 most common mistakes made on the forms and we reproduce that in there so people do not remake them, because language can be ambiguous. We did this quite a while ago and the department told us that the number of forms they had to reject had fallen off they think with people using this, but would it not be great in every form that is of any complexity to have a page at the back about how you fill it in and common mistakes made. That would save the government I think a lot of money in having to clarify forms or reject them and would speed things up dramatically. Thanks to the department for cooperating with that and I think this is a demonstration of the way that governments could make these forms a little easier.

The second part, as Linda outlined to you, is a bit of a stretch and perhaps I am just a trifle cheeky in taking the time here, but let me be brief and see how you react. Much of the community service sector now receives grants from government and often these come through, say, the Department of Communities or Housing and Disability Services and the grant really takes the form of a contract to deliver services—to deliver units of care or some sort of service to the Queensland community. The contracts or the conditions of those grants have been growing dramatically over the last 10 years and they have developed from gentlemen's agreements in the early nineties to full-blown commercial contracts. Those contracts appear on the web on the department sites and all that needs to be done is to fill in the name and address of the person who is going to have the contract with the department. The department will not alter, unless it is very exceptional, any of the terms and conditions and our friends in Health will not even change the spelling mistakes in the form.

What I am arguing here is that these documents, which are on the web now, really are forms and ought to come into the scrutiny of this committee, and there may even need to be a legislative change. Why am I saying that this committee ought to scrutinise these contracts? It is because—Amanda and I have done a number of papers and we enclosed one which is being considered by a journal at the moment—the conditions in the contract now go far further than what this committee or this parliament would allow in legislation. An example is search and seizure powers. The Department of Communities in a relevantly recent act has search and seizure powers for people who receive grants or deal with the department, and fair enough. In fact, the minister actually argued on a query from this committee that the powers should be a little wider because there were third-party beneficiaries who were often under some sort of disability and that there should be greater search and seizure powers so the department could go in and find out whether they needed to take any further remedial action with respect to the grant.

They are all before a magistrate; you have to get a warrant on good condition. There has to be an appropriate senior level of person who is competent in the department to make the decision to search and seize, there should be notice given, there are confidentiality protections, and when they seize property there are lists made so you can recover it et cetera. If you go and have a look at the clauses under the contract with these organisations, the clauses are incredibly wide for search and seizures, like just turn up and they are there. There is no magistrate. The persons in the department who can make such decisions could be at an extraordinarily low level. I am not saying that they are and I am not saying that the departments are abusing it, but the opportunity is there. So what we have is legislative standards which are being completely circumvented by a private contractual agreement. But it is not a private contractual agreement where people can dicker or barter with the terms. I suppose it could that say we do not want these search and seizure powers and the others there, but because the government and the department are in such a dominant contracting position I know of no cases where they have been altered. So it is in fact a contract of adhesion. We also make the point in the article that if you look at standard form contracts in other parts of government dealing with builders or constructions or legal advice they are far more in line with the community standards of search and seizure and other matters.

So we think that at the very least it should be on the agenda for this committee to scrutinise those forms—those template contracts—so that they at least do not circumvent legislation without good reason. So the same sort of system would apply. The minister may well say, 'We need these special contractual powers because of this, this and this,' and parliament could consider this. But we think that these things ought to be scrutinised before something goes dramatically awry. Thank you very much.

CHAIR: Thank you, Linda and Myles. Do we have any comments or questions in relation to their contribution today?

Mr MacADAM: I hope I will not get into trouble for commenting too often, but I support the point that Linda made. Very often it is important to have some explanatory notes to fill out forms. But one particular problem associated with explanatory notes that I have come across—and there is a related issue in relation to acts of parliament and legislation generally—is that very often you will find public officials saying that they are bound by departmental policy. More particularly, I again had a problem with Queensland Transport when acting for a young person. I was trying to get what was known as a certificate of exemption from late-night driving restrictions. In the explanatory form it said you could not apply for a certificate of exemption until the restriction was imposed. But when you looked at the act and you looked at the regulations, there were all sorts of avenues of appeal and review. But there was nothing I could do about it. I went to a customer service officer and manager of the office and they just handed it back to me and said, 'If you don't like it, sue us.' That would involve judicial review in the Supreme Court. You are acting for some student or some poor young apprentice and there is nothing effectively you can do. But the problem is that, if you have the associated information, that information should not be contrary to what is in the legislation or contrary to what is in the regulations.

CHAIR: Thank you. Are there any other comments or questions? If not, I am just wondering if Lisa or Tracy are here from Logan City Council. If not, would anyone else like to make a contribution today? If not, thank you very much. I call on Vicki Darling to sum up today's proceedings.

Ms DARLING: Thank you very much everybody for being part of a very interesting hour. We have had the opportunity to listen to all sorts of points of view. People have represented the users of forms, the designers of forms and the interpreters of forms and all of your feedback has been very valuable. Just to sum up, I guess I have put it into a few big categories. We need to have a look at the accessibility of forms

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and how to find them in the first place; we need to have a look at the format of the forms and how they can be accessible to people of all different backgrounds; and we need to have a look at version control, and I think version control makes us all shudder because we all have to keep that in mind at all times.

We also need to have a look at how we can assist people to complete the form. I appreciate very much a lot of the discussion around modern technologies. I notice that Premier Anna Bligh in her submission to the committee noted that she would be quite interested if, as a committee, we would consider how technology could be utilised to streamline and modernise the practice of notifying the public of new and improved forms. We have plenty of homework to go on with today and I thank everybody for being a part of it.

CHAIR: I would just like to call on Peter Wellington for a vote of thanks.

Mr WELLINGTON: Thanks, Jo-Ann. Can I just say on behalf of our committee to all of our presenters thank you very much for coming along today to provide information to our committee. We certainly will take your issues on board and make a recommendation in due course through to the government. Let us hope that at some stage in the future we will see that our laws have changed through a process of change in the Queensland government as result of the very submissions that you have made here today.

To our overseas visitors, I do not know whether you have found this exciting—it is a little bit different from some committee hearings that we have in parliament—but thank you for coming and being part of our public hearing. Hopefully, when you go back to your community you may consider forms. Who would have thought that forms were so interesting! I certainly did not think they were. But thank you all for coming and, hopefully, you will monitor our committee's consideration of your submissions today. Thank you.

CHAIR: Thank you, Peter. As I said earlier today, the proceedings are being transcribed by Hansard. I would like to advise you all that a copy of the transcript will be forwarded to our participants with directions regarding the review of the transcript. We would like to ask you that you respond promptly to that by Wednesday, 23 March this year.

As the chair of the Scrutiny of Legislation Committee, I would like to thank everyone for coming along. I would particularly like to thank our delegation from the Gauteng Legislature. We really do hope that you have an enjoyable stay in Brisbane. In closing, I particularly thank our officers from the Queensland Public Service, particularly DEEDI—from Mines online. Can I congratulate you on your work there. I think you are obviously leading the way in some areas with regard to forms. Also, we have an officer here from Treasury, who has taken copious notes today. As a committee, we will be providing a report to our parliament.

In closing, I have just a couple of thoughts. Forms are an interesting topic to everyone. As I said in my opening comments, you either love them or you hate them but you certainly want them accessible, you certainly want them readable and you want them up to date. I think for people who come to Australia from overseas and who want to be a part of our community, as Helen brought up, forms can be particularly hard and they can be difficult for some people with disabilities as well. It really is a huge issue. In conclusion, can I thank everyone for coming. I think that you will find our report to parliament very interesting.

Forum concluded at 11.48 am