

Data and Statistics Bill

Government Bill

As reported from the Governance and Administration Committee

Commentary

Recommendation

The Governance and Administration Committee has examined the Data and Statistics Bill and recommends that it be passed. We recommend all amendments unanimously.

About the bill as introduced

The bill would repeal the Statistics Act 1975 and replace it with a new Data and Statistics Act that is intended to be more modern, fit for purpose, and future-proofed. The purpose of the bill is to:

- ensure that high-quality, impartial, and objective official statistics are produced
- promote consistent and collaborative approaches across government
- improve the quality of data collected across government to promote its usefulness for producing official statistics and research
- protect the interests of people and organisations represented in data that is used to produce official statistics and research
- recognise and respect the Crown's responsibility to give effect to te Tiriti o Waitangi/the Treaty of Waitangi by providing for the interests of Māori in data, statistics, and research.

The bill seeks to address a range of issues with the Statistics Act. That Act was designed for a largely paper-based environment and has not kept pace with modern legislation or data development. The bill would:

- recognise the Crown's responsibility to consider and provide for Māori interests in data and statistics
- enable more effective system leadership

- strengthen and future-proof the framework for collecting data for official statistics
- modernise the framework for accessing data for research
- continue to provide appropriate safeguards and protections to ensure public trust and confidence when data is collected and used for official statistics and research.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Excluding court and judicial information

Clause 6 provides a definition of an "organisation". It would include any body of persons (whether corporate or unincorporated), including whānau, hapū, or iwi, other than a public sector agency.

We recommend amending clause 6 to exclude from the definition a court or tribunal in relation to its judicial functions. Given the importance of the confidentiality of some court proceedings, we consider that it would be inappropriate for the Government Statistician to require courts and tribunals to provide this type of data for official statistics.

We note that, if other legislation expressly prevents the provision of data, public sector agencies are not required to provide data in response to a mandatory request. They are also not authorised to provide data to the Statistician voluntarily or by agreement.

We were advised that it would be desirable to clarify that the provisions of the District Court Act 2016 and the Senior Courts Act 2016 prevent the Ministry of Justice from providing court and judicial information to the Statistician. We recommend inserting section 236(3A) into the District Court Act and section 173(3A) into the Senior Courts Act to expressly prevent the provision of this type of information to the Statistician.

Excluding certain agencies from the definition of public sector agency

Offices of Parliament

Clause 7 lists the public sector agencies that would be covered by the legislation. Clause 7(1) provides that an Office of Parliament, as defined in section 2(1) of the Public Finance Act 1989, would be considered a public sector agency.¹ Under clause

29(1), a public sector agency would need to comply with a request for data made under sections 23 or 26.² They would need to do so by the date, and in the manner and form, specified in the request. Clause 45 sets out certain obligations of each public sector agency.

The Chief Ombudsman and the Office of the Auditor-General expressed concern about being included within the definition of a public sector agency. They believe their inclusion would make them subject to the powers of the executive branch of government. This is constitutionally inappropriate because it would undermine their statutory independence.

We understand that the bill is not intended to limit the independence of the Offices of Parliament. We agree that the obligation to comply with a request for data under clause 29 should not apply to Offices of Parliament. We therefore recommend deleting clause 7(1), and inserting clause 29(3A) to make it clear that an Office of Parliament should treat the provision of any data requested as voluntary.

Clause 47 relates to the use of data provided by an individual or organisation, as described in section 22(c)(i), for research. That section would enable the Statistician to collect data from any individual, public sector agency, or organisation by agreement, without a request having been made under sections 23 or 26. The Statistician would have to consider that the data was desirable for research under Part 5 of the legislation (which provides the framework for accessing data for research).

Clause 47(2) provides that the data could only be used to produce official statistics if the Minister approved its use, or the individual or organisation from which the data was collected authorised its use for that purpose.

We recommend inserting clause 47(3) to specify that, if data was collected from an Office of Parliament for research, their authorisation would be needed if the data was to be used for the production of official statistics.

Parliamentary agencies

As introduced, clause 7(m) defines the Office of the Clerk of the House of Representatives and the Parliamentary Service as a “public sector agency”. The Clerk of the House of Representatives expressed concern that these parliamentary agencies were also being treated as part of the Executive, or subject to its direction. He pointed out that the parliamentary agencies belong to a separate branch of government and have statutory independence. The Clerk agreed with the Chief Ombudsman and the Controller and Auditor-General that such provisions are constitutionally inappropriate. The Chief Executive of the Parliamentary Service also shared these concerns.

¹ The Offices of Parliament are the Parliamentary Commissioner for the Environment (and that Commissioner’s office), the Office of Ombudsmen, and the Auditor-General.

² Section 23 would enable the Statistician to request data from an individual, public sector agency, or organisation to produce official statistics. Section 26 would authorise certain public sector agencies to request data.

We understand that the parliamentary agencies hold data and information that it would not be appropriate to divulge. The Clerk was also concerned that the bill, as introduced, could inadvertently create a conflict between Parliament's existing confidentiality requirements and direction by an agency of the Executive.

We consider that the provision of any information requested should be voluntary for parliamentary agencies. Therefore, we recommend deleting clause 7(m) and adding the parliamentary agencies to proposed new clauses 29(3A) and 47(4).

Functions of the Government Statistician

Clause 12 provides for the appointment of a Government Statistician who would also be the chief executive of Statistics New Zealand (Stats NZ). Clause 13 sets out the functions of the Government Statistician. Clause 13(c) would enable the Statistician to authorise access to data for research in accordance with section 48.

We note that Stats NZ has two large integrated databases of microdata. The Integrated Data Infrastructure (IDI) contains de-identified linked data about people and households and the Longitudinal Business Database contains de-identified linked data about businesses.³

We believe the authority to integrate data for official statistics and research should be explicitly recognised in legislation. To enable this, we recommend adding two new functions for the Statistician. Our proposed new clause 13(aaa) would permit the Statistician to collect data in accordance with the legislation. Our proposed new clause 13(aab) would enable the Statistician to manage data, including linking data to form integrated sets, to produce official statistics and for research.

Delegation of the functions or powers of the Statistician

Clause 17 would enable the Statistician to delegate any of their functions under this, or any other, legislation (except for the powers to issue compliance or infringement notices). The Privacy Commissioner suggested that the Statistician should need to be satisfied that another agency had the capability to perform the functions or powers safely and responsibly before functions or powers were delegated to them. The Privacy Commissioner also proposed that the Statistician develop an assurance framework for assessing that capability.

We agree with the Privacy Commissioner that it is important that the Statistician has confidence that a delegate has the capability and culture to maintain privacy and confidentiality to the same standard as Stats NZ. We consider that the Statistician would be highly motivated to take care when considering possible delegations. This is because the Statistician would be responsible for any actions taken by a person acting under delegation. We do, however, recommend amending clause 17 to insert a requirement for the Statistician to publish information about relevant delegation,

³ De-identified data is data that has had personal identifiers removed or encrypted so that data records are not associated with named individuals.

including their process in making the decision. We believe this would provide more transparency and accountability for the delegation of the Statistician's functions and powers.

Establishing a multi-year data and statistical programme

Clause 18 would require the Statistician to establish a multi-year data and statistical programme. Under clause 20, when preparing a draft programme, the Statistician would need to consult public sector agencies and any other person that they deemed appropriate.

We consider that the Statistician should also be required to consult the public generally, and individuals and organisations that the Statistician considered had a particular interest in the programme. We recommend amending clause 20 to this effect.

In his written submission, the Chief Ombudsman pointed out that the census is important for collecting data about people with disabilities. We have therefore proposed an amendment to clause 36, which would require the Statistician to consult any Offices of Parliament that the Statistician considered had a particular interest in the census. We believe it is also important that the interests of people with disabilities are considered when the Statistician is preparing a draft multi-year data and statistical programme. Consequently, we recommend amending clause 20 to require the Statistician to consult any Offices of Parliament that the Statistician considered had an interest in the programme.

Jointly collecting data with public sector agencies

Clause 24 would enable the Statistician to enter into an agreement with 1 or more public sector agencies to jointly collect data with the Statistician. The agreement would be for data that the agency had authority to collect for the performance of its functions or activities and that the Statistician required for official statistics.

We note that the bill would require the Government Statistician and researchers to take all reasonable steps to ensure that they did not publish data in a form that could identify any individual or organisation. However, the bill as introduced does not contain a similar requirement for public sector agencies operating under clause 24. We consider that those public sector agencies should be subject to the same requirements as the Government Statistician and researchers. Therefore, we recommend amending clause 24(6) to include such a requirement.

Enabling groups to authorise the publication or disclosure of identifiable data

Clause 24(7)(a) provides that an individual or a competent officer of an organisation could authorise the publication or disclosure of identifying data relating to them. We note that some organisations may not have a corporate structure that has a decision-making body or person. This could make it difficult for iwi, hapū, and other collectives or groups to authorise the publication or disclosure of identifiable data about themselves. To address this, we recommend removing the references to "competent

officer” in clauses 24, 39, and 54. We also recommend inserting clause 94A, to provide for a person to give an authorisation for an organisation if the Statistician was satisfied the person was authorised to represent the organisation.

Census of population and dwellings

Clause 34 would require the Statistician to take a census of populations and dwellings of New Zealand in 2023 and in every fifth year after that. If a change in the timing of the next census was needed, the bill as introduced would not allow the census date to be changed beyond the specified year, 2023. We believe flexibility is needed given the uncertainties created by COVID-19. We therefore recommend amending clause 34 to extend the period in which the next census could take place to “2023 or 2024”. We do not recommend any substantive change to the transitional provisions that apply to the next census in clause 4 of Schedule 1 of the bill.

National members support providing flexibility in the timing of the next census, but believe the amendment to clause 34 is too broad. As amended, the bill gives the Statistician discretion to delay the census planned for 2023 without providing any reasons. National believes that this should be a decision made by the Minister following public consultation, with the reasons for doing so restricted to the following events:

- a National State of Emergency
- an unreasonable level of risk to public health
- an unreasonable level of risk to the health and safety of Statistics New Zealand staff
- civil unrest.

National will table a Supplementary Order Paper to tighten the criteria and provide clearer scenarios that would justify a delay.

Clause 34 provides that the taking of a census could involve the collection of data by any of the methods described in section 22. It would include requests by the Statistician under section 23 for data from individuals, public sector agencies, or organisations.

We note that censuses in the future may not involve direct contact with individuals. We recommend inserting clause 34(5A) to make it clear that a request to an individual under section 23 as part of the census could be given by public notice.

Consultation on census

Clauses 35 and 36 set out who the Statistician would be required to consult and engage with before determining how the census will be taken and what data will be collected. Under clause 35, they would need to consult public sector agencies, the public generally, and any interest groups the Statistician considered appropriate.

Clause 36 provides that the Statistician would need to engage with Māori in ways that the Statistician was satisfied would fulfil their duty in section 14(a). That section sets out the Statistician’s duties relating to te Tiriti o Waitangi/the Treaty of Waitangi.

To better align with partnership under the Treaty, we consider that engagement with Māori should occur before the consultation with other groups. We recommend swapping clauses 35 and 36 to reflect this.

As previously noted, we recommend amending clause 36 to enable the Statistician to consult any public sector agencies, Offices of Parliament, individuals, or organisations that the Statistician considered had a particular interest in the census.

Situations where the Statistician could publish or disclose identifiable data

Clause 39(1) would require the Statistician to take all reasonable steps to ensure that they did not publish or disclose data in a form that could reasonably be expected to identify an individual or an organisation. Clause 39(2) sets out the exceptions when the Statistician could publish or disclose data in a form that could identify an individual or organisation.

We note that Stats NZ publishes data about people living in small geographic areas to meet users' needs for social, demographic, and economic statistics. For example, it publishes census data for statistical geographic areas, of which there are more than 29,000. These areas generally have 100 to 200 residents. We understand that, when publishing data for small geographic areas, there could be situations where Stats NZ published data about a characteristic of the population that incidentally identified an organisation. An example could be demographic data about people living in residential care that may relate to a residential care provider that owns all the care facilities in that area. The situation could also apply to data covering larger geographic regions. For example, data about the associations that people have with a religious, social, or cultural group could relate to a specific organisation that had a strict membership system.

Because disclosing data that identified an organisation would be inconsistent with clause 39(1), we discussed whether an exception to the confidentiality provisions should be inserted.

We were advised that the availability, quality, and usefulness of data could be affected if the Statistician was unable to apply an exception. This is because Stats NZ would need to suppress data about any associations. Also, it would not be practicable to obtain authorisations from the organisations that could be identified. Stats NZ would need to know detailed information about the existence and particular characteristics of organisations. It would then need to contact them to seek authorisation and modify the data if authorisation was not given.

We were initially concerned about the effects of including an exception but received an assurance that it is necessary. We therefore recommend inserting clause 39(2)(ba) to allow the Statistician to publish or disclose data in a form that could identify an organisation if the purpose of the identification was to describe characteristics of the population. Our proposed amendment would not override the obligation in clause 39(1) to maintain the confidentiality of individuals.

Disclosure of historical documents

Clause 41 states that the Statistician could authorise the disclosure of any document or class of documents that they had classified as a historical document or class of documents. This would need to be in consultation with the Chief Archivist.

For consistency with the rest of subpart 5 of the bill, we recommend replacing the references to “documents” with “data”.

Access to data for research

Ensuring that the research is in the public interest

Clause 48 sets out when the Statistician could authorise access for research purposes to data held by Stats NZ. Clause 48(1)(a) provides that the Statistician would need to be satisfied that the proposed research was in the public interest.

Clause 49 specifies the factors the Statistician may consider when determining whether the proposed research is in the public interest. They include the nature and extent of any:

- likely benefit to the public from the proposed research (clause 49(a))
- likely contribution to the economic, social, cultural, and environmental well-being of Māori from the proposed research (clause 49(b))
- risk to public confidence in the protection of the data or any risk of harm to any individual or organisation from the proposed access (clause 49(c)).

We consider that it should be mandatory for the Statistician to take into account the factors in clause 49(a) to (c), and recommend amending clause 49 accordingly.

We also believe that the Statistician should be required to consider the risk of harm to Māori when determining whether the proposed research was in the public interest. We recommend amending clause 49(c) to include this requirement.

Ensuring that researchers are appropriate

Under clause 48(1)(b) the Statistician would need to be satisfied that the individual, public sector agency, or organisation seeking access to data was an appropriate researcher. Clause 50 sets out the factors that the Statistician would need to consider to determine whether the researcher was appropriate.

Clause 50(a) specifies that, if the researcher was a public sector agency or organisation, the Statistician would need to take into account the experience, knowledge, and skills of relevant individuals. We understand that the provisions relating to access to data for research are intended to be flexible enough to enable a research team to consist of researchers with different levels of experience. The provisions are also intended to support collaboration between researchers and community groups.

We recommend inserting clause 50(2) to make these intentions clearer. Our proposed amendment would permit the Statistician to determine whether the research team collectively had the necessary experience, rather than each individual.

Authorising access to data held by other public sector agencies

Clause 39(2)(b) to (f) sets out when the Statistician could authorise that data be published or disclosed even if it could be reasonably expected to identify an organisation or individual. Under clause 55, the Statistician could allow the chief executive of a public sector agency to authorise access for research to data held by that agency.

We consider that it would be reasonable for chief executives of public sector agencies using Part 5 of the legislation (which covers access to data for research) to authorise a researcher to publish or disclose data in accordance with clause 39(2)(b) to (e). We recommend amending clause 56 to provide for this.

Consultation on written standards

Clause 90 would enable the Statistician to provide written standards in relation to a range of matters. We recommend amending this wording to refer to setting standards, rather than providing written standards. Under clause 91, before setting a standard, the Statistician would need to engage with Māori in ways that would fulfil their duty in section 14(a) to the principles of te Tiriti/the Treaty.

We consider that the Statistician should also be required to consult the public before setting a standard. We would not expect this to apply to an amendment to a standard if the Statistician was satisfied that the amendment was minor or correcting a minor error. We recommend inserting clause 91A to this effect.

Appendix

Committee process

The Data and Statistics Bill was referred to the committee on 9 November 2021. We invited the Minister of Statistics, Hon Dr David Clark, to provide the first oral submission on the bill. They did so on 16 February 2022.

The closing date for submissions on the bill was 22 December 2021. We received and considered 40 submissions from interested groups and individuals. We heard oral evidence from 19 submitters via videoconference.

We received advice on the bill from Statistics New Zealand. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Ian McKelvie (Chairperson)

Rachel Boyack

Naisi Chen

Dr Deborah Russell (until 4 May 2022)

Jamie Strange (from 4 May 2022)

Hon Michael Woodhouse

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Dr David Clark

Data and Statistics Bill

Government Bill

Contents

		Page
1	Title	6
2	Commencement	6
Part 1		
Preliminary provisions		
3	Purpose	6
4	Te Tiriti o Waitangi/Treaty of Waitangi	7
5	Overview	7
6	Interpretation	9
7	Meaning of public sector agency	10
8	Transitional, savings, and related provisions	11
9	Act binds the Crown	11
Part 2		
Roles and responsibilities		
10	Statistics New Zealand	11
11	Functions and powers of Minister	11
<i>Government Statistician</i>		
12	Government Statistician	11
13	Functions of Statistician	12
14	Duties of Statistician relating to Tiriti o Waitangi/Treaty of Waitangi	12
15	Principles of engagement by the Statistician with Māori	13
16	Independence of Statistician	13
17	Delegation of functions or powers of Statistician	13

Data and Statistics Bill

Multi-year data and statistical programme

18	Multi-year data and statistical programme	14
19	Engagement with Māori on multi-year data and statistical programme	15
20	Consultation on draft multi-year data and statistical programme	15
21	Review and amendment of multi-year data and statistical programme	15

Part 3

Collection of data and statistical confidentiality

Subpart 1—Collecting data

22	Collecting data	15
----	-----------------	----

Subpart 2—Requests for data

23	Statistician may request data from individual, public sector agency, or organisation to produce official statistics	16
24	Joint collections	16
25	Statistician may authorise public sector agency to request data for Statistician to produce official statistics	17
26	Public sector agency authorised under section 25 may request data	17
27	Matters to be specified in request under this Part	18
28	Certain requests for data under this Part require approval by Minister	18

Obligation to comply with request

29	Obligation to comply with request	19
----	-----------------------------------	----

Authority to provide data voluntarily in response to request

30	Authority to provide data voluntarily in response to request	19
----	--	----

Conditions not to be imposed in response to request

31	Conditions not to be imposed in response to request	20
----	---	----

Subpart 3—Collection by agreement with Statistician without request

32	Authority to provide data by agreement with Statistician without request	20
33	Circumstances where in which data may be collected as described in section 22(c)(i) subject to access conditions	20

Subpart 4—Census of population and dwellings

34	Census of population and dwellings	21
35	Consultation on census	22
36	Engagement with Māori on census	22
35	<u>Engagement with Māori on census</u>	<u>22</u>
36	<u>Consultation on census</u>	<u>22</u>

Data and Statistics Bill

37	Review after each census	22
38	Duty to obtain details regarding request for data in census	23
	Subpart 5—Statistical confidentiality	
39	Statistician authorised to publish or otherwise disclose certain data	23
40	When Statistician may disclose identifying data to individual, public sector agency, or organisation	24
41	Disclosure of historical documents <u>data</u>	24
42	Certificate of confidentiality	25
	Part 4	
	Official statistics	
43	Matters on which official statistics may be produced	26
44	Minister may direct Statistician to produce or cease production of statistics on matter	26
45	Obligations of public sector agencies	26
46	Statistician may make official statistics available subject to temporary conditions relating to broadcast, publication, or other disclosure	27
	<i>Use of data collected by agreement for research</i>	
47	Use of data provided by individual or organisation as described in section 22(c)(i)	27
	Part 5	
	Access to data for research	
	Subpart 1—Access to data held by Statistics New Zealand	
	<i>Authorising access to data for research</i>	
48	When Statistician may authorise access to data for research	28
49	Statistician must be satisfied research is in public interest	29
50	Statistician must be satisfied individual, public sector agency, or organisation seeking access to data is appropriate researcher	30
51	Statistician must be satisfied access to data is subject to appropriate measures to protect privacy, confidentiality, and security of data	31
52	Additional consideration if overseas person seeking access to data	31
53	Statistician must publish information about access to data under this subpart	32
	<i>Researcher obligations</i>	
54	Researcher obligations in relation to data accessed for research	32
	Subpart 2—Access to data held by other public sector agencies	
55	Statistician may determine that certain public sector agencies may authorise access <u>to data</u> for research in accordance with this Part	33
56	Effect of determination under section 55	34

Part 6
Offences and enforcement

Subpart 1—Power of entry and inspection

57	Power of entry and inspection	36
58	Search warrant	36
59	Data obtained using power of entry treated as data obtained under Act	37

Subpart 2—Compliance notices and offences

Compliance notices

60	Interpretation	37
61	Power to issue compliance notice	37
62	Content	37
63	Service of compliance notice	38
64	Compliance	38
65	Authorised person may amend or cancel compliance notice	38
66	Review of compliance notice	39
67	How review must be conducted	39

Procedure for infringement offences

68	Interpretation	39
69	Infringement offences	39
70	When infringement notice may be issued	40
71	Revocation of infringement notice before payment made	40
72	What infringement notice must contain	40
73	How infringement notice may be served	40
74	Payment of infringement fees	41
75	Reminder notices	41

Offences relating to failure to provide data

76	Failing or refusing to provide data	41
77	False or misleading statement	42

Offences relating to obligation to protect data

78	Breach of certificate of confidentiality	42
79	Wrongfully obtaining data while performing duty or function or exercising power under Act	42
80	Acting contrary to obligations under section 54	43
81	Giving or obtaining unauthorised access to data	43

Other offences

82	Penalties for non-compliance with compliance notice	44
83	Mutilation or defacement, etc, of data or request	44
84	Obstruction of Statistician or employee of Statistics New Zealand	44
85	Impersonation of Statistician or employee of Statistics New Zealand	44

Data and Statistics Bill

86	Deceiving Statistician or employee of Statistics New Zealand	45
87	Penalties for non-compliance with condition imposed under section 46	45
	<i>Infringement offences</i>	
88	Infringement offence for failing to provide data	45
89	Infringement offence for failing to obtain request for data in census	45
	Part 7	
	General and miscellaneous provisions	
	Subpart 1—General provisions	
90	Statistician may provide written set standards	46
91	Engagement with Māori on written standards	47
91A	<u>Consultation on standards</u>	47
92	Restrictions on delegation by chief executive of public sector agency of certain powers under Act	47
93	Annual report	47
94	Data is privileged	47
94A	<u>Authorisation by organisation</u>	48
95	Time for filing charging document	48
96	Evidence in proceedings for offences	48
97	Obligation continues even if data not provided by particular time date	48
98	Proof of signature of Statistician and certain other persons	49
99	Regulations	49
	Subpart 2—Amendments to enactments, repeals, and revocations	
100	Repeal	50
	<i>Amendment to Official Information Act 1982</i>	
101	Principal Act	50
102	Section 2 amended (Interpretation)	50
	<i>Amendment to Summary Proceedings Act 1957</i>	
103	Principal Act	50
104	Section 2 amended (Interpretation)	50
	<i>Other amendments and revocation</i>	
105	Other amendments and revocation	50
	Schedule 1	52
	Transitional, savings, and related provisions	
	Schedule 2	54
	Amendments to Acts relating to provision of data to Statistician	

Schedule 3	57
Amendments relating to references to products published by Statistics New Zealand	
Schedule 4	69
Consequential amendments to legislation	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Data and Statistics Act **2021**.

2 Commencement

This Act comes into force on **1 ~~June~~ August 2022**. 5

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to—

- (a) ensure that high-quality, impartial, and objective official statistics are produced relating to New Zealand to inform the public and inform decision making; and 10
- (b) promote consistent and collaborative practices across government in order to—
 - (i) enable the trusted collection and use of data for the production of official statistics and for research; and 15
 - (ii) minimise the burden on those providing data for the production of official statistics and for research by avoiding unnecessary duplication of requests; and
- (c) improve the quality of data collected across government, and eliminate gaps in data collected, to promote its usefulness for the production of official statistics and for research; and 20
- (d) protect the interests of the people and organisations represented in, or by, data that is used for the production of official statistics and for research, by providing for— 25
 - (i) appropriate privacy, confidentiality, and security; and
 - (ii) transparency about how the data is used; and
- (e) recognise and respect the Crown's responsibility to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi by providing for the interests of Māori in— 30

- (i) the collection of data, the production of statistics, and access to, and use of, data for research as tools for furthering the economic, social, cultural, and environmental well-being of Māori (including iwi and hapū); and
- (ii) the way in which data is collected, managed, and used for the production of official statistics and for research. 5

4 Te Tiriti o Waitangi/Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi, this Act—

- (a) imposes duties on the Statistician as set out in **section 14**: 10
- (b) sets out in **section 15** the principles of the engagement with Māori provided for under ~~sections 19, 36, and 91~~ **sections 19, 35, and 91**:
- (c) provides in **section 17** the ability for the Statistician to delegate the Statistician's powers:
- (d) in **section 19**, requires the Statistician to engage with Māori when preparing a draft multi-year data and statistical programme: 15
- (e) in ~~section 36~~ **section 35**, requires the Statistician to engage with Māori before determining the manner of taking, and the data to be collected in, a census of population and dwellings:
- (f) in **section 91**, requires the Statistician to engage with Māori when ~~preparing standards~~ setting a standard: 20
- (g) provides, in **Part 5**, criteria and requirements (for those authorising access to data for research under that Part) that are designed to reflect Māori interests in the use of data for research.

5 Overview 25

- (1) **Part 1** deals with preliminary matters, including the definitions of terms used in this Act.
- (2) **Part 2** provides for roles and responsibilities, including—
 - (a) the continuation of Statistics New Zealand (**section 10**):
 - (b) the functions and powers of the Minister under this Act (**section 11**): 30
 - (c) the appointment, functions, duties, and independence of the Government Statistician (**sections 12 to 17**):
 - (d) the establishment and periodic review of the multi-year data and statistical programme (**sections 18 to 21**).
- (3) **Part 3** provides for the collection of data and for matters concerning statistical confidentiality. It sets out— 35

-
- (a) the ways in which data may be collected by the Statistician, including the making of requests for data, the provision of data by agreement, and other methods of collection (**section 22**):
 - (b) provisions relating to the power of the Statistician, and, in certain cases, public sector agencies authorised by the Statistician, to make requests for data, and the obligation to comply with requests (**sections 23 to 31**): 5
 - (c) the authority for an individual, public sector agency, or organisation to provide information to the Statistician by agreement without a request (**sections 32 and 33**): 10
 - (d) specific requirements regarding the taking of the census of population and dwellings (**sections 34 to 38**):
 - (e) statistical confidentiality and the circumstances in which the Statistician may disclose information that identifies any person or organisation (**sections 39 to 42**). 15
 - (4) **Part 4** relates to the production of official statistics, including—
 - (a) the matters on which official statistics may be produced (**section 43**):
 - (b) the power of the Minister to direct the Statistician to produce or cease production of statistics (**section 44**):
 - (c) the obligations of a public sector agency to provide information to, consult, and assist the Statistician in relation to matters concerning the production of official statistics and affecting the data that might be made available for research under the this Act (**section 45**): 20
 - (d) the ability of the Statistician to make official statistics available to any person or group of persons subject to temporary conditions about publication and disclosure (**section 46**): 25
 - (e) limits on the use, for the production of official statistics, of data that is collected by agreement for research (**section 47**).
 - (5) **Part 5** relates to access to data for research, including—
 - (a) the Statistician's power to authorise access for research to data held by Statistics New Zealand (**sections 48 to 52**): 30
 - (aa) the Statistician's obligation to publish information about access to data held by Statistics New Zealand for research (**section 53**):
 - (b) the obligations of researchers who access data for research (**section 54**): 35
 - (c) the power of the chief executive of a public sector agency authorised to do so by the Statistician to grant access for research in accordance with **Part 5** to data held by that agency (**sections 55 and 56**).
 - (6) **Part 6** relates to offences and enforcement, including—

- (a) powers of entry for the Statistician to obtain data that the Statistician considers necessary or desirable to enable the Statistician to produce official statistics (**sections 57 to 59**):
- (b) powers to issue compliance notices and infringement notices to enforce compliance with the provisions of the Bill (**sections 60 to 75**): 5
- (c) offences (**sections 76 to 89**).
- (7) **Part 7** contains general and miscellaneous provisions, including—
 - (a) the power of the Statistician to ~~issue written set~~ standards relating to the production of official statistics and the collection and management of data for official statistics and research under ~~the this~~ Act (**section 90**): 10
 - (b) amendments to other Acts to clarify the extent to which those Acts limit or prevent the provision of data to the Statistician under **clauses 29, 30, and 32**.
- 6 **Interpretation** 15

In this Act, unless the context otherwise requires,—

~~authorised person~~, in sections ~~sections 69 to 73~~, has the meaning in ~~section 68~~

authorised person,—

 - (a) in sections 61 to 67, has the meaning given to it in **section 60**:
 - (b) in sections 69 to 73, has the meaning given to it in **section 68** 20

data includes information

infringement fee, in relation to an infringement offence, means the infringement fee for the offence specified in the regulations

infringement offence means an offence identified in this Act as being an infringement offence 25

Minister means the Minister of Statistics

Office of Parliament has the meaning given to it in section 2(1) of the Public Finance Act 1989

official statistics means statistics—

 - (a) produced by the Statistician or a public sector agency; or 30
 - (b) produced by an individual or organisation approved in writing by the Statistician to produce those statistics

~~organisation~~ includes—

 - (a) ~~any body of persons (whether corporate or unincorporated), including whānau, hapū, or iwi, other than a public sector agency; and~~ 35
 - (b) ~~for the purposes of Part 5, a government entity that has its head office or principal place of business outside New Zealand~~

organisation—**(a) includes—**

(i) any body of persons (whether corporate or unincorporated), including whānau, hapū, or iwi, other than a public sector agency; and

5

(ii) for the purposes of **Part 5**, a government entity that has its head office or principal place of business outside New Zealand; but

(b) does not include a court or tribunal in relation to its judicial functions

overseas person has the meaning set out in **section 52(3)**

produce, in relation to statistics, includes developing and designing statistics, and **production** has a corresponding meaning

10

provide, in relation to data requested under **Part 3**, means ~~providing to provide~~ the data to the Statistician or public sector agency requesting the data or ~~enabling to enable~~ the Statistician or public sector agency to access the data

public sector agency has the meaning given to it in **section 7**

15

regulations means regulations made under this Act

Statistician means the Government Statistician referred to in **section 12**.

7 Meaning of public sector agency

In this Act, unless the context otherwise requires, **public sector agency** means—

20

(a) a public service agency as defined in section 10(a) of the Public Service Act 2020:

(b) the New Zealand Police:

(c) the New Zealand Defence Force:

(d) a statutory entity named in Schedule 1 of the Crown Entities Act 2004:

25

(e) the Reserve Bank of New Zealand:

(f) an organisation named or described in Schedule 4, or a company named in Schedule 4A, of the Public Finance Act 1989:

(g) a board as defined in section 10(1) of the Education and Training Act 2020:

30

(h) an institution as defined in section 10(1) of the Education and Training Act 2020:

(i) a Crown entity company or Crown entity subsidiary as defined in section 10 of the Crown Entities Act 2004:

(j) a State enterprise as defined in section 2 of the State-Owned Enterprises Act 1986:

35

- (k) a mixed ownership model company as defined in section 2(1) of the Public Finance Act 1989:
 - (l) ~~an Office of Parliament as defined in section 2(1) of the Public Finance Act 1989:~~
 - (m) ~~the Office of the Clerk of the House of Representatives and the Parliamentary Service:~~ 5
 - (n) the Parliamentary Counsel Office:
 - (o) a local authority as defined in section 5(1) of the Local Government Act 2002.
- 8 Transitional, savings, and related provisions** 10
- The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.
- 9 Act binds the Crown**
- This Act binds the Crown.

Part 2 15

Roles and responsibilities

- 10 Statistics New Zealand**
- (1) There continues to be a department of State called Statistics New Zealand.
 - (2) Statistics New Zealand is the same body as the body of that name existing immediately before the commencement of this section. 20
- 11 Functions and powers of Minister**
- The Minister has the following functions and powers under this Act:
- (a) to specify the Government's data and statistical priorities:
 - (b) to approve the multi-year data and statistical programme required under **section 18:** 25
 - (c) to approve joint collection agreements under **section 24:**
 - (d) to exercise the power in **section 28(3)** (certain requests for data require approval by Minister):
 - (e) to exercise the power in **section 44** (Minister may direct Statistician to produce or cease production of statistics on matter). 30

Government Statistician

- 12 Government Statistician**
- (1) There must be an officer appointed under the Public Service Act 2020 to be called the Government Statistician.

- (2) The Government Statistician is also the chief executive of Statistics New Zealand.

Compare: 1975 No 1 s 13

13 Functions of Statistician

The functions of the Statistician include—

5

(aaa) to collect data in accordance with this Act:

(aab) to manage data (including linking data to form integrated sets) for the production of official statistics and for research:

(a) to produce and communicate, with or without comments, official statistics:

10

(b) to establish and maintain the multi-year data and statistical programme required under **section 18:**

(c) to authorise access to data for research in accordance with **section 48:**

(d) to guide and direct best practice in the production and communication of official statistics:

15

(e) to collaborate with statistics offices or agencies outside New Zealand to produce globally comparable statistics:

(f) to examine any published statistics and comment on their interpretation and validity, if the Statistician considers it necessary:

(g) to advise the Minister on data and statistical priorities:

20

(h) ~~to provide~~ set standards under **section 90:**

(i) to review the production of official statistics by other public sector agencies:

(j) to carry out any other functions conferred on the Statistician under this Act or any other legislation.

25

14 Duties of Statistician relating to Tiriti o Waitangi/Treaty of Waitangi

The Statistician must,—

(a) in performing the Statistician's functions under this Act, recognise and respect the Crown's responsibility to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi by recognising the interests of Māori in—

30

(i) the collection of data, the production of statistics, and access to, and use of, data for research as tools for furthering the economic, social, cultural, and environmental well-being of Māori (including iwi and hapū); and

35

(ii) the way in which data is collected, managed, and used for the production of official statistics and for research:

-
- (b) build and maintain the capability and capacity of Statistics New Zealand to—
 - (i) understand te Tiriti o Waitangi/the Treaty of Waitangi and the perspectives of Māori (including iwi and hapū) in relation to the collection and use of data for the production of official statistics and for research; and 5
 - (ii) engage with Māori about the collection of data, the production of official statistics, and the use of data for research under this Act to provide useful insights about the economic, social, cultural, and environmental well-being of Māori (including iwi and hapū): 10
 - (c) foster the capability and capacity of Māori to—
 - (i) collect and use data for the production of statistics; and
 - (ii) access and use data under this Act for research; and
 - (iii) engage with the Statistician under this Act.
- 15 Principles of engagement by the Statistician with Māori** 15
- The principles of the engagement required by ~~sections 19, 36, and 91~~ **sections 19, 35, and 91** are that engagement—
- (a) must begin early and be meaningful:
 - (b) should include early discussion of the ways in which the Statistician and Māori can most effectively engage in the particular context: 20
 - (c) should include consideration of opportunities for Māori to partner with the Statistician in relation to activities that are the subject of the engagement.
- 16 Independence of Statistician**
- (1) The Statistician has the sole responsibility for deciding on— 25
 - (a) the production of statistics by the Statistician, including the selection of data sources, concepts, definitions, methods, and classifications to be used; and
 - (b) the timing, manner, and content of the dissemination and communication of those statistics. 30
 - (2) This section is subject to **section 44**.
Compare: 1975 No 1 s 15(1)
- 17 Delegation of functions or powers of Statistician**
- (1) The Statistician may delegate in accordance with clauses 2 to 4 of Schedule 6 of the Public Service Act 2020 any of the Statistician's functions or powers under this Act or any other Act (including functions or powers delegated to the Statistician under this Act or any other Act), except that— 35

- (a) the delegation of functions or powers delegated to the Statistician by a Minister requires the prior written approval of that Minister; and
 - (b) the delegation of functions or powers delegated to the Statistician by the Public Service Commissioner requires the prior written approval of the Public Service Commissioner. 5
- (2) However, the Statistician must not delegate to a person outside the public service (as described in clause 2(5) of Schedule 6 of the Public Service Act 2020) any of the following:
 - (a) the power to issue a compliance notice under **section 61**:
 - (b) the power to issue an infringement notice under **section 70**. 10
- (3) Clauses 2 to 4 of Schedule 6 of the Public Service Act 2020 apply to delegations under this section as if those delegations were made under clause 2 of that schedule.
- (4) The Statistician must publish information about—
 - (a) any delegation the Statistician makes other than to an employee of, or an individual working as a contractor or as a secondee from elsewhere in the State services for, Statistics New Zealand; and 15
 - (b) matters considered by the Statistician in making the delegation.
- (5) The obligation under **subsection (4)**—
 - (a) may be fulfilled by publishing the information in the department's annual report; and 20
 - (b) does not limit clause 2(8) of Schedule 6 of the Public Service Act 2020.

Multi-year data and statistical programme

18 Multi-year data and statistical programme

- (1) The Statistician must establish a multi-year data and statistical programme. 25
- (2) The purpose of the programme is to identify and prioritise any of the following that may contribute to the purpose in **section 3**:
 - (a) the collection and holding of particular data by public sector agencies (including Statistics New Zealand):
 - (b) the production of particular statistics by the Statistician or public sector agencies. 30
- (3) The Statistician must prepare a draft multi-year data and statistical programme and submit it to the Minister for approval.
- (4) The Statistician must ensure that the programme is published at all times on an Internet site maintained by or on behalf of Statistics New Zealand. 35

- 19 Engagement with Māori on multi-year data and statistical programme**
 When preparing a draft multi-year data and statistical programme, the Statistician must engage with Māori in ways that the Statistician is satisfied will promote the fulfilment of the Statistician's duty in **section 14(a)**.
- 20 Consultation on draft multi-year data and statistical programme** 5
~~When preparing a draft multi-year data and statistical programme, the Statistician must consult public sector agencies and any other person that the Statistician thinks appropriate.~~
When preparing a draft multi-year data and statistical programme, the Statistician must consult, in the manner that the Statistician thinks appropriate,— 10
 (a) the public sector agencies and the Offices of Parliament that, in the opinion of the Statistician, have a particular interest in the programme:
 (b) the public generally:
 (c) the individuals and organisations that, in the opinion of the Statistician, have a particular interest in the programme. 15
- 21 Review and amendment of multi-year data and statistical programme**
 The multi-year data and statistical programme required under **section 18** must be reviewed by the Statistician at intervals not exceeding 5 years.
- (2) ~~The programme may be amended or replaced in the same way as it may be made:~~ 20

Part 3

Collection of data and statistical confidentiality

Subpart 1—Collecting data

- 22 Collecting data** 25
 Data may be collected by the Statistician under this Act—
 (a) by means of a request under **section 23**:
 (b) by means of a request on behalf of the Statistician by a public sector agency under **section 26**:
 (c) if the Statistician considers the data is necessary or desirable to enable the Statistician to produce official statistics, or desirable for research under **Part 5**,— 30
 (i) by collection from any individual, public sector agency, or organisation by agreement with the Statistician, without a request having been made under **section 23 or 26**; or

- (ii) by collection by the Statistician under any arrangement that the Statistician may think fit, including observation and publicly available sources.

Subpart 2—Requests for data

- 23 Statistician may request data from individual, public sector agency, or organisation to produce official statistics** 5
- (1) The Statistician may request data from an individual, public sector agency, or organisation if—
- (a) the individual, public sector agency, or organisation is in a position to provide the data; and 10
 - (b) the Statistician considers the data is necessary or desirable to enable the Statistician to produce official statistics.
- (2) When making a request under this section, the Statistician may, if the Statistician considers it is appropriate to do so, specify that the provision of the data is voluntary in whole or in part. 15
- 24 Joint collections**
- (1) ~~The Statistician may, with the approval of the Minister, enter into an agreement with 1 or more public sector agencies for the collection, jointly with the Statistician, of data that the agency has, or agencies have, authority to collect for the performance of its, or their, functions or activities.~~ 20
- (1) The Statistician may, with the approval of the Minister, enter into an agreement with 1 or more public sector agencies for the collection, jointly with the Statistician, of data that—
- (a) the agency has, or agencies have, authority to collect for the performance of its, or their, functions or activities; and 25
 - (b) the Statistician considers is necessary or desirable to enable the Statistician to produce official statistics.
- (2) The manner in which data to which the agreement applies may be collected is by the making of requests by the Statistician under **section 23**.
- (3) A request by the Statistician for data to which an agreement applies must— 30
- (a) state that the data is being collected by the Statistician under an agreement with the agency or agencies; and
 - (b) specify—
 - (i) that the data may be disclosed to an agency that is a party to the agreement; and 35
 - (ii) the purposes for which the data will or may be used under **sub-section (5)**.

- (4) The Statistician may, for the purpose in **subsection (5)** only, disclose to an agency that is a party to the agreement any data to which the agreement applies that is collected by the Statistician.
- (5) The purpose of the disclosure under **subsection (4)** is for the production by that agency of official statistics, or for research by the agency. 5
- ~~(6) An agency to which data is disclosed under **subsection (4)** may publish or otherwise disclose the data only in a form that could not reasonably be expected to identify any individual or organisation (subject to the exception in **subsection (7)**).~~
- (6) An agency to which data is disclosed under **subsection (4)** must take all reasonable steps to ensure that the agency does not publish or otherwise disclose the data in a form that could reasonably be expected to identify any individual or organisation. 10
- (7) **Subsection (6)** does not prevent the publication or other disclosure of identifying data about an individual or organisation if— 15
- (a) the individual, or, as the case may be, ~~a competent officer~~ of the organisation has authorised the publication or other disclosure; or
- (b) the Statistician authorises the publication or other disclosure of data and the publication or other disclosure of data is of a type described in **section 39(2)(b) to (e)**. 20

25 Statistician may authorise public sector agency to request data for
Statistician to produce official statistics

- (1) The Statistician may authorise a public sector agency to request data, on behalf of the Statistician, data that the Statistician considers is necessary or desirable to enable the Statistician to produce official statistics (whether or not the agency otherwise has authority to collect the data). 25
- (2) When giving an authority under this section, the Statistician may, if the Statistician considers it is appropriate to do so, specify that the provision of the data in response to any request made under **section 26** is to be, either in whole or in part, voluntary. 30

26 Public sector agency authorised under section 25 may request data

- (1) A public sector agency that is authorised under **section 25** to request data may request the data on behalf of the Statistician from an individual, public sector agency, or organisation if the individual, public sector agency, or organisation is in a position to provide it. 35
- (2) Data obtained by the public sector agency in response to a request under **subsection (1)** is, when it is provided to the Statistician by the agency, to be treated for all purposes under this Act and any other legislation as data collected by the Statistician under this Act.

- (3) The public sector agency must protect data that has been obtained by it in response to a request under **subsection (1)** by ~~such~~ the security safeguards as ~~that~~ are reasonable in the circumstances for the public sector agency to use.
- (4) The fact that data is obtained directly or indirectly by a public sector agency as a result of a request under **subsection (1)** does not confer any authority on that agency to use that data. 5

27 Matters to be specified in request under this Part

A request under **section 23 or 26** must—

- (a) specify that it is a request under this Act and specify which of **sections 23 or 26** the request is made under: 10
- (b) specify the data requested:
- (c) specify the date by which the data is to be provided:
- (d) specify the manner and form in which the data is to be provided:
- (e) in the case of a request under **section 23**, identify any data the provision of which is voluntary: 15
- (f) in the case of a request under **section 26**, if the Statistician has specified that the provision of the data is, either in whole or in part, voluntary, identify the data the provision of which is voluntary:
- (g) if the request is not, in whole, a request for the voluntary provision of information, contain a summary of the legal obligation under **section 29** to comply with the request and the consequences of non-compliance. 20

28 Certain requests for data under this Part require approval by Minister

- (1) A request for data under **section 23 or 26** must not be made unless an approval given by the Minister under **subsection (3)** applies to it.
- (2) **Subsection (1)** does not apply— 25
 - (a) if the request is to a public sector agency in **section 7(a) to (e)**; or
 - (b) if, and to the extent that, the provision of data is specified in the request to be voluntary.
- (3) The Minister may approve requests for data under **section 23 or 26** by all or any of the following means: 30
 - (a) specifying data that may be requested:
 - (b) specifying individuals, ~~organisations, and~~ public sector agencies, and organisations (or classes of individuals, ~~organisations, and~~ public sector agencies, and organisations) to which the making of requests is approved: 35
 - (c) approving the repetition of requests from time to time:
 - (d) approving a programme of work requiring the collection of particular data:

- (e) approving a particular request.

Obligation to comply with request

29 Obligation to comply with request

- (1) An individual, public sector agency, or organisation to ~~whom~~ which a request for data is made under **section 23 or 26** must provide the data by the date, 5
and in the manner and form, specified in the request.
- (2) **Subsection (1)** does not apply—
- (a) if legislation other than this Act expressly prevents the provision of the data; or
- (b) to any data the provision of which is identified in the request or other- 10
wise to be voluntary; or
- (c) in the case of a request made to a public sector agency, to any data the public sector agency refuses to provide under **subsection (3)**.
- (3) A public sector agency may refuse to provide data if providing the data to the Statistician for the production of official statistics would be likely— 15
- (a) to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
- (b) to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—
- (i) the Government of any other country or any agency of the Gov- 20
ernment of any other country; or
- (ii) any international organisation; or
- (c) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
- (3A) In the case of a request to an Office of Parliament, the Office of the Clerk of 25
the House of Representatives, or the Parliamentary Service, the provision of all the data requested is to be treated as voluntary.
- (4) Except with the prior approval of the Statistician, responding to a request by referring to another document from which the data can be obtained does not constitute compliance with the request. 30

Authority to provide data voluntarily in response to request

30 Authority to provide data voluntarily in response to request

- (1) This section applies to the provision of data in response to a request under **section 23 or 26** if the provision of the data is specified to be voluntary.
- (2) The individual, public sector agency, or organisation to ~~whom~~ which the 35
request is made is authorised to provide data to the Statistician under this Act unless—

- (a) legislation other than this Act expressly prevents the provision of the data; or
- (b) the provision of the ~~information data~~ is contrary to any instrument, trust, or rule of law (other than in legislation), or an order of a court.

Conditions not to be imposed in response to request

5

31 Conditions not to be imposed in response to request

- (1) This section applies to the provision of data in response to a request under **section 23 or 26**.
- (2) No ~~individual~~, public sector agency, ~~individual~~, or organisation may specify conditions on which data is provided by the ~~individual~~, public sector agency, ~~individual~~, or organisation to the Statistician in response to the request. 10

Subpart 3—Collection by agreement with Statistician without request

32 Authority to provide data by agreement with Statistician without request

- (1) This section applies to the collection of data as described in **section 22(c)(i)**.
- (2) An individual, public sector agency, or organisation is authorised to provide data to the Statistician under this Act for the production of official statistics or research unless— 15
 - (a) legislation other than this Act expressly prevents the provision of the data; or
 - (b) the provision of the ~~information data~~ is contrary to any instrument, trust, or rule of law (other than in legislation), or an order of a court. 20

33 Circumstances where in which data may be collected as described in section 22(c)(i) subject to access conditions

- (1) If data is collected from an individual or organisation as described in **section 22(c)(i)** for research, the individual or organisation may specify access conditions in relation to the use of the data for research. 25
- (2) The access conditions may—
 - (a) provide for—
 - (i) additional requirements that must be satisfied before the Statistician may authorise access to the data under **section 48**; or 30
 - (ii) additional factors the Statistician must or may take into account before determining whether to authorise access to the data under **section 48**; or
 - (b) permit the Statistician to authorise access to the data according to criteria that are less restrictive than those that would otherwise apply under **section 48**. 35

- (3) No individual or organisation may specify conditions on which data is provided by the individual or organisation to the Statistician as described in **section 22(c)(i)** for the production of official statistics.
- (4) No public sector agency may specify conditions on which data is provided by the public sector agency to the Statistician as described in **section 22(c)(i)** for the productions of official statistics or for research. 5

Subpart 4—Census of population and dwellings

34 Census of population and dwellings

- (1) ~~The Statistician must take a census of population and dwellings of New Zealand in 2023 and in every fifth year after that.~~ 10
- (1) The Statistician must take a census of population and dwellings of New Zealand—
 - (a) in 2023 or 2024; and
 - (b) in every fifth year after the year in which the census is held in accordance with **paragraph (a)**. 15
- (2) Taking a census may involve the collection of data by any means described in **section 22**.
- (3) The period of time during which the census will be taken must be appointed by the Governor-General by Order in Council on the recommendation of the Minister. 20
- (4) At a suitable time after the Order in Council made under **subsection (3)**, the Statistician must publish the information specified in **subsection (5)**—
 - (a) on an Internet site that is administered by or on behalf of Statistics New Zealand; and
 - (b) by any other additional means the Statistician considers sufficient for notifying the public of New Zealand. 25
- (5) The information referred to in **subsection (4)** is—
 - (a) the period during which the census will be taken:
 - (b) details of where to seek help and support related to the census:
 - (c) details of— 30
 - (i) how an individual may access a request made by the Statistician under **section 23** as part of the census, or obtain a copy of the request; and
 - (ii) how an individual may respond to a request made by the Statistician under **section 23** as part of the census: 35
 - (d) the legal obligation under **section 29** to provide the data requested.

- (5A) In order to make a request under **section 23** to an individual as part of the census, it is sufficient for the Statistician to publish under **subsection (4)** the information specified in **subsection (5)(c)(i).**
- (6) An order made under this section is secondary legislation (see *see* Part 3 of the Legislation Act 2019 for publication requirements). 5
Compare: 1975 No 1 s 23(1)–(3)
- 35 Consultation on census**
Before determining the manner of taking, and the data to be collected in, a census of population and dwellings, the Statistician must—
- (a) consult public sector agencies: 10
 - (b) consult the public generally:
 - (c) consult interest groups as the Statistician thinks fit.
- 36 Engagement with Māori on census**
Before determining the manner of taking, and the data to be collected in, a census of population and dwellings, the Statistician must engage with Māori in ways that the Statistician is satisfied will promote the fulfilment of the Statistician's duty in **section 14(a).** 15
- 35 Engagement with Māori on census**
Before determining the manner of taking, and the data to be collected in, a census of population and dwellings, the Statistician must engage with Māori in ways that the Statistician is satisfied will promote the fulfilment of the Statistician's duty in **section 14(a).** 20
- 36 Consultation on census**
Before determining the manner of taking, and the data to be collected in, a census of population and dwellings, the Statistician must consult, in the manner that the Statistician thinks appropriate,— 25
- (a) the public sector agencies and the Offices of Parliament that, in the opinion of the Statistician, have a particular interest in the census:
 - (b) the public generally:
 - (c) the individuals and organisations that, in the opinion of the Statistician, have a particular interest in the census. 30
- 37 Review after each census**
- (1) Within 12 months after the last day in the period appointed under **section 34(3)**, the Statistician must—
- (a) conduct a review of the operation of the census; and 35
 - (b) present a report on the review to the Minister.

- (2) The Statistician must publish the review on an Internet site maintained by or on behalf of Statistics New Zealand.

38 Duty to obtain details regarding request for data in census

An individual must ensure that they obtain a copy of, or other details of how to access and respond to, a request made by the Statistician under **section 23** as part of the census. 5

Compare: 1975 No 1 s 25(1)

Subpart 5—Statistical confidentiality

39 Statistician authorised to publish or otherwise disclose certain data

- (1) The Statistician must take all reasonable steps to ensure that the Statistician does not publish or otherwise disclose data in a form that could reasonably be expected to identify any individual or organisation. 10
- (2) Despite **subsection (1)**, the Statistician may publish or otherwise disclose—
- (a) data in a form that may identify an individual or organisation if the publication or other disclosure is authorised in writing by the individual to whom, or the organisation to which, or organisation to which the data relates: 15
 - (b) data that is publicly available under any Act or publicly available from other sources if the Statistician is satisfied that, in the circumstances of the case, it would not be unfair or unreasonable to disclose the data: 20
 - (ba) data in a form that may identify an organisation (but that could not reasonably be expected to identify any individual) if the purpose of the publication or other disclosure is to describe characteristics of the population:
 - (c) data about a business entity that the Statistician is satisfied is non-sensitive, including (but not limited to) the name, address, and contact details of the business entity, its location, its business type or structure, the industry and sector type it belongs to, and indicators of the size of the business, such as the number of employees: 25
 - (d) details of external trade (other than personal information within the meaning of the Privacy Act 2020), including the value and quantities of commodities, countries traded with, ports and airports of departure and arrival, and modes of transport used: 30
 - (e) data about locations of individuals, organisations, and things in a form that could not reasonably be expected to identify any individual: 35
 - (f) data for the purposes of a prosecution or a proposed prosecution under this Act.
- (3) No provision in **subsection (2)** limits or affects any other provision in that subsection.

- (4) ~~An authorisation by an organisation for the purpose of **subsection (2)(a)** may be given by a competent officer of the organisation.~~
- (5) The disclosure of data to a person who has completed a certificate of confidentiality under **section 42(3)** is not disclosure of data for the purpose of **subsection (1)**. 5
- (6) This section—
- (a) does not limit any other provision of this Act that provides for the Statistician to publish or otherwise disclose data; and
- (b) applies despite anything in the Customs and Excise Act 2018, sections 17 to 17M of the Tax Administration Act 1994, or any other Act. 10
- (7) In this section, **business entity** means any person or body of persons (whether corporate or unincorporated) carrying on any undertaking, whether for gain or reward or not.
- Compare: 1975 No 1 ss 37(1), (6), 37A
- 40 When Statistician may disclose identifying data to individual, public sector agency, or organisation** 15
- (1) The Statistician may disclose identifying data to an individual, public sector agency, or organisation (**individual, agency, or organisation A**) if—
- (a) the Statistician collected the data from individual, agency, or organisation A under this Act; or 20
- (b) the Statistician collected the data from another individual, public sector agency, or organisation but individual, agency, or organisation A is authorised, under a provision contained in any legislation (other than this section), to access the data.
- (2) Before disclosing identifying data as described in **subsection (1)**, the Statistician may modify the data. 25
- (3) Before disclosing identifying data as described in **subsection (1)(b)**, the Statistician must obtain the agreement of the individual, public sector agency, or organisation that provided the identifying data to the Statistician.
- (4) In this section, **identifying data** means data that identifies any individual or organisation. 30
- 41 Disclosure of historical documents data**
- ~~(1) The Statistician may authorise the disclosure of any document or class of documents that the Statistician has, in consultation with the Chief Archivist, classified as a historical document or a class of historical documents.~~ 35
- (1) The Statistician may authorise the disclosure of any data or class of data that the Statistician has, in consultation with the Chief Archivist, classified as historical data for the purpose of **subsection (2)**.

- (2) A response to a request made to an individual under **Part 3** is, for the purposes of the Public Records Act 2005,—
- (a) a restricted access record, until it is classified as ~~a historical document~~ historical data by the Statistician under this section; and
 - (b) an open access record, after it is classified as ~~a historical document~~ historical data by the Statistician under this section. 5

Compare: 1975 No 1 s 37D

42 Certificate of confidentiality

- (1) An employee of Statistics New Zealand, before commencing their duties, must complete a certificate of confidentiality. 10
- (2) An individual seeking to access data held by the Statistician for research, before accessing data under **Part 5** for the first time, must complete a certificate of confidentiality.
- (3) Any of the following individuals must complete a certificate of confidentiality if the Statistician requires the person to do so: 15
 - (a) an individual (including an employee of a public sector agency) who is engaged in the collection of data for, or engaged in, the production of official statistics:
 - (b) an individual who has access to data provided to the Statistician under this Act: 20
 - (c) an individual who is seeking access to data held by Statistics New Zealand for research and has previously completed a certificate of confidentiality under **subsection (2)**.
- (4) **Subsections (2) and (3)** apply whether or not the individual has given a declaration, certificate, or other undertaking of confidentiality in any form under any other Act. 25
- (5) A certificate must be in a form, and contain the matters, approved by the Statistician.
- (6) An obligation undertaken in a certificate of confidentiality does not come to an end only because the individual who completed the certificate ceases to— 30
 - (a) hold the employment or contractual position in respect of which they were required to complete the certificate; or
 - (b) undertake the activity in accordance with this Act that they were undertaking at the time of completion of the certificate.
- (7) The certificate must be provided to the Statistician or kept in a form acceptable to the Statistician by the individual (or the public sector agency or organisation that employs or appoints, or contracts services from, the individual). 35

Part 4

Official statistics

43 Matters on which official statistics may be produced

Official statistics may be produced on any matter relating to New Zealand including, without limitation, its economic, social, cultural, and environmental situation. 5

44 Minister may direct Statistician to produce or cease production of statistics on matter

- (1) The Minister may direct the Statistician to produce statistics, or cease to produce statistics, of any kind. 10
- (2) The Statistician must comply with a direction given under **subsection (1)**.
- (3) The Statistician must give public notice of any direction by the Minister.

Compare: 1975 No 1 s 15(2)

45 Obligations of public sector agencies

A public sector agency must— 15

- (a) provide information when requested by the Statistician about the production of official statistics by that agency; and
- (b) raise any material concerns with the Statistician regarding the quality, production, or timeliness of—
 - (i) statistics identified in the multi-year data and statistical programme ~~maintained~~ established under **section 18**; or 20
 - (ii) statistics notified to the agency from time to time by the Statistician; and
- (c) when requested by the Statistician, advise the Statistician about data it holds that is being, or is proposed to be, used as a source for official statistics; and 25
- (d) consult the Statistician before making changes to the data it collects, the data or statistical collections it holds, the content of its data or statistical collections, or the manner of collecting or managing data if those changes could affect— 30
 - (i) the data used by the Statistician or any public sector agency for statistical production; or
 - (ii) the statistics produced from data held by the agency; or
 - (iii) data that is made available by the Statistician for research under **Part 5**; and 35
- (e) within a reasonable time after receiving notice in writing from the Statistician that the Statistician is conducting a review of the production of

official statistics, provide any reasonable facilities that are necessary to facilitate completion of the review; and

- (f) when requested by the Statistician, provide information about that agency's compliance with standards issued set under **section 90**.

Compare: 1975 No 1 ss 5(1), 7(2)

5

46 Statistician may make official statistics available subject to temporary conditions relating to broadcast, publication, or other disclosure

- (1) The Statistician may make official statistics available to any person or group of persons subject to either or both of the following temporary conditions:
- (a) that the statistics not be broadcast, or published, for a period specified by the Statistician; or 10
- (b) that for a period specified by the Statistician the statistics not be disclosed to any other person without the permission of the Statistician.
- (2) The Statistician must provide notice in writing of the conditions to the person or group of persons to whom they apply. 15
- (3) The Statistician must publish information about—
- (a) the persons to whom official statistics have been made available in accordance with this section; and
- (b) what official statistics have been made available; and
- (c) the purposes for which the official statistics have been made available; 20
- (d) the conditions imposed under **subsection (1)**.
- (4) Information required to be published under **subsection (3)** may be published in summary form.

Use of data collected by agreement for research

25

47 Use of data provided by individual or organisation as described in section 22(c)(i)

- (1) This section applies if data is collected from an individual or organisation as described in **section 22(c)(i)** for research.
- (2) The data must not be used for the purposes of the production of official statistics unless— 30
- (a) the Minister approves the use of the data for the production of official statistics; or
- (b) the individual ~~from whom~~ or organisation from which the data was collected authorises the use of the data for the production of official statistics. 35
- (3) Despite **subsection (2)**, if the data is collected from an organisation in **subsection (4)**, it must not be used for the purposes of the production of official

statistics unless the organisation authorises the use of the data for the production of official statistics.

(4) The organisations referred to in **subsection (3)** are—

(a) an Office of Parliament:

(b) the Office of the Clerk of the House of Representatives:

5

(c) the Parliamentary Service.

Part 5

Access to data for research

Subpart 1—Access to data held by Statistics New Zealand

Authorising access to data for research

10

48 When Statistician may authorise access to data for research

(1) The Statistician may authorise an individual, public sector agency, or organisation to access, for research, data that is held by Statistics New Zealand if the Statistician is satisfied that—

(a) the proposed research is in the public interest (*see **section 49***); and 15

(b) the individual, public sector agency, or organisation seeking access to the data is an appropriate researcher (*see **section 50***); and

(c) the access to the data is subject to appropriate measures to protect the privacy, confidentiality, and security of the data (*see **section 51***); and

(d) a certificate of confidentiality has been provided to Statistics New Zealand in accordance with **section 42(2)** by,— 20

(i) in the case of an individual, the individual:

(ii) in the case of a public sector agency or organisation, each individual seeking access to the data on behalf of the public sector agency or organisation; and 25

(e) in the case of an individual or organisation that is an overseas person, the requirements of **section 52** have been met.

(2) The Statistician may impose conditions relating to the following on any access authorised under **subsection (1)**:

(a) access to and use of the data: 30

(b) publication or disclosure of the results of the research.

(3) The Statistician's decision under this section is subject to any applicable access conditions specified under **section 33**.

49 Statistician must be satisfied research is in public interest

- (1) In determining under **section 48(1)(a)** whether the proposed research is in the public interest, the Statistician ~~may~~ must take into account—
- (a) the nature and extent of any likely benefit to the public from the proposed research; and 5
 - (b) the nature and extent of any likely contribution to the economic, social, cultural, and environmental well-being of Māori (including iwi and hapū) from the proposed research; and
 - (c) the nature and extent of any of the following risks arising from the proposed access: 10
 - (i) risk of harm to Māori:
 - (ii) risk of harm to an individual or organisation:
 - (iii) risk to public confidence in the protection of the data.
 - (e) ~~the nature and extent of any risk to public confidence in the protection of the data or any risk of harm to any individual or organisation from the proposed access; and~~ 15
 - (d) ~~the method by which the Statistician collected the data under **section 22**; and~~
 - (e) ~~to the extent practicable, information known to the Statistician about—~~
 - (i) ~~the purpose for which the data was originally collected by the Statistician or the individual, public sector agency, or organisation that provided it to the Statistician; and~~ 20
 - (ii) ~~any information provided to any individual, public sector agency, or organisation to which the data relates at the time of that original collection about the purposes for which the data might be used; and~~ 25
 - (f) ~~any other matters that the Statistician considers relevant.~~
- (2) The Statistician may also take into account—
- (a) the method by which the Statistician collected the data under **section 22**; and 30
 - (b) to the extent practicable, information known to the Statistician about—
 - (i) the purpose for which the data was originally collected by the Statistician or the individual, public sector agency, or organisation that provided it to the Statistician; and
 - (ii) any information provided to any individual, public sector agency, or organisation to which the data relates at the time of that original collection about the purposes for which the data might be used; and 35
 - (c) any other matters that the Statistician considers relevant.

50 Statistician must be satisfied individual, public sector agency, or organisation seeking access to data is appropriate researcher

- (1) In determining under **section 48(1)(b)** whether an individual, public sector agency, or organisation seeking access to data for research is an appropriate researcher, the Statistician— 5
- (a) must take into account whether the individual, public sector agency, or organisation ~~(or, in the case of a public sector agency or organisation, each individual within the agency or organisation whom the Statistician considers to be a relevant individual)~~ has the experience, knowledge, and skills to— 10
- (i) access and use the data for the proposed research; and
- (ii) access and use the data in an ethically and culturally appropriate manner; and
- (iii) protect the privacy, confidentiality, and security of the data; and
- (b) may, to the extent relevant, take into account any 1 or more of the following: 15
- (i) whether the individual, public sector agency, or organisation will engage with the individual, public sector agency, or organisation that provided the data to the Statistician if it is desirable to do so:
- (ii) whether the individual, public sector agency, or organisation has appropriate connections to, understanding of, or support from the individuals who are the subject of the data or the communities to which the data relates: 20
- (iii) whether the individual, public sector agency, or organisation will share the results of the research with the individuals who are the subject of the data or the communities to which the data relates. 25
- (2) In taking into account whether a public sector agency or an organisation has the experience, knowledge, and skills described in **subsection (1)(a)(i) to (iii)**, the Statistician may take into account any 1 or more of the following:
- (a) whether 1 or more individuals seeking access to the data on behalf of the agency or organisation individually have the experience, knowledge, and skills: 30
- (b) whether 1 or more individuals seeking access to the data on behalf of the agency or organisation together have the experience, knowledge, and skills: 35
- (c) any other matters that the Statistician considers relevant.

51 Statistician must be satisfied access to data is subject to appropriate measures to protect privacy, confidentiality, and security of data

In determining under **section 48(1)(c)** whether access to the data is subject to appropriate measures to protect the privacy, confidentiality, and security of the data, the Statistician must take into account—

- (a) the nature of the data and the form in which it is being accessed, including—
 - (i) the sensitivity (including cultural sensitivity) of the data; and
 - (ii) the likelihood and potential impact of any individual or organisation being identified from the data; and
- (b) the likelihood and potential impact of any individual or organisation being identified from the data in light of the other data that may be available to the individual, public sector agency, or organisation accessing the data; and
- (c) the extent to which the data will be modified by Statistics New Zealand before access is authorised to reduce the risk of any individual or organisation being identified from the data; and
- (d) the manner in which the data will be accessed, stored, and used, including—
 - (i) the location where the data will be accessed, stored, and used; and
 - (ii) the security and technical safeguards that the individual, public sector agency, or organisation seeking to access the data has in place to ensure that the data remains secure and not subject to unauthorised access; and
 - (iii) the means by which the individual, public sector agency, or organisation seeking to access the data will ensure that the data is used in a an ethically and culturally appropriate and ethical manner and protected from inappropriate use.

52 Additional consideration if overseas person seeking access to data

- (1) If an individual or organisation seeking to access data is an overseas person, the Statistician must consider whether the overseas person is required to protect the data in a way that, overall, provides comparable safeguards to those in this Act, taking into account—
 - (a) the laws that apply in the relevant jurisdiction; and
 - (b) the relationship between Statistics New Zealand and the overseas person; and
 - (c) any means available to the Statistician to ensure that the overseas person complies with any conditions imposed under **section 48(2)**.

- (2) For the purpose of **subsection (1)(b) and (c)**, the Statistician may take into account any agreement entered into between the overseas person and the Statistician or any other individual, public sector agency, or organisation.
- (3) In this Act,—
- (a) an individual is an **overseas person** if the individual is not present in New Zealand: 5
 - (b) an organisation is an **overseas person** if—
 - (i) the organisation is incorporated outside New Zealand; or
 - (ii) the organisation has its head office or principal place of business outside New Zealand; or 10
 - (iii) individuals will access data on behalf of the organisation from outside New Zealand.

53 Statistician must publish information about access to data under this subpart

- (1) The Statistician must publish information about— 15
- (a) who is accessing data held by Statistics New Zealand in accordance with this subpart; and
 - (b) what data is being accessed; and
 - (c) the purposes for which the data is being accessed; and
 - (d) how the data is being accessed (including any access conditions agreed under **section 33**); and 20
 - (e) any characteristics of the data being accessed or limitations that may affect the quality of any research using the data.
- (2) Information required to be published under **subsection (1)** may be published in summary form. 25

Researcher obligations

54 Researcher obligations in relation to data accessed for research

- (1) An individual, public sector agency, or organisation that is authorised to access data under **section 48** (and, in the case of a public sector agency or an organisation, each individual within the agency or organisation who has completed a certificate of confidentiality under **section 42**) must— 30
- (a) access and use the data only for the research for which access is authorised under **section 48(1)**; and
 - (b) comply with any conditions imposed by the Statistician under **section 48(2)**; and 35

- (e) ~~take all reasonable steps to ensure that any data published or otherwise disclosed is in a form that could not reasonably be expected to identify any individual or organisation; and~~
- (c) take all reasonable steps to ensure that they do not publish or otherwise disclose data in a form that could reasonably be expected to identify any individual or organisation; and 5
- (d) publish or otherwise disclose the results of their research and their methodologies.
- (2) **Subsection (1)(c)** does not apply if—
 - (a) ~~the individual, or, as the case may be, a competent officer of the organisation has authorised in writing to that publication or other disclosure; or~~ 10
 - (b) ~~the Statistician agrees to the publication or disclosure of data and the publication or disclosure of data is of a type described in **section 39(2)(b) to (e)**.~~ 15
- (2) Despite **subsection (1)(c)**, the individual, public sector agency, or organisation (as applicable) may publish or otherwise disclose—
 - (a) data in a form that may identify an individual or organisation if the publication or other disclosure is authorised in writing by the individual or the organisation to which the data relates: 20
 - (b) data of a type described in **section 39(2)(b) to (e)** if the Statistician authorises the publication or disclosure.
- (3) The publication of results and methodologies under **subsection (1)(d)** may be in summary form.
- (4) Nothing in **subsection (1)(d)** requires— 25
 - (a) a public sector agency to disclose data if a request for that data could be refused under section 18 of the Official Information Act 1982 (other than for the reason set out in section 18(d) of that Act); or
 - (b) disclosing the data would be contrary to any legislation.

Subpart 2—Access to data held by other public sector agencies 30

55 Statistician may determine that certain public sector agencies may authorise access to data for research in accordance with this Part

- (1) This section applies to a public sector agency of a type described in **section 7(a) to (e)**.
- (2) The Statistician may, if requested by the chief executive of the public sector agency, determine that the chief executive may authorise access, for research, to data held by the public sector agency in accordance with **section 56**. 35
- (3) A determination under **subsection (2)** may specify the manner in which the chief executive must notify any person seeking to access data of the chief exec-

utive's intention to authorise access ~~under this Part~~ in accordance with **section 56**.

- (4) A determination made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) In this section and **section 56**, **chief executive** means,— 5
- (a) in relation to a public service agency as defined in section 10(a) of the Public Service Act 2020, a public service chief executive as defined in section 5 of that Act:
 - (b) in relation to the New Zealand Police, the Commissioner of Police appointed under section 12 of the Policing Act 2008: 10
 - (c) in relation to the New Zealand Defence Force, the Chief of Defence Force:
 - (d) in relation to a statutory entity named in Schedule 1 of the Crown Entities Act 2004, its board (as defined in section 10 of that Act):
 - (e) in relation to the Reserve Bank, the Governor (as defined in section 5(1) of the Reserve Bank Act 2021). 15

56 Effect of determination under section 55

- (1) The chief executive of the public sector agency to which a determination under **section 55** applies—
- (a) may authorise access for research ~~purposes~~ to data held by the public sector agency in accordance with this section; and 20
 - (b) must, if intending to authorise an individual, public sector agency, or organisation, or another public sector agency to access data in accordance with this section, notify that individual, public sector agency, or organisation, or public sector agency of their intention to do so in accordance with any requirements specified in the determination. 25
- (2) The following sections apply to the chief executive and any individual, public sector agency, or organisation that is authorised to access data by the chief executive following notification in accordance with **subsection (1)(b)** as if all references to the Statistician were references to the chief executive and all references to Statistics New Zealand were to the public sector agency to which the determination under **section 55** applies: 30
- (a) **section 39(2)(b) to (e)** (relating to the types of data the individual, public sector agency, or organisation may publish or otherwise disclose under **section 54(2)(b))**: 35
 - (b) **sections 48(1) and (2) and 49 to 52** (relating to when the chief executive may authorise access to data for research):
 - (c) **section 42(2), (5), and (7)** (relating to certificates of confidentiality):

- (d) **section 54** (relating to researcher obligations in relation to data accessed for research);
- (e) **section 94A** (relating to authorisation by an organisation).
- (2) ~~Sections 48(1) and (2) and 49 to 52~~ apply to the chief executive of the public sector agency to which the determination applies with the following modifications: 5
- (a) all references to the Statistician must be read as references to the chief executive of the public sector agency to which the determination applies; and
- (b) all references to Statistics New Zealand must be read as references to the public sector agency to which the determination applies. 10
- (3) The following sections (as modified by **subsection (4)**) apply to an individual, organisation, or public sector agency that is authorised to access data by the chief executive of the public sector agency to which the determination applies following notification in accordance with **subsection (1)(b)** of the chief executive's intention to authorise access in accordance with this section: 15
- (a) ~~section 42(2), (5), and (7)~~ (relating to certificates of confidentiality);
- (b) ~~section 54(1), (2)(a), (3), and (4)~~ (relating to researcher obligations in relation to data accessed for research).
- (4) The sections listed in ~~subsection (3)(a) and (b)~~ must be read as if all references to the Statistician were references to the chief executive of the public sector agency to which the determination applies. 20
- (5) The chief executive of the public sector agency to which the determination applies must publish information about—
- (a) who is accessing the data held by the public sector agency for research in accordance with this section; and 25
- (b) what data is being accessed; and
- (c) the purposes for which the data is being accessed; and
- (d) how the data is being accessed; and
- (e) any characteristics of the data being accessed or limitations that may affect the quality of any research using the data. 30
- (6) Information required to be published under **subsection (5)** may be published in summary form.
- (7) Nothing in this section limits or affects a provision contained in any legislation that— 35
- (a) authorises or requires data to be made available; or
- (b) imposes a prohibition or restriction on the availability of data; or
- (c) otherwise regulates the manner in which data may be obtained from or made available by the public sector agency.

Part 6

Offences and enforcement

Subpart 1—Power of entry and inspection

57 Power of entry and inspection

- (1) For the purpose of obtaining any data that the Statistician considers necessary or desirable to enable the Statistician to produce official statistics, the Statistician, or any employee of Statistics New Zealand authorised in writing for the purpose of this section by the Statistician (an **authorised employee**), may—
 - (a) enter any place of business (other than a private dwelling or marae), and may inspect any part of the premises, any goods that are being stored or offered for sale, and any relevant records; and 10
 - (b) require any person who by reason of that person's role relating to the business has custody of or access to any relevant records to produce for inspection, or facilitate the inspection of, the relevant records within any reasonable period that may be specified by the Statistician or authorised employee. 15
- (2) The Statistician or authorised employee may exercise the powers under **subsection (1)** only if—
 - (a) the occupier of the place, or, as the case may be, the person referred to in **subsection (1)(b)**, consents; or 20
 - (b) the Statistician or authorised employee obtains a warrant under **section 58**.
- (3) The provisions of subparts 1, 2, 4, 5, 7, and 10 of Part 4 of the Search and Surveillance Act 2012 (except for sections 118 and 119) apply to the exercise of the power of entry and inspection under this section. 25
- (4) In this section,—

business means any undertaking whether carried on for gain or reward or not, but does not include a public sector agency, an Office of Parliament, the Office of the Clerk of the House of Representatives, or the Parliamentary Service

relevant records, in relation to a business, means accounts or records or other business information of the business. 30

Compare: 1975 No 1 s 35(1), (2)

58 Search warrant

- (1) An issuing officer may, on an application made as specified in **subsection (2)**, issue a search warrant in relation to a place of business or enterprise (other than a private dwelling or marae), if the issuing officer is satisfied that there are reasonable grounds for believing that it is necessary or desirable for the purpose of enabling the Statistician to produce official statistics, to exercise,— 35

- (a) in relation to any place of business or enterprise, any of the powers in **section 57(1)(a)**; or
- (b) in relation to any person, any of the powers in **section 57(1)(b)**.
- (2) The application referred to in **subsection (1)**—
 - (a) may be made only by the Statistician or an authorised employee (as defined in **section 57**); and
 - (b) must be made in the manner provided by subpart 3 of Part 4 of the Search and Surveillance Act 2012.

Compare: 1975 No 1 s 35(3), (4)

59 Data obtained using power of entry treated as data obtained under Act 10

Data obtained using the powers in **section 57** (including under a search warrant issued under **section 58**) must be treated for all purposes under this Act and any other legislation as data provided to the Statistician under this Act.

Subpart 2—Compliance notices and offences

Compliance notices 15

60 Interpretation

In **sections 61 to 67**, authorised person means—

- (a) the Statistician; or
- (b) the chief executive (as defined in **section 55(5)**) of a public sector agency in respect of which a notice has been given under **section 55**. 20

61 Power to issue compliance notice

An authorised person may issue a compliance notice to a person—

- (a) requiring the person to cease doing something being done by the person, or to cause something being done on behalf of that person to cease, if the authorised person has reasonable grounds to believe that the thing being done contravenes **Part 5**; or 25
- (b) prohibiting the person from doing something, or from causing something to be done on behalf of that person, if the authorised person has reasonable grounds to believe the thing to be done is likely to contravene **Part 5**; or 30
- (c) requiring the person to do something that the authorised person has reasonable grounds to believe is necessary to ensure that the person complies with **Part 5**.

62 Content

A compliance notice must state— 35

- (a) the name of the person to whom it is issued; and

-
- (b) the reasons why the authorised person issued it; and
 - (c) the requirement or prohibition in **section 61** imposed by the authorised person; and
 - (d) one of the following:
 - (i) for a requirement, the period within which the action must be taken or must cease, being a reasonable period within which to take the action required or to cease the action; or
 - (ii) for a prohibition, the time and date, if any, from which the prohibition is to take effect; and
 - (e) the conditions, if any, imposed by the authorised person; and
 - (f) the consequences of not complying with the notice; and
 - (g) the right of review in **section 66**; and
 - (h) the name and address of the public sector agency whose chief executive issued the notice.
- 63 Service of compliance notice**
- (1) The authorised person must ensure that the compliance notice is served on the person to whom it is issued.
 - (2) **Section 73(1), (2), and (3)(a)** applies with all necessary modifications to the service of a compliance notice as if it were an infringement notice.
 - (3) Unless the contrary is shown, a compliance notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first enters an information system that is outside the control of the public sector agency on behalf of which the compliance notice is issued.
- 64 Compliance**
- (1) The person to whom a compliance notice is issued must—
 - (a) comply with the notice; and
 - (b) do so within the period stated in the notice, if a period is stated; and
 - (c) pay all the costs and expenses of complying with the notice, unless the notice states otherwise.
 - (2) This section is subject to the right of review in **section 66**.
- 65 Authorised person may amend or cancel compliance notice**
- (1) A compliance notice may be amended or cancelled at any time by the authorised person who issued it.
 - (2) The power in **subsection (1)** is subject to any decision under **section 66**.

66 Review of compliance notice

- (1) A person to whom a compliance notice is issued may apply to the authorised person who issued it for a review of the notice.
- (2) The application must state—
 - (a) the reasons why the applicant thinks the notice should be reviewed; and 5
 - (b) the outcome the applicant is seeking.
- (3) The compliance notice remains in force until the decision on the review is notified to the applicant under **section 67**.

67 How review must be conducted

- (1) The authorised person who issued the compliance notice must ensure that the review applied for under **section 66** is conducted by a person (the **reviewer**) who was not involved in issuing the compliance notice concerned. 10
- (2) The reviewer must review the compliance notice on the papers within 20 working days after the date on which the application for review was lodged.
- (3) The reviewer may— 15
 - (a) confirm or vary the compliance notice; or
 - (b) cancel the compliance notice; or
 - (c) cancel the compliance notice and substitute another compliance notice that the reviewer considers appropriate.
- (4) The reviewer must give the applicant written notice of the reviewer's decision. 20

*Procedure for infringement offences***68 Interpretation**

In **sections 69 to 73**,—

authorised person means—

- (a) the Statistician; or 25
- (b) the chief executive of a public sector agency that is authorised under **section 25** to request data on behalf of the Statistician.

69 Infringement offences

- (1) A person who is alleged to have committed an infringement offence may—
 - (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or 30
 - (b) be issued with an infringement notice under **section 70**.
- (2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957. 35

- (3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

70 When infringement notice may be issued

An authorised person may issue an infringement notice to a person if the authorised person believes on reasonable grounds that the person is committing, or has committed, an infringement offence. 5

71 Revocation of infringement notice before payment made

- (1) An authorised person may revoke an infringement notice before—
- (a) the infringement fee is paid; or
 - (b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957. 10
- (2) The authorised person must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.
- (3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 69(1)(a) or (b)** against the person to whom the notice was issued in respect of the same matter. 15

72 What infringement notice must contain

An infringement notice must be in the form prescribed in the regulations and must contain the following particulars:

- (a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence: 20
- (b) the amount of the infringement fee:
- (c) the name and address of the agency whose chief executive issued the notice:
- (d) how the infringement fee may be paid: 25
- (e) the time within which the infringement fee must be paid:
- (f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:
- (g) a statement that the person served with the notice has a right to request a hearing: 30
- (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing:
- (i) any other matters prescribed in the regulations.

73 How infringement notice may be served

- (1) An infringement notice may be served on the person who the authorised person believes is committing or has committed the infringement offence by— 35

- (a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or
 - (b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or
 - (c) leaving it for the person at the person's place of business or work with another person; or 5
 - (d) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work; or
 - (e) sending it to an electronic address of the person in any case where the person does not have a known place of residence or business in New Zealand. 10
- (2) Service on an officer of a body, or on the body's registered office, is deemed to be service on the body.
- (3) Unless the contrary is shown,—
- (a) an infringement notice (or a copy of it) sent by prepaid post to a person under **subsection (1)** is to be treated as having been served on that person on the fifth working day after the date on which it was posted; and 15
 - (b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first enters an information system that is outside the control of the authorised person. 20

74 Payment of infringement fees

All infringement fees paid for infringement offences must be paid into a Crown Bank Account.

75 Reminder notices

25

A reminder notice must be in the form prescribed in the regulations, and must include the same particulars, or substantially the same particulars, as the infringement notice.

Offences relating to failure to provide data

76 Failing or refusing to provide data

30

- (1) A person commits an offence if the person—
- (a) intentionally fails or refuses to comply with **section 29(1)**;
 - (b) intentionally fails or refuses to comply with a requirement imposed under **section 57(1)(b)**.
- (2) It is not a defence to a prosecution under this section that neither a copy of, nor other details of how to access and respond to, a request made by the Statistician 35

under **section 23** as part of the census was delivered or given to the defendant.

- (3) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding,—

- (a) in the case of an individual, \$2,000; and 5
(b) in any other case, \$12,000.

Compare: 1975 No 1 ss 43(1), 25(3)

77 False or misleading statement

- (1) A person commits an offence if the person knowingly makes a false or misleading statement or knowingly makes any material omission when responding to— 10

- (a) a request for data made to the person under **Part 3**; or
(b) a requirement imposed under **section 57(1)(b)**.

- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding,— 15

- (a) in the case of an individual, \$2,000; and
(b) in any other case, \$12,000.

Compare: 1975 No 1 s 44

Offences relating to obligation to protect data

78 Breach of certificate of confidentiality 20

- (1) A person commits an offence if the person, having completed a certificate of confidentiality under **section 42**,—

- (a) knowingly breaches an obligation undertaken in the certificate of confidentiality; or
(b) knowingly makes a false statement about whether the person has breached an obligation undertaken in the certificate of confidentiality. 25

- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding,—

- (a) in the case of an individual, \$5,000; and
(b) in any other case, \$15,000. 30

Compare: 1975 No 1 s 40(a), (c)

79 Wrongfully obtaining data while performing duty or function or exercising power under Act

- (1) A person commits an offence if, while performing, or purporting to perform, any duty or function, or exercising, or purporting to exercise, any power under this Act, the person intentionally obtains, or seeks to obtain, data knowing that the person is not authorised to obtain it. 35

- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; and
 - (b) in any other case, \$15,000.

Compare: 1975 No 1 s 40(b)

5

80 Acting contrary to obligations under section 54

- (1) A person who is authorised under **section 48** to access data for research commits an offence if the person—

- (a) knowingly contravenes **section 54(1)(a) or (b)**; or
- (b) knowingly publishes or discloses data—
 - (i) knowing that the reasonable steps required by **section 54(1)(c)** have not been taken; or
 - (ii) being reckless as to whether the reasonable steps required by **section 54(1)(c)** have been taken.

10

- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding,—

15

- (a) in the case of an individual, \$5,000; and
- (b) in any other case, \$15,000.

Compare: 1975 No 1 s 45A

81 Giving or obtaining unauthorised access to data

20

- (1) A person commits an offence if the person—

- (a) is authorised under **section 48** to access data for research; and
- (b) discloses data obtained under that authority to any other person—
 - (i) knowing that the other person is not authorised under **section 48** to access the data for research; or
 - (ii) being reckless as to whether the other person is authorised under **section 48** to access the data for research.

25

- (2) A person (**person A**) commits an offence if—

- (a) person A knowingly obtains data from a person (**person B**) who is authorised under **section 48** to access data for research; and
- (b) person A knows that, when person B provided the data, person B—
 - (i) knew that person A was not authorised under **section 48** to access the data for research; or
 - (ii) was reckless as to whether person A was authorised under **section 48** to access the data for research; and
- (c) person A retains or uses the data.

30

35

- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; and
 - (b) in any other case, \$15,000.

Other offences

5

82 Penalties for non-compliance with compliance notice

- (1) A person commits an offence if, without reasonable excuse, the person fails to comply with **section 64(1)(a) or (b)**.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; or
 - (b) in any other case, \$15,000.

10

83 Mutilation or defacement, etc, of data or request

- (1) A person commits an offence if the person knowingly or recklessly destroys, defaces, removes, mutilates, or renders unusable—
- (a) a request for data made under **Part 3**; or
 - (b) data provided in response to a request under **Part 3**.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; and
 - (b) in any other case, \$15,000.

15

20

84 Obstruction of Statistician or employee of Statistics New Zealand

- (1) A person commits an offence if the person intentionally interferes with, hinders, or obstructs the Statistician or any employee of Statistics New Zealand in the exercise of any power conferred by this Act.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; or
 - (b) in any other case, \$15,000.

25

Compare: 1975 No 1 s 41

30

85 Impersonation of Statistician or employee of Statistics New Zealand

- (1) A person commits an offence if the person, not being an employee of Statistics New Zealand, by words, conduct, or demeanour pretends that the person is an employee of Statistics New Zealand or assumes the name, designation, or description of an employee of Statistics New Zealand.

35

- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; or
 - (b) in any other case, \$15,000.

Compare: 1975 No 1 s 42

5

86 Deceiving Statistician or employee of Statistics New Zealand

- (1) A person commits an offence if the person wilfully deceives or attempts to deceive the Statistician or any employee of Statistics New Zealand in the exercise or performance by the Statistician or employee of any of the Statistician's powers, duties, or functions under this Act.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; or
 - (b) in any other case, \$15,000.

Compare: 1975 No 1 s 46(b)

10

15

87 Penalties for non-compliance with condition imposed under section 46

- (1) A person commits an offence if the person—
- (a) is a person to whom (or is in a group of persons to which) any condition applies under **section 46**; and
 - (b) without reasonable excuse, fails to comply with the condition.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$5,000; or
 - (b) in any other case, \$15,000.

20

Infringement offences

25

88 Infringement offence for failing to provide data

A person who fails to comply with **section 29(1)** commits an infringement offence and is liable to—

- (a) an infringement fee of the amount prescribed in the regulations; or
- (b) a fine imposed by a court not exceeding the amount prescribed in the regulations.

30

89 Infringement offence for failing to obtain request for data in census

A person who fails to comply with **section 38** commits an infringement offence and is liable to—

- (a) an infringement fee of the amount prescribed in the regulations; or

35

- (b) a fine imposed by a court not exceeding the amount prescribed in the regulations.

Part 7

General and miscellaneous provisions

Subpart 1—General provisions

5

90 Statistician may ~~provide written set~~ standards

- (1) The Statistician may ~~provide written set~~ standards in relation to—
- (a) the production and communication of official statistics; and
 - (b) data or statistical collections held by public sector agencies that—
 - (i) could be used by the Statistician or any public sector agency for statistical production; or 10
 - (ii) could be made available by the Statistician for research under **Part 5**; and
 - (c) the manner of collecting or managing data that—
 - (i) could be used by the Statistician or any public sector agency for statistical production; or 15
 - (ii) could be made available by the Statistician for research under **Part 5**; and
 - (d) the access and use of data for research under **Part 5** and the publication of results and methodologies of the research. 20
- (2) The Statistician may apply the whole or any part of the standards, with any variations that the Statistician thinks fit in any particular case, to the following by ~~written~~ notice to each agency concerned:
- (a) all public sector agencies; or
 - (b) particular public sector agencies or classes of public sector agencies. 25
- (3) The standards applied under **subsection (2)** are guidance for the agencies to which they apply.
- (4) Despite **subsection (3)**, the Statistician may specify in a notice under **subsection (2)** that the whole or any part of any standard, subject to any variations specified by the Statistician under that subsection, is a mandatory requirement. 30
- (5) Standards set under this section and any notice under **subsection (2)** must be in writing.

91 Engagement with Māori on ~~written~~ standards

~~Before providing standards~~ setting a standard under **section 90**, the Statistician must engage with Māori in ways that the Statistician is satisfied will promote the fulfilment of the Statistician's duty in **section 14(a)**.

91A Consultation on standards

5

(1) Before setting a standard under **section 90**, the Statistician must consult, in the manner that the Statistician thinks appropriate, those individuals, public sector agencies, and organisations that, in the opinion of the Statistician, have a particular interest in the standard.

(2) **Subsection (1)** does not apply to an amendment to a standard if the Statistician is satisfied that the amendment— 10

(a) is only correcting a minor error; or

(b) is otherwise of a minor nature only.

92 Restrictions on delegation by chief executive of public sector agency of certain powers under Act

15

(1) The chief executive of a public sector agency that is authorised under **section 25** to request data on behalf of the Statistician must not delegate to a person outside the public service (as described in clause 2(5) of Schedule 6 of the Public Service Act 2020) the power to issue an infringement notice under **Part 6**.

(2) The chief executive of a public sector agency in respect of which a notice has been given under **section 55** must not delegate to a person outside the public service (as described in clause 2(5) of Schedule 6 of the Public Service Act 2020) the power to issue a compliance notice under **Part 6**. 20

(3) ~~This section applies despite clauses 2 to 4 of Schedule 6 of the Public Service Act 2020.~~ 25

(3) Clause 2 of Schedule 6 of the Public Service Act 2020 applies subject to this section.

93 Annual report

(1) The Statistician must, as soon as practicable after the close of each financial year, provide to the Minister a report on the administration of this Act. 30

(2) The report must include information about actions taken by the Statistician to fulfil the Statistician's duties under **section 14**.

(3) The Minister must present the annual report to the House of Representatives as soon as practicable after the Minister receives it.

(4) In this section, **financial year** has the meaning given to it in section 2(1) of the Public Finance Act 1989. 35

94 Data is privileged

(1) The following must not be disclosed, or used as evidence, in any proceedings:

- (a) data collected by the Statistician under this Act:
- (b) data that was provided to the Statistician in response to a request under **section 23 or 26** and that is in the possession of ~~an individual who, or organisation or public sector agency that,~~ the individual, public sector agency, or organisation that provided it. 5
- (2) **Subsection (1)** does not apply in relation to data provided to the Statistician in response to a request under **section 23 or 26** if the individual, public sector agency, or organisation, ~~or public sector agency~~ that provided it agrees to its disclosure.
- (3) No individual who has completed a certificate of confidentiality under **section 42** is compellable in any proceedings to— 10
- (a) give oral testimony regarding the content of any data obtained or accessed under this Act; or
- (b) produce any document or record with respect to the content of the data.
- (4) **Subsections (1) and (3)(b)** do not apply if the disclosure, use, or production is— 15
- (a) in respect of a prosecution under this Act; or
- (b) otherwise permitted under **section 39 or 41.**
- Compare: 1975 No 1 s 38
- 94A Authorisation by organisation** 20
- An authorisation by an organisation for the purpose of this Act may be given by a person who the Statistician is satisfied is authorised to represent the organisation.
- 95 Time for filing charging document**
- Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, no charging document may be filed in respect of an offence against this Act after the date that is 12 months after the date on which the offence was committed. 25
- Compare: 1975 No 1 s 48
- 96 Evidence in proceedings for offences** 30
- In any proceedings for an offence against this Act, a certificate by the Statistician that under **section 28(3)** the Minister has approved a request for data is, in the absence of proof to the contrary, sufficient evidence that the Minister has approved the request.
- Compare: 1975 No 1 s 46A 35
- 97 Obligation continues even if data not provided by particular time date**
- (1) **Subsection (2)** applies if—

-
- (a) an obligation is imposed on an individual, public sector agency, or organisation under **Part 3** to provide data ~~before a particular time~~ by a particular date; or
- (b) a person is required to comply with a requirement imposed under **section 57(1)(b)** ~~before a particular time~~ by a particular date. 5
- (2) The obligation to provide the data or comply with the requirement continues even if the obligation or requirement has not been complied with ~~at or before the particular time~~ by the particular date referred to in **subsection (1)**.
Compare: 1975 No 1 s 43(2A)
- 98 Proof of signature of Statistician and certain other persons** 10
- (1) The written, printed, or electronic signature of any of the following may be used on any document in relation to the exercise or performance by that person of the person's powers, duties, and functions under this Act:
- (a) the Statistician:
- (b) the chief executive of a public sector agency that is authorised under **section 25** to request data on behalf of the Statistician: 15
- (c) the chief executive of a public sector agency in respect of which a notice has been given under **section 55**.
- (2) An electronic signature referred to in **subsection (1)** must—
- (a) adequately identify the signatory and adequately indicate the signatory's approval of the information to which the signature relates; and 20
- (b) be as reliable as is appropriate given the purpose for which, and the circumstances in which, the signature is required.
- (3) Any document purporting to bear the written, printed, or electronic signature of a person referred to in **subsection (1)** is, until the contrary is proved, to be treated as having been duly signed by the person whose signature it purports to bear. 25
- (4) Judicial notice must be taken of every signature referred to in this section and of the fact that the person whose signature it purports to be holds or has held the office referred to in **subsection (1)(a), (b), or (c)**, as the case may be. 30
- 99 Regulations**
- (1) The Governor-General may, by Order in Council, make regulations for the following purposes:
- (a) prescribing fees for infringement offences under this Act, which,—
- (i) in the case of an individual, must not exceed \$1,000; and 35
- (ii) in any other case, must not exceed \$3,000:
- (b) prescribing maximum fines for infringement offences under this Act, which,—

- (i) in the case of an individual, must not exceed \$2,000; and
 - (ii) in any other case, must not exceed \$6,000;
- (c) prescribing infringement notices and reminder notices:
- (d) providing for anything this Act says may or must be provided for by regulations: 5
- (e) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Subpart 2—Amendments to enactments, repeals, and revocations 10

100 Repeal

The Statistics Act 1975 (1975 No 1) is repealed.

Amendment to Official Information Act 1982

101 Principal Act

Section 102 amends the Official Information Act 1982. 15

102 Section 2 amended (Interpretation)

In section 2(1), definition of **official information**, after paragraph (l), insert:

- (m) does not include information provided to the Government Statistician solely for research by or on behalf of an individual or an organisation (as defined in **section 6** of the Data and Statistics Act **2021**). 20

Amendment to Summary Proceedings Act 1957

103 Principal Act

Section 104 amends the Summary Proceedings Act 1957.

104 Section 2 amended (Interpretation)

In section 2(1), definition of **infringement notice**, after paragraph ~~(jg)~~ (jh), insert: 25

- ~~(jh)~~ **section 70** of the Data and Statistics Act 2021; or
- (ji) **section 70** of the Data and Statistics Act 2021; or

Compare: SC 14

Other amendments and revocation 30

105 Other amendments and revocation

- (1) Amend the Acts specified in **Schedules 2 and 3 and Part 1 of Schedule 4** as set out in those schedules.

- (2) Amend the secondary legislation specified in **Part 2 of Schedule 4** as set out in that schedule.
- (3) The Education (Statistics New Zealand Authorised to Use National Student Numbers) Regulations 2008 (SR 2008/134) are revoked.

Schedule 1

Transitional, savings, and related provisions

s 8

Part 1

Provisions relating to this Act as enacted

5

1 Interpretation

In this Part,—

commencement date means the date on which this Act comes into force

former Act means the Statistics Act 1975.

2 Multi-year data and statistical programme

10

For the purpose of **section 18(1)**, the Statistician must establish the first multi-year data and statistical programme as soon as practicable after the commencement date.

3 Declarations

A person who, before the commencement date, made a declaration of secrecy under section 21 of the former Act is to be treated for the purpose of this Act as having completed a certificate of confidentiality under **section 42**.

15

4 ~~Application of Act to 2023 census~~

(1) ~~Consultation carried out by the Statistician before the commencement date in relation to the 2023 census is treated as consultation for the purpose of **section 34**.~~

20

(2) ~~**Section 35** does not apply to the 2023 census.~~

4 Application of Act to next census

(1) **Section 35** does not apply to the census required by **section 34(1)(a)**.

(2) Consultation carried out by the Statistician before the commencement date in relation to the census required by **section 34(1)(a)** is treated as consultation for the purpose of **section 36**.

25

5 Information collected under former Act

This Act applies to information collected by the Statistician under the former Act as if it were data collected by the Statistician under this Act.

30

6 Decisions of Minister and other matters under former Act

(1) Any agreement between the Statistician and a government department, local authority, or statutory body made in accordance with section 9 of the former

-
- Act and in effect immediately before the commencement date is to be treated as an agreement entered into with the approval of the Minister under **section 24**.
- (2) Any approval given by the Minister under section 6(1) of the former Act is to be treated as an approval given under **section 28** to collect the same information. 5
- (3) Any direction of the Minister of a kind referred to in section 15(2) of the former Act and in effect immediately before the commencement date is to be treated as a direction of the Minister given under **section 44(1)**.
- 7 Research or statistical projects for which information disclosed under former Act 10**
- (1) This clause applies if before the commencement date the Statistician disclosed information in accordance with section 37C of the former Act for a research or statistical project.
- (2) The former Act applies in respect of the research or statistical project as if this Act had not been enacted. 15

Schedule 2

Amendments to Acts relating to provision of data to Statistician

s 105(1)

Biosecurity Act 1993 (1993 No 95)

After section 100ZC(5), insert:

5

- (6) Nothing in a readiness or response levy order limits or prevents the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

After section 142C(2)(h), insert:

- (i) to provide it to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

10

Citizenship Act 1977 (1977 No 61)

After section 26C, insert:

26D Provision of information to Government Statistician

15

Nothing in this Act limits or prevent the provision of information recorded under this Act to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

Commodity Levies Act 1990 (1990 No 127)

In section 7, insert as subsection (2):

20

- (2) Nothing in a levy order limits or prevents the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

District Court Act 2016 (2016 No 49)

After section 236(3), insert:

25

- (3A) For the purposes of **sections 29, 30, and 32** of the Data and Statistics Act **2021**,—

- (a) the provision of court information (other than permitted information in accordance with section 237) and judicial information to the Government Statistician is expressly prevented; but
- (b) nothing in this Act limits or prevents the provision of Ministry of Justice information to the Government Statistician for the production of official statistics or research.

30

Education and Training Act 2020 (2020 No 38)

In Schedule 24, after clause 5, insert:

35

Education and Training Act 2020 (2020 No 38)—continued**6 National student numbers may be provided to Government Statistician**

Nothing in this schedule limits or prevents the provision of information (including national student numbers) to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

5

Electoral Act 1993 (1993 No 87)

After section 112, insert:

112A Provision of electoral information to Government Statistician

- (1) Nothing in this Act limits or prevents the provision of any of the following information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**: 10
- (a) a list of electors in a particular age group as defined in section 114(9):
 - (b) a list of electors of Māori descent:
 - (c) a list of electors whose birthdays fall within a period of 12 months:
 - (d) a list of electors as at a date specified by the Statistician: 15
 - (e) a list of electors on the dormant roll:
 - (f) in relation to each elector on a list described in **paragraphs (a) to (e)**, the elector's name, date of birth, postal address, residential address, occupation (if any), preferred honorific (if any), and meshblock:
 - (g) information about any elector appearing to be entitled to vote in— 20
 - (i) 1 or more named electoral districts; or
 - (ii) all electoral districts; or
 - (iii) 1 or more named regions or constituencies of a region; or
 - (iv) 1 or more named territorial authority districts; or
 - (v) 1 or more named wards; or 25
 - (vi) 1 or more named community board areas; or
 - (vii) 1 or more named local board areas:
 - (h) any other information that the Electoral Commission agrees to provide to the Government Statistician for the production of official statistics or research. 30
- (2) Despite **subsection (1)**, the Electoral Commission must not provide to the Government Statistician information that is subject to a direction under section 115(1).

Energy Efficiency and Conservation Act 2000 (2000 No 14)

After section 38(5), insert:

35

Energy Efficiency and Conservation Act 2000 (2000 No 14)—*continued*

(5A) Nothing in this section limits or prevents the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

Forests Act 1949 (1949 No 19)

After section 15B(5), insert:

5

(6) Nothing in this section limits or prevents the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

National Animal Identification and Tracing Act 2012 (2012 No 2)

After section 23A, insert:

10

23B Provision of information to Government Statistician

Nothing in this Act limits, prevents, or permits a fee to be charged for, the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

Reserve Bank of New Zealand Act 2021 (2021 No 31)

15

In section 5, definition of **law enforcement or regulatory agency**, repeal paragraph (c).

After section 269(6), insert:

(7) Nothing in this section limits or prevents the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021**.

20

Senior Courts Act 2016 (2016 No 48)

After section 173(3), insert:

(3A) For the purposes of **sections 29, 30, and 32** of the Data and Statistics Act **2021**,—

25

(a) the provision of court information (other than permitted information in accordance with section 174) and judicial information to the Government Statistician is expressly prevented; but

(b) nothing in this Act limits or prevents the provision of Ministry of Justice information to the Government Statistician for the production of official statistics or research.

30

Schedule 3

Amendments relating to references to products published by Statistics New Zealand

s 105(1)

Part 1

Amendments to Acts

5

Accident Compensation Act 2001 (2001 No 49)

In section 6(1), insert in its appropriate alphabetical order:

Consumers Price Index means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

10

In section 116, replace “Consumer” with “Consumers” in each place.

In section 388(4)(a), replace “Consumer” with “Consumers”.

Child Support Act 1991 (1991 No 142)

15

In section 2(1), insert in its appropriate alphabetical order:

Consumers Price Index means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

20

In section 2(1), definition of **inflation percentage**, delete “New Zealand”.

In section 112(4)(b) and (8), replace “New Zealand Consumer” with “Consumers”.

In section 236(1)(a), after “combined”, insert “ or any measure certified by the Government Statistician as being equivalent to that index”.

In section 236(1)(b) and (2)(b)(ii), replace “the all groups index number of the Consumer” with “the index number of the Consumers”.

25

In Schedule 3, replace the item below the table relating to average weekly earnings with:

* Average weekly earnings (for all industries, males and females combined), published by Statistics New Zealand (or if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index) for the June quarter in the immediately preceding child support year. The weekly earnings are annualised.

30

Commerce Act 1986 (1986 No 5)

In section 2(1), insert in its appropriate alphabetical order:

35

Commerce Act 1986 (1986 No 5)—continued

Consumers Price Index means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

In section 53O(b), replace “Consumer” with “Consumers”.

5

In section 55F(2), replace “New Zealand Consumer” with “Consumers”.

Companies Act 1993 (1993 No 105)

In Schedule 7, clause 3(2)(c), replace “Quarterly Employment Survey published by Statistics New Zealand (or, if that survey ceases to be published, any measure certified by the Government Statistician as an equivalent to that survey)” with “QES”.

10

In Schedule 7, clause 3(2)(g), replace “Quarterly Employment Survey” with “QES”.

In Schedule 7, after clause 3(4)(c), insert:

(d) **QES** means the Quarterly Employment Survey published by Statistics New Zealand or, if that survey ceases to be published, any measure certified by the Government Statistician as being an equivalent to that survey.

15

Customs and Excise Act 2018 (2018 No 4)

In Schedule 3, clause 21(4),—

(a) replace “Index number of the Consumers Price Index All Groups excluding credit services issued by the Government Statistician” with “index number of the Consumers Price Index (less credit services subgroup)”; and

20

(b) replace “Index number of the quarterly Consumers Price Index All Groups excluding credit services issued by the Government Statistician” with “index number of the Consumers Price Index (less credit services subgroup)”.

In Schedule 3, clause 21(6), insert in its appropriate alphabetical order:

Consumers Price Index (less credit services subgroup) means the Consumers Price Index (less credit services subgroup) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

25

Education and Training Act 2020 (2020 No 38)

In section 645(10), replace the definition of **CPI** with:

30

CPI means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

Electoral Act 1993 (1993 No 87)

Replace section 266A(7) with:

35

Electoral Act 1993 (1993 No 87)—continued

- (7) In this section, **CPI** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

Financial Reporting Act 2013 (2013 No 101)

Replace section 48(5) with:

5

- (5) In this section, **CPI** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

Government Superannuation Fund Act 1956 (1956 No 47)

In section 2(1), insert in its appropriate alphabetical order:

10

Consumers Price Index means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

In section 61L(6), (7)(b), and (8), replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers” in each place.

15

In section 61Q(7),—

- (a) replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers”; and
- (b) replace “all groups index number of the Consumer” with “index number of the Consumers”.

20

In section 61R(9)(b), replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers”.

In section 61S(7)(b), replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers”.

25

In section 71K(9)(b)(ii), replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers”.

In section 81O(6),—

- (a) replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers”; and
- (b) replace “all groups index number of the Consumer” with “index number of the Consumers”.

30

In section 81T(a), replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers”.

In section 86E(8), replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers” in each place.

35

Government Superannuation Fund Act 1956 (1956 No 47)—continued

In section 88P(2)(b), replace “all groups index number of the New Zealand Consumer” with “index number of the Consumers”.

Government Superannuation Fund Amendment Act 1969 (1969 No 38)

In section 5(1A), (1C), and (1D), replace “all groups index number of the New Zealand Consumers” with “index number of the Consumers” in each place.

5

After section 5(5), insert:

- (6) In this section, **Consumers Price Index** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

10

Income Tax Act 2007 (2007 No 97)

In section EY 28(8)(b)(i) and (c)(ii), replace “consumer price index” with “Consumers Price Index (all groups)”.

After section EY 28(8), insert:

- (9) In this section, **Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

15

In section EY 30(2)(c), (3)(e)(i), and (5BA)(c), replace “consumer price index” with “Consumers Price Index (all groups)”.

20

After section EY 30(15), insert:

- (16) In this section, **Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

25

In section MF 7(1), (2), (2BA), and (2B), replace “New Zealand Consumers Price Index” with “Consumers Price Index (all groups)” in each place.

~~In section MF 7(2B), replace “New Zealand Consumers Price Index all groups excluding cigarettes and other tobacco products” with “Consumers Price Index (less cigarettes and tobacco subgroup)” in each place.~~

30

In section MF 7(2B), replace “New Zealand Consumers Price Index (All Groups) published by Statistics New Zealand” with “Consumers Price Index (all groups)” in each place.

After section MF 7(5), insert:

Definitions

- (6) In this section,—

35

Income Tax Act 2007 (2007 No 97)—continued

~~**Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index~~

~~**Consumers Price Index (less cigarettes and tobacco subgroup)** means the Consumers Price Index (less cigarettes and tobacco subgroup) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.~~

(6) In this section, **Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

Infrastructure Funding and Financing Act 2020 (2020 No 47)

In section 92(2), delete “(All Groups) published by Statistics New Zealand”.

After section 92(2), insert:

(3) In this section, **Consumers Price Index** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

Insolvency Act 2006 (2006 No 55)

In section 3, insert in its appropriate alphabetical order:

Consumers Price Index means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

In section 158(4), replace “New Zealand Consumers” with “Consumers”.

In section 164(2), replace “Consumer” with “Consumers”.

In section 276(2)(c), replace “Quarterly Employment Survey published by Statistics New Zealand (or, if that survey ceases to be published, a survey certified by the Government Statistician as an equivalent to that survey)” with “QES”.

In section 276(2)(g), replace “Quarterly Employment Survey” with “QES”.

After section 276(4)(c), insert:

(d) **QES** means the Quarterly Employment Survey published by Statistics New Zealand or, if that survey ceases to be published, any measure certified by the Government Statistician as being equivalent to that survey.

In section 343(4), replace “New Zealand Consumers” with “Consumers”.

In section 363(3), replace “Consumer” with “Consumers”.

Insolvency Act 2006 (2006 No 55)—*continued*

In Schedule 1AA, clause 12, replace “New Zealand Consumers” with “Consumers”.

Legislation Act 2019 (2019 No 58)

In section 96(3)(b), replace “New Zealand Consumers” with “Consumers”.

After section 96(3), insert:

- (3A) In subsection (3)(b), **Consumers Price Index** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index. 5

Local Government Act 2002 (2002 No 84)

In section 106(2C)(a)(i), replace “Producers Price Index Outputs for Construction provided by Statistics New Zealand” with “PPI”. 10

Replace section 106(7) with:

- (7) In this section,—
- capital expenditure** includes any funding provided by a responsible levy authority to contribute to the construction costs of eligible infrastructure that has been, or is intended to be, transferred to the authority under section 90 of the Infrastructure Funding and Financing Act 2020 15
- PPI** means the Producers Price Index Outputs for Construction provided by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index. 20

In section 259(3)(a)(ii), after “Consumers Price Index”, insert: “(all groups) or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)

In section 15(1), replace the definition of **CPI** with: 25

Consumers Price Index (all groups) means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

In section 15(2) and (2A), replace “CPI” with “Consumers Price Index (all groups)” in each place. 30

In section 15(2A)(a), replace “consumers price index-all groups published by Statistics New Zealand” with “Consumers Price Index (all groups)”.

In section 15(2A)(b), replace “consumers price index-all groups excluding cigarettes and other tobacco products published by Statistics New Zealand” with “Consumers Price Index (less cigarettes and tobacco subgroup) published by Statistics New Zea- 35

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)—*continued*

land or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

In section 16(1)(a), replace “Quarterly Employment Survey of wages published by the Department of Statistics” with “QES”.

Replace section 16(2) with:

5

(2) In this section,—

earner levies means the levies payable under section 219(1) of the Accident Compensation Act 2001

QES means the Quarterly Employment Survey of wages published by Statistics New Zealand or, if that survey ceases to be published, any measure certified by the Government Statistician as being equivalent to that survey.

10

Oranga Tamariki Act 1989 (1989 No 24)

In section 363(5) and (6), replace “CPI” with “Consumers Price Index (all groups)” in each place.

In section 363(6)(a), replace “consumers price index-all groups published by Statistics New Zealand” with “Consumers Price Index (all groups)”.

15

In section 363(6)(b), replace “consumers price index-all groups excluding cigarettes and other tobacco products published by Statistics New Zealand” with “Consumers Price Index (less cigarettes and tobacco subgroup) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

20

Replace section 363(9) with:

(9) In this section, **Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

25

Public Works Act 1981 (1981 No 35)

In section 72E(2)(c), replace “New Zealand Consumer Price Index” with “Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

30

Residential Care and Disability Support Services Act 2018 (2018 No 33)

In the heading to section 75, delete “New Zealand”.

In section 75(1), (2), and (3)(a), replace “Consumers Price Index (All Groups) published by Statistics New Zealand” with “Consumers Price Index (all groups)”.

35

Residential Care and Disability Support Services Act 2018 (2018 No 33)—*continued*

In section 75(3)(b), replace “(All Groups Excluding Cigarettes and Other Tobacco Products) published by Statistics New Zealand” with “(less cigarettes and tobacco subgroup) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

5

After section 75(5), insert:

- (6) In this section, **Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

10

Social Security Act 2018 (2018 No 32)

In section 452A(6), definition of **average ordinary time weekly earnings**, replace “Quarterly Employment Survey of wages published (as original, or revised, statistics) by Statistics New Zealand” with “QES”.

In section 452A(6), insert in its appropriate alphabetical order:

15

QES means the Quarterly Employment Survey of wages published (as original, or revised, statistics) by Statistics New Zealand or, if that survey ceases to be published, any measure certified by the Government Statistician as being equivalent to that survey

In section 453(1) and (3), replace “CPI” with “Consumers Price Index (all groups)” in each place.

20

In section 453(3)(a), replace “Consumers Price Index (All Groups) published by Statistics New Zealand” with “Consumers Price Index (all groups)”.

In section 453(3)(a), replace “Consumers Price Index (All Groups) published by Statistics New Zealand” with “CPI”.

25

In section 453(3)(b), replace “Consumers Price Index (All Groups Excluding Cigarettes and Other Tobacco Products) published by Statistics New Zealand” with “CPI Consumers Price Index (less cigarettes and tobacco subgroup) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

30

Replace section 453(6) with:

- (6) In this section, ~~Consumers Price Index (all groups)~~ CPI means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

35

Telecommunications Act 2001 (2001 No 103)

In section 5, replace the definition of **CPI** with:

Telecommunications Act 2001 (2001 No 103)—continued

CPI means the Consumers Price Index (all groups) published by Statistics New Zealand or if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

Veterans' Support Act 2014 (2014 No 56)

In section 7, insert in its appropriate alphabetical order:

5

QES means the Quarterly Employment Survey of wages published by Statistics New Zealand or, if that survey ceases to be published, any measure certified by the Government Statistician as being equivalent to that survey

In the heading to section 31, delete “**New Zealand**”.

In section 31(3)(a) and (4)(a) and (b), replace “**New Zealand Consumers**” with “**Consumers**”.

10

After section 31(4), insert:

- (5) In this section, **Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

15

Replace section 61(2) with:

- (2) In this section, **average wage** means the before tax average ordinary time weekly wage (all sectors, male and female combined) as at 1 April each year, as specified in the latest QES.

20

In section 170(2), definition of **average wage**, replace “Quarterly Employment Survey of wages published by Statistics New Zealand” with “**QES**”.

In section 170(2), replace the definition of **CPI** with:

Consumers Price Index (all groups) means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

25

In section 170(3), replace “**CPI**” with “**Consumers Price Index (all groups)**” in each place.

In section 170(4), replace “despite subsections (2) and (3), be calculated using index numbers of the **CPI**, excluding cigarettes and other tobacco products, published by Statistics New Zealand” with “despite subsection (3), be calculated using index numbers of the **Consumers Price Index** less cigarettes and tobacco subgroup published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

30

35

In Schedule 2, replace clause 25(2) with:

Veterans' Support Act 2014 (2014 No 56)—continued

- (2) In this clause, **average wage** means the before tax average ordinary time weekly wage (all sectors, male and female combined) as at 1 July each year, as specified in the latest QES.

In Schedule 2, replace clause 37(6) with:

- (6) In this clause, **average wage** means the before tax average ordinary time weekly wage (all sectors, male and female combined) as at 1 July each year, as specified in the latest QES. 5

Part 2**Amendments to secondary legislation****Crown Minerals (Royalties for Minerals Other than Petroleum) Regulations 2013 (SR 2013/206) 10**

In regulation 4(1), definition of **PPI**, after “New Zealand”, insert “or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

Crown Pastoral Land (Method for Calculating Dollar-Per-Stock-Unit Rates) Regulations 2012 (SR 2012/167) 15

In regulation 3, definition of **permitted farm input prices series**, paragraph (b), after “Statistics New Zealand”, insert “or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

Government Superannuation Fund (Ceasing Contributions) Regulations 1995 (SR 1995/172) 20

In regulation 2(1), insert in its appropriate alphabetical order:

Consumers Price Index means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index 25

In regulation 2(1), definition of **increased in accordance with CPI**, replace “New Zealand Consumer” with “Consumers”.

In regulation 36(5), replace “New Zealand Consumer” with “Consumers”.

In regulation 37(4), replace “New Zealand Consumer” with “Consumers”. 30

In regulation 38(5), replace “New Zealand Consumer” with “Consumers”.

Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2004 (SR 2004/187)

In regulation 3, replace the definition of **Labour Cost Index** with:

Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2004 (SR 2004/187)—continued

Labour Cost Index means the *Labour Cost Index All Salary and Wage Rates (including overtime), all industries and sectors combined* published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

Injury Prevention, Rehabilitation, and Compensation (Indexation) Regulations 2002 (SR 2002/127) 5

In regulation 3(1), replace the definition of **CPI** with:

CPI means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

10

In regulation 3(1), replace the definition of **Labour Cost Index** with:

Labour Cost Index means the *Labour Cost Index All Salary and Wage Rates (including overtime), all industries and sectors combined* published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

15

Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005 (SR 2005/92)

In clause 9(4), definition of **CPI**, replace “New Zealand Consumers Price Index (All Groups) published by Statistics New Zealand” with “Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

20

Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015 (LI 2015/160)

In clause 7(4), definition of **CPI**, replace “New Zealand Consumers Price Index (All Groups) published by Statistics New Zealand” with “Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

25

Land Transport Management (Road Tolling Scheme for Tauranga Eastern Link) Order 2015 (LI 2015/43)

30

In clause 8(5), definition of **CPI**, replace “New Zealand Consumers Price Index (All Groups) published by Statistics New Zealand” with “Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index”.

35

Social Security Regulations 2018 (LI 2018/202)

In regulation 182, definition of **relevant survey**, replace paragraph (b) with:

- (b) if the survey referred to in paragraph (a) ceases to be published, any measure certified by the Government Statistician as an equivalent to that survey

5

Veterans' Support Regulations 2014 (LI 2014/369)

Replace regulation 15A(3) with:

- (3) In subclause (2), **LCI** means the *Labour Cost Index All Salary and Wage Rates (including overtime), all industries and sectors combined* published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

10

Replace regulation 16(3)(a) with:

- (a) means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index; but

15

Replace regulation 16(3) with:

- (3) In subclause (2), **CPI** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

Replace regulation 16A(3) with:

20

- (3) In subclause (2), **CPI** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

~~Wine (Non-grape Wine Levy) Order 2015 (LI 2015/260)~~

~~In clause 9(3)(b)(i), replace “(All Groups) published by Statistics New Zealand” with “(all groups) published by Statistics New Zealand (or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index)”.~~

25

Wine (Non-grape Wine Levy) Order 2021 (LI 2021/273)

In clause 11(3)(b)(i), replace “(All Groups) most recently published by Statistics New Zealand” with “(all groups) most recently published by Statistics New Zealand (or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index)”.

30

Schedule 4

Consequential amendments to legislation

s 105(1), (2)

Part 1

Consequential amendments to Acts

5

Accident Compensation Act 2001 (2001 No 49)

Replace section 288 with:

288 Injury-related statistics are official statistics under Data and Statistics Act 2021

Injury-related statistics are official statistics for the purposes of the Data and Statistics Act **2021**. 10

In section 289(6)(c), replace “section 11 of the Statistics Act 1975” with “the Data and Statistics Act **2021**”.

In section 289(8)(b), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”. 15

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

In section 87A, replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57)

In section 122, replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Building Societies Act 1965 (1965 No 22) 20

In section 122A(2), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Child Poverty Reduction Act 2018 (2018 No 57)

In section 5, definition of **Statistician**, replace “section 2 of the Statistics Act 1975” with “**section 6** of the Data and Statistics Act **2021**”. 25

In section 5, definition of **Statistics New Zealand**, replace “established under that name by the Statistics Act 1975”, with “continued by the Data and Statistics Act **2021**”.

In section 33(3)(b), replace “section 15 of the Statistics Act 1975” with “**section 16** of the Data and Statistics Act **2021**”. 30

In section 34(3), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Companies Act 1993 (1993 No 105)

In section 365(2), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Corporations (Investigation and Management) Act 1989 (1989 No 11)

In sections 71(7) and 71A(2), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Electoral Act 1993 (1993 No 87)

In section 3(1), definition of **census**, replace “the Department of Statistics pursuant to the Statistics Act 1975” with “Statistics New Zealand under the Data and Statistics Act **2021**”. 5

Replace section 33(3) with:

- (3) The Statistician may appoint a deputy to perform all the functions, duties, and powers of the chief executive in his or her capacity as a member of the Representation Commission. 10

In section 33(6), replace “subsection (1) or subsection (5)” with “subsection (1), **(3)**, or (5)”.

Environmental Reporting Act 2015 (2015 No 87)

In section 4, definition of **Minister of Statistics**, replace “Statistics Act 1975” with “Data and Statistics Act **2021**”. 15

In section 4, definition of **Statistics New Zealand**, replace “established under that name by the Statistics Act 1975” with “continued by the Data and Statistics Act **2021**”.

Financial Service Providers (Registration and Dispute Resolution) Act 2008 (2008 No 97) 20

In section 37(4), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Incorporated Societies Act 1908 (1908 No 212)

In section 34A(2), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Industrial and Provident Societies Act 1908 (1908 No 81) 25

In section 13A(2), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Land Transfer Act 2017 (2017 No 30)

In section 82A(1), replace “section 2 of the Statistics Act 1975” with “**section 6** of the Data and Statistics Act **2021**”.

In section 82A(1), replace “for the purposes of the Statistics Act 1975” with “for the purposes of the Data and Statistics Act **2021**”. 30

In section 86(2), definition of **authorised person**, paragraph (aa), replace “Statistician or employee of the department (as those terms are defined in section 2 of the Statistics Act 1975)” with “Statistician (as defined in **section 6** of the Data and Statistics Act **2021**) or an employee of Statistics New Zealand”. 35

Limited Partnerships Act 2008 (2008 No 1)

In section 78(3), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Local Electoral Act 2001 (2001 No 35)

In section 5(1), definition of **census**, replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

5

Mental Health and Wellbeing Commission Act 2020 (2020 No 32)

In section 15(1)(b), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

New Zealand Infrastructure Commission/Te Waihanga Act 2019 (2019 No 51)

In section 23(7)(b), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

10

New Zealand Productivity Commission Act 2010 (2010 No 136)

Repeal section 15.

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)

In section 16(1)(a), replace “the Department of Statistics” with “Statistics New Zealand”.

15

Privacy Act 2020 (2020 No 31)

In section 29(2), replace “Statistics New Zealand under the Statistics Act 1975” with “the Government Statistician under the Data and Statistics Act **2021**”.

Public Records Act 2005 (2005 No 40)

20

In section 4, definition of **Statistician**, replace “section 2 of the Statistics Act 1975” with “**section 6** of the Data and Statistics Act **2021**”.

Repeal section 22(1)(a).

Repeal section 22(2).

Repeal section 22(3).

25

Remuneration Authority Act 1977 (1977 No 110)

In section 15(5), replace “pursuant to the Statistics Act 1975” with “under the Data and Statistics Act **2021**”.

Retirement Villages Act 2003 (2003 No 112)

In section 97(2), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

30

Search and Surveillance Act 2012 (2012 No 24)

In the Schedule, after the item relating to the Dairy Industry Restructuring Act 2001, insert:

Search and Surveillance Act 2012 (2012 No 24)—continued

Act	Section	Brief description of power	Which provisions in Part 4 apply
Data and Statistics Bill 2021	section 57	Statistician or authorised employee may enter and inspect any place of business (other than private dwelling or marae) or require records to be produced for the purpose of obtaining any data that the Statistician considers necessary or desirable to enable the Statistician to produce official statistics	Subparts 1, 2, 4, 5, 7, and 10 (except for sections 118 and 119)
	section 58	Statistician or authorised employee may obtain a search warrant in relation to a place of business or enterprise if satisfied that there are reasonable grounds for believing that it is necessary or desirable for the purpose of enabling the Statistician to produce official statistics	Subpart 3

Serious Fraud Office Act 1990 (1990 No 51)

In section 38(1), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Tax Administration Act 1994 (1994 No 166)

In Schedule 7, Part C, replace clause 20 with:

20 Statistics New Zealand

5

Section 18 does not prevent the Commissioner disclosing information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act **2021** if the Commissioner considers that it is not undesirable to disclose the information.

Part 2

10

Consequential amendments to secondary legislation**Privacy (Information Sharing Agreement Between Ministry of Justice and Statistics New Zealand) Order 2017 (LI 2017/51)**

In clause 6(a), replace “Statistics Act 1975” with “Data and Statistics Act **2021**”.

Public Lending Right for New Zealand Authors Regulations 2008 (SR 2008/423)

15

In regulation 3, definition of **Statistician**, replace “section 2 of the Statistics Act 1975” with “**section 6** of the Data and Statistics Act **2021**”.

Data and Statistics Bill

Legislative history

11 October 2021
9 November 2021

Introduction (Bill 81–1)
First reading and referral to Governance and Administration
Committee