

Senator McALLISTER: What benefits did you identify potentially from the inclusion of census questions around gender identity and sexuality?

Dr Jelfs: Clearly there's a demand for that sort of information from a number of groups. Clearly the LGBTI alliance, for example, and a range of people who are also interested in health aspects around that group. Quite often that group has been identified as a vulnerable group for particular health conditions. For example, mental health conditions, suicide risk. So there was a demand for that information, and they felt that that information could be used to help identify those who might be at risk around that. That was one positive outcome from those consultations. I can go on to talk about the balance, if you like, on some of the challenges that are in that space as well.

Senator McALLISTER: The challenges are around getting accurate information and some of the burdens associated with privacy, I assume.

Dr Jelfs: That's correct. There are a number of elements that I can quickly give you, if you like. Can I just be clear that there are three key elements that we need to cover in this space: one is about biological sex or non-binary sex, as we quite often refer to it; gender which is really about the self-perception of sexuality or the presentation; and then orientation, which is really about the recognition of who you might be attracted to. Given that there are three concepts in this space, there are five key things that you probably need to be aware of in measuring that. One is around the confusion of the concepts, because it's not clear-cut in the language or in the concepts themselves for many people. Two is that there is a wide range of terms that describe people in each of those categories along the way. And so, there's a—

Senator McALLISTER: Dr Jelfs, I'm terribly sorry, because this is interesting and useful. I'm just conscious that other senators have questions and we have another agency. Can you just tell me the five ideas at the top level.

Dr Jelfs: Yes, sure. Concepts confused, knowledge of terms, the sensitivity in responding, concerns about the quality and the use of that data, and then the context of the data collection. The census a self-reported form—whether it's electronic or on paper—versus other collections, which are quite often used in a one-on-one interview sort of sense, so the context is important for collecting that information too.

Senator McALLISTER: So you put this advice, the pros and the cons, to the minister's office without providing definitive advice about whether or not those questions should be included?

Dr Jelfs: That's correct.

Senator McALLISTER: Minister, last October we were asking about these questions and you took a question on notice about how this decision was taken. Your response at that time was the Australian Statistician is responsible for determining the content and objectives of the testing program for the census, and yet the advice is that in fact, on this particular question, definitive advice was not provided.

Senator Hume: No. The Australian Statistician was responsible for determining the content and objectives of the testing of the census, but the government is the organisation that decides on the topics for the 2021 census. It will do that in due course, and it will issue a census regulation with the list of those topics.

Senator McALLISTER: And has done so?

Dr Gruen: That's in the parliament now.

Senator Hume: That is done now—sorry. Actually, my understanding too is that the ABS advice to government was tabled under an OPD from Senator Rice.

Senator McALLISTER: So given that it was a choice for government, can you explain why the government chose to exclude questions around gender and sexuality from the census?

Senator Hume: I assume it has much to do with the issues that Mr Jelfs was pointing out before.

Senator McALLISTER: Have you had any complaints?

Senator Hume: Not personally.

Senator McALLISTER: Given that you appear here on behalf of the minister, has the minister received complaints about that decision?

Senator Hume: Not that I'm aware of, but I will take that on notice.

Senator McALLISTER: I have other questions, but given the time I might put those on notice. Thanks, Dr Gruen.

Senator PATRICK: Dr Gruen, some constituents in South Australia have raised a concern with me in respect of some of the questions of the census, in fact one in particular. Have the questions for the 2021 census been finalised?

Dr Gruen: The topics have been finalised. The questions have not.

Senator PATRICK: Okay. I'm going to put this to you. Their concern is about the longstanding question, what is a person's religion. I was born, went to Sunday school and was baptised as part of the Uniting Church, but I no longer have a religion. I would almost be tempted to put down the Uniting church. Their suggestion is: 'does the person practice a religion' is a better question, and then ask them what that religion is. That might get rid of a few people who practise the Jedi religion. But are you open to those sorts of changes?

Dr Gruen: We are open to suggestions. Ultimately it's our—or my—decision what the questions are, but we're certainly open to consultation and discussion, so we will certainly take on board—

CHAIR: But isn't one of the problems that, if you change a question, it disrupts your data collection?

Dr Gruen: Absolutely, and that would be an argument against it. I'm just saying we're not closed to the idea of people suggesting. We may not take them all up, but that is absolutely true. To the extent that you have continuity between censuses, that's obviously an argument in favour of the same question.

Senator PATRICK: But in some sense their objection is that it presupposes that you have a religion and that that in some sense, from a secular perspective, is concerning to some people. If you ask it in the way that they suggest, which is 'do you practice a religion' and then go to the next field then in actual fact you still get the same data, I would have thought.

Mr Libreri: We consult widely on the questions and when we disseminate the data on the outcomes with the religions and in fact the secular society atheists as well. The consistent view is that changing the question creates more problems in that it's not comparable, as Senator Brockman pointed out. We did actually change the order of response in the last census so that no religion was actually the first response that you could put forward. So, changing it again would create even more difficulties in that respect. If you don't mind, Senator, we are very happy to talk directly with your constituents.

Senator PATRICK: I'll take you up on that offer.

Mr Libreri: Dr Jelfs and I would be very happy to talk to them.

Senator PATRICK: Thank you. I'll take you up on that offer offline.

There was a controversy in the last census around the requirement to include a name. Is it the intention of the ABS to include a name in the census?

Dr Gruen: The answer is that including a name has been on the census ever since the census started. I think the issue was for how long we would retain the names. I think part of the debate was the length of time that we decided previously to retain the names, and whether it's possible to shorten the period over which we retain the names is something we are actively considering this time.

Mr Libreri: This was also discussed at some length in the Senate inquiry into the census, and there was a recommendation.

Senator PATRICK: That was the one relating to the crashing of the system, wasn't it?

Mr Libreri: It was, but other matters such as name retention were considered, and there was a minority recommendation in relation to name that the government—

Senator PATRICK: It was probably Senator Xenophon.

Mr Libreri: Yes, and the government did not accept that.

Senator PATRICK: I did see a cartoon that had the ABS saying, 'It's another X,' and they said, 'File it in "Xenophon"!'!

Mr Libreri: I can assure you we did a lot of quality control on names from the census.

Senator PATRICK: Did you prosecute anyone for failing to provide their name?

Mr Libreri: Not specifically for that, no.

Senator PATRICK: I might confess here under privilege that I use the name Beyond Power to just let you know what I felt about it, but anyway—

CHAIR: Is that your superhero name?

Senator PATRICK: This time I'll use ultra vires, the Latin version of it. What are your plans for the next census in relation to an electronic census? Are you still going to take a similar approach where you give a choice or is it the intention of the ABS to conduct a fully electronic census?

Dr Gruen: There will be a choice.

Senator PATRICK: Thank you.

CHAIR: Excellent. ABS go with our thanks.

Financial Adviser Standards and Ethics Authority

[10:45]

CHAIR: Welcome. Apologies for the late hour, but I'm sure you appreciate that it's better to get it done today than at some future unknown date. You have a pretty significant opening statement, given the time. I'm going to very much encourage you to table this and not read it, please. If there's anything in particular you wish to highlight—

Mr Glenfield: There is. It's really short. I'm aware it is tabled, but I do just want to highlight the progress that we have made since the last time we were before the committee. When we appeared before the committee, we talked about the work we are doing in launching the first exam and the work we were doing in terms of putting education in place that advisers could go and do that was appealing to them. I want to highlight that, since we have last met, we have now run the exam on four occasions and that close to 7½ thousand advisers have completed the exam and there are close to 2,000 registered to do the exam for April, which will see about 40 per cent of total financial advisers on the Financial Adviser Register, having sat the exam. At this point the pass rate is running at about 88 per cent average, so the advisers are actually getting on with the job and performing well on that exam to this date. In terms of the education piece, we have around about 4½ thousand existing advisers who've started their education process, and we have around 700 potential new entrants to the industry who're completing bachelor degrees at this point.

CHAIR: Great. I thank you very much for keeping that short.

Senator McALLISTER: Thank you very much, Mr Glenfield and others, for joining us. Mr Glenfield, I want to ask you about the issuing of the standards. When were the final versions of the FASEA standards issued?

Mr Glenfield: The final versions of the standards were released at the end of 2018 and a couple into the first month or so of 2019.

Senator McALLISTER: Sorry, which ones at the end of 2018?

Mr Glenfield: We consulted in November and December of 2018 on the final versions of all the standards. We registered the legislative instruments for professional year, PRP term, CPD and education in 2018 in December. We registered the code of ethics on the 11 February 2019, ahead of its 1 January 2020 start, and we registered the examination LI on the 6 February 2019 ahead of a first exam in June that year.

Senator McALLISTER: Were there guidelines associated with each of the standards?

Mr Glenfield: Not all had guidelines. Things like the professional term didn't have a guideline, but we have brought the guidelines attaching to the code of ethics, the education pathways, the exam, PY and CPD.

Senator McALLISTER: When was the education pathways guideline released?

Mr Glenfield: On 15 January 2019.

Senator McALLISTER: Right. And the exam?

Mr Glenfield: The exam was: final policy, 6 February 2019.

Senator McALLISTER: When did they all come into effect?

Mr Glenfield: The standards come into effect on the date that they are promulgated, but for the legislative period. So, for PY, it would have been 1 January 2019; for CPD, 1 January 2019; for code of ethics, 1 January 2020.

Senator McALLISTER: With the PY and the CPD, there are quite short periods of time between them being made public and then coming into effect. Why did that happen?

Mr Glenfield: In terms of the time frame to put it in place?

Senator McALLISTER: If one is a professional trying to comply with a standard and one finds out about it at the end of 2018 and it starts on 1 January 2019, is that reasonable?

Mr Glenfield: In terms of those standards, they were consulted on with the content on two occasions. The first point of consultation was in the middle of 2018. So the content was then, and then there was consultation on a final legislative instrument, which was the outcome of the middle-of-2018 consultation, towards the end of 2018, ahead of the start in 2019.

Senator McALLISTER: As your opening statement makes clear, we're talking about thousands of people. Did you receive feedback that that timetable had caused stress and distress in the financial advice sector?