

## Departmental Disclosure Statement

### Data and Statistics (Census) Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material
- some of the key quality assurance products and processes used to develop and test the content of the Bill
- the presence of certain significant powers or features in the Bill that might be of Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Stats NZ.

Stats NZ certifies that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

**11 February 2026**

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## Part One: General Policy Statement

### **Admin data-first approach to a census of population and dwellings**

This bill amends the Act to:

- require the publication of census data and statistics each year
- move the next census from 2028 to 2030
- clarify the Government Statistician's (Statistician's) census obligations under a modern, "administrative data-first" census approach
- refine the law where needed to support the modern census approach.

Under the administrative data-first (admin data-first) census approach, future censuses of the population and dwellings will be taken using admin data supported by survey data. This involves:

- admin data collection on key census variables—which will be the foundation of the new approach
- a new annual sample survey (the Census Attribute Survey), i.e., surveying a proportion of the population throughout the year, every year
- tailored solutions to meet the needs of Māori and harder-to-measure communities (e.g. adding new questions to our surveys for certain groups).

### **Policy context and objectives for the admin data-first approach to the census**

The transition to an admin data-first approach to future censuses is required to respond to declines in affordability, efficiency, data quality, and timeliness under the full field enumeration survey approach. The full field enumeration survey approach is no longer financially sustainable. There is growing resistance to completing census forms and rising costs in maintaining survey response rates to preserve data quality. Increased investment for the 2023 Census lifted response rates but, despite this, target response rates for some populations were not met.

Alongside this, a full field enumeration census model based on a five-yearly survey is not delivering data at the frequency that users need to make well-informed decisions.

Using an admin data-first approach supplemented by sample surveys, data collection will be ongoing. From 2030, statistics about the population and dwellings produced under the new census model will be published and available annually on an ongoing basis.

Census modernisation seeks:

- greater flexibility through annual surveying and other tailored solutions to more regularly collect data on different topics, which will better meet the needs of users and provide important data for decision-making faster and more often
- improved efficiency across government by making better use of data government already collects, enabling more accurate, timely, and efficient decision-making
- improved resilience to disruptions (such as severe weather events), because census will not rely on a temporary data collection workforce for surveying within a short data collection window
- improved long-term fiscal sustainability, as opposed to the rising costs of maintaining adequate response rates.

### **Legislative amendment confirms census modernisation**

The Act currently requires the Statistician to take a census of the population and dwellings of New Zealand in every fifth year after the last census. The last census was taken in 2023. Although the Statistician has discretion to decide how they will take the census, currently, the

Act implicitly assumes that the census will be a large-scale survey involving the total population of New Zealand.

As part of moving to a modern census, the Bill shifts the Statistician's statutory census obligations from five-yearly data collection to annual data publication. Publication is a stronger requirement than collection because publishing data first requires collecting and processing data (consistent with security, privacy, and public trust requirements) and producing statistics.

Specifically, the Bill requires the Statistician to publish, in each financial year, statistics from the census of population and dwellings about a specified reference date in the previous financial year. The Bill sets 30 June as a default reference date, although allows the Statistician to set any date earlier in that financial year if necessary or desirable. The reference date is expected to be consistent over many years. This default date aligns with wider population statistics such as the annual estimated resident population.

This shift does not affect the Statistician's obligations under electoral law to report the results of the census for electoral purposes. As such, separate legislative change is proposed to ensure that the national electoral boundary review is not triggered annually. (An Electoral Amendment Bill which does that is expected to be introduced alongside this Bill).

This Bill further amends the Act to:

- move the next census to 2030 to allow the time needed for all-of-government efforts to identify, sequence, and deliver the necessary improvements to admin data
- remove most of section 34 and sections 38, 76(2) and 89 as these provisions are predicated on a full field enumeration survey
- decouple engagement with Māori and consultation requirements from the five-yearly census as a triggering event and instead impose a three-yearly engagement and consultation obligation, beginning from mid-2030
- refine the requirement to review the operation of the census so that the review cadence more effectively reflects the modern approach.

### **Electoral implications are addressed in a related Bill**

The five-yearly census is important for current electoral review process because it triggers certain national electoral boundary processes in the Electoral Act 1993:

- calculating the General and Māori electoral populations (as soon as practicable after the census), the number of North Island General electorates, and the number of Māori electorates
- ending the term of office of the five appointed members of the Representation Commission (on the date of the first "periodical census" after the date of appointment)
- requiring the Surveyor-General to call a meeting of the ex officio members of the Representation Commission to nominate a new Chairperson (as soon as possible after each periodical census)
- beginning, after new appointments, the Representation Commission's work to divide New Zealand into General and Māori electoral districts (after a "periodical" census and on no other occasion).

A shift from a five-yearly to an annual census would require an annual boundary review process, which is unworkable and wasteful. The Bill does not directly address these issues; they are being addressed in a separate Bill progressed by the Minister of Justice.

### **Consequential changes to other legislation**

The Bill amends the Local Electoral Act 2001 to ensure that local electoral settings remain aligned with the amended Data and Statistics Act 2022 and national electoral boundary review settings. Changing the definition of "counting day" and "census day" to reflect the new census

concept of a reference date is of primary interest. The data sources used in local electoral boundary reviews are not changing, i.e., census data and population estimates continue to be permitted sources of population data.

The Bill also amends the Waste Minimisation Act 2008 to allow for an alternative source of population data to be used in financial years 2029/30 and 2030/31, when determining the share of the waste disposal levy that is payable to different local authorities. The share is based on population in each district as shown in the last census. As the next census will be moved from 2028 to 2030, this data would be older than usual and allowing another source of data means estimated populations can be used instead.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
Report of the Statutory Review of New Zealand's 2023 Census, Statistics NZ, April 2024 <a href="https://www.stats.govt.nz/reports/report-of-the-statutory-review-of-new-zealands-2023-census/">https://www.stats.govt.nz/reports/report-of-the-statutory-review-of-new-zealands-2023-census/</a>	
Evaluation of New Zealand's future census options for 2028 and beyond, A report prepared by the Future Census Independent Evaluation Panel, 7 August 2024 <a href="https://www.stats.govt.nz/assets/Uploads/Evaluation-of-New-Zealands-future-census-options-for-2028-and-beyond.pdf">https://www.stats.govt.nz/assets/Uploads/Evaluation-of-New-Zealands-future-census-options-for-2028-and-beyond.pdf</a>	
Response to the Future Census Independent Evaluation Panel report: Evaluation of New Zealand's future census options for 2028 and beyond, Statistics NZ, 2025 <a href="https://www.stats.govt.nz/assets/Reports/Evaluation-of-New-Zealands-future-census-options-for-2028-and-beyond/Response-to-the-Future-Census-Independent-Evaluation-Panel-Report-Evaluation-of-New-Zealands-future-census-options-for-2028-and-beyond.pdf">https://www.stats.govt.nz/assets/Reports/Evaluation-of-New-Zealands-future-census-options-for-2028-and-beyond/Response-to-the-Future-Census-Independent-Evaluation-Panel-Report-Evaluation-of-New-Zealands-future-census-options-for-2028-and-beyond.pdf</a>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>

### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
Regulatory Impact Statement: Modernising the Census, Statistics NZ, 28 April 2025 <a href="https://www.stats.govt.nz/corporate/cabinet-papers-modernising-the-census-by-taking-an-administrative-data-first-approach/">https://www.stats.govt.nz/corporate/cabinet-papers-modernising-the-census-by-taking-an-administrative-data-first-approach/</a> <a href="https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Modernising-the-census.pdf">https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Modernising-the-census.pdf</a>	

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
The Ministry of Regulation approved the review panel process established by Statistics NZ.	

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>
This Bill does not address electoral implications of census modernisation. Other proposals address those implications and have appropriate impact analysis.	

## Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>YES</b>
<p>Further information has become available about potential costs to agencies of supplying admin data to Stats NZ.</p> <p>This Bill does not address electoral implications of census modernisation. Other proposals address those implications and have appropriate impact analysis.</p>	
<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
<p>Most agencies that will be required to make admin data improvements have signalled that these changes can be met within baseline. A small number of agencies may incur small further costs. Work to develop more detailed costings continues and potential cost sharing arrangements will be considered. Information relating to this will become available on the Stats NZ website in coming weeks.</p>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be affected by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>YES</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>YES</b>
<p>The benefits of this Bill depend on the quality of government data. All-of-government efforts to identify, sequence, and deliver improvements to admin data are underway. These efforts will be supported by directives to some public service agencies and Crown entities to improve their data, which may require encouraging or securing compliance.</p>	

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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Statistics NZ confirms that there are no international obligations relevant to this Bill.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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The Data and Statistics Act 2022 has existing obligations in relation to the Treaty of Waitangi, and these substantive provisions are not being amended by the Bill.
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The Bill makes minor adjustments to the trigger provisions for Māori engagement reflecting the change in operational approach. Statistics NZ considers this does not in itself affect the consistency of the Act as amended with the principles of the Treaty. The Treaty Principles Officials Group has noted that this is a practical change.
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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Advice provided to the Attorney-General by the Crown Law Office, or a section 7 report of the Attorney-General, is generally expected to be available upon introduction of a Bill.
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Such advice, or reports, will be accessible on the Ministry of Justice website at: <a href="https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/">https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/</a>
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### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>YES</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>
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The Bill repeals sections 38, 89, and 76(2). Section 38 created a duty on members of the public to obtain a copy of a request for data in the census. Section 89 created an infringement offence for failing to obtain a copy of a data request, and 76(2) makes it clear that individuals cannot use the fact that they did not receive a copy of the census request as a defence to prosecution for intentionally failing or refusing to comply with a request. These provisions are predicated on a full field enumeration census and are no longer relevant for an admin data-first census.
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<b>3.4.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>YES</b>
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Statistics NZ has consulted the Ministry of Justice's offence and penalty vetting team on the proposal to repeal sections 38, 89 and 76(2), and it supports the proposal.
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## Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>YES</b>
<p>The Bill amends and removes some of section 34, which requires the Government Statistician to collect data, including personal information, for the purpose of the census. This is replaced with a requirement to publish statistics from the census. However, data collection is still required to publish these statistics, and the Bill does not change how collection may occur.</p> <p>Provisions about access to, use or disclosure of personal information are unaffected. Nothing in the Act or Bill relates to storage or correction of information.</p>	

<b>3.5.1. Was the Privacy Commissioner consulted about these provisions?</b>	<b>NO</b>
<p>The Bill does not affect the principles and guidelines set out in the Privacy Act 2020.</p>	

## External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>The Bill implements policy decisions made following public consultation in 2024 on modernising the approach to the census.</p> <p><a href="https://www.stats.govt.nz/consultations/modernising-our-approach-to-the-2028-census/">https://www.stats.govt.nz/consultations/modernising-our-approach-to-the-2028-census/</a></p> <p>Stats NZ regularly consults on the content to be included in each census, and the data collection approach, and invited feedback on this between 3 November and 19 December 2025. This consultation will not lead to changes in the Bill given these issues are not regulated in the Act. Decisions on content and approach are expected in mid-2026.</p> <p><a href="https://www.stats.govt.nz/consultations/public-consultation-proposed-data-collection-approach-and-content-for-the-census/">https://www.stats.govt.nz/consultations/public-consultation-proposed-data-collection-approach-and-content-for-the-census/</a></p> <p>Stats NZ consulted the Electoral Commission and Department of Internal Affairs on the policy to be given effect. Consultation with the Department of Internal Affairs also informed our approach to local electoral boundary review changes.</p> <p>The Minister of Statistics and Minister of Justice jointly consulted the leaders of political parties represented in Parliament on proposed policy from late October to early December 2025. Discussion focussed on census operational matters in light of electoral boundary review triggers and has not led to changes in the Bill.</p>	

## Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>YES</b>
<p>Robust internal testing with statistical and operational staff has occurred throughout the drafting process. For the most part, the Bill retains the Act's high-level approach and sets few specific requirements in statute.</p>	

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

<b>4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>NO</b>

### Charges in the nature of a tax

<b>4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>

### Retrospective effect

<b>4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>

### Strict liability or reversal of the burden of proof for offences

<b>4.4. Does this Bill:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?</b>	<b>NO</b>
For clarity, the Bill repeals the infringement offence for an individual who fails to obtain details of how to access and respond to, a request made by the Statistician through the census (section 89 of the Act). This is addressed in 3.4 above.	

### Civil or criminal immunity

<b>4.5. Does this Bill create or amend a civil or criminal immunity for any person?</b>	<b>NO</b>

### Significant decision-making powers

<b>4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</b>	<b>NO</b>

## Powers to make delegated legislation

<b>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>NO</b>
No, the Bill does not create or amend relevant powers.	

<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>YES</b>
<p>The Bill repeals a requirement for the Governor-General to appoint, by Order in Council, the period of time in which the census will be taken.</p> <p>This is replaced by a requirement to notify the public, in the <i>Gazette</i>, of the Government Statistician's intended reference date for the census (which will not itself be delegated legislation).</p>	

## Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>YES</b>
<p>Moving to an annual census and moving the next census to 2030 (as effected through clauses 7 and 14) consequentially affects national electoral boundary reviews which are currently triggered by the five-yearly census.</p> <p>The Bill does not directly address these implications as they are currently planned to be addressed through a separate Bill, which will proceed through the House alongside this Bill and will have its own regulatory impact analysis and disclosure requirements met.</p> <p>However, clauses 7 and 14 effectively amend section 35 of the Electoral Act 1993, which is a provision reserved under section 268 of the Electoral Act 1993. Amending a reserved provision requires relevant provisions to pass with a 75 percent majority during the Committee of the whole House stage or an affirmative vote in a national referendum.</p>	