



## Statistics Amendment Act 2010

Public Act 2010 No 86  
Date of assent 6 July 2010  
Commencement see section 2

### Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act amended	2
4 Interpretation	2
5 Employment of persons for collection of statistics	2
6 Census of population and dwellings	2
7 Section 25 substituted	2
25 Duty of persons to obtain census schedule	2
8 Duty of occupier and other persons abiding in dwelling	3
9 New section 30 substituted	5
30 Delivery of schedules	5
10 Onus to complete schedules	6

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### The Parliament of New Zealand enacts as follows:

- Title**  
This Act is the Statistics Amendment Act 2010.
- Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act amended**

This Act amends the Statistics Act 1975.

**4 Interpretation**

Section 2 is amended by inserting the following definition in its appropriate alphabetical order:

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

**5 Employment of persons for collection of statistics**

Section 19(1)(b) is amended by omitting “controllers” and substituting “managers” and also by omitting “enumerators” and substituting “collectors”.

**6 Census of population and dwellings**

Section 23 is amended by repealing subsection (3) and substituting the following subsection:

“(3) At a suitable time after the Proclamation made under subsection (2), the Statistician must publish, in whichever newspapers and by whichever other means the Statistician considers sufficient for notifying the public of New Zealand, the following information about the census:

“(a) the date of the census:

“(b) details of where to seek advice and guidance related to the census:

“(c) details of how to obtain a schedule if one has not been received.”

**7 Section 25 substituted**

Section 25 is repealed and the following section substituted:

**“25 Duty of persons to obtain census schedule**

“(1) A person who for any reason has not received either a schedule relating to a census of population and dwellings, or a means to access an electronic schedule, must obtain either a schedule, or a means to access an electronic schedule, in accordance

with the details published by the Statistician of how to obtain a schedule.

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

## **8 Duty of occupier and other persons abiding in dwelling**

- (1) Section 26 is amended by repealing subsection (2) and substituting the following subsections:
- “(2) If a person in respect of whom particulars are required to be furnished under subsection (1) chooses to fill in and return an electronic schedule, the occupier or person in charge of the dwelling may comply with his or her duty under subsection (1) by—
- “(a) sighting a confirmation of receipt of the schedule that is issued electronically by the Department—
    - “(i) to the person who returned the schedule; or
    - “(ii) to the occupier or person in charge of the dwelling; or
  - “(b) obtaining verbal confirmation from the Department that it has received the electronic schedule.
- “(2A) Subsection (2B) applies if, either,—
- “(a) a person in respect of whom particulars are required to be furnished under subsection (1) does not choose to use an electronic schedule; or
  - “(b) the occupier or person in charge of a dwelling is unwilling or unable to provide a computer facility for that person to use to access an electronic schedule.

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

“(d) the person’s name.”

- (2) Subsection 26(3) is amended by omitting “enumerator” in each place where it appears and substituting in each case “collector”.

**9 New section 30 substituted**

Section 30 is repealed and the following section substituted:

**“30 Delivery of schedules**

- “(1) Delivery to any person of a schedule for the purposes of this Act is effected by delivering to that person, by any of the methods described in subsection (2),—
- “(a) a schedule; or
  - “(b) the means to access an electronic schedule.
- “(2) A schedule, or the means to access an electronic schedule, may be delivered—
- “(a) by personal delivery to a person; or
  - “(b) by post addressed to the person by name, or by office,—
    - “(i) at the person’s last known place of abode or business; or
    - “(ii) at any address given by the person; or
  - “(c) by post addressed to the occupier of the dwelling or premises; or
  - “(d) by electronic means, including (without limitation) by fax, email, or text messaging, to an address nominated by the person for the purpose of delivery of a schedule or the means to access an electronic schedule; or
  - “(e) if any other person is authorised to act on behalf of the person, by delivery to that other person by any of the methods set out in paragraphs (a) to (c).
- “(3) The time that delivery of a schedule or the means to access an electronic schedule is, in the absence of proof to the contrary, deemed to be effected is,—
- “(a) if delivery is effected by post, the time when in the ordinary course of post delivery would be expected; and
  - “(b) if delivery is effected by electronic means, the time when the electronic communication enters the associated information system.”

**10 Onus to complete schedules**

- (1) Section 31 is amended by repealing subsections (1), (2), and (3) and substituting the following subsections:
- “(1) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with section 30 to a person, together with a notice that the schedule must be filled in and returned to the Department within a stated time, that person must,—
- “(a) fill in, sign, and return the schedule to the Department within the stated time; or
- “(b) access, fill in, and return the electronic schedule to the Department within the stated time.
- “(2) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with section 30 at any dwelling or part of a dwelling, together with a notice that the schedule must be filled in by the occupier of the dwelling or part of a dwelling, or in his or her absence by some other member of the household, and must be returned to the Department within a stated time, the occupier must ensure that—
- “(a) the schedule is filled in, signed, and returned to the Department within the stated time; or
- “(b) the electronic schedule is accessed, filled in, and returned to the Department within the stated time.
- “(2A) Subsection (2) applies whether or not the occupier, or any other member of the household,—
- “(a) is specifically named in the schedule; or
- “(b) is personally served with the schedule or the means to access an electronic schedule.
- “(3) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with section 30 at any factory, farm, mine, workshop, office, or place of business or other activity of any person, or to that person’s agent, or to the occupier of that factory, farm, mine, workshop, office, or place, together with a notice that the schedule must be filled in by that person or that occupier and must be returned to the Department within a stated time, that person or that occupier must—

- “(a) fill in, sign, and return the schedule to the Department within the stated time; or
  - “(b) access, fill in, and return the electronic schedule to the Department within the stated time.
- “(3A) Subsection (3) applies whether or not the person or the occupier—
- “(a) is specifically named in the schedule; or
  - “(b) is personally served with the schedule or the means to access an electronic schedule.”
- (2) Section 31(4) is amended by inserting “or the means to access an electronic schedule” after “schedule”.
- (3) Section 31(5) is amended by inserting “or the means to access an electronic schedule” after “schedule”.

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### Legislative history

29 June 2010	Divided from Statutes Amendment Bill by committee of the whole House, third reading
6 July 2010	Royal assent

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This Act is administered by the Department of Statistics.

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