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Statistics Act 1975

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Statistics New Zealand.

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An Act to consolidate and amend the Statistics Act 1955; and to make provision for official statistics; for a department having the name Statistics New Zealand and the office of Government Statistician; and for the independence of the Statistician in the execution of his duties

Title: amended, on 15 December 1994, by section 2(1) of the Statistics Amendment Act 1994 (1994 No 159).

1 Short Title

This Act may be cited as the Statistics Act 1975.

2 Interpretation

In this Act, unless the context otherwise requires,—

appropriate officer means, in relation to a government department or local authority, the chief executive of that department or local authority or a person duly authorised by that chief executive

department means the department referred to in section 12

dwelling—

(a) means—

- (i) a building, erection, or tenement, whether permanent or temporary, which is wholly or partly used for the purpose of human habitation; and
- (ii) in a case where a building is let, sublet, or held in different apartments, and occupied by different persons or families, each part so let, sublet, or held and used for the purpose of human habitation:

(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 any person employed under section 19

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 the Local Government Act 2002

means to access an electronic schedule means a personal identification number, a password, an access code, an encryption key, or any other information or device that the department requires a person to use in order to access an electronic schedule

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, prison, 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

public record has the meaning given to it in section 4 of the Public Records Act 2005

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, 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

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.

Compare: 1955 No 45 s 2

Section 2 **appropriate officer**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **department**: replaced, on 15 December 1994, by section 2(2) of the Statistics Amendment Act 1994 (1994 No 159).

Section 2 **employee of the department**: replaced, on 14 August 1985, by section 2 of the Statistics Amendment Act 1985 (1985 No 119).

Section 2 **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **means to access an electronic schedule**: inserted, on 7 July 2010, by section 4 of the Statistics Amendment Act 2010 (2010 No 86).

Section 2 **occupier or person in charge** paragraph (a): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2 **public record**: inserted, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

Section 2 **schedule**: replaced, on 5 November 1982, by section 2 of the Statistics Amendment Act 1982 (1982 No 38).

Part 1

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, 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 administration, 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.

Compare: 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 chief executive 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 that 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) in respect of that government department.

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

Section 5(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

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 written 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.
- (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.

Section 6(1): amended, on 5 November 1982, by section 3 of the Statistics Amendment Act 1982 (1982 No 38).

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) 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.

Compare: 1955 No 45 s 19

9 Joint collections

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

Section 9: replaced, on 5 November 1982, by section 4 of the Statistics Amendment Act 1982 (1982 No 38).

Section 9(1): amended, on 15 December 1994, by section 2(4)(a) of the Statistics Amendment Act 1994 (1994 No 159).

Section 9(1) proviso paragraph (a): amended, on 15 December 1994, by section 2(4)(a) of the Statistics Amendment Act 1994 (1994 No 159).

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 of 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, and of such other sections of this Act as are applicable to them.

Part 2

Department and Government Statistician

Part 2 heading: replaced, on 15 December 1994, by section 2(3) of the Statistics Amendment Act 1994 (1994 No 159).

12 Department

- (1) There shall be a department of State to be called Statistics New Zealand.
- (2) The department is the same department as that existing immediately before the coming into force of the Statistics Amendment Act 1994 and known as the Department of Statistics.

Section 12: replaced, on 15 December 1994, by section 2(3) of the Statistics Amendment Act 1994 (1994 No 159).

13 Office of Government Statistician

There shall from time to time be appointed under the Public Service Act 2020 an officer to be called the Government Statistician, who shall be the administrative head of, and control, the department and have such functions, duties, and powers as are conferred or imposed on him by this Act or any other Act.

Compare: 1955 No 45 s 4

Section 13: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 13: amended, on 15 December 1994, by section 2(4)(a) of the Statistics Amendment Act 1994 (1994 No 159).

Section 13: amended, on 1 April 1988, pursuant to section 90(a) of the State Sector Act 1988 (1988 No 20).

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 regard 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 written approval of the Minister, information concerning any or all of the matters specified in section 4:
- (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 3:
- (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.

Compare: 1955 No 45 ss 3, 4(2)

Section 14(d): amended, on 5 November 1982, by section 5 of the Statistics Amendment Act 1982 (1982 No 38).

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), 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.

Compare: 1955 No 45 s 36

17 Deputy Government Statisticians

- (1) There shall from time to time be appointed under the Public Service Act 2020 as many Deputy Government Statisticians as may be necessary for the effective and efficient carrying out of the functions and duties of the department.
- (2) Subject to the control of the Statistician, each Deputy Government Statistician shall perform such general official duties (including the exercise of functions, duties, and powers of the Statistician) as are for the time being assigned to him by the Statistician.
- (3) 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 absence from duty of the Statistician (from whatever cause arising), and so long as any such vacancy or absence continues, a Deputy Government Statistician shall have and may exercise all the functions, duties, and powers of the Statistician.

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

Section 17: replaced, on 19 October 1978, by section 2 of the Statistics Amendment Act 1978 (1978 No 126).

Section 17(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 17(1): amended, on 1 April 1988, pursuant to section 90(a) of the State Sector Act 1988 (1988 No 20).

18 Appointment of other employees

There shall from time to time be appointed under the Public Service Act 2020 such other employees of the department as may be required for the purpose of carrying out the provisions of this Act.

Compare: 1955 No 45 s 6

Section 18: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 18: amended, on 1 April 1988, pursuant to section 90(a) of the State Sector Act 1988 (1988 No 20).

19 Employment of persons for collection of statistics

- (1) The Statistician may employ from time to time—
- (a) such interviewers, agents, and other persons as may be necessary for the collection of such statistics and information as are authorised by this Act; and
 - (b) such census regional managers, census area managers, census district supervisors, census collectors, and other persons as may be necessary for the purposes of Part 3.
- (2) The duties of the persons appointed under subsection (1) shall be such as the Statistician determines.
- (3) 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 Public Service Act 2020 or the Government Superannuation Fund Act 1956.

Section 19: replaced, on 14 August 1985, by section 3 of the Statistics Amendment Act 1985 (1985 No 119).

Section 19(1)(b): amended, on 7 July 2010, by section 5 of the Statistics Amendment Act 2010 (2010 No 86).

Section 19(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 19(3): amended, on 1 April 1988, pursuant to section 90(a) of the State Sector Act 1988 (1988 No 20).

Section 19(3): amended, on 14 August 1985, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

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.

Compare: 1955 No 45 s 9

20A Proof of signature of Statistician and certain other persons

- (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.

Section 20A: inserted, on 5 November 1982, by section 6 of the Statistics Amendment Act 1982 (1982 No 38).

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, [*name*], solemnly and sincerely declare that I will faithfully and honestly fulfil my duties as an employee of Statistics New Zealand in conformity with the requirements of the Statistics Act 1975 and of all regulations thereunder, and that any information acquired by me as an employee of that department will,—

- (a) during my employment in that department, be disclosed by me only in accordance with my official duty; and
- (b) after I cease to be an employee of that department, be disclosed by me only with the authority of the 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.

- (2A) An employee in the department responsible for the administration of the Public Records Act 2005 who has access to public records that are subject to the restriction of section 37(2) must, if required to do so by the Statistician, make a similar declaration of secrecy, whether or not that person 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 (2)(b) of section 37C shall be deemed to be an employee of the department for the purposes of—
- (a) subsection (1) of this section; and
 - (b) subsections (2) and (3) of section 37.
- (3A) In respect of subsections (2) and (3) of section 37, subsection (3) of this section shall relate only to the statistical collections with which the employee is associated.
- (3B) Every independent contractor engaged by the department under any contract (other than a contract of employment), and every employee of any such independent contractor, who is likely, in the course of carrying out the terms of that contract, to have access to information collected under the authority of this Act shall, if required to do so by the Statistician, make a statutory declaration of secrecy similar to the declaration of secrecy prescribed by subsection (1), regardless of whether that independent contractor or employee has made a declaration of secrecy under any other Act.
- (3C) A person who has made a statutory declaration of secrecy under subsection (3B) shall be deemed to be an employee of the department for the purposes of—
- (a) subsection (1) of this section; and
 - (b) subsections (2) and (3) of section 37.
- (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.

Section 21(1): replaced, on 1 July 1983, by section 2 of the Statistics Amendment Act (No 2) 1982 (1982 No 163).

Section 21(1): amended, on 15 December 1994, by section 2(4)(b) of the Statistics Amendment Act 1994 (1994 No 159).

Section 21(2A): inserted, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

Section 21(2A): amended, on 1 February 2011, by section 19 of the Public Records Amendment Act (No 2) 2010 (2010 No 133).

Section 21(3): replaced, on 6 November 1986, by section 2 of the Statistics Amendment Act 1986 (1986 No 110).

Section 21(3A): inserted, on 6 November 1986, by section 2 of the Statistics Amendment Act 1986 (1986 No 110).

Section 21(3B): inserted, on 16 December 1988, by section 2 of the Statistics Amendment Act 1988 (1988 No 213).

Section 21(3C): inserted, on 16 December 1988, by section 2 of the Statistics Amendment Act 1988 (1988 No 213).

Part 3

Census of population and dwellings

22 Provisions to apply to census of population and dwellings

The provisions of this Part 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, the provisions in the other Parts relating to statistics generally shall, so far as they are applicable, apply with respect to that census and any such inquiry.

Compare: 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 2013 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), the Statistician must publish, in whichever newspapers and by whichever other means the Statistician considers sufficient for notifying the public of New Zealand, the following information about the census:
 - (a) the date of the census:
 - (b) details of where to seek advice and guidance related to the census:
 - (c) details of how to obtain a schedule if one has not been received.
- (3A) A Proclamation under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (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.

Compare: 1955 No 45 s 21

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the <i>Gazette</i> . Subsection (3) must also be complied with	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 23(1): amended, on 30 August 2011, by section 4(1) of the Duties of Statutory Officers (Census and Other Remedial Provisions) Act 2011 (2011 No 64).

Section 23(3): replaced, on 7 July 2010, by section 6 of the Statistics Amendment Act 2010 (2010 No 86).

Section 23(3A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 23(4): inserted, on 30 August 2011, by section 4(2) of the Duties of Statutory Officers (Census and Other Remedial Provisions) Act 2011 (2011 No 64).

Section 23(5): inserted, on 30 August 2011, by section 4(2) of the Duties of Statutory Officers (Census and Other Remedial Provisions) Act 2011 (2011 No 64).

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 or as may be prescribed by regulations under this Act.

Compare: 1955 No 45 s 22

25 Duty of persons to obtain census schedule

- (1) A person who for any reason has not received either a schedule relating to a census of population and dwellings, or a means to access an electronic schedule, must obtain either a schedule, or a means to access an electronic schedule, in accordance with the details published by the Statistician of how to obtain a schedule.
- (2) A person who obtains a schedule, or a means to access an electronic schedule under subsection (1), must—
 - (a) retain the completed schedule until it is collected by a census collector; or
 - (b) return the completed schedule in accordance with any instructions received from the Statistician when the schedule, or the means to access the electronic schedule, was obtained.
- (3) The fact that neither a schedule, nor a means to access an electronic schedule, was delivered to a person is not a defence to a prosecution under this Act for failure to fill in a schedule.

Section 25: replaced, on 7 July 2010, by section 7 of the Statistics Amendment Act 2010 (2010 No 86).

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 a person in respect of whom particulars are required to be furnished under subsection (1) chooses to fill in and return an electronic schedule, the occupier or person in charge of the dwelling may comply with his or her duty under subsection (1) by—
 - (a) sighting a confirmation of receipt of the schedule that is issued electronically by the department—
 - (i) to the person who returned the schedule; or

- (ii) to the occupier or person in charge of the dwelling; or
 - (b) obtaining verbal confirmation from the department that it has received the electronic schedule.
- (2A) Subsection (2B) applies if, either,—
 - (a) a person in respect of whom particulars are required to be furnished under subsection (1) does not choose to use an electronic schedule; or
 - (b) the occupier or person in charge of a dwelling is unwilling or unable to provide a computer facility for that person to use to access an electronic schedule.
- (2B) If this subsection applies, the person in respect of whom particulars are required to be furnished under subsection (1) must—
 - (a) ask the occupier or person in charge of the dwelling to supply a paper schedule; or
 - (b) obtain a paper schedule in accordance with the details published by the Statistician of how to obtain a schedule.
- (2C) An occupier or a person in charge of a dwelling who is asked under subsection (2B)(a) to supply a paper schedule to a person must make reasonable endeavours to do so.
- (2D) Any person in respect of whom particulars are required to be furnished under subsection (1), and who is not a member of the family of the occupier or person in charge of the dwelling, must—
 - (a) fill in any schedule or schedules that are personal to himself or herself; and
 - (b) furnish to the occupier or person in charge of the dwelling any particulars necessary for filling in any other schedule or schedules.
- (2E) A person who fills in a schedule pursuant to subsection (2D)(a) must,—
 - (a) in the case of a paper schedule,—
 - (i) return the schedule in accordance with any instructions received from the Statistician when the schedule was obtained; or
 - (ii) hand the schedule to the occupier or person in charge of the dwelling;
 - (b) in the case of an electronic schedule, either—
 - (i) return the schedule himself or herself; or
 - (ii) allow the occupier or person in charge of the dwelling to return the schedule.
- (2F) A person who is aged 15 years or over may deliver a paper schedule that he or she filled in pursuant to subsection (2D)(a) to the occupier or person in charge of the dwelling in a sealed envelope endorsed with the following information:
 - (a) the census district number:

- (b) the census sub-district number:
 - (c) the schedule number or numbers:
 - (d) the person's name.
- (3) Every occupier or person in charge or census collector who opens any such envelope commits an offence against this Act:
- provided that it shall not be an offence for a census collector 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.

Compare: 1955 No 45 s 24

Section 26(2): replaced, on 7 July 2010, by section 8(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(2A): inserted, on 7 July 2010, by section 8(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(2B): inserted, on 7 July 2010, by section 8(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(2C): inserted, on 7 July 2010, by section 8(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(2D): inserted, on 7 July 2010, by section 8(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(2E): inserted, on 7 July 2010, by section 8(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(2F): inserted, on 7 July 2010, by section 8(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(3): amended, on 14 August 1985, by section 6 of the Statistics Amendment Act 1985 (1985 No 119).

Section 26(3): amended, on 7 July 2010, by section 8(2) of the Statistics Amendment Act 2010 (2010 No 86).

Section 26(3) proviso: amended, on 14 August 1985, by section 6 of the Statistics Amendment Act 1985 (1985 No 119).

Section 26(3) proviso: amended, on 7 July 2010, by section 8(2) of the Statistics Amendment Act 2010 (2010 No 86).

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 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.

Compare: 1955 No 45 s 25

Part 4

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 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.

Compare: 1955 No 45 s 10

30 Delivery of schedules

- (1) Delivery to any person of a schedule for the purposes of this Act is effected by delivering to that person, by any of the methods described in subsection (2),—
- (a) a schedule; or
 - (b) the means to access an electronic schedule.
- (2) A schedule, or the means to access an electronic schedule, may be delivered—
- (a) by personal delivery to a person; or
 - (b) by post addressed to the person by name, or by office,—
 - (i) at the person's last known place of abode or business; or
 - (ii) at any address given by the person; or
 - (c) by post addressed to the occupier of the dwelling or premises; or

- (d) by electronic means, including (without limitation) by fax, email, or text messaging, to an address nominated by the person for the purpose of delivery of a schedule or the means to access an electronic schedule; or
 - (e) if any other person is authorised to act on behalf of the person, by delivery to that other person by any of the methods set out in paragraphs (a) to (c).
- (3) The time that delivery of a schedule or the means to access an electronic schedule is, in the absence of proof to the contrary, deemed to be effected is,—
- (a) if delivery is effected by post, the time when in the ordinary course of post delivery would be expected; and
 - (b) if delivery is effected by electronic means, the time when the electronic communication enters the associated information system.

Section 30: replaced, on 7 July 2010, by section 9 of the Statistics Amendment Act 2010 (2010 No 86).

31 Onus to complete schedules

- (1) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with section 30 to a person, together with a notice that the schedule must be filled in and returned to the department within a stated time, that person must,—
- (a) fill in, sign, and return the schedule to the department within the stated time; or
 - (b) access, fill in, and return the electronic schedule to the department within the stated time.
- (2) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with section 30 at any dwelling or part of a dwelling, together with a notice that the schedule must be filled in by the occupier of the dwelling or part of a dwelling, or in his or her absence by some other member of the household, and must be returned to the department within a stated time, the occupier must ensure that—
- (a) the schedule is filled in, signed, and returned to the department within the stated time; or
 - (b) the electronic schedule is accessed, filled in, and returned to the department within the stated time.
- (2A) Subsection (2) applies whether or not the occupier, or any other member of the household,—
- (a) is specifically named in the schedule; or
 - (b) is personally served with the schedule or the means to access an electronic schedule.
- (3) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with section 30 at any factory,

farm, mine, workshop, office, or place of business or other activity of any person, or to that person's agent, or to the occupier of that factory, farm, mine, workshop, office, or place, together with a notice that the schedule must be filled in by that person or that occupier and must be returned to the department within a stated time, that person or that occupier must—

- (a) fill in, sign, and return the schedule to the department within the stated time; or
 - (b) access, fill in, and return the electronic schedule to the department within the stated time.
- (3A) Subsection (3) applies whether or not the person or the occupier—
- (a) is specifically named in the schedule; or
 - (b) is personally served with the schedule or the means to access an electronic schedule.
- (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 or the means to access an electronic 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) shall apply as if this was an original request.
- (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) 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.
- (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 or the means to access an electronic schedule under section 30, 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.

Compare: 1955 No 45 s 16

Section 31(1): replaced, on 7 July 2010, by section 10(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 31(2): replaced, on 7 July 2010, by section 10(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 31(2A): inserted, on 7 July 2010, by section 10(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 31(3): replaced, on 7 July 2010, by section 10(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 31(3A): inserted, on 7 July 2010, by section 10(1) of the Statistics Amendment Act 2010 (2010 No 86).

Section 31(4): amended, on 7 July 2010, by section 10(2) of the Statistics Amendment Act 2010 (2010 No 86).

Section 31(4A): inserted, on 5 November 1982, by section 8 of the Statistics Amendment Act 1982 (1982 No 38).

Section 31(4B): inserted, on 5 November 1982, by section 8 of the Statistics Amendment Act 1982 (1982 No 38).

Section 31(5): amended, on 7 July 2010, by section 10(3) of the Statistics Amendment Act 2010 (2010 No 86).

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.

Compare: 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.

Compare: 1955 No 45 s 13

33A Waiver of obligation to answer questions

- (1) This section applies to the collection of statistics by the statistician under this Part or under an agreement made by the statistician under section 9.

- (2) The statistician may waive the application of all or any of sections 31, 32, and 33 to the collection of particular statistics if satisfied that—
- (a) special circumstances of sensitivity apply to some of the questions asked and it is inappropriate to compel answers to those particular questions; and
 - (b) the information is being collected to enable the production of official statistics of any or all of the kinds described in section 4(a), (b), (d), and (i); and
 - (c) the statistical validity of the information being collected will not be unduly compromised.
- (3) To avoid doubt, if the statistician has granted a waiver under subsection (2) in relation to any question, any person who would otherwise be required to answer the question does not commit an offence against section 43 if the person declines to answer the question.
- (4) A waiver under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 33A: inserted, on 5 December 2013, by section 4 of the Statistics Amendment Act 2013 (2013 No 134).

Section 33A(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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.

Compare: 1955 No 45 s 17

35 Right of entry

- (1) Subject to subsections (2) and (3), 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 that 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) 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).
 - (3) Where any District Court Judge or Justice or Community Magistrate 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) or in relation to any person any of the powers conferred by subsection (1)(b), 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) 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, docu-

ments, 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) shall,—
 - (a) in the case of the exercise of the powers conferred by subsection (1)(a) (except where those powers are exercised pursuant to a warrant issued under subsection (3)),—
 - (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) (except where those powers are exercised pursuant to a warrant issued under subsection (3))—
 - (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), 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), 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.

Compare: 1975 No 1 s 35

Section 35: replaced, on 5 November 1982, by section 9 of the Statistics Amendment Act 1982 (1982 No 38).

Section 35(3): amended, on 30 June 1998, by section 7 of the District Courts Amendment Act 1998 (1998 No 76).

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) Information furnished to the Statistician under this Act shall only be used for statistical purposes.
- (2) No person other than an employee of the department who has made the statutory declaration specified in section 21 shall be permitted to see any individual schedule or any answer to any question put under this Act except for the purposes of a prosecution or a proposed prosecution under this Act.
- (3) No information contained in any individual schedule and no answer to any question put for the purposes of this Act shall, except for the purposes of a prosecution or a proposed prosecution under this Act, be separately published or disclosed to any undertaking or to any person not being an employee of the department who has made the statutory declaration specified in section 21.
- (4) All statistical information published by the Statistician shall be arranged in such a manner as to prevent any particulars published from being identifiable by any person (other than the person by whom those 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.
- (5) For the purposes of subsection (4), the Statistician shall make such office rules as he considers necessary.
- (6) Subsections (2) and (3) apply notwithstanding any provision contained in the Customs and Excise Act 2018, the Tax Administration Act 1994 or any other Act.

Section 37: replaced, on 14 August 1985, by section 7(1) of the Statistics Amendment Act 1985 (1985 No 119).

Section 37(6): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 37(6): amended, on 1 April 1995, by section YB 1 of the Income Tax Act 1994 (1994 No 164).

37A Statistician authorised to disclose certain information

Notwithstanding section 37, the Statistician may disclose the following information:

- (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:
- (f) information supplied by a local authority.

Section 37A: replaced, on 14 August 1985, by section 7(1) of the Statistics Amendment Act 1985 (1985 No 119).

37B Disclosure of information collected jointly

Notwithstanding section 37, 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 and information collected under any enactment other than this Act and processed by the department may be disclosed 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 disclosed 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.

Section 37B: replaced, on 14 August 1985, by section 7(1) of the Statistics Amendment Act 1985 (1985 No 119).

37C Disclosure of individual schedules for bona fide research or statistical purposes

- (1) Despite section 37, the Statistician may disclose individual schedules to any person if—
 - (a) the information contained in the schedules is to be used by that person solely for bona fide research or statistical purposes in relation to a matter of public interest; and
 - (b) the Statistician is satisfied that the person has the necessary research experience, knowledge, and skills to access and use the information contained in the schedules; and
 - (c) the disclosure is not prevented by subsection (2).
- (2) An individual schedule must not be disclosed under this section unless—

- (a) the name and address of the person or undertaking by whom or by which the schedule was supplied are deleted; and
 - (b) every person involved in the research or statistical project has made a statutory declaration of secrecy (similar to that prescribed in section 21) declaring that the schedule or any information contained in it will be used only for the purposes of that research or statistical project; and
 - (c) the Statistician is satisfied that the security of the schedule and any information contained in it will not be impaired.
- (3) The published results of any such research or statistical project shall not divulge any more information than the Statistician could publish under this Part.
- (4) Every person to whom individual schedules are disclosed under this section must—
- (a) use the schedules and the information contained in them only for the purposes of the research or statistical project; and
 - (b) comply with any directions given by the Statistician relating to the schedules and the information contained in them.

Section 37C: replaced, on 14 August 1985, by section 7(1) of the Statistics Amendment Act 1985 (1985 No 119).

Section 37C heading: amended, on 31 August 2012, by section 4(1) of the Statistics Amendment Act 2012 (2012 No 67).

Section 37C(1): replaced, on 31 August 2012, by section 4(2) of the Statistics Amendment Act 2012 (2012 No 67).

Section 37C(2): replaced, on 31 August 2012, by section 4(2) of the Statistics Amendment Act 2012 (2012 No 67).

Section 37C(4): replaced, on 31 August 2012, by section 4(3) of the Statistics Amendment Act 2012 (2012 No 67).

37D Disclosure of historical documents

Despite section 37, the Statistician may authorise the disclosure, after 100 years, of individual schedules (whether provided under Part 3 or otherwise) that the Statistician has classified as historical documents, after having regard to the advice of the Chief Archivist.

Section 37D: replaced, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

37DA Disclosure of individual schedules for statistical purposes

- (1) Despite sections 37 and 37C, on and from the date of the transfer under section 22(3)(a) of the Public Records Act 2005 of individual schedules provided to the Statistician under Part 3, the Statistician must authorise, solely for statistical purposes, the disclosure of those individual schedules.
- (2) An individual schedule must not be disclosed under this section unless—

- (a) every person involved in the statistical project makes a statutory declaration similar to the declaration of secrecy prescribed by section 21; and
 - (b) the Statistician is satisfied that the security of the individual schedules and any information contained in them will not be impaired.
- (3) The published results of a statistical project referred to in subsection (2) must not divulge more information than the Statistician could publish under this Part.

Section 37DA: inserted, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

37E Security of recorded information

In respect of the statistical information that 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.

Section 37E: replaced, on 14 August 1985, by section 7(1) of the Statistics Amendment Act 1985 (1985 No 119).

37F Power of Statistician to release information to New Zealand Meat Producers Board

- (1) For the purposes of this section,—
farmer, at any time, means a livestock farmer (within the meaning of section 4 of the Meat Board Act 2004) who or that then owns (in New Zealand) 250 or more sheep or goats, or 50 or more beef cattle
Meat Board means the New Zealand Meat Board established by section 4(1) of the Meat Board Act 1997
wool grower, at any time, means a grower (within the meaning of section 2 of the Wool Board Act 1997) who or that then owns (in New Zealand) 250 or more sheep.
- (2) Notwithstanding section 37, but subject to subsection (3), the Statistician is authorised—
 - (a) to supply, from time to time, to the Meat Board an index or list of the names and addresses of farmers.
 - (b) *[Repealed]*
- (3) Disclosure, pursuant to subsection (2), of the name and address of any farmer or wool grower may take place only where—
 - (a) the schedule completed by that farmer or wool grower—
 - (i) states that the Statistician is authorised in accordance with this section to disclose the name and address of any person as a farmer

- or wool grower unless that person objects in the manner prescribed by the schedule or in writing to such disclosure; and
- (ii) states the purposes for which any information disclosed under this section may be used; and
- (b) that farmer or wool grower does not object in the manner prescribed by the schedule or in writing to the disclosure of his name and address.
- (4) The Meat Board shall use the index or list supplied to it under subsection (2)(a) only—
- (a) for the purposes of regulations prescribing procedures for the election of directors; or
- (b) for the purposes of distributing to the farmers named in the index or list copies of the annual report and other publications of the Meat Board.
- (5) *[Repealed]*
- (6) Every person commits an offence who, being a person who has received an index or list supplied to the Meat Board under subsection (2) for any of the purposes referred to in subsection (4) or subsection (5), delivers that index or list to any other person for a purpose not connected with those purposes or uses any information acquired by him from that index or list for a purpose not connected with those purposes.

Section 37F: replaced, on 14 August 1985, by section 7(1) of the Statistics Amendment Act 1985 (1985 No 119).

Section 37F heading: amended, on 15 September 2003, by section 62(3) of the Wool Industry Restructuring Act 2003 (2003 No 40).

Section 37F(1) **farmer**: replaced, on 17 December 1997, by section 82(1) of the Meat Board Act 1997 (1997 No 105).

Section 37F(1) **farmer**: amended, on 1 July 2004, pursuant to section 90(1) of the Meat Board Act 2004 (2004 No 58).

Section 37F(1) **Meat Board**: replaced, on 17 December 1997, by section 82(1) of the Meat Board Act 1997 (1997 No 105).

Section 37F(1) **Wool Board**: repealed, on 15 September 2003, by section 62(3) of the Wool Industry Restructuring Act 2003 (2003 No 40).

Section 37F(1) **wool grower**: replaced, on 17 December 1997, by section 61(1) of the Wool Board Act 1997 (1997 No 107).

Section 37F(2)(b): repealed, on 15 September 2003, by section 62(3) of the Wool Industry Restructuring Act 2003 (2003 No 40).

Section 37F(4)(a): replaced, on 17 December 1997, by section 82(1) of the Meat Board Act 1997 (1997 No 105).

Section 37F(5): repealed, on 15 September 2003, by section 62(3) of the Wool Industry Restructuring Act 2003 (2003 No 40).

Section 37F(6): amended, on 15 September 2003, by section 62(3) of the Wool Industry Restructuring Act 2003 (2003 No 40).

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 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 5
Offences and penalties**

39 Failure by enumerator, sub-enumerator, or agent to carry out duties

[Repealed]

Section 39: repealed, on 14 August 1985, by section 8 of the Statistics Amendment Act 1985 (No 119).

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 that 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.

Compare: 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.

Compare: 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.

Compare: 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 conviction to a fine not exceeding \$500 or, in the case of a body corporate, to a fine not exceeding \$2,000.
- (2) The conviction of any person of an offence against subsection (1) 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 conviction in respect of each day after the expiration of those 14 days to a fine not exceeding \$20 or, in the case of a body corporate, to a fine not exceeding \$80.
- (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.
- (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.

Compare: 1955 No 45 s 30

Section 43(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 43(1): amended, on 5 November 1982, by section 11(1)(a) of the Statistics Amendment Act 1982 (1982 No 38).

Section 43(1): amended, on 5 November 1982, by section 11(1)(b) of the Statistics Amendment Act 1982 (1982 No 38).

Section 43(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 43(2): amended, on 5 November 1982, by section 11(2)(a) of the Statistics Amendment Act 1982 (1982 No 38).

Section 43(2): amended, on 5 November 1982, by section 11(2)(b) of the Statistics Amendment Act 1982 (1982 No 38).

Section 43(2A): inserted, on 5 November 1982, by section 11(3) of the Statistics Amendment Act 1982 (1982 No 38).

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.

Compare: 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.

Compare: 1955 No 45 s 32

45A Offence to use information for unauthorised purpose or fail to comply with directions

- (1) Every person to whom individual schedules are disclosed under section 37C commits an offence who knowingly contravenes—
- (a) section 37C(4)(a); or
 - (b) section 37C(4)(b).
- (2) A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$500 or, in the case of a body corporate, not exceeding \$2,000.

Section 45A: inserted, on 31 August 2012, by section 5 of the Statistics Amendment Act 2012 (2012 No 67).

Section 45A(2): amended, on 4 October 2013, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

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.

Compare: 1955 No 45 s 33

46A Evidence in proceedings for offences

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, 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) in respect of a government department, as the case may be; or
- (b) that, pursuant to section 14(d), the Minister has approved the collection of information concerning any or all of the matters specified in section 4,—

shall, in the absence of proof to the contrary, be sufficient evidence that pursuant to section 6, 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) in respect of a government department, as the case may be, or that pursuant to section 14(d), the Minister has approved the collection of information concerning any or all of the matters specified in section 4.

Section 46A: inserted, on 5 November 1982, by section 12 of the Statistics Amendment Act 1982 (1982 No 38).

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 conviction to a fine not exceeding \$500 or, in the case of a body corporate, not exceeding \$2,000.

Section 47: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 47: amended, on 5 November 1982, by section 13(a) of the Statistics Amendment Act 1982 (1982 No 38).

Section 47: amended, on 5 November 1982, by section 13(b) of the Statistics Amendment Act 1982 (1982 No 38).

Part 6

Miscellaneous provisions

48 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 12 months after the date on which the offence was committed.

Section 48: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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 3 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.
- (1A) Regulations under subsection (1) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (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.
- (3) An Order in Council under subsection (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 49(1A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 49(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

50 Repeal and revocations

- (1) The Statistics Act 1955 is hereby repealed.
- (2) The regulations specified in the Schedule are hereby revoked.

Schedule
Regulations revoked

s 50(2)

Census Regulations 1951 (SR 1951/61)

Distribution Statistics Regulations 1954 (SR 1954/18)

Notes

1 *General*

This is a consolidation of the Statistics Act 1975 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Statistics Amendment Act 2013 (2013 No 134)

Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409): regulation 3(1)

Statistics Amendment Act 2012 (2012 No 67)

Criminal Procedure Act 2011 (2011 No 81): section 413

Duties of Statutory Officers (Census and Other Remedial Provisions) Act 2011 (2011 No 64): section 4

Public Records Amendment Act (No 2) 2010 (2010 No 133): section 19

Statistics Amendment Act 2010 (2010 No 86)

Public Records Act 2005 (2005 No 40): section 67(1)

Meat Board Act 2004 (2004 No 58): section 90(1)

Corrections Act 2004 (2004 No 50): section 206

Wool Industry Restructuring Act 2003 (2003 No 40): section 62(3)

Local Government Act 2002 (2002 No 84): section 262

District Courts Amendment Act 1998 (1998 No 76): section 7

Wool Board Act 1997 (1997 No 107): section 61(1)

Meat Board Act 1997 (1997 No 105): section 82(1)

Income Tax Act 1994 (1994 No 164): section YB 1

Statistics Amendment Act 1994 (1994 No 159)

Statistics Amendment Act 1988 (1988 No 213)
State Sector Act 1988 (1988 No 20): section 90(a)
Statistics Amendment Act 1986 (1986 No 110)
Statistics Amendment Act 1985 (1985 No 119)
Statistics Amendment Act (No 2) 1982 (1982 No 163)
Statistics Amendment Act 1982 (1982 No 38)
Statistics Amendment Act 1978 (1978 No 126)
Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 3(3)