



stats sa

Department:
Statistics South Africa
REPUBLIC OF SOUTH AFRICA

**Presentation to the Portfolio
Committee on Planning, Monitoring
and Evaluation on the Statistics
Amendment Bill**

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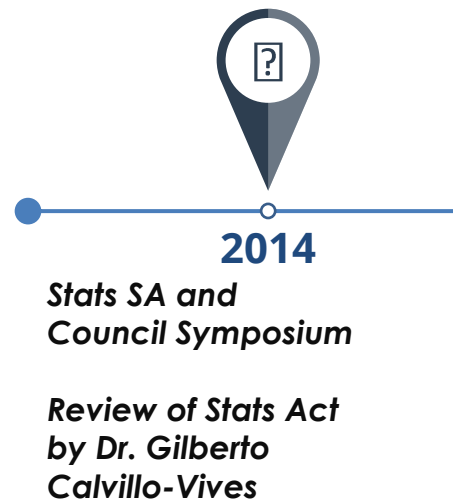


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OUTLINE

Background
Consultations
Comparative schedule and study tours
Socio-Economic Impact Assessment System (SEIAS) process
Office of Chief State Law Adviser process
Key amendments to the Stats Act
Impact of revised Stats Act on the statistical system
Update on the Statistics Amendment Bill

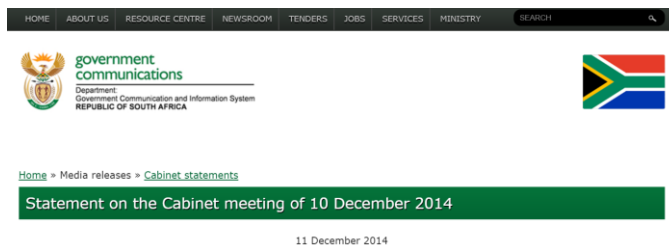
Stats SA and Stats Council hosted a Symposium on Stats Act in 2014



- Identified weaknesses in the current Statistics Act
- Symposium participants proposed changes for incorporating into a revised Statistics Act
- **5 Focal Areas underpinned discussions**
- Participants included:
 - National departments
 - Provincial departments
 - Premiers Offices
 - Researchers
 - International Partners (Uganda, Ghana, Argentina, France, Mexico, Uganda, Ghana, UNSD)

Legislative Reform – CABINET STATEMENT (December 2014)

2014



The construction of the MeerKAT telescope – the pathfinder to the eventual SKA – is progressing well, with significant opportunities for the local South African industry. South Africa is driving a number of cutting-edge technology developments especially in the area of high-performance computing. Local communities in the Northern Cape have also benefitted through the many social investment partnerships.

On the international front, the hosting agreement, the funding model for the SKA and the procurement policy are being discussed and finalised. Negotiations are also continuing on the establishment of an intergovernmental treaty organisation.

Cabinet approved a joint task team between the Ministers of Science and Technology and Higher Education and Training to identify the required human resources, and to ensure that academic and other research institutions are aligned to the development and needs of the MeerKAT, SKA and similar projects.

Cabinet also approved collaboration between the Ministers of Science and Technology and Small Business Development should opportunities arise for empowering and capacitating SMEs in light of the potential economic impact.

2.3. Cabinet approved for Statistics South Africa to conduct stakeholder consultations in preparation for the amendment of the Statistics Act, 1999 (Act 6 of 1999).

Consultations between the organs of state and other relevant organs are necessary to facilitate the development of the series of data collections needed for the National Development Plan (NDP).

2.4. Cabinet was briefed on the compliance of members of the Senior Management Service (SMS) with the Financial Disclosure Framework, which is monitored by Parliament.

Of the 5 425 SMS members in national departments who were required to submit their financial disclosures forms for the 2012/13 financial year, the Public Service Commission received 4 413 (81%) by the due date of 31 May 2013.

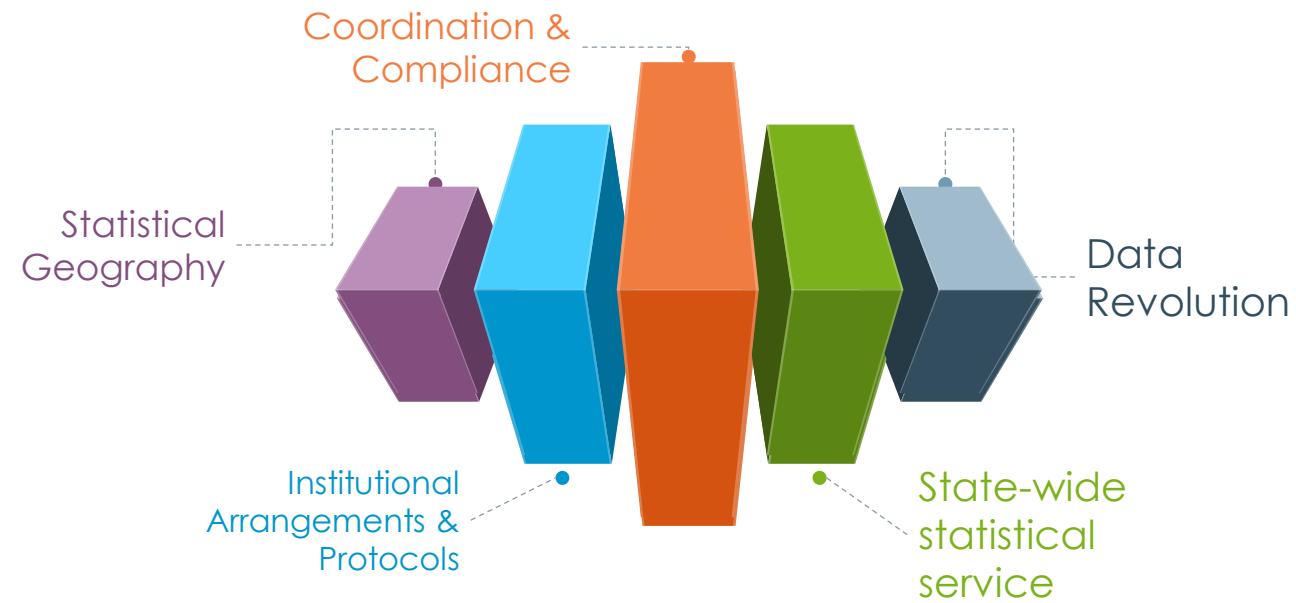
Cabinet highlights that a culture of zero tolerance for non-compliance should be entrenched in the day-to-day functioning of the State.

Cabinet approval for Statistics South Africa to conduct stakeholder consultations in preparation for the amendment of the **Statistics Act**, (Act 6 of 1999).

Consultations between the organs of state and other relevant organs are necessary to facilitate the development of the series of data collections needed to monitor the implementation of the National Development Plan (NDP).

Consultations - 2015

National & Provincial Summits on Legislative Reform discussed the focal areas that a revised Statistics Act would need to address



Comparative schedule - 2016

The Stats Act was compared to other domestic laws in respect to **data privacy** and **data access**

Findings

22 were in conflict and included:

- Deeds Act
- Tax Administration
- Educators Act

8 not in conflict

Mitigation for legislation in conflict with Stats Act

The Stats Act to prevail on statistical matters.

Conducted Study tours and comparative analysis of statistical legislation of other countries to ascertain how their national statistical systems were organised

Comparative analysis of international statistical laws:

Namibia

Uganda

Mexico

United Kingdom

France

Philippines

Study Tours undertaken in:

Mexico

United Kingdom

France

Philippines

Socio-Economic Impact Assessment System (SEIAS) process 2018 -2022

- Started the SEIAS process in 2018 and finalised it in 2020.
- Received approval to consult the cluster of DGs for Governance, State Capacity and Institutional Development (GSCID) for a cluster sign off.
- The cluster of DGs supported the amendments and gave approval for Stats SA to go to the next level.
- Received SEIAS sign-off to present the legislative changes at Cabinet.
- Ministerial Cluster for GSCID consulted in preparation for Cabinet on 11 September 2020.
 - Ministers noted the presentation and the comments received in particular the issue on the Protection of Personal Information (POPI) Act as the prominent legislation in managing personal information **and the need to consult the Information Regulator.**

Socio-Economic Impact Assessment System (SEIAS) process 2020 -2022

Consultation with the Information Regulator

- Stats SA consulted the Information Regulator on the Statistics Amendment Bill and received comments which in the main were on ensuring that Stats SA was in compliance with the POPI Act. No changes were made to the Amendment Bill
- Stats SA then applied for exemption from the POPIA in the processing of personal information.
- The outcome of the application for exemption was that the Information Regulator found Stats SA to be in compliance with the POPI Act in the processing of personal information.
- The feedback from the Information Regulator was then presented to the GSCID Ministerial Cluster in September 2022.
- The Ministerial Cluster gave approval for the Amendment Bill to be tabled at Cabinet.
- Updated clearance for the Amendment Bill to be tabled at Cabinet was provided by the SEIAS team in the second week of September.

Office of the Chief State Law Adviser process – 2018 -2020

- The proposed amendments to the Statistics Act were sent to the Office of the Chief State Law Adviser and they drafted the Statistics Amendment Bill and sent it to Stats SA for comment.
- They also provided a legal opinion where they said:
 - “We have scrutinised the Bill in order to determine whether the provisions of the Bill are consistent with the Constitution. We have redrafted certain clauses and made recommendations in relation to specific clauses in the Bill. We are satisfied that the Bill is constitutionally sound and conforms to legislative drafting practices”.
- Stats SA finalised the draft amendment bill and submitted it to the Office of the Chief State Law Adviser and received a final legal opinion and the final Statistics Amendment Bill, 2020.
- In the final legal opinion the State Law Advisers said:

“The State Law Advisers are of the opinion that it is not necessary to refer the Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or the customs of traditional communities”.

Key amendments are to amend the Stats Act No.6 of 1999 so as to:

- to delete, substitute and insert new definitions;
- to amend the provisions dealing with the powers and duties of the Statistician-General which include the SG being the SG of the Republic and head of Stats SA;
- to conduct a Census every 10 years and not every 5 years as provided for in the current legislation;
- 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 comply with the South African Statistical Quality Assessment Framework*
 - *to access data required for official statistics from organs of state, including trading entities and any other producers at no cost.*
- to make provision for the establishment of statistics units by organs of state, the submission of annual statistical plans and annual statistical reports by organs of state;
- to establish a Statistical Clearing House in order to promote the functions and objectives of the National Statistics System;
- to empower the Minister to make regulations.

Impact of revised Stats Act on the statistical system



The amendment Bill:

- (a) Retains the current configuration (SG, Council, and Minister);
- (b) Does not introduce a new body to administer the act;
- (c) It is drafted in such a way that it serves the coordination needs of the National Statistics System.

Update on the Statistics Amendment Bill

- In October 2022 Cabinet approved that the Statistics Amendment Bill, 2020 be submitted to Parliament for further processing.
- The Statistics Amendment Bill was submitted to Parliament by the Minister in the Presidency in May 2023.
- The Bill is awaiting processing by Parliament.

Ndzi hela
kwala!