The Gains from Clarity

A research report on the effects of plain-language documents

Gordon Mills  Mark Duckworth
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Centre for Microeconomic Policy Analysis and Centre for Plain Legal Language (both at the University of Sydney)
Law Foundation of New South Wales

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Centre for Plain Legal Language
Faculty of Law
University of Sydney
175 Phillip Street
Sydney NSW 2000 Australia
DX 983 Sydney
Telephone [+61 2] 9351 0323
Facsimile [+61 2] 9351 0200

Centre for Microeconomic Policy Analysis
Faculty of Economics
University of Sydney
NSW 2006 Australia
Telephone [+61 2] 9351 3744
Facsimile [+61 2] 9351 6640

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About the authors

Gordon Mills MA (Cambridge) is Professor of Economics in the University of
Sydney and Director of the Centre for Microeconomic Policy Analysis.

Mark Duckworth MA LLB (Melbourne) is the former Director of the Centre for
Plain Legal Language. Before joining the Centre he worked for the Law Reform
Commission of Victoria where he was involved in writing reports on plain language,
competition law, and the reform of the legal profession. He recently joined the NSW
Cabinet Office.
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Preface

Over the last few years, many organisations in the public and private sectors have been producing new documents in plain language. The impetus for this has been a mixture of consumer demand, government and industry regulation, and a wish by the organisations to replace what are often archaic documents with more user-friendly ones.

The drive to produce plain-language documents is only partly based on economic or administrative factors. Creating a document that looks and reads better, and that customers and staff feel happier using, are important reasons in themselves. But it is also important to try to produce documents that work well and to know the effects they produce.

In late 1993, the present authors first discussed how to assess the effects of producing documents in plain language. We approached the Law Foundation of New South Wales, and it agreed to fund a preliminary survey of the topic. We published this in 1994 as The costs of obscurity: a discussion paper on the costs and benefits of plain legal language.

Following this, the Law Foundation agreed to fund a major project that would involve a number of case studies. The present report is based on the data and experience gained from research in a number of organisations that have introduced plain-language documents. The results of these studies and our interpretations of them are set out here. We have reported what occurred, both expected and unexpected. We have learnt as much from those projects that fulfilled expectations as from those that ran into problems. In addition to writing this research report, we have drawn on our findings and written a separate two-part manual that we hope will help organisations planning new documents to approach their projects in the most effective way.

The most extensive of our case studies is that involving the new divorce application form produced by the Family Court of Australia. The Court commissioned Dr Robert Eagleson to advise on the design and writing of the new divorce kit. We express our gratitude to Dr Eagleson for his help. He suggested that we use the project as one of our studies, and played an important role in introducing us to Family Court officers.

We also thank Justice Mullane and Sophy Bordow (then Director of Research at the Family Court), for their support throughout that study. The managers of the Sydney Registry took a constructive attitude throughout; we owe a special debt to supervisor David McCormack and his colleagues for their acceptance of our presence and for the extra work they undertook on our behalf.
For our study at Sun Alliance and Royal Insurance, we are indebted to Anita Craig who served as our liaison officer, and to the managers and particularly the supervisors of the several sections in which we made observations.

At Liverpool City Council, supervisor Eva Cosentino was a constant source of support in helping us to organise observations in her section.

For advice on statistical methodology, we were fortunate that we were able to call on Denzil Fiebig, Associate Professor of Econometrics at the University of Sydney. Much of the text of Appendix D is based on his consulting report.

The data were collected by two research assistants: Stewart Webster and Genevieve Knight. Each spent many days over several months observing and timing events in the organisations we surveyed. We thank them for their diligence in carrying out what was at times a tedious task. Because he was in at the beginning, Stewart Webster also played an important role in our learning how the organisations ‘really’ did the processing; he did an outstanding job in that role. Later Genevieve Knight helped in statistical processing of the data.

We also express our thanks to Aristea Paschalidis who keyed almost all the manuscript, designed the tables, and entered all the observed data into a computerised data-base.

Others who provided useful comments and material are Christopher Balmford, Malcolm Britton, Adam Trumble and Chris Tricker.

Finally, we have great pleasure in acknowledging the role of the study’s Steering Committee. The members of the Committee were, besides the authors, Professor Terry Carney from the University of Sydney Law School, and Steven Reynolds from the Law Foundation of NSW. We thank them for their support and wise advice.

Gordon Mills
Mark Duckworth

November 1995
Summary

Part A: Introduction

1 This report describes research into the effects of producing documents in plain language. Going beyond the anecdotal character of much of the previous work, this research was designed to look for firm evidence.

Before beginning this study, the authors prepared a discussion paper: The costs of obscurity, published by the Centre for Plain Legal Language in 1994. This gave a broad survey of the topic and included some preliminary views on the issues involved.

The discussion paper also looked at some of the earlier attempts to place dollar values on savings from using plain language. Some of these were more successful than others. The survey suggested that much work remained to be done in exploring the wider effects.

The present study has taken a systematic approach, to investigate more fully the issues of efficiency and organisational change that arise from the process of introducing plain-language documents.

The work is based on three case studies undertaken as part of the research project, and on other experiences gathered from organisations using plain language. The report provides some practical examples for organisations about to embark on a project. The consequences of introducing new documents can be quite complex. Organisations often start projects without realising this.

For this reason, the authors have also prepared a (separate) practical manual, based on the findings of this report. This manual is in two parts and deals with:

- planning and organising a plain-language project
- monitoring and evaluating the outcome of a plain-language project.

2 The project was developed to find a way of systematically comparing the performance of documents and administration of organisations before they introduced plain language documents, with the same after they had done so. This report looks at both direct and indirect effects.

All three case studies deal with the processing of applications lodged by clients. Direct effects include matters like changes in the amount of staff-time taken to process an application. Indirect effects are more difficult to assess and can be wide ranging, involving changes to organisational administration and procedure.
The first step in each case study was to understand how the organisation received and processed the (old-form) applications. This involved discussions with managers and supervisors. The statistical and other data were then collected by observing processing and by using questionnaires. Where possible, data were collected from both applicants and processors.

The report also describes any accompanying changes in the organisation, and the way in which it managed and implemented its plain-language project.

3 The components that make up the application process are: the client, the server, and the rule-book. In processing an application, the server has to decide whether he or she can grant the client's request according to the rule-book, and if so on what terms.

Obscure documents can have an effect on how efficiently this process takes place. One question is how do obscure documents work at all? One answer to this is that frequent users learn to overcome the difficulties. In contrast, infrequent users may hire another person to do the work, or keep seeking advice, or give up.

The possible consequences of introducing plain-language forms, instructions and rule-books may be quite diverse. The introduction may affect the speed with which clients can prepare applications, the accuracy of these applications, and the speed with which the server can assess them.

Part B: The Case Studies

4 The most extensive case study concerns the implementation of the Family Court's new Divorce Application Form. The old forms had a number of serious problems in the style of the questions, and in layout, language and design.

The case study is based on observation and material gathered at the Sydney Registry of the Family Court. It begins by describing the application process, including lodgement by applicants and determination by Registry staff.

The study looks at:
- the Court's administration procedures
- the tasks carried out by the Registrar
- the success of applicants in preparing and lodging the forms.

The data collected were of two main types: task timings (see Table 4.1), and data from questionnaires (see Table 4.2). One questionnaire was for the registry staff, and one for self-applicants. The latter sought both factual information and attitudinal data.
Much of the analysis deals with attempts by the clients to lodge complete, coherent applications. (Once lodgement is completed, the application goes forward to a Registrar of the Court for determination.) For any sample of applicants, the 'completion rate' is defined as the number of completed lodgements expressed as a percentage of the total number of lodgement attempts.

In that context, the results from the study reveal a number of changes brought about by the new forms. Among these changes are:

- The new forms had higher completion rates. For self-applicants the increase was from 52% to 67%. The rate for represented applicants increased from 75% to 86%. (See Table 4.4.)

- The incidence of errors in the applications was smaller in the new forms. The overall number of applications rejected because of errors in answers to questions declined from 30% to 7%. For self-applicants the decline was from 42% to 8%. (See Table 4.5.)

- The mean numbers of errors for each completed lodgement declined, overall, from 0.94 errors across all questions asked to 0.11. For self-applicants the decline was from 1.74 to 0.14. (See Table 4.6.)

A further important change was the way self-applicants evaluated the forms. Only 20% considered that the old form was 'less difficult than average'. With the new form this figure was 70%. (See Table 4.11.)

There also appears to have been a decline in the processing time of tasks undertaken by Registry staff. (See Table 4.12.) This was particularly noticeable for the initial processing of a successful lodgement at the counter from a self-applicant. The mean time decreased from 12.3 minutes to 10.5 minutes. However, the time taken for lodgements by solicitors increased from 5.3 minutes to 6.9 minutes. But the figures are based on samples that are not big enough to make the results statistically significant.

Nevertheless, the outcomes do suggest an important result: professional users, such as solicitors, may take time to adapt to new forms.

The new form also had an impact on the Registrar's role. In most cases it meant that the Registrar had much less to read. But in the more complex cases, the extra information on the old form had sometimes made it easier to resolve the matter.

The administration of the plain-language project resulted in a successful campaign. However, implementing the project may have been delayed because certain issues about the content of the form were not readily finalised.
The second case study concerns a new policy and application (proposal) form for home insurance offered by Sun Alliance and Royal Insurance. The case study looks at policies sold in two ways: those sold in the company’s name, through its Agent and Broker business unit; and a branded version sold through a Financial Institution, and handled by another of the company’s business units. In both cases, nearly all applications are lodged by mail or fax rather than by a personal visit to the company. Because the two types of business are processed separately, performance measures were collected and analysed separately.

The data collected were from observations and timings of initial underwriter evaluation and initial data entry.

These data were influenced by fluctuations over time in the demand for the product. Because of this, when the new forms were introduced, staff were having to deal with fewer applications than they were when timings and observations were made for the old forms. There was also a considerable staff turnover in the period between collecting data for the old and new forms. Both of these factors make it difficult to compare the outcomes.

With this qualification, the results of the before-and-after comparisons for Financial Institution business show a number of changes including:

- Mean time for task duration in cases of immediate acceptance increased from 1.1 minutes to 1.7 minutes (Table 5.1)
- The proportion of applications that were immediately accepted (without further inquiry) increased from 60% to 81% (Table 5.1).

The latter statistic shows how the company enjoyed savings through having to make fewer further inquiries.

Similar results were found for Agent and Broker applications (Table 5.3). There, the equivalent statistics are:

- Mean processing time for cases of immediate acceptances increased from 2.37 minutes to 3.96 minutes
- Proportion of applications immediately accepted (without further inquiry) increased from 36% to 52%.

The project was successfully implemented and had the complete backing of senior management. The company had a plain-language committee that oversaw the project.

For a little while after introduction of the new documents, the old ones were also still in use. But later all old versions were discarded.

As with the Family Court documents, it seems that some professional users were a little reluctant to switch to the new forms.
Liverpool City Council brought in a new building application form as part of a programme to create reader-friendly documents. The Council wished to reduce the number of forms applicants had to use, and to refine the content of the forms. A senior manager appointed an external consultant who prepared a plain-language version of a new form. By the time this was submitted, the manager and some other senior staff working in the area had left the Council staff. The new senior people decided not to implement the consultant's version. The Council staff did some further work on the form, and some months later they trialled an interim form. After further, small, modifications, a definitive version was established and brought into use.

For the present research study, before-and-after measures were taken of the way the old and the new forms were processed. Because of the delay in introducing the new form, it was possible to observe only small samples of new-form applications. For this and other reasons, the statistical results are not decisive.

One tentative conclusion is that the differences between the old and new forms may not have been great enough to lead to significant changes in task times, even for those tasks that involve contact with clients while checking and amending the information written on the form.

Our study also gathered information on other successful and unsuccessful plain-language projects. These included:

**Campbelltown City Council.** The Council and senior management were committed to a plain-language program. They set up an ongoing committee and developed a set process for producing new documents. They also made sure that all relevant staff were included so that they had "ownership" of the new documents.

**A financial services organisation.** The project failed after detailed work was started without the necessary preparation being completed. The project was conceived in a very narrow way, and was not put in the context of other changes within the organisation. These other changes cut across the plain-language project and meant that it became irrelevant to the company's other activities.

**Norwich Union.** This was a successful project by a company that integrated plain language into its core activities. Its first main project, new documents for a superannuation product, revealed that re-writing documents in plain language may have effects on the content of the product.

**Part C: Conclusions**

This report concludes, in part, that the outcomes of plain-language campaigns can produce the following benefits for applicants:
- time saved in completing the form
- a reduced need to amend it later
- less effort to understand it.

For those who process forms, processing times for some tasks may be reduced, but this effect may not be significant. What is significant is that the new forms often reduce the number of tasks. In such cases, processors may:

- make fewer additional inquiries
- reject fewer applications because they are not well founded.

Preparing plain-language documents also helps reveal policy and legal problems with the original.

A major conclusion is that organisations generally have a very narrow view of the process involved. This leads to projects not being seen in their overall context within the organisation. Many organisations begin the re-writing process too early, before the aim of the project has been properly worked out.

In administering the project, it is very important to involve the right people and to have some continuity from beginning to end. Establishing a plain-language committee is a good approach.

Making sure that some of the people involved in the project are staff who actually administer the document is something that is often overlooked. This means that the project misses out on significant practical information, and that those staff do not have “ownership” of the final document.

Many organisations do not plan properly for the implementation of the documents. This can lead to inefficiency – in particular when no firm changeover date is set.

There is a difference in the way “professional” and other users take to the new document. Frequent or “professional” users may resist change, or take longer to adapt.

In undertaking the research task, it was important to gain information at different levels in the organisation, from senior management to those staff who did the processing. Observation also revealed that the way staff perform tasks may be different from how they describe them.

The research project was not able to collect enough data for a complete cost-benefit analysis. However, it has produced important statistical information on event frequencies, as well as much useful qualitative material, and important insights into how to organise plain-language campaigns.
Part A  Introduction
Plain legal language is concerned with efficient communication. Over the past few years there has been increasing debate over what “plain” and “efficient” actually mean.

Plain language is a user-driven approach to producing documents. It is a process by which documents written in a traditional legal style are changed into ones written in a more modern style. There are several techniques that have been identified for making a document easier to read. These include preferring to write in the active voice, making sure important actions are shown by verbs, avoiding long complex sentences which have many embedded clauses, and avoiding archaic or technical terms.

But the plain-language movement has become more sophisticated than simply applying a formula and hoping that a “translation” makes the meaning clear. One thing that advocates of plain language have promoted over the years is the use of document testing. This is designed to see if groups of intended users can actually get access to the information in the way the writer intended.

A further analysis made by some of those who have introduced plain-language documents is to look at the impact of new documents on the structure and workings of their organisation. The figures produced as a result of these, usually internal, studies often support claims of efficiency gains and savings in terms of dollars.

**Need for a systematic study**

It is these types of studies that were one of the stimuli for this project. Our work came about from the need to examine the techniques of assessing increased efficiency and organisational change that arise from the use of plain-language documents. While the studies that already exist include some that are quite sophisticated, there has been no overall study of the area.

A further reason for undertaking the project was that the amount of data that existed on the effects of introducing plain-language documents was quite limited. We spoke to a number of organisations that had already introduced new documents and tried to find out whether they had been able to gather data that we could use and analyse. It became clear that, while many organisations were able to recount anecdotes about how things had improved, they had very little empirical evidence on which to base their claims.

Certainly, a feeling that things were better and more efficient is important, but it is not as good as having firm data to show what the changes had been. Part of the reason we undertook this project was to work out a system that organisations could adopt to collect these data. This is not of theoretical interest only. Collection of such
information helps an organisation to find out many things about itself and its workings that might otherwise be unknown. We hope that our report will make it easier for organisations to put various data-collecting processes in place.

The main purpose of this project has been to look at ways in which you can assess the effects of introducing plain-language documents into particular organisations. To do this we have carried out a number of case studies ourselves. Also, we have discussed the effects of plain language with a number of other organisations that have already introduced plain-language documents.

The consequences of introducing new documents are often quite complex. We are interested not just in immediate effects which can be measured statistically, but also in the organisational changes that result from the plain-language process. From our analysis we have attempted to draw a number of broad conclusions, and also provide some practical examples so that people embarking on future projects can learn from the successes and failures of others.

The need for a practical manual

One of the aims of the project has been to produce a manual for those intending to introduce plain-language documents, and also a set of procedures for undertaking case studies. We thought that this was an important task because many of those introducing plain-language documents start off from a limited knowledge of what the process involves and with little idea of what effects the process could have on their whole organisation's structure. We hope that the manual and procedures will make it easier for people to run a project. The manual is being published separately.

The case studies that we have carried out were done in order to refine our understanding of what was needed, and also to gather some particular information about these individual organisations and the projects that they were working on. Certainly, the studies that have already taken place in individual companies give some guide about the types of information and the way in which this information should be used. But we believe that it is important to look at this in a broader way so that organisations can work out in advance what to do and what data to collect, so as to have information to use in comparing the performance of the old documents with the situation prevailing after the new documents are introduced.

The discussion paper

The project began with the authors preparing a discussion paper: *The costs of obscurity: a discussion paper on the costs and benefits of plain legal language* (1994). This paper dealt with a number of broad issues. It set out the background, looking at work that had been done in the United States, United Kingdom and Australia. It also discussed the nature of cost–benefit analysis and how it could be applied in cases involving the introduction of plain-language documents. The literature survey we carried out to produce the discussion paper also proved a useful basis for our later work.
The discussion paper began to systematise the types of legal documents that we could look at and the types of effect that one might expect from introducing plain language. Much of the research of the discussion paper involved analysing a large number of statements, made in earlier studies, about savings or efficiency gains. In this review of the earlier studies, we looked at the development of the topic and examined the methodology used by the more systematic studies.

Among the studies we looked at were the *Forms effectiveness study* (1984) for the UK Department of Health and Social Security, and studies by Rogers for the NRMA (1991), and by Fisher and Sless for the Capita Financial Group (1989). All of these concentrated on error rates and the costs of correcting errors. Other studies, such as those by the AMP on their own documents (1992), and the Victorian Law Reform Commission on a draft *Takeovers Code* (1987) and life insurance documents (1992), did not base their results on actual use, but on comparisons between controlled groups using the “old” and the “new” documents. The groups were timed to see how long it took them to extract information accurately.

While these are all very useful studies, our conclusion from looking at them was that there needed to be a more detailed analysis of the area.

Over a thousand copies of the discussion paper were circulated in Australia and in other countries. One of the purposes of doing this was to try and find, from various people around the world, if there had been any more detailed study or analysis of this topic which they were willing to share with us. The topic attracted much interest in the journals and bulletins in the United Kingdom, USA and Canada that are devoted to plain language and effective communications. We also received some information from people about views they had on the issue. The discussion paper has proved a very useful starting point for the project. Unsurprisingly however, this report sets out conclusions that differ from the preliminary views that we set out in that discussion paper.
Chapter 2 Methods and analytical framework

This project was developed to find a way of systematically comparing the work of organisations before they introduced plain language documents and after they had done so.

It was important to have "before" and "after" measurements so that we could actually assess and report on the changes. To carry out the project we found a number of organisations that were about to introduce plain language documents. We carried out three case studies, all dealing with the processing of applications lodged by clients. We observed and measured a number of aspects of the way each organisation processed applications in the "old" regime. We then repeated the process under the "new" regime.

Direct and indirect effects

In measuring consequential effects, the nature of the task naturally depends on the nature of the effect being measured. The type of direct effect that was simplest to identify in our case studies was the time taken to process applications. In one case study we also measured some characteristics of effort required of applicants, and the number of errors made by applicants.

Producing plain-language documents can also bring about a range of indirect effects. These may occur because the process revealed flaws in the product, or because the process of simplifying the structure, language and design of the product led to a product that was simpler overall. The new documents may also lead to changes in processing applications or administering the product.

When an organisation is changing one part of the way it works, it is often also looking at other aspects of its administration. In our analysis we needed to separate out (to the extent possible) effects brought about through other changes that were happening at the same time.

Initial appraisal of processing procedures

Before we could collect any data, we needed to understand how the organisation received and processed applications. To acquire this understanding, a research principal together with a research assistant interviewed officers of the organisation and studied the organisation's rule-book and other documents.
Such analysis of ‘business processes’ is best done with the help of a variety of the organisation’s officers. Typically, we obtained help not only from managers but also from supervisors with immediate responsibility for day-to-day processing of applications. We found it helpful to have these diverse viewpoints expressed when all parties sat down together at the committee table.

While the managers could give a well-qualified account of the overall aims of the organisation and of how the processing of applications was intended to serve that overall purpose, it was often the supervisors who had the better knowledge of the details of the procedures. Occasionally, differences in perceptions were brought out in such round-table discussions, and this helped us to understand not only the procedures but also any attendant ambiguities and difficulties.

After these meetings, we wrote analytical descriptions recording our understanding of the procedures. Often these descriptions were submitted to the organisation’s participating officers, and this checking sometimes revealed errors arising from misunderstanding on our part or in other ways. Commonly, even these corrected accounts proved to be incomplete or (sometimes) inaccurate, as we discovered when the research assistant began to plan and make measurements (as described next).

**Methods used to gather data**

We used two main methods to gather the data we use in this project.

The first was to place the research assistant in the organisation. The assistant began with the knowledge embodied in our process description. Close contact with the servers who were processing applications brought additional, more-detailed information about the process, and sometimes yielded further insights of a less formal nature. The assistant’s main role at this stage was to time the various processing tasks.

The second method was to use questionnaires to measure characteristics of the applications, as assessed by the servers, and to find out what users of the system thought of the documents they were using. Some of this data was qualitative, but much of it was quantitative.

In these two ways, we were able to gather data about how the old documents were processed. The studies were repeated once the new documents came into use.

One further type of information we hoped to obtain was the cost of the process of introducing the new documents. However, this was difficult to gather. Some of the work on the new documents was done by outside consultants whose costs could be easily quantified. However, a considerable amount of time was taken up in committees and other internal administration. Few organisations seem to take these costs into account when producing new documents. In the outcome, the amount of data we collected on the costs of introducing new documents was very limited.
Describing changes

Our purpose was not simply to measure the immediate effects. Introducing plain-language documents brings longer-term and indirect effects too. So we have analysed organisational and other factors as well.

We have tried to identify those systems that work well, and those that operate poorly. In order to assess this we have described the way the changes happened. Our analysis is based on how the organisations approached the tasks and whether they brought about the intended changes in the most efficient way possible. In this context, matters that cast light on efficiency include:

- the time between beginning the project and implementing the new documents
- any problems with the project brief
- the process used for the project and the people involved in it
- the approach of management to the project
- any difficulties in implementing the new documents.

Timing issues

Many of the costs of producing new documents come at the start of a program. The benefits may accrue over many years. The period of the change over can be prolonged. These features create a number of particular problems for analysis.

A system using old documents may work poorly, but many of the participants know what they are doing and have adapted to the system. Even if the new documents will lead to substantial future benefits, the change-over period will lead to some disruptions. We have had to find ways of allowing time for this change-over to happen, while still being able to assess the operation of two sets of documents in similar situations, that are not too far apart in time. Because of the target completion date for our work, we were not always able to allow time for the use of the new documents to become a matter of routine for the professional participants. Where this proved to be a significant issue, we note specific aspects of the matter in our case-study reports.
Chapter 3  
Service applications from clients

The client, the server and the rule book

How an organisation deals with an application is based on a codified set of decisions that we call “the rule-book”. The organisation uses these rules to determine the outcome of an application. The person who assesses these applications we call “the server”. Usually, the application is made in writing on a form provided by the organisation.

Because all our cases are of this type, it may be thought that we have looked at a limited sample of the areas to which plain-language principles may be applied. However, clients make applications in many contexts. Indeed, most people’s exposure to legal documents come from making applications and filling in standard forms.

All the cases that we have studied have applications from clients who are outside the service organisation. Essentially, the same situation arises within an organisation when its staff seek service from an in-house service unit, such as stores, personnel and accounts sections.

Applications made in writing have a number of common features. These include that:

- The client (applicant) is given an application form.
- The client needs to be informed (at least) how to complete the form. In some cases, the client may need – or may be given – access to a complete rule book.
- The server needs to be informed about the rules and working practices. While the rules will be contained in a document, some of the practices may not be written down.

Processing the application

In processing an application, the server has to decide whether, according to the rule book, he or she can grant the request. If it is granted, the server has to decide the details of what is to be granted, and of any conditions to be imposed.

Typically, there are difficulties in arriving at sound decisions. Among these, two are important in the present context:

- the application may have unusual features which expose gaps or ambiguities in the rule book
the application may be incomplete or contain ambiguous statements, because:

◊ there are problems in the design of the application form and instructions, or
◊ the client fails to follow the instructions.

When the application has problems, it is almost inevitable that the service unit has to seek clarification from the applicant. If the application is lodged in person, the servers can seek clarification at that time. This may mean that the client has to take the application away, perhaps to find further information or supporting documents, before returning with a revised application. For applications sent by mail, the service unit may seek further information by telephone or letter, or the application form may be returned to the client for revision.

Application forms are often poorly designed, and instructions often badly written. Rule books are also often drafted poorly. This prompts an obvious question: how can systems based on these documents survive?

For poor forms and instructions, the answer can often be found in one of these explanations:

- For in-house users, the clients are repeat customers. These clients gain experience of how to obtain supplies from stores, grant of leave etc. from the personnel section, and reimbursement of expenses by the accounts section. As they repeatedly use the form, they learn how to cope with gaps in the application form, and to realise that question 7 doesn’t mean what it says—and, more importantly, they learn how to answer it in order to lodge a successful application.

- External clients who find the forms too difficult, or just plain incomprehensible, may employ professional advisers or intermediaries, whose experience has allowed them to learn (just as in the in-house case) what combination of answers will win the jackpot. In this way lawyers get used to the design of court forms, and developers to Building Application forms.

Apart from such situations, the system may survive but work very badly. In particular:

- the client may not always bother to apply because it is so difficult to do so (even when, according to the rule book, application is merited)
- the perservering applicant may be put to a great deal of trouble, and seek frequent advice from the service organisation in the course of preparing the application.

Possible consequences of introducing plain language

When forms, instructions and rule books are improved so that they communicate more effectively through clearer writing and design, the potential benefits may be quite diverse:

- the client spends less time and trouble preparing an application
- the service unit spends less time helping in that preparation
the service unit’s processing of a completed application is easier and quicker
- fewer mistaken (unmerited) applications are made
- more sound (merited) applications are made.

The last two effects may arise as a result of clearer instructions and rule books helping the clients to better understand how to make a legitimate application.

Producing documents in plain language involves more than just looking at the words. It involves design and lay-out of documents as well. The plain-language process may also bring about a number of changes in the rule book, including:

- Instances where existing provisions are written more clearly, but the new wording has the same administrative effect and legal interpretation as the old.

- Instances where the new examination reveals or draws attention to ambiguities or other shortcomings, and this leads to changes in the rules and in their effect.

- Changes that are made in the rules for extraneous reasons, such as changes in the organisation’s environment. Here redesigning and rewriting the document may reveal problems and provide the occasion for other changes, but is not otherwise the “cause” of the changes.
Part B  The case studies
Chapter 4 The divorce application form of the Family Court of Australia

Under the Family Law Act 1975, the Family Court of Australia deals with a range of family matters including divorce (dissolution of marriage), custody of children and ownership of property. In all states other than Western Australia, and in the territories, the Family Court of Australia has established registries, each of which serves the local region. (In Western Australia, the Family Court of Western Australia remains a separate body, but undertakes a matching role under the Family Law Act.)

In late 1993, the Court concluded that the application forms then in use created severe difficulties for divorce applicants. The Court decided to design and use some plain-language forms. New forms were brought into use for applications lodged on or after 1 February 1995. It is this change which is the subject of our case study. In June 1994, the Court kindly agreed to allow us to undertake the study. We made observations and gathered data in the Sydney Registry.

How the Family Court handles divorce applications

A divorce may be sought by one marriage partner, or by both partners acting together. In either case, there are certain pre-conditions: the marriage must have taken place at least two years previously; the partners must be living separately and apart at the time of application, and must have done so continuously for at least one year at that time; and the partner (or partners) making the application must be convinced that the marriage has irretrievably broken down. (The two-year rule may be waived if the applicants have attended marriage guidance counselling, to no avail.)

Before the Court may grant a decree that dissolves the marriage, it must establish that these conditions have been met. There are also certain requirements as to citizenship, residence and domicile. Given all these circumstances, it is not surprising that the application form is lengthy and complex.

To assist applicants and to help the work of the Court, the task of considering a divorce application is divided into two major parts: lodgement and determination.

Lodgement

First the applicant lodges the form at a registry. This may be done in person by the applicant (or a representative), or by sending the completed form and accompanying documents through the mail. Staff at the registry scrutinise the form and other documents, to see whether the application is complete and free of inconsistency and
obvious factual error, and to see whether the statements made by the applicant (when taken at face value) imply that the applicant is qualified to apply for a divorce at that time.

For personal application at the registry counter, this scrutiny is undertaken in the presence of the applicant (or a representative). If the registry officer finds that the applicant is not qualified, this information is conveyed verbally. Again, the officer advises the applicant if there are errors or omissions in the way the form is completed, or in the accompanying documents. If the applicant is present, minor changes may be made and signed on the spot. In other cases, the application has to be taken away and the corrections made later. The amended application is brought (or mailed) to the Registry at a later date. The applicant may find that still further changes are needed before the application is accepted.

For applications sent by mail, the process is similar with the obvious difference that any problems are notified to the applicant in writing, and by mail.

**Determination**

Once the application has been accepted, it is placed on a list, and given a time and date for examination and legal determination. This second step is usually carried out by a Registrar, who is a legally-qualified person. (In general, the Judges of the Family Court hear only those cases that involve more complex and contentious matters such as disputes over child custody and property.) The applicant is expected to attend this hearing, but permission not to attend is granted under certain circumstances.

After scrutinising the application, the Registrar may conclude that it is incomplete or otherwise defective. If one or both applicants are present, the difficulty may be resolved immediately. Otherwise, the Registrar adjourns the matter until a later hearing, at which additional information should be provided.

If a completed application does not meet the legal requirements, the Registrar dismisses it. Otherwise, the Registrar decides that the dissolution decree may be granted. Following a timetable set out in the legislation, the decree document is prepared and given the Court imprint. In some rare circumstances, the decision may be appealed.

**The old regime**

**The application forms**

There were two versions of the application forms: Form 4 was used in the case of an application by one partner, and Form 5 in the case of a joint application. Apart from a cover sheet, each Form had a notice on page 1 for the Court to complete, addressed to the other partner (Form 4) or to both partners (Form 5). The notice stated that the
application had been made and was “set down for hearing by the Court” at a stated time and place. In the case of Form 4, the notice was to be served on the other partner.

The application proper began on page 2 and ran to page 7, which had to be dated and signed. These pages were virtually identical in the two forms. In both versions, page 8 required the single applicant or both applicants to complete an affidavit. The same page also had provision for a declaration to be signed by the solicitor (where employed by the applicant) and for a declaration by a court officer.

Excerpts from Form 4 are reproduced here, in Appendix E.

The style of the application was that of a sworn statement. The applicant had to:
- complete sentences and other components,
- delete inapplicable alternatives, and
- delete inapplicable extensions.

In particular, the form included:
- two alternative paragraphs ("questions") each numbered 13, relating to the children (of the marriage) who are under the age of 18
- two alternative paragraphs each numbered 17, relating to previous orders
- two alternative paragraphs each numbered 18, relating to pending proceedings.

In each case, the applicant had to delete one of the alternatives.

**Preparing and lodging the application**

Throughout the form, brief instructions to the applicant were printed alongside the numbered statements. In addition, the Court required that the applicant complete the statements in typewriting – although this requirement was not stated on the form itself.

Applicants were (and still are) able to seek help in a number of ways:
- by going to the registry counter and asking for advice
- by telephoning the registry and asking for advice
- by attending an information session, held at the Registry
- by engaging a solicitor, who can prepare the application and lodge it on behalf of the applicant
- by consulting relatives, friends and others.

In the case of the Sydney Registry, it seems that about 60% of the applications lodged in the later part of 1994 were prepared by solicitors.
Ancillary application forms and other documents

Besides the main Forms 4 and 5, the applicant may have completed the following ancillary forms:

- Application for non-payment of filing fees. The filing fee of $300 may be waived if payment would cause the applicant hardship. This application form may be completed in handwriting.

- Request to the Court to hold the hearing in the absence of the parties. This application may be made only when there are no children (of the marriage) under 18 years of age.

Other documents that were required to accompany the application included:

- original marriage certificate (or an original certified copy obtained from the relevant registry of births, deaths and marriages)

- if the marriage certificate is not in English, an English translation of it, together with an affidavit from the translator

- if unable to provide the marriage certificate, an affidavit from the applicant, giving details of the marriage

- if the marriage took place less than two years previously, a certificate from the Court (or other approved) counsellor who had given the counselling that is required before such an application may be lodged

- two photocopies of the completed (and sworn/affirmed) application.

Acknowledged difficulties

The design of Forms 4 and 5 presented a wide range of problems, and many applicants had difficulty in overcoming them. The Court’s increasing recognition of this prompted it to embark on reform. The problems arose from:

- The use of a ‘statement’ style – in particular the need to complete the application in part by deleting unwanted components. This seems not to be the most natural approach for the human brain.

- The instructions given on the form, alongside the various statements and parts. These are helpful, but they are brief and occasionally incomplete. There was also an instruction sheet.

- The applicant being asked to complete several statements, by writing an account of the facts and circumstances, but with the form offering no guide or structure to assist in the task. This applies particularly to section 5 (which deals with domicile, citizenship and residence), section 7 (circumstances of separation), and section 10 (residence together since separation).
Some terms with precise legal significance (for example, domicile and residence) not being defined or explained.

As with any form dealing with complex matters, the difficulties are exacerbated when the applicant has a limited education or does not have a good command of (written) English, or both.

The campaign to change the form

Section 123 of the Family Law Act 1975 provides that (a majority of) the Judges of the Family Court may make Rules of Court that provide for the procedures to be followed. To give effect to this, the Court has a Rules Advisory Committee. Thus the task of revising the divorce application forms and promulgating the new version fell to this Committee. In addition, an experienced plain-language consultant was appointed as an advisor to the Family Court.

The membership of the Rules Committee (set out in section 124 of the Act) is made up of judges of the Family Court of Australia and of the States and “such other persons appointed”. These include retired judges, judicial registrars, regional managers and others. (More detail is recorded below.)

As well as amending the existing rules concerning the divorce application forms, the Committee addressed other issues at the same time. In consequence, the Family Law Rules 1994 No. 401 also introduce:

- new provisions and forms for service of documents
- permission for many of the Court’s forms (including the new divorce application, Form 4) to be completed in clear, legible handwriting
- provision for reduction in the fees chargeable by solicitors, who handle divorce applications on behalf of clients, to “allow for the reduction in work because of the simplified forms and procedures and the savings possible by using handwriting on the application and service forms” (Explanatory Statement, Family Law Rules 1994 No. 401).

The Family Law Rules 1994 No. 401 are made up of 17 pages in traditional legal form, together with schedules (occupying a further 30 pages) that contain the text of the revised application and service forms.

The Rules Committee began its task in late 1993. The amended rules were notified in the Government Gazette on 5 December 1994, and took effect on 1 February 1995. In the outcome, almost all applications lodged on or after that date were on the new form. Registries allowed a few exceptions, in those cases where otherwise undue hardship would have resulted — for example, when a joint application (the old Form 5) had been sent overseas because one of the partners was not then living in Australia.
The new application form

Just by looking at the new application forms, it is immediately obvious that the whole approach to the form has been given a critical re-examination. Indeed, there is a new approach to the entire application procedure, as well as radically changed wording on the form.

Much of the complexity in applying for a divorce comes when there are children of the marriage under 18 years of age. This is because the Court has to be satisfied that the interests of the children are being looked after.

In contrast, the differences between single and joint applications are relatively minor. For this reason, the new Form 4 is designed to be used by both single and joint applicants. There is also a shortened version of the form for use when there are no children involved. This version omits section E of the full Form 4, but is otherwise the same as the full form (save for a difference in procedure, discussed below).

The new application form is accompanied by a considerable amount of explanatory material. This begins with an overview of the procedure, and goes on to give detailed guidelines on how to answer the questions and how to give other information on the form. The whole is presented as a single booklet of 20 pages that are slightly wider than A4 size (16 pages in the short form), and is described on the front cover as a “Divorce KIT”. The form itself has 5 pages (3 pages in the short form), set out on 5 (or 3) sheets that are torn from the booklet when the form has been filled in. The back of each sheet gives detailed guidelines on how to complete that part of the form that appears on the facing page in the booklet. (The detached sheets are of A4 size, to help in photocopying, and later filing by the Court.)

The design of the wording and layout of the form moves away from the traditional design of legal documents. Instead of filling in gaps or deleting parts, the applicant positively selects alternatives by placing a cross in the appropriate box. Boxed spaces are provided alongside descriptions that identify the information required. These descriptions replace the statement sentences that were used in the old forms. The grouping and sequencing of questions is designed to help the applicant understand the process of application, and this is helped by the layout (which includes prominent section headings).

Excerpts from the full version of the new form are reproduced in Appendix E.

The new form also incorporates a few changes in procedure:

- Handwritten applications are now accepted.

- The short form now includes (as section B) a place where the applicant can seek permission not to attend the hearing. This replaces the separate form used previously. (Of course, Section B is omitted from the full form, used when there are children under 18.)
In general the new form asks for the same information as the old. However, a few items are now omitted. The form no longer asks:

- for the town or city in which the marriage took place but the applicant still must identify the country
- for each partner’s marital status (not previously married, widowed, divorced) at the time of the marriage
- for the number of previous marriages of each partner
- for the type of marriage ceremony.

**The activities that may be affected by the changes in the form**

Introducing the plain-language application document may be expected to have fairly widespread effects for the administrative and legal processes of the Court, and for the applicants themselves.

*Administrative procedures of the Court*

Registry staff undertake a variety of tasks in handling divorce applications, ranging from giving initial advice to prospective applicants, to downstream matters such as issuing the document recording the decree. Once the application is lodged successfully, the administrative data it contains are entered into the Court's computer system. It is this computer record which is used in subsequent administrative tasks. These later tasks are not likely to be affected by the changed wording and layout of the new form, nor by the very limited changes in the nature of the data that are collected. Hence, the impact on administrative procedures seems to be confined to these areas:

- Advice to prospective applicants. Registry staff explain how to complete the form, and draw attention to the additional documents that the applicant has to submit. The new kit provides more information than the old application form, and is likely to be easier to understand. Thus there may be less need for explanation by registry staff, at the registry counter or over the telephone.

- Checking applications when lodgement is attempted. When an applicant brings (or sends) to the registry a (partly or fully) completed application form, a registry officer reads the application. If shortcomings are found, the applicant is so advised. The adoption of the new form may influence the number of lodgement attempts made before the applicant succeeds in completing the form properly. (A corresponding procedure is used for lodgement attempts made by mail.)

- Completed lodgements. If the application is fully and correctly made, the officer creates a file record on the computer, and enters some initial data, before advising the applicant of the hearing date. The new kit may affect the time it takes to check a properly-completed form.
Further processing of completed lodgements. The balance of the data entry is carried out in the registry. Because of the reduced number of information items collected and entered, and because of the changes to the wording and layout of the application form, the time it takes to do this task may be different.

Legal processes of the Court

In hearing the divorce application, the Registrar uses the paper application form completed by the applicant. In principle, the Registrar’s work in making a determination may be affected:

- if the Registrar finds the new layout makes the application easier (or more difficult) to read
- if the changed wording affects the quality of the applicant’s statements.

Because the Registrar is practised at reading application forms, the quality of the layout is unlikely to have significant effect. The second effect, too, may be modest in extent, especially because of the initial screening of the application by a Registry officer at the time of lodgement. Nevertheless, the possibility of some effect must be considered.

Preparing applications

The partner or partners who prepare a divorce application should find the task easier to undertake. If so, there may be fewer unsuccessful lodgement attempts, and overall a reduction in the time and trouble expended by an applicant in reaching the point of completed lodgement.

Also, if the task is made easier and this becomes widely known, or if the task becomes perceived as being easier, partners who have separated may be encouraged (to a greater extent than before) to seek a divorce rather than merely live in separation but still legally married.

Identifying and collecting performance measures

Having identified the areas in which the new application may have an impact, the next step is to select performance measures for the new document. Of course, the ideal choice has to be tempered with considerations of practicability. As in all such situations, the obvious quantitative approach is to measure the incidence or frequency of the relevant events, and the size of each event.

As already noted, the applicant may make more than one attempt before lodging an application that is deemed to be complete and without other shortcomings. Some attempts fail because the applicant has given incomplete or erroneous answers to questions, and has to re-write the form and present it on a later occasion. Other
attempts fail because the applicant does not present all the required supporting
documents. In other cases, the applicant may not be ready to pay the fee, or even may
simply wish to postpone completion after establishing that the application is correctly
prepared. We use the term ‘completed lodgement’ for the situation where the
application has none of these shortcomings and the applicant wishes to go ahead
immediately.

The new divorce kit may change – for better or for worse – the average number of
lodgement attempts for each completed lodgement. Clearly the incidence of such
attempts is one thing to be measured.

When the applicant attempts lodgement in person at a registry counter (which is much
more common than mail lodgement), the registry officer spends a significant amount
of time checking the application. The average duration of such a check may change
with the advent of the new divorce kit, and this too should be measured.

Ideally, the total time spent by the applicant in preparing the application and
completing lodgement should also be measured. In practice, measuring this time is
difficult. The only feasible approach is to ask a sample of applicants to estimate the
time so spent. Because such an inquiry is made after the event, it is unlikely to give
helpful measurements; so we did not attempt it. (But an indirect approach was tried, as
explained below.)

We sought task timings for the old and the new form. The kinds of task timing we
made are listed in Table 4.1. We also prepared two questionnaires to find out some
event frequencies. After using these questionnaires in relation to the old forms, the

Table 4.1 Task timings sought in the study of divorce applications

<table>
<thead>
<tr>
<th>Task</th>
<th>Self applicants</th>
<th>Solicitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inquiry by applicant to registry officer:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>at counter</td>
<td>Self applicants</td>
<td>Solicitors</td>
</tr>
<tr>
<td>by phone</td>
<td>Self applicants</td>
<td>Solicitors</td>
</tr>
</tbody>
</table>

| Lodgement attempt at counter      | Self applicants | Solicitors |
| completed                        | Self applicants | Solicitors |
| not completed                    | Self applicants | Solicitors |

| Computer entry of balance of      | Self applicants | Solicitors |
| application details               |                  |            |
| (by a registry officer)           | Self applicants | Solicitors |

Chapter 4: The divorce application form of the Family Court of Australia
details of each questionnaire were altered to the minimum extent necessary before using the questionnaire for the "new" form. One questionnaire, a check-list completed by registry staff, sought to establish the frequency of various events. The second version of this is reproduced in Appendix A. The other questionnaire (also given in Appendix A) was completed only by self-applicants after they had completed lodgement of the form. It sought both factual information and attitudinal data. The full list of data may be seen from the inspection of the questionnaires; Table 4.2 lists the more important matters for which data were collected.

All these data were collected at the Sydney Registry, which is located at Goulburn Street in central Sydney. Together with a registry at Parramatta, this registry serves the Sydney metropolitan area. Task timings for the old forms were collected in July 1994; and for the new, timings were taken in March and April 1995. Questionnaires were deployed for lodgements completed or attempted in the selected weeks:

- the two weeks beginning 19 September 1994 for the old
- the three weeks beginning 8 May 1995 for the new.

Further details of the questionnaires and their use are given in Appendix A.

**Table 4.2 Principal data sought by questionnaire**

<table>
<thead>
<tr>
<th><strong>Check-list completed by Registry staff</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency of these events:</td>
</tr>
<tr>
<td>completed lodgement</td>
</tr>
<tr>
<td>lodgement initiated but not completed</td>
</tr>
<tr>
<td>shortcomings in responses to selected questions in the application form</td>
</tr>
<tr>
<td>other shortcomings of the application.</td>
</tr>
</tbody>
</table>

Separate counts were made for self-applicants and applications lodged by solicitors.

<table>
<thead>
<tr>
<th><strong>Questionnaire completed by self-applicants</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Event frequencies for self-applicants lodging at Registry counter:</td>
</tr>
<tr>
<td>distribution and mean of number of lodgement attempts (per applicant)</td>
</tr>
<tr>
<td>distribution and mean of number of phone enquiries (per applicant)</td>
</tr>
<tr>
<td>seeking of other kinds of assistance</td>
</tr>
<tr>
<td>numbers of applicants using each point on a three-pointscale to rate the difficulty met in completing the application form.</td>
</tr>
</tbody>
</table>
The remaining issue is whether the new divorce kit has had any significant effect on the work of Registrars when they determine the divorce application. Given both the expected modest scale of any effect, and the impracticality of timing legal hearings, the matter was explored simply by interview with some Registrars of the Sydney Registry.

Changes in the numbers of lodgements

In the outcome, our measures reveal that when the new forms were introduced, there were interesting changes in the incidence of applications from the various categories (Table 4.3). In particular, in the study-period samples, joint applications increased from 16% to 24%, and the proportion of represented applications decreased from 60% to 52%. Joint applicants continue to be less likely to be represented than are single applicants. Also of interest is the fact that the weekly number of completed lodgements was 66 when the old forms were in use, and 89 after the new forms were introduced. Although it is tempting to conclude that the advent of the new forms encouraged long-separated couples to seek divorce, it must also be recognised that there are seasonal variations in application rates.

<table>
<thead>
<tr>
<th>Table 4.3 Completed lodgements, by type of applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Single Applications</strong></td>
</tr>
<tr>
<td><strong>Joint Applications</strong></td>
</tr>
<tr>
<td><strong>All</strong></td>
</tr>
<tr>
<td>%</td>
</tr>
<tr>
<td>%</td>
</tr>
<tr>
<td>%</td>
</tr>
<tr>
<td><strong>OLD APPLICATION FORMS</strong></td>
</tr>
<tr>
<td>Self-applicants (53)</td>
</tr>
<tr>
<td>30</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>Represented applicants (80)</td>
</tr>
<tr>
<td>55</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>60</td>
</tr>
<tr>
<td>All (133)</td>
</tr>
<tr>
<td>84</td>
</tr>
<tr>
<td>16</td>
</tr>
<tr>
<td>100</td>
</tr>
<tr>
<td><strong>NEW APPLICATION FORMS</strong></td>
</tr>
<tr>
<td>Self-applicants</td>
</tr>
<tr>
<td>- without children (85)</td>
</tr>
<tr>
<td>17</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>- with children (42)</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>- all (127)</td>
</tr>
<tr>
<td>29</td>
</tr>
<tr>
<td>19</td>
</tr>
<tr>
<td>48</td>
</tr>
<tr>
<td>Represented applicants</td>
</tr>
<tr>
<td>- without children (74)</td>
</tr>
<tr>
<td>24</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>- with children (65)</td>
</tr>
<tr>
<td>23</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>- all (139)</td>
</tr>
<tr>
<td>47</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>52</td>
</tr>
<tr>
<td>All (266)</td>
</tr>
<tr>
<td>76</td>
</tr>
<tr>
<td>24</td>
</tr>
<tr>
<td>100</td>
</tr>
</tbody>
</table>

Source: Records made by staff at Sydney Registry, during the two study periods.
Note: Figures in parentheses denote the numbers of completed lodgements during the study periods.
The incidence of completed lodgements

The data contained in the check-lists completed by the Registry staff reveal changes in the incidence of unsuccessful lodgements. These forms provide records on lodgement attempts received in a study period. Some applicants who succeed in lodging during the period may have made initial attempts before the period, and some who start trying within the period may not succeed until after the end of the period. Provided there is no major change in lodgement practices and experience during the few weeks of the study period and adjacent weeks, the data from the check-lists give unbiased estimates of the experience of those who complete lodgement during the study period. The following analysis is made on that assumption.

In Table 4.4, completed lodgements are expressed as a percentage of all lodgement attempts. As is immediately clear, introduction of the new form has been accompanied by higher completion rates. (In other words, on average, the applicant had to make fewer attempts on the way to completing the lodgement.) The increase in the completion rate was found for every sub-category of applicant, and it seems safe to conclude that this is because of the design of the new form. Looking at the major categories (self-applicants, represented applicants, each at the counter and by mail), the success rate has increased in each case by about 10 percentage points.

Many of the before-and-after comparisons made in this and the other case-studies have been exposed to formal statistical hypothesis-testing. (For an account of this work, see Appendix D.) In the immediate context, each of the improvements in the completion rates for counter applications is large enough to be statistically significant; in other words, improvement could be expected in repeated sampling, and is not just a chance event in the sample actually observed. In the case of mail applications, the samples are too small for such a confident conclusion to be drawn. However, we believe that there is worthwhile improvement there too. (In Appendix D, see test-statistic values for hypotheses 21A to G.)

For self-applicants (in particular), the success rate is generally lower for mail lodgements than for counter attempts, because for the latter it is sometimes possible for minor defects to be rectified immediately while the applicant is at the counter.

For the old forms, solicitors representing applicants had a higher completion rate than self-applicants, both for counter and for mail lodgements. Even so, for all represented applicants, the completion rate of 75% implies that solicitors were making one unsuccessful lodgement attempt for every three completions.

Solicitors now have one failed attempt for every six completed lodgements, rather than the previous one for three. However, the improvement is greater for self-applicants, who now have one failed attempt for every two completed lodgements (rather than the previous one for one). This early experience suggests the new design is of greater assistance to self-applicants.
Table 4.4  Completed lodgements as percentage of all lodgement attempts, by applicant category

OLD APPLICATION FORMS

<table>
<thead>
<tr>
<th>Nature of lodgements made by</th>
<th>Nature of application</th>
<th>Nature of lodgements</th>
<th>all</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>at counter</td>
<td>by mail</td>
</tr>
<tr>
<td>Self-applicants</td>
<td>single (67)</td>
<td>62%</td>
<td>47%</td>
</tr>
<tr>
<td></td>
<td>joint (34)</td>
<td>46%</td>
<td>17%</td>
</tr>
<tr>
<td></td>
<td>all (101)</td>
<td>56%</td>
<td>38%</td>
</tr>
<tr>
<td>Represented applicants</td>
<td>single (97)</td>
<td>77%</td>
<td>68%</td>
</tr>
<tr>
<td></td>
<td>joint (9)</td>
<td>88%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>all (106)</td>
<td>77%</td>
<td>68%</td>
</tr>
<tr>
<td>All</td>
<td>all (207)</td>
<td>67%</td>
<td>53%</td>
</tr>
</tbody>
</table>

NEW APPLICATION FORMS

<table>
<thead>
<tr>
<th>Nature of lodgements made by</th>
<th>Nature of application</th>
<th>Nature of lodgements</th>
<th>all</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>at counter</td>
<td>by mail</td>
</tr>
<tr>
<td>Self-applicants</td>
<td>single, without children (59)</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>joint, without children (64)</td>
<td>77%</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>single, with children (52)</td>
<td>84%</td>
<td>82%</td>
</tr>
<tr>
<td></td>
<td>joint, with children (15)</td>
<td>100%</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>all (190)</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td>Represented applicants</td>
<td>single, without children (71)</td>
<td>86%</td>
<td>86%</td>
</tr>
<tr>
<td></td>
<td>joint, without children (13)</td>
<td>77%</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>single, with children (74)</td>
<td>84%</td>
<td>82%</td>
</tr>
<tr>
<td></td>
<td>joint, with children (3)</td>
<td>100%</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>all (161)</td>
<td>86%</td>
<td>86%</td>
</tr>
<tr>
<td>All</td>
<td>all (351)</td>
<td>77%</td>
<td>66%</td>
</tr>
</tbody>
</table>

Source: Check-lists completed by Registry staff.

Notes:
1 Numbers in parentheses denote total number of lodgement attempts in row or column category.
2 'Children' refers to children under 18 years of age.
This is hardly a surprise. A solicitor who was experienced in using the old form would have learned how to use it, and should have not experienced as much difficulty as a self-applicant, generally coming to the form for the first time. Conversely, in the early stages of the new form, all users are learning how to complete the form. For this and other reasons, the completion rate of solicitors may further increase with the passage of time, as they become more familiar with it.

Why lodgements often do not result in completion

The same underlying data can be re-examined to see why attempted lodgements do not always result in successful completion. It is clear that in the case of the old forms, the principal reason why lodgements may not result in immediate completion is because of errors or other shortcomings in the answers given on the application form. (See Table 4.5, which classifies the alternative outcomes.)

| Table 4.5 Outcomes of lodgement attempts, at counter and by mail, Sydney Registry |
| Outcomes | Old forms | New forms | |
| | % | % | % | % | % | % |
| Lodgement completed | 52 | 75 | 64 | 67 | 85 | 76 |
| Errors in answers to questions¹ | 42 | 20 | 30 | 8 | 6 | 7 |
| Lack of supporting documents² | 3 | 2 | 2 | 15 | 4 | 10 |
| Old forms used (when new needed)³ | – | – | – | 6 | 1 | 4 |
| Other⁴ | 3 | 3 | 3 | 4 | 3 | 3 |
| All | 100 | 100 | 100 | 100 | 100 | 100 |

Source: Check lists completed by staff in Sydney Registry.

Notes:
1. Includes a few lodgement attempts where there were other shortcomings (e.g. a lack of supporting documents) in addition to errors in the answers.
2. This category is for attempts in which the lack of supporting documents was the only shortcoming.
3. This excludes an unknown but small number of cases where the staff accepted an application on an old form (to avoid undue hardship).
4. In most of these cases, the applicant is not granted a fee waiver, and is not ready to pay the fee.
In contrast, once the new forms were in use, the incidence of such errors is greatly reduced. (But now there is seen to be a significant incidence of lack of supporting documents, and at the time the data were collected, there was a noticeable proportion of cases where applications were lodged on the wrong (old) forms. These last two outcomes are considered later.)

The incidence of errors in applications

Further insights are obtained by studying the incidence of various kinds of errors in the applications. The check-list completed by staff in the Registry for the first study period identified several questions on the old form that were believed to be particularly troublesome. There was also a box on the checklist for the staff to tick if the application form had one or more errors on any of the other questions. This last response has been counted as showing that there was one error like this. On that basis, it is simple to calculate the mean number of errors across all questions.

In order to have a standardised measure, the numbers of errors are shown (in Table 4.6) as the mean number for each completed lodgement. In other words, the numbers portray the average experience of an applicant, on the way to successful lodgement. Of course, this average covers widely differing experiences: many applicants complete lodgement at the first attempt, while a few make several errors and have two or more failed lodgements along the path to success.

For all self-applicants, the mean total number of errors (in answering all the questions) is 1.74. (Joint applicants had almost twice the error rate of single applicants, but there is no obvious reason for this; since the sample sizes are small, the result is likely to be a chance outcome.) In contrast, solicitors scored a total error rate of 0.41.

With the new forms, these error rates are dramatically reduced, to 0.14 for self-applicants and 0.08 for represented applicants. Among self-applicants, the mean for those with children is 0.24 errors, while for those without children the score is 0.09. This may be explained by the fact that the former group complete a longer version of the form.

Another way of looking at the differing experiences of the various applicants is to calculate how many attempted lodgements were free of error (or other shortcoming in the answers), how many had one error recorded, how many had two, and so on. Table 4.7 gives these data for the quite-large samples observed in the two study-periods.

Again, the data in the table strikingly demonstrate the reduction in such errors following the introduction of the new form. The mean numbers of errors (averaged over all lodgement attempts) are shown in the last column of the table. The means for the new forms are much smaller than those for the old, for self-applicants, for represented applicants and for all applicants. Each of these reductions is highly significant in the statistical tests; in other words, these large differences are almost certainly not due to sampling variation. (In Appendix D, see hypotheses 26A to C.)
### Table 4.6 Mean numbers of errors in rejected lodgement attempts, per completed lodgement, at counter and by mail, Sydney Registry

#### OLD APPLICATION FORMS

<table>
<thead>
<tr>
<th>Application categories</th>
<th>Mean number of errors per completed lodgement</th>
<th>Q4</th>
<th>Q5</th>
<th>Q7</th>
<th>Q13</th>
<th>Q17</th>
<th>Other Qs</th>
<th>All Qs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Self-applicants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>single (39)</td>
<td></td>
<td>0.13</td>
<td>0.13</td>
<td>0.13</td>
<td>0.26</td>
<td>0.28</td>
<td>0.46</td>
<td>1.38</td>
</tr>
<tr>
<td>joint (14)</td>
<td></td>
<td>0.21</td>
<td>0.43</td>
<td>0.29</td>
<td>0.43</td>
<td>0.43</td>
<td>0.93</td>
<td>2.71</td>
</tr>
<tr>
<td>all (53)</td>
<td></td>
<td>0.15</td>
<td>0.21</td>
<td>0.17</td>
<td>0.30</td>
<td>0.32</td>
<td>0.58</td>
<td>1.74</td>
</tr>
<tr>
<td><strong>Represented applicants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>single (73)</td>
<td></td>
<td>0.03</td>
<td>0.04</td>
<td>0.10</td>
<td>0.03</td>
<td>0.04</td>
<td>0.19</td>
<td>0.42</td>
</tr>
<tr>
<td>joint (7)</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.14</td>
<td>0.00</td>
<td>0.00</td>
<td>0.14</td>
<td>0.29</td>
</tr>
<tr>
<td>all (80)</td>
<td></td>
<td>0.03</td>
<td>0.04</td>
<td>0.10</td>
<td>0.03</td>
<td>0.04</td>
<td>0.19</td>
<td>0.41</td>
</tr>
<tr>
<td><strong>All (133)</strong></td>
<td></td>
<td>0.08</td>
<td>0.11</td>
<td>0.13</td>
<td>0.14</td>
<td>0.15</td>
<td>0.35</td>
<td>0.94</td>
</tr>
</tbody>
</table>

#### NEW APPLICATION FORMS

<table>
<thead>
<tr>
<th>Application categories</th>
<th>Mean number of errors per completed lodgement</th>
<th>Q12a</th>
<th>Section D</th>
<th>Other Qs</th>
<th>All Qs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Self-applicants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no children (85)</td>
<td></td>
<td>0.05</td>
<td>0.00</td>
<td>0.05</td>
<td>0.09</td>
</tr>
<tr>
<td>with children (42)</td>
<td></td>
<td>0.07</td>
<td>0.02</td>
<td>0.14</td>
<td>0.24</td>
</tr>
<tr>
<td>all (127)</td>
<td></td>
<td>0.06</td>
<td>0.01</td>
<td>0.08</td>
<td>0.14</td>
</tr>
<tr>
<td><strong>Represented applicants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no children (74)</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.07</td>
<td>0.07</td>
</tr>
<tr>
<td>with children (65)</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.09</td>
<td>0.09</td>
</tr>
<tr>
<td>all (139)</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.08</td>
<td>0.08</td>
</tr>
<tr>
<td><strong>All (266)</strong></td>
<td></td>
<td>0.03</td>
<td>0.00</td>
<td>0.08</td>
<td>0.11</td>
</tr>
</tbody>
</table>

Source: Check lists completed by staff in Sydney Registry during study periods.
Note: Numbers in parentheses denote completed lodgements in each category.
### Table 4.7 The incidence of errors in lodgement attempts, at counter and by mail, Sydney Registry

<table>
<thead>
<tr>
<th>Application Form Type</th>
<th>Self-Applicants (101)</th>
<th>Represented Applicants (106)</th>
<th>All (207)</th>
<th>Mean No. of Errors per Attempt</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OLD APPLICATION FORMS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-applicants</td>
<td>58</td>
<td>18</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Represented applicants</td>
<td>86</td>
<td>13</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>All</td>
<td>144</td>
<td>31</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td><strong>NEW APPLICATION FORMS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-applicants</td>
<td>175</td>
<td>13</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Represented applicants</td>
<td>151</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>All</td>
<td>326</td>
<td>23</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Check-lists completed by Registry staff during the study periods.

**Notes:**
1. ‘Errors’ refers to the responses to the questions on the divorce application form, and includes incomplete and omitted responses.
2. The numbers in parentheses denote the numbers of lodgement attempts.

---

**Lack of supporting documents**

As already noted in Table 4.5, an important reason why a lodgement may not be completed is because the application is not supported by all the required documents. The requirements for documentary evidence vary according to the circumstances of the marriage. It is the average experience that is discussed here.

Since the new form gives much more advice on documentary requirements than did the old, it is puzzling to find that self-applicants are reported to be having increased difficulty in this respect. It is possible that the explanation lies in improved questionnaire reporting. For the small proportion of old-form cases where self-applicants were in major trouble, the Registry staff may not have reported all the shortcomings when completing the check-list for this study. (Completing the check-list was an additional task, and at times there were queues of waiting clients.) Once the new forms were in use, the reduced incidence of errors in answering questions on the form may have led to more complete reporting of the lack of documentary evidence.

Whether or not this conjecture is valid, it is important to note that, for self-applicants, lack of documentary evidence is now the principal problem-area, leading to delays in making completed lodgements.
A transitional difficulty for self-applicants

Also shown in Table 4.5 is the incidence of cases in which, during the second study period, self-applicants presented their applications on old forms. Of course, this is merely a temporary problem. But it does illustrate a general issue that arises when forms are re-designed.

Among the lodgement attempts made in the second study period by self-applicants, some 16 applications were rejected because they were on the old forms. In none of these cases do the check-lists record any other errors. It seems possible that, in some cases at least, the application may not have been scrutinised closely. Having regard to all the circumstances, it seems reasonable to suppose that (about) 9 of these applications would have been accepted immediately, but for the use of old forms.

These data may be used to assess the likely acceptance rate for self-applicants, once the transition to the new forms is completed. Had this transition been completed before the second study-period, completed lodgements would have been about 71% of all lodgement attempts, rather than the 67% shown in Table 4.5.

Further evidence on the experience of self-applicants

Numbers of visits to the Registry

The questionnaires that were completed by self-applicants provide other, more-detailed information on visits to the Registry made in attempting to lodge the divorce application. As shown in Table 4.8, for the old form, the mean number of such visits was 1.98; this number includes the visit when lodgement was completed. Its size implies that on average there was virtually one visit to the counter before the final visit. This experience may be recorded alternatively in the format previously used: completed lodgements were 51% of all lodgement attempts. This estimate relates to the experience of those who completed lodgement during the study period. In contrast, the estimate derived from the check lists is 56%, as reported earlier in Table 4.4. On the (reasonable) assumption introduced previously, this latter figure is an unbiased estimate of the experience of the group who completed lodgement in the study period. On that basis, the two estimates should be close to each other. (However, another factor at work serves to separate the two estimates; this is discussed below.)

After the new form was introduced, the mean number of visits needed to complete lodgement fell from 1.98 to 1.86 (Table 4.8). Relative to the sizes of the samples, this difference is not large enough to be statistically significant (see hypothesis 22 in Appendix D); however, the result offers modest encouragement. In the alternative measure, completed lodgements as a proportion of all lodgement attempts rose to 54%. This may be compared with the non-cohort estimate of 69% that was reported earlier (Table 4.4).
Table 4.8 Summary of lodgement histories, self-applicants at counter of Sydney Registry

<table>
<thead>
<tr>
<th>Version of application forms</th>
<th>Total number of visits per applicant:</th>
<th>Mean no. of visits per applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5</td>
<td>all cases</td>
</tr>
<tr>
<td>old</td>
<td>39 31 24 4 2</td>
<td>100</td>
</tr>
<tr>
<td>new</td>
<td>41 41 12 6 1</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Questionnaires completed by self-applicants. The data are derived from the frequencies shown in Appendix B, Table 1.

Note: Total number of visits comprises visits on the day and before the day of completed lodgement. Where an applicant is recorded as making more than one visit on the day of completed lodgement, it is supposed that the number of such visits was two.

The major difficulty in comparing these cohort and non-cohort completion rates arises from a further difference in definition. The figures introduced previously come from the check-lists completed by Registry staff, and refer to attempted lodgements. The data introduced in this section come from the reports of the applicants, and refer to visits to the Registry. These may include visits to obtain advice or collect blank application forms; such visits might not be counted by Registry staff as lodgement attempts.

Thus, there is an important reason for the applicants to report more visits than the attempts reported by Registry staff. When the data are converted to percentage completion rates, those derived from applicants' reports should be lower than those coming from the staff check-lists, as is indeed the case in the outcome.

Going beyond these average measures, the data yielded by the questionnaires allow us to consider the variation among applicants. As seen from Table 4.8, when the new form was introduced, the principal change in the underlying pattern was a reduction in the proportion of self-applicants making more than two visits.

Where a first visit reveals problems that are not too difficult to sort out, the applicant may be able to resolve the difficulties quickly and come back to the registry counter on the same day. In many cases, especially when the applicant has a long journey to the registry, such an experience is likely to be less onerous than completing the lodgement on a later day. As shown in Table 4.9, the proportion of applicants needing to visit the registry on only one day rose from 52% (for the old forms) to 57% for the new. The increase is encouraging but is not large enough to be statistically significant. The proportion making two or more visits before the day of successful lodgement (possibly implying visits on two or more previous days) was reduced from 19% for the old form to 10% for the new. (See hypotheses 23A and B in Appendix D.)
Table 4.9  Self-applicants lodging at counter of Sydney Registry: number and type of visits to counter, to complete lodgement  

<table>
<thead>
<tr>
<th>Visits to Registry counter before the day of completed lodgement:</th>
<th>Old forms</th>
<th>New forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of visits per applicant on day of completed lodgement</td>
<td>&gt;1</td>
<td>&gt;1</td>
</tr>
<tr>
<td>Percentages (of the 54 applicants in old-form sample)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>39</td>
<td>41</td>
</tr>
<tr>
<td>1</td>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td>2</td>
<td>13</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>all</td>
<td>70</td>
<td>70</td>
</tr>
</tbody>
</table>

Source: Questionnaires completed by self-applicants. The data are derived from the frequencies shown in Appendix B, Table 1.

Table 4.10  Total number of visits to counter: self-applicants classified by application status  

<table>
<thead>
<tr>
<th>Total no. of visits per applicant</th>
<th>Single applications</th>
<th>Joint applications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Old forms</td>
<td>New forms</td>
</tr>
<tr>
<td></td>
<td>with children</td>
<td>with children</td>
</tr>
<tr>
<td></td>
<td>(23)</td>
<td>(11)</td>
</tr>
<tr>
<td></td>
<td>no children</td>
<td>no children</td>
</tr>
<tr>
<td></td>
<td>(26)</td>
<td>(23)</td>
</tr>
<tr>
<td></td>
<td>both cases</td>
<td>both cases</td>
</tr>
<tr>
<td></td>
<td>(49)</td>
<td>(34)</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>1</td>
<td>39%</td>
<td>64%</td>
</tr>
<tr>
<td>2</td>
<td>35%</td>
<td>43%</td>
</tr>
<tr>
<td>3</td>
<td>45%</td>
<td>31%</td>
</tr>
<tr>
<td>4</td>
<td>14%</td>
<td>6%</td>
</tr>
<tr>
<td>5</td>
<td>2%</td>
<td>9%</td>
</tr>
<tr>
<td>all cases</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Questionnaires completed by self-applicants at Registry counter

Notes:
1  Numbers in parentheses denote the number of applicants in each sub-category.
2  ‘Children’ refers to children under 18 years of age.
The data collected when the new forms were in use permit analysis according to whether or not the marriage partners have children under 18 years of age. Those who do are required to complete a longer version of the application form, and might be expected to have more difficulty in preparing an application than those without children. As seen in Table 4.10, however, the experience of the two groups— as measured by the total number of visits— does not fulfil this expectation. The small sample sizes may be the factor that prevents the drawing of a conclusion.

The frequency of telephone calls

The data collected from self-applicants lodging at the counter also permits comparison of the incidence of telephone calls to the Registry, made by applicants seeking advice on how to complete the application form. When the old forms were in use, 56% of the applicants did not telephone for advice. When averaged over those who did and those who did not telephone, the mean number of calls per complete lodgement was 0.76. After the introduction of the new forms, a higher proportion, namely 69%, did not make any such calls, and the mean number of calls declined to 0.50.

The applicants' evaluations of the application forms

The best way to summarize the experience of self-applicants is to report their own expressed evaluation of the extent of the difficulty they experienced in completing the forms. As is shown by the data in Table 4.11, the old form was not especially well regarded, though 20% did say it was less difficult to complete than most forms. (Indeed the self-applicants taken as a whole seem to have been remarkably tolerant in the face of their lodgement difficulties.)

Table 4.11 Self-applicants' evaluation of the application forms

<table>
<thead>
<tr>
<th>Applicants' rating of difficulty in completing the form:</th>
<th>OLD APPLICATION FORM</th>
<th>NEW APPLICATION FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>more difficult than average</td>
<td>%</td>
<td>Total responses</td>
</tr>
<tr>
<td>average</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>less difficult than average</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>all responses</td>
<td>%</td>
<td></td>
</tr>
</tbody>
</table>

New Application Form

With children (34) | 3 | 29 | 68 | 100 |
Without children (48) | 6 | 23 | 71 | 100 |
All applicants (82) | 5 | 26 | 70 | 100 |

Note: The numbers in parentheses denote the number of questionnaire responses. For more detailed frequency data, see Appendix B, Table 2.

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For the new form, the proportion who found less difficulty than average increased to 70%, and only 5% thought it more difficult than average (compared with 33% for the old form). These before-and-after differences are so large as to be very highly significant in formal statistical terms.

Responding to the questionnaire, one applicant — apparently having knowledge of the old form as well as the new, perhaps through an attempt to lodge an old form when the new was already in use — not only described the new form by ticking the box for ‘less difficult’, but also added the comment “Heaps better”.

**Task durations in the Sydney Registry**

Observations were made in the Sydney Registry, both at the counter and in the back-office (where mail applications are dealt with, and where the balance of the data-entry is undertaken for successful counter lodgements). Despite the considerable effort put into making these timings, it was difficult to secure a well-balanced set of samples; in the outcome, the less-frequent events yielded rather small sample sizes. (Also, the sample sizes in general do not permit disaggregation by staff members. Fortunately, the differences in sample means across staff members are generally fairly small.)

For a selection of the more important tasks, mean task durations are recorded in Table 4.12. For the initial processing of a successful lodgement at the counter, the mean time for self-applicants decreased from 12.3 minutes to 10.5 minutes. On the other hand, for lodgements made by solicitors, the mean time increased from 5.3 minutes to 6.9 minutes. The sample sizes are such that we cannot rule out the possibility that these differences arose by chance, and that there is no underlying intrinsic difference between the old and new forms in regard to this processing time.

Nevertheless, because of the pattern in the differences in experience of self-applicants and represented applicants, we believe that the sample data do genuinely reflect an underlying change. The design of the new form may be expected to help self-applicants particularly. In contrast, most solicitors and their staffs would have been familiar with the design of the old form. The changeover requires them to learn how to use a new form. Their increased time at successful lodgement suggests that there has been an increase in lesser shortcomings, sufficiently minor to be repairable at the time of lodgement. The difficulties experienced by solicitors might have been reduced if the Court had been able to supply a computerised version of the new form on a diskette; although this provision was intended, in the event it was not accomplished. It seems reasonable to expect that these lodgements will become more accurate as solicitors gain further experience with the new form.

Also shown in Table 4.12 are the changes for some of the other tasks. For counter applications, the balance of the data entry takes much the same time for the new forms as for the old. For all applicants, the data suggest a decrease in the time taken to evaluate all applications that turn out to be unsuccessful. But the changes vary among the sub-groups, and the overall result may not be reliable.
Table 4.12  Mean task durations, selected tasks, Sydney Registry

<table>
<thead>
<tr>
<th>Task (and hypothesis)</th>
<th>Old forms</th>
<th>New forms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of cases observed</td>
<td>Mean time (minutes)</td>
</tr>
<tr>
<td>Initial processing(^2) of completed lodgement (at counter)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>self-applicants</td>
<td>[47]</td>
<td>17</td>
</tr>
<tr>
<td>represented applicants</td>
<td>[5]</td>
<td>15</td>
</tr>
<tr>
<td>Entry of balance of data for completed lodgement (at counter)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>all applicants</td>
<td>[6]</td>
<td>31</td>
</tr>
<tr>
<td>Evaluation of attempted lodgement, not accepted</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. The numbers in square brackets refer to the hypotheses tested; see Appendix D.
2. After observations had been completed for the old forms, the Sydney Registry changed the procedure for the receipt of application fees. To make the completed data comparable, the old-form task times that are shown here for initial processing of completed lodgements have been adjusted. See Appendix C.

Among other tasks for which observations were made, the data (not shown in Table 4.12) for inquiries by self-applicants at the counter suggest that these are a little more quickly resolved in the case of the new form.

The impact of the new form on the Registrar’s work

Interviewing provided the following insights. While the old form encouraged or even required the applicant to write short essays in answer to some questions, the new form provides the Registrar with less to read — and hence it is simpler to read. For the straightforward cases (perhaps 80% of all the applications), study of the new form takes less of the Registrar’s time, and the form works well at the hearing.

For the complicated cases, however, the Registrar’s task can be made more difficult. In such cases, the new form often presents less information than the old, and this can make it more difficult for the Registrar to judge the circumstances by reference to the written application. If the parties are present at the hearing, this may be remedied by
immediate questioning, though such elucidation can be difficult to obtain. If the parties are not present, adjournment may be required, and the incidence of such adjournment may be increased as a result of introducing the new form. (Given the time-lag between lodgement of the application and its hearing, the Registrars had had relatively little experience with the new form, at the time of interview.)

Specific difficulties have arisen with individual questions. A few of these seem to arise from layout and other design features. Others arise because of the complexity of the phenomena being reported— one example concerns the circumstances of separation. A further review of the content and design of the form may bring additional benefits.

**A review of the campaign to establish the new Divorce Kit**

As already noted, the Court’s Rules Committee had the task of revising the forms. That Committee is chaired by a judge, and includes about four other judges. It is usually assisted by a Judicial Registrar, a Magistrate, the Registrar of the Family Court of Western Australia, a legal consultant, a regional manager, and two registrars of the Family Court. The Committee consults at each meeting with the Legal Aid authorities and the Family Law Section of the Law Council of Australia. It meets three or four times each year, each meeting lasting for three days. The new Divorce Kit and drafts of the forms were discussed at several consecutive meetings of the Committee, as one major item of numerous items of business.

In the course of the campaign, the external consultant noted that some of the questions sought information that the applicant might have difficulty in providing. In the case of a few questions, the consultant doubted the value to the Court of having the information. In arriving at the new form, the Rules Committee decided to omit some of the questions included on the old form (as noted earlier).

Once the Rules Committee had completed its role, an implementation team (under the coordination of a registry manager) was responsible for securing the undertaking of various tasks:

- changes to the ‘Blackstone’ computer software which handles administrative aspects of divorce applications
- training of staff in the use of the new forms
- distribution of the forms.

In addition, the publications section was responsible for:

- design and layout, in consultation with printers
- arranging for printing of the new forms
- considering design deviations sought by solicitors who wished to use their firms’ computers to generate applications.
Previously, individual registries had arranged for printing and supply of stocks. Now one printer has a contract to supply all the registries, is responsible for stock control, and dispatches supplies to the registries when orders are placed.

The Family Court had hoped to go beyond previous arrangements, by supplying a version of the new form on computer diskette; but in the event this target was not achieved. The Court now has a widespread simplification program under way, and in 1996 intends to supply, on diskettes, more-sophisticated software for the divorce application form and for the Court's other forms. This software should make it unnecessary and unattractive for solicitors to adopt their own versions of Court forms.

With hindsight, it is widely believed by Court officers that the Court's lack of previous experience allowed the campaign to proceed at times in a way which was not the most appropriate. In particular, there were some difficulties in integrating the inputs of the various groups. And one Judge has commented that because most of the work on divorce applications is undertaken by the Registrars and by the counter staff, the Judges have only a limited stake, and that in such a context it is particularly important to secure advice from the other members of the Court's staff.

Some other conclusions

Introduction of the new forms saw some reduction in task times, and this change may be enhanced once solicitors have become more accustomed to the new form (and have fully adjusted their own computers). Nevertheless, these estimates of time savings are not so very important, especially because they may stem in part from increased pressure of work in the Sydney Registry, where observations were made.

Of greater importance is the reduced amount of effort needed from self-applicants, who made fewer errors, fewer phone calls and fewer visits to the registry counter (Some of these changes also brought reductions in work-load for the Court staff.) The most telling demonstration of the improvement seen by self-applicants is in the applicants' evaluation of the forms.

There are some signs that it may be desirable for the Court to give further consideration in three areas:

- in the intrinsically complex and difficult matter of the circumstances associated with separation, it may be possible and desirable to rethink the wording and content of the questions
- the need for supporting documents, and particularly the arrangements for notifying the applicant of the need, could be re-examined
- rules for service of documents might be reconsidered and perhaps clarified.

That further consideration may be warranted should not be a matter for surprise. After introducing major changes, an organisation should almost expect to have to undertake some fine-tuning.
The outcomes also demonstrate the importance of considering how the change to plain-language documents will affect other aspects of the organisation's work. In this case, at the time of introduction of the new Divorce Kit, there was unfinished business in respect of arrangements for receipt of computer-generated applications lodged by solicitors on behalf of applicants.
In early 1994, Sun Alliance and Royal Insurance decided to prepare a plain-language policy document and proposal form for a long-established, major product – namely home insurance. Both the policy document and the proposal form part of the insurance contract. In August 1994, the company kindly agreed to allow us to study the campaign. In the outcome, the new documents came into use early in 1995.

Within the insurance company, state branches receive and process the applications. Each branch is responsible also for the ensuing provision of service to the clients during the life of the contract held by each client. In our study, we observed the work of one branch.

How the company provides its service

In the state in question, the home insurance is sold under the company’s own name, and badged versions of it are sold through other companies. The badging does not necessarily change the terms of the service. However, the company offers three versions, differing from each other in terms of the level of cover provided. These variations result in some limited differences in the policy document that sets out the terms, and in very minor differences in the wording of the proposal form. The badged versions are sold mainly at the most basic level of cover.

The policy is sold only to personal clients, as distinct from corporations and unincorporated businesses. Members of the public may deal directly with Sun Alliance and Royal Insurance, but almost all of those buying the company’s own version of the product do so through agents and brokers, who work on a standard commission arrangement. Those who buy a badged version do so through the company that sells that version. That company receives a commission for each sale.

Because of this process, the proposal from a prospective client is lodged, with very few exceptions, by mail or fax rather than by personal visit. For the badged versions, the intermediary company batches the applications before sending them on.

The company sells many other insurance products. Its state branches are divided into business units, each handling applications for a range of products. Applications for the product under study are received in three business units:

- one handles sales of the company’s own product, and deals mainly with agents and brokers
- two handle sales of badged versions sold by intermediaries.
Each of these business units handles other products besides home insurance. In our study, we made detailed observations of the relevant work in two of these business units - the Agent and Broker unit, and a unit whose tasks include processing applications for a badged version of the policy, sold through an intermediary here called the ‘Financial Institution’.

After the client’s application is accepted, another business unit takes over the service to the client. This unit provides service to all clients, irrespective of which version of the policy they hold. Within the time-span of our study, it was not possible to study the ‘downstream’ consequences of introducing the new documents.

From the old to the new documents

The old policy document was not well organised. It was a collection of policies rather than a cohesive document. It was not filled with legalese, but it still had many of the features of the traditional style of legal documents, in particular the use of:

- long sentences
- passive voice
- embedded clauses
- nominalisations.

The policy document did not always give a full description of the product’s features. Hence, it was sometimes difficult for customers to find out if they were covered and what for.

The information that the client must provide is not unduly complex, but the proposal form itself was rather cramped and sometimes gave insufficient space for recording the required information.

It was because of these shortcomings that the company launched its plain-language campaign. An internal committee was formed, comprising members of headquarters staff and some staff from state branches. Specifically, the committee was comprised of the Agent and Broker Manager, a senior manager of a state branch, a legal officer, a claims manager, and the Client Services Manager. Sun Alliance and Royal Insurance also appointed an external consultant who prepared drafts of the policy document and of the proposal form. The company itself devised the final layouts.

The company had the consultant prepare a series of drafts of the policy. These were discussed at the meetings of the committee held over two days every two weeks. On the second day of each “session” the consultant attended and discussed any questions about the draft.

The process revealed a number of content and consistency problems with the original document. There were also a number of other issues about the policy the company wanted to change. The process of redrafting the document highlighted these and gave the company an opportunity to work out what it wanted.
The work on this product concluded in January 1995, when Sun Alliance and Royal Insurance adopted new plain-language text and new layout for both the policy document and the proposal form.

Both documents have a larger page-size than before. The policy document has moved from DL size to A5. The form is A4 size, folded once to fit into the A5 policy document. The extent of both documents has increased: the policy document is about 50% longer, and the proposal form takes three times as much space as before.

Mailing of the policy document and application form can be done with a C5 envelope, rather than the longer, thinner DL envelope for which the previous documents were designed.

The activities that may be affected by the new documents

When a client completes and submits the proposal form, the insurance company evaluates the application to see if the client has given enough information for the company to accept the proposal for an insurance contract. Before deciding this, the company may seek additional information from the client.

Once the company has decided to accept the proposal, data from the application are entered into the company's computerised data-base. The company then issues the client with a document that records the existence and terms of the contract.

If the client makes a claim, the company consults its data-base to access the contract details, and then decides its course of action.

Each of these activities may be affected by the switch to the new plain-language documents. In particular:

- The quality and completeness of the information the client gives may be influenced by the revision of the policy document and proposal form. If the information is better, the company may have to make fewer inquiries before deciding on the application.

- The changed layout of the proposal form may affect the time it takes for a company staff member to enter the data into the computer.

- The quality of the explanations in the policy document may affect the client's understanding of the contract. This may influence how often clients make claims. If the client has a better understanding of the contract, there may be fewer occasions when the client makes invalid claims.

- Better understanding by the client may make it easier to complete the proposal form, and this may benefit the company if it leads to more people taking out insurance.
Identifying and collecting performance measures

The procedures for processing applications differ in some respects between the two business units, and we treat these in turn.

**Agent and Broker section**

Once an agent/broker has a firm application from a client, the proposal is put to the insurance company, initially by telephone or by electronic mail. Once the section receives the paper copy of the proposal, the staff:

(A1) evaluate the proposal, leading to acceptance, rejection or an enquiry to obtain further information

(A2) If they need further information, seek it in either of these ways:
- telephoning the agent/broker – if successful, the evaluation may be completed immediately
- fax or letter to the agent/broker – this necessarily requires postponing the case, with evaluation resumed and completed on a later occasion

(A3) further evaluate those proposals for which further information was sought but not obtained immediately

(A4) process the application; that is, enter data into the insurance company’s computerised data base, and issue the contract to the client.

The proposals received in the Agent and Broker section are relatively complex, and often call for a high level of cover. Because of this, it is often necessary for the company to seek further information.

**Financial Institutions section**

The Financial Institution batches the applications it receives, and sends the (paper) applications to Sun Alliance and Royal Insurance by mail. Although badged under the Financial Institution name, the documents also identify the insurance company, and a small proportion of applicants mail their forms directly to Sun Alliance.

At Sun Alliance and Royal Insurance, the Financial Institutions section:

(B1) evaluates the proposal, leading to acceptance, rejection, or an enquiry to obtain further information

(B2) if it seeks further information, does so in either of these ways:
- internal search of past records
- send letter to client seeking the information
- telephone call to client (not used very frequently)
(While the staff member who evaluates the proposal generally makes any telephone calls, responsibility for the other steps is passed to another.)

(B3) further evaluates cases for which additional information was sought and received

(B4) processes the application; that is, enters data into the insurance company's computerised data base, and issues a contract to the client.

The Financial Institution deals with only one type of contract relevant to this study. This type is not so very complex. Nevertheless, the insurance company often has to seek further information, since the Financial Institution staff are not qualified to evaluate proposals, and there is only a limited pre-vetting of the application before the document is sent to the insurance company.

**Performance measures collected**

For each of the two business units, observations and timings were made for:

- initial underwriter evaluation (corresponding to A1 and B1 above)
- initial data entry (corresponding to A4 and B4 above).

While the samples of cases that were timed were not selected by a formal randomisation process, there seem to be no grounds for suspecting that the results have any bias due to sampling procedure.

**Task timings and related data**

Before discussing the detailed results, some general issues merit exploration. The rate at which customers seek this particular kind of policy tends to fluctuate over time. At about the time that the new forms were brought into use, it so happened that the level of activity decreased, especially in the case of the Financial Institution policies. Management strategies for staffing can not always follow these short-run fluctuations. Our impression is that the staff were under less work pressure during the period when we observed the handling of new forms, than had been the case when we observed the work on the old forms.

When we came to observe the handling of applications made on the new forms, we found that there had been considerable staff turnover (due to postings between sections within the company, as well as staff entering and leaving employment with the company). This largely thwarted our initial hope that we would be able to make statistical allowance for any differences between the work rates of individual staff-members. In some cases, we have been able to make some allowance for these differences; but in other cases the staff that we observed working on the old forms had all moved on by the time we observed the new. This limits the statistical power of our before-and-after comparisons.
Financial Institution policies

In the underwriter's evaluation of a policy proposal, the main distinction is between the proposals that are accepted immediately, and those that are rejected or are the subject of further information-gathering. The main result for the Financial Institution policies is the marked increase, from 60% to 81% (as shown in Table 5.1) in the proportion of proposals that were immediately accepted. These data suggest that the design of the new form may have assisted in reducing the proportionate extent of further inquiry. Of course, any such reduction brings further benefits — to the clients (in not having to respond, and to the company (which saves on later handling that is no longer required). Despite this important reduction in the proportionate extent of further enquiry, the overall mean task time for the (initial) evaluation increased very slightly from 1.7 to 1.8 minutes. However, this result is not statistically significant — we can not rule out that it happened by chance in this sample.

The mean task duration in the case of immediate acceptance increased from 1.1 minutes (old form) to 1.7 minutes (new), as shown in Table 5.1. The formal statistical testing of the hypothesis shows that this result is significant. In other words, it is most unlikely that the sample mean time would have increased merely as a result of sampling chance. It is almost certainly true that an increased mean time would have been observed even if we had measured the processing of all the applications that were evaluated under the conditions then prevailing. (See Appendix D for more detail on the formal hypothesis testing carried out for the data presented in this chapter.)

However, besides the apparently reduced pressure of work, the increase may be due in part to the much-increased proportion of cases that are immediately accepted. More specifically, the additional applications that are now immediately accepted may require more processing time than is needed for the kind of case that was given immediate acceptance both before and after.

<table>
<thead>
<tr>
<th>Outcome*</th>
<th>Old forms</th>
<th></th>
<th>New forms</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of cases</td>
<td>%</td>
<td>Mean time (minutes)</td>
<td>No. of cases</td>
</tr>
<tr>
<td>Accepted</td>
<td>[48]</td>
<td>105</td>
<td>60</td>
<td>1.09</td>
</tr>
<tr>
<td>Accepted, but further enquiry</td>
<td>[49]</td>
<td>40</td>
<td>23</td>
<td>3.25</td>
</tr>
<tr>
<td>Not (so far) accepted</td>
<td>[50]</td>
<td>31</td>
<td>18</td>
<td>1.82</td>
</tr>
<tr>
<td>All outcomes</td>
<td>[51]</td>
<td>176</td>
<td>100</td>
<td>1.71</td>
</tr>
</tbody>
</table>

* The numbers in square brackets refer to the hypotheses tested; for details, see Appendix D.
For proposals that were accepted, but made the subject of further inquiry, the (initial) task time decreased; but this result is not significant. In other words, the improvement in this sample may well have arisen by chance, and may not be found in further samples.

As seen in Table 5.1, the amount of this decrease is about 0.7 minutes, which is a little more than the increase (of about 0.6 minutes) in the task time for immediate acceptance. Yet the (slightly) larger decrease in one measure is not significant while the smaller increase in the other is statistically significant. (For those whose statistical knowledge is such that this result is puzzling, note that this result occurs because the decrease is estimated from smaller samples (of 40 and 17 cases for old and new forms) than the substantial samples (105 and 101 cases) available in the case of immediate acceptance. The smaller the sample sizes, the greater is the chance that a time difference of a given amount could have arisen purely by chance, and hence not be representative of the general operation of the activity.)

In the case of proposals not accepted (or not initially accepted), the task time increased. This outcome is marginally significant—it is likely to be found in further samples.

The observations of data entry for accepted proposals (Table 5.2) are for samples that differ from those observed for underwriter evaluation. Unfortunately, none of the staff who undertook this data-entry for the new form had been observed processing the old. The mean task-time increased from 1.8 to 2.4 minutes. Setting aside the change in staff, this difference in time is statistically significant. Yet, as noted in the table, there were quite large differences between staff members in their work rates. Accordingly, it is difficult to draw general conclusions. It is fair to say that there is no evidence of any reduction in the task time.

Table 5.2  Task times: data entry, Financial Institution policies

<table>
<thead>
<tr>
<th></th>
<th>Old forms</th>
<th>New forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of cases observed</td>
<td>108</td>
<td>73</td>
</tr>
<tr>
<td>Mean time for task, all staff (in minutes)</td>
<td>1.81</td>
<td>2.41</td>
</tr>
<tr>
<td>Across staff members, ratio of highest to lowest mean time</td>
<td>1.26</td>
<td>2.08</td>
</tr>
</tbody>
</table>

Notes:
1. The data-entry task to which these observations refer was the main task, excluding some (well-defined) complex cases.
2. This number [52] identifies the hypothesis: see Appendix D.
Agent and Broker policies

For the underwriter evaluation of these policy proposals (Table 5.3), the recorded mean task times increased. (The results for the major categories are statistically significant. In other words, it is unlikely that the increases are caused by sampling variations.) However, the data do suggest that the design of the new form may permit the immediate acceptance (without further enquiry) of a larger proportion of the proposals (in much the same manner as for the Financial Institution policies).

The evidence on data entry (Table 5.4) is based on somewhat smaller samples of observations. Here the one and only staff member observed working on the new forms also processed a major portion of the sample of old forms. Accordingly, there are reasonable grounds for saying that the new form has not reduced the mean processing time. But in all such conclusions, it is important to recall the introductory remarks about variations in the work pressure.

Some conclusions

Sun Alliance and Royal Insurance approached the task of creating change in a way that was quite successful. The project had the complete backing of the senior management. The company made sure that the project team included representatives of all the “stakeholders” in the process.

Initially, the committee was too large for the project. A core of the company staff (those set out above) did the bulk of the company’s work on the project. This revealed

<table>
<thead>
<tr>
<th>Outcome*</th>
<th>Old forms</th>
<th>New forms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of cases</td>
<td>%</td>
</tr>
<tr>
<td>Accepted (no follow-up) [41]</td>
<td>27</td>
<td>36</td>
</tr>
<tr>
<td>Follow-up:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>■ successful phone call</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td>■ fax prepared</td>
<td>22</td>
<td>30</td>
</tr>
<tr>
<td>■ letter prepared</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>■ left phone message</td>
<td>10</td>
<td>14</td>
</tr>
<tr>
<td>■ all follow-up cases [42]</td>
<td>47</td>
<td>64</td>
</tr>
<tr>
<td>All cases [43]</td>
<td>74</td>
<td>100</td>
</tr>
</tbody>
</table>

* The numbers in square brackets refer to the hypotheses tested; see Appendix D.
<table>
<thead>
<tr>
<th>Table 5.4  Task times: data entry, Agent and Broker policies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No. of cases observed</strong></td>
</tr>
<tr>
<td><strong>Mean time for task 1, all staff</strong> (in minutes)</td>
</tr>
<tr>
<td><strong>Across staff members, ratio of highest to lowest mean time</strong></td>
</tr>
</tbody>
</table>

Notes:
1. The task comprises data entry for the policy, irrespective of which version of the policy is to be issued. However, in the case of the old forms, two observations were discarded because they had a task time about three times the mean, reflecting some extra features of the policy to be issued.
2. The number [45] refers to the hypothesis tested; see Appendix D for details.
3. For the new forms, only one staff member was observed. The same person processed more than 50% of the old forms.

A problem that often occurs when committees with too many interests try to make decisions. The small committee was more focussed and was able to complete the project successfully.

Implementation occurred only about eight weeks after the date originally intended. After the new policy was introduced, the company made some refinements to it when they had to reprint it. Given the major change made, it is not surprising that fine-tuning was found to be desirable.

The data suggest that the processing tasks were simplified, in that use of the new forms seems to have reduced the need to make further enquiries. Similarly, there may be savings later, in the effort expended on the processing of claims. But at the time our study ended, it was too soon to tell.

The statistical results do not suggest any (significant) reductions in unit processing times. However, in interpreting this result it is important to recall that there was generally less work pressure at the time we observed the processing of the new forms, than there had been on the earlier occasion.

Some of the observed changes imply a reduction in the trouble to which the clients are put. We believe also that prospective clients find it easier to read and understand the new policy document, and to complete the new proposal form.

It should also be noted that the design of the new documents has helped the company to meet both the letter and the spirit of the new insurance industry code of practice.
Chapter 6  Building and development applications at Liverpool City Council

In New South Wales, local government exercises control over land-use. To facilitate this, anyone wishing to develop a new use for a piece of land, or to erect a new building or make a significant change to an old building, is required to lodge an application with the local Council. The development or building can not go ahead without Council permission.

In 1994, Liverpool City Council started a process for creating reader-friendly documents. This was part of a strategy to make the Council more accessible to its customers. The project was managed by the Council's Marketing Manager.

In July 1994, the Council decided to replace the forms being used by building and development applicants. It engaged a plain-language consultant, and new forms were prepared by December 1994. But these forms were not brought into use. After further work by Council officers, revised new forms were introduced in October 1995.

In August 1994, the Council kindly agreed to allow us to observe the process of change, and subsequently went to some pains to facilitate our data collecting.

The old forms and their processing

In 1994, the Council had five forms in use (some details are given in Table 6.1). Because of the very small flows of applications other than (stand-alone) building applications, we decided to confine our study to these BAs (as they are called), except when we discuss the design of the (one) new form, which caters for all types of application (other than Application for Modification of Development Consent, D.A.2).

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Est. weekly usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.A.1</td>
<td>Development Application</td>
<td>8</td>
</tr>
<tr>
<td>D.A.2</td>
<td>Application for Modification of Development Consent</td>
<td>&lt;1</td>
</tr>
<tr>
<td>D.A.3</td>
<td>Development &amp; Subdivision Applications</td>
<td>8</td>
</tr>
<tr>
<td>D.A.4</td>
<td>Development Application accompanied by a Building Application (small schemes)</td>
<td>6</td>
</tr>
<tr>
<td>D.H.23</td>
<td>Building Application</td>
<td>60</td>
</tr>
</tbody>
</table>
Table 6.2 Processing of building applications, Liverpool City Council

**Receiving the application:**
- Personal applicants bring the application form to the counter, where the staff scrutinise the entries on the form for completeness. Shortcomings may lead to rejection, requiring the applicant to submit a revised application later. Once the application is accepted, the counter staff calculate the fee to be paid by the applicant. The applicant takes the papers, together with cash or the applicant's cheque, to the cashier, who receives payment, retains the papers, and issues a receipt.
- Mail applications are examined by the same counter staff. Accepted applications are delivered to the cashier by the counter staff.

**Administrative processing of receipted applications:**
- Batches of the receipted applications are collected from the cashier by the counter staff.
- The counter staff enter data from the application form into a computerised database.
- The counter staff assign the application to the relevant area-team clerk, who makes up a file, with maps and notices, for the building inspector.

**Processing by the Building Inspector:**
- The Inspector visits the site, and decides whether or not the Council should grant permission.
- Where permission is granted, the Inspector carries out follow-up inspection(s) of the building work.

The processing of building applications is outlined in Table 6.2. Difficulties were being experienced with a number of these steps, as noted in a June 1994 report by an (internal) Continuous Quality Improvement team. In particular, there were significant problems with:

- Getting the consent of owner(s). The Form DH 23 had spaces for information about the owner, together with the statement 'OWNER MUST SIGN BUILDING APPLICATIONS'. Yet the submitted application did not always make ownership details clear, and some applications were not signed by the owner.

In such cases, the counter staff had to check ownership. While the Council maintained a computerised data-base, ownership details there were not always current. In doubtful cases, the counter staff had to check the rate-books. Such checks were usually done in batches, causing some delay. Even with such batching, the check added about 5 minutes to the time spent processing the application.
- The applicant’s phone numbers. Although the old form had a box for the builder’s phone number, and another for the owner’s number, the information supplied was sometimes inadequate, and this hindered processing when the staff wished to make telephone inquiries.

- Supporting documents. Some applicants failed to attach the necessary supporting documents.

- Rectification. When applicants gave incorrect information, or left out information or documents, there was no systematic way of telling them what they had to do to rectify the problem.

- Repetition. Applicants sometimes had to give the same information more than once, because of having to use separate forms.

Creating the new forms

The Marketing Manager appointed the consultant to help create a new form. The consultant’s brief was to consolidate the various forms into one form and to review their content, wording and design. The consultant was also to prepare a checklist that applicants and counter staff could use to make sure everything was in order. The checklist could be used also to tell applicants what they needed to complete their application.

The consultant:

- held a number of meetings with Council staff
- produced drafts for comment
- tested a revised draft for useability (by formulating questions about the form’s meaning and what it asked applicants to do, and putting them to a group of people who had not seen the form before).

While this process was continuing a number of personnel changes happened at the Council. The Marketing Manager left the position, and co-ordination of the project was left to two senior planners. One of these also left shortly after. Towards the end of 1994, the last of the senior planners involved in co-ordinating the project left the Council. At about the same time the consultant submitted the ‘final’ version of the form.

New senior officers decided not to implement the form as it stood. Instead, Council staff themselves gave the matter further consideration, without further input from the consultant. A provisional version of the new form was printed internally, and put into use at the beginning of July 1995. Subsequently, a further, small revision was agreed to by the various parties on the Council staff, and supplies were obtained from an outside printer.
This definitive version was brought into use on 3 October 1995. During the transition, the counter staff were still receiving (and processing) applications on earlier versions of the form. However, by late October 1995, many applications were being made on either the interim or the definitive version of the new form.

The old and new forms

As already noted, the Council previously used five different forms (Table 6.1), and the new form has been designed to replace four of these. In comparing the old and new forms, it is helpful to begin with an account of the total number of pages comprising each form, and the allocation of these pages to functions. Table 6.3 sets out this information for:

- two of the old forms (used for, respectively, development only and building only)
- three consecutive versions of the new form.

The style of the new form that was prepared by the external consultant differs from that of the old forms in several respects. The consultant:

- uses more pages
- devotes the first page to a ‘customer guide’ which gives some explanation of the whole approval process, and specifies which parts of the form have to be completed in the various circumstances

<table>
<thead>
<tr>
<th>Table 6.3</th>
<th>Size and layout of building application forms, Liverpool City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total number of A4 pages</td>
</tr>
<tr>
<td></td>
<td>Advice/ information</td>
</tr>
<tr>
<td><strong>Old forms</strong></td>
<td>no. of pages</td>
</tr>
<tr>
<td>DA1 (Development)</td>
<td>4</td>
</tr>
<tr>
<td>DH23 (Building)</td>
<td>4</td>
</tr>
<tr>
<td><strong>New forms</strong></td>
<td></td>
</tr>
<tr>
<td>Consultant's version</td>
<td>6</td>
</tr>
<tr>
<td>Internally-produced versions</td>
<td>4**</td>
</tr>
</tbody>
</table>

* All applicants complete the first page. The other pages are completed according to whether the application is for building and/or development.

** Accompanied by a separate document (presently two A4 pages) giving advice and information to applicants.
devotes the next page to the check-list to be used by the applicant, and intended to
help ensure that the form is fully completed and that all accompanying documents are submitted
uses plain-language conventions in the statements to be certified by the applicant,
and in the questions to be answered
begins each question/statement on a new line, gives a little more space for answers, and provides more structure for some of the answers
to a greater extent than in the old forms, uses layout and divisions to reinforce the logical structure of the subject matter of the questions.

On a more subjective note, it may be remarked that the typographical style is more modern and (arguably) more pleasing to the eye.

As already noted, the Council staff decided not to implement the consultant's version. It is of interest to examine the changes made in the two subsequent versions that were developed internally.

Compared with the consultant's draft, the later versions of the application form use:

- the same or similar wording of questions
- similar structural layout and typographical elements.

But there are also a number of changed or new features:

- the applicant's identification of the type of application is placed at the top of the first page (before Part A proper begins), and the form employs an extended typology
- there is now a question asking if the proposal requires the removal of any trees
- at the bottom of page 1, a numbered item reads 'Post or Hold for Collection' and has two tick-boxes alongside. This seems to invite the applicant to choose the preferred method for delivery of notification of the outcome
- the check-list now occupies the last page, and is not mentioned on any previous page
- there is no guidance page or advice in the form itself (but see the note below)
- the form now uses only four pages, rather than the six proposed by the consultant
- to help accommodate this reduction, the layout is a little more cramped.

The differences between the provisional and definitive versions are modest. They deal mainly with the placing of questions, and the structural division of the document. These changes seem to be intended to make it easier for the applicant to see which parts should be completed (given the purpose of the application), and to make it easier for the staff to read quickly (without too much turning of pages). These factors may help to explain why the form was brought back to four pages, rather than the consultant's six.
At the same time, the new versions were accompanied by a two-page inserted sheet, entitled ‘Instruction and Information to Applicants Lodging Applications’. This gives much detail and is generally fairly precise.

Mention should be made of a further practice of the Council. Where a building (only) application relates to very minor works not exceeding 50m² in plan, and to be used for domestic purposes only, the Council may use a ‘Speed Approval System’. The aim is to give a very prompt reply (within a few days) when the application is acceptable.

To do this, the Council does not inspect the site. Instead, the applicant has to give a further signed declaration and additional information. The explanation, list of requirements and the declaration are in a separate form (Fact Sheet PD 2). There is no reference to this in the old form (DH 23), nor in the consultant’s draft, nor in the subsequent versions.

Task timings

For the old forms, observations of the processing of building applications were made on a number of days in the later months of 1994 and in January 1995.

When the new forms were introduced, observations were made in October and November 1995. In making these observations, additional difficulties were encountered: the applications were being lodged, variously, on intermediate and ‘final’ versions of the new form; and there were still some on old forms — which the staff felt obliged to accept. In our analysis, those on old forms were disregarded. The intermediate and ‘final’ versions are closely similar, and our analysis ignores the distinction.

One further difficulty arose from the timing of the introduction of the new forms. With the target date for completion of our report then pressing, we were able to collect only small samples.

In making the analysis, we had to allow for several further matters. By the time we observed processing of the new forms, the staff no longer had to check the rate-books to verify ownership: the Council had brought its computerised data-base up to date, and was maintaining information there on a current basis. Accordingly, from our observations of the old forms, we discarded the cases for which rate-book checks had been made.

From inspection of the data, it was clear that there was considerable variation in task-time between one application and the next. There were also significant differences in processing speed between staff members. To make a rough allowance for the latter factor, we discarded old-form observations of a very productive officer who was not observed working on the new forms.

The outcomes of the statistical analysis are shown in Table 6.4. As it turns out, each of the three tasks were measured as being slower with the new forms than with the old.
Table 6.4  Task times: building applications, Liverpool City Council

<table>
<thead>
<tr>
<th>Task</th>
<th>Old forms</th>
<th>New forms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of cases</td>
<td>Mean times</td>
</tr>
<tr>
<td></td>
<td></td>
<td>minutes</td>
</tr>
<tr>
<td>Receipt by mail [31]</td>
<td>20</td>
<td>5.97</td>
</tr>
<tr>
<td>Receipt at counter [32]</td>
<td>8</td>
<td>8.14</td>
</tr>
<tr>
<td>Data entry [33]</td>
<td>56</td>
<td>5.94</td>
</tr>
</tbody>
</table>

Source: Observations made during several study periods in late 1994 and January 1995 (old forms), and in October and November 1995 (new forms).

Notes:
1. The numbers in square brackets identify the hypotheses tested (see Appendix D).
2. Excluded from these samples are cases where ownership checks were undertaken (see text), and cases where the work was undertaken by a particular staff-member who (a) had much smaller times than any of the other staff, and (b) was not observed working on new forms.

However, for receipt at the counter and by mail, the differences are not statistically significant: given the small sample sizes, the results could have occurred by chance through sampling variation.

For data entry, the formal hypothesis test declares that the result is statistically significant. However, the result almost certainly reflects the fact that in April 1995, the data entry procedure was changed: appreciably more data are now stored in the data-base. (We did not learn of this change until it was too late to make allowance for it.)

In addition, it should be recognised that:
- we have not been able to eliminate all the influences of the differences in processing speed that arise between staff members
- the staff may have been under less pressure of work in the later study period.

Conclusions

The designs of the old and new building application forms are not so very different in content (though there are substantial changes in layout and typography). Perhaps the greatest problem with the old form was the need for better instructions to guide applicants. It seems this matter has not yet been fully resolved.

Given this background, the statistical results need cause no surprise. For the tasks of receiving applications at the counter and by mail, the statistical results are not conclusive, in part because of the very small sizes of some of the samples. A tentative
conclusion is that the changes made to the form have not been sufficiently great to
yield significant change in the task times. Nevertheless, the task faced by an applicant
when completing the form may well be easier than before.

The third (observed) task comprises (primarily) the entry of data given on the
completed application into a computerised data-base. The increase in the recorded
task-time is believed to result primarily from changes in the amount of data to be
entered.

Finally, two important features of the campaign are worthy of note: staff-turnover led
to a lack of continuity in the conducting this campaign; and after that break, it took the
Council staff quite some time to establish and implement the definitive new form.
Chapter 7 Some other experiences

As well as the case studies, we have looked at a number of other attempts to introduce plain-language documents. Some of these have been more successful than others. Here we outline three of them.

Campbelltown City Council (NSW)
The Council began to redraft documents and forms in 1991/2. It started this process for several reasons including:

- negative feedback from customers about the documents
- the view that there was too much “red tape”
- complaints that the documents were too complex.

The Council has concentrated mainly on forms, but has looked at some other documents as well. In its program it has emphasised external documents: those used by the Council’s customers.

Method
In responding to these views about the Council documents, the Council passed a resolution setting up a process to put documents into plain language. To give effect to this the Council administration:

- set up an internal committee with representatives from each area of Council. The committee comprised middle management and staff who dealt with customers
- appointed a consultant to redraft documents and to train staff.

The Council management believe that it is important to encourage those working on new documents to get ownership of them. The staff worked with the consultant, so that the change was not seen as a threat or as something new being imposed from outside.

Initially, there was some resistance from those who had hidden behind the technical language. But their views changed when they got positive feedback from customers. It took a while to convince some senior people of the need for change. This was because they were not dealing with the documents, and so were not aware of the problems.

The process
The Council uses the following process for producing a plain language version of a document:
one of the people who uses the existing document is chosen to produce a first
draft of the new document.

the draft goes to the committee, which discusses it with the consultant.

the consultant prepares a second draft, working with the person who produced the
first draft

the consultant takes the revised draft(s) to the committee

once the committee is satisfied, the new document is put into use.

The committee is permanent and keeps the same membership for all projects (other
than changes from staff turnover etc.). The person who initially redrafts the new
document does not have to be a member of the committee.

The Council’s view is that it is good to have an outsider as consultant to oversee the
production of plain-language documents. However, as the program has continued over
several years, the consultant is used less and less as staff become increasingly skilled in
producing documents.

Using the new document

As soon as the new document is approved it is put into use. The Council immediately
collects up all the old ones. These days the Council prints only 1 to 2 months stock of
forms at any time, so it is easy to change them all at once.

Results

The overall numbers of documents used has been reduced. For instance, the Council
used to have a different form for each of the 10 Council halls for hire. Now it has a
standard form that is used for all.

There have also been some administrative changes. For instance, with the old
development and building forms, customers had to deal with up to three departments
(planning, health & building, and engineering). Now customers have to visit only one
area and all the forms are very similar.

Assessing the results

While the Council has never had a formal survey of its customers, the counter-staff
have received favourable comments from customers. Staff have also noted that after a
new form is introduced there are fewer inquiries about how to use or fill in the form.

The Council’s Director of Corporate Services has noted that although the population
served by the Council has grown since the project started, he has not needed to
increase staff numbers among those who deal with the public and answer inquiries. He
explains this as being the case partly because the new documents and forms leave that
staff with more time to devote to other issues.
A financial services company

In a less successful program, a major financial services organisation set out to redraft and redesign two of its major products. To do this it appointed a general manager to have responsibility for the project, but the day-to-day responsibility was given to a more junior officer. The project continued for several months and document drafts for the re-designed products were created.

A committee was set up for each product. Several consultants were used with different but overlapping tasks. The committee was made up of the coordinator, the product manager, a legal officer and usually the consultants.

To begin the process one of the consultants produced a draft. This was circulated to members of the committee and discussed with the consultant at the meeting. The consultant produced a revised draft that was then discussed at a following meeting. There were also discussions with legal officers on the wording of the text to make sure that the company did not unwittingly expose itself.

After some months the project was aborted. There were several reasons for this:

- The complexity of the task was underestimated. This meant that the company officers involved did not have enough time to devote to the project.
- The person coordinating the project was much more junior than the other officers on the committee. This had an impact on the coordinator's authority.
- The highest levels of the company did not give the project much priority.
- At the same time as the plain-language project was running, another project was going on in the company that cut across the plain-language project, and which was considered more important.
- There were several different consultants involved, to cover drafting, marketing and design. The work of the consultants was not properly coordinated. This meant that one consultant to, some extent, undid the work of the others.
- Some officers resented the process, as outsiders seemed to be reforming 'their' products.
- The effect of the possible changes were underestimated. It was seen as a simple process of 'translating' a document. But it became clear that the process involved taking apart the old product and putting it together in another way. The process revealed some flaws in the products, and that meant there had to be some rethinking about the content of the documents, not just the language and design.
- However, this re-thinking did not eventuate, for various reasons, including (in one case) a decline in the market for the product, and (in both cases) management giving priority to other company reforms.
Norwich Union

Norwich Union is a major financial services company, specialising in life insurance, investment and superannuation products. In 1991 they decided to change their documents as part of a drive for quality across the organisation. Neither the company nor its customers were happy with the clarity and layout of the documents. The customer perceptions were confirmed when Norwich analysed why they had so many queries from customers and why so many applications for business had to be re-worked.

The idea for using plain language came from a senior manager who had seen it used effectively elsewhere. It was also part of the company’s approach to Total Quality Management.

Norwich Union at first tried to deal with the problem using internal staff. Then they decided to use outside experts. They chose one of their most complex documents to start with, to make the impact of re-writing highly visible. Their thinking was that if this was successful, then “Plain English” would become a major corporate quality goal.

Method

Norwich did not set up a committee to oversee the project. Instead they put the manager of one of their major businesses in charge of the product.

Within the business unit a small number of people were given responsibility for bringing about the change. This was made part of their normal job, not an additional task. Norwich Union did not want plain English to be seen as a project that would start and end. They wanted it to be an ongoing part of the company.

The company used an external consultant to re-write and re-organise the document. They discussed the old document’s problems with the unit manager, product and actuarial staff, and marketing staff. The strategy was to have non-legal people involved as much as possible. At various stages they consulted with customers.

In the final stages, the company’s lawyers and actuaries reviewed the documents.

Introducing the new document

The first document Norwich Union tackled was their main personal superannuation policy and renewal certificates.

They began this work in October 1991. The new document was released in March 1993. It was put into immediate use and remains the central document in that business. Norwich Union had a set date for the transition to the new documents. On that date, they stopped using the old, and introduced the new. They had managed stock levels so that there would be very few old documents left to be discarded. (Generally, many of their documents are now computer generated, so the stock level is always low.)
How the new document was received

The first new document, the complex superannuation policy, was well received by customers and was applauded in the financial press. There was no formal assessment, but there was much informal discussion with staff and clients, who saw the new documents as an improvement. One tangible result has been reduced printing costs, although some of this can be attributed to other changes.

Issues the process revealed

When examining and re-drafting old documents, Norwich has found that many matters require attention. These include:

- understanding the purpose of some sections
- dealing with ambiguities and working out the original authors’ intentions
- discovering errors and omissions and having to work out how to deal with these
- extreme difficulty in re-writing some sections because of the obscurity of the original.

Norwich Union found that doing a thorough job takes a long time. It can require changes in the mindsets of those involved. While experience can make the process quicker, the process of writing in plain language never becomes a simple task.

Norwich Union no longer considers plain language should be a distinct way for the company to write some documents. Rather, it has become the way they try to communicate at all times. This is part of their desire for the whole company to embrace plain language, and not see it as a separate project.
Part C  Conclusions
Chapter 8  Conclusions

In this chapter we present our conclusions, dealing in turn with:

- the outcomes of plain-language campaigns
- the approach to effecting the changes
- the research task that arises in evaluating such campaigns.

We base our conclusions not only on the three case studies reported in earlier chapters, but also on our knowledge of other campaigns (including those described briefly in Chapter 7).

While this chapter is confined to reporting on general findings, the discussion carries implications for the design of the 'ideal' plain-language campaign, as we judge the matter. To supplement this chapter, we have written a separate, self-contained manual which gives advice on how to plan and organise a plain-language campaign, and how to evaluate such a campaign.

The outcomes of plain-language campaigns

Our studies have confirmed the general belief that the process of introducing plain-language text and layout saves time and trouble for the users of the documents. Our three case-studies all deal with application forms and accompanying documentation. Such contexts probably account for the major potential for plain-language simplification. In such a context, there is an important distinction between user categories.

Those who complete application forms must be distinguished according to their familiarity with the form. It is the first-time applicant who gains the greatest benefit from the introduction of plain language. In contrast, the professional adviser or other habitual user is likely to have mastered the old forms. They gain only to the extent that the new may be more quickly completed because of better grouping of questions or reduction in the amount of information sought, or both. The limited extent of these benefits may help to explain some reluctance on the part of professionals to embrace new forms.

For forms used in in-house situations, many applicants will have mastered the old form. But there can be significant turn-over in the pool of applicants, in which case there is a steady supply of first-time applicants. Thus in-house applicants form an intermediate category.
For applicants, there are several types of benefit:

- less effort and trouble in understanding the form
- time saved in completing the form
- once the completed form is submitted, a reduced need to amend, clarify or extend the information tendered in the application.

The other user-category comprises those employed to receive, scrutinise and process the forms. In our case studies, we have had difficulty in isolating the effects of plain language on the duration of the processing tasks. This difficulty stems from:

- differences in task-time for different staff members, together with staff turnover during the interval between observing the processing of the old and new forms
- changes in the pressure of work between the before and after situations – which (we believe) can cause processing staff to work more or less quickly to a degree that may outweigh any change due to the introduction of plain language.

In the face of the difficulty, we tentatively conclude that where the old form is very poor, the processing time for a task may be significantly reduced. But in general, the size of the reduction may not be very important.

Of greater significance is the reduction in the number of tasks that have to be performed. Our statistical results consistently point to the new forms leading to fewer additional inquiries by staff, and fewer re-submissions by applicants. Also, when there is later activity in respect of the document (for instance, claims on an insurance policy), we believe that the greater clarity of a plain-language form is likely to reduce the number of tasks arising needlessly (for instance, insurance claims that are not well founded, since the incident is not covered by the policy).

There is one other kind of beneficial outcome: the process of preparing a plain-language document may reveal, or draw attention to, some policy ambiguity or inconsistency, as happened in some of the studies.

**The approach to administering the change**

Our first — and perhaps most important — conclusion is that organisations tend to have an overly narrow view of the process involved. In general, the organisations we studied seem to have started by seeing their project as simply one to revise or re-write a document. They appeared not to realise the extent to which the project might involve changes in management or administration, and even revision of the policy behind the document.

We found that some organisations used the first drafts of the document essentially as a ‘discussion paper’, which revealed problems with the underlying policy or administration. It is no surprise that resolving these problems during the writing
process, rather than before, can be a very inefficient approach. Nevertheless, sometimes this may be unavoidable. The existing document may be so obscure that the problem appears only when it is re-drafted. Even so, this does not excuse an organisation's failure to recognise the wider range of matters that may need to be considered.

A further issue is that the document is often seen in isolation, out of its overall context. In particular, the organisation may be undergoing other changes at the same time as the plain language-project is taking place. In one case we examined, the organisation was totally changing the products it offered. This meant that the documents were no longer relevant to the organisation's new direction.

Another conclusion is that there must be continuity in the administration of the project. Of the organisations we studied, those that were most successful set up a committee to oversee the project. In the absence of such a committee, any departure of key staff can leave the project without direction, and may result in a break in the project’s administration.

One other benefit we found from the use of a committee was that it could be used to bring together the relevant expertise. However, the committee has to have authority to make decisions. Where the committee always has to wait for senior management to resolve a problem, the process becomes very slow.

The relevant expertise does not just mean those who control management or policy. We found that it is very important to include people who have knowledge of how the document is used. This means that the organisation’s processing or counter staff should be involved at an early stage. If they are not represented on the committee, then they should be regularly consulted. We found there was often a difference between what management thought happened with the document, and what in fact did happen.

We also found that it was important to involve all those who would be using the document in the organisation. In some cases we found resistance to the change. Part of this was because only a few people in the organisation had ‘ownership’ of the document.

We have also come to some conclusions about the way the new document should be implemented.

The first issue concerns the change-over. One organisation had a set date, after which the old document would not be accepted. Other organisations introduced the new document while the old version remained in use. It seems that a quick change-over is the better way to bring the new document into use. This is particularly the case if new administrative arrangements are put in place to deal with the new document.
Connected with this is the issue of resistance to the new document. We found that frequent users of the old document (often professional users) sometimes preferred the old document. Part of this is simply because they were familiar with it. Casual users, who had not invested effort in learning how to overcome problems with the old document, usually welcomed the change.

This suggests a need to educate frequent users more carefully, so they learn to use the new document and 'unlearn' old ways. For this reason too, there needs to be a set date for a complete change-over, otherwise the 'professional users' may be very slow to adapt.

**The research task**

In the course of undertaking the three case studies (together with a fourth which was aborted when the organisation abandoned its plain-language initiative), we learned a great deal about the nature of the research task.

In each case study, our first step was to acquire knowledge and understanding of how the organisation used the documents that it intended to replace. Because the various parties inside the organisation sometimes differed in their understanding of the existing process, we found it helpful to make inquiries at various levels, including staff who actually did the processing as well as senior management. Typically, the supervisor of the processing activity was a particularly important source of information.

Besides reading any relevant documentation of the organisation, we found it helpful to arrange meetings with staff to gain information. Later, when we began observations, we sometimes found that our understanding gained from those sources was incomplete or even erroneous. In particular, different staff members sometimes adopted different methods for processing applications; for example, in respect of decisions on whether and how to batch some of the steps. (We do not imply that such variation is undesirable. It may well be good management policy to allow such discretion, but it did make our studies more difficult.)

When an administrative process has different outcomes— for example: accept or reject an application, or make further inquiries— then (of necessity) our observations picked up the various outcomes in the proportions in which they occurred in the sample periods for which we made observations. This meant that it was difficult and expensive to obtain sufficiently large samples of observations for the outcomes that occur less frequently. Such lack of balance in the sample sizes reduced the statistical power of some of our results. In particular, it has been difficult to draw firm conclusions about some of the task times.

In each of the three cases, our research began after the organisation had started its campaign. Thus, part of the effort (and cost) had already passed without detailed records being kept (in general). Despite this difficulty, we did attempt to collect
information retrospectively in one case. But we did not succeed. In this, as in some other respects, help was promised but not delivered.

As a consequence, we have not been able to obtain enough data to flesh out a complete cost–benefit analysis. Nevertheless, we believe that the research has been successful, in that it has delivered two kinds of important knowledge.

First, we collected a large amount of important statistical information. As already remarked, we think the data on event frequencies are more important than those on task timings.

Second, in the course of making the detailed statistical observations, we gained a great deal of qualitative information that we probably would not have been able to obtain in any other way.
Appendix A  Questionnaires used at the Family Court

The questionnaire for self-applicants and the check-list for Registry staff were designed by the research team. Before use, the drafts were discussed with members of the Registry staff, and amended in the light of comments. Because of the changes in the divorce application forms, both the questionnaire and the check-list had to be re-designed before use in the second study period. To avoid needless risk in making before-and-after comparisons, these changes were kept to a minimum.

**Questionnaire for self-applicants**

In the first study period, this was administered as follows:

- At the Registry counter, self-applicants were asked to complete the questionnaire as and when their lodgement attempt succeeded. Typically, the officer would say to the applicant words to this effect: "Your application seems to be in order. While I do some initial processing of the papers, would you be willing to complete this questionnaire?" The applicant was asked to place the completed form in a box similar in style to that used in polling booths. The box was shown as belonging to the University of Sydney research team, as distinct from the Family Court.

- Upon successful mail lodgement, the regular procedure is for the self-applicant to receive through the mail the various papers issued by the Family Court. The questionnaire was included with these papers, and applicants were asked to mail it to the University of Sydney, using the stamped envelope that was attached.

In the second study period, the procedure at the Registry counter was the same as before. But the questionnaire was not then administered in relation to completed mail lodgement, primarily because the number of such cases observed in the first study period was very small, and secondarily because the mail response rate was low.

The response rate at the counter is not known. But some simple comparisons can be made. In the first study period, 54 questionnaires were completed, while the check-lists prepared by the Registry staff show a total of 53 completed lodgements by self-applicants. In reality, the check-lists may have omitted a few completed lodgements, and a few applicants may have decided not to complete the questionnaire. But the response rate appears to have been very high indeed.
In the second study period, the check-lists record 127 successful lodgements by self-applicants, but there were only 86 completed questionnaires (of which 4 had some incomplete responses). The discrepancy probably reflects some occasions on which the Registry staff-member did not hand out a questionnaire, as well as cases in which the applicant chose not to complete the questionnaire. Even so, we believe that the response rate was high.

Applicants often completed the questionnaire very quickly. Nevertheless, this does not give cause for concern, because (1) the form is easy to complete, and (2) careless completion would readily lead to obvious inconsistencies between the answers, and yet extensive checking revealed very few such errors. During the second study period, several respondents added detailed constructive remarks, at their own initiative.

Check-list completed by Registry staff

The staff were asked to complete this check-list for every attempted lodgement, at the counter or by mail. It is of course possible that the task was overlooked on some occasions. We believe that the response rate was high.

At times, the counter staff are working under great pressure, and naturally there is some risk of error. During the first period, we believe that there were no significant problems. During the second period, the Registry seemed to be a little busier, and Sydney was enjoying one or more epidemics of viral infection, resulting in some staff absence due to sickness. Even then we detected only one significant problem: one officer made a systematic error in completing a particular part of the form. (The problem arose because the design of the form, though logically sound, did not use the most natural sequence.) Once the error was suspected, cross-checking between forms provided firm evidence, and satisfactory adjustment was made.

At the end of each study period, the forms were sorted by applicant name, and in that way two or more forms for the one applicant were brought together. After the addition of serial numbers for applicants, the upper part of each form (containing the personal data) was separated from the lower part. These lower parts were taken to the University for processing, while the upper parts were kept at the Family Court, thereby ensuring that there could be no breach of privacy arising from the subsequent processing at the University.

Reproduced below are the two questionnaires. In both cases, the version of the form that is shown here is that used in 1995, in conjunction with the new Divorce Kit.

The texts of our forms begin on the next page. The forms were designed for A4 pages, although here they have been reduced in size to fit the pages of this report.
Divorce applications: check-list (1995)
(to be completed each time lodgement is attempted)

Applicant’s family name:
- initials of husband:
- of wife:

Date of lodgement attempt:
File number: SY (where assigned)

In the following please tick all appropriate boxes.

Lodgement attempted by: self-applicant or solicitor etc.

Application is: no children or with children
- single
- joint

and is made: at counter or by mail

Application is: mainly typed or mainly handwritten

Lodgement has been: rejected or accepted

Application has been rejected for the following reasons:

Responses to these questions not clear or have other problems:
- Q7
- Q12a
- Section D
- Section F
- any other part

Other difficulties:
- insufficient copies/lacks supporting documents
- less than 12 months’ separation before sworn/affirmed
- couple married less than 2 years, and leave not granted
- applicant can’t pay fee immediately
- applicant declined acceptance
- handwritten answers not legible

Appendix A

77
Making Forms Simpler

Questionnaire for Divorce Applicants

The Family Court has changed the divorce application forms. This is to make them easier to fill in and quicker to process.

We are studying how the new forms are working, and we would like you to volunteer to help with this project, by filling in the attached questionnaire. All you do is tick a few boxes.

All your answers are confidential. Do not identify yourself on the form. Your answers go to a research team from the University of Sydney, and not to the Court staff.

This questionnaire and your answers will have no effect on your divorce application.

The research team's aim is to measure the difficulties people have in completing the forms they use now.

We hope you decide to help with this project. Some of your time now could help save a lot of people's time in the future.

Thank you.
Please tick the appropriate boxes.

Have you phoned the Family Court for help in completing your divorce application form?  

Yes  

No

If yes, how many times?  

1  

2  

3  

more than 3

Have you attended a Divorce Application Session at the Court?  

Yes  

No

In completing your divorce application form, have you received help from anyone else outside your own family?  

Yes  

No

Have you tried to file your divorce application by mail?  

Yes  

No

Have you come to the Registry filing counter more than once today in connection with your divorce application?  

Yes  

No

If yes, how many times before today?  

1  

2  

3  

more than 3

Are you applying  

together with your spouse?  

by yourself?

Have you used the application form for divorce  

when there are no children under 18?  

when there are children under 18?

We would like you to tell us what you think of the design of the divorce application form. Please tick one of the following boxes:  
The divorce application form  
is more difficult to understand than most forms  
has the same degree of difficulty as most forms  
is less difficult to understand than most forms

Thank you for your help.  
Would you now please place your completed questionnaire in the box we have provided?
### Table B1  Lodgement histories of self-applicants at counter

| Visits to Registry counter before the day of successful lodgement: no. of visits per applicant | Visits to Registry counter on the day of successful lodgement: |
|---|---|---|
|  | Old forms | New forms |
|  | No. of visits per applicant | No. of visits per applicant |
| <1 | >1 | 1 | >1 |
| Numbers of applicants |
| 0 | 21 | 7 | 35 | 14 |
| 1 | 10 | 6 | 21 | 7 |
| 2 | 7 | 2 | 3 | 4 |
| 3 | 0 | 1 | 1 | 1 |
| all categories | 38 | 54 | 60 | 86 |


(Table B2 appears on the following page.)
Table B2  Self-applicants' evaluation of the application forms

<table>
<thead>
<tr>
<th>Applications' rating of difficulty in completing the form:</th>
<th>OLD APPLICATION FORM</th>
<th>NEW APPLICATION FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>more difficult than average</td>
<td>average</td>
</tr>
<tr>
<td></td>
<td>Numbers of applicants</td>
<td>Numbers of applicants</td>
</tr>
<tr>
<td>Single applications</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>Joint applications</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>All</td>
<td>18</td>
<td>25</td>
</tr>
</tbody>
</table>

| NEW APPLICATION FORM                                     |                       |                       |                       |
| With children                                           | 1                      | 8                      | 14                   |
| - single                                                | 0                      | 2                      | 9                    |
| - joint                                                 | 1                      | 10                     | 23                   |
| - both                                                  | 1                      | 10                     | 23                   |

| Without children                                        | 0                      | 6                      | 20                   |
| - single                                                | 3                      | 5                      | 14                   |
| - joint                                                 | 3                      | 11                     | 34                   |
| - both                                                  | 3                      | 11                     | 34                   |

| All                                                     | 4                      | 21                     | 57                   |

Source: As for Table B1.
Appendix C  Adjustment of task times, Family Court data

After we completed observing the processing of applications on old forms, and before the introduction of the new forms, there was an independent change in procedure at the Sydney Registry counter. Previously, each officer of the Court collected the $300 application fee at the time of completed lodgement, except for those cases where the fee was waived. The time taken in this part of the task is a component of the observed times for the use of the old forms.

In the new procedure, the applicant whose form is accepted is sent to a (dedicated) cashier. Hence the new observed times describe a process which does not include the time taken to collect the fee and issue a receipt.

The old procedure continued in force in Wollongong, where on one day a week a member of the Sydney Registry staff attends to provide Family Court services. Accordingly, we took timings at Wollongong of the fee-collection component. For 14 cases where fees were collected, the fee-collection times had a mean value of 1.47 minutes, with a standard deviation of 0.29 minutes.

At the Sydney Registry in 1993–94, some 15.5% of all applicants were granted fee waivers. (The figure of 15.5% was calculated from the Management Information Report – Year Ending 30 June 1994 (Family Court of Australia: Office of the Chief Executive), where (in Section 2) the Consolidated Statistics for the Sydney Registry show 7151 divorce applications filed, and 1105 cases where the fee was remitted.)

To allow for an obvious difference between those applicants who are represented and those who are not, we have supposed that 25% of self-applicants received fee waivers, and 5% of represented applicants received fee waivers. On that basis, the adjustments required (for the old-form processing of successful lodgements) are:

- for self-applicants, subtraction of a mean time of $0.75 \times 1.47$ minutes
- for represented applicants, subtraction of a mean time of $0.95 \times 1.47$ minutes.

These adjustments have been made to the raw data, to give the adjusted times shown in Table 4.12.
Appendix D  Testing the statistical hypotheses

In our three case studies, a major goal was to collect numerical data on the performance of the old and new forms. Many of the statistical comparisons between old and new have been subjected to formal hypothesis-testing. This appendix explains how the testing was done, and gives some detailed results. The appendix is addressed to those with a basic knowledge of such statistical methods.

In the broadest sense, all the data fall into two categories: task durations, and event frequencies. The latter are of interest mainly when converted to relative terms as proportions or percentages.

Differences in means

In the case of task durations, the mean time for old forms is compared with the mean time for the new. The difference is expressed as mean time for old = mean time for new. The null hypothesis is that there is no difference (that is, that the observed difference is not significantly different from zero).

Variances are not assumed to be equal. Subscripts 1 and 2 are used to denote old and new circumstances. The means are denoted by \( \bar{X}_i \), the standard deviations by \( s_i \) and the sample sizes by \( n_i \) (with \( i = 1, 2 \)).

The test statistic is

\[
\Delta_n = \frac{(\bar{X}_1 - \bar{X}_2)}{\sqrt{s_1^2/n_1 + s_2^2/n_2}}
\]

This can be considered approximately \( t \)-distributed, with the degrees of freedom \( r = \min(n_1, n_2) - 1 \). (This particular choice of expression for \( r \) is likely to give conservative results; in other words, it is more likely to lead us to accept the null of no difference.)

For accepted counter-lodgements of divorce applications, the data collected for the old forms were adjusted to allow for the circumstances set out in Appendix C. Because the adjustment to the mean is itself estimated, the estimated variance of the difference between the old- and new-form means is also affected. But the impact is likely to be small, and was ignored. In other words, the mean adjustment amount was regarded as certain.
**Differences in proportions**

In looking at event frequencies, most of the circumstances led to two outcomes only, which may be termed ‘success’ and ‘failure’. (Where there are more than two outcomes, those that are not of immediate interest may be grouped together.) If the sample has \( n_i \) trials, resulting in \( X_i \) successes, then the proportion of successes is \( p_i = X_i / n_i \) (for \( i = 1, 2 \) as before).

Again, the null hypothesis is that there is no difference between the old and new situations; in other words, we test the hypothesis that any observed difference is not significantly different from zero.

The appropriate test statistic is

\[
\Delta_p = (p_1 - p_2) / \sqrt{[p_1(1 - p_1) / n_1 + p_2(1 - p_2) / n_2]}
\]

As the notation indicates, the difference in the proportions is expressed as old proportion less new proportion. With sufficiently large samples (say, \( X_i \geq 10 \) and \( n_i - X_i \geq 10 \)), the statistic is approximately normally distributed.

**Significance levels**

The new mean time (or the new proportion) may be larger or smaller than the old. (Given the adopted sign convention, if the new measure is larger, the test statistic takes a negative value.) Accordingly, it is appropriate to use a two-tailed test.

The significance level is set at 2\% in each tail. Then the common rule-of-thumb applies: if the (absolute) value of (either type of) the test statistic is greater than 2, the null hypothesis is rejected. In other words, if the absolute value of the test statistic is greater than 2, and if there were truly no difference between old and new, that outcome would occur by chance only 2\% of the time (in each tail). Thus, when the test statistic is greater than +2, it is safe to conclude that the new value is indeed less than the old (and vice-versa if the statistic is less than −2).

This approach is fairly conservative, in that it demands a high standard of proof. It is for that reason (among others) that in the case study chapters, we sometimes say that we believe there is a change between old and new, even though the formal test does not reject the hypothesis of no difference.

**Statistic values for the various hypotheses**

The following tables record the calculated values for the test statistics, for most of the hypotheses that were exposed to formal statistical testing.
### Table D1  Test statistics, Family Court event frequencies

<table>
<thead>
<tr>
<th>Hypotheses on differences in event frequencies</th>
<th>Value of statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>(old value less new value)</td>
<td></td>
</tr>
</tbody>
</table>

**Completed lodgements as proportion of all lodgements**

- 21A all self-applicants: \( -2.38 \)
- 21B all self-applicants at counter: \( -1.88 \)
- 21C all self-applicants by mail: \( -0.94 \)
- 21D all represented applicants: \( -1.68 \)
- 21E all represented applicants at counter: \( -1.29 \)
- 21F all represented applicants by mail: \( -2.85 \)
- 21G all applicants: \( -6.07 \)

**Mean numbers of errors (per attempted lodgement)**

- 26A all self-applicants: \( 6.07 \)
- 26B all represented applicants: \( 3.08 \)
- 26C all applicants: \( 6.52 \)

**For self-applicants at counter, per applicant**

- 22 mean number of all visits: \( 0.66 \)
- 23A mean number of visits before day of completed lodgement: \( 0.92 \)
- 23B mean number of visits on day of completed lodgement: \( -0.05 \)

### Table D2  Test statistics, selected Family Court task durations

<table>
<thead>
<tr>
<th>Hypotheses on differences in mean times</th>
<th>Value of statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>(old value less new value)</td>
<td></td>
</tr>
</tbody>
</table>

**Counter applications, completed lodgements**

- 4 initial processing, self-applicants: \( 1.05 \)
- 5 initial processing, represented applicants: \( -1.18 \)
- 6 balance of data entry, all applicants: \( 0.24 \)

**All attempted lodgements, not accepted**

- 7 evaluation: \( 1.40 \)
### Table D3  Test statistics, Sun Alliance and Royal Insurance task durations

<table>
<thead>
<tr>
<th>Hypotheses on differences in mean times</th>
<th>Value of statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>(old value less new value)</td>
<td></td>
</tr>
</tbody>
</table>

**Financial Institution policies – underwriting**
- 48 accepted without further enquiry: -8.36
- 49 accepted, but further enquiry needed: 1.55
- 50 not (immediately) accepted: -1.92
- 51 all outcomes: -1.05

**Financial Institution policies – processing**
- 52 all cases: -5.03

**Agent and Broker policies – underwriting**
- 41 accepted without further enquiry: -3.96
- 42 all follow-up cases: -2.74
- 43 all cases: -1.96

**Agent and Broker policies – processing**
- 45 all cases: -1.38

### Table D4  Test statistics, Liverpool Council task durations

<table>
<thead>
<tr>
<th>Hypotheses on differences in mean times</th>
<th>Value of statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>(old value less new value)</td>
<td></td>
</tr>
</tbody>
</table>

- 31 receipt by mail: -1.09
- 32 receipt at counter: -0.62
- 33 data entry: -3.32

---

Appendix D
Appendix E  Excerpts from the Family Court’s divorce application forms

With the permission of the Family Court, excerpts from the old and new divorce application forms are reproduced here. Please note that the original forms are printed on A4 pages, and that the reproduction here is on a reduced scale. Inevitably this reduction makes the forms somewhat less legible.

*Old Form 4.* Reproduced on the next four pages are the cover sheet, pages 2 and 3, and then a composite page. We have formed that composite by selecting the part of page 4 that does *not* deal with children of the marriage, and joining it to the questions on page 7 that relate to other court proceedings and orders. Our arrangement brings together matters that are placed next to each other in the new form.

*New Divorce Kit (Version to be used when there are children under 18).* On the last four pages of this Appendix, we reproduce the first two pages of the application form itself, together with the instructions that are printed on the adjacent pages. The layout used here places the instructions on the left-hand page, and the application form on the right hand. This arrangement imitates that used in the Divorce Kit itself.
| No. 4 |

**FORM NO [4]**

**PROCEEDINGS FOR:**

[DISSOLUTION OF MARRIAGE]

**DOCUMENT:**

[APPLICATION FOR DISSOLUTION OF MARRIAGE]

**Deponent’s full name:**

Sworn/Affirmed

Return date/

Next hearing date

Filed *by/ton behalf of

Address for service

Telephone

Document Exchange

and suburb

Facsimile

Solicitor’s code

---

(1) Set out the short title of the Act under which the proceedings are brought eg. Family Law Act 1975, Jurisdiction of Courts (Cross-vesting) Act 1987 etc.

(2) Set out the name of the court where this document is going to be filed eg. Family Court of Australia, Family Court of Western Australia, Local Court, Magistrates Court etc.

(3) Set out the city or town where the court is located eg. Sydney, Geelong, Cairns, Port Augusta etc.

(4) Set out the file number of the proceedings relating to this document. If you don’t have a file number yet, leave this blank and the filing clerk at the court will write it in.

(5) Husband or father’s surname.

(6) Husband or father’s given names.

(7) Street name and number.

(8) Town, city or suburb.

(9) State or territory and postcode.

* Cross out if not applicable

(10) Wife or mother’s surname.

(11) Wife or mother’s given names.

(12) Street name and number.

(13) Town, city or suburb.

(14) State or territory and postcode.

* Cross out if not applicable

(15) If this document is an affidavit, or contains an affidavit, set out the deponent’s name. The deponent is the person who swears or affirms the affidavit.

(16) Set out the date the affidavit is sworn or affirmed.

(17) If the court has already given you a return date or next hearing date put it in here. If you haven’t, leave it blank and the court staff will allocate you a date.

* Cross out if not applicable

(18) Set out the details of the person whose document this is eg. husband, father, wife, mother, intervener or other as appropriate. Filing means taking this form to the court and having it processed.

(19) Set out the address for service of the person whose document this is. The address for service is the place you want any correspondence about these proceedings sent.

---

90 Appendix E
decree of dissolution of the abovementioned marriage on the ground that the marriage has broken down irretrievably.

1. **The marriage:**

<table>
<thead>
<tr>
<th>Date of marriage</th>
<th>Place of marriage</th>
<th>The marriage was a</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) [19]</td>
<td>(4)</td>
<td>*religious ceremony</td>
</tr>
<tr>
<td></td>
<td>(5)</td>
<td>*civil ceremony</td>
</tr>
</tbody>
</table>

2. **The husband:**

<table>
<thead>
<tr>
<th>Date of birth</th>
<th>Place of birth</th>
<th>If born overseas, date first entered Australia</th>
<th>Present occupation</th>
<th>Occupation at date of separation specified in paragraph 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>(6) [19]</td>
<td>(7)</td>
<td>(8) [19]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   | At the time of the marriage the husband was |
   | *not previously married |
   | *a widower |
   | *a divorced person |

   | Number of previous marriages of the husband |
   | [ ] marriages |

   **Note:** If there are no previous marriages please put NIL.

3. **The wife:**

<table>
<thead>
<tr>
<th>Date of birth</th>
<th>Place of birth</th>
<th>If born overseas, date first entered Australia</th>
<th>Present occupation</th>
<th>Occupation at date of separation specified in paragraph 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>(8) [19]</td>
<td>(9)</td>
<td>(10) [19]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   | At the time of the marriage the wife was |
   | *not previously married |
   | *a widow |
   | *a divorced person |

   | Number of previous marriages of the wife |
   | [ ] marriages |

   **Note:** If there are no previous marriages please put NIL.
Jurisdiction

4. The *husband/*wife
   *(a) is domiciled in Australia
   *(b) is an Australian citizen
   *(c) has been ordinarily resident in Australia for the period of 12 months immediately preceding the date of the filing of this application.

5. The facts and circumstances of the *domicile/*citizenship/*residence of the *husband/*wife are:

Separation

6. Date of separation  [   .19   ]

The husband and wife separated on the above date and have, within the meaning of the Act, lived separately and apart for a continuous period not less than 12 months immediately preceding the date of filing of this application.

7. The circumstances in which the husband and wife separated (as stated in paragraph 6) are as follows (State concisely the relevant facts to enable the Court to determine whether separation in fact occurred on the date stated):

8. The last place of joint residence of the husband and wife before the date specified in paragraph 6 was:

   | (10) Street number and name, Suburb or town and state or territory |
   |                                                               |
   |                                                               |
   |                                                               |
   |                                                               |
   |                                                               |
   |                                                               |
   |                                                               |
   |                                                               |

   postcode [   ]

*9. After the date of separation specified in paragraph 6, the husband and wife resumed cohabitation on (11)

   19

and separated again on

   | (12) month in words |
   |                                                               |
   |                                                               |
   |                                                               |

   19

and have since lived separately and apart.
*10. Since the commencement of the separation referred to in paragraph 6, the husband and wife have resided in the same residence during the following period or periods and in the following circumstances:

(set out addresses of residence(s) that the parties have shared since they separated, all relevant dates or periods and the circumstances)

11. There is no reasonable likelihood of cohabitation between the parties being resumed.

**Previous Orders**

*17. The following are particulars of orders that are still operative made in family law or child welfare proceedings concerning the husband and wife or the children (set out the date of each order, the court by which it was made, the place at which it was made and brief particulars of the order(s))

*17. No orders that are still operative have been made in family law or child welfare proceedings concerning the husband and wife or the children.

**Pending Proceedings**

*18. The following are particulars of pending family law or child welfare proceedings concerning the husband and wife or the children (set out brief particulars of any pending proceedings and specify the court)

*18. There are no pending family law or child welfare proceedings concerning the husband and wife or the children.
How to fill in your application

- Read all instructions before filling in each part.
- Type or print clearly.
- Cross the box to show whether you are applying on your own or with your spouse.
- Registry staff will fill in the details (file number, etc) in the box in the top right hand corner on page 1.
- Once you have filled in the form tear off the completed pages along the perforated edge.
- A guide to how to serve the application and other relevant documents is printed at the back of this kit.

A Personal details

Questions 1 & 2
For each of the husband and wife give the family name (surname) used now and the given names (or ‘first names’) you are using now. They may be different from the names you used when you were married.

Question 3
Give the names exactly as they appear on the marriage certificate. If they are the same as the names you use now, write ‘as above’.

If you or your spouse have changed name since the marriage, you will need to give an explanation to the Court – either by affidavit or oral evidence at the hearing. For example, if you changed your name by a document after your marriage, a copy of the document should be provided.

Question 4
Fill in the addresses. You do not have to give your home address. If the address you provide is not your home address, you should hand up in Court at the start of the hearing an affidavit setting out your reasons for not wanting to reveal your home address.

Give an address for your spouse so far as it is known to you. If you don’t know the address, put ‘not known’.

Questions 5 & 6
For each of the husband and the wife give the occupation and the date and country of birth.

Question 7
Answer this question for both the husband and the wife. Put a cross in each box that applies.

You do not have to fill in ‘other information’. Use it only if you were not born in Australia, have not taken Australian citizenship, and have not lived in Australia for the last 12 months. In that case set out when you have lived in Australia, when you have lived elsewhere, and why.

The Court cannot consider your application if you and your spouse are in Australia illegally.

The Court may ask you to produce evidence that your answers are correct. Suitable evidence would be a birth certificate, Australian passport, or a citizenship certificate. You should bring any relevant documents with you to the Court hearing.

Question 8
If your solicitor is filing (lodging) the application for you, he or she must fill in these details.

If you are filing the application yourself, put a cross in the first box and move on to Question 10. Make sure you put in an address at Question 4).
Application for Divorce
(Dissolution of marriage)
Form 4, Family Law Rules Order 7, Rule 7

Type or print clearly. Cross boxes where applicable. Read instructions for each part before you answer it.

Application by husband alone ☐ wife alone ☐ both together ☐

<table>
<thead>
<tr>
<th>A Personal details</th>
<th>the husband</th>
<th>the wife</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Family name used now</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Given names</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Full name on marriage certificate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Address</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Occupation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Date and country of birth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Citizenship, domicile, residence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australian citizen ☐</td>
<td>Australian citizen ☐</td>
<td></td>
</tr>
<tr>
<td>Lived whole life in Australia ☐</td>
<td>Lived whole life in Australia ☐</td>
<td></td>
</tr>
<tr>
<td>Regards Australia as his home ☐</td>
<td>Regards Australia as her home ☐</td>
<td></td>
</tr>
<tr>
<td>Intends to live permanently in Australia ☐</td>
<td>Intends to live permanently in Australia ☐</td>
<td></td>
</tr>
<tr>
<td>Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application ☐</td>
<td>Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application ☐</td>
<td></td>
</tr>
</tbody>
</table>

Other information (see instructions first)

8 Address for service of documents on applicant
- firm name
- code
- address
- telephone

address in 4 above ☐ go to 10
Solicitor's below ☐ complete:

( ) fax ( )

Appendix E 95
C Details of marriage and separation

Question 10
Check the date on the marriage certificate. If it is wrong, you will need to provide evidence of the correct date in a written statement (called an affidavit) or in oral evidence to the Court.

Question 11
You must have been separated and living apart from your spouse for at least 1 year before you sign this application and file (lodge) it with the Court.

Give the date on which you believe the marriage relationship between you and your spouse actually broke down.

You should be prepared to provide further information to the Court about the circumstances of separation, that is, what happened or what was said on that date to establish that one or both of you intended to end the marriage.

It is possible to live physically separately and not be separated – for example, if a spouse works away from home, is in hospital or in jail. In this situation, the date of separation will usually be the date on which one of the spouses decided the marriage was over and told the other spouse of this. You will need to file affidavit evidence of what happened.

Question 12
If you are applying alone, you should not refer to your spouse’s intention unless you can provide further information on how you know what this was. If neither of you intended the marriage to end at the date in Question 11, then this is not the correct date of separation and you should change your answer to Question 11.

Question 13
It is possible to be separated as husband and wife but still be living in the same house (this is called ‘separation under the one roof’). This can happen if you and your spouse had withdrawn from the marriage and were living independently from each other. For example, if you and your spouse no longer shared the usual activities of marriage such as sleeping together, eating meals together, performing domestic services for each other, sharing finances and going out together.

If you and your spouse have lived under the same roof for all or part of the period of separation, the Court normally requires evidence by you and evidence from another person of the circumstances to support your claims that you and your spouse were separated under one roof. This other person may be your neighbour, a friend, or a relative, who is familiar with the circumstances in which you and your spouse have been living.

You and the person who gives supporting evidence should each put your evidence into a written statement (affidavit) which should be lodged at the registry at least 7 days before the Court hearing. If an affidavit cannot be submitted, that person should come to the hearing so that they can give evidence.

Question 14
The minimum period of 1 year for separation is extended if you and your spouse live together again as husband and wife for one period of up to 3 months. For example, if you were separated for 5 months, then lived together for 2 months, then separated again, you would need to be separated for a further period of 7 months before lodging your application (that is 1 year and 2 months after your separation first began).

If you live together for more than 3 months after separating – whether in one period or two or more periods – then you must have a full year apart after the second separation ends.

Question 15
Cross ‘no’ only if you believe that there is no prospect of your marriage continuing. This situation is often described as ‘the marriage having broken down irretrievably’.

Question 16
You must count:

a) any child of you and your spouse; and

b) any other child (including a child of neither of you) who was treated as a member of your family immediately before your final separation.

This would include any children of you and your spouse born before the marriage or after the separation or children adopted by you and your spouse.

D Other court proceedings and orders

Question 17 & 18
Pending proceedings means either you or your spouse have applied to a court for certain orders, and that these proceedings have not yet been finalised. This may have been done in the Family Court or another court.

Question 19 & 20
The order may have been made by the Family Court or another court. If it is easier, you can attach a full copy of an order (rather than writing out the details) and write on the application form only the date of the order and ‘see attached’.
C Details of marriage and separation

10 Date and country of marriage

11 When did you separate from your spouse?

12 (a) At the time you separated, did you or your spouse intend to end the marriage?

(b) Did you or your spouse move out of the home?

13 (a) Have you and your spouse lived under the same roof at any time after you separated?

(b) Give dates and length of each period

14 (a) At any time after you separated, have you and your spouse lived as husband and wife?

(b) Give dates and length of each period

15 Do you think it is likely that you will reconcile and live together as husband and wife?

16 Is there any child under 18 who is:
   * a child of you and your spouse?
   or * a child treated as a member of your family when you last separated?

D Other court proceedings and orders

17 Are there any family law, domestic violence or child welfare proceedings pending concerning the husband or wife or the children listed in Part E?

18 Give details – include name of court, date listed and orders sought and stage of proceedings

(attach extra page if there is not enough space)

19 Are there any current family law, domestic violence or child welfare orders concerning the husband, wife or children listed in Part E?

20 Give details – include name of court, date and orders made.
The Gains from Clarity describes research into the effects of producing documents in plain language. It is based on three case studies undertaken as part of the research study, and on other experiences gathered from organisations using plain language.

The consequences of introducing new documents can be quite complex. Organisations often start projects without realising this. The report provides some practical examples for organisations about to embark on a plain-language project.

The research study compares the performance of documents and the working of the relevant administrative procedures before the organisations introduced plain language documents, with the same after they had done so. The report looks at both direct and indirect effects.

Professor Gordon Mills is Director of the Centre for Microeconomic Policy Analysis. Mark Duckworth is the former Director of the Centre for Plain Legal Language. Both Centres are based in the University of Sydney.

The study was funded by the Law Foundation of New South Wales.

Centre for Plain Legal Language  Centre for Microeconomic Policy Analysis  Law Foundation of New South Wales