

**IN THE DISTRICT COURT
AT GISBORNE**

**I TE KŌTI-Ā-ROHE
KI TŪRANGANUI-A-KIWA**

**CRI-2019-016-000477
CRI-2019-016-000476
[2019] NZDC 11504**

STATISTICS NEW ZEALAND
Prosecutor

v

**DEBBIE MATENGA
SEMMON ARITI SEDDON**
Defendants

Hearing: 11 June 2019
Appearances: L Maynard for the Prosecutor
No appearance by or for the Defendants
Judgment: 11 June 2019

**ORAL JUDGMENT OF JUDGE W P CATHCART
[ON FORMAL PROOF]**

[1] This judgment deals with the separate cases against Ms Debbie Matenga and Ms Semmon Ariti Sneddon. This judgment deals with formal proof offered in relation to each case.

[2] And out of convenience I address it in this decision.

[3] Ms Matenga has not appeared; nor Ms Seddon.

The charges

[4] Ms Matenga is charged with neglecting or refusing to fill in and supply particulars of what is known as the Individual Form, in respect of the 2018 Census of population and dwellings. Also, she is charged with failing and refusing to fill in and supply the Dwelling form.

[5] Ms Seddon faces similar charges.

[6] The maximum penalty per charge is a fine not exceeding \$500. Each charge is brought under s 43(1) Statistics Act 1975.

Formal proof evidence

[7] In relation to each case I received a sworn statement of evidence from Mr Graham Wilson. He is employed by Statistics New Zealand as a statistical analyst and is based in Christchurch. He is responsible for the 2018 Census. He has been employed by Statistics New Zealand for over 40 years. Part of his responsibilities include managing prosecutions for people who breach the requirements of the 2018 Census of population and dwellings.

[8] As is well-known, the census is carried out every five years under proclamation by the Governor-General. The 2018 proclamation was given on 15 June 2016. Statistics New Zealand employ obviously a huge number of staff on a short-term employment contract to act as census field officers.

[9] When people do not complete the census forms as required by law there is a process that is undertaken as captured in Mr Wilson's evidence:

- (a) The first step is to send out a reminder letter.

- (b) The second step is a follow-up visit by a field officer who will, if the occupier is present, interact and provide them with fresh forms to complete or leave a note at the dwelling along with fresh forms.
- (c) If no response is received at that point, the third step is a final reminder letter.
- (d) If no response is given to the reminder letter, a field officer will visit the address.
- (e) If the occupier refuses to complete the census forms or a refusal letter is sent, it is followed up by a second refusal letter should there be no response.
- (f) Finally, in an effort to encourage compliance, a notice of liability is issued to the remaining identifiable persons at the address, providing them with a final chance to comply with the requirement to complete census forms.

The case against Ms Matenga

[10] In Ms Matenga's case, Statistics New Zealand sent a letter to her on 20 February 2018. It invited electronic access to the online census forms. The census day was 6 March 2018. She failed to comply with her obligation to complete the census forms. A reminder letter was sent to her address on 7 March 2018 asking her to complete the forms and return them.

[11] On 13 March 2018 a field officer called at the address and left the forms, again no contact with the defendant. On 27 March the field officer left a reminder notice during a visit, again no contact with the defendant. On 6 April 2018 a further reminder letter was posted to the defendant's address. On 12 and 19 April 2018 the field officer left census forms at the defendant's address during a visit, again no contact with the defendant.

[12] Then on 23 April 2018 a different field officer visited the defendant's address. The defendant refused to complete the forms. She said that she did not care about the fine and thought, "Gisborne was in a rut from current leaders and would not come out of it." Census forms were left during the visit. On 24 and 30 April 2018 Statistics New Zealand posted refusal letters to the defendants' address warning them of prosecution as a consequence.

[13] On 16 July 2018 the defendant was sent a notice of liability to prosecution signed by the Government Statistician complete with census forms and a free-post envelope. Again, the defendant was asked to complete the forms and return them. No forms were received from the defendant's address.

[14] Ms Matenga has no census-related previous convictions.

The case against Ms Seddon

[15] On 6 March 2018 the field officer called at the defendant's address and delivered the forms. On 27 March 2018 the field officer visited the defendant's address and recorded the defendant's refusal to complete the census forms. No more census forms were left at the visit. On 28 March 2018 a refusal letter was posted to the defendant's address advising that the census forms had not been received.

[16] On 20 April 2018 a field officer spoke to the defendant during a visit. The defendant is recorded as being very aggressive and yelled at the field officer. The field officer opened her car door to get out to speak when the defendant started swearing and came striding at the person with both arms raised with middle fingers. At that point the field officer left the premises, obviously no forms were given. On 30 April Statistics New Zealand posted a second refusal letter to the defendant's address warning of prosecution.

[17] Finally, on 16 July 2018 a notice of liability to prosecution signed by the Government Statistician, together with census forms and a free-post envelope, was sent asking the defendant to complete. No forms were received.

Conclusion

[18] On the basis of this undisputed evidence each one of the charges against Debbie Matenga and Semmon Ariti Seddon are proved respectively.

W P Cathcart
District Court Judge