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GENERAL NOTICE

NOTICE 25 OF 1998

PROVINCE OF THE NORTHERN CAPE

PUBLICATION OF THE NORTHERN CAPE STATISTICS BILL, 1998

The above-mentioned Bill is hereby published in terms of Rule 127(2) of the Rules of Procedure of the Legislature of the Northern Cape for general information and comment.

Any comments or remarks must be submitted to the **Secretary, Northern Cape Legislature, Private Bag X5066, Kimberley, 8300**, to reach him not later than **30 March 1998**.

G. M. MASHOPE

Secretary: Northern Cape Legislature

NORTHERN CAPE STATISTICS BILL

To provide for the collection, compilation, processing and the publication of statistics relating to certain matters, and to provide for incidental matters

1. Definitions

In this Act, unless the context otherwise indicates—

“**business**” means any individual or legal entity that is commercially active in the Northern Cape Province;

“**Executive Council**” means the Executive Council of the Northern Cape as referred to in the Constitution of the Republic of South Africa;

“**prescribed**” means prescribed by or under the authority of this Act, and, in the case of a prescribed form or manner, means a form or manner substantially as prescribed;

“**prescribed officer**” means a person employed by the Provincial Administration of the Northern Cape and prescribed by or under the authority of this Act to collect and compile statistics.

References to one gender only shall be construed as reference to both male and female;

“**Responsible Member**” means the Member of the Executive Council for Economic Affairs, Trade and Industry;

“**statistics**” means the information which may be collected of and incidental to matters specified in, or prescribed under, section 2;

“**this Act**” includes any regulation made thereunder.

2. Collection of statistics

(1) Subject to the provisions of this Act and to the directions of the Responsible Member, statistics may be collected relating to economic, financial, demographic and social matters and any other matter determined by the Responsible Member from time to time by notice in the *Provincial Gazette*.

(2) The duty of collecting any such statistics shall be performed by such officers in the public service as the Responsible Member may designate by notice in the *Provincial Gazette*.

3. Administration of the Act

(1) The Responsible Member shall be charged with the administration of this Act.

(2) (a) The Responsible Member may in writing assign any power conferred or duty imposed upon or function entrusted to him by or in terms of this Act, to any other officer or employee of the provincial administration, but shall not by any such assignment be divested of any such power, duty or function, and may at any time himself exercise any such power or function or perform any such duty.

(b) Whenever such officer or employee exercises any power or function or performs any duty in terms of this Act, he shall, if requested by any person affected thereby, exhibit to such person the written assignment issued to him under paragraph (a).

4. Powers of prescribed officers and duty of persons to answer questions

(1) The prescribed officer or any officer authorised by him in writing may—

- (a) for the purposes of making any enquiries or observations necessary for carrying out the objectives of this Act, at any reasonable time or after reasonable notice to the relevant owner or the person in control thereof, enter upon any land or premises, enter any building or structure thereon, and inspect anything thereon or therein;
- (b) in exercising his functions and powers and carrying out his duties under this Act, put all the questions allowed in terms of this Act, to the persons concerned;
- (c) remove any goods or documents only with the consent of the owner or occupier or with a warrant issued by a judge or magistrate.

(2) Every person shall, to the best of his knowledge and belief, answer, when so required, all questions put to him orally or in writing under this Act by the prescribed officer, or by an officer authorised in writing by a prescribed officer, and which are necessary for the collection of statistics, and shall furnish in the prescribed manner all such statistics as required under this Act.

5. Duty to compile, prepare or make certain documents

Subject to the provisions of section 3, the Responsible Member shall from time to time, compile, prepare or make any document necessary for the administration of the provisions of this Act, and, whenever deemed expedient by the Responsible Member, any such document shall be published together with any relevant regulations referring thereto.

6. Compilation, processing and publication of statistics

(1) The prescribed officer shall process, compile and analyse the statistics collected under this Act.

Subject to provisions of section 3, the Responsible Member may, if he deems it necessary, expedient, or in the interest of the public, publish the following data collected under this Act in such manner as he may direct, namely—

- (a) statistics or extracts thereof;
- (b) the names and addresses of individuals and business concerns; and
- (c) the kind of products produced, manufactured, processed, transported, stored, bought or sold, or services rendered, by individuals and business concerns in the course of their business.

7. Secrecy

Every person employed in carrying out the provisions of this Act shall preserve and aid in preserving secrecy in respect of all matters or particulars and information that may come to his knowledge in the exercise of his functions or powers or the performance of his duties in connection with those provisions, and shall not communicate any such matter or particulars and information to any person other than the person concerned or his lawful representative, nor suffer or permit any such person to have access to any document referred to in section 5, in the possession or custody of any competent person, except—

- (a) if such communication, sufferance or permission, as the case may be, is required or permitted to be effected in the exercise of his functions or powers or the performance of his duties under any provision of this Act;
- (b) if such communication, sufferance or permission is effected with the prior written consent of the person concerned or his lawful representative; or
- (c) in respect of particulars and information, excluding financial particulars and information, in connection with a prescribed matter, and to such person or persons and under such circumstances as may be prescribed for the purpose of this paragraph.

8. Offences by officers and employees

Any officer who in the exercise of his functions or powers or the performance of his duties under this Act—

- (a) puts an improper or offensive question to any person;
- (b) asks of, or receives or takes from, any person, other than an authorised officer of the Provincial Government, any payment or reward in respect of or in connection with such exercise or performance;
- (c) divulges, except as allowed by this Act, the contents of any form or return filed in pursuance of this Act, or any information furnished in pursuance of this Act;
- (d) without sufficient cause, fails to exercise any such functions or powers or to perform any such duties or to exercise reasonable diligence or care in the exercise or performance thereof;
- (e) contravenes the provisions of section 7,

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

9. Offences by other persons

Any person who—

- (a) fails or refuses to provide information requested or fails or refuses to answer to the best of his knowledge and belief any question referred to in section 4(2), put to him by the competent person concerned, or furnishes and answer to such a question which is false in any material respect, knowing the answer to be false;

- (b) signs, delivers, compiles, prepares or makes or causes to be signed, delivered, compiled, prepared or made any document referred to in section 5 in which incorrect particulars are furnished or incorrect information is furnished, knowing such particulars or information to be incorrect;
- (c) refuses any competent person under this Act, who has exhibited his written authority, entry on any land or premises of which he is the owner or in control, or to any building or structure thereon, or refuses to permit any such person inspection thereunder or anything thereon or therein, as the case may be, or otherwise hinders any such person in the exercise of his functions or powers or the performance of his duties under this Act;
- (d) forges any document referred to in section 5 or uses a document knowing such document to be forged;
- (e) impersonates an officer or employee in the Provincial Administration for the purpose of obtaining information from any person, undertaking or government institution;
- (f) represents himself to be collecting information under an assignment referred to in section 3(2) of this Act,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a), (b) or (c) to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
- (ii) in the case of an offence referred to in paragraph (d), (e) or (f), to the penalties which may be imposed on a conviction of fraud.

10. Authentication of certain documents

Any document referred to in section 5 shall be sufficiently authenticated if the name and designation of the competent person concerned by whom it is given or issued, as the case may be, has been printed or stamped thereon.

11. Regulations

The Responsible Member may make regulations regarding any matter in respect of which it is necessary or expedient to make regulations in order to achieve the objectives of this law, provided that any regulations with financial implications shall be made with the concurrence of the Member of the Executive Council responsible for Finance.

12. Admissibility of certain entries as evidence

Notwithstanding anything to the contrary contained in any law, no entry in any return, book, register or record made by an officer or any other person under this Act shall be admissible in any legal proceedings, civil or criminal, except in relation to a charge of a contravention of this Act.

13. Short title and commencement

This Act shall be called the **Northern Cape Statistics Act, 1998**, and shall come into operation on a date to be fixed by the Premier by proclamation in the *Provincial Gazette*.

SUPPORTING MEMORANDUM TO THE NORTHERN CAPE STATISTICS BILL**BACKGROUND AND OBJECTIVES**

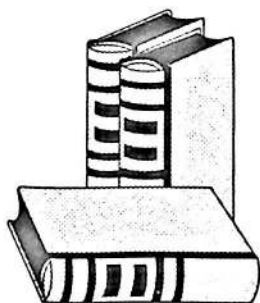
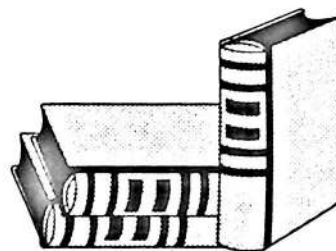
The production of a development plan requires that reliable, up to date statistics are available and used in the compilation of the plan. This will allow the planning processes to be more accurate and decrease the variability of the estimation that occurs in the planning processes. This is particularly important when one wants to measure the effectiveness of the development plan or a particular aspect thereof.

Some detailed provincial statistics are collected but in terms of the regulations pertaining to the Regional Services Council Act, 1985 (Act No. 109 of 1985), the provincial administration does not have access to these statistics. The Central Statistical Services collect, process and publish statistics on demographic, economic, socio-economic and social matters but the statistics are usually released after some time has elapsed. The statistics collected also has a national focus as opposed to the provincial focus that the province needs.

As the province moves into the next phase of the development planning cycle it has become apparent that the province requires a mechanism to enable it to collect, compile and process detailed statistics at a district and local level. The Northern Cape Statistics Act is the mechanism that provides for the collection of the required statistics.

The objectives of the Act is to allow the province to collect, compile, process and publish provincial statistics on demographic, economic, socio-economic and social matters on a regular basis. These objectives are the same as the objectives that govern the activities of the Central Statistics Services (CSS) but the focus of the CSS is national whilst the focus of this Act will be provincial.

*Where is the largest amount of
meteorological information in the
whole of South Africa available?*



*Waar is die meeste weerkundige
inligting in die hele Suid-Afrika
beskikbaar?*

Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

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