



Statistics Determination 1983

as amended

made under section 13 of the

Census and Statistics Act 1905

This compilation was prepared on 9 June 2004
taking into account amendments up to SR 2004 No. 114

Prepared by the Office of Legislative Drafting,
Attorney-General's Department, Canberra

	Page
Contents	
1A Name of Determination [see Note 1]	3
1 Interpretation	3
2 Disclosure of certain classes of statistics	4
3 Disclosure of statistics already available to the public	5
4 Disclosure of published information relating to official bodies	5
5 Disclosure with consent	6
6 Disclosure of lists of names and addresses of businesses and organisations	7
7 Disclosure of unidentified information	9
7A Disclosure of information to enable the Statistician to perform relevant functions	11
8 General	11
Notes	13

1A Name of Determination [see Note 1]

This Determination is the *Statistics Determination 1983*.

1 Interpretation

In this Determination, unless the contrary intention appears:

Authority means a body corporate, or an unincorporated body, established for a public purpose by an enactment, other than a government business undertaking.

Department means a Department of the Australian Public Service or a department of the public service of a State or the Northern Territory or an administrative unit, within the meaning of section 50 or 51 of the *Australian Capital Territory (Self-Government) Act 1988*, of the Australian Capital Territory.

enactment means:

- (a) an Act;
- (b) a State Act;
- (c) an Ordinance of a Territory other than the Northern Territory; or
- (d) a law (including rules, regulations or by-laws) made under an Act, a State Act or such an Ordinance.

government business undertaking means an official body set up primarily for the sale of goods or services.

Minister, in relation to a State, the Australian Capital Territory or the Northern Territory, means:

- (a) in the case of a State — a Minister of the Crown of that State; and
- (aa) in the case of the Australian Capital Territory — a Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*; and
- (b) in the case of the Northern Territory — a person holding Ministerial Office under section 36 of the *Northern Territory (Self-Government) Act 1978*.

official body means:

- (a) a Department; or
- (b) a body corporate, or an unincorporated body, established for a public purpose by, or under the provisions of, an enactment.

responsible Minister means:

- (a) in relation to a Department — the Minister or the Minister of a State, the Australian Capital Territory or the Northern Territory, as the case may be, administering the Department;
- (b) in relation to an Authority — the Minister or the Minister of a State, the Australian Capital Territory or the Northern Territory, as the case may be, administering the enactment by which the Authority is established; or
- (c) in relation to an official body, not being a Department or Authority — the Minister or the Minister of a State, the Australian Capital Territory or the Northern Territory, as the case may be, administering the enactment by which, or under the provisions of which, the body is established.

responsible officer means, in relation to an organization, an officer of that organization acting within the scope of authority exercisable by him in accordance with arrangements approved by that organization.

State Act includes an enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988* or the *Northern Territory (Self-Government) Act 1978*.

statistics means the results of compilation and analysis of statistical information collected under the authority of the *Census and Statistics Act 1905*.

2 Disclosure of certain classes of statistics

- (1) Information, being information included in a class of information to which this clause applies, may, with the approval in writing of the Statistician, be disclosed except where:
 - (a) in the case of information relating to a person, being an individual — that person;

- (b) in the case of information relating to an official body — the responsible Minister in relation to that official body; or
- (c) in the case of information relating to an organization other than an official body — a responsible officer of that organization,

has shown that such disclosure would be likely to enable the identification of that particular person or organization.

- (2) This clause applies to the following classes of information:
 - (a) information in the form of statistics relating to an official body other than a government business undertaking;
 - (b) information in the form of statistics relating to foreign trade, being statistics derived wholly or in part from Customs documents;
 - (c) information in the form of statistics relating to interstate trade, being statistics which are the result of compilation and analysis of statistical information collected under a law of the State of Tasmania;
 - (d) information in the form of statistics relating to building and construction, not being the costs or net returns of individual builders or contractors;
 - (e) information in the form of statistics relating to agricultural, apicultural, poultry, dairying and pastoral activities not being the costs or net returns of individual operators.

3 Disclosure of statistics already available to the public

Information in the form of statistics relating to a business or organization may, with the approval in writing of the Statistician, be disclosed where that information has been published by, or is available to the public from, that business or organization, or any official body.

4 Disclosure of published information relating to official bodies

Information relating to an official body may, with the approval in writing of the Statistician, be disclosed where that information has been published by any official body.

5 Disclosure with consent

- (1) Information, not being of a personal or domestic nature, relating to a person and information relating to an organization may, with the approval in writing of the Statistician, be:
 - (a) published or disseminated; or
 - (b) disclosed to a Department or Authority on a confidential basis, if the Statistician has been given a relevant undertaking,
where a relevant consent to disclosure of the information has been given by an appropriate person.
- (2) An appropriate person for the purposes of subclause (1) shall be:
 - (a) in the case of information relating to a person, being an individual — that person;
 - (b) in the case of information relating to an official body — the responsible Minister in relation to, or a responsible officer of, that official body; or
 - (c) in the case of information relating to an organization other than an official body — a responsible officer of that organization.
- (3) A reference in subclause (1) to a relevant consent shall be read as a reference to a consent in writing that:
 - (a) specifies the type of information to be disclosed;
 - (b) specifies whether such information is to be published or disseminated or is to be disclosed to a Department or Authority on a confidential basis;
 - (c) specifies, in the case where such information is to be disclosed on a confidential basis, the name of the Department or Authority to which the information is to be disclosed and specifies the purposes for which the information may be used;
 - (d) specifies whether such information may be disclosed on a continuing basis; and
 - (e) specifies, in the case where such information is to be disclosed on a continuing basis, arrangements for renewal or cancellation of consent.

- (4) Notwithstanding that a consent has been given for the purposes of subclause (1), information to which that consent relates shall not be disclosed if, in conjunction with other information released by the Statistician, such disclosure would be likely to enable the identification of a particular person or organization that has not consented to the disclosure of information relating to it.
- (5) A reference in paragraph (1) (b) to a relevant undertaking shall be read as a reference to an undertaking in writing by the responsible Minister in relation to, or a responsible officer of, the Department or Authority to which the information is to be disclosed, that the Department or Authority:
 - (a) will use the information only for specified purposes; and
 - (b) will not disclose the information in any form which, in conjunction with other information released by the Statistician or that Department or Authority, would be likely to enable the identification of the particular person or organization to which the information relates.

6 Disclosure of lists of names and addresses of businesses and organisations

- (1) Information to which this clause applies may, with the approval in writing of the Statistician, be disclosed, in the form of lists, to a Department or Authority where the Statistician has been given a relevant undertaking for the purposes of this subclause.
- (1A) If it is necessary for a contractor to have access to a list for the purpose of providing services to a Department or Authority, the contractor and every person employed by the contractor who has access to the list must give the Statistician a relevant undertaking.
- (2) This clause applies to the following information:
 - (a) the name of the business or organization;
 - (b) the address (including geographic codes) of the business or organisation;
 - (ba) the telephone number of the business or organisation;
 - (c) the type of legal entity of the business or organization;

- (d) the types of activities in which the business or organization is engaged;
 - (da) the types of industries in which the business or organisation is engaged;
 - (e) an indicator of the size of the business or organization.
- (3) A reference in subclause (1) to a relevant undertaking shall be read as a reference to an undertaking in writing by the responsible Minister in relation to, or a responsible officer of, the Department or Authority to which the information is to be disclosed, that the Department or Authority:
- (a) will use the list only for purposes specified in the undertaking which do not involve the enforcing of any obligation or liability applicable under any enactment;
 - (b) will not release the list to another person or organization, except for the purposes of the Department or Authority specified in the undertaking; and
 - (c) will comply with such other conditions specified in the undertaking with respect to the disclosure of the information.
- (3A) A reference in subclause (1A) to a relevant undertaking is a reference to an undertaking in writing by the contractor or person employed by the contractor that the contractor or person:
- (a) will use the information only for the purposes of providing services to a Department or Authority, being purposes specified in the undertaking given on behalf of the Department or Authority to the Statistician for the purposes of subclause (1); and
 - (b) will not release a list referred to in that subclause to another person or organisation; and
 - (c) will, if the Statistician so requires, return the list and all copies (if any) of it to the Department or Authority following completion of the contractor's services; and
 - (d) will comply with any other conditions specified in the undertaking with respect to the disclosure of the information.

- (4) Subject to subclause (5) where information is to be disclosed in accordance with this clause, particulars relating to the disclosure of the information, including a description of the information to be disclosed, the name of the Department or Authority to which the information is to be disclosed, and the purposes for which it is to be disclosed, shall be laid before both Houses of Parliament before the information is disclosed.
- (5) Where information is to be disclosed in accordance with this clause at a time when it is not practicable to comply with subclause (4), the information may be disclosed but, in such a case, particulars relating to the disclosure, including a description of the information disclosed, the name of the Department or Authority to which the information was disclosed and the purposes for which it was disclosed, shall be laid before each House of the Parliament within 5 sitting days of that House after the information is disclosed.

7 Disclosure of unidentified information

- (1) Information in the form of individual statistical records may, with the approval in writing of the Statistician, be disclosed if:
 - (a) all identifying information such as name and address has been removed; and
 - (b) the information is disclosed in a manner that is not likely to enable the identification of the particular person or organisation to which it relates; and
 - (c) the Statistician has been given a relevant undertaking by each person required by subclause (2) to give a relevant undertaking in relation to the information.
- (2) The persons required to give a relevant undertaking are:
 - (a) for information to be disclosed to an individual — the individual; and
 - (b) for information to be disclosed to an official body:
 - (i) the responsible Minister in relation to, or a responsible officer of, the official body; and
 - (ii) if the Statistician considers it necessary in a particular case — each individual in the official body who will have access to the information; and

- (c) for information to be disclosed to an organisation other than an official body:
 - (i) a responsible officer of the organisation; and
 - (ii) if the Statistician considers it necessary in a particular case — each individual in the organisation who will have access to the information.

(3) In this clause:

relevant undertaking means an undertaking in writing that use of the information in relation to which the undertaking is given is subject to the following conditions:

- (a) no attempt will be made to identify particular persons or organisations to which the information relates;
- (b) the information will be used only for statistical purposes;
- (c) for information to be disclosed to an individual — the information will not be disclosed to anyone without the approval in writing of the Statistician;
- (d) for information to be disclosed to an official body or other organisation:
 - (i) the information will not be disclosed to anyone outside the body or organisation without the approval in writing of the Statistician; and
 - (ii) if the Statistician considers it necessary in a particular case — the information will not be disclosed to an individual in the body or organisation who has not given a relevant undertaking;
- (e) if the Statistician considers it necessary in a particular case — either or both of the following:
 - (i) the information, and all copies (if any) of the information, will be returned to the Statistician as soon as the statistical purposes for which it was disclosed have been achieved;
 - (ii) access by officers to information, documents or premises will be given as may be necessary for the purpose of conducting a compliance audit concerning observance of the conditions under which the information is disclosed;

- (f) any other condition that, in the opinion of the Statistician, is reasonably necessary in a particular case.

7A Disclosure of information to enable the Statistician to perform relevant functions

- (1) Information relating to a person, other than information of a personal or domestic nature which is likely to enable the identification of that person, and information relating to an organization may, with the approval in writing of the Statistician, be disclosed to a person or organization where:
 - (a) the disclosure is to assist the Statistician to perform statistical functions; and
 - (b) the Statistician has been given a relevant undertaking for the purposes of this clause.
- (2) A reference in this clause to a relevant undertaking shall be read as a reference to an undertaking in writing by:
 - (a) in the case of information to be disclosed to a person, being an individual — that person; or
 - (b) in the case of information to be disclosed to an organization — each proprietor, partner, officer or employee of that organization who has access to the information,

that the information will be used only to assist the Statistician to perform the statistical functions as specified in the undertaking and that the information will not be disclosed to another person or organization other than a proprietor, partner, officer or employee of the same organization who has also given the Statistician an undertaking pursuant to this clause.

8 General

Information, being information included in a class of information to which a clause of this Determination applies, may be disclosed in accordance with that clause notwithstanding that:

- (a) another clause of this Determination may apply to the same class of information; or

Clause 8

- (b) the information may be included in another class of information to which a clause of this Determination applies.

Table of Instruments

Notes to the *Statistics Determination 1983*

Note 1

The *Statistics Determination 1983* (in force under section 13 of the *Census and Statistics Act 1905*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1983 No. 19	22 Feb 1983	1 Mar 1983 (see <i>Gazette</i> 1983, No. S36)	
1985 No. 191	9 Aug 1985	9 Aug 1985	—
1990 No. 252	9 Aug 1990	9 Aug 1990	—
1994 No. 465	30 Dec 1994	30 Dec 1994	—
2004 No. 114	9 June 2004	9 June 2004	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
C. 1A.....	ad. 1985 No. 191 rs. 2004 No. 114
C. 1.....	am. 1990 No. 252
C. 6.....	am. 1994 No. 465; 2004 No. 114
C. 7.....	am. 1994 No. 465 rs. 2004 No. 114
C. 7A.....	ad. 1985 No. 191 am. 1994 No. 465
