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(b) Includes—

(i) A ship or other vessel in any port, harbour, or dock in New Zealand or on any river or lake therein, or ashore, or on a passage between any 2 New Zealand ports:

(ii) A bach, whare, hut, caravan, tent, or shelter:

(iii) A train, an aeroplane, or a vehicle of any kind:

“Employee of the Department” means any person employed in or by the Department, whether permanently or temporarily; and includes an enumerator, a sub-enumerator, an interviewer, an agent, and any other person authorised to collect for the Department under section 19 of this Act:

“Government agency” means any agency of the Executive Government of New Zealand that has, by Order in Council, been declared to be a Government agency for the purposes of this Act:

“Government Department” means any Department, or instrument of the Executive Government of New Zealand; and includes a Government agency:

“Local authority” means a local authority within the meaning of section 2 (1) of the Local Government Act 1974:

“Minister” means the Minister of Statistics:

“Occupier” or “person in charge”,—

(a) In relation to any dwelling, farm, factory, mine, workshop, office, shop, or other place of business, penal institution, hospital, mental hospital, or other public or charitable institution, includes the person for the time being in charge thereof:

(b) In relation to any ship or vessel, includes the master or other person for the time being in charge thereof:

(c) In relation to any aircraft, includes the person for the time being in command thereof:

(d) In relation to any train or vehicle, includes the person for the time being in charge thereof:

(e) In relation to an undertaking, includes the manager, secretary, clerk, or other executive officer of the undertaking, or any person actually in charge on behalf of the undertaking:

“Official statistics” means statistics derived by Government Departments from:

(a) Statistical surveys as defined in this section;  
and

(b) Administrative and registration records and other forms and papers the statistical analyses of which are published regularly, or are planned to be published regularly, or could reasonably be published regularly:

“Respondent” means any person who supplies or is required to supply statistical information:

“Sampling” means a statistical procedure by which information relating to a whole field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons concerned in the relevant field of inquiry:

“Schedule” means any book, document, form, tape, or card on which the information required is entered or is required to be entered for statistical purposes under this Act:

“Statistical survey” means a survey of undertakings, or of the public of New Zealand, whereby information is collected from all persons in a field of inquiry or from a sample thereof, by a Government Department pursuant to the authority of this Act or any other Act, or without specific provision in any Act, wholly or primarily for the purpose of processing and summarising by appropriate statistical procedures and publishing the results of the survey in some statistical form:

“Statistician” means the Government Statistician; and includes any person for the time being authorised to exercise or perform any of the powers, duties, or functions of the Government Statistician:

“Undertaking” includes a Government Department, local authority, and any other form of organisation or body of persons or any part thereof.

Cf. 1955, No. 45, s. 2

## PART I

### OFFICIAL STATISTICS

**3. Official statistics and co-ordination**—(1) Official statistics shall be collected to provide information required by the Executive Government of New Zealand, Government

Departments, local authorities, and businesses for the purpose of making policy decisions, and to facilitate the appreciation of economic, social, demographic, and other matters of interest to the said Government, Government Departments, local authorities, businesses, and to the general public.

(2) In order to co-ordinate as effectively as possible, and to render most useful the official statistics produced, and also to avoid unnecessary duplication of requests for information, all official statistics shall be subject to this Part of this Act, except where an exemption is specifically made by regulations made under this Act or by the Minister in writing.

**4. Classes of official statistics**—Information may be required of any person in a position to provide it to enable the production of official statistics of any or all of the following kinds:

- (a) Population and dwellings, migration (internal and external), vital and other demographic and social matters:
- (b) Health, welfare, and morbidity:
- (c) Cultural participation, education, and recreation:
- (d) Law enforcement and the administration of justice:
- (e) Matters relating to the social and physical environment:
- (f) Labour and manpower, including conditions of employment; work descriptions; wages, including direct and indirect emoluments; hours of work and labour disputes:
- (g) Accidents, including industrial injuries:
- (h) Incomes, earnings, and related emoluments; expenditure and taxation:
- (i) Household (including family) characteristics, conditions, and activities:
- (j) Land tenure, occupation of land, and condition of land:
- (k) Assets (including savings), liabilities, and wealth of persons, and undertakings:
- (l) Prices of property (real, personal, and choses in action) and of commodities and services at any or all transaction levels:
- (m) Internal trade, external trade, visible and invisible, and financial transactions with other countries:
- (n) Travel, internal and overseas:
- (o) Economic, financial, production, and other matters relating to undertakings, including public adminis-

tration, the Executive Government of New Zealand and local authorities; forestry, fishing, trapping; agriculture; mines, quarries, and wells; manufacturing; construction; transportation, storage, and communications; electric power, gas, and water utilities; wholesale and retail trade; finance, insurance, and real estate; restaurants; hotels and accommodation; and other community, business, welfare, and personal services:

- (p) Other similar matters, and such other matters as are prescribed by regulations under this Act.

Cf. 1955, No. 45, s. 11

**5. Necessity to inform Statistician of details of official statistics—**(1) As soon as practicable after the commencement of this Act, the permanent head or principal administrative officer of each Government Department shall inform the Statistician of the official statistics for which that Department is responsible. This information may, if the Statistician requires, include details of the concepts, classifications, and schedules used, the statistical methods and procedures employed, the resources employed, the means of publishing the official statistics and all other such matters as the Statistician may require so that he can exercise his duties under this Act; and thereafter an appropriate officer shall advise the Statistician of these matters when any new official statistics or substantial alteration to existing official statistics is being proposed in relation to his Department, or when any document which is being used or proposed to be used as the source of official statistics is being amended or drafted.

(2) The Statistician, after discussion with an appropriate officer of the Government Department concerned, may in any specific or general case, waive or relax, in whole or in part, the duty under subsection (1) of this section in respect of that Government Department.

(3) In the case of a disagreement between the parties in any discussion pursuant to subsection (2) of this section, the Minister shall decide the matter.

**6. Minister to approve all statistical surveys—**(1) No Government Department shall commence or commission any statistical survey or make a substantial alteration to an already existing survey without the approval of the Minister:

Provided that the Minister, after receiving a report from the Statistician, made after consultation with an appropriate officer of the Government Department concerned, may, in any specific or general case, waive or relax the duty under this subsection in respect of that Government Department.

(2) All applications for approval to conduct a statistical survey or make substantial alteration to an existing one shall be made in terms of paragraph (g) or paragraph (h) of section 14 of this Act.

(3) Statistical surveys of the kind provided for by this Act that are being collected, compiled, analysed, abstracted, or published by or on behalf of the Department or by any other Government Department at the commencement of this Act shall continue to be collected, compiled, analysed, abstracted, and published by the Department or the other Government Department that was collecting, compiling, analysing, abstracting, or publishing them at the commencement of this Act as if they had been approved by the Minister in terms of this Act unless and until the Minister, after receiving a report from the Statistician, made after consultation with an appropriate officer of the Government Department concerned, decides otherwise.

**7. Periodic reviews—**(1) The Statistician shall from time to time review the collection, compilation, analysis, abstraction, and publication of official statistics prepared by his own Department and by other Government Departments.

(2) Any Government Department shall, within a reasonable time after receiving notification in writing from the Statistician that a review as provided for in subsection (1) of this section is to be made, provide such reasonable facilities as are necessary to facilitate completion of the review.

**8. Sampling—**(1) Official statistics may be collected by means of the statistical procedure known as sampling, in place of a full enumeration, where the use of that method is considered appropriate.

(2) The fact that, because of any sampling procedure, only a portion of a particular group of persons is required to fill in a schedule or to answer any inquiry shall not be a defence to the failure of any person to fill in that schedule or to answer that inquiry if so required by any Act.

Cf. 1955, No. 45, s. 19

**9. Joint collections**—The Statistician, after consultation with an appropriate officer of the other Government Department or local authority concerned, may recommend to the Minister that an agreement be made by the Statistician with any other Government Department or any local authority for information that they have authority to collect to be collected jointly by the Department of Statistics and the other Government Department or local authority, and that this information be exchanged as between the agreeing parties to the agreement:

Provided that:

- (a) The respondent shall, by notice in writing, be informed that the information is being collected jointly by the Department of Statistics with or on behalf of a Government Department or local authority, which notice shall state the purposes to which the information will be put; and
- (b) The authorisation shall be of no effect in relation to any respondent who gives notice in writing to the Statistician that he objects to the sharing of information by the parties to the joint collection.

**10. Meetings of statisticians and users of statistics**—(1) The Statistician shall, at least every 5 years, convene a meeting of users of official statistics to review user needs for such statistics.

(2) The Statistician may also hold other meetings, and set up committees, of statisticians, suppliers or users of statistics, and other interested parties, either to further the provisions of this Act or for general educational purposes, at his own initiative or on sufficient request.

**11. Duty on all collectors and compilers of official statistics**—It shall be the duty of all persons who undertake to collect or compile official statistics to comply with the provisions of this Part of this Act, and of such other sections of this Act as are applicable to them.

## PART II

### DEPARTMENT OF STATISTICS AND GOVERNMENT STATISTICIAN

**12. Department of Statistics**—There shall be a Department of State to be called the Department of Statistics.

Cf. 1955. No. 45, s. 3

**13. Office of Government Statistician**—There shall from time to time be appointed under the State Services Act 1962 an officer to be called the Government Statistician, who shall be the administrative head of, and control, the Department of Statistics and have such functions, duties, and powers as are conferred or imposed on him by this Act or any other Act.

Cf. 1955, No. 45, s. 4

**14. Duties of Government Statistician**—The duties of the Statistician shall be:

- (a) To make such reports to the Minister as are required by this Act, which reports shall have regards to the needs of user Departments; and, where consultations have been held, shall include the results of such consultations:
- (b) To advise the Minister on statistical policy matters, and where appropriate to confer with appropriate officers of other Government Departments to that end:
- (c) To keep the Minister informed of the statistical projects of all Government Departments, and to provide, where appropriate after consultation with an appropriate officer of any other Government Department concerned, any explanation required of the Statistician by the Minister of the purpose, scheme, methodology, and usefulness of any existing or proposed official statistical project:
- (d) To collect, with the approval of the Minister, information concerning any or all of the matters specified in section 4 of this Act:
- (e) To compile, analyse, abstract, and publish, with or without comments, official statistics:
- (f) To advise other Government Departments on the conception of statistical projects initiated or carried on by them, and to promote the observance of approved statistical standards by those Government Departments:
- (g) To consult with appropriate officers of other Government Departments on the need for, and the scope, procedure, and form of any existing or proposed statistical survey being or to be carried out by the Departments; and to make a report to the Minister on the necessity for and the scope of any such survey

and the Government Department or Departments to be responsible for the survey:

- (h) To make, after consultation with an appropriate officer of any other Government Department concerned, a report to the Minister on the need for the continuance or discontinuance or the variation of any current collections of official statistics:
- (i) To define, lay down, and promote standard concepts, procedures, definitions, and classifications for use in official statistics:
- (j) To make or construct such estimates, forecasts, projections, and statistical models as the Statistician may from time to time consider necessary:
- (k) To take the census of population and dwellings of New Zealand as provided for in Part III of this Act:
- (l) To examine and comment, where the Statistician considers necessary, on the interpretation and validity of any published unofficial statistics; and to publish any such statistics and comment thereon as the Statistician considers necessary:
- (m) To carry out such investigations, do all such things, and provide such certificates, as may be required of him by any other Act:
- (n) To supply, where the Statistician considers appropriate, specifications of the methods, procedures, and definitions used in the collection and preparation of the official statistics he produces, subject to section 37 of this Act.

Cf. 1955, No. 45, ss. 3, 4 (2)

**15. Independence of Government Statistician—**(1) The Statistician shall have the sole responsibility for deciding the procedures and methods employed in the provision of any statistics produced or to be produced by the Statistician, and shall also have the sole responsibility for deciding the extent, form, and timing of publication of those statistics.

(2) Notwithstanding the provisions of subsection (1) of this section, where at the direction of the Minister the Statistician is required to collect or cease collection of statistics of any kind provided for by this Act and the Statistician would not without such a requisition produce or cease production of those statistics, he shall carry out the direction of the Minister, but the Statistician in such circumstances may make

public without comment the fact that the statistics have been collected and published, or that collection and publication has ceased, at the direction of the Minister.

**16. Annual report**—(1) The Statistician shall, as soon as practicable after the close of each financial year, furnish to the Minister a report on the administration of this Act during the financial year.

(2) The report shall be laid by the Minister before Parliament as soon as practicable after its receipt by him.

Cf. 1955, No. 45, s. 36

**17. Office of Deputy Government Statistician**—(1) There shall from time to time be appointed under the State Services Act 1962, a Deputy Government Statistician, who shall, under the control of the Statistician, perform such official duties under this Act as he is called upon to perform by the Statistician.

(2) On the occurrence from any cause of a vacancy in the office of Statistician, whether by reason of death, resignation, or otherwise, and in the case of the absence from duty of the Statistician from whatever cause arising, and so long as any such vacancy or absence continues, the Deputy Government Statistician shall have and may exercise all the powers, duties, and functions of the Statistician.

(3) The fact that the Deputy Government Statistician exercises any power, duty, or function of the Statistician shall be conclusive evidence of his authority so to do.

Cf. 1955, No. 45, s. 5

**18. Appointment of other employees**—There shall from time to time be appointed under the State Services Act 1962 such other employees of the Department as may be required for the purpose of carrying out the provisions of this Act.

Cf. 1955, No. 45, s. 6

**19. Enumerators, sub-enumerators, agents, etc.**—(1) The Statistician may employ from time to time such enumerators, sub-enumerators, interviewers, agents, and other persons as may be necessary to collect for the Department such statistics and information as are authorised by this Act; and the duties of those enumerators, sub-enumerators, interviewers, agents, and other persons shall be such as the Statistician determines.

(2) No person shall be deemed by reason only of his employment under this section to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or of the Superannuation Act 1956.

Cf. 1955, No. 45, s. 7

**20. Evidence of appointment**—Any document purporting to be signed by or on behalf of the Statistician and giving notice that any employee of the Department named therein is acting under the authority of the Statistician or setting forth any instructions to any employee of the Department named therein shall, unless the contrary is proved, be sufficient evidence of that authority or those instructions, as the case may be, and that the document was signed and addressed as it purports to be.

Cf. 1955, No. 45, s. 9

**21. Declaration of secrecy**—(1) Every employee of the Department, before entering on his duties, shall take and subscribe a statutory declaration in the following form:

“I, . . . . ., solemnly and sincerely declare that I will faithfully and honestly fulfil my duties as an employee of the Department of Statistics in conformity with the requirements of the Statistics Act 1975 and of all regulations thereunder, and that I will not, without due authority in that behalf, disclose or make known, during my employment in that Department or at any time thereafter, any matter or thing which comes to my knowledge by reason of my employment as such employee of that Department.”

(2) Any employee of any Government Department, if engaged in the collection and processing of official statistics, and if the information so collected is primarily for statistical purposes and the respondent has been so informed shall, subject to agreement with an appropriate officer of the Department concerned, if required to do so by the Statistician, make a similar statutory declaration of secrecy, regardless of whether he has made a declaration of secrecy under any other Act.

(3) An employee who has made a statutory declaration of secrecy under subsection (2) of this section or subsection (5) (b) of section 37 of this Act shall be deemed to be an employee of the Department for the purposes of subsection (1) of this section and subsection (2) of section 37 of this Act:

Provided that, in respect of subsection (2) of the said section 37, this subsection shall relate only to the statistical collections with which the employee is associated.

(4) A statutory declaration for the purposes of this section may be made before any person authorised for that purpose by or under the Oaths and Declarations Act 1957 or before any other person authorised for that purpose by the Statistician; and the provisions of that Act shall apply in relation to any such declaration as if any person so authorised by the Statistician were so authorised by that Act.

(5) Every statutory declaration that is made for the purposes of this section shall be returned and recorded in such manner as the Statistician determines.

### PART III

#### CENSUS OF POPULATION AND DWELLINGS

**22. Provisions to apply to census of population and dwellings**—The provisions of this Part of this Act shall apply with respect to the quinquennial census of population and dwellings, and to any statistical inquiry taken directly with and as a part of that census; and, with respect to any matter not provided for in this Part of this Act, the provisions in the other Parts of this Act relating to statistics generally shall, so far as they are applicable, apply with respect to that census and any such inquiry.

Cf. 1955, No. 45, s. 20

**23. Census of population and dwellings**—(1) The census of population and dwellings of New Zealand shall be taken by the Department in the year 1976 and in every fifth year thereafter.

(2) The day on which the census of population shall be taken and the time with reference to which the particulars shall relate shall be appointed by the Governor-General by Proclamation.

(3) At a suitable time after the Proclamation made under subsection (2) of this section the Statistician shall publish, by advertisement in such newspapers as may appear to the Statistician to be sufficient for notifying the public of New Zealand, the date of the census, the place where advice and guidance related to the census may be sought, and the names and addresses of enumerators and sub-enumerators in the vicinity from whom schedules may be obtained if they have not been delivered.

Cf. 1955, No. 45, s. 21

**24. Particulars to be collected at census—**(1) At every census of population and dwellings particulars relating to all of the following matters shall be obtained from every occupier or person in charge of a dwelling:

- (a) The name and address, sex, age, and ethnic origin of every occupant of the dwelling:
- (b) Particulars of the dwelling as to location, number of rooms, ownership, and number of occupants on census night.

(2) At any census of population and dwellings the Statistician may, if he considers it in the public interest so to do, obtain from every occupier or person in charge of a dwelling particulars relating to all or any of the following additional matters:

- (a) The profession or occupation and industry in which employed, nationality and citizenship, health, marital condition, religion, birthplace, duration of residence in New Zealand, address where living at previous census or previous year, number of children, number of hours worked per week for wages or salary or financial reward, status in employment, name and address of employer, mode of transport to and from work, time taken to travel to work, income, address of usual residence, and service in the armed forces of every occupant of the dwelling:
- (b) Particulars of the dwelling as to type and tenure of dwelling and nature of materials of structure, household amenities, rent paid, and details of any livestock:
- (c) Any information relating to the kinds of statistics for which information may be required pursuant to section 4 of this Act or as may be prescribed by regulations under this Act.

Cf. 1955, No. 45, s. 22

**25. Duty of persons to obtain census schedule—**It shall be the duty of any person who, because of any omission by an employee of the Department or other cause, has failed to receive any schedule relating to the census of population and dwellings by personal delivery at his dwelling to obtain that schedule by application to the nearest enumerator or to the Statistician or to an employee of the Department and to retain any schedule until it is collected from him by the sub-enumerator for his district or in accordance with an

arrangement of which he has been notified, and the fact that any schedule was not delivered at his dwelling shall be no defence in any prosecution against him under this Act for failure to fill in the schedule.

Cf. 1955, No. 45, s. 23

**26. Duty of occupier and other persons abiding in dwelling—**(1) It shall be the duty of every occupier or person in charge of a dwelling to ensure that the particulars demanded in the schedules relating to any census of population and dwellings are furnished with respect to every person abiding in the dwelling of which he is the occupier or person in charge on the day of the census and who is alive at midnight at the end of that day, and who, not being already included in any other census schedule, arrived in that dwelling after that midnight and before midday on the day following.

(2) If any person in respect of whom particulars are required to be furnished pursuant to subsection (1) of this section is not a member of the family of the occupier or person in charge of the dwelling, it shall be the duty of that person to furnish to the occupier or person in charge the particulars necessary for filling in any schedule or schedules, and to fill in any schedule or schedules personal to himself, and to hand the completed schedule or schedules to the occupier or person in charge:

Provided that any person over the age of 15 years may, if that person so wishes, enclose the completed personal schedule or schedules in an envelope endorsed with the census district number, the census sub-district number, the schedule number or numbers, and his name, and seal the envelope before delivery to the occupier or person in charge.

(3) Every occupier or person in charge or sub-enumerator who opens any such envelope commits an offence against this Act:

Provided that it shall not be an offence for a sub-enumerator to open the envelope where these particulars have not been properly endorsed on the envelope and he has been unable after reasonable endeavours to have these particulars completed by the respondent.

(4) Where a dwelling is occupied by 2 or more persons jointly, the duty imposed on the occupier or person in charge as to the furnishing of the particulars of the dwelling schedule for the census of population and dwellings shall lie upon the

occupiers or persons in charge severally, save that the performance of the duty of the occupier or person in charge by one of the joint occupiers or persons in charge shall discharge the obligation of the other or others.

Cf. 1955, No. 45, s. 24

**27. Particulars of persons not abiding in any dwelling—**

(1) The Statistician shall obtain the required particulars in respect of persons not abiding in any dwelling on the night of the census of population and dwellings in such manner as he determines.

(2) Every person who can be lawfully required to provide such information pursuant to this Part of this Act shall, on being required so to do, furnish to the best of his knowledge and belief the required particulars relating to persons who were not abiding in any dwelling on the night of the census of population and dwellings.

Cf. 1955, No. 45, s. 25

## PART IV

### COLLECTION OF STATISTICS BY THE DEPARTMENT

**28. Provisions to apply to collections made by Statistician—**

Unless specifically stated to the contrary, the provisions of this Part of this Act shall apply only to the statistics collected pursuant to this Act by the Statistician.

**29. Forms—**(1) The Statistician shall design and use such schedules as he sees fit for collecting the statistics authorised by this Act to be collected, and shall lay down for all such schedules the instructions and procedures necessary for the proper distribution, filling in, and return thereof.

(2) Any document purporting to be a schedule authorised pursuant to this Act for use in the collection of statistics or related information, or to set forth any instructions relative thereto, which is produced by any employee of the Department, or by any other person with authority delegated to him by or under any other Act mentioned in the schedule, as being such a schedule or as setting forth such instructions, shall be deemed to have been supplied by the Statistician to the employee of the Department or other such person so producing it, and shall, until the contrary is proved, be sufficient evidence that all instructions therein set forth have been duly issued by or on behalf of the Statistician.

Cf. 1955, No. 45, s. 10

**30. Delivery of schedules—**(1) Delivery of a schedule for the purposes of this Act shall be effected:

- (a) By post; or
- (b) Personally by an employee of the Department, or by any other person with authority delegated to him by or under any other Act mentioned in the schedule.

(2) Where delivery of a schedule is effected by post, it shall be posted to the person concerned in an envelope addressed to him either by name or office or as the occupier of the premises, at his last known place of abode or business, and it shall be deemed to have been received when in the ordinary course of post it would be delivered.

Cf. 1955, No. 45, s. 15

**31. Onus to complete schedules—**(1) Delivery to any person of any schedule purporting to be issued under this Act and having thereon a notice requiring that it be filled in and signed within a stated time shall, as against that person, be a sufficient requirement so to fill in and sign the schedule and, if so required in the notice, to post the schedule within a stated time to the Department.

(2) Delivery at any dwelling or part of a dwelling of any schedule purporting to be issued under this Act, and having thereon a notice requiring that it be filled in and signed within a stated time by the occupier of that dwelling or part of a dwelling, or in his absence by some other member of the household, shall, as against the occupier, be a sufficient requirement so to fill in and sign the schedule, and if so required in the notice, to post the schedule within a stated time to the Department, whether or not the occupier is specifically named in the schedule or personally served therewith.

(3) Delivery at the factory, farm, mine, workshop, office, or place of business or other activity of any person, or his agent, or the occupier thereof, of any schedule purporting to be issued under this Act and having thereon a notice requiring that it be filled in and signed within a stated time, shall, as against that person or occupier, be a sufficient requirement to fill in and sign the schedule, and, if so required in the notice, to post the schedule within a stated time to the Department, whether or not that person or occupier is specifically named in the schedule or personally served therewith.

(4) Where a respondent has been duly requested to provide information and maintains that he has done so and the Statistician has no record of its receipt, the Statistician may supply the respondent with a further copy of the relevant schedule and require him by a further written request to supply the information as originally requested, and the provisions of subsections (1), (2), and (3) of this section shall apply as if this was an original request.

(5) If the Statistician publishes by advertisement in the *Gazette*, and in such newspapers as may appear to the Statistician to be sufficient for notifying the persons concerned, a list of any classes or descriptions of undertakings in relation to which returns will be required for the purposes of a particular census under this Act, it shall be the duty of the person in charge of each undertaking of any such class or description as aforesaid, who has not received a schedule under section 30 of this Act, to inform the Statistician within such period, being not less than 21 days after the date of publication of the advertisement, as may be specified therein, that such an undertaking as aforesaid exists, and to give the Statistician such prescribed particulars of the undertaking as may be so specified.

Cf. 1955, No. 45, s. 16

**32. Furnishing of information required in schedules**—Every person from whom particulars for the purposes of any statistical inquiry may lawfully be required pursuant to this Act shall, to the best of his knowledge, when required so to do by the Statistician, or by any employee of the Department authorised in writing by or on behalf of the Statistician, fill in and supply, in accordance with the instructions contained in or accompanying or having reference to any schedule, the particulars specified in that schedule, and, where the form of the schedule contains any certificate or declaration by the person filling in the schedule, shall complete and sign that certificate or declaration in accordance with those instructions.

Cf. 1955, No. 45, s. 12

**33. Questions asked by Statistician to be answered**—Every person who can be lawfully required to provide information pursuant to this Act shall, for the purpose of providing that information, to the best of his knowledge and belief, answer

all questions asked him by the Statistician, or by any employee of the Department authorised in writing by or on behalf of the Statistician.

Cf. 1955, No. 45, s. 13

**34. Completion of schedules by New Zealand agents of overseas traders carrying on business in New Zealand**—The provisions of this Act relating to the filling in, signing, and returning to the Department of schedules and the answering of questions shall, in the case of a person residing outside New Zealand or a corporation incorporated outside New Zealand and in either case carrying on business in New Zealand, be complied with by the manager, attorney, or other agent of that person or corporation in New Zealand.

Cf. 1955, No. 45, s. 17

**35. Right of entry**—(1) For the purpose of making any inquiries or observations necessary for obtaining the statistics to be collected under the authority of this Act, the Statistician, or any employee of the Department authorised in writing by him, may—

(a) At any reasonable time enter any factory, farm, mine, workshop, office, or place of business, whether carried on solely by the occupier or otherwise, and may inspect any part of the premises, any goods which are being stored or offered for sale, and any books of account, vouchers, documents, or other business records; and

(b) Require any person who, by reason of his office, would normally be expected to have the custody of any books of account, vouchers, documents, or other business records to produce the same for inspection within 48 hours or such longer period as may be specified in the requisition at the time it is made.

(2) Where any person is prosecuted for failure to produce any books of account, vouchers, documents, or other business records when required so to do under paragraph (b) of subsection (1) of this section, it shall be a defence to prove that he did not have the custody of the same at the time of the requisition and did not subsequently acquire the custody thereof.

Cf. 1955, No. 45, s. 14

**36. Test purchases**—Where necessary to determine precisely the specifications of goods the price or description of which is material to the exercise of his duties under this Act, the Statistician may make test purchases of the goods.

**37. Security of information**—(1) The information furnished to the Statistician under the provisions of this Act shall be used for statistical purposes only.

(2) Notwithstanding anything in any other Act, no person, other than an employee of the Department who has made the statutory declaration specified in section 21 of this Act, shall be permitted to see any completed or partly completed individual schedule or any answer to any question put, except for the purposes of a prosecution or a proposed prosecution for an offence against this Act.

(3) It shall be a principle to be followed in the publication of statistics to arrange, wherever possible, statistical tables in such a manner as to prevent any particulars published in the tables from being identifiable by any person (other than the person by whom the particulars were supplied) as particulars relating to any particular person or undertaking, unless that person or the owner of that undertaking has consented to their publication in that manner, or has already permitted their publication in that manner, and for that purpose the Statistician shall make such office rules as he considers necessary.

(4) No part of a completed individual schedule, and no individual answer to any question put for the purposes of this Act, shall be separately published or be communicated to any undertaking or to any person other than an employee of the Department who has made the said statutory declaration:

Provided that the Statistician may authorise the following information to be disclosed:

- (a) Information supplied by a person or undertaking in respect of which disclosure is consented to in writing by the person, or a competent officer of the undertaking, who or which supplied it:
- (b) Information available to the public under any Act or public document:
- (c) Information in the form of an index or list of the names and addresses of individual undertakings, together with the industrial classification allotted to them and the number of persons engaged:

- (d) Details of external trade, movement of ships, and cargo handled at ports:
  - (e) With the approval of the Minister, such particulars respecting individual fire, accident, and life insurance offices as are desirable in the public interest, not being information received through the Inland Revenue Department.
- (5) Notwithstanding subsection (4) of this section,—
- (a) The particulars of any information collected jointly with a Government Department or local authority pursuant to an agreement under section 9 of this Act and information collected under any enactment other than this Act and processed by the Department of Statistics may be communicated to the Government Department or local authority which was a party to the collection of the information:
  - (b) When an appropriate officer of another Government Department requests information from individual schedules for bona fide research or statistical purposes pursuant to the functions and duties of that Government Department under any Act, the Statistician may agree to such an arrangement subject to the names and addresses of the persons who have supplied the information being deleted from the schedules and the Statistician taking such steps as are necessary to ensure that—
    - (i) The schedules are used solely for research or statistical purposes, and to this end the Government Department concerned shall be governed by any direction from the Statistician pursuant to this section:
    - (ii) The security of the information is not impaired:
    - (iii) The published results do not divulge any more information than the Statistician could publish pursuant to this Part of this Act:
    - (iv) The persons involved in the research or statistical projects make the statutory declaration specified in section 21 of this Act:
  - (c) Documents relating to individual schedules which have been the subject of an agreement between the Statistician and the Chief Archivist and classified as historical documents may be released to the Archivist by the Statistician after a period of 100 years.

(6) In respect of the statistical information which the Statistician collects pursuant to this Act, where such information from individual schedules, worksheets, or any other confidential source is to be copied or recorded by means of cards, tapes, discs, wires, films, or any other method, whether using encoded or plain language symbols for the processing, storage, or reproduction of particulars, the Statistician is hereby empowered to take and shall take such steps as are necessary to ensure that the security provisions in this Act are complied with.

Cf. 1955, No. 45, s. 18

**38. Information is privileged**—Except in respect of a prosecution under this Act, no return made pursuant to this Act and no copy of a schedule or return in the possession of the respondent shall be disclosed or used as evidence in any proceedings whatever, and no person who has completed a statutory declaration under section 21 of this Act shall be compellable in any proceedings whatever to give oral testimony regarding the return or to produce any return, document, or record with respect to any information obtained in the course of administering this Act, except in the manner provided by this Act.

## PART V

### OFFENCES AND PENALTIES

**39. Failure by enumerator, sub-enumerator, or agent to carry out duties**—Every person commits an offence who accepts office under section 19 of this Act and afterwards, without lawful excuse, neglects or refuses to perform any duty required by this Act to be done or performed by him or any duty assigned to him by the Statistician, or (in the case of a sub-enumerator) by the enumerator.

**40. Omission to carry out duty, false declaration, unlawful information, and improper divulging of information**—Every person employed in the execution of any duty or the exercise of any power or function under this Act commits an offence who,—

- (a) After having taken the prescribed statutory declaration, omits (without lawful excuse) to carry out his duty under this Act, or knowingly makes any false declaration, statement, or return touching any such matter; or
- (b) In the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not duly authorised to obtain; or
- (c) Knowingly fails to keep inviolate the secrecy of the information gathered or entered on the schedules collected by the Statistician pursuant to this Act and, except as allowed by this Act, divulges the contents of any schedule filled in or any information furnished to the Statistician under this Act.

Cf. 1955, No. 45, s. 27

**41. Obstruction of employees of Department**—Every person commits an offence who interferes with, hinders, or obstructs the Statistician or any employee of the Department in the exercise of any power conferred by this Act.

Cf. 1955, No. 45, s. 28

**42. Impersonation of employees of the Department**—Every person commits an offence who, not being an employee of the Department, by words, conduct, or demeanour, pretends that he is an employee of the Department or assumes the name, designation, or description of an employee of the Department.

Cf. 1955, No. 45, s. 29

**43. Neglect or refusal to supply particulars**—(1) Every person commits an offence who fails to produce any books of account, vouchers, documents, or other business records when lawfully required so to do, or who neglects or refuses to fill in and supply the particulars required in any schedule lawfully left with or sent to him, or who neglects or refuses to answer any question or inquiry lawfully addressed to him by the Statistician, or by an employee of the Department authorised in writing by the Statistician, and is liable on summary conviction to a fine not exceeding \$250 or, in the case of a body corporate, to a fine not exceeding \$1,000.

(2) The conviction of any person of an offence against subsection (1) of this section or against this subsection in relation to his failure to produce any books of account,

vouchers, documents, or other business records, or to his neglect or refusal to fill in and supply any particulars required in any such schedules or to answer any such question or inquiry, shall not relieve him of his obligation to supply such books of account, vouchers, documents, or other business records, or to fill in and supply the particulars or to answer the question or inquiry; and if, after the expiration of 14 days from the date of the conviction, he still has failed to produce the books of account, vouchers, documents, or other business records lawfully requested, or he continues to neglect or refuse to fill in and supply the particulars or to answer the question or inquiry, he commits a further offence and is liable on summary conviction in respect of each day after the expiration of those 14 days to a fine not exceeding \$10 or, in the case of a body corporate, to a fine not exceeding \$40.

(3) No person who objects to state the religious denomination or sect to which he belongs shall commit an offence by refusing to supply that information if he inserts or causes to be inserted in the space on the schedule provided for the information the word "Object".

(4) Except with the prior approval of the Statistician, a reference in the response to any schedule to any other document from which the required information can be obtained shall be deemed not to be a compliance with the provisions of this section.

Cf. 1955, No. 45, s. 30

**44. False statement**—Every person commits an offence who knowingly makes, in any schedule filled in or supplied pursuant to this Act, or in answer to any question asked him under the authority of this Act, any false or misleading statement or any material omission.

Cf. 1955, No. 45, s. 31

**45. Mutilation or defacement of schedules**—Every person commits an offence who, without lawful excuse, destroys, defaces, removes, or mutilates any schedule, form, or other document containing particulars collected under this Act or requesting any such particulars.

Cf. 1955 No. 45, s. 32

**46. Other offences**—Every person commits an offence who—

- (a) Without lawful excuse, acts in contravention of or fails to comply in any respect with any provision of this Act or any requirement imposed under this Act; or

- (b) Wilfully deceives or attempts to deceive the Statistician or any employee of the Department in the exercise of any powers, duties, or functions under this Act.

Cf. 1955, No. 45, s. 33

**47. General penalty**—Every person who commits an offence against this Act for which no penalty is prescribed elsewhere than in this section is liable on summary conviction to a fine not exceeding \$250 or, in the case of a body corporate, not exceeding \$1,000.

## PART VI

### MISCELLANEOUS PROVISIONS

**48. Time within which information may be laid**—Notwithstanding anything in the Summary Proceedings Act 1957, any information in respect of an offence against this Act may be laid at any time within 12 months from the time when the matter of the information arose.

Cf. 1955, No. 45, s. 35

**49. Regulations and Orders in Council**—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing kinds of statistics for which information may be required at any census of population and dwellings under Part III of this Act or for the purposes of any inquiry under this Act:

- (b) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

(2) The Governor-General may from time to time, by Order in Council, do all or any of the following things:

- (a) Declare any agency of the Executive Government of New Zealand to be a Government agency for the purposes of this Act:

- (b) Provide for such matters as are contemplated by or necessary for giving effect to the provisions of this Act.

**50. Repeal and revocations**—(1) The Statistics Act 1955 is hereby repealed.

(2) The regulations specified in the Schedule to this Act are hereby revoked.

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Section 50 (2)

**SCHEDULE****REGULATIONS REVOKED**

Title	Published in Statutory Regulations
The Census Regulations 1951 .....	1951/61
The Distribution Statistics Regulations 1954 .....	1954/18

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This Act is administered in the Department of Statistics.

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