Commencement: 11 July 1974

CHAPTER 83

STATISTICS

JR 9 of 1974

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STATISTICS

To provide for the collection, compilation and publication of official statistics in Vanuatu.

1. Interpretation

In this Act, unless the context otherwise requires –

"authorised officer" means any person appointed as such under section 5;

"Department" means the Department of Statistics established under section 2;

"Minister" means the Minister responsible for statistics;

"person" means an individual or group of persons, whether incorporated or not;

"return" means a form filled in under the provisions of this Act;

"Statistician" means the Principal Statistician, the head of the Department of Statistics;

"statistics" means information in connection with, or incidental to, all or any of the matters specified in Schedule 1.

2. Department of Statistics

(1) There shall be an official statistical office of the Government which shall be known as the Department of Statistics.

(2) The Department shall be an independent section of the Ministry responsible for statistics.

3. Principal Statistician

(1) The Principal Statistician shall be the head of the Department with such functions, powers and duties as are specified in this Act.

(2) The Statistician shall be directly responsible to the Minister.

(3) The Statistician shall be responsible for the proper functioning of the Department.

(4) The Statistician may, with the approval of the Minister, delegate any or all of his powers, functions and duties.

4. Statistics Committee

There shall be a Statistics Committee whose composition and functions shall be specified by the Minister by regulations.

5. Authorised officers

(1) The Statistician may in writing designate any person to be an authorised officer for the purposes of this Act.

(2) Any power conferred by this Act on an authorised officer may be exercised by the Statistician.

6. Collection of statistics

Subject to the direction of the Minister, the Statistician may collect, compile and publish or otherwise disseminate statistics relating to all or any of the matters set out in Schedule 1 with or without observations thereon.

7. Functions of Statistician

The Statistician shall –

(a) develop and maintain a coordinated system of statistics for Vanuatu;

(b) advise the Government as required by or on behalf of the Minister on all matters relating to statistics;

(c) provide technical advice, as required by or on behalf of the Minister, to other Government departments and bodies and to non-government institutions, on the conduct of statistical activities;

(d) make recommendations to the Statistics Committee concerning statistics programmes and priorities.

8. Censuses

The Statistician shall conduct or arrange for the conduct of censuses of the population of Vanuatu at such times as may be directed by the Minister, in the manner provided by the Census Act, Cap. 71.

9. Powers and authority of Statistician

For the purpose of carrying out his functions under this Act, the Statistician shall have power and authority to –

(a) determine statistical standards, including the concepts, definitions, scope, collection methods, forms, procedures and the form of presentation of results, to be adopted in respect of statistical collections to be undertaken by the Department or other departments of the Government;

(b) require other departments of the Government to modify procedures, amend forms, or grant access to records or documents to facilitate the collection of statistics;

(c) issue all publications which are primarily statistical publications.

10. Powers of authorised officers

(1) Where any statistical information is being collected in accordance with the provisions of this Act, an authorised officer may require any person from whom particulars may lawfully be required under this Act to supply him with such particulars as may be prescribed or which the Statistician may consider necessary or desirable in relation to the collection of such statistical information; and on being so required such person shall to the best of his knowledge and belief, complete such forms, make such returns, answer such questions and give all such information, in such manner and within such reasonable time, as may be required by the authorised officer.

(2) An authorised officer may require any person to supply him with particulars either by interviewing such person personally or by leaving at or posting to the last known address of such person a form containing a notice requiring the form to be completed and returned in the manner and within such reasonable time as may be specified in the notice.

(3) An authorised officer may at all reasonable times and upon production, if required, of his authorisation enter and inspect any place of business for any purposes connected with the collection of statistical information and may make such enquiries as may be necessary for the collection of such information.

11. Secrecy of information

(1) Information relating to any person obtained under authority of this Act –

(a) shall be treated as strictly confidential and shall not knowingly be disclosed in any way except to authorised officers acting in the execution of any duty under this Act;

(b) shall be absolutely privileged in all proceedings of any court, council, committee, board of enquiry or any other authority, other than for the purposes of any prosecution for a breach of this Act when the same shall be disclosed in camera.

(2) Notwithstanding the provisions of subsection (1), the Statistician may in his discretion–

(a) return any information, returns or documents obtained under the provisions of this Act to the person who supplied the same;

(b) forward any returns, documents or information obtained under the provisions of this Act to any overseas organisation for computer processing purposes;

(c) publish or otherwise disclose particulars relating to any person which have been obtained –

(i) from any other government department or body;

(ii) directly from the person concerned provided that no objection to such disclosure was made in writing on the appropriate section of the return when the information was supplied or at any other time.

(3) Nothing in this section shall affect or be deemed to affect any written or other law relating to the disclosure or non-disclosure of any official, secret or confidential information, evidence or document and any person required by the Statistician or by an authorised officer to supply any information, to give any evidence or to produce any document shall be entitled in respect of such information, evidence or document to plead the same privilege before the Statistician or such authorised officer as he would before a court of law.

12. Undertaking of secrecy by authorised officers

For the purposes of section 11, an authorised officer shall upon his appointment and before entering upon any official duties enter into an undertaking of secrecy in the form prescribed in Schedule 2.

13. Offence of disclosing information

Any person who, save as allowed by this Act, knowingly discloses any information relating to any person which has been supplied or obtained under the provisions of this Act shall be guilty of an offence punishable on conviction by a fine not exceeding VT 200,000 or by imprisonment for a term not exceeding 2 years, or by both such fine and imprisonment.

14. Other offences

Any person who –

(a) wilfully obstructs the Statistician or an authorised officer in the lawful performance of any duties or in the lawful exercise of any powers imposed or conferred upon him by this Act;

(b) refuses or neglects to complete and supply to the best of his knowledge and belief, within such time as may be specified in that behalf, the particulars required in any return, form or other document left with or sent to him or to answer any question or inquiries put to or made of him under the provisions of this Act;

(c) knowingly or recklessly makes in any return, form or other document completed by him under the provisions of this Act, or in any answer to any question or inquiry put to or made of him under the provisions of this Act, any statement which is untrue in any material particular;

(d) without lawful authority or excuse, destroys, defaces or mutilates any return, form or other document containing particulars collected under the provisions of this Act; or

(e) impersonates an authorised officer,

shall be guilty of an offence punishable on conviction by a fine not exceeding VT 100,000 or by imprisonment for a term not exceeding 6 months or by both such fine and imprisonment.

15. No administrative power to enforce Act

Notwithstanding the provisions of this Act neither the Statistician nor any authorised officer shall have any administrative authority or power to compel any person to comply with any duty or obligation imposed by this Act.

SCHEDULE 1

(sections 1 and 6)

COLLECTION OF STATISTICS

The Statistician is authorised to obtain from a person as defined in this Act, either verbally or in writing, information in respect of the following industrial activities and social, economic and demographic subjects:

1. Agriculture, hunting, forestry and fishing.
2. Mining and quarrying.
3. Manufacture.
4. Electricity, gas and water.
5. Construction.
6. Wholesale and retail trade and restaurants and hotels.
7. Transport, storage and communication.
8. Financing, insurance, real estate and business services.
9. Community, social and personal services.
10. Population, vital events and migration (including tourism).
11. Labour, employment and unemployment (including wages, earnings, savings, hours of work, other conditions of employment, industrial disputes, accidents and compensation).
12. Health.
13. Education.
14. Social conditions, including housing.
15. Land tenure, occupation and use.
16. Food consumption and nutrition.
17. Overseas trade.
18. Price and rents.
19. Personal income and expenditure.
20. Balance of payments data.
21. National accounting data.
22. Any other matters prescribed by Order made by the Minister.

Note - The industrial activities numbered 1 to 9 above are those listed in the International Standard Industrial Classification of all Economic Activities published by the United Nations in "Statistical Papers, Series M, No. 4, Rev. 2, 1968". This publication contains a more detailed description of the activities concerned.

SCHEDULE 2

(section 12)

UNDERTAKING OF SECRECY UNDER SECTION 12 OF THE STATISTICS ACT, CAP. 83

I, of

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being an officer exercising powers or duties conferred or imposed on me by or under the Statistics Act, Cap. 83, undertake not to disclose knowingly any information supplied in pursuance of the said Act, except as allowed by that Act.

.....
(Signature)

Signed at this day of , 20 .

Witness: