



ANALYSIS

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1982, No. 38

An Act to amend the Statistics Act 1975

[5 November 1982]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Statistics Amendment Act 1982, and shall be read together with and deemed part of the Statistics Act 1975 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Schedule”, and substituting the following definition:

“‘Schedule’ means any book, document, form, card, tape, disc, or storage media on which the information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act.”.

3. Minister to approve all statistical surveys—Section 6 (1) of the principal Act is hereby amended by inserting, after the words “without the”, the word “written”.

4. Joint collections—The principal Act is hereby amended by repealing section 9, and substituting the following section:

“9. (1) The Statistician, after consultation with an appropriate officer of the other Government Department, local authority, or statutory body (whether corporate or unincorporated) concerned, may recommend to the Minister that an agreement be made by the Statistician with any other Government Department, local authority, or statutory body (whether corporate or unincorporated) for information that they have authority to collect to be collected jointly by the Department of Statistics and the other Government Department, local authority, or statutory body (whether corporate or unincorporated), 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, local authority, or statutory body (whether corporate or unincorporated), 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.

“(2) Any employee of any Government Department, local authority, or statutory body shall, if engaged in the joint collection of information or the processing of information collected in a joint collection, make a declaration of secrecy similar to the declaration of secrecy prescribed by section 21 of this Act.

“(3) A declaration of secrecy shall be required under subsection (2) of this section regardless of whether the employee has made a declaration of secrecy under any other Act.”

5. Duties of Government Statistician—Section 14 (d) of the principal Act is hereby amended by inserting, after the words “with the”, the word “written”.

6. Proof of signature of Statistician and certain other persons—The principal Act is hereby amended by inserting, after section 20, the following section:

“20A. (1) The stamped or printed signature of the Statistician, or any employee of the Department, may be used on any schedule, certificate, notice, or other document in relation to the exercise by that person of his powers, duties, and functions under this Act.

“(2) Any schedule, certificate, notice, or other document purporting to bear the written, stamped, or printed signature of the Statistician, or any employee of the Department, shall until the contrary is proved, be deemed to have been duly signed by the person whose signature it purports to bear.

“(3) Judicial notice shall be taken of every such signature and of the fact that the person whose signature it purports to be, holds or has held the office of Statistician, or is or has been an employee of the Department, as the case may be.”

7. Delivery of schedules—The principal Act is hereby amended by repealing section 30, and substituting the following section:

“30. (1) Delivery to any person of a schedule for the purposes of this Act shall be effected by:

“(a) Giving it personally to that person; or

“(b) Sending it to that person by post addressed to that person either by name or office or as the occupier of the premises, at that person’s last known place of abode or business, or at any address given by that person; or

“(c) Giving it personally to any other person authorised to act on behalf of that person; or

“(d) Sending it to that other person addressed to that person either by name or office or as the occupier of the premises, at that person’s usual or last known place of abode or business or at any address given by that person.

“(2) Delivery of a schedule under subsection (1) of this section, if by post, shall be deemed, in the absence of proof to the contrary, to be effected at the time when the schedule would be delivered in the ordinary course of post.”

8. Onus to complete schedules—Section 31 of the principal Act is hereby amended by inserting, after subsection (4), the following subsections:

“(4A) Where a respondent has been duly requested to provide information in a schedule delivered to him and either has not supplied all the information required, or the

information supplied is inadequate or the Statistician requires the information supplied to be clarified or explained, the Statistician may, by notice in writing delivered to the respondent, require the respondent to supply the information originally required or to clarify the information supplied, as the case may be.

“(4B) The respondent to whom a notice under subsection (4A) of this section is delivered shall supply the information or provide clarification of or such explanation with reference to the information supplied, as the case may be, in such manner as may be required by the notice.”

9. Right of entry—The principal Act is hereby amended by repealing section 35, and substituting the following section:

“35. (1) Subject to subsections (2) and (3) of this section, 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) The Statistician and any employee of the Department authorised in writing by him as aforesaid shall not exercise any of the powers conferred by subsection (1) of this section unless—

“(a) The occupier of the factory, farm, mine, workshop, office, or place of business consents to the entry and inspection, or the person who, by reason of his office, would normally be expected to have the custody of any such books of account, vouchers, documents, or other business records, consents to their production; or

“(b) The Statistician or the employee of the Department obtains a warrant authorising him to exercise those powers in accordance with subsection (3) of this section.

“(3) Where any District Court Judge or Justice is satisfied, on application in writing made on oath, that there is reasonable ground for believing that it is necessary for the purpose of making any inquiries or observations necessary for obtaining the statistics to be collected under the authority of this Act for the Statistician or any employee of the Department authorised in writing by him to exercise, in relation to any factory, farm, mine, workshop, office, or place of business any of the powers conferred by subsection (1) (a) of this section or in relation to any person any of the powers conferred by subsection (1) (b) of this section, he may, by warrant under his hand, authorise the Statistician or any such employee of the Department to exercise those powers in relation to that factory, farm, mine, workshop, office, or place of business or in relation to that person, as the case may require.

“(4) Every warrant issued under subsection (3) of this section shall authorise the person named in the warrant—

“(a) At any reasonable time to enter any factory, farm, mine, workshop, office, or place of business, whether carried on solely by the occupier or otherwise, and 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.

“(5) Every such warrant shall continue in force until the purpose for which it was granted has been satisfied.

“(6) The Statistician or any employee of the Department authorised in writing by the Statistician to exercise any of the powers conferred by paragraphs (a) and (b) of subsection (1) of this section shall—

“(a) In the case of the exercise of the powers conferred by subsection (1) (a) of this section (except where those powers are exercised pursuant to a warrant issued under subsection (3) of this section)—

“(i) Give to the occupier thereof reasonable notice of his intention to enter the factory, farm, mine, workshop, office, or place of business, which notice shall include the purpose for which and the time at which it is proposed to enter and particulars of the statutory authority for the exercise by the Statistician or the employee of the Department of the right of entry and inspection; and

“(ii) At the time of entry and, if he is requested to do so, at any subsequent time, produce the authorisation in writing given to that employee by the Statistician; and

“(b) In the case of the exercise of the powers conferred by subsection (1) (b) of this section (except where those powers are exercised pursuant to a warrant issued under subsection (3) of this section)—

“(i) Give to the person required to produce the books of account, vouchers, documents, or other business records particulars of the statutory authority for the exercise by him of that power; and

“(ii) At the time when that power is exercised, produce the authorisation in writing given to that employee by the Statistician; and

“(c) Where those powers are exercised pursuant to a warrant issued under subsection (3) of this section, produce that warrant at the time of the exercise by him of those powers.

“(7) Where any person is prosecuted for failure to produce any books of account, vouchers, documents, or other business records when required to do so 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. 1975, No. 1, s. 35

10. Security of information—(1) Section 37 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsections:

“(3) It shall be a principle to be followed in the publication of statistics that statistical tables be arranged 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—

“(a) 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; or

“(b) Their publication in that manner could not reasonably have been foreseen by the Statistician or any employee of the Department.

“(3A) For the purpose of subsection (3) of this section the Statistician shall make such office rules as he considers necessary.”

(2) Section 37 (5) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The particulars of any information collected jointly with a Government Department, local authority, or statutory body (whether corporate or unincorporated), 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 may be communicated to that Government Department, local authority, or statutory body, and a completed or partly completed schedule obtained or an answer to any question put in the course of a joint collection, may be communicated to any employee of that Government Department, local authority, or statutory body who has made a statutory declaration similar to the declaration of secrecy prescribed by section 21 of this Act:”.

11. Neglect or refusal to supply particulars—(1) Section 43 (1) of the principal Act is hereby amended—

(a) By omitting the expression “\$250”, and substituting the expression “\$500”; and

(b) By omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

(2) Section 43 (2) of the principal Act is hereby amended—

(a) By omitting the expression “\$10”, and substituting the expression “\$20”; and

(b) By omitting the expression “\$40”, and substituting the expression “\$80”.

(3) Section 43 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Any obligation imposed on any person to produce any books of account, vouchers, documents, or other business records when lawfully required to do so, or to fill in and supply the particulars required in any schedule lawfully left with or sent to him, or 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, being an obligation required to be performed at or within a specified or particular time, shall be deemed to be a continuing obligation to produce such books of account, vouchers, documents, or other business records, or to fill in and supply any particulars required in any such schedule, or to answer any such question or inquiry, notwithstanding that the obligation has not been performed at or within that time.”

12. Evidence in proceedings for offences—The principal Act is hereby amended by inserting, after section 46, the following section:

“46A. In any proceedings for an offence against any of the provisions of this Act, a certificate in writing signed by the Statistician certifying—

“(a) That, pursuant to section 6 of this Act, the Minister has approved the commencement or commissioning of any statistical survey, or the making of a substantial alteration to an already existing survey, or has waived or relaxed the duty under section 6 (1) of this Act in respect of a Government Department, as the case may be; or

“(b) That, pursuant to section 14 (d) of this Act, the Minister has approved the collection of information concerning any or all of the matters specified in section 4 of this Act,—

shall, in the absence of proof to the contrary, be sufficient evidence that pursuant to section 6 of this Act, the Minister has approved the commencement or commissioning of any statistical survey, or the making of a substantial alteration to an already existing survey, or has waived or relaxed the duty under section 6 (1) of this Act in respect of a Government Department, as the case may be, or that pursuant to section 14 (d) of this Act, the Minister has approved the collection of information concerning any or all of the matters specified in section 4 of this Act.”

13. General penalty—Section 47 of the principal Act is hereby amended—

- (a) By omitting the expression “\$250”, and substituting the expression “\$500”; and
- (b) By omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

This Act is administered in the Department of Statistics.

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