

Senate Standing Committees on Economics
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Parliament House
Canberra ACT 2600

Submission for Consideration – Inquiry into Census 2016

On the front page of the paper 2011 Census form the Australian Bureau of Statistics (ABS) stated *“your cooperation is sought in completing this form”* Nowhere on the form did it state that that the 2011 Census was compulsory.

A separate leaflet, which the 2011 Census collectors gave to people who asked *“is it compulsory?”* stated *“Ultimately, yes. ... At this time you are being asked to answer the questions in the Census form. If you do not answer the questions, the Australian Statistician has the power to direct you in writing to provide the information.”*

There have been no changes to the legislation covering the conduct of the Census since 2011 but in the 2016 Census:

- The front page of the paper Census form has printed in bold type *“The census is compulsory”*
- The ABS Census website declares *“The census is compulsory”*
- On the night of 9 August 2016 the ABS ran television advertisements in which a female voice said *“Remember, every household must participate”*. The advertisement can be viewed at <https://www.youtube.com/user/CensusAustralia>

These statements blatantly contradict the advice given during the 2011 Census and are in conflict with Section 10(3) of the Act which only gives the ABS the authority to *request* that people complete the Census form.

While the legislation does give the ABS the authority to direct a person to complete the Census under Section 10(4) of the Act, that authority cannot be activated until a person has refused or failed to submit a completed Census form. This situation did not exist in the lead up to the Census, on Census night or in the days immediately following Census night. In addition, this authority only empowers the ABS to direct an identifiable individual to complete the form *“by notice in writing served either personally or by post on a person”*.

The ABS does not have the authority to declare that the Census is generically or universally compulsory. It can only be made compulsory on an individual basis and only if defined procedures are followed by the ABS.

ABS statements concerning the supposed compulsory status of the 2016 Census actually constitute a deliberate prevarication. This is exacerbated by the statement *“The information is collected under the authority of the Census and Statistics Act 1905.”* which immediately follows the (false) statement that *“The census is compulsory”* and is positioned to obfuscate the situation and dishonestly imply that the statement concerning compulsion is supported by the Act. It is not.

Up to and including the 2011 Census, the information gathered was relatively innocuous and anonymous. This situation changed with the 2016 Census with the requirement to provide names and addresses and the ABS' plans to retain the information from the census and use

it for data matching purposes. This has caused predictable public outrage and resistance. By (falsely) claiming that the census is compulsory the ABS has engaged in a deliberate and misleading campaign of bureaucratic thuggery to coerce people into providing information which the ABS knew would be offensive to people's sense of privacy.

On 26 August 2016 I lodged a formal complaint with the Commonwealth Ombudsman about this deceptive and dishonest conduct by the Australian Bureau of Statistics (Ombudsman reference: [REDACTED]). On 30 August 2016 I received an email response to my complaint from [REDACTED] Operations South, Commonwealth Ombudsman. [REDACTED] email said *inter alia*

"I have considered your complaint and have decided not to investigate it. Our office does not generally investigate a complaint until it has been raised with the agency involved. This gives the agency an opportunity to solve the matter first. We have found that this is usually a more efficient way of resolving a complaint.

If you are unhappy with an aspect of the Census or wish to seek a better explanation about why the ABS has said that participating in the Census is compulsory, it is open to you make a complaint to the Census Inquiry Service of the ABS."

A complaint to the Australian Bureau of Statistics would be futile given the circumstances that I have detailed and a complaint to the ABS would identify me and link my complaint to the census data. This was explained to, and ignored by the Ombudsman's office.

In accordance with my rights under Section 10(3) of the Census and Statistics Act 1905, I am consciously and deliberately refusing the ABS' *request* for information in the 2016 Census. I am especially refusing any requests to provide my name and address as without my name and address they cannot activate a direction under Section 10(4) of the Act.

My actions are based on the following:

- I am personally offended by the dishonesty of the ABS detailed above,
- I object to the intrusive and burdensome nature of the regular non-census surveys conducted by the ABS,
- I object to the draconian fine structure attached to ABS collections by the Census and Statistics Act 1905. The continuing daily application of a fine is unconscionable and unreasonable.
- I object to the ABS plans to use data matching techniques on my personal information and do not trust them with that information,
- Given the debacle of the online census fiasco I have no confidence in the ABS,
- I object to the bureaucratic harassment that the ABS is involved in by sending a collector to my home, at dinner time, to get me to complete the census. There have been 2 visits so far and the collector advises that she must do 5 visits. The incongruity of this is that the ABS is advertising that I have until 23 September 2016 to submit my census form.

Yours Faithfully