



Statutory Rules 1983 No. 19<sup>1</sup>

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## Determination Under The Census And Statistics Act 1905

I, ANTHONY JOHN MESSNER, Minister of State for Veterans' Affairs, acting for and on behalf of the Treasurer, in pursuance of section 4 of the *Acts Interpretation Act 1901*, hereby make the following Determination under section 13 of the *Census And Statistics Act 1905*.

Dated 16 February 1983.

TONY MESSNER  
Minister of State for Veterans' Affairs

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### Interpretation

1. 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;

“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 or the Northern Territory, means—

- (a) in the case of a State—a Minister of the Crown of that State; 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 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 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 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 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.

### **Disclosure of certain classes of statistics**

**2. (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.

**Disclosure of statistics already available to the public**

3. 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.

**Disclosure of published information relating to official bodies**

4. 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.

**Disclosure with consent**

5. (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 sub-clause (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 sub-clause (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 sub-clause (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.

### **Disclosure of lists of names and addresses**

6. (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 sub-clause.

(2) This clause applies to the following information:

- (a) the name of the business or organization;
- (b) the address of the business or organization;
- (c) the type of legal entity of the business or organization;
- (d) the type of activity or industry in which the business or organization is engaged;
- (e) an indicator of the size of the business or organization.

(3) A reference in sub-clause (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 specified purposes 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; and
- (c) will comply with such other conditions specified in the undertaking with respect to the disclosure of the information.

(4) Subject to sub-clause (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 sub-clause (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.

### **Disclosure of unidentified information**

**7. (1)** Information in the form of individual statistical records may, with the approval in writing of the Statistician, be disclosed where—

- (a) all identifying information such as name and address has been removed;
- (b) the information is not likely to enable the identification of the particular person or organization to which it relates; and
- (c) the Statistician has been given a relevant undertaking for the purposes of this clause.

**(2)** A reference in paragraph (1) (c) 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;
  - (b) in the case of information to be disclosed 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 to be disclosed to an organization other than an official body—a responsible officer of that organization,
- that the information will be used for statistical purposes only.

### **General**

**8.** 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
- (b) the information may be included in another class of information to which a clause of this Determination applies.

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### **NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 22 February 1983.