

REPUBLIC OF SOUTH AFRICA

STATISTICS AMENDMENT BILL

*(As amended by the Portfolio Committee on Planning, Monitoring and Evaluation))
(The English text is the official text of the Bill)*

[B 31B—2023]

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Statistics Act, 1999, so as to substitute certain definitions and insert new definitions; to amend the provisions dealing with the powers and duties of the Statistician-General; to make provision for the development and implementation of the National Statistics System and National Strategy for the Development of Statistics by the Statistician-General; to strengthen co-ordination and enhance collaboration amongst data producers and data users by creating an enabling environment for the production and consumption of quality statistics within the Republic; to make provision for the establishment of statistics units by organs of state, the submission of annual statistics plans and annual reports by organs of state and the establishment of the Statistical Clearing House in order to promote the functions and objectives of the National Statistics System; to empower the Minister to make regulations; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 6 of 1999

1. Section 1 of the Statistics Act, 1999 (hereinafter referred to as the “principal Act”), is hereby amended—

- (a) by the insertion after the definition of “document” of the following definition: 5
 “**entity within the NSS**’ means—
 (i) an organ of state; and
 (ii) any organisation, non-profit organisation, or business that pro-
 duces and uses statistics or collects data;” 10
- (b) by the insertion after the definition of “entity within the NSS” of the following definition:
 “**geographic information**’ means information related to place, space and more specifically, information about spatial objects or features and their attributes and may also be referred to as geo-spatial information;” 15
- (c) by the substitution for the definition of “Minister” of the following definition:
 “**Minister**’ means the Minister [**of Finance**] in the Presidency or such other Minister as the President may assign to be the executing authority for the purposes of this Act;”
- (d) by the insertion, after the definition of “Minister”, of the following definition: 20
 “**National Statistics System**’ (“NSS”) means the ensemble of statistical organisations and units within the Republic of South Africa, that jointly collect, process and disseminate official and other statistics;”

- (e) by the substitution for the definition of “other organisation” of the following definition:
 “**‘other organisation’** means any non-governmental or non-profit organisation, voluntary association or other organisation other than a business, household or organ of state that does not form part of the entities within the NSS;”;
- (f) by the insertion, after the definition of “other organisation” of the following definitions:
 “**‘other statistics’** means statistics which have not been designated as official by the Statistician-General;
‘prescribed’ means prescribed by regulation;”;
- (g) by the substitution in the definition of “return” for paragraph (b) of the following paragraph:
 “(b) an officer of Statistics South Africa or of **[another organ of state]** any entity within the NSS which produces statistics, for the purpose of producing official or other statistics;”;
- (h) by the insertion, after the definition of “return” of the following definition:
 “**‘SASQAF’** means ‘South African Statistical Quality Assessment Framework’ as determined by the Statistician-General;”;
- (i) by the substitution at the end of the definition of “Statistics South Africa” for the full stop of a semicolon; and
- (j) by the insertion after the definition of “Statistics South Africa” of the following definition:
 “**‘this Act’** includes any regulations made in terms of this Act.”.

Insertion of section 1A into Act 6 of 1999

2. The following section is hereby inserted after section 1 of the principal Act:

“Conflict with other legislation

1A. The provisions of this Act prevail where there is a conflict relating to the matters dealt with in this Act between this Act and the provisions of any other law, save for the Constitution or any Act expressly amending this Act.”.

Amendment of section 2 of Act 6 of 1999

3. Section 2 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of the following paragraph:
 “(a) a Statistician-General as the Statistician-General of the Republic of South Africa and the head of Statistics South Africa and for a Council;”;
- (b) by the substitution for paragraph (c) of the following paragraph:
 “(c) co-ordination between Statistics South Africa and other **[organs of state]** entities within the NSS that produce official or other statistics;”.

Amendment of section 3 of Act 6 of 1999

4. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:
“Purpose of official statistics, [and] statistical principles and the NSS;”;
- (b) by the addition of the following subsections after subsection (2):
 “(3) The purpose of the NSS is to serve as a coordination structure for the production and use of official and other statistics.
 (4) Entities within the NSS other than organs of state, must enter into partnership agreements with the Statistician-General in terms of section 14(11)(b), for the purpose of increasing the body of official and other statistics.

(5) The NSS must conduct its work in accordance with the United Nations Fundamental Principles of Official Statistics and other relevant domestic, regional, continental and global frameworks governing the production and use of statistics.”.

Amendment of section 4 of Act 6 of 1999

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5. Section 4 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) Statistics South Africa referred to as **[an organisational component]** a national department in the first column of Schedule [2] 1 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]**—”.

Amendment of section 7 of Act 6 of 1999

6. Section 7 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the full stop at the end of paragraph (e)(vi) of “; and”;
- (b) by the addition in subsection (1) of the following paragraph:
 “(f) is the custodian of all official data including that arising from commissioned and collaborative work.”;
- (c) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
 “(a) cause a population census to be taken **[in the year 2001 and]** every **[five]** ten 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;”;
- (d) by the substitution in subsection (2) for paragraph (f) of the following paragraph:
 “(f) provide statistical advice to **[other organs of state]** entities within the NSS;”;
- (e) by the substitution in subsection (2)(j) for the words preceding subparagraph (i) of the following words:
 “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]** entities within the NSS, on condition that— ”;
- (f) by the substitution in subsection (2)(j) for subparagraph (i) of the following subparagraph:
 “(i) service-level agreements or memoranda of understanding are entered into between Statistics South Africa and **[the provinces]** provincial and local government institutions in question; and”;
- (g) by the substitution at the end of subsection (2)(k) for the full stop of a semicolon;
- (h) by the addition in subsection (2) of the following paragraphs:
 “(l) establish a body or unit within Statistics South Africa to coordinate the entities within the NSS; and
 (m) publish all official statistics including those arising from commissioned and collaborative work.”;
- (i) by the substitution in subsection (3) for paragraph (b) of the following paragraph:
 “(b) in terms of section 14(7), designate statistics produced by Statistics South Africa or **[other organs of state]** entities within the NSS as official statistics;”;
- (j) by the substitution in subsection (3)(g) at the end of subparagraph (iii) for the full stop of “; and”;
- (k) by the addition in subsection (3) of the following paragraph:
 “(h) promote and assist statistical research, in particular, by providing access, (where he or she may lawfully do so), to data under his or her curatorship.”; and

- (l) by the addition of the following subsection after subsection (5):
 “(6) The Statistician-General must, for the purpose of producing official statistics, have access to any data from any producer or entity within the NSS.”.

Amendment of section 13 of Act 6 of 1999

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7. Section 13 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “(1) The Council must advise the Minister, the Statistician-General or an **[organ of state] entity within the NSS** which produces statistics with regard to—”;
- (b) by the substitution in subsection (1) for paragraph (a) of the following paragraph:
 “(a) matters referred to the Council by the Minister, the Statistician-General or that **[organ of state] entity within the NSS**.”;
- (c) by the substitution in subsection (2) for paragraph (c) of the following paragraph—
 “(c) an environment which is supportive of the collection, production, storage, dissemination and use of official statistics.”; and
- (d) by the substitution for subsection (5) of the following subsection:
 “(5) The Statistician-General must provide the Council with such secretarial, **[and]** clerical assistance and specialised skills as is necessary for the effective performance of the functions of the Council.”.

Amendment of section 14 of Act 6 of 1999

8. Section 14 of the principal Act is hereby amended—

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- (a) by the substitution for the heading of the following heading:
 “**Statistical co-ordination among [organs of state] entities within the NSS**”;
- (b) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:
 “The Statistician-General may advise **[any organ of state] entities within the NSS** regarding the application of appropriate quality criteria and standards, classifications and procedures for statistics—”;
- (c) by the addition of the following subsections after subsection (12):
 “(13) In order to promote statistical co-ordination among entities within the NSS, the Statistician-General must—
 (a) develop and implement a statistical system for the NSS; and
 (b) develop and implement a National Strategy for the Development of Statistics.
 (14) The purpose of the National Strategy for the Development of Statistics is to—
 (a) develop statistical capacity within Statistics South Africa and other entities within the NSS in the form of skills and infrastructure for official statistics in order to support—
 (i) the monitoring and evaluation programme of the national and sector statistics strategies;
 (ii) planning and decision-making in the three spheres of government and other organs of state;
 (iii) the meeting of national, international and other reporting obligations of the state; and
 (iv) the building of statistical capacity in the form of statistics units within organs of state;
 (b) provide a strategic framework for developing appropriate forms of, and uses for, statistics;
 (c) develop an overall vision for the development of the NSS;
 (d) develop a comprehensive framework for continual assessment of evolving user needs and priorities for statistics and for building the capacity needed to meet those needs;

- (e) provide a framework for mobilising and managing resources nationally and internationally; and
- (f) provide a basis for the effective and strategic management of the NSS.
- (15) The Statistician-General must, in order to promote the functions and objectives of the NSS, establish, oversee and co-ordinate the activities of the following structures:
- (a) A committee, comprising representatives of Statistics South Africa, other entities within the NSS and other stakeholders who may be appointed by the Statistician-General, which must be responsible for overseeing the co-ordination of statistical projects in the NSS, with specific reference to statistical production by entities within the NSS and the measurable development outcomes of government;
- (b) working groups, comprising technical experts in data handling and analysis from various entities within the NSS, which must be responsible for assembling and validating data on a sectoral basis for all national and international statistical reporting, with specific reference to statistical production by entities within the NSS and the measurable development outcomes of government;
- (c) a secretariat, to be provided from the resources of Statistics South Africa, which must be responsible for co-ordinating the operations of the NSS in relation to its administrative, documentation and other service needs;
- (d) stakeholder fora, comprising representatives of Statistics South Africa and other organs of state, international agencies, business, organised labour and civil society, at national, provincial and local levels, which must provide a mechanism for discussing issues, concerns and new developments in official statistics and must facilitate dialogue in relation to the proposed direction of statistical development and production, nationally;
- (e) a Statistical Clearing House, the composition of which must be determined by the Statistician-General, who must appoint its members and the purpose of which is to—
- (i) rationalise surveys being undertaken by various organs of state or entities within the NSS in order to remove duplication;
 - (ii) utilise a national catalogue or inventory of data sources for producing official and other statistics;
 - (iii) make recommendations to the Statistician-General regarding new statistical collections, variations and discontinuance of existing undertakings; and
- (f) a state-wide statistics service, which comprises of officials from Statistics South Africa and other entities within the NSS responsible for collection, processing, analysis, storage and dissemination of statistics.
- (16) The Statistician-General must develop a code of ethics or conduct for professionals and others involved in the production of statistics within the NSS.
- (17) The Statistician-General must establish and maintain a statistical training programme to enhance statistical capacity in the NSS.
- (18) The Statistician-General must develop protocols for access to, and data sharing amongst, entities within the NSS.
- (19) Statistical data produced by an organ of state for the purpose of formulating policy or for public consumption, must be produced by that organ of state—
- (a) in accordance with the provisions of this Act; and
 - (b) in a manner and form aimed at ensuring the attainment of the objectives of the Act contemplated in section 2(c) and (d).
- (20) (a) Entities within the NSS must produce, or be involved in the production of, official statistics or statistics which may potentially be designated as official statistics and must participate in the development and implementation of the National Strategy for the Development of Statistics and the NSS.

(b) The Statistician-General must provide such entities with assistance, facilitation and co-ordination as may reasonably be required for that purpose.

(21) An organ of state required to produce, or to be involved in the production of, official statistics or statistics which may potentially be designated as official statistics, must establish a statistics unit within such organ of state, which unit must—

- (a) be established using the resources of that organ of state;
- (b) be headed by an official appointed by the accounting officer or head of such organ of state, in consultation with the Statistician-General, who must possess the necessary level of seniority to enable access to, and to advise the accounting officer or head of such organ of state in relation to, the issues for which such unit is responsible;
- (c) be a unit operationally independent of, and not subject to the control of, or interference by, other operational units or components within such organ of state;
- (d) be established in accordance with the guidance of the Statistician-General;
- (e) be responsible for ensuring that—
 - (i) the production and handling of data within such organ of state complies with the SASQAF and other standards and guidelines as may be determined from time to time by the Statistician-General; and
 - (ii) the protocol for the release of official statistics determined from time to time by Statistics South Africa, the United Nations Principles of Official Statistics and the African Charter on Statistics, conforms to relevant regional, continental and global frameworks governing the production and use of statistics; and
- (f) in relation to administrative and employment issues and its work programme, be accountable to the accounting authority of such organ of state and must, in relation to professional standards for the production and handling of data and statistics within that organ of state, act in accordance with the guidance of the Statistician-General.

(22) Every entity within the NSS—

- (a) must comply with all standards for the production of official statistics issued from time to time by the Statistician-General;
- (b) must, in relation to official statistics or statistics which may potentially be designated as official statistics which that entity produces from registers, administrative records or lists, or surveys, ensure that they comply with the requirements of the SASQAF determined by the Statistician-General; and
- (c) may seek technical support and advice from Statistics South Africa in relation to the development of registers and the execution of surveys and compliance with the SASQAF.

(23) Entities within the NSS involved in the production of statistics must take all reasonable and expeditious steps, through proper planning, reporting, scheduling and other appropriate means, to seek the timeous designation of their statistics by the Statistician-General as official statistics under subsection (7).

(24) The Cabinet, the Minister or other Ministers, the Forum of South African Directors-General or a cluster of that Forum, may decide that data collected or in the process of being collected by a particular entity within the NSS, must be prioritised for consideration by the Statistician-General, to be designated as official statistics.

(25) In the case of data contemplated in subsection (24), the entity within the NSS must ensure that the statistical data is finalised for purposes of being assessed for such designation within a period not exceeding three years from the date on which, such entity within the NSS, is informed of the decision to prioritise such data for designation as official statistics.

(26) For the purposes of designating data produced by Statistics South Africa or any entity within the NSS as official statistics, the Statistician-General must constitute data quality assessment teams to undertake independent audits or assessments of statistics of such data against quality criteria provided by the SASQAF. 5

(27) Data series submitted for consideration that comply with the criteria of the SASQAF, must be certified as official statistics by the Statistician-General.

(28) In the event that any data series submitted for consideration do not comply with the criteria of the SASQAF, the relevant entity within the NSS must, with the support to be provided by Statistics South Africa, draw up and implement a statistical improvement plan with a view to improve the quality of such data series to meet the criteria determined for designation as official statistics. 10

(29) The Statistician-General must periodically, at such times as he or she may determine, through the data quality assessment teams, review the quality of data series that have already been designated as official statistics, to determine whether they have maintained their status as such, failing which their designation as official statistics may be terminated by the Statistician-General or may be continued, subject to such conditions as may be determined by the Statistician-General. 15 20

(30) Organs of state must—

- (a) on an annual basis, submit statistical plans to the Statistician-General for his or her consideration and approval;
- (b) ensure that their statistical plans are aligned with national, regional, continental, international and other reporting requirements; and 25
- (c) submit annual reports on their statistical collection programmes and activities to the Statistician-General for the purposes of review, to determine the need for possible support by Statistics South Africa and to decide whether the report must be tabled by the Minister in Parliament.” 30

Amendment of section 15 of Act 6 of 1999

9. Section 15 of the principal Act is hereby amended by the substitution in subsection (1) of the following:

- “(1) For the purpose of making enquiries or observations necessary for achieving the purposes 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 — 35
- (a) individual;
 - (b) organ of state; 40
 - (c) business; or
 - (d) other organisation,
- and inspect anything therein or thereon.”.

Amendment of section 18 of Act 6 of 1999

10. Section 18 of the principal Act is hereby amended— 45

- (a) by the substitution in subsection (1) for the words following paragraph (g) of the following words: 50

“is guilty of an offence and liable on conviction to a fine not exceeding **[R10 000]** R20 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.”;
- (b) by the substitution in subsection (2) for the words following paragraph (b) of the following words: 55

“is guilty of an offence and liable on conviction to a fine not exceeding **[R10 000]** R20 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.”; 60

- (c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 “Any individual **[other than an employee of an organ of state]**, business or other organisation that—”;
- (d) by the substitution in subsection (3) at the end of paragraph (e) for the comma of “; and” and by the addition of the following paragraph: 5
 “(f) wilfully discloses any statistical information contrary to the provisions of this Act.”;
- (e) by the substitution in subsection (3) for the words following paragraph (e) of the following words: 10
 “is guilty of an offence and liable on conviction—
 “(i) in the case of an individual, to a fine not exceeding **[R10 000]** R20 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 15
 a period not exceeding six months or to both such fine and such imprisonment; and
 (ii) in the case of a business or other organisation, to a fine not exceeding **[R20 000]** R200 000 or an amount determined by the Minister from time to time by notice in the *Gazette*.”; and 20
- (f) by the substitution in subsection (4)(b) for subparagraphs (i) and (ii) of the following subparagraphs:
 “(i) in the case of an individual, to a fine not exceeding **[R500]** R1 000 or an amount determined by the Minister from time to time by notice in the *Gazette*; or 25
 (ii) in the case of a business or other organisation, to a fine not exceeding **[R2 000]** R20 000 or an amount determined by the Minister by notice in the *Gazette*.”;

Insertion of section 20A into Act 6 of 1999

11. The following section is hereby inserted after section 20 of the principal Act: 30

“Regulations

- 20A.** (1) The Minister, after consultation with the Statistician-General and the Statistics Council, may make regulations regarding—
- (a) any matter required or permitted to be prescribed by this Act; 35
 (b) coordination of the entities within the NSS;
 (c) statistical collection methodology and standards;
 (d) procedure on entry and inspection by officials;
 (e) protocols and guidelines on data, access, and confidentiality as contemplated in section 14(18);
 (f) appropriate mechanisms and structures for statistical reporting; 40
 (g) guidelines to implement a National Strategy for the Development of Statistics as contemplated in section 14(13)(b);
 (h) guidelines on the functioning of the Statistical Clearing House as envisaged in section 14(15)(e); and
 (i) any other matter incidental to the matters listed in paragraphs (a) to (h). 45
- (2) (a) The Minister must publish the regulations to be made under subsection (1) in the *Gazette* for public comment at least thirty (30) days before the date contemplated for their commencement.
 (b) If the Minister alters the draft regulations, as a result of any 50
 comment, he or she need not publish those alterations before making the regulations.”.

Short title

12. This Act is called the Statistics Amendment Act, 2023, and takes effect on a date fixed by the President by proclamation in the *Gazette*. 55

MEMORANDUM ON THE OBJECTS OF THE STATISTICS AMENDMENT BILL, 2023

1. BACKGROUND

The Statistics Amendment Bill (“Bill”) seeks to amend the Statistics Act, 1999 (Act No. 6 of 1999) (“principal Act”), by making provision for the development and implementation of the National Statistics System (“NSS”) and the National Strategy for the Development of Statistics (“NSDS”) by the Statistician-General. The NSS is made up of an ensemble of statistical organisations and units within the Republic of South Africa that are responsible for the joint collection, processing and dissemination of official and other statistics. The purpose of the NSDS includes, amongst others, the development of statistics units within organs of state, the development of a vision for the NSS and the development of a framework for the continual assessment of user needs and priorities. The Bill further seeks to provide for the strengthening of co-ordination mechanisms amongst data producers and data users through the NSS, to foster compliance with norms, standards and methodologies for data collection and to improve the quality of information gathered within the Republic. The Bill enhances collaboration amongst data producers and users of data, to promote the use of quality statistics for planning, policy formulation, monitoring and evaluation as well as evidence-based decision-making.

2. OBJECTS OF BILL

- 2.1 The main objects of the Bill are to—
- (a) substitute and insert certain definitions;
 - (b) promote the functions and objectives of the NSS;
 - (c) strengthen co-ordination and enhance collaboration amongst data producers and data users by creating an enabling environment for the production and consumption of quality statistics within the Republic;
 - (d) introduce the phrase “entities within the National Statistics System” in order to accommodate other data users and producers, other than organs of state; and
 - (e) empower the Minister to make regulations.

3. CLAUSE BY CLAUSE ANALYSIS

- 3.1 Clause 1 seeks to amend section 1 of the principal Act by substituting certain definitions, as well as the inserting of new definitions.
- 3.2 Clause 2 makes provision for dealing with conflicts with other legislation.
- 3.3 Clause 3 seeks to amend section 2(a) of the principal Act by aligning the principal Act with the pivotal role that the Statistician-General plays in relation to statistics in the Republic. This clause also amplifies the role of Statistics South Africa in collaborating with other entities within the NSS in the production and use of statistics.
- 3.4 Clause 4 seeks to amend the heading of section 3 of the principal Act in order to highlight the role of the NSS in the production and use of statistics and to outline its purpose.
- 3.5 Clause 5 seeks to amend section 4(1) of the principal Act by aligning the description of Statistics South Africa with section 7(2)(a) and Schedule 1 to the Public Service Act, 1994 (Proclamation No. 103 of 1994).
- 3.6 Clause 6
- 3.6.1 Clause 6 seeks to amend section 7 of the principal Act by enabling a population census to be conducted by the Statistician-General every ten years instead of five years as contemplated in the principal Act. Clause 6 further seeks to empower the Statistician-General to provide statistical advice to entities within the NSS, thereby substituting the

limitation of the advice to other organs of state to include entities within the NSS, as well as making provision for the establishment of a coordination unit within NSS. This clause further empowers the Statistician-General to publish all collaborative or commissioned work for public use. The proposed amendment to section 7(3)(b) of the principal Act allows the Statistician-General to designate statistics produced by entities within the NSS as official statistics.

- 3.6.2 The proposed addition of paragraph (h) to section 7(3) of the principal Act seeks to promote research in statistical work, and empowers the Statistician-General to grant access to data where it is lawfully possible and to enable the Statistician-General to have access to data.
- 3.7 Clause 7 proposes an amendment to section 13 of the principal Act by the substitution in subsection (1)(a) for the words “that organ of state” with the words “entities within the NSS”. Clause 7 proposes an amendment to section 13(2)(c) of the principal Act by making provision for the Council to advise the Minister, the Statistician-General or organ of state with regard to an environment which is supportive of the collection, production, storage, dissemination and use of official statistics. The proposed amendment to section 13(5) of the principal Act makes provision for the Council to be afforded specialised skills whenever necessary in addition to secretarial and clerical assistance.
- 3.8 Clause 8
- 3.8.1 Clause 8 seeks to amend section 14 of the principal Act by the substitution of the heading of the section so as to highlight an inclusive coordinated approach where all data producers and users will be able to collaborate and receive similar advice from the Statistician-General in so far as the quality criteria, classification and norms and standards of data are concerned. Clause 8 proposes the addition of subsection (13) to section 14 the principal Act and requires that the Statistician-General develop a NSDS within the Republic. The amendment also empowers the Statistician-General to create capacity in statistics within the Republic by proposing that statistics units should be established within other organs of state.
- 3.8.2 The proposed new subsections (15), (16), (17) and (18) empower the Statistician-General to establish, amongst others—
- (a) a committee comprising officials from Statistics South Africa and other entities within the NSS;
 - (b) working groups comprising people with technical skills in data handling and analysis;
 - (c) a secretariat to provide administrative support to the NSS;
 - (d) stakeholder fora to be established at a national, provincial and local level;
 - (e) a Statistical Clearing House to oversee the production of statistics within the Republic to avoid duplication in the production of statistics; and
 - (f) a state-wide statistical service comprising officials of Statistics South Africa and other entities within the NSS.
- 3.8.3 The creation of these structures is designed to strengthen coordination and collaboration amongst data producers and users within the Republic. The amendment empowers the Statistician-General to develop a code of ethics for professionals in the field of statistics and to establish and maintain a training programme to enhance statistical capacity within the NSS. The amendment also empowers the Statistician-General to develop protocols for data sharing and access amongst entities within the NSS. The proposed subsection (19) provides that all statistical data produced by an organ of state for the

purpose of formulating policy or for public consumption must be produced in accordance with the provisions and objects of the principal Act. The proposed new subsection (20) makes it mandatory for all entities within the NSS to produce official statistics or such statistics which may potentially be designated as official by the Statistician-General. The amendment further provides that the Statistician-General be tasked with facilitating and offering the necessary assistance as well as coordination to the entities within the NSS.

- 3.8.4 The proposed new subsection (21) provides for the establishment of statistics units in other organs of state and envisages the establishment of a statistical unit that will operate independently within an organ of state.
- 3.8.5 The proposed new subsection (22) emphasises the need to comply with the South African Statistical Quality Assessment Framework (“SASQAF”) and allows for the entities within the NSS to request assistance from Statistics South Africa whenever required. In terms of the proposed new subsection (23), all entities within the NSS are required to timeously ensure that all statistics are designated as official by the Statistician-General.
- 3.8.6 The proposed new subsection (24) empowers the Cabinet, the Minister and the forum for South African Directors-General to make decisions on the prioritisation of certain statistics to be designated as official by the Statistician-General.
- 3.8.7 The proposed new subsection (28) provides that, where the statistics referred for consideration do not comply with the quality standards, a statistical improvement plan will be developed with the assistance of Statistics South Africa to remedy the defects with a view to enable the statistics to meet the quality criteria for designation as official statistics.
- 3.8.8 The proposed new subsection (30) makes it obligatory for organs of state to submit annual statistical plans and annual reports to the Statistician-General to enable him or her to review the programmes and activities of organs of state and to consider whether any support may be required from Statistics South Africa.
- 3.9 Clause 9 proposes an amendment to section 15(1) of the principal Act by the deletion of the phrase “other than a private dwelling” to address the limitations faced by the Statistician-General or an officer of Statistics South Africa when carrying out his or her duties for statistical purposes in terms of the principle Act.
- 3.10 Clause 10 proposes an amendment to section 18 of the principal Act which deals with offences and penalties for a contravention of certain provisions.
- 3.11 Clause 11 seeks to amend the principal Act by the insertion of a new section 20A which empowers the Minister to make regulations.

4. IMPLEMENTATION PLAN

The implementation of the Bill does not require a detailed implementation plan as the existing structures and processes within Statistics South Africa will not be affected by the proposed amendments. The proposed amendments will be phased in over time in accordance with a priority schedule to be determined by the Statistician-General.

5. CONSULTATION

- 5.1 Statistics South Africa consulted with stakeholders both nationally and in the nine provinces on the implementation of the Bill.

- 5.2 The topics on which Statistics South Africa consulted with the stakeholders include—
- (a) implementing statistical geography;
 - (b) strengthening co-ordination mechanisms and compliance;
 - (c) creating a state-wide statistical service;
 - (d) institutional arrangements and protocols; and
 - (e) data revolution.
- 5.3 Statistics South Africa consulted with the following stakeholders:
- (a) national government departments i.e. (Department of Planning, Monitoring and Evaluation (“DPME”), National Treasury, Department of Cooperative Governance and Traditional Affairs (“Cogta”), the South African Revenue Service (“SARS”), South African Police Service (“SAPS”), the Department of Energy and the Department of Women;
 - (b) provincial government departments;
 - (c) local government;
 - (d) civil society organisations;
 - (e) organised labour; and
 - (f) academia.

6. FINANCIAL IMPLICATIONS FOR THE STATE

There will be financial implications for the state with regard to the staffing requirements of the NSS which must have the capacity to service all entities within the Republic. There is a need for personnel to provide professional, secretarial and clerical support to the Statistics Council members as well as additional staff to give effect to the changes envisaged to ensure the efficient functioning of the NSS. In addition to the above, various structures need to be established by the Statistician-General which will require funds, for example, the Committees, Secretariat and Statistical Clearing House.

7. CONSTITUTIONAL IMPLICATIONS

Statistics South Africa and the State Law Advisers are of the considered opinion that the provisions of the Bill are consistent with the Constitution.

8. PARLIAMENTARY PROCEDURE

- 8.1 Statistics South Africa and the State Law Advisers are of the opinion that the Bill must be dealt with in accordance with the procedure envisaged in section 75 of the Constitution since it contains no provisions to which the procedure outlined in section 74 or 76 of the Constitution applies.
- 8.2 The State Law Advisers are of the opinion that it is not necessary to refer the Bill to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), since it does not contain provisions pertaining to customary law or the customs of traditional communities. The Bill does not pertain to any matter referred to in section 154(2) of the Constitution.

