

Document 1

From: [Reid, Tom](#)
To: [Leggett, Chris](#)
Subject: FW: Same sex marriage plebiscite talking points [SEC=UNCLASSIFIED]
Date: Thursday, 28 September 2017 3:34:21 PM
Attachments: [Same sex marriage plebiscite talking points 8 August.docx](#)

From: Ray, Nigel
Sent: Tuesday, 8 August 2017 1:49 PM
To: s 22
Cc: Reid, Tom; s 22
Subject: FW: Same sex marriage plebiscite talking points [SEC=UNCLASSIFIED]

s 22 and team, Thank you. As sent. Nigel

From: Ray, Nigel
Sent: Tuesday, 8 August 2017 1:48 PM
To: Morrison, Scott
Cc: Gaetjens, Philip; Fraser, John (Secretary)
Subject: Same sex marriage plebiscite talking points [SEC=UNCLASSIFIED]

Treasurer

As requested earlier today, I attach some suggested talking points. s 42

[REDACTED]

Nigel

Same sex marriage plebiscite - talking points – 8 August 2017

s 42



Leggett, Chris

From: Reid, Tom
Sent: Thursday, 10 August 2017 10:21 AM
To: Ray, Nigel; Brennan, Michael; Flavel, Matthew
Cc: O'Kane, Kathleen; s 22 Writer, Simon; Leggett, Chris; Rollings, Jonathan
Subject: FW: Treasurer direction and letter [DLM=For-Official-Use-Only]
Attachments: letter; direction

s 42



Best wishes

Tom

From: Gaetjens, Philip
Sent: Wednesday, 9 August 2017 7:41 PM
To: Reid, Tom; Ray, Nigel
Cc: Tsr DLOs
Subject: FW: Treasurer direction and letter [DLM=For-Official-Use-Only]

FYI

Philip Gaetjens
Chief of Staff
Office of the Treasurer

From: Gaetjens, Philip
Sent: Wednesday, 9 August 2017 7:41 PM
To: Kalisch, David
Subject: Treasurer direction and letter [DLM=For-Official-Use-Only]

David

As discussed.

Philip Gaetjens
Chief of Staff
The Hon Scott Morrison MP
Treasurer
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E | philip.gaetjens@treasury.gov.au



TREASURER

Mr David Kalisch
Australian Statistician
45 Benjamin Way
BELCONNEN ACT 2617

Dear Mr Kalisch

I refer to the Census and Statistics (Statistical Information) Direction 2017, of which a copy is attached.

The purpose of this letter is to advise you as to the Government's preferences about how you might undertake the process of collecting the statistical information described in the Direction, so that you are in a position to take those preferences into account, should you choose to do so, in deciding how to collect that information.

The Government's preference is that the question to be asked of participating electors be the same as set out in the Plebiscite (Same-Sex Marriage) Bill: 'Should the law be changed to allow same-sex couples to marry?'

The Government would like the process to be conducted through the postal system, and through a call centre established under contractual arrangements, and would enable participation by all eligible electors, including those who are blind or low-vision, are located in the Antarctic, or are Australian Defence Force staff on deployment.

The Government would be assisted if the results could be counted progressively.

In relation to resourcing, I request that you enter into an arrangement under section 16A of the *Australian Bureau of Statistics Act 1975* with the Australian Electoral Commission (the AEC) for officers and employees to be seconded from the AEC to assist you to conduct the process, but with you retaining control over it.

I request that you finalise any arrangement with the AEC within 3 days of the date of this letter and that, within 5 days after that date, you publish a notice setting out how the process is to be conducted and the relevant timelines.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Scott Morrison'.

The Hon Scott Morrison MP

9 / 8 / 2017



Census and Statistics (Statistical Information) Direction 2017

I, SCOTT JOHN MORRISON, Treasurer, give this direction to the Australian Statistician (the *Statistician*) under paragraph 9(1)(b) of the *Census and Statistics Act 1905*.

Dated

August 9 2017

SCOTT JOHN MORRISON
Treasurer

1. Name

This is the Census and Statistics (Statistical Information) Direction 2017.

2. Authority

This direction is given under paragraph 9(1)(b) of the *Census and Statistics Act 1905* (the *Statistics Act*).

3. Collection of statistics

- (1) The Statistician is to collect the following statistical information in relation to matters prescribed for the purposes of section 9 of the Statistics Act (in particular, one or more of items 5, 30 and 38 in the table in regulation 13 of the *Census and Statistics Regulation 2016*):
 - (a) statistical information about the proportion of electors who wish to express a view about whether the law should be changed to allow same-sex couples to marry (*participating electors*);
 - (b) statistical information about the proportion of participating electors who are in favour of the law being changed to allow same-sex couples to marry;

- (c) statistical information about the proportion of participating electors who are against the law being changed to allow same-sex couples to marry.
- (2) The statistical information is to include information about participating electors at the national level, at the level of each State and Territory, and at the level of each electoral division.
- (3) The statistical information identified is to be published on or before 15 November 2017.
- (4) In this section:
elector means a person:
 - (a) enrolled on the Commonwealth electoral roll at the end of 24 August 2017;
or
 - (b) who has made a valid application for enrolment on the Commonwealth electoral roll before the end of 24 August 2017.



EXPLANATORY STATEMENT

Issued by authority of the Treasurer

Census and Statistics Act 1905

Census and Statistics (Statistical Information) Direction 2017

Paragraph 9(1)(b) of the *Census and Statistics Act 1905* (the Act) provides that the Minister may, by notice in writing, direct the Australian Statistician to collect statistical information in relation to a matter or matters prescribed in the regulations.

Part 3 of the *Census and Statistics Regulation 2016* (the Regulation) sets out the statistical information that may be collected for publication by the Australian Statistician, that is, the matters that have been prescribed and for which a direction may be issued. In particular, the Australian Statistician may collect for publication, statistical information on matters relating to births, deaths, marriages and divorces, law, and population and the social, economic and demographic characteristics of the population (items 5, 30 and 38 in the table in regulation 13 of the Regulation).

The purpose of the *Census and Statistics (Statistical Information) Direction 2017* (the Direction) is to direct the Australian Statistician to collect and publish the following statistical information on or before 15 November 2017:


- statistical information about the proportion of electors who wish to express a view about whether the law should be changed to allow same-sex couples to marry;
- statistical information about the proportion of those participating electors who are in favour of the law being changed to allow same-sex couples to marry; and
- statistical information about the proportion of those participating electors who are against the law being changed to allow same-sex couples to marry.

Under section 51 of the Constitution, the Commonwealth Parliament has the power to make laws in relation to census and statistics. The Commonwealth Parliament has made such laws, namely the Act and the *Australian Bureau of Statistics Act 1975*.

There are no conditions the Treasurer was required to satisfy prior to issuing the Direction.

The Direction commenced at the start of the day after it was registered on the Federal Register of Legislation. The Direction applied from its commencement.

Section 42 of the *Legislation Act 2003* (about disallowance of legislative instruments by a House of Parliament) does not apply to this Direction (see item 2 in the table in section 9 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).



1 of 3

Consistent with Part 1 of Chapter 3 of the *Legislation Act 2003*, the Australian Statistician was consulted in the preparation of this Direction.

Detailed description of provisions in the Direction

1. Name of Direction

Section 1 sets out the name of the Direction.

2. Authority

Section 2 sets out the provision of the Act under which the Direction is made.

3. Collection of Statistics

Section 3 directs the Australian Statistician to collect and publish the following statistical information:

- statistical information about the proportion of electors who wish to express a view about whether the law should be changed to allow same-sex couples to marry;
- statistical information about the proportion of those participating electors who are in favour of the law being changed to allow same-sex couples to marry; and
- statistical information about the proportion of those participating electors who are against the law being changed to allow same-sex couples to marry.

The statistical information should be published at the national level, at the level of each State and Territory, and at the level of each electoral division.

Electors for the purpose of this Direction are persons enrolled on the Commonwealth electoral roll as at the end of 24 August 2017 or are persons who made a valid application for enrolment before that time.

The statistical information is to be published on or before 15 November 2017.

Statement of Compatibility with Human Rights

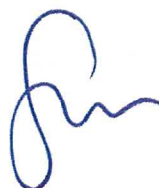
Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Census and Statistics (Statistical Information) Direction 2017

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Census and Statistics (Statistical Information) Direction 2017* directs the Australian Statistician to collect and publish statistical information relating to electors' views about whether the law should be changed to allow same-sex couples to marry.



Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

A handwritten signature in blue ink, consisting of a large loop followed by a series of smaller, connected loops.