



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 489.

21 April 1999

No. 489.

21 April 1999

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 6 of 1999: Statistics Act, 1999.

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 6 van 1999: Wet op Statistieke, 1999.

(English text signed by the President.)  
(Assented to 14 April 1999.)

# ACT

**To provide for a Statistician-General as head of Statistics South Africa, who is responsible for the collection, production and dissemination of official and other statistics, including the conducting of a census of the population, and for co-ordination among producers of statistics; to establish a Statistics Council and provide for its functions; to repeal certain legislation; and to provide for connected matters.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:

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### Definitions

**1.** In this Act, unless the context indicates otherwise—

- (i) **“business”** means any individual, juristic person or partnership carrying on a commercial activity; (iv)
- (ii) **“Cabinet”** means the Cabinet in the national sphere of government, referred to in section 91 of the Constitution; (viii) 30
- (iii) **“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); (vi)
- (iv) **“Council”** means the South African Statistics Council, established by section 8(1); (xi) 35
- (v) **“document”** includes—
  - (a) a form, questionnaire, schedule, notice or report whether in printed or photographic form;

(Engelse teks deur die President geteken.)  
(Goedgekeur op 14 April 1999.)

# WET

Om voorsiening te maak vir 'n Statistikus-generaal as hoof van Statistieke Suid-Afrika, om verantwoordelik te wees vir die versameling, produksie en verspreiding van amptelike en ander statistieke, insluitende die opneem van 'n sensus van die bevolking, en vir koördinering tussen produseerders van statistieke; om 'n Statistiekeraad in te stel en voorsiening te maak vir sy funksies; om sekere wetgewing te herroep; en om voorsiening te maak vir verbandhoudende aangeleenthede.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

## INHOUD VAN WET

1. Woordomskrywing
- 5 2. Doel van Wet
3. Doel van amptelike statistieke, en statistiese beginsels
4. Status van Statistieke Suid-Afrika
5. Minister se pligte en bevoegdhede
6. Aanstelling en ampstermyn van Statistikus-generaal
- 10 7. Statistikus-generaal se pligte en bevoegdhede
8. Instelling van Statistiekeraad
9. Ampstermyn van lede van Raad
10. Vergaderings van Raad
11. Komitees van Raad
- 15 12. Vergoeding van lede van Raad en sy komitees
13. Pligte en bevoegdhede van Raad
14. Statistiese koördinering tussen staatsorgane
15. Toegang tot en inspeksie van persele
16. Plig om vrae te beantwoord
- 20 17. Vertroulikheid en bekendmaking
18. Misdrywe en strawwe
19. Verwysings in ander wetgewing of dokumente
20. Herroeping van wetgewing, en voorbehoude
21. Kort titel
- 25 Bylae

### Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - (i) “**amptelike statistieke**” statistieke deur die Statistikus-generaal ingevolge artikel 14(7) as amptelike statistieke aangewys; (ix)
  - 30 (ii) “**ander organisasie**” enige nie-regerings- of nie-winsgewende organisasie, vrywillige vereniging of ander organisasie uitgesonderd 'n besigheid, huishouding of staatsorgaan; (xi)
  - (iii) “**beampte**”, met betrekking tot Statistieke Suid-Afrika—
    - 35 (a) 'n lid van die personeel van Statistieke Suid-Afrika bedoel in artikel 7(3)(a); of
    - (b) enige ander persoon aangestel deur die Statistikus-generaal om werk ten behoeve van Statistieke Suid-Afrika te verrig; (viii)

- (b) a documentary recording or transcribed computer printout or record capable of being produced as a printout by a mechanical or electronic device;
- (c) a medium or device by means of which information is recorded or stored;
- (v) 5
- (vi) **“household”** means a group of people who live together at least four nights a week, eat together and share resources, or a single person who lives alone; (vii)
- (vii) **“Minister”** means the Minister of Finance or such other Minister as the President may assign to be the executing authority for the purposes of this Act; (ix) 10
- (viii) **“officer”**, in relation to Statistics South Africa, means—
- (a) a member of the staff of Statistics South Africa referred to in section 7(3)(a); or
- (b) any other person appointed by the Statistician-General to perform work on behalf of Statistics South Africa; (iii) 15
- (ix) **“official statistics”** means statistics designated as official statistics by the Statistician-General in terms of section 14(7); (i)
- (x) **“organ of state”** means—
- (a) any department of state or administration in the national, provincial or local sphere of government; or 20
- (b) any other functionary or institution—
- (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
- (ii) exercising a public power or performing a public duty in terms of any legislation, 25
- but does not include a court or a judicial officer; (xiv)
- (xi) **“other organisation”** means any non-governmental or nonprofit organisation, voluntary association or other organisation other than a business, household or organ of state; (ii)
- (xii) **“Public Service Act”** means the Public Service Act, 1994 (Proclamation No. 103 of 1994); (xiii) 30
- (xiii) **“respondent”** means—
- (a) any individual or household in respect of whom or which; or
- (b) any organ of state, business or other organisation in respect of whose activities or affairs, 35
- any information is sought or provided for purposes of a statistical collection in terms of this Act; (xii)
- (xiv) **“return”** means a document completed by—
- (a) a respondent; or
- (b) an officer of Statistics South Africa or of another organ of state which produces statistics, 40
- for the purpose of producing official or other statistics; (x)
- (xv) **“statistical collection”** means the process of—
- (a) conducting a population or other census or a sample survey; or
- (b) collating administrative records or data for statistical purposes; (xvii) 45
- (xvi) **“Statistician-General”** means the person appointed as Statistician-General in terms of section 6(1); (xviii)
- (xvii) **“statistics”** means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national, provincial or local level, which is compiled and analysed according to relevant scientific and statistical methodology; (xv) 50
- (xviii) **“Statistics South Africa”** means the department contemplated in section 4(1). (xvi)

### Purpose of Act

2. The purpose of this Act is to advance the planning, production, analysis, documentation, storage, dissemination and use of official and other statistics by providing for—

- (a) a Statistician-General as head of Statistics South Africa and for a Council;
- (b) the respective functions of the Statistician-General, the Council and the Minister and their interrelations; 60
- (c) co-ordination between Statistics South Africa and other organs of state that produce official or other statistics;

- (iv) **“besigheid”** enige individu, regspersoon of vennootskap wat ’n kommersiële aktiwiteit bedryf; (i)
- (v) **“dokument”** ook—
- 5 (a) ’n vorm, vraelys, bylae, kennisgewing of verslag, hetsy in gedrukte of fotografiese vorm;
- (b) ’n dokumentêre opname of getranskribeerde rekenaardrukstuk of rekord wat deur middel van ’n meganiese of elektroniese toestel as ’n drukstuk geproduseer kan word;
- 10 (c) ’n medium of toestel deur middel waarvan inligting opgeneem of gestoor word; (v)
- (vi) **“Grondwet”** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996); (iii)
- (vii) **“huishouding”** ’n groep mense wat saam bly vir minstens vier nagte in ’n week, saam eet en bronne deel, of ’n enkelpersoon wat alleen bly;
- 15 (viii) **“Kabinet”** die Kabinet in die nasionale regeringsfeer, bedoel in artikel 91 van die Grondwet;
- (ix) **“Minister”** die Minister van Finansies of die ander Minister wat deur die President aangewys word om die uitvoerende gesag vir die doeleindes van hierdie Wet te wees; (vii)
- 20 (x) **“opgawe”** ’n dokument voltooi deur—
- (a) ’n respondent; of
- (b) ’n beampte van Statistieke Suid-Afrika of van ’n ander staatsorgaan wat statistieke produseer,
- 25 met die doel om amptelike of ander statistieke te produseer; (xiv)
- (xi) **“Raad”** die Suid-Afrikaanse Statistiekeraad, ingestel by artikel 8(1); (iv)
- (xii) **“respondent”**—
- (a) ’n individu of huishouding ten opsigte van wie of waarvan; of
- (b) ’n staatsorgaan, besigheid of ander organisasie ten opsigte van wie se
- 30 enige inligting verlang of verskaf word vir die doeleindes van statistiese versameling ingevolge hierdie Wet; (xiii)
- (xiii) **“Staatsdienswet”** die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994); (xii)
- (xiv) **“staatsorgaan”**—
- 35 (a) enige staatsdepartement of administrasie in die nasionale, provinsiale of plaaslike regeringsfeer; of
- (b) enige ander funksionaris of instelling wat ingevolge—
- (i) die Grondwet of ’n provinsiale grondwet ’n bevoegdheid uitoefen of ’n plig verrig; of
- 40 (ii) enige wetgewing ’n openbare bevoegdheid uitoefen of ’n openbare plig verrig, maar nie ook ’n hof of ’n regterlike beampte nie; (x)
- (xv) **“statistieke”** versamelde numeriese inligting betreffende demografiese, ekonomiese, finansiële, omgewings-, maatskaplike of soortgelyke aangeleenthede, op nasionale, provinsiale of plaaslike vlak, wat saamgestel en ontleed is ooreenkomstig tersaaklike wetenskaplike en statistiese metodologie; (xvii)
- (xvi) **“Statistieke Suid-Afrika”** die departement beoog in artikel 4(1); (xviii)
- (xvii) **“statistiese versameling”** die proses van die—
- (a) opneem van ’n bevolkings- of ander sensus of ’n steekproefopname; of
- 50 (b) inbring van administratiewe rekords of data vir statistiese doeleindes; (xv)
- (xviii) **“Statistikus-generaal”** die persoon wat ingevolge artikel 6(1) as Statistikus-generaal aangestel is. (xvi)

### Oogmerk van Wet

- 55 **2.** Die doel van hierdie Wet is om die beplanning, produksie, ontleding, dokumentering, storing, verspreiding en gebruik van amptelike en ander statistieke te bevorder deur voorsiening te maak vir—
- (a) ’n Statistikus-generaal as hoof van Statistieke Suid-Afrika en vir ’n Raad;
- 60 (b) die onderskeie funksies van die Statistikus-generaal, die Raad en die Minister en hulle onderlinge verhoudinge;
- (c) koördinering tussen Statistieke Suid-Afrika en ander staatsorgane wat amptelike en ander statistieke produseer;

- (d) co-operation between the producers of official statistics and—
  - (i) the users of such and other statistics in the government, other sectors of society and the public at large;
  - (ii) the respondents supplying the information that results in official and other statistics; 5
- (e) liaison with international and regional organisations that—
  - (i) request official statistics;
  - (ii) make recommendations about the standardisation, classification, collection, processing, analysis and dissemination of statistics.

### **Purpose of official statistics, and statistical principles** 10

3. (1) The purpose of official statistics is to assist organs of state, businesses, other organisations or the public in—
- (a) planning;
  - (b) decision-making or other actions;
  - (c) monitoring or assessment of policies, decision-making or other actions. 15
- (2) Official statistics must protect the confidentiality of the identity of, and the information provided by, respondents and be—
- (a) relevant, accurate, reliable and timeous;
  - (b) objective and comprehensive;
  - (c) compiled, reported and documented in a scientific and transparent manner; 20
  - (d) disseminated impartially;
  - (e) accessible;
  - (f) in accordance with appropriate national and international standards and classifications; and
  - (g) sensitive to distribution by gender, disability, region and similar socio-economic features. 25

### **Status of Statistics South Africa**

4. (1) Statistics South Africa referred to as an organisational component in the first column of Schedule 2 to the Public Service Act and for the purposes of the application of that Act, in terms of section 7(4)(a) of that Act, regarded to be a department— 30
- (a) continues as such; and
  - (b) consists of the Statistician-General and the permanent and temporary staff referred to in section 7(3)(a) of this Act.
- (2) Subject to the Minister's duties and powers referred to in section 5, no person or organ of state may interfere with the functioning of Statistics South Africa. 35
- (3) For the purpose of ensuring the effectiveness of Statistics South Africa, all other organs of state must assist it in accordance with the principles of co-operative government and intergovernmental relations contemplated in Chapter 3 of the Constitution.

### **Duties and powers of Minister** 40

5. (1) The Minister must—
- (a) on the recommendation of the Statistician-General, prioritise the work programme of Statistics South Africa, in accordance with the purpose of official statistics and the statistical principles contemplated in section 3 and both having been advised in this regard by the Council; 45
  - (b) monitor the performance of the Statistician-General of his or her functions—
    - (i) as accounting officer of Statistics South Africa; and
    - (ii) generally with regard to the financial affairs and organisational functioning of Statistics South Africa;
  - (c) determine the specific performance criteria, referred to in section 12(3) of the Public Service Act, for evaluating the performance of the Statistician-General and monitor compliance with those criteria; 50
  - (d) approve or disapprove the inception, variation or discontinuance of statistical collection by a Minister or an organ of state other than Statistics South Africa, as provided in section 14(1) and (2); 55
  - (e) after consultation with the Cabinet, appoint the members of the Council as provided in section 8(3).

- (d) samewerking tussen die produseerders van amptelike statistieke en—  
 (i) die gebruikers van sodanige en ander statistieke in die regering, ander sektore van die samelewing en die algemene publiek;  
 (ii) die respondente wat die inligting verskaf wat sodanige en ander statistieke oplewer;
- 5 (e) skakeling met internasionale en streeksorganisasies wat—  
 (i) amptelike statistieke aanvra;  
 (ii) aanbevelings doen oor die standaardisering, klassifisering, versameling, verwerking, ontleding en verspreiding van statistieke.

#### 10 Doel van amptelike statistieke, en statistiese beginsels

3.(1) Die doel van amptelike statistieke is om staatsorgane, besighede, ander organisasies of die publiek behulpsaam te wees met—

- (a) beplanning;  
 (b) besluitneming of ander handeling;  
 15 (c) monitering of evaluering van beleid, besluitneming of ander handeling.
- (2) Amptelike statistieke moet die vertroulikheid van die identiteit van, en die inligting verskaf deur, respondente beskerm en moet—
- (a) tersaaklik, akkuraat, betroubaar en tydig wees;  
 (b) objektief en omvattend wees;  
 20 (c) op 'n wetenskaplike en deursigtige wyse saamgestel, gerapporteer en gedokumenteer wees;  
 (d) onpartydig versprei word;  
 (e) toeganklik wees;  
 (f) ooreenkomstig gepaste nasionale en internasionale standaarde en klassifikasies wees; en  
 25 (g) sensitief vir verdeling volgens geslag, gestremdheid, streek en ander maatskaplik-ekonomiese kenmerke.

#### Status van Statistieke Suid-Afrika

4. (1) Statistieke Suid Afrika, waarna in die eerste kolom van Bylae 2 by die Staatsdienswet as 'n organisasiekomponent verwys word en wat vir die doeleindes van daardie Wet, ingevolge artikel 7(4)(a) van daardie Wet, geag word 'n departement te wees—

- (a) gaan as sodanig voort; en  
 (b) bestaan uit die Statistikus-generaal en die permanente en tydelike personeel  
 35 bedoel in artikel 7(3)(a) van hierdie Wet.

(2) Behoudens die Minister se pligte en bevoegdhede bedoel in artikel 5, mag geen persoon of staatsorgaan in die funksionering van Statistieke Suid-Afrika inmeng nie.

(3) Ten einde die doeltreffendheid van Statistieke Suid-Afrika te verseker, moet alle ander staatsorgane dit ondersteun ooreenkomstig die beginsels van regering van samewerking en interregeringsbetrekkinge beoog in Hoofstuk 3 van die Grondwet.  
 40

#### Pligte en bevoegdhede van Minister

5. (1) Die Minister moet—

- (a) op aanbeveling van die Statistikus-generaal, die prioriteite bepaal vir die werkprogram van Statistieke Suid-Afrika, ooreenkomstig die doel van amptelike statistieke en die statistiese beginsels beoog in artikel 3 en nadat beide in hierdie verband deur die Raad geadviseer is;  
 45 (b) die Statistikus-generaal moniteer by die verrigting van sy of haar funksies—  
 (i) as rekenpligtige beampte van Statistieke Suid-Afrika; en  
 (ii) in die algemeen, met betrekking tot finansiële sake en organisatoriese funksionering van Statistieke Suid-Afrika;  
 50 (c) die spesifieke prestasiemaatstawwe bedoel in artikel 12(3) van die Staatsdienswet vir die evaluering van die werkverrigting van die Statistikus-generaal bepaal en kontroleer dat daardie maatstawwe nagekom word;  
 (d) toestemming verleen of weier vir die aanvang, wysiging of beëindiging van statistiese versamelings deur 'n Minister of staatsorgaan, uitgesonderd Statistieke Suid-Afrika, soos bepaal in artikel 14(1) en (2);  
 55 (e) na oorlegpleging met die Kabinet, die lede van die Raad aanstel soos bepaal in artikel 8(3).

- (2) The Minister may—
- (a) subject to subsection (3), direct the Statistician-General to undertake any statistical collection;
  - (b) subject to subsection (4) and on the recommendation of the Statistician-General, enter into an international agreement with the government of any other state or any international organisation relating to the purpose of this Act;
  - (c) after consultation with the Cabinet, terminate the membership of a member of the Council as provided in section 9(3).
- (3) The Minister may not interfere with the power of the Statistician-General to decide, in respect of the activities of Statistics South Africa, on—
- (a) the manner in which, and the time when, a statistical collection is to be undertaken;
  - (b) the form, extent and timing of the release of statistical information; or
  - (c) whether a statistical collection should be discontinued.
- (4) The Minister may only enter into an international agreement in terms of subsection (2)(b) if authorised in accordance with the applicable law by the national executive which, in terms of section 231(1) of the Constitution, is responsible for the negotiating and signing of international agreements.

### Appointment and tenure of Statistician-General

6. (1) The President must appoint an appropriately qualified person as the Statistician-General who is the head of Statistics South Africa.
- (2) The Statistician-General must be professionally independent by acting impartially and exercising his or her powers and performing his or her duties—
- (a) without fear, favour or prejudice; and
  - (b) in the interest of maintaining a high standard of professional service and the integrity of the statistics which Statistics South Africa produces.
- (3) The provisions of the Public Service Act regarding the appointment, terms and conditions of employment, powers and duties of a head of department apply to the Statistician-General, except where otherwise provided in this Act.
- (4) The person appointed as Statistician-General holds office for an agreed term not exceeding five years, which term may be renewed.
- (5) The Statistician-General may resign by written notice to the President.
- (6) The Statistician-General may be removed from office by the President only—
- (a) on the grounds of—
    - (i) incapacity;
    - (ii) misconduct;
    - (iii) incompetence;
    - (iv) declaration as an insolvent, or
    - (v) conviction of an offence and sentence to a term of imprisonment without the option of a fine; and
  - (b) if the Cabinet, after considering a report on the matter from the Council, recommends to the President such removal.

### Duties and powers of Statistician-General

7. (1) The Statistician-General—
- (a) administers this Act;
  - (b) is the accounting officer for Statistics South Africa;
  - (c) after receiving advice from the Council, makes recommendations to the Minister on the policies and priorities of Statistics South Africa;
  - (d) directs Statistics South Africa in accordance with the duties and powers imposed or conferred on him or her by this Act, section 7(3)(b) of the Public Service Act and any other law;



(2) Die Minister kan—

- (a) behoudens subartikel (3), aan die Statistikus-generaal opdrag gee om enige statistiese versameling te onderneem;
- 5 (b) behoudens subartikel (4) en op aanbeveling van die Statistikus-generaal, enige internasionale ooreenkomste aangaan met die regering van enige ander staat of enige internasionale organisasie met betrekking tot die oogmerke van hierdie Wet;
- (c) na oorlegpleging met die Kabinet, die lidmaatskap van 'n lid van die Raad beëindig soos bepaal in artikel 9(3).

10 (3) Die Minister mag nie inmeng met die bevoegdheid van die Statistikus-generaal om, in verband met die bedrywighede van Statistieke Suid-Afrika, besluite te neem oor—

- (a) die wyse waarop, en die tye wanneer, 'n statistiese versameling onderneem gaan word;
- 15 (b) die vorm, omvang en tydsberekening van die vrystelling van statistiese inligting; of
- (c) of 'n spesifieke statistiese versameling gestaak moet word.

(4) Die Minister kan slegs 'n internasionale ooreenkoms ingevolge subartikel (2)(b) aangaan indien dit ooreenkomstig die toepaslike reg deur die nasionale uitvoerende 20 gesag, wat ingevolge artikel 231(1) van die Grondwet verantwoordelik is vir die onderhandeling en ondertekening van internasionale ooreenkomste, goedgekeur is.

#### Aanstelling en ampstermyn van die Statistikus-generaal

6. (1) Die President moet 'n toepaslik gekwalifiseerde persoon aanstel as Statistikus-generaal, wat die hoof van Statistieke Suid-Afrika is.

25 (2) Die Statistikus-generaal moet professioneel onafhanklik wees deur onpartydig te handel en sy of haar bevoegdhede en sy of haar pligte—

- (a) sonder vrees, guns of vooroordeel; en
- (b) in die belang van die handhawing van 'n hoë standaard van professionele dienslewering en die integriteit van die statistieke wat Statistieke Suid-Afrika 30 lewer, uit te oefen of te verrig.

(3) Die bepalinge van die Staatsdienswet betreffende die aanstelling, bedinge en voorwaardes van indiensneming, bevoegdhede en pligte van 'n departementshoof is, behalwe waar in hierdie Wet anders bepaal word, van toepassing op die Statistikus- 35 generaal.

(4) Die persoon aangestel as Statistikus-generaal beklee die amp vir 'n ooreengekome termyn van nie meer as vyf jaar nie, welke termyn hernu kan word.

(5) Die Statistikus-generaal kan bedank by skriftelike kennisgewing aan die President.

40 (6) Die Statistikus-generaal kan slegs deur die President uit die amp onthef word—

- (a) op grond van—
- (i) onvermoë;
- (ii) wangedrag;
- (iii) onbekwaamheid;
- 45 (iv) verklaring as 'n insolvent; of
- (v) skuldigbevinding aan 'n misdryf en vonnis tot gevangenisstraf sonder die keuse van 'n boete; en
- (b) indien die Kabinet, na oorweging van 'n verslag oor die aangeleentheid van die Raad, sodanige ontheffing aan die President aanbeveel.

#### 50 Pligte en bevoegdhede van Statistikus-generaal

7. (1) Die Statistikus-generaal—

- (a) administreer hierdie Wet;
- (b) is die rekenpligtige beampte vir Statistieke Suid-Afrika;
- (c) doen aanbevelings, na ontvangs van advies van die Raad, aan die Minister 55 oor die beleid en prioriteite van Statistieke Suid-Afrika;
- (d) bestuur Statistieke Suid-Afrika ooreenkomstig die pligte en bevoegdhede aan hom of haar opgelê of verleen by hierdie Wet, artikel 7(3)(b) van die Staatsdienswet of enige ander reg;

- (e) determines, and exercises final responsibility regarding the implementation of, the work programme of Statistics South Africa, including—
- (i) the collection, compilation and analysis of official statistics in accordance with the purpose of official statistics and the statistical principles contemplated in section 3; 5
  - (ii) the times when and the manner in which statistical collections are undertaken and the form of any document pertaining thereto;
  - (iii) the manner in which data are processed, documented and stored;
  - (iv) the form, extent and timing of the release of statistical information;
  - (v) development work in statistics; and 10
  - (vi) the discontinuance of a statistical collection.
- (2) The Statistician-General must—
- (a) cause a population census to be taken in the year 2001 and every five years thereafter, on a date determined by the Minister by notice in the *Gazette*, unless the Minister, on the advice of the Statistician-General and by notice in the *Gazette*, determines otherwise; 15
  - (b) develop and maintain registers or lists which may be of use in producing statistics;
  - (c) furnish the Minister and the Council each year with a report in respect of the activities of Statistics South Africa during that year, which report the Minister must as soon as possible table in Parliament; 20
  - (d) undertake any statistical collection if so directed by the Minister in terms of section 5(2)(a);
  - (e) formulate quality criteria and establish standards, classifications and procedures for statistics; 25
  - (f) provide statistical advice to other organs of state;
  - (g) in terms of section 14, promote co-ordination among producers of official statistics in order to—
    - (i) advance the quality, consistency, comparability and optimum use of official statistics; and 30
    - (ii) avoid unnecessary duplication;
  - (h) endeavour to fulfil the Republic's international statistical reporting obligations;
  - (i) liaise with other countries and their statistical agencies and represent Statistics South Africa internationally with regard to statistical matters; 35
  - (j) establish and maintain such offices in the provinces as he or she considers necessary, having regard to the needs for official and other statistics for provinces and other organs of state, on condition that—
    - (i) service-level agreements or memoranda of understanding are entered into between Statistics South Africa and the provinces in question; and 40
    - (ii) co-ordination of the statistical activities of the relevant provinces and other organs of state takes place in terms of section 14;
  - (k) seek to ensure appropriate public awareness of statistical collections and activities.
- (3) The Statistician-General may— 45
- (a) as regards the staff of Statistics South Africa—
    - (i) retain or appoint permanent, temporary and contract staff or terminate their services; and
    - (ii) determine their terms and conditions of employment, in accordance with the Public Service Act and other applicable law; 50
  - (b) in terms of section 14(7), designate statistics produced by Statistics South Africa or other organs of state as official statistics;
  - (c) accept commissioned statistical work and determine the pricing of that work;
  - (d) determine the pricing of Statistics South Africa's services and products;
  - (e) delegate any power conferred or duty imposed on him or her by this Act, to any other officer of Statistics South Africa, but the Statistician-General— 55
    - (i) may impose conditions for such delegation;
    - (ii) is not by virtue of such delegation divested of that power or duty and may at any time himself or herself exercise that power or perform that duty; 60

- (e) bepaal, en oefen finale verantwoordelikheid uit betreffende die implementering van, die werkprogram van Statistieke Suid-Afrika, insluitende—
- (i) die versameling, samestelling en ontleding van amptelike statistieke ooreenkomstig die doel van amptelike statistieke en die statistiese beginsels beoog in artikel 3;
  - (ii) die tye wanneer en die wyse waarop statistiese versamelings onderneem word en die vorm van enige dokument wat daarmee verband hou;
  - (iii) die wyse waarop data verwerk, gedokumenteer en gestoor word;
  - (iv) die vorm, omvang en tydsberekening van die vrystelling van statistiese inligting;
  - (v) ontwikkelingswerk in statistieke; en
  - (vi) die beëindiging van 'n statistiese versameling.
- (2) Die Statistikus-generaal moet—
- (a) 'n bevolkingsensus laat opneem in die jaar 2001 en elke vyf jaar daarna, op 'n datum wat deur die Minister by kennisgewing in die *Staatskoerant* bepaal word, tensy die Minister op advies van die Statistikus-generaal en by kennisgewing in die *Staatskoerant* anders bepaal;
  - (b) registers of lyste wat gebruik kan word om statistieke te produseer, ontwikkel en in stand te hou;
  - (c) die Minister en die Raad elke jaar van 'n verslag voorsien ten opsigte van die bedrywighede van Statistieke Suid-Afrika vir daardie jaar, welke verslag die Minister so spoedig moontlik in die Parlement ter tafel moet lê;
  - (d) enige statistiese versameling onderneem indien aldus gelas deur die Minister ingevolge artikel 5(2)(a);
  - (e) gehaltemaatstawwe formuleer en standaarde, klassifikasies en prosedures vir statistieke instel;
  - (f) ander staatsorgane van statistiese advies voorsien;
  - (g) ingevolge artikel 14, koördinering tussen produseerders van amptelike statistieke bevorder om—
    - (i) die gehalte, konsekwentheid, vergelykbaarheid en optimale gebruik van amptelike statistieke te bevorder; en
    - (ii) onnodige duplisering te vermy;
  - (h) poog om die Republiek se internasionale verpligtinge ten opsigte van statistiese verslagdoening na te kom;
  - (i) met ander lande en hulle statistiese agentskappe skakel en Statistieke Suid-Afrika internasionaal in verband met statistiese aangeleenthede verteenwoordig;
  - (j) in die provinsies die kantore instel en in stand hou wat hy of sy nodig ag, met inagneming van die behoeftes van provinsies en ander staatsorgane aan amptelike en ander statistieke op voorwaarde dat—
    - (i) diensvlak-ooreenkomste of memorandum van verstandhouding aangegaan word tussen Statistieke Suid-Afrika en die betrokke provinsies; en
    - (ii) koördinering van die statistiese bedrywighede van die tersaaklike provinsies en ander staatsorgane ingevolge artikel 14 plaasvind;
  - (k) poog om toepaslike openbare bewustheid van statistiese versamelings en bedrywighede te verseker.
- (3) Die Statistikus-generaal kan—
- (a) wat die personeel van Statistieke Suid-Afrika betref—
    - (i) permanente, tydelike en kontrakpersoneel in diens hou of in diens neem of hulle diens beëindig; en
    - (ii) die bedinge en voorwaardes van hul indiensneming bepaal, ooreenkomstig die Staatsdienswet en ander toepaslike reg;
  - (b) ingevolge artikel 14(7), statistieke wat deur Statistieke Suid-Afrika of ander staatsorgane geproduseer is, as amptelike statistieke aanwys;
  - (c) statistiese werk wat in opdrag gedoen moet word, aanvaar en 'n prys daarvoor bepaal;
  - (d) die prys van die dienste en produkte van Statistieke Suid-Afrika bepaal;
  - (e) enige bevoegdheid of plig by hierdie Wet aan hom of haar verleen of opgelê, aan enige ander beampste van Statistieke Suid-Afrika delegeer, maar die Statistikus-generaal—
    - (i) kan voorwaardes oplê vir sodanige delegasie;
    - (ii) word nie uit hoofde van sodanige delegasie onthef van daardie bevoegdheid of plig nie, en kan te eniger tyd self sodanige bevoegdheid uitoefen of plig verrig; en

- (iii) may vary or set aside any decision made in terms of such delegation;
- (f) on the conditions and for the period determined by him or her, establish an advisory committee or committees to advise him or her on any matters pertaining to this Act;
- (g) make, by notice in the *Gazette*, rules relating to— 5
  - (i) the returns, information, data and statistics to be furnished and collected in the undertaking of a statistical collection;
  - (ii) the manner and form in which, the times when and the places where, and the persons to whom and from whom, such statistics must be furnished and collected; and 10
  - (iii) any other matter necessary for the effective collection of statistics and the effective functioning of Statistics South Africa.

(4) Any member of an advisory committee appointed in terms of subsection (3)(f) who is not in the full-time employment of the State receives such remuneration and allowances as the Minister of Finance determines. 15

(5)(a) If the Minister, in prioritising the work programme of Statistics South Africa in terms of section 5(1)(a), rejects the Statistician-General's recommendation, the Minister and the Statistician-General must endeavour to resolve their disagreement after receiving advice from the Council.

(b) If the Minister and the Statistician-General fail to resolve their disagreement, the Minister makes the final decision and the Statistician-General must implement that decision. 20

(c) The Statistician-General may make public the fact that the decision is contrary to his or her recommendation.

#### **Establishment of Council** 25

8. (1) A council to be known as the South African Statistics Council is hereby established.

(2) The Council must consist of not less than 18 and not more than 25 members—

- (a) with relevant professional proficiency and interest;
- (b) broadly representative of groups or interests concerned with the production and use of official statistics, including— 30
  - (i) organs of state;
  - (ii) producers of statistics;
  - (iii) organised business and labour;
  - (iv) specialist and research interests, including statistics and information technology; 35
  - (v) economic and financial interests;
  - (vi) demographic and social interests, including rural, gender and disability interests; and
  - (vii) the public, including non-governmental, private, civic and other organisations; and 40

(c) of whom nine must be persons representing the respective provinces.

(3) The Minister must, after consultation with the Cabinet, appoint the members of the Council from nominations obtained through—

- (a) public invitations for nominations; and 45
- (b) a request to the executive council of each province to submit two or three nominations.

(4) The Statistician-General is by virtue of his or her office a member of the Council and he or she or his or her representative may attend meetings of the Council, but may not— 50

- (a) vote at such meetings; and
- (b) act as chairperson or deputy chairperson.

(5) The Minister must appoint a member of the Council as chairperson.

(6) The Council must elect one of its members as deputy chairperson.

(7) If both the chairperson and deputy chairperson of the Council are unable to act as chairperson, the other members must designate one of their number to act as chairperson during such inability. 55

- (iii) kan enige besluit geneem ingevolge die delegasie verander of tersyde stel;
- (f) op die voorwaardes en vir die tydperk deur hom of haar bepaal, 'n advieskomitee of -komitees instel om hom of haar van raad te bedien oor enige aangeleentheid wat op hierdie Wet betrekking het;
- (g) by kennisgewing in die *Staatskoerant*, reëls uitvaardig betreffende—
- (i) die opgawes, inligting, data en statistieke wat tydens 'n statistiese versameling verskaf en ingesamel gaan word;
- (ii) die wyse waarop, die vorm waarin, die tye waarop en plekke waar, en die persone aan wie en van wie, sodanige statistieke verskaf en versamel moet word; en
- (iii) enige ander aangeleentheid wat nodig is vir die doeltreffende versameling van statistieke en die doeltreffende funksionering van Statistieke Suid-Afrika.
- (4) Enige lid van 'n advieskomitee aangestel ingevolge subartikel (3)(f) wat nie in voltydse diens van die Staat is nie, ontvang die vergoeding en toelaes wat die Minister van Finansies bepaal.
- (5) (a) Indien die Minister, by die prioriteitsbepaling vir die werkprogram van Statistieke Suid-Afrika ingevolge artikel 5(1)(a), die Statistikus-generaal se aanbeveling verwerp, moet die Minister en die Statistikus-generaal, na ontvangs van advies van die Raad, poog om hulle meningsverskil by te lê.
- (b) Indien die Minister en die Statistikus-generaal nie daarin slaag om die meningsverskil by te lê nie, neem die Minister die finale besluit en moet die Statistikus-generaal daardie besluit implementeer.
- (c) Die Statistikus-generaal kan die feit dat die besluit strydig is met sy of haar aanbeveling openbaar maak.

### Instelling van Raad

8. (1) 'n Raad wat bekend staan as die Suid-Afrikaanse Statistiekeraad word hierby ingestel.
- (2) Die Raad moet bestaan uit minstens 18 en hoogstens 25 lede—
- (a) met gepaste professionele bekwaamheid en belangstelling; en
- (b) wat in die algemeen verteenwoordigend is van groepe of belange wat betrokke is by die produksie en gebruik van amptelike statistieke, insluitende—
- (i) staatsorgane;
- (ii) produseerders van statistieke;
- (iii) georganiseerde besigheid en arbeid;
- (iv) spesialis- en navorsingsbelange, insluitende statistieke en inligtingstechnologie;
- (v) ekonomiese en finansiële belange;
- (vi) demografiese en maatskaplike belange, insluitende belange betreffende die platteland, geslag en gestremdheid; en
- (vii) die publiek, insluitende nie-regerings-, private, burgerlike en ander organisasies; en
- (c) van wie nege persone moet wees wat die onderskeie provinsies verteenwoordig.
- (3) Die Minister moet, na oorlegpleging met die Kabinet, die lede van die Raad aanstel uit die nominasies verkry deur—
- (a) 'n openbare oproep om nominasies; en
- (b) 'n versoek aan die uitvoerende raad van elke provinsie om twee of drie nominasies in te dien.
- (4) Die Statistikus-generaal is ampshalwe 'n lid van die Raad en hy of sy of sy of haar afgevaardigde kan vergaderings van die Raad bywoon, maar kan nie—
- (a) stem by sodanige vergaderings nie; en
- (b) optree as voorsitter of ondervoorsitter nie.
- (5) Die Minister moet 'n lid van die Raad aanwys as voorsitter.
- (6) Die Raad moet een van sy lede as ondervoorsitter verkies.
- (7) Indien sowel die voorsitter en ondervoorsitter van die Raad nie in staat is om as voorsitter op te tree nie, moet die ander lede een in hul midde aanwys om as voorsitter op te tree tydens sodanige onvermoë.

**Tenure of members of Council**

- 9.** (1) The members of the Council hold office for such period, not exceeding three years, as the Minister determines in respect of each such member.
- (2) An appointed member of the Council vacates office if—
- (a) he or she resigns after giving 30 days notice in writing to the Minister; 5
  - (b) the period of his or her appointment expires; or
  - (c) his or her membership is terminated in terms of subsection (3).
- (3) The Minister may, after consultation with the Cabinet, terminate the membership of any or all of the appointed members of the Council for reasons which are just and fair.
- (4) A person whose membership of the Council has terminated, is eligible for 10  
reappointment.
- (5) A vacancy on the Council must be filled in accordance with section 8(2) and (3).
- (6) No deficiency in the number of members of the Council affects any decision taken at a meeting in terms of section 10(5) if at least one third of the appointed members were present at that meeting. 15

**Meetings of Council**

- 10.** (1) The Council must meet at least twice a year at such times and places as the chairperson or deputy chairperson determines by notice in writing to the other members.
- (2) The chairperson or deputy chairperson—
- (a) may convene a special meeting of the Council; 20
  - (b) must convene such a meeting within 14 days of the receipt of a written request signed by at least one third of the members of the Council to convene such meeting.
- (3) The quorum for a meeting of the Council is one third of the appointed members.
- (4) The Council determines the procedure at its meetings. 25
- (5) A decision of the Council must be taken by resolution of the majority of appointed members present at the meeting in question and, in the event of an equality of votes, the person presiding has a casting vote in addition to his or her deliberative vote.

**Committees of Council**

- 11.** (1) The Council may appoint such standing or other committees as are necessary 30  
for the effective performance of the functions of the Council.
- (2) The members of a committee of the Council may include persons who are not members of the Council.

**Remuneration of members of Council and its committees**

- 12.** A member of— 35
- (a) the Council; or
  - (b) a committee of the Council,
- who is not in the full-time employment of the State is paid such remuneration and allowances as the Minister of Finance determines.

**Duties and powers of Council** 40

- 13.** (1) The Council must advise the Minister, the Statistician-General or an organ of state which produces statistics with regard to—
- (a) matters referred to the Council by the Minister, the Statistician-General or that organ of state;
  - (b) any matter regarding the collection, processing, analysis, documentation, 45  
storage and dissemination of statistics, including the taking of a population census, which should, in the opinion of the Council, be studied or undertaken;
  - (c) the elimination of unnecessary overlapping or duplication with regard to the collection or publication of statistics by organs of state;
  - (d) any matter the Council considers necessary or expedient for achieving the 50  
purpose of this Act;

### Ampstermyn van lede van Raad

9. (1) Die lede van die Raad beklee hulle ampte vir die tydperk, wat nie drie jaar oorskry nie, wat die Minister bepaal ten opsigte van elke sodanige lid.

(2) 'n Aangestelde lid van die Raad ontruim die amp indien—

- 5 (a) hy of sy, na 30 dae skriftelike kennisgewing aan die Minister, bedank;  
 (b) die tydperk waarvoor hy of sy aangestel was, verstryk; of  
 (c) indien sy of haar aanstelling ingevolge subartikel (3) beëindig word.

(3) Die Minister kan, na oorlegpleging met die Kabinet, die lidmaatskap van enige of al die aangestelde lede van die Raad beëindig op grond van redes wat billik en  
 10 regverdig is.

(4) 'n Persoon wie se lidmaatskap van die Raad tot 'n einde gekom het, kan vir heraanstelling in aanmerking kom.

(5) 'n Vakature in die Raad moet ooreenkomstig artikel 8(2) en (3) gevul word.

(6) 'n Tekort in die ledetal van die Raad beïnvloed nie 'n besluit by 'n vergadering  
 15 geneem ingevolge artikel 10(5) nie, indien minstens een derde van die aangestelde lede by die vergadering teenwoordig was.

### Vergaderings van Raad

10. (1) Die Raad moet minstens twee keer per jaar vergader op die tyd en plek wat die voorsitter of ondervoorsitter by skriftelike kennisgewing aan die ander lede bepaal.

20 (2) Die voorsitter of ondervoorsitter—

- (a) kan 'n spesiale vergadering van die Raad byeenroep;  
 (b) moet sodanige vergadering byeenroep binne 14 dae na ontvangs van 'n geskrewe versoek, wat deur minstens een derde van die lede van die Raad onderteken is, om sodanige vergadering byeen te roep.

25 (3) Die kworum vir 'n vergadering van die Raad is een derde van die aangestelde lede.

(4) Die Raad bepaal die prosedure by sy vergaderings.

(5) 'n Besluit van die Raad moet geneem word by besluit van 'n meerderheid van die aangestelde lede aanwesig by die betrokke vergadering, en indien daar 'n staking van  
 30 stemme is, het die persoon wat by die vergadering voorsit benewens sy of haar beraadslagende stem ook 'n beslissende stem.

### Komitees van Raad

11. (1) Die Raad kan die staande of ander komitees wat nodig is vir die doeltreffende verrigting van die werksaamhede van die Raad aanstel.

35 (2) Die lede van 'n komitee van die Raad kan persone insluit wat nie lede van die Raad is nie.

### Besoldiging van lede van Raad en sy komitees

12. 'n Lid van—

- 40 (a) die Raad; of  
 (b) 'n komitee van die Raad,

wat nie in die voltydse diens van die Staat is nie, ontvang die besoldiging en toelaes wat die Minister van Finansies bepaal.

### Pligte en bevoegdhede van Raad

13. (1) Die Raad moet die Minister, die Statistikus-generaal of 'n staatsorgaan wat  
 45 statistieke produseer, met betrekking tot—

- (a) aangeleenthede wat deur die Minister, die Statistikus-generaal of daardie staatsorgaan na die Raad verwys word;  
 (b) enige aangeleentheid betreffende die versameling, verwerking, ontleding, dokumentering, storing en verspreiding van statistieke, insluitende die  
 50 opneem van 'n bevolkingsensus, wat na die mening van die Raad bestudeer of onderneem moet word;  
 (c) die uitskakeling van onnodige oorvleueling of duplisering met betrekking tot die versameling of publikasie van statistieke deur staatsorgane;  
 (d) enige aangeleentheid wat die Raad nodig of dienstig ag vir die bereiking van  
 55 die doel van hierdie Wet;

- (e) the general appropriateness to the country's needs of the services provided by Statistics South Africa.
- (2) The Council must promote and safeguard—
- (a) official statistics;
  - (b) the co-ordination of statistical activities; and 5
  - (c) an environment which is supportive of the collection, production, dissemination and use of official statistics.
- (3) The Council must furnish the Minister and Statistician-General with an annual report in respect of its activities, including its advice to the Minister and Statistician-General and the outcome of that advice, during the year in question, and the Minister must as soon as possible table that report in Parliament. 10
- (4) The Council may issue public statements on any matter relating to its functions in terms of this Act, but only after consultation with the organ of state, business or other organisation involved, if any, in the matter in question.
- (5) The Statistician-General must provide the Council with such secretarial and clerical assistance as is necessary for the effective performance of the functions of the Council. 15

#### Statistical co-ordination among organs of state

14. (1) Despite any other law—
- (a) no Minister may authorise an organ of state to undertake a new statistical collection or substantially vary or discontinue any statistical collection; and 20
  - (b) no organ of state may undertake a new statistical collection or substantially vary or discontinue any statistical collection—
- except with the approval of the Minister given in accordance with subsection (2), provided that in the case of any state institution referred to in section 181(1) of the Constitution, the state institution does not require the Minister's approval, but it must consult with the Minister, who must be advised by the Statistician-General. 25
- (2) The Minister may only grant the approval referred to in subsection (1)—
- (a) on the advice of the Statistician-General; and
  - (b) after consultation with the head of the organ of state concerned. 30
- (3) If so advised by the Statistician-General, the Minister may, subject to such conditions as the Minister determines, stipulate that the provisions of subsection (1) do not apply to any specific organ of state in any specific instance or class of instances.
- (4) Subsection (1) does not apply to the collection of statistics undertaken in accordance with the work programme of Statistics South Africa contemplated in section 7(1)(e). 35
- (5) As soon as possible after—
- (a) the inception, variation or discontinuance of any statistical collection requiring approval in terms of subsection (1) is proposed; or
  - (b) any document used in such collection is prepared, 40
- the head of the organ of state concerned must inform the Statistician-General accordingly.
- (6) The Statistician-General may advise any organ of state regarding the application of appropriate quality criteria and standards, classifications and procedures for statistics— 45
- (a) to improve the quality of statistics;
  - (b) to enhance the comparability of statistics;
  - (c) to minimise unnecessary overlapping or duplication with the collection or publication of statistics in that organ of state or by other organs of state.
- (7) (a) The Statistician-General may designate as official statistics any statistics or class of statistics produced from statistical collections by— 50
- (i) Statistics South Africa; or
  - (ii) other organs of state, after consultation with the head of the organ of state concerned.



(e) die algemene geskiktheid tot die land se behoeftes van die dienste wat deur Statistieke Suid-Afrika verskaf word, adviseer.

(2) Die Raad moet—

- 5 (a) amptelike statistieke;  
 (b) die koördinerings van statistiese bedrywighede; en  
 (c) 'n omgewing wat die versameling, produksie, verspreiding en gebruik van amptelike statistieke ondersteun, bevorder en beskerm.

10 (3) Die Raad moet aan die Minister en die Statistikus-generaal 'n jaarlikse verslag verskaf ten opsigte van sy bedrywighede, insluitende sy advies aan die Minister en Statistikus-generaal en die resultaat van daardie advies, vir die betrokke jaar, en die Minister moet so spoedig moontlik daardie verslag in die Parlement ter tafel lê.

15 (4) Die Raad kan openbare verklarings uitreik oor enige aangeleentheid in verband met sy funksies ingevolge hierdie Wet, maar slegs na oorleg met die staatsorgaan, besigheid of ander organisasie (indien enige) wat by daardie aangeleentheid betrokke is.

(5) Die Statistikus-generaal moet die Raad voorsien van die sekretariële en klerklike bystand wat nodig is vir die doeltreffende verrigting van die funksies van die Raad.

## 20 Statistiese koördinerings tussen staatsorgane

14. (1) Ondanks enige ander reg kan—

- (a) geen Minister 'n staatsorgaan magtig om 'n nuwe statistiese versameling te onderneem of 'n statistiese versameling wesenslik te wysig of te beëindig nie; en  
 25 (b) geen staatsorgaan 'n nuwe statistiese versameling onderneem of 'n statistiese versameling wesenslik wysig of beëindig nie,

behalwe met die goedkeuring van die Minister verleen ooreenkomstig subartikel (2), met dien verstande dat in die geval van enige staatsinstelling bedoel in artikel 181(1) van die Grondwet, die staatsinstelling nie die Minister se goedkeuring nodig het nie, 30 maar dit moet met die Minister, wat deur die Statistikus-generaal geadviseer moet word, raadpleeg.

(2) Die Minister kan slegs die goedkeuring bedoel in subartikel (1) verleen—

- (a) op advies van die Statistikus-generaal; en  
 (b) na oorleg met die hoof van die betrokke staatsorgaan.  
 35 (3) Indien die Statistikus-generaal aldus adviseer, kan die Minister, behoudens die voorwaardes wat die Minister bepaal, stipuleer dat die bepalings van subartikel (1) nie van toepassing is op 'n spesifieke staatsorgaan in enige spesifieke geval of klas gevalle nie.

(4) Subartikel (1) is nie van toepassing op die versameling van statistieke wat ooreenkomstig die werkprogram van Statistieke Suid-Afrika beoog in artikel 7(1)(e) 40 onderneem word nie.

(5) So gou as moontlik na—

- (a) die aanvang, wysiging of beëindiging van enige statistiese versameling wat goedkeuring ingevolge subartikel (1) vereis, voorgestel word; of  
 45 (b) enige dokument wat in sodanige versameling gebruik word, opgestel word, moet die hoof van die betrokke staatsorgaan die Statistikus-generaal daarvan in kennis stel.

(6) Die Statistikus-generaal kan enige staatsorgaan adviseer betreffende die toepassing van gepaste gehaltemaatstawwe en -standaarde, klassifikasies en prosedures vir 50 statistieke—

- (a) om die gehalte van statistieke te verbeter;  
 (b) vergelykbaarheid van statistieke te vergroot;  
 (c) onnodige oorvleueling of duplisering met die versameling of publikasie van statistieke in daardie staatsorgaan of deur ander staatsorgane tot 'n minimum te beperk.  
 55

(7)(a) Die Statistikus-generaal kan enige statistieke of klas statistieke wat uit statistiese versamelings geproduseer is deur—

- (i) Statistieke Suid-Afrika; of  
 (ii) ander staatsorgane, na oorleg met die hoof van die betrokke staats-  
 60 orgaan,  
 as amptelike statistieke aanwys.

- (b) Such designation must be in accordance with—
- (i) the purpose of official statistics and the statistical principles contemplated in section 3; and
  - (ii) such other statistical criteria as the Statistician-General may determine by notice in the *Gazette*. 5
- (8) The Statistician-General may—
- (a) at his or her own instance or at the request of the Council, the Minister or any other Minister, review and comment on the production, analysis, documentation, storage, dissemination, interpretation and use of official or other statistics of any other organ of state; and 10
  - (b) after consultation with the head of that organ of state, publish any such statistics and comments thereon as he or she considers necessary or appropriate.
- (9) For the purposes of assisting the Statistician-General in the performance of his or her duties imposed by this Act, the head of any other organ of state must, subject to subsection (10)— 15
- (a) within a reasonable period, supply the Statistician-General with information he or she may request regarding any official or other statistics for which that organ of state is responsible;
  - (b) advise the Statistician-General from time to time of any substantial changes in the information that has been so supplied; 20
  - (c) grant the Statistician-General or any officer of Statistics South Africa authorised by him or her unhindered access, without charge, to such information or data of that organ of state as the Statistician-General requests; and 25
  - (d) allow the Statistician-General or any officer of Statistics South Africa authorised by him or her to copy, without charge, any information or data which may be used in producing official statistics.
- (10) The Statistician-General may, subject to such conditions as he or she determines, stipulate that any provision of subsection (9)(a) or (b) does not apply to any specific organ of state in any specific instance or class of instances. 30
- (11) Subject to subsection (12), the Statistician-General may enter into an agreement with—
- (a) the head of another organ of state in respect of information or data which the latter has the authority to collect; 35
  - (b) any body other than an organ of state engaged in collecting such information or data.
- (12) The agreement referred to in subsection (11) is subject to the following conditions:
- (a) The collection of such information or data must be undertaken either by Statistics South Africa or jointly by Statistics South Africa and that organ of state or body; 40
  - (b) the resulting statistics or information must subject to paragraph (c) and section 17(3) be exchanged between the parties or shared with the other party;
  - (c) if information has been supplied by any respondent who gives notice in writing to the Statistician-General that he or she objects to the exchange or sharing of that information by the parties, that information may not be so exchanged or shared; 45
  - (d) every employee within the organ of state or body who is engaged in any such joint collection or to whom such statistics or information is made available, must take an oath of confidentiality similar to that provided for in section 17(7)(a), whether or not he or she has taken an oath of confidentiality in terms of any other law. 50

### Entry on and inspection of premises

15. (1) For the purpose of making enquiries or observations necessary for achieving the purpose of this Act, the Statistician-General or any officer of Statistics South Africa authorised by him or her may enter on any land or premises, other than a private dwelling, of any organ of state, business or other organisation and inspect anything thereon or therein— 55
- (a) on the authority of a warrant issued in terms of subsection (2); or 60

- (b) Sodanige aanwysing moet ooreenkomstig—
- (i) die doel van amptelike statistieke en die statistiese beginsels beoog in artikel 3; en
  - (ii) die ander statistiese maatstawwe wat die Statistikus-generaal, by kennisgewing in die *Staatskoerant*, mag bepaal,
- 5 wees
- (8) Die Statistikus-generaal kan—
- (a) uit eie beweging of op versoek van die Raad, die Minister of enige ander Minister, die produksie, ontleding, dokumentering, storing, verspreiding, interpretasie en gebruik van amptelike of ander statistieke van enige ander staatsorgaan hersien en daarop kommentaar lewer; en
  - (b) na oorleg met die hoof van daardie staatsorgaan, enige sodanige statistieke en kommentaar daarop wat hy of sy nodig of gepas beskou, publiseer.
- (9) Ten einde die Statistikus-generaal in die uitvoering van sy of haar pligte opgelê
- 15 deur hierdie Wet by te staan, moet die hoof van enige ander staatsorgaan, behoudens subartikel (10)—
- (a) binne 'n redelike tydperk die Statistikus-generaal voorsien van die inligting wat hy of sy versoek betreffende enige amptelike of ander statistieke waarvoor daardie staatsorgaan verantwoordelik is;
  - 20 (b) die Statistikus-generaal van tyd tot tyd van enige wesenlike veranderinge in die inligting wat aldus voorsien is, in kennis stel;
  - (c) aan die Statistikus-generaal of enige beampte van Statistieke Suid-Afrika deur hom of haar daartoe gemagtig, onbelemmerde toegang, sonder koste, verleen tot die inligting of data van daardie staatsorgaan, wat die Statistikus-generaal versoek; en
  - 25 (d) die Statistikus-generaal of enige beampte van Statistieke Suid-Afrika deur hom of haar daartoe gemagtig, toelaat om sonder koste enige inligting of data te kopieer wat gebruik kan word om amptelike statistieke te produseer.
- (10) Die Statistikus-generaal kan, behoudens die voorwaardes wat hy of sy bepaal,
- 30 stipuleer dat enige bepaling van subartikel (9)(a) of (b) nie van toepassing is nie op 'n spesifieke staatsorgaan in enige spesifieke geval of klas gevalle nie.
- (11) Behoudens subartikel (12) kan die Statistikus-generaal 'n ooreenkoms aangaan met—
- 35 (a) die hoof van 'n ander staatsorgaan met betrekking tot inligting of data wat laasgenoemde gemagtig is om te versamel;
  - (b) enige liggaam anders as 'n staatsorgaan wat sodanige inligting of data versamel.
- (12) Die ooreenkoms bedoel in subartikel (11) is onderworpe aan die volgende voorwaardes:
- 40 (a) Die versameling van sodanige inligting of data moet deur Statistieke Suid-Afrika óf gesamentlik deur Statistieke Suid-Afrika en daardie staatsorgaan of liggaam onderneem word;
  - (b) die voortspruitende statistieke of inligting moet, behoudens paragraaf (c) en artikel 17(3), tussen die partye uitgeruil word of met die ander party gedeel
  - 45 word.
  - (c) indien inligting verskaf is deur enige respondent wat skriftelik aan die Statistikus-generaal kennis gee dat hy of sy beswaar maak teen die uitruil of deel van inligting deur die partye mag daardie inligting nie aldus uitgeruil of gedeel word nie;
  - 50 (d) elke werknemer van die staatsorgaan of liggaam wat betrokke is by enige sodanige gesamentlike versameling of aan wie sodanige statistieke of inligting beskikbaar gestel word, moet 'n eed van vertroulikheid soortgelyk aan dié waarvoor daar in artikel 17(7)(a) voorsiening gemaak word, aflê, ongeag of hy of sy 'n eed van vertroulikheid ingevolge enige ander reg afgeleë
  - 55 het.

#### Toegang tot en inspeksie van persele

15. (1) Ten einde die navrae of waarnemings te doen wat nodig is om die oogmerke van hierdie Wet te bereik, kan die Statistikus-generaal of enige beampte van Statistieke Suid-Afrika deur hom of haar gemagtig, die grond of perseel, uitgesonderd 'n private
- 60 woning, van enige staatsorgaan, besigheid of ander organisasie betree en enigiets daarop of daarin inspekteer—

- (a) op gesag van 'n lasbrief ingevolge subartikel (2) uitgereik; of

- (b) with the consent of the person who is competent to consent to such entry and inspection.
- (2) A warrant referred to in subsection (1)(a) may be issued in chambers by a magistrate or a judge of a High Court only if he or she is satisfied, on the basis of information on oath or affirmation, that there are reasonable grounds for believing that entry on and inspection of the land or premises concerned are reasonably necessary for the purpose contemplated in subsection (1). 5
- (3) A warrant issued in terms of subsection (2) remains in force until—
- (a) it is executed;
  - (b) it is cancelled by the person who issued it or, if such person is not available, by any person with similar authority; 10
  - (c) the expiry of three months from the date of its issue; or
  - (d) the purpose for which the warrant was issued no longer exists,
- whichever may occur first.
- (4) An entry and inspection in terms of subsection (1) must be carried out— 15
- (a) at any reasonable time during the day unless the carrying out thereof by night is justifiable and necessary; and
  - (b) with strict regard to decency and order, including the protection of a person's rights to dignity, to freedom and security and to privacy.
- (5) The Statistician-General or the authorised officer must, immediately before carrying out an entry and inspection in terms of subsection (1)— 20
- (a) identify himself or herself to the owner or person in control of the land or premises, if such person is present;
  - (b) if applicable, hand to that person a copy of the warrant or, if that person is not present, affix that copy to a prominent place on the premises; and 25
  - (c) supply that person with particulars regarding his or her authority to carry out the entry and inspection.

#### Duty to answer questions

16. (1) The Statistician-General, or an officer of Statistics South Africa authorised by him or her, may, in performing his or her functions in terms of this Act, put, to any person any questions which the Statistician-General or that authorised officer considers reasonably necessary for the collection of statistics. 30
- (2) Every person, including every employee of any organ of state, must—
- (a) to the best of his or her or its knowledge and belief and subject to the right to dignity and privacy, answer, when so required, all questions put orally or in writing in terms of subsection (1); and 35
  - (b) in accordance with the instructions pertaining to any document referred to in section 7(1)(e)(ii) and not later than the date specified in that document—
    - (i) furnish all such information; or
    - (ii) sign such declaration, 40
 as is required by that document.
- (3) A document referred to in section 7(1)(e)(ii) is sufficiently authenticated if the name and designation of the competent person by whom it is given or issued, as the case may be, has been printed or stamped thereon.

#### Confidentiality and disclosure 45

17. (1) Despite any other law, no return or other information collected by Statistics South Africa for the purpose of official or other statistics that relates to—
- (a) an individual;
  - (b) a household;
  - (c) an organ of state; 50
  - (d) a business; or
  - (e) any other organisation,
- may, subject to subsections (2) and (3), be disclosed to any person.

- (b) met die toestemming van die persoon wat bevoeg is om toe te stem tot sodanige betreding en inspeksie.
- (2) 'n Lasbrief bedoel in subartikel (1)(a) kan deur 'n landdros of regter van die Hoë Hof in kamers uitgereik word slegs indien hy of sy daarvan oortuig is dat daar op grond van inligting onder eed of bevestiging, redelike gronde is om te glo dat toegang tot en inspeksie van die betrokke grond of perseel redelikerwys nodig is vir die doel beoog in subartikel (1).
- (3) 'n Lasbrief uitgereik ingevolge subartikel (2) bly van krag totdat—
- (a) dit uitgevoer is;
- 10 (b) dit ingetrek word deur die persoon wat dit uitgereik het of, indien sodanige persoon nie beskikbaar is nie, deur iemand met soortgelyke gesag;
- (c) die verstryking van drie maande vanaf die datum van die uitreiking daarvan; of
- (d) die doel waarvoor die lasbrief uitgereik is, nie meer bestaan nie,
- 15 welke ook al eerste plaasvind.
- (4) 'n Betreding en inspeksie ingevolge subartikel (1) moet uitgevoer word—
- (a) op enige redelike tyd gedurende die dag tensy die uitvoering daarvan in die nag geregverdig en nodig is; en
- (b) met streng inagneming van welvoeglikheid en orde, insluitende die beskerming van 'n persoon se reg op waardigheid, op vryheid en veiligheid en op
- 20 privaatheid.
- (5) Die Statistikus-generaal of die gemagtigde beampte moet, onmiddellik voor die betreding en inspeksie ingevolge subartikel (1) uitgevoer word—
- (a) homself of haarself identifiseer aan die eenaar of persoon in beheer van die
- 25 grond of perseel, indien sodanige persoon teenwoordig is;
- (b) indien van toepassing, aan daardie persoon 'n afskrif van die lasbrief oorhandig of, indien daardie persoon nie teenwoordig is nie, daardie afskrif op 'n opvallende plek op die perseel aanbring; en
- (c) aan daardie persoon besonderhede met betrekking tot sy of haar magtiging
- 30 om die betreding en inspeksie uit te voer, verskaf.

#### Plig om vrae te beantwoord

16. (1) Die Statistikus-generaal of 'n beampte van Statistieke Suid-Afrika deur hom of haar daartoe gemagtig, kan aan enige persoon in die verrigting van sy of haar funksies ingevolge hierdie Wet, enige vrae wat die Statistikus-generaal of gemagtigde
- 35 beampte redelikerwys vir die versameling van statistieke nodig ag, stel.
- (2) Elke persoon, insluitende elke werknemer van 'n staatsorgaan, moet—
- (a) na die beste van sy of haar wete en oortuiging en onderworpe aan sy of haar reg op waardigheid en privaatheid, indien aldus vereis, alle vrae wat mondeling of skriftelik ingevolge subartikel (1) aan hom of haar gestel word,
- 40 beantwoord; en
- (b) ooreenkomstig die instruksies wat betrekking het op enige dokument bedoel in artikel 7(1)(e)(ii) en nie later nie as die datum vermeld in daardie dokument—
- (i) alle sodanige inligting verskaf; of
- 45 (ii) sodanige verklaring onderteken, wat deur daardie dokument vereis word.
- (3) 'n Dokument bedoel in artikel 7(1)(e)(ii) is voldoende gewaarmerk indien die naam en amp van die bevoegde persoon deur wie dit gegee of uitgereik word, na gelang van die geval, daarop gedruk of gestempel is.

#### 50 Vertroulikheid en bekendmaking

17. (1) Ondanks enige ander reg, kan geen opgawe of ander inligting versamel deur Statistieke Suid-Afrika vir die doel van amptelike of ander statistieke wat betrekking het op—
- (a) 'n individu;
- 55 (b) 'n huishouding;
- (c) 'n staatsorgaan;
- (d) 'n besigheid; of
- (e) enige ander organisasie,
- behoudens subartikels (2) en (3) aan enige persoon bekend gemaak word nie.

(2) The return or other information contemplated in subsection (1) may, subject to the directions of the Statistician-General, be disclosed—

- (a) to the Statistician-General and officers concerned of Statistics South Africa who have taken the oath of confidentiality referred to in subsection (7)(a);
- (b) to the person from whom such return or other information was collected or his or her representative; 5
- (c) with the prior written consent of the person from whom such return or other information was collected or his or her representative;
- (d) where the information is already available to the public from the organ of state, business or other organisation concerned; 10
- (e) in the form of lists of the names and addresses of individual organs of state and other organisations and their classifications by function, type of legal entity and range of numbers of members and employees, or other indicator of size;
- (f) in the form of lists of the names and addresses of individual businesses and their classifications by industry or activity, type of legal entity, and range of numbers of employees or other indicator of size; 15
- (g) in the form of lists of the kinds of products produced, manufactured, stored, bought or sold, or services rendered, by businesses, organs of state or other organisations or classes thereof.

(3) The Statistician-General may, for statistical purposes, disclose to another organ of state information or data gathered in the course of a joint collection undertaken with that organ in terms of section 14(11), on condition that—

- (a) the name, address or any other means by which the respondents may be identified is deleted;
- (b) any person who is involved in the collection of, or who may use, that information or data, must first take an oath of confidentiality similar to the one provided for in subsection (7)(a) irrespective of whether he or she has taken an oath of confidentiality in terms of any other law; and 25
- (c) the Statistician-General is satisfied that the confidentiality of that information or data will not be impaired. 30

(4) Despite any other law—

- (a) an entry made by the competent person concerned in terms of this Act in any document; or
- (b) a return or its contents,

is not admissible as evidence in legal proceedings, except for purposes of criminal proceedings in terms of this Act. 35

(5) Information collected by any person, organ of state, business or other organisation for his, her or its own purposes and communicated to Statistics South Africa is subject to the same confidentiality requirements as information collected directly by Statistics South Africa, irrespective of any other confidentiality requirements to which it may have been subject when it was collected. 40

(6) The results of the compilation and analysis of the statistical information collected in terms of this Act may not be published or disseminated in a manner which is likely to enable the identification of a specific individual, business or other organisation, unless that person, business or organisation has consented to the publication or dissemination in that manner. 45

(7) The Statistician-General and every officer of Statistics South Africa must—

- (a) before assuming duty, take an oath of confidentiality prohibiting disclosure of any information coming to his or her knowledge by reason of such duty before its release is authorised by the Statistician-General; 50
- (b) preserve, and promote the preservation of, confidentiality in respect of all information that may come to his or her knowledge by reason of such employment.

### Offences and penalties

18. (1) Any officer of Statistics South Africa who, in the course of his or her employment in terms of this Act— 55

(2) Die opgawe of ander inligting beoog in subartikel (1) kan, onderworpe aan die voorskrifte van die Statistikus-generaal, bekend gemaak word—

- 5 (a) aan die Statistikus-generaal en die betrokke beamptes van Statistieke Suid-Afrika wat die eed van vertroulikheid bedoel in subartikel (7)(a) afgelê het;
- (b) aan die persoon van wie sodanige opgawe of ander inligting versamel is of sy of haar verteenwoordiger;
- (c) met die vooraf verkreeë skriftelike toestemming van die persoon van wie sodanige opgawe of ander inligting versamel is of sy of haar verteenwoordiger;
- 10 (d) waar die inligting reeds aan die publiek beskikbaar is van die betrokke staatsorgaan, besigheid of ander organisasie;
- (e) in die vorm van lyste van die name en adresse van individuele staatsorgane en ander organisasies en hulle klassifikasie volgens funksie, tipe regsenteit
- 15 en omvang van getalle van lede en werknemers, of ander aanduiding van grootte;
- (f) in die vorm van lyste van die name en adresse van individuele besighede en hulle klassifikasie volgens nywerheid of bedrywigheid, tipe regsenteit, en omvang van getalle werknemers, of ander aanduiding van grootte;
- 20 (g) in die vorm van lyste van die soorte produkte geproduseer, vervaardig, gestoor, gekoop of verkoop, of dienste gelewer, deur besighede of klasse besighede.

(3) Die Statistikus-generaal kan, vir statistiese doeleindes, aan 'n ander staatsorgaan inligting of data bekend maak wat versamel is in die loop van 'n gesamentlike versameling wat met daardie orgaan onderneem is ingevolge artikel 14(11) op voorwaarde dat—

- (a) die naam, adres of enige ander wyse waardeur die respondente geïdentifiseer kan word, geskrap word;
- 30 (b) enige persoon wat betrokke is by die versameling van daardie inligting of data of wat dit kan gebruik, eers 'n eed van vertroulikheid soos beoog in subartikel (7)(a) moet aflê, ongeag of hy of sy 'n eed van vertroulikheid ingevolge enige ander reg afgelê het; en
- (c) die Statistikus-generaal oortuig is dat die vertroulikheid van daardie inligting of data nie aangetas sal word nie.

35 (4) Ondanks enige ander reg is—

- (a) 'n inskrywing wat deur die betrokke bevoegde persoon ingevolge hierdie Wet in enige dokument gedoen word; of
  - (b) 'n opgawe of die inhoud daarvan,
- nie toelaatbaar as getuienis in regsverrigtinge nie, behalwe vir die doeleindes van strafregtelike verrigtinge ingevolge hierdie Wet.

(5) Inligting versamel deur enige persoon, staatsorgaan, besigheid of ander organisasie vir hulle eie doeleindes en gekommunikeer aan Statistieke Suid-Afrika is onderworpe aan dieselfde vertroulikheidsvereistes as inligting wat regstreeks deur Statistieke Suid-Afrika versamel word, ongeag enige ander vertroulikheidsvereistes

45 waarin dit onderworpe mag gewees het toe dit versamel is.

(6) Die resultate van die samestelling en ontleding van die statistiese inligting wat ingevolge hierdie Wet versamel is, mag nie op 'n wyse gepubliseer of versprei word wat die identifisering van 'n bepaalde individu, besigheid of ander organisasie moontlik maak nie, tensy daardie persoon, besigheid of organisasie tot publikasie of verspreiding

50 op daardie wyse ingestem het.

(7) Die Statistikus-generaal en elke beampte van Statistieke Suid-Afrika moet—

- 55 (a) voordat diensaanvaarding, 'n eed van vertroulikheid aflê wat bekendmaking verbied van enige inligting waarvan hy of sy op grond van sodanige diens te wete kom voordat die vrystelling daarvan deur die Statistikus-generaal gemagtig is;
- (b) vertroulikheid handhaaf, en die handhawing van vertroulikheid ten opsigte van alle inligting waarvan hy of sy te wete kom uit hoofde van sodanige diens bevorder.

#### Misdrywe en strawwe

60 18. (1) Enige beampte van Statistieke Suid-Afrika wat, in die loop van sy of haar diens ingevolge hierdie Wet—

- (a) wilfully makes any false declaration, statement or return;
- (b) obtains or seeks to obtain information that he or she is not duly authorised to obtain;
- (c) puts to any person a question which he or she is not duly authorised to ask;
- (d) asks of, or receives or takes from, any person, organ of state, business or other organisation, any payment or reward in connection with such employment, other than remuneration due to him or her in terms of this Act or the Public Service Act; 5
- (e) wilfully discloses any data or information obtained in the course of such employment to a person not authorised to receive that information; 10
- (f) uses information obtained in the course of such employment for the purpose of speculating in—
  - (i) any stock, bond or other security; or
  - (ii) any goods or services, before its release is authorised by the Statistician-General; or 15
- (g) contravenes any provision of section 17,

is guilty of an offence and liable on conviction to a fine not exceeding R10 000, or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 20

(2) Any person who—

- (a) impersonates an officer of Statistics South Africa for the purpose of obtaining information from any person or body; or
- (b) represents himself or herself to be making an entry and inspection in terms of section 15 or putting a question in terms of section 16(1) when he or she is not an officer of Statistics South Africa authorised in terms of section 15 or 16, as the case may be, 25

is guilty of an offence and liable on conviction to a fine not exceeding R10 000, or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act, 1991, or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 30

(3) Any individual other than an employee of an organ of state, business or other organisation that— 35

- (a) fails to answer a question put in terms of section 16(2)(a) or furnishes an answer to such a question which is false or misleading in any material respect, knowing the answer to be false or misleading;
- (b) fails to furnish information or sign a declaration in terms of section 16(2)(b) or furnishes such information which is false or misleading in any material respect, knowing the information to be false or misleading; 40
- (c) incites any other person to act as contemplated in paragraph (a) or (b);
- (d) refuses—
  - (i) the Statistician-General or any authorised officer of Statistics South Africa, acting in terms of section 15, entry on any land or premises; or 45
  - (ii) to permit the Statistician-General or that authorised officer to inspect anything on or in that land or premises;
- (e) wilfully obstructs the Statistician-General or any officer of Statistics South Africa in the exercise of a power, or the performance of a duty, in terms of this Act, 50

is guilty of an offence and liable on conviction—

- (i) in the case of an individual, to a fine not exceeding R10 000, or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act, 1991, or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and 55
- (ii) in the case of a business or other organisation, to a fine not exceeding R20 000 or an amount determined by the Minister from time to time by notice in the *Gazette*.

(4) (a) A conviction of an offence referred to in subsection (3)(a) or (b) does not relieve any individual, business or other organisation of the obligation to supply the correct information. 60



- (a) opsetlik 'n valse verklaring of mededeling doen of opgawe maak;
- (b) inligting verkry of probeer verkry wat hy of sy nie behoorlik gemagtig is om te verkry nie;
- 5 (c) aan enige persoon 'n vraag stel wat hy of sy nie behoorlik gemagtig is om te vra nie;
- (d) van enige persoon, staatsorgaan, besigheid of ander organisasie enige betaling of vergoeding vra, of ontvang of neem in verband met sodanige diens, uitgesonderd vergoeding aan hom of haar verskuldig ingevolge hierdie Wet of die Staatsdienswet;
- 10 (e) opsetlik enige data of inligting verkry in die loop van sy of haar diens, aan 'n persoon openbaar wat nie gemagtig is om daardie inligting te ontvang nie;
- (f) inligting verkry in die loop van sodanige diens gebruik vir die doel om te spekuleer in—
- 15 (i) enige aandele, effekte of sekuriteit; of
- (ii) goedere of dienste,
- voordat die vrystelling daarvan deur die Statistikus-generaal gemagtig is; of
- (g) enige bepaling van artikel 17 oortree,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of die hoër bedrag wat die Minister van Justisie van tyd tot tyd bepaal, soos
- 20 beoog in artikel 1(1)(a) van die Wet op die Aanpassing van Boetes, 1991 (Wet No. 101 van 1991), of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf.
- (2) Enige persoon wat—
- 25 (a) homself of haarself voordoen as 'n beampte van Statistieke Suid-Afrika met die doel om inligting van enige persoon of liggaam te verkry; of
- (b) voorgee om te betree en te inspekteer ingevolge artikel 15 of 'n vraag te stel ingevolge artikel 16(1) as hy of sy nie 'n ingevolge artikel 15 of 16, na gelang van die geval, gemagtigde beampte van Statistieke Suid-Afrika is nie,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens
- 30 R10 000 of die hoër bedrag wat die Minister van Justisie van tyd tot tyd bepaal, soos beoog in artikel 1(1)(a) van die Wet op die Aanpassing van Boetes, 1991, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf.
- (3) Enige individu uitgesonderd 'n werknemer van 'n staatsorgaan, besigheid of
- 35 ander organisasie wat—
- (a) versuim om 'n vraag ingevolge artikel 16(2)(a) gestel te beantwoord of 'n antwoord op so 'n vraag verskaf wat in enige wesenlike opsig vals of misleidend is, welwetende dat die antwoord vals of misleidend is;
- 40 (b) versuim om inligting te verskaf of 'n verklaring te onderteken ingevolge artikel 16(2)(b) of sodanige inligting verskaf wat in enige wesenlike opsig vals of misleidend is, welwetende dat die inligting vals of misleidend is;
- (c) 'n ander persoon aanhits om te handel soos beoog in paragraaf (a) of (b);
- (d) weier om—
- 45 (i) die Statistikus-generaal of enige gemagtigde beampte van Statistieke Suid-Afrika, handelende ingevolge artikel 15, toegang te verleen tot enige grond of perseel; of
- (ii) die Statistikus-generaal of daardie gemagtigde beampte toe te laat om enigiets op of in daardie grond of perseel te inspekteer;
- 50 (e) die Statistikus-generaal of enige beampte van Statistieke Suid-Afrika opsetlik belemmer in die uitoefening van 'n bevoegdheid of die verrigting van enige plig ingevolge hierdie Wet
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met—
- (i) in die geval van 'n individu 'n boete van hoogstens R10 000 of die hoër bedrag wat die Minister van Justisie van tyd tot tyd bepaal, soos beoog in
- 55 artikel 1(1)(a) van die Wet op die Aanpassing van Boetes, 1991, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf; en
- (ii) in die geval van 'n besigheid of 'n ander organisasie, 'n boete van hoogstens R20 000 of 'n bedrag van tyd tot tyd deur die Minister by kennisgewing in
- 60 die *Staatskoerant* bepaal.
- (4)(a) 'n Skuldigbevinding aan 'n misdryf bedoel in subartikel (3)(a) of (b) stel geen individu, besigheid of ander organisasie vry van die verpligting om die korrekte inligting te verskaf nie.

(b) If after 14 days from the date of sentencing for that offence, the information has still not been furnished, that individual, business or other organisation is guilty of a further offence and liable on conviction for each day after the expiry of that 14 day period—

- (i) in the case of an individual, to a fine not exceeding R500 or an amount 5  
determined by the Minister from time to time by notice in the *Gazette*; or
- (ii) in the case of a business or other organisation, to a fine not exceeding R2 000 or  
an amount determined by the Minister by notice in the *Gazette*.

#### References in other legislation or documents

19. (1) Any reference in any legislation or document to the Head of the Central 10  
Statistical Services must be construed as a reference to the Statistician-General.

(2) Any reference in any legislation or document to the Statistics Council established by section 2(1) of the Statistics Act, 1976 (Act No. 66 of 1976), must be construed as a reference to the Statistics Council established by section 8(1) of this Act.

#### Repeal of legislation, and savings 15

20. (1) Subject to subsections (2), (3) and (4)—

- (a) the legislation specified in the Schedule is hereby repealed; and
- (b) any other legislation in force in that part of the Republic which constituted the territory of any former entity known as Transkei, Bophuthatswana, Venda, Ciskei, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa or 20  
Qwaqwa, in so far as it deals with any matter provided for in this Act, is hereby repealed.

(2) Anything done in terms of a provision of legislation repealed by subsection (1) and which could be done in terms of a provision of this Act, is regarded to have been done in terms of that provision of this Act. 25

(3) The person who is the Head of Statistics South Africa in terms of section 12 of, and mentioned in Schedule 2 to, the Public Service Act, immediately before the commencement of this Act, must act as the Statistician-General until the first Statistician-General is appointed in terms of section 6(1) of this Act.

(4) (a) The Statistics Council constituted in terms of section 2 of the Statistics Act, 1976 (Act No. 66 of 1976), (in this subsection referred to as the “previous Council”), must act as the South African Statistics Council referred to in section 8(1) of this Act (in this subsection referred to as the “new Council”), until the first Council is constituted in terms of section 8 of this Act. 30

(b) While the previous Council acts as the new Council, section 2 of the Statistics Act, 1976, continues to apply to that Council. 35

(c) The secretarial and clerical assistance provided to the previous Council in terms of section 2B of the Statistics Act, 1976, must continue until the first Council is constituted in terms of section 8 of this Act.

#### Short title 40

21. This Act is called the Statistics Act, 1999.

(b) Indien die inligting, by verstryking van 14 dae vanaf die datum van vonnisoplegging vir daardie misdryf, nog nie verskaf is nie, is daardie individu, besigheid of ander organisasie aan 'n verdere misdryf skuldig en by skuldigbevinding strafbaar vir elke dag na die verstryking van daardie tydperk van 14 dae—

- 5 (i) in die geval van 'n individu, met 'n boete van hoogstens R500 of 'n bedrag van tyd tot tyd deur die Minister by kennisgewing in die *Staatskoerant* bepaal; of
- 10 (ii) in die geval van 'n besigheid of ander organisasie, met 'n boete van hoogstens R2 000 of 'n bedrag deur die Minister by kennisgewing in die *Staatskoerant* bepaal.

#### Verwysings in ander wetgewing of dokumente

19. (1) Enige verwysing in enige wetgewing of dokument na die Hoof van die Sentrale Statistiekdiens moet uitgelê word as 'n verwysing na die Statistikus-generaal.

- 15 (2) Enige verwysing in enige wetgewing of dokument na die Statistiekeraad ingestel by artikel 2(1) van die Wet op Statistieke, 1976 (Wet No. 66 van 1976), moet uitgelê word as 'n verwysing na die Statistiekeraad ingestel by artikel 8(1) van hierdie Wet.

#### Herroeping van wetgewing, en voorbehoude

20. (1) Behoudens subartikels (2), (3) en (4) word—

- (a) die wetgewing in die Bylae vermeld, hierby herroep; en
- 20 (b) enige ander wetgewing van krag in daardie gedeeltes van die Republiek wat voorheen die gebied uitgemaak het van enige gewese entiteit bekend as Transkei, Bophuthatswana, Venda, Ciskei, Gazankulu, KaNgwane, Kwa-Ndebele, KwaZulu, Lebowa of Qwaqwa, in soverre dit handel met enige aangeleentheid waarvoor in hierdie Wet voorsiening gemaak word, hierby
- 25 herroep.

(2) Enigiets wat gedoen is ingevolge 'n bepaling van wetgewing wat by subartikel (1) herroep word en wat gedoen kan word ingevolge 'n bepaling van hierdie Wet, word geag gedoen te gewees het ingevolge daardie bepaling van hierdie Wet.

- (3) Die persoon wat die Hoof is van Statistieke Suid-Afrika ingevolge artikel 12 van, en waarna verwys word in Bylae 2 by, die Staatsdienswet, onmiddellik voor die inwerkingtreding van hierdie Wet moet as Statistikus-generaal waarneem totdat die eerste Statistikus-generaal ingevolge artikel 6(1) van hierdie Wet aangestel word.

(4) (a) Die Statistiekeraad ingestel ingevolge artikel 2 van die Wet op Statistieke, 1976 (Wet No. 66 van 1976), (waarna in hierdie subartikel verwys word as die "vorige Raad"), moet optree as die Suid-Afrikaanse Statistiekeraad bedoel in artikel 8(1) van hierdie Wet (in hierdie subartikel na verwys as die "nuwe Raad"), totdat die eerste Raad ingevolge artikel 8 van hierdie Wet ingestel is.

(b) Terwyl die vorige Raad optree as die nuwe Raad, bly artikel 2 van die Wet op Statistieke, 1976, van toepassing op daardie Raad.

- 40 (c) Die sekretariële en klerklike bystand ingevolge artikel 2B van die Wet op Statistieke, 1976, aan die vorige Raad voorsien, moet voortgaan totdat die eerste Raad ingevolge artikel 8 van hierdie Wet ingestel is.

#### Kort titel

21. Hierdie Wet heet die Wet op Statistieke, 1999.

**SCHEDULE**  
**LEGISLATION REPEALED**

*(Section 20(1)(a))*

<b>No. and year of Act</b>	<b>Short title</b>
Act No. 66 of 1976	Statistics Act, 1976
Act No. 28 of 1978	Statistics Act, 1978, of the former entity known as Bophuthatswana
Act No. 15 of 1980	Statistics Act, 1980, of the former entity known as Transkei
Act No. 25 of 1986	Statistics Amendment Act, 1986

**BYLAE****WETGEWING HERROEP***(Artikel 20(1)(a))*

<b>No. en jaar van Wet</b>	<b>Kort titel</b>
Wet No. 66 van 1976	Wet op Statistieke, 1976
Wet No. 28 van 1978	Wet op Statistieke, 1978, van die gewese entiteit bekend as Bophuthatswana
Wet No. 15 van 1980	Wet op Statistieke, 1980, van die gewese entiteit bekend as Transkei
Wet No. 25 van 1986	Wysigingswet op Statistieke, 1986

