



Duties of Statutory Officers (Census and Other Remedial Provisions) Act 2011

Public Act 2011 No 64
Date of assent 29 August 2011
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Duties of Statutory Officers (Census and Other Remedial Provisions) Act 2011.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1
Statistics Act 1975****3 Principal Act amended**

This Part amends the Statistics Act 1975.

4 Census of population and dwellings

- (1) Section 23(1) is amended by omitting “1976” and substituting “2013”.
- (2) Section 23 is amended by adding the following subsections:
 - “(4) Despite subsection (2), in the case of the 2013 census of population and dwellings, the Statistician must, by notice given in the *Gazette* as soon as practicable after the commencement of this subsection, appoint the day on which the census must be taken and the time with reference to which the particulars must relate.
 - “(5) The notice given under subsection (4) must be treated for all purposes as a Proclamation made under subsection (2), and subsection (3) applies with the necessary modifications.”

**Part 2
Statutes Drafting and Compilation Act
1920****5 Principal Act amended**

This Part amends the Statutes Drafting and Compilation Act 1920.

6 New sections 8B to 8D inserted

The following sections are inserted after section 8A:

“8B Delegation of functions, responsibilities, duties, or powers

“(1) The Chief Parliamentary Counsel—

“(a) may from time to time, either generally or particularly, delegate to any Parliamentary Counsel or other staff member of the Parliamentary Counsel Office any of the functions, responsibilities, duties, or powers of the Chief Parliamentary Counsel, including functions or powers delegated to the Chief Parliamentary Counsel under any Act:

“(b) must ensure that an appropriate delegation is at all times in place under this section to enable a person to act in place of the Chief Parliamentary Counsel during any absence or incapacity of the Chief Parliamentary Counsel or during any vacancy in the office of Chief Parliamentary Counsel.

“(2) The person to whom any functions, responsibilities, duties, or powers are delegated under this section may perform or exercise those functions, responsibilities, duties, or powers in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

“(3) Subsection (2) is subject to any general or special directions given or conditions imposed by the Chief Parliamentary Counsel.

“(4) A person purporting to act under any delegation under this section is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

“(5) A delegation under this section may be made to—

“(a) a specified person or persons of a specified class; or

“(b) the holder or holders for the time being of a specified position, or of a specified class of positions.

“(6) No delegation under this section affects or prevents the performance or exercise of any function, responsibility, duty, or power by the Chief Parliamentary Counsel, or affects the responsibility of the Chief Parliamentary Counsel for the actions of any person acting under the delegation.

**“8C Absence or incapacity of Chief Parliamentary Counsel
or vacancy**

- “(1) A person who holds a delegation referred to in section 8B(1)(b) may act in place of the Chief Parliamentary Counsel while the Chief Parliamentary Counsel is absent or incapacitated or during any vacancy in the office of Chief Parliamentary Counsel.
- “(2) No acts done by the person acting in place of the Chief Parliamentary Counsel under subsection (1) may, in any proceedings, be questioned on the ground that the occasion for the authorisation had not arisen or had ceased.

“8D Revocation of delegations

- “(1) A delegation under section 8B is revocable at any time in writing.
- “(2) A delegation, until it is revoked, continues to have effect according to its terms even if the Chief Parliamentary Counsel by whom it was made has ceased to hold office.
- “(3) A delegation made by a Chief Parliamentary Counsel who has ceased to hold office continues to have effect as if made by the successor in office of that Chief Parliamentary Counsel.”

Legislative history

9 August 2011	Introduction (Bill 313–1)
16 August 2011	First reading, second reading, committee of the whole House, and third reading
29 August 2011	Royal assent

This Act is administered by Statistics New Zealand and the Parliamentary Counsel Office.
