

Manawatū District Council responses for questions relating to Statistics New Zealand Implementing an infringement scheme (use of fees and fines) to support their mandatory data requests consultation

Question 1

Do you agree that the most appropriate use of infringement offences is when there is an ongoing issue with non-compliance and other tools have already been used? Why? Why not?

Council supports the collection of high-quality statistical data and recognises its importance in informing decision-making at both local and national levels.

Council also acknowledges that the Data and Statistics Act 2022 establishes a clear legal obligation to provide requested data, and enforcement mechanisms have a role in upholding this requirement.

Council agrees with the consideration that infringement offences should be used as a last resort, where there is clear evidence of ongoing non-compliance and where other engagement tools have already been exhausted. A graduated approach supports fairness, encourages voluntary compliance, and helps maintain constructive relationships between agencies and respondents.

Question 2

Do you agree that infringement offences should apply to respondents who deliberately avoid their obligation to provide information? Why? Why not?

Council acknowledges that where individuals or organisations deliberately avoid their obligations, the use of infringement offences may be appropriate.

However, Council emphasises that discretion should be applied, and infringement should not be used in cases where non-compliance is due to lack of understanding, capacity, or genuine barriers. Care should also be taken to avoid reinforcing mistrust in government agencies.

Question 3

Do you have other suggestions about how we can make sure infringement offences are used consistently across collections and cases of non-compliance?

Council recommends the development of clear, transparent guidelines outlining when and how infringement offences will be applied. These guidelines should ensure consistency across collections and cases, and should be supported by a framework that considers the underlying reasons for non-compliance. Understanding barriers to compliance will be critical to ensuring appropriate and proportionate responses.

Question 4

Do you have other suggestions about how we can make sure infringement offences are used fairly and equitably?

Council supports the implementation of regular monitoring and reporting mechanisms to assess the application of infringement offences to ensure that particular regions, sectors, or communities, including vulnerable or marginalised groups, are not disproportionately impacted.

Question 5

Given the offence involved, do you think the proposed fee and maximum fine amounts are reasonable? Why? Why not?

Council considers that fee levels should be proportionate to the nature of the offence and sufficient to act as a meaningful deterrent.

While recognising the need to encourage compliance, Council emphasises that penalties should remain reasonable and be applied with discretion, particularly where there are barriers to compliance.

Question 6

In your view, do the proposed fee and maximum fine amounts provide a credible deterrent? Why? Why not?

In Council's view, fines are likely to act as a deterrent where there is deliberate or repeated non-compliance. However, they are less likely to be effective where non-compliance arises from privacy concerns, lack of understanding, or inability to provide the information.

Question 7

What other costs or benefits do you think could result from introducing infringement offences?

Council notes that potential benefits include increased compliance, improved data quality and stronger evidence to support decision making.

However, there may also be unintended costs, such as increased administrative burden, potential strain on relationships between agencies and respondents, and the risk of further disengagement from communities with existing mistrust of government.

Question 8

Do you have any other feedback about how we propose to use infringement offences?

Council recommends that clear processes and expectations be established in advance, including engagement with local government, to ensure transparency and avoid unintended consequences. This will be particularly important as data requirements evolve with the changing to an admin-first based census.