



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: 201718/19

David Crafti
C/o Right to Know Website
Email: foi+request-4098-e87cc700@righttoknow.org.au

Dear Mr Crafti

RE: YOUR FREEDOM OF INFORMATION REQUEST

I refer to your email of 15 September 2017 (**Attachment A**) in which you sought access to the following information under the *Freedom of Information Act 1982* (FOI Act) regarding the posting of the Australian Marriage Law Postal Survey forms specifically:

- *Information on what ordering strategy was chosen, for example, by area, surname, randomly, etc; and*
- *Information on the decision-making process that was used to choose that strategy.*

Response to Your Request

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

The ABS has conducted an exhaustive search for documents relating to your request. I am now able to notify you that two documents exist pertaining to your request. I have decided to grant access in part both documents. I have provided the documents relevant to your FOI request at **Attachment B**.

In addition to the documents provided, the ABS answered questions regarding the postal ordering strategy at the Senate Inquiry hearings into arrangements for the Australian Marriage Law Postal Survey, which is available on the Parliamentary Hansard. I have provided the link and references to the relevant parts for your information below:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/postalsurvey/Public_Hearings

- First hearing (17 August 2017): pages 14 and 20;
- Second hearing (7 September 2017): pages 19 and 20; and
- Third hearing (15 September 2017): pages 2 and 3.

Decision and Reasons for Decision

I have taken the following into account in making my decision:

- your email of 15 September 2017;
- the content of the documents that fall in scope of your request;
- the views of the document authors including other agencies that were consulted by the Australian Bureau of Statistics and the other relevant facts considered;
- the relevant provisions of the FOI Act, specifically sections 11A, 22, 47C, and 47F;
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Section 22 – irrelevant to request

I have decided that one document contains information that is irrelevant and out of scope of your request and I have therefore decided it would be unreasonable to disclose.

Section 47C – deliberative processes

I have decided that one document contains information which is conditionally exempt under section 47C of the FOI Act. Section 47C of the FOI Act provides that a document is conditionally exempt if its disclosure included matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of the agency.

The OAIC guidelines at [6.58] state:

'a deliberative process involves the exercise of judgment in developing and making a selection from different options.'

Further it is described at [6.59] as:

'the process of weighing up or evaluating competing arguments or considerations or to thinking processes – the process of reflection, for example, upon wisdom and expediency of a proposal, a particular decision or a course of action.'

The OAIC guidelines also state at [6.61] that:

'a deliberative process may include the recording or exchange of opinions, advice, recommendations, a collection of facts or opinions, including the pattern of facts or opinions considered and interim decisions or deliberations.'

In assessing the document, I have considered the content and the guidelines to determine if it was deliberative processes. The document contains opinions, advice, recommendations and interim decisions pertaining to the postal strategy for the Australian Marriage Law Postal Survey. I have assessed the form and substance of the documents and determined they were created for the sole purpose of weighing up and evaluating survey approaches, collection methods and courses of action.

Under section 47C(2), deliberative matter do not include operational information and purely factual material. I have assessed the documents to ensure no operational information or purely factual material is exempt from release.

Accordingly, I am satisfied that the redacted document falls within the scope of the conditional exemption for deliberative processes. Under the FOI Act, access to documents covered by a conditional exemption must be a given unless it would be contrary to the public interest. My consideration of the public interest factors are provided below.

Section 47F – personal privacy

I have decided that one document contains information which is conditionally exempt under section 47F of the FOI Act. Section 47F provides that a document is conditionally exempt from disclosure if disclosure would involve the unreasonable disclosure of personal information about a person. This exemption is designed to prevent the unreasonable invasion of parties privacy with the test for 'unreasonableness' balancing the public interest in disclosure of information held by government and the private interest of the individuals.

In determining whether the disclosure would involve an unreasonable disclosure of personal information, I have considered the Information Commissioners summary in '*FG and National Archives of Australia [2015] AICmr 26 [47]*', and the following matters set out in section 47F(2):

- the documents contain 'personal information';
- the nature, age and current relevance of the information;
- the availability of the information from publicly accessible sources;
- any detriment that disclosure may cause to the person to whom the information relates;
- any opposition to disclosure expressed or likely to be held by that person;
- the circumstances of an agency's collection and use of the information;
- whether disclosure of the information might advance the public interest in government transparency and integrity; and
- the fact that the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act.

The document contains personal information, specifically names of staff who are not known to be, or have been associated with the matters dealt within the document. The staff members are non-SES employees, and as such, their names have been redacted as they are not publically available or well known. On this basis, I am satisfied that disclosure of this content would involve an unreasonable disclosure of personal information. I have therefore removed the conditionally exempt content from the document provided at **Attachment B**.

Public Interest Factors

Section 11A(5) of the FOI Act provides that an agency must give access to a document if it is conditionally exempt unless access would, on balance be contrary to the public interest. As sections 47C and 47F are conditional exemptions I have considered the following public interest factors in making my decision.

Factors in favour of disclosure

Whether:

- disclosure would promote the objectives of the FOI Act;
- disclosure would enhance the scrutiny of government decision making;

- disclosure would inform public debate on matters such as the Australian Marriage Law Postal Survey; and
- disclosure would promote effective oversight of public expenditure relating to the Australian Marriage Law Postal Survey.

Factors against disclosure

Whether:

- disclosure of the document would involve the unreasonable disclosure of deliberative processes as set out in my consideration of section 47C; and
- disclosure of the document would involve the unreasonable disclosure of personal information about an individual as set out in my consideration of section 47F.

In applying the public interest test to the documents, I have considered the OAIC guidelines at [6.80] that state:

'the AAT has said that there is an 'essential balance that must be struck between making information held by government available to the public so that there can be increased public participation leading to better informed decision-making and increased scrutiny and review of the government's activities and ensuring that government may function effectively and efficiently'.

One of the key considerations in balancing the public interest factors under section 47F is that a significant number of documents contain personal information of certain individuals. I have decided that whilst providing access to this information is important, this does not outweigh the need to protect the privacy of the individuals and the likely harm that would result from disclosure. On this basis, I am satisfied that full disclosure would be contrary to the public interest to disclose the information conditionally exempt under section 47F.

In applying the public interest test to the documents conditionally exempt under sections 47C, I have decided that whilst disclosure would reveal the reasoning for certain government decisions and any background or contextual information that informed the decisions, it is likely to prejudice the ability of the ABS to conduct surveys under the *Census and Statistics Act 1905* and obtain confidential information in order to perform its functions.

In consideration of these issues I am satisfied that the public interest factors against disclosure outweigh the factors in favour. On this basis I have decided that it would, on balance, be contrary to the public interest to disclose these sections of the documents.

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 ABS. 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



Samantha Palmer

General Manager

People, Culture and Communication Division

Australian Bureau of Statistics

10 November 2017

David Crafti <foi+request-4098-e87cc700@righttoknow.org.au>

15/09/2017 10:46 PM

Send	To	FOI requests at ABS <freedomofinformation@abs.gov.au>,
	cc	
	bcc	
Subject	Freedom of Information request - Decision-making process regarding same sex marriage survey letter-sending order	
Protective Mark	DOCUMENT NOT YET CLASSIFIED	
Categories	Freedom of Information\Requests\Valid\2017/18	
Visibility	Limited Readers	
Editors	Kylie Johnson/Staff/ABS, Policy and Legislation, FOI Stakeholder Group	
Readers	Kylie Johnson/Staff/ABS, Policy and Legislation, Jarred Synnot/Staff/ABS, FOI Stakeholder Group	
Last modified	03/10/2017 08:21:14 AM By Danielle Gillett/Staff/ABS	
Document Id	DCOO-AR8H2E	

Dear Australian Bureau of Statistics,

Being that it is impractical to send 15.9M letters (one to each eligible voter) at the same time, and given reports of people in metropolitan area receiving letters at different times, I assume there must have been some ordering strategy to define batches of letters to be sent.

I would like information on what ordering strategy was chosen, for example, by area, surname, randomly, etc.

I would also like information on the decision-making process that was used to choose that strategy.

Yours faithfully,

David Crafti

Please use this email address for all replies to this request:
foi+request-4098-e87cc700@righttoknow.org.au

Is freedomofinformation@abs.gov.au the wrong address for Freedom of Information requests to Australian Bureau of Statistics? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=abs


This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Basics

Duncan Young/Staff/ABS

07/09/2017 04:05 PM

Send	To 47F [REDACTED], CC 47F [REDACTED], 47F [REDACTED], 47F [REDACTED] Jonathan Palmer/Staff/ABS@ABS, Julian Doak/Staff/ABS@ABS, "Marriage Collection Taskforce WDB" bcc
Subject	Re: Australia Post Project Plan - AMLPS [DLM=For-Official-Use-Only] 
Protective Mark	For-Official-Use-Only
Categories	11. Logistics Materials and Data Capture\Mail Out

Thanks 47F [REDACTED] - this is looking very good.

I have added a few suggested changes in track changes:



Australia Post Project Plan AMLPS V1.3 070917.docx

Duncan

47F [REDACTED] Good Morning, pls find attached Australia P... 07/09/2017 09:03:00 AM

From: 47F [REDACTED]
To: Julian Doak/Staff/ABS@ABS, 47F [REDACTED], 47F [REDACTED]
Cc: 47F [REDACTED], 47F [REDACTED] Duncan Young/Staff/ABS@ABS, 47F [REDACTED]
47F [REDACTED], Samantha Palmer/Staff/ABS@ABS, Jonathan Palmer/Staff/ABS@ABS, Michelle S Howe/Staff/ABS@ABS, "Marriage Collection Taskforce WDB" <Marriage_Collection_Taskforce_WDB@abs.gov.au>, 47F [REDACTED]
Date: 07/09/2017 09:03 AM
Subject: Australia Post Project Plan - AMLPS [DLM=For-Official-Use-Only]

Good Morning,

pls find attached Australia Post Project Plan for the AMLPS.

47C [REDACTED]

Any comments welcomed.

regards

47F

[attachment "Australia Post Project Plan AMLPS V1.3 070917.docx" deleted by Duncan Young/Staff/ABS]

47F

Director (a/g)

Marriage Collection Taskforce | **Australian Bureau of Statistics**

(P) 47F



(E) 47F

I acknowledge Australia's Traditional Owners



Appendix 1

Mailing of surveys to eligible Australians

Mail Type	DL PreSort letter to the eligible Australians containing a survey, completion instructions and reply paid envelope
Volume	Just over 16m
Delivery Speed	Priority
Delivery Area	National
Delivery Window / instructions	Delivery to addresses from 13 September 2017 – NO EARLIER UNDER ANY CIRCUMSTANCE
Produced by	<p>22 NSW, QLD, SA, VIC, WA.</p> <p>22 NSW is producing and lodging product for NT, ACT, TAS and overseas.</p>
Lodged by	22 NSW, QLD, SA, VIC, WA from 12 September 2017
Lodgement details	<p></p> <p>Lodgement Volumes Per Day.docx</p> <p>The above document details the expected volume of product that will be lodged by each 22 site over the period 12 – 20 September 2017.</p>
Special Instructions	<p>Lodgement will occur progressively from 12 September 2017.</p> <p>Priority to NT, Tas, ACT, remote (including islands and territories), residue (as this contains o/s</p> <p>Articles to Tasmania will be transported by road / sea as the volume of articles will fit in one truck keeping the whole lodgement together as opposed to being transported by air which would require the lodgement to be separated. – discussed with ABS 07/09/2017.</p>
Artwork	<p></p> <p>AMLS OUTBOUND.JPG</p>
Other	<p>There are approximately 123,500 priority d/l articles that will be lodged at the Canberra Mail Centre on 19 September 2017. 22</p> <p>22</p> <p>The volume of these articles is incorporated in the total volume.</p>

Appendix 1 Attachment:
Lodgment Volumes per pay day

Lodgement Volumes Per Day

		NSW		VIC		QLD		WA		SA		NT		TAS		ACT				
Day	DATE	QTY (1000s)	Est No of ULD	QTY (1000s)	Est No of ULD	QTY (1000s)	Est No of ULD	QTY (1000s)	Est No of ULD	QTY (1000s)	Est No of ULD	QTY (1000s)	Est No of ULD	QTY (1000s)	Est No of ULD	QTY (1000s)	Est No of ULD	QTY (1000s)	% of TOTAL	TOTAL ESTIMATED ULDS
1	Tuesday, 12 September 2017	2,630	183	1,876	130	1,200	83	1,120	78	700	49	138	10	380	26	289	20	8,332	50.89%	579
2	Wednesday, 13 September 2017	300	21	473	33	300	21	160	11	60	4							1,293	7.89%	90
3	Thursday, 14 September 2017	300	21	473	33	300	21	160	11	60	4							1,293	7.89%	90
4	Friday, 15 September 2017	400	28	473	33	300	21	160	11	60	4							1,393	8.51%	97
5	Saturday, 16 September 2017	540	38	268	19	300	21	0	0	150	10							1,258	7.68%	87
6	Sunday, 17 September 2017	640	44	268	19	300	21	0	0	120	8							1,328	8.11%	92
7	Monday, 18 September 2017	300	21	257	18	300	21	80	6	50	3							987	6.03%	69
8	Tuesday, 19 September 2017	300	21			150	10											450	2.75%	31
9	Wednesday, 20 September 2017	40	3				0											40	0.24%	3
10	Thursday, 21 September 2017		0				0											0	0.00%	0
TOTALS		5,450	378	4,085	284	3,150	219	1,680	117	1,200	83	138	10	380	26	289	20	16,372	100.00%	1137




If undeliverable please return to:
Locked Bag 12
WETHERILL PARK NSW 1851

POSTAGE
PAID
AUSTRALIA
PRIORITY

SAMPLE COPY

**Your Australian Marriage Law
Postal Survey inside.**

 **Keep it safe.**

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.