

EXPLANATORY STATEMENT

Issued by authority of the Finance Minister

Census and Statistics Act 1905

Census and Statistics (Statistical Information) Amendment 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.

On 9 August 2017, the Treasurer made a direction to the Australian Statistician in the *Census and Statistics (Statistical Information) Direction 2017 (the original Direction)* 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.

The purpose of the *Census and Statistics (Statistical Information) Amendment Direction 2017 (the amending Direction)* is to clarify the statistical information to be published and define eligibility for participation in the statistical survey as those persons who would be entitled to vote in a federal election.

There were no conditions the Finance Minister was required to satisfy prior to issuing the amending Direction.

The amending Direction commenced at the start of the day after it was registered on the Federal Register of Legislation. The amending 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 amending Direction (see item 2 in the table in section 9 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

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

Detailed description of provisions in the amending Direction

1. Name of amending Direction

Section 1 sets out the name of the amending Direction.

2. Authority

Section 2 identifies the original Direction, which the amending Direction clarifies.

3. Amendments to the original Direction

Section 3(3) amends the original Direction to clarify the distinction which section 12 of the Census and Statistics Act draws between the statistical information that is collected and the results that are published.

Section 3(4) amends the original Direction to clarify eligibility for participation in the statistical survey.

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) Amendment 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) Amendment Direction 2017* clarifies the direction to the Australian Statistician of 9 August 2017 in relation to statistical information that is collected and how it is published; and clarifies the definition of elector.

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.