



Statutory Rules 1994 No. 465¹

Statistics Determination² (Amendment)

I, PAUL ELLIOTT, Parliamentary Secretary to the Treasurer, acting for the Treasurer, make the following Determination under section 13 of the *Census and Statistics Act 1905*.

Dated 22 December 1994.

PAUL ELLIOTT
Parliamentary Secretary to the Treasurer

1. Amendment

1.1 The Statistics Determination is amended as set out in this Determination. (NOTE: This Determination commences on gazettal: see Acts Interpretation Act 1901, s. 48.)

2. Clause 6 (Disclosure of lists of names and addresses of businesses and organisations)

2.1 After subclause 6 (1), insert:

“(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.”.

2.2 Paragraph 6 (2) (b):
Omit the paragraph, substitute:

“(b) the address (including geographic codes) of the business or organisation;”.

2.3 Paragraph 6 (2) (d):
Omit “type of activity or industry”, substitute “types of activities”.

2.4 After paragraph 6 (2) (d), insert:

“(da) the types of industries in which the business or organisation is engaged;”.

2.5 Paragraph 6 (3) (a):

Omit “specified purposes”, substitute “purposes specified in the undertaking”.

2.6 Paragraph 6 (3) (b):

After “organization”, insert”, except for the purposes of the Department or Authority specified in the undertaking”.

2.7 After subclause 6 (3), insert:

“(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.”.

3. Clause 7 (Disclosure of unidentified information)

3.1 Paragraph 7 (1) (b):

After “is”, insert “disclosed in a manner that is”.

3.2 Subclause 7 (2):

Omit “that the information will be used for statistical purposes only.”, substitute:

“that use of the information will be subject to the following terms and conditions:

- (d) no attempt will be made to identify particular persons or organisations; and
- (e) the information will be used only for statistical purposes; and
- (f) the information will not be disclosed to any other person or organisation; and
- (g) if the Statistician considers it necessary in a particular case-either or both of the following:
 - (i) that 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) that 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 terms and conditions under which the information is disclosed; and

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

4. Clause 7A (Disclosure of information to enable the Statistician to perform relevant functions)

4.1 Paragraph 7A (1) (a):
Omit the paragraph, substitute:

“(a) the disclosure is to assist the Statistician to perform statistical functions; and”.

4.2 Paragraph 7A (2):
Omit “processing”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 December 1994.
2. Statutory Rules 1983 No. 19 as amended by 1985 No. 191; 1990 No. 252.