

**Supplementary Submission 1**  
**to the**  
**Senate Standing Committees on Finance and Public**  
**Administration**  
**ARRANGEMENTS FOR THE POSTAL SURVEY**

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## Recommendations

The author commends the following recommendations for the Committee's consideration. Note these recommendations are in addition to recommendations from my previous submission.

### **Recommendation 4**

*The committee recommend to the government that the proposed independent auditor be appointed by and report back to a body other than the ABS to ensure independence and transparency. An appropriate body could be the ANAO.*

### **Recommendation 5**

*The committee recommend to the government that the proposed independent auditor report be published at the same time the results of the survey are published by the ABS.*

### **Recommendation 6**

*The committee recommend to the government that the ABS publish its "robust systems and controls" prior to the distribution of surveys.*

### **Recommendation 7**

*The committee recommend to the government that the ABS report on the monitoring outcome of each of the controls ABS have put in place. This report should be published at the same time the results of the survey are published by the ABS.*

### **Recommendation 8**

*The committee recommend to the government that an auditor with expertise in internet voting be appointed to review the ABS's online survey response process and report back to a body other than the ABS to ensure independence and transparency. An appropriate body could be the ANAO.*

## 1 Introduction

This submission is in response to the following sections in the ToR of the committee's inquiry.

- f. how issues incurred during the collection will be addressed;
- h. all aspects of the conduct of the collection and related matters; and

## 2 Revised Observer Procedure

The ABS have revised procedures<sup>1</sup> for the coming "Australian Marriage Law Postal Survey" in relationship to Observers. The below is extracted from ABS website showing the old procedure published on the 14/8/17 and the new procedure published on the 25/8/17. The areas of change to the Assurance of Integrity and Quality section are underlined.

### Old Procedure

#### ***Assurance of Integrity and Quality***

*The Australian Statistician will ensure that the collection of the statistical information is undertaken with a high level of transparency, integrity and assurance in the accuracy of the data.*

*Observers will be nominated by Commonwealth parliamentarians to observe key steps in the survey process in order to provide an outside view to the Australian Statistician on the integrity of the survey process.*

*The Australian Statistician will publish a statement on the quality and integrity of the survey on 15 November 2017.*

*Further details of this process will be released as they are finalised.*

### New Procedure

#### ***Assurance of Integrity and Quality***

*The Australian Statistician will ensure that the collection of the statistical information is undertaken with a high level of transparency, integrity and assurance in the accuracy of the data.*

*The ABS has in place robust systems and controls for the processing, interpreting and publishing of statistical data and will be employing these systems and controls in relation to the Australian Marriage Law Postal Survey.*

*The survey assurance process will include external observers. External observers will be nominated by Commonwealth parliamentarians by mid-September. These individuals will be*

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<sup>1</sup> Process for Australian Marriage Law Postal Survey  
<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/AMLPS+-+Process>

able to observe the process of recognition of the marks on a sample of survey forms as yes, no or invalid responses.

The ABS will also engage an independent auditor to monitor a number of processes such as the dispatch of survey forms, the receipt and destruction of forms.

*The Australian Statistician will publish a statement on the quality and integrity of the survey on 15 November 2017.*

The ABS have significantly reduced the role of observers from “observe key steps in the survey process in order to provide an outside view to the Australian Statistician” to only viewing a limited part of the data capture operations. The new procedure says observers “will be able to observe the process of recognition of the marks on a sample of survey forms”. There appears to be no specific control objective fulfilled by the new observation process. As such the new observer process, as it is currently defined, appears to be of limited or no value with respect to assessing survey integrity. The recommendations of my previous submission if implemented would address these issues.

The ABS have introduced the concept of an ABS appointed “independent” auditor to monitor a number of processes. It is not clear from the procedure if the report prepared by the auditor will be published, or if the auditor will be able to fully assess the integrity of the survey process. It is also unclear how the auditor can be truly independent if they are appointed by the ABS.

#### **Recommendation 4**

*The committee recommend to the government that the proposed independent auditor be appointed by and report back to a body other than the ABS to ensure independence and transparency. An appropriate body could be the ANAO.*

#### **Recommendation 5**

*The committee recommend to the government that the proposed independent auditor report be published at the same time the results of the survey are published by the ABS.*

Finally, the ABS have advised they have put in place a “robust systems and controls for the processing, interpreting and publishing of statistical data”. At this time, the ABS have not provided specific information on what these controls will be and whether the outcome of control measurement will be published and if so when that will occur.

#### **Recommendation 6**

*The committee recommend to the government that the ABS publish its “robust systems and controls” prior to the distribution of surveys.*

#### **Recommendation 7**

*The committee recommend to the government that the ABS report on the monitoring outcome of each of the controls ABS have put in place. This report should be published at the same time the results of the survey are published by the ABS.*

Further to my previous communication with the ABS on both Monday the 14/8/17 (Calle Reference AET996) and Friday the 18/8/17 I have yet to be advised by the ABS as to how a parliamentarian can

nominate an Observer. Also it appears the ABS is not proposing to publish a further update to these procedures because they have removed the statement related to this in the earlier procedure.

### 3 Paperless response

The ABS have also provided in the new procedures<sup>2</sup> arrangements designed to improve participation (which is important and necessary) and included in these arrangements is the use of a Paperless response. The following is taken from the new procedures.

#### ***Paperless response***

*In limited circumstances, a person will be able to respond to the survey through a paperless method. This is available for eligible Australians who:*

- *are overseas throughout the collection period;*
- *have blindness, low vision or other disability that makes the paper form a more difficult option; or*
- *are in a remote or other location throughout the collection period where they can not reasonably access a form by post or pick up a form.*

*Eligible Australians in these categories will be able to request a Secure Access Code from the ABS through the Information Line or the ABS website from 25 September to 20 October 2017.*

*The Secure Access Code is then used to provide an anonymous survey response through an automated telephony service, a secure online form or a call centre.*

The ABS have established a website<sup>3</sup> to allow people to register for an online survey response. This website appears to be an adaption of the website used for the ABS's "Economic Activity Survey" and possibly other surveys. The security, secrecy and integrity features of this site are not documented so it is not possible to determine its suitability for the task of capturing marriage survey results. The following are some observations:

- There does not appear to be any verification offered to participants to confirm their marriage survey was captured as cast.
- There does not appear to be any provisions on the site for the survey to be kept secret, as the site is used for surveys for which the results are intrinsically tied to the person/entity submitting the survey's email address.

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<sup>2</sup> Special Strategies to support participation

<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/AMLPS+-+Participation>

<sup>3</sup> Survey Participant Information

<http://www.abs.gov.au/websitedbs/D3310114.nsf/Home/Survey+Participant+Information?OpenDocument&ref=topBar>

- The ABS have not provided any documentation on the operation of the system hence it is not possible for a member of the public to determine if they system has integrity and is safe to use.

In many respects, the survey being conducted by the ABS is similar in nature to a poll or referendum, which is usually an event conducted by an electoral authority under electoral law. It is my view the public believe the ABS is conducting a poll and the process will be conducted in the same way a poll is conducted.

There is currently significant debate about the efficacy of using an electronic means to return ballots for public elections and polls online. I personally believe it is appropriate to used online systems to return ballots for public elections, in a limited range of circumstances.

If a jurisdiction wishes to use online ballot return they should not hurry the implementation of the system and also should engage with all stakeholders. In my view, the ABS's decision to use electronic capture of returned surveys by adopting their business survey system appears to be a rushed decision, as such it needs to be monitored closely.

Notwithstanding criticisms of the iVote system in NSW at the 2015 election, it had addressed most of the issues identified by internet voting experts as risks. A significant body of information was and is available regarding its design and operation. It also was developed over an eighteen month period at a cost of over \$6M, hence was a significant project. The process leading to the use of iVote also involved engagement with many stakeholders. iVote's underlying design was implemented with security, secrecy and integrity features included. These features involved complex cryptographic techniques for separating the vote from the elector, verification services and a range of checks to ensure the vote was counted as cast. It does not appear that the ABS survey system includes any of these properties.

Given iVote had similar eligibility group to that proposed by ABS for this survey and iVote took some 286,000 votes during the 2015 election, it is probable the ABS will take between 500,000 to 1,000,000 survey responses electronically. This type of response will need significant infrastructure to deal with peaks and all the attendant risks of managing a time critical event system in a very public environment.

To ensure the public's confidence is maintained in the results of the survey it is important the ABS is transparent in its operation and management of the proposed online survey return system. Typically, internet voting systems have used appointed expert boards or consults to provide review services and independent view on the integrity of the system. iVote used experts from the UNSW to conduct critical audit of the final results and PWC to provide an independent review of the operation of iVote at the 2015 election. The ABS should implement a similar approach and immediately engage independent online voting expert auditors to review and report on the operation of their system.

#### **Recommendation 8**

*The committee recommend to the government that an auditor with expertise in internet voting be appointed to review the ABS's online survey response process and report back to a body other than the ABS to ensure independence and transparency. An appropriate body could be the ANAO.*