



Canberra Office
ABS House
45 Benjamin Way
Belconnen ACT 2617
Phone 1300 135 070

Locked Bag 10
Belconnen ACT 2616
www.abs.gov.au
ABN 26 331 428 522

FOI ref: 201617/12

Christopher Gentle
Email: foi+request-4026-ed7f60e5@righttoknow.org.au

Dear Mr Gentle

RE: YOUR FREEDOM OF INFORMATION REQUEST

I refer to your email of 10 August 2017 (Attachment A) in which you sought access to the following information under the *Freedom of Information Act 1982* (FOI Act):

- 'Correspondence, advice and ministerial communication related to the AEC's or ABS' analysis of whether 16 and 17 year olds will not be surveyed in the Marriage Law Postal Survey, and
- Correspondence, advice and ministerial communication related of the Treasurer's direction to the ABS with regard to its definition of "elector" for the Marriage Law Postal Survey.'

Response to your request

I am an authorised decision maker under section 23 of the FOI Act.

In the email to you dated 5 September 2017 you were advised that the second part of your request was transferred to the Treasury Department for processing on the 30 August 2017. A search has been conducted for documents relevant to the first part of your request. No documents have been found that would fall within the terms of your request. In accordance with subsection 24A(1)(b)(ii) of the FOI Act Attachment B, I am unable to grant access on the grounds that no documents exist.

Charges

There is no charge for this request.

Internal Review of the Decision

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision by the Australian Bureau of Statistics. Additionally you may request a review of this decision by the Information Commissioner. Details of both procedures involved in an application to review a decision are set out at Attachment C.

If you have any queries on this matter please contact the ABS FOI Contact Officer at freedomofinformation@abs.gov.au or on (02) 6252 7203.

Yours sincerely

Kerry Markoulli
Program Manager
Risk, Planning & Policy Branch
Australian Bureau of Statistics

11 September 2017

Chris Gentle
 <foi+request-4026-ed7f60e5@righttoknow.org.au>

15/08/2017 07:13 AM

Send	To FOI requests at ABS <freedomofinformation@abs.gov.au>, cc bcc
Subject	Freedom of Information request - ABS view on including 16 and 17 year olds in the Marriage Law Postal Survey
Protective Mark	DOCUMENT NOT YET CLASSIFIED
Categories	Freedom of Information\Requests\Valid\2017/18

Dear Australian Bureau of Statistics,

The AEC recently published a media release (1) stating that the ABS' Marriage Law Postal Survey will not be sent to 16 and 17 year olds as they are not on the electoral roll.

I am making an FOI request for the ABS to provide:

- * correspondence, advice and ministerial communication related to the AEC's or ABS' analysis of whether 16 and 17 year olds will not be surveyed in the Marriage Law Postal Survey, and
- * correspondence, advice and ministerial communication related of the Treasurer's direction to the ABS (2) with regard to its definition of "elector" for the Marriage Law Postal Survey

Yours sincerely,
 Christopher Gentle

- (1) <http://www.aec.gov.au/media/media-releases/2017/08a-11.htm>
 (2) <https://www.legislation.gov.au/Details/F2017L01006/Html/Text>

 Please use this email address for all replies to this request:
 foi+request-4026-ed7f60e5@righttoknow.org.au

Freedom of Information Act 1982

Section 24A

24A Requests may be refused if documents cannot be found, do not exist or have not been received*Document lost or non-existent*

- (1) An agency or Minister may refuse a request for access to a document if:
- (a) all reasonable steps have been taken to find the document;
and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

Document not received as required by contract

- (2) An agency may refuse a request for access to a document if:
- (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document;
and
 - (b) the agency has not received the document; and
 - (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

If you disagree with our decision you have the right to apply for an internal review under section 54 of the FOI Act.

Application for a review of the decision must be made within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker were you to set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

ABS FOI Contact Officer
Policy and Legislation Section
Australian Bureau of Statistics
Locked Bag 10
BELCONNEN ACT 2617

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.