



# **Statistics Legislation Amendment Act 2003**

**No. 106, 2003**

**An Act to amend the law relating to statistics, and  
for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedule(s).....	2
<b>Schedule 1—Amendments</b>		<b>3</b>
Part 1—Amendments		3
<i>Australian Bureau of Statistics Act 1975</i>		3
<i>Census and Statistics Act 1905</i>		4
<i>Statistics Regulations</i>		5
Part 2—Transitional		6





# Statistics Legislation Amendment Act 2003

No. 106, 2003

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## **An Act to amend the law relating to statistics, and for related purposes**

[Assented to 21 October 2003]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Statistics Legislation Amendment Act 2003*.

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## **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

## **3 Schedule(s)**

- (1) Each Act, and each regulation, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

## **Schedule 1—Amendments**

### **Part 1—Amendments**

#### *Australian Bureau of Statistics Act 1975*

##### **1 Subsection 16(2)**

Repeal the subsection, substitute:

- (2) Subject to subsection (2A), subsection (1) does not prevent the engaging, in accordance with regulations in force under the *Census and Statistics Act 1905*, of persons (including persons referred to in subsection (1)) to assist in the carrying out of the functions of the Statistician.

##### **2 Subsection 16(2A)**

Omit “under subsection (2)”, substitute “as mentioned in subsection (2)”.

##### **3 At the end of Part II**

Add:

##### **16A Persons seconded to the Bureau**

- (1) The Statistician may arrange with:
  - (a) a governmental agency or governmental authority; or
  - (b) an international organisation of an intergovernmental character;for the services of officers or employees of the agency, authority or organisation to be made available to assist in the carrying out of the functions of the Statistician.
- (2) Subsection (1) applies to an agency, authority or organisation, whether in Australia or in a foreign country.
- (3) Subsection (1) has effect in addition to, and not in substitution for, a provision of the *Public Service Act 1999* that provides for the making of arrangements under which a person performs services in the Bureau.

Note: Persons whose services are made available in accordance with arrangements made under the *Public Service Act 1999* are covered by subsection 16(1) of this Act.

## ***Census and Statistics Act 1905***

### **4 Section 3 (at the end of paragraph (a) of the definition of officer)**

Add “or”.

### **5 Section 3 (at the end of the definition of officer)**

Add:

; or (c) a person who performs services in accordance with an arrangement made under section 16A of the *Australian Bureau of Statistics Act 1975*.

### **6 At the end of section 16**

Add:

(2) However, the Statistician must not appoint as an authorised officer a person who performs services in accordance with an arrangement made under section 16A of the *Australian Bureau of Statistics Act 1975*.

### **7 After subsection 17(1)**

Insert:

(1A) However, the Statistician must not delegate a power under subsection 10(2), (3) or (4) or section 11 or 18 to a person who performs services in accordance with an arrangement made under section 16A of the *Australian Bureau of Statistics Act 1975*.

### **8 After section 19A**

Insert:

### **19B Former officers**

(1) This section applies if, at a particular time before 5 December 1999, a person was a member of the staff of the Bureau referred to in subsection 16(1) of the *Australian Bureau of Statistics Act 1975* as in force at that time.



- (2) For the purposes of sections 19 and 19A, the person is taken to have been an officer at that time.

Note: 5 December 1999 is the day on which subsection 16(1) of the *Australian Bureau of Statistics Act 1975* was amended by the *Public Employment (Consequential and Transitional) Amendment Act 1999*.

### ***Statistics Regulations***

#### **9 Subregulation 3(1)**

Omit “other than”, substitute “including”.

#### **10 Subregulation 3(2)**

Omit “his functions”, substitute “his or her functions”.

## Part 2—Transitional

### 11 Transitional—engagement of persons in accordance with the regulations

- (1) This item applies to each of the following:
  - (a) the purported engagement of a person, in accordance with regulation 3 of the Statistics Regulations, during any part of the period beginning on 18 December 1987;
  - (b) regulation 3 of the Statistics Regulations as purportedly in force at any time on or after 18 December 1987;
  - (c) a determination under subsection 16(3) of the *Australian Bureau of Statistics Act 1975* as purportedly in force at any time on or after 18 December 1987;
  - (d) an instrument under section 16 of the *Census and Statistics Act 1905* as purportedly in force at any time on or after 18 December 1987;
  - (e) an act or thing purportedly done by, or in relation to, a person mentioned in paragraph (a) at any time on or after 18 December 1987.
  
- (2) The engagement, regulation, determination, instrument, act or thing is as valid, and is taken always to have been as valid, as it would have been if:
  - (a) the *Statute Law (Miscellaneous Provisions) Act 1987*:
    - (i) had not omitted subsection 16(2) of the *Australian Bureau of Statistics Act 1975* as in force before 18 December 1987, and had not substituted a new subsection 16(2); and
    - (ii) had inserted subsection 16(2A) in the *Australian Bureau of Statistics Act 1975* immediately before 18 December 1987; and
  - (b) the amendments made by items 1, 2, 9 and 10 of this Schedule had commenced on 18 December 1987.

Note: 18 December 1987 is the day on which section 16 of the *Australian Bureau of Statistics Act 1975* was amended by the *Statute Law (Miscellaneous Provisions) Act 1987*.

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*[Minister's second reading speech made in—  
House of Representatives on 26 June 2003  
Senate on 7 October 2003]*

(106/03)

**Schedule 1** Amendments  
**Part 2** Transitional

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