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Statistics Legislation Amendment Bill 2003

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Statistics Legislation Amendment Bill 2003

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Statistics Legislation Amendment Bill

Date Introduced: 26 June 2003

House: House of Representatives

Portfolio: Treasury

Commencement: Royal Assent

Purpose

To make technical amendments to the *Australian Bureau of Statistics Act 1975*, the *Census and Statistics Act 1975* and the Statistics Regulations to ensure that:

- secrecy provisions apply to people who retired or resigned from the Australian Bureau of Statistics ('ABS') prior to 1999, and
- the ABS can second people from other organisations and engage supplementary staff for irregular collection activities such as the population census.

Background

The Bill corrects a number of technical deficiencies in statistics legislation which arose as an unintended consequence of previous amendments to the *Australian Bureau of Statistics Act 1975* ('ABS Act').

Main Provisions

Schedule 1 Part 1

Item 1 replaces **subsection 16(2)** of the **ABS Act** with a new provision designed to ensure the ability of the ABS to engage staff for supplementary tasks. According to the Explanatory Memorandum, Item 1 rectifies the unintended consequence of an amendment to section 16 of the ABS Act by the *Statute Law (Miscellaneous Provisions) Act 1987*. This placed in doubt the power of the ABS to engage staff under the Statistics Regulations.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

Item 3 inserts a **new section 16A** in the **ABS Act** to allow the ABS to second employees from other organisations, including agencies and authorities of Commonwealth, State and Territory governments, foreign governments including ABS counterpart agencies in other countries and international organisations such as the Organisation for Economic Co-operation and Development, the International Monetary Fund and the World Bank.

Item 5 extends the definition of an ABS 'officer' in **section 3** of the **Census and Statistics Act ('CS Act')** to ensure that people seconded under new section 16A of the ABS Act can work with information collected under the CS Act and are subject to the stringent secrecy provisions of that Act.

Item 6 adds **new subsection 16(2)** to the **CS Act** preventing people seconded to the ABS from being appointed as 'authorised officers' with 'powers of compulsion' under the CS Act including the ability to request that forms be filled up or questions answered, or the authority to enter prescribed classes of premises.

Item 7 adds **new subsection 17(1A)** to the **CS Act** to prevent powers of compulsion under the CS Act being delegated to people seconded to the ABS.

Item 8 inserts **new section 19B** in the **CS Act** to ensure that former officers of the ABS who retired or resigned prior to 1999 are still subject to the secrecy provisions in the Act. As the Parliamentary Secretary to the Minister for Finance and Administration, Peter Slipper MP, noted in the Second Reading Speech:

Deficiencies arising from amendments [to the ABS Act] in 1987 and 1999 have placed in doubt whether all current and former ABS staff are covered by the secrecy provisions of the Census and Statistics Act 1905.¹

As the Parliamentary Secretary noted, 'fundamental to the trust of the community in the ABS is the knowledge that the ABS will protect their data and keep it confidential.'²

Item 9 amends **subregulation 3(1)** of the **Statistics Regulations** to allow ABS staff to be employed along with other supplementary staff for occasional intensive tasks such as the population census and other collections.

Schedule 1 Part 2

To ensure the legality of the use by ABS of supplementary staff prior to commencement of this Bill, **Item 11** validates all previous purported engagements of such staff.

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Endnotes

- 1 *Second Reading Speech*, House Hansard, 26 June 2003, p. 16464.
- 2 *ibid.*

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