Commencement: 23 October 1973

CHAPTER 75

MANPOWER AND EMPLOYMENT SURVEY

JR 42 of 1973

ARRANGEMENT OF SECTIONS

1. Interpretation
2. Manpower and Employment Survey to be conducted
3. Powers and duties of Statistician
4. Statistician subject to control of Minister
5. Authorised officers
6. Powers of authorised officers
7. Secrecy of information
8. Undertaking of secrecy by authorised officers
9. Offence of unlawfully disclosing information
10. Other offences
11. No administrative power to enforce Act

SCHEDULE – Undertaking of Secrecy

MANPOWER AND EMPLOYMENT SURVEY

To provide for the taking of a manpower and employment survey.

1. Interpretation

In this Act, unless the context otherwise requires –

"Statistician" means the Principal Statistician;

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

"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.

2. Manpower and Employment Survey to be conducted

The Statistician shall cause a Manpower and Employment Survey to be conducted in Vanuatu as may be necessary.

3. Powers and duties of Statistician

The Statistician shall make arrangements and do all such things as are necessary for the taking of the Manpower and Employment Survey and for this purpose shall arrange for the preparation and issue of the necessary forms and instructions and for the return or collection of the forms when completed.

4. Statistician subject to control of Minister

The Statistician shall in the exercise of his powers and the performance of his duties under this Act be subject to the control of and comply with any lawful directions given by the Minister.

5. Authorised officers

The Statistician may in writing designate any person to be an authorised officer for the purposes of this Act:

Provided that any power conferred by this Act on an authorised officer may be exercised by the Statistician.

6. Powers of authorised officers

(1) An authorised officer may require any person to supply him with such particulars as may be prescribed in the Manpower and Employment Survey forms or which the Statistician may consider necessary or desirable in relation to the collection of such information; and on being so required such person shall to the best of his knowledge, ability 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 such particulars either by interviewing such person personally or leaving at or posting to the last known address of such person a form containing a notice requiring the same to be completed and returned in the manner and within such reasonable time as may be specified in the notice.

7. Secrecy of information

(1) Subject to this section all information relating to any person obtained under the authority of this Act:

(a) shall be treated as strictly confidential and shall not knowingly be disclosed in any way except to the Statistician and 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 supplied or 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 recognised overseas organisation for computer processing purposes;

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

(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 evidence or to produce any document shall be entitled in respect of such information, evidence or document to plead the same privilege or immunity before the Statistician or such authorised officer as he would before a court of law.

8. Undertaking of secrecy by authorised officers

For the purposes of section 7, every authorised officer shall enter into an undertaking of secrecy in the form prescribed in the Schedule.

9. Offence of unlawfully 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 by a fine not exceeding VT200,000 or by imprisonment for a term not exceeding 1 year, or by both such fine and imprisonment.

10. Other offences

Any person who –

(a) wilfully obstructs the Statistician or any 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, ability 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 inquiry 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 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.

11. 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

(section 8)

UNDERTAKING OF SECRECY

I, (*full name)* .....

of *(place of residence)* .....,

(occupation) .....
being an officer exercising powers or duties conferred or imposed on me by or under the Manpower and Employment Survey Act, Cap. 75, undertake not to disclose knowingly any information supplied or obtained in pursuance of that Act, save as allowed thereby.

Signed at .....this .....day of ..... 20.....

.....
(Signature)

Witness: .....