

Introduction

I am a staff member of the Australian Bureau of Statistics, where I have worked for over 5 years, however I am making this submission in a personal capacity. Notwithstanding this, I wish for my submission to be anonymous.

My submission primarily relates to the following terms of reference:

- a. what information will be collected and how it will be collected, aggregated and reported;
- b. what departments and agencies will be involved and what resources will be provided;
- c. the legislative basis for the collection and how matters such as advertising, fraud, access to the roll and privacy will be regulated;

Legislative Basis

I believe that the conduct of the Australian Marriage Law Postal Survey (AMLPS) should not be considered a collection of Statistical Information within the meaning of the *Census and Statistics Act 1905*. The characteristics of the AMLPS more closely resemble that of a vote, plebiscite or petition than that of a statistical survey.

The reason for this are as follows:

1. The use of the Electoral Role as the frame for the survey;
2. The requirement to produce results by Commonwealth Electoral Division;
3. The use of observers;
4. Public statements of members of the Government as to the purpose of the AMLPS indicating that it is not being conducted for statistical purposes;
5. The lack of any sampling methodology or adjustment for non-response;
6. The lack of publication of key outputs by population characteristics (in large part as a consequence of point 7); and
7. The steps being taken to disassociate the response from the characteristics of the respondent.

The last point in particular is not a practice that is typically associated with the conduct of a survey, and to my knowledge is not a practice employed by the ABS in any other statistical collection which it undertakes.

In short, whilst the outputs of the AMLPS may be statistical information the conduct of the AMLPS is so at odds with any other collection undertaken by the ABS, that it should not be considered a collection of statistical information.

It is vital that the ABS is only used to conduct collections for statistical purposes, its wide ranging powers should not be employed to fulfil other non-statistical purposes.

Recommendation 1: That the Census and Statistics Act 1905 be amended so as to include a definition of 'statistical information' and as part of that definition it be included that any collection of information undertaken should be for statistical purposes.

AMLPS is inconsistent with the role and function of the ABS as an Independent National Statistical Office

My primary concern with the AMLPS is that the conduct of the survey is inconsistent with the role and function of the ABS as an Independent National Statistical Office. I base this argument primarily from on the guidance provided in the [United Nations Fundamental Principles of Official Statistics: Implementation guidelines](#) ('the guidelines'). According to the [ABS Annual Report 2013-14](#) the ABS "...played an active role in the promotion of the Fundamental Principles of Official Statistics...". The Annual Reports further notes that Australia was a co-sponsor of the resolution to endorse the Fundamental Principles of Official Statistics, this suggests that the Australian Government considers the guidelines to be authoritative and believes they are worthy of adhering to.

Two principles outlines in the guidelines are particularly relevant to the conduct of the AMLPS:

- Relevance, impartiality and equal access; and
- Professional standards, scientific principles and professional ethics.

It is my submission that the [Census and Statistics \(Statistical Information\) Direction 2017](#) ('the direction') is so narrow that it violates the guidelines and the principles of official statistics.

As the guidelines note, in the section of Scientific independence:

"Statisticians have to be autonomous to select definitions, methods, techniques, sources, programming and implementation of survey and data processing and communication software, sampling methods, tools of data collection that they consider to be appropriate and that best reflect reality." (page 102)

It is my submission that the direction to the ABS has not allowed it to have autonomy in these areas.

Firstly, the direction specifies the timing to which the ABS is to adhere to in the publication of the outputs of the AMLPS. It also specifies on what classifications the data should be disseminated on. The dissemination of statistics, in regards to timing, and content, should be solely at the discretion of the Australian Statistician.

Secondly, the direction specifies the scope and content of the data to be collected. The direction that the collection be voluntary, and the specificity of the direction unduly hamper the ability of the Statistician to choose whether to conduct a census or survey. Whilst not directly specified, the choice to survey all electors, rather than to conduct a sample survey, seems more in line with the promise of the Government to conduct a plebiscite than it does with a statistical undertaking.

Thirdly, whilst not specified in the direction, the question to be asked in the survey has effectively been set by the Government, being identical to the question specified by the [Plebiscite \(Same-Sex Marriage\) Bill 2016](#). This is particularly troubling given that the ABS would normally determine what question or questions to ask on a survey. Question wording in the ABS is normally based on extensive cognitive testing to ensure the question is statistically valid. Having the Government set the question to be used in

statistical collections represents an affront to the principles of independence for a National Statistical Office.

Finally, again whilst not specified in the direction, the manner of collection (by post), appears to be based on what the Government had been publicly discussing in terms of options for a plebiscite on same sex marriage. Given the ABS has championed the use of electronic forms, most recently with the 2016 Census, it seems odd that it has chosen to use a postal option for this survey.

I do not intend to reproduce in full the guidelines, but there is a running theme throughout that choices about statistical collection should be made independently and free from Government interference. Indeed, the guidelines contain an entire part on how to ensure independence.

Recommendation 2: Consistent with the United Nations Fundamental Principles of Official Statistics: Implementation guidelines, there should be a specification in law of the independence of the ABS and this specification should include that the ABS “..should not receive nor accept external instructions concerning the choice of statistical methods, techniques, standards, procedures and interpretation of results.”

Whilst the guidelines note that “...it has to be borne in mind that ministries might be allowed to set political priorities”, it is my submission that this could be achieved by narrowing the ability of the Minister to direct the ABS to collection information under the *Census and Statistics Act 1905*.

Recommendation 3: Amend paragraph 9(1)(b) of the Census and Statistics Act 1905 in such a way as to limit the ability of the minister to direct the timing, methods or scope of a collection of statistical information.

Recommendation 4: To add additional protections against interfering with the independence of the ABS, paragraph 9(1)(b) of the Census and Statistics Act 1905 should be amended in such a way as as to make any direction under this section a disallowable instrument.

Failure to publish Yes/No counts by characteristics or adjust for non-response

To date, the ABS has not provided a justification for why Yes and No responses will not be published by characteristics (such as age,sex, state and Commonwealth Electoral Division). Whilst the ABS has committed to publishing response rates by age and sex this is inadequate and inconsistent with how National Statistical Office should operate. The only justification for failure to publish this information is if it would breach the privacy provisions of the *Census and Statistics Act 1905* or if the quality of the information collected was not high enough to justify publications. Neither of these conditions can be assessed as being met until after the survey results have been processed and analysed, they are not matters which should be determined in advance of the collection.

Whilst previously the ABS could rely on the fact that it would be *unable* to publish Yes/No counts by demographics as the survey responses were to be separated from the barcodes of the form, recent evidence given before the committee on the 7 September indicates that this is no longer the case. If the ABS is able to only count the latest response given by a provider then it must also be able to link responses to personal characteristics. As such, the decision not to publish Yes/No counts by characteristics must be a choice by the ABS which is not justifiable.

In addition to the failure to published Yes/No counts by characteristics the ABS has also explicitly ruled out adjusting for non-response. Again, the justification for this is questionable. The ABS choose to point to the Religious Affiliation question in the Census of Population and Housing to justify its choice not to adjust for non-response. It argues that the Religious Affiliation question is not adjusted for non-response, however this argument is spurious given very few Census data items are adjusted for non-response. In addition, even if the ABS is accurate in its comparison to the religious affiliation question in the Census, the fact remains that the ABS publishes information on religious affiliation by personal characteristics. The ABS also conducts another voluntary survey, the Personal Safety Survey (PSS), where due to the sensitive nature of the question the survey is also voluntary. Despite a 57% response rate, the ABS adjusts the PSS for non-response, therefore there appears to be little statistical justification to not do so with the AMLPS.

The ABS further argues that it is "...not confident that the characteristics of those who don't respond are the same as those who do respond (Supplementary Submission 1, page 11)" however this assessment should not be made without appropriate statistical investigation. Mere belief of non-response bias should not be sufficient to justify failure to adjust. At a minimum the ABS should be required to publish Yes/No responses by age and sex and state to allow others to perform the necessary non-response adjustment.

Recommendation 5: That prior to the destruction of survey information the ABS compile and publish counts of Yes and No responses by age by sex by state.

Conclusion

My key submission is that the conduct of the AMLPS is not a statistical exercise, lacks statistical rigour and is inconsistent with the role of the ABS. I have no doubt that if the ABS were given a broad direction to collect information on Australian voters' views on same sex marriage that it would not have chosen to conduct the survey in the manner that it is doing so. When I joined the ABS, much was made of the fact that we were at a time rated as the second best statistical agency in the world, behind Statistics Canada. It is worth noting that in the last 10 years, two Chief Statisticians of Statistics Canada have resigned due to Government interference with their agency. I cannot help but wonder if it is this commitment to independence that has them apart from the ABS.

The conduct of this survey is, in short, disrespectful to the proud 112 year history of the Bureau. I have grave concerns for how the ABS will rebuild the trust of the Australian community once the dust has settled on this exercise, especially given the issues with the 2016 Census. Trusted official statistics are vital for a functioning democracy such as Australia and as noted in the UN Guidelines "...statistics should not be subject to political pressure and should not serve specific interests", in the present circumstances,

it is my submission the ABS has not only been subject to political pressure, but more worryingly, that it has acquiesced to such pressure.