

Additional Comments by Nick Xenophon and Stirling Griff

This Census Deserves Censure

1.1 9 August 2016 was Census Day. Despite the fact that the Census has been run since 1911 with strong public support, this census was different. In the lead up to, the day of, and in its wake the 2016 Census was mired in controversy.

1.2 That controversy centred around:

- (a) the preparedness of the Australian Bureau of Statistics (ABS) to seamlessly and securely execute what was to be Australia's first predominantly online Census;
- (b) the ABS' response when problems emerged; and
- (c) privacy concerns as to the collection, retention and use of names.

1.3 In the aftermath of the Census, the Government instigated an inquiry into the preparedness and information security aspects of the Census, while the Senate instigated a much broader inquiry.

1.4 The Committee, supported by the Secretariat and submissions from the public, private, not-for-profit sectors and a number of individuals, has produced a comprehensive report and made a number of sensible recommendations.

1.5 Whilst we broadly support the recommendations of the Committee we believe those recommendations do not go far enough to resolve key elements of the privacy concerns that have been raised.

It's all in the Name

1.6 A lot of concern centred about the collection of names by the ABS, particularly when coupled with plans by the ABS to link Census data with other administrative data sets and to create a Statistical Longitudinal Census Dataset (SLCD).

1.7 As the Committee report indicates there has been inadequate consultation over the expanded information gathering and use of that information for Census 2016. We consider the process to have been woefully inadequate, lacked robustness and independent assessment. This in turn has shaken public confidence in the Census. There is, at the very least, ambiguity as to whether the ABS has the power to demand the provision of a person's name for the Census.

1.8 The issue of the necessity to provide a name needs to be resolved definitively to avoid the same controversy arising for future Censuses. There a number of ways in which this could occur:

- (a) the ABS could state that the provision of names in the Census is voluntary;
- (b) a test case could be run to have the matter settled judicially; or

- (c) Preferably, with a legislative amendment to the Census and Statistics Act 1905, to make clear that the provision of a person's name is voluntary.

Recommendation 1

1.9 There should be a legislative amendment to the *Census and Statistics Act 1905* to make clear that the provision of a person's name is voluntary.

Changes, Damned Changes and Statistics

1.10 The Committee examined issues associated with the ABS linking the Census data with other administrative data sets and plans to create a SLCD.

1.11 Was the Parliament properly informed of the changes the ABS was intending? The Committee noted that:

Under section 6(3) of the Australian Bureau of Statistics Act 1975 the ABS must lay before both houses of Parliament 'each new proposal for the collection of information for statistical purposes' before its implementation ... The ABS tabled in the Senate 'Proposal No. 6 of 2016: 2016 Census of Population and Housing, and Post Enumeration Survey' (Proposal) on 17 March 2016. The Proposal made no mention of names and addresses being retained, nor did it mention that this represents a break from past censuses. The ABS appears to have been firmly of the belief that the changes around name and address information were an incremental change that did not require parliamentary oversight.

1.12 In dealing with this issue, the Committee went on to recommend that the ABS 'update its internal guidelines to make clear that consultation requires active engagement with the non-government and private sector.' It made no recommendations with respect to Parliamentary oversight.

1.13 The changes sought by the ABS are so significant that they must be brought before the Parliament for proper consideration as to the concerns and merits associated with them. Crikey's Bernard Keane summed it up when he said this Census has gone from "snapshot to surveillance".

Recommendation 2

1.14 Prior to any linking of Census data to other administrative data sets or to the adoption and implementation of SLCD, such changes must be brought to the Parliament for its consideration and approval.

Confidence and Trust

1.15 The Census is an important tool for good government.

1.16 Because of the intrusive nature of the Census the public must have absolute confidence and trust in those charged with its execution. That trust and confidence has been damaged as a result of the 2016 Census and the Government must act definitively to restore it.

1.17 The additional recommendations that we have made will go a long way to restoring that confidence and trust.

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