CENSUS AND STATISTICS AMENDMENT BILL (NO. 2) 1981

Date Introduced: 15 October 1981
House: House of Representatives
Presented by: Hon. J. Howard M.P., Treasurer

Purpose

To amend the Census and Statistics Act 1905 to change the confidentiality provisions of the Act and to rectify a number of technical and administrative deficiencies.

Background

The Statistician is currently restricted in the amount of information, furnished in pursuance of the Act, that he can release by the confidentiality provisions of the Act. Liberal adherence in all circumstances to these provisions is unnecessary and in some cases may severely curtail the statistical service which the Statistician can provide.

The Bill overcomes this deficiency by providing a mechanism authorising the Statistician to publish figures collected under the Act, with the consent of the respondent involved. Some information of this nature is currently being released by the Statistician and the Government has taken the view that the precise categories of such releases and the safeguards by which they are accompanied should be spelled out.

Main Provisions

Clause 7 repeals section 5 of the Principal Act.

Clause 9 amends Section 8 of the Principal Act to ensure that matters to be covered in the Population Census are prescribed thus ensuring Parliament scrutiny of Census topics.

Clause 10 repeals sections 9 to 15A inclusive Part IV, the header to Part V and section 21 to 26 inclusive of the Principal Act.
Statistical Information to be Collected

Sub-section 9 (1) replaces section 16 of the Principal Act and enables a single comprehensive schedule of matters on which statistics may be collected to be specified in Regulations. Currently part of this schedule of matters is contained in the Principal Act and part is specified in Regulations.

Sub-section 9 (2) is included to meet the requirements of section 4 of the Representation Act, that requires the Statistician to produce quarterly population estimates.

Administration

This part of the Bill contains a common set of provisions to cover the administration of the collection of statistical information by the ABS in the Population Census and other statistical collections. The Principal Act previously had two sets of machinery provisions, one relating to the conduct of the Population Census and one relating to all other statistical collections. Matters covered include; forms to be filled up, answering of questions, publication of statistics, release of information, refusal or failure to answer questions, false or misleading statements, authorised officers, delegation, powers of entry, secrecy, prosecution of offences, continuing offences, and joinder of charges and penalties for certain offences.

Provisions of the Bill other than section 13, dealing with release of information, do not alter the substance of the powers, functions and duties of the Statistician or the method of operation of the Australian Bureau of Statistics.

Section 13 enables the Minister to authorise the Statistician by means of a written determination to release information of a specific kind under specific conditions. Sub-section 13 (2) helps define the extent of this power and ensures that the Ministerial determination can specify terms and conditions subject to which such information may be disclosed. Determinations may make provision -

(a) as to the persons to whom information may be disclosed;

(b) as to the respondents whose consent is required for the disclosure of the information; and
(c) specifying terms and conditions subject to which such information may be disclosed and that such terms and conditions may include a requirement of a person to whom information is being given to give an undertaking not to disclose any of the information to any person.

Sub-section 13 (3) ensures personal information may not be released via a determination.

Determinations made under section 13 are to be published in the Gazette, tabled in Parliament and be subject to disallowance by the Parliament.

For further information, if required, contact:

21 October 1981
Statistics Group
LEGISLATIVE RESEARCH SERVICE