

STATISTICS BILL 2014

SAMOA

Explanatory Memorandum

Introduction

The Samoa Bureau of Statistics (“Bureau”) was involved in a multi-year project aimed at strengthening the statistics-gathering capacity of the Bureau. As part of this project the Bureau reviewed the current Statistics Act 1971 (“Act”) with a determination to update that Act through the drafting of the Statistics Bill (“Bill”) and repealing the Act.

Explanation

The objective of the Bill is to update the law governing the collection, recording and analysis of statistical information, for the purpose of dissemination of official statistics. This Bill takes into account best-practice in relation to the same. The Bill strengthens aspects of the current Act which are:

- (a) The role of the Government Statistician in data collection;
- (b) The independence of the Government Statistician in data collection;
- (c) The confidentiality of the information collected, except in certain circumstances which includes, but is not limited to matters of national interest or security.

Clauses:

PART 1 – PRELIMINARY

- Clause 1:** - provides the short title and commencement date of the Act. The enacted Bill will commence on the assent date.

- Clause 2:** - provides the purpose of the Bill which includes and but is not limited to compliance of Samoa with international obligations in relation to statistics.
- Clause 3:** - provides that the Bill, once assented to, binds the Government.
- Clause 4:** - provides for the interpretation of certain terms used in the Bill.

PART II – ADMINISTRATION

Division 1 – Samoa Bureau of Statistics

- Clause 5:** - establishes the Bureau.
- Clause 6:** - provides the general functions of the Bureau to give effect to the purpose of the Bill as set out under clause 2, and to carry out any functions conferred by the Minister pursuant to clause 25 of the Bill, or as allowed by the Minister to do so under any other legislation.
- Clause 7:** - provides for the specific functions of the Bureau in relation to collection and analysis of statistical information. Such functions include but are not limited to liaising with other State entities on statistical projects and advising Government on matters regarding statistical policy etc.
- Clause 8:** - empowers the Bureau to carry out necessary actions to implement its functions as set out under the Bill or any other legislation.
- Clause 9:** - provides that the *Public Service Act 2004* applies to the Bureau as if the Bureau were a Ministry, and that an employee of the Bureau is regarded a public servant for the purpose of the *Public Service Act 2004*.

Division 2 – Statistics Advisory Board

- Clause 10:** - establishes the Statistics Advisory Board to comprise of not less than five (5) and not more than seven (7) members.

- Clause 11:** - sets out the functions of the Board.
Clause 12: - provides requirements for meetings of the Board.

Division 3 – Government Statistician

- Clause 13:** - provides that the Government Statistician is appointed under section 12 of the *Public Service Act 2004*, and sets out the functions of the Government Statistician under the Act.
- Clause 14:** - provides that the Government Statistician may appoint Assistant Chief Executive Officers and other permanent or temporary officers as required for the purpose of the Act.
- Clause 15:** - provides for the independence of the Government Statistician to solely determine, what and how statistics are to be collected, analysed and published, and extent, format and timing of the publication of statistics. Also provides that the Minister may issue a directive to the Government Statistician regarding matters the Government Statistician is responsible for solely determining.
- Clause 16:** - provides for the power of the Government Statistician to, on his or her discretion, provide commentary on published statistics to promote understanding of the same or to respond to reactions on the same.
- Clause 17:** - provides for the required contents of the annual report that the Government Statistician is obligated under section 15 of the *Public Service Act 2004* to publish.

**PART III – PRINCIPLES, INFORMATION
AND CONSULTATION**

- Clause 18:** - provides for the general principles of the Bureau, which includes but is not limited to ensuring confidentiality of any information supplied to the Bureau.

- Clause 19:** - provides that information collected in accordance with this Bill must be for statistical purposes only.
- Clause 20:** - provides that information published under this Bill is to be arranged in a manner that prevents such from being identifiable by any person as information relating to a particular person, except if certain conditions are met, such as the person who gave the information has consented to the publication of such information.
- Clause 21:** - provides that whereas generally information obtained under the Bill is confidential, it may be made available in certain circumstances, such as upon the written request of the Attorney General, if information is requested for the purpose of the protection of the National Security of Samoa etc.; the Government Statistician may make such information available.
- Clause 22:** - with the exception of matters required under clause 21(2), information obtained under this Act, is not to be disclosed for the purpose of the Police Powers Act 2007 or the Evidence Ordinance 1961 etc.
- Clause 23:** - provides the oath or affirmation, required to be taken by an officer commencing duties under this Bill.
- Clause 24:** - provides the oath or affirmation, required to be taken by any other person assisting in data collection or analysis under the Bill.
- Clause 25:** - provides that the Government Statistician may after consultation with the relevant Chief Executive Officer or General Manager of a State entity recommend to the Minister and Minister responsible of that State entity of its statistics functions to be either performed by the Bureau alone, or jointly with the State entity.

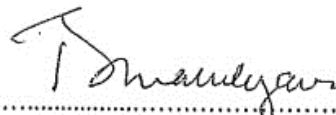
**PART IV – CENCUS AND SURVEY
TO COLLECT INFORMATION**

- Clause 26:** - provides for the Bureau's obligations regarding the census of population, housing and agriculture.
- Clause 27:** - sets out requirements for the census of the population.
- Clause 28:** - provides for the power of the Government Statistician to take a survey of any matter listed in the Schedule, which may be amended by the Minister by Order published in the Savali Newspaper.
- Clause 29:** sets out the requirements for the mode of collecting information that the Government Statistician is obligated to carry out.
- Clause 30:** - provides the duty of a person to provide information required in a census.
- Clause 31:** - provides that where a person is required to supply information required by a census and that person did not receive a relevant schedule, that person is obligated to obtain a schedule from the Government Statistician. This is to ensure that everyone complies with the requirements to participate in the census.
- Clause 32:** - provides for certain exceptions to the general duties of a person for census such as by virtue of illiteracy or infirmity.
- Clause 33:** - binds overseas corporations operating in Samoa to meet census and/or survey obligations if such corporations carry out businesses in Samoa and have personnel in Samoa that are able to act on their behalf to meet such obligations.
- Clause 34:** - provides for the right of the Government Statistician under a warrant issued by a Judge to enter any place of business to inspect books or documents stored and require any person to produce requested items for inspection within 48 hours or such longer period of time as may be specified.

- Clause 35:** - provides that the Government Statistician has the power to request for the re-supply of information from a person.

PART V – MISCELLANEOUS

- Clause 36:** - provides that the Government Statistician may give notice in the Savali or any other publication that a census or survey is to be conducted requiring information on specified kinds of undertaking to be provided.
- Clause 37:** - provides that a document signed by the Government Statistician is enough evidence that it is the Government Statistician's signature until the contrary is proven.
- Clause 38:** - provides for offences and penalties for breaching certain parts of the enacted Bill.
- Clause 39:** - provides for the power of the Minister to publish a Notice issuing instructions for the kinds of statistics that may be collected, or matters necessary for giving full effect to the administration of the enacted Bill.
- Clause 40:** - provides that regulations may be made to prescribe certain matters under the enacted Bill.
- Clause 41:** - repeals that Statistics Act 1971, provides some transitional matters and makes consequential amendments to the Births, Deaths and Marriages Registration Act 2002.
- Schedule:** - provides for matters for which a census or a survey may be undertaken by the Government Statistician.



(Hon TUILAEPA Fatialofa Lupesoliai Aiono
Neioti Dr. Sailele Malielegaoi)

**PRIME MINISTER AND MINISTER RESPONSIBLE
FOR THE SAMOA BUREAU OF STATISTICS**

STATISTICS BILL 2014

SAMOA

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2014, No.

AN ACT to regulate the collection, recording and analysis of statistical information for the purpose of dissemination of official statistics and for related purposes.

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

**PART I
PRELIMINARY**

1. Short title and commencement-(1) This Act may be cited as the Statistics Act 2014.

(2) This Act commences on the date of assent by the Head of State.

2. Purpose of the Act - The purpose of this Act is to provide for efficient and effective:

- (a) co-ordination, collection, analysis, and publication of official statistics in accordance with best practice;
- (b) conduct of regular censuses and surveys;
- (c) compliance with Samoa's international obligations in relation to statistics;
- (d) carrying out of other functions in respect of registries and statistics;
- (e) carrying out of any other functions and powers that may be conferred on the Bureau or the Government Statistician under this Act or any other enactment.

3. Act binds Government - This Act binds the Government.

4. Interpretation - In this Act, unless the context otherwise requires:

“Bureau” means the Samoa Bureau of Statistics continued under section 5;

“document” includes information held in paper, electronic, or digital format or any other means that is capable of access or transmission;

“dwelling”:

(a) means a building or structure, whether permanent or temporary, that is wholly or partly used for human habitation; and

(b) includes -

(i) a ship or other vessel in any port, harbour, or dock in Samoa or on any river or lake, or on a passage between any two (2) Samoan ports; and

(ii) a bach, hut, caravan, tent or natural or artificial shelter; and

(iii) an aircraft or vehicle of any kind,

and if a dwelling is let, sublet, or held in different apartments that are occupied by different persons or families, each part used for human habitation is a separate dwelling.

“Government Statistician”:

(a) means the person holding that office under section 13; and

(b) includes any officer or other person acting as a delegate of the Government Statistician.

“Instruction” means a Ministerial Instruction issued under section 39;

“Minister” means the Minister responsible for the Bureau;

“officer”:

(a) means an Assistant Chief Executive Officer or a permanent or temporary officer or employee employed in the Bureau; and

(b) includes the Government Statistician and any person engaged on a contract for services to perform any of the duties of an officer.

“Ministry” has the same meaning given to it under the Ministerial and Departmental Arrangements Act 2003;

“schedule” means a written record (whether in hard copy, electronic or digital) of information produced or supplied by any person under or as required by this Act that contains information indentifying or directly or indirectly permitting the identification of any person, business or property;

“Secretary” means the officer designated under section 11(2)(a) as Secretary of the Board;

“State entity”:

(a) means a Ministry or any other institution or agency of the State; and

(b) includes a public body listed under the Public Bodies (Performance and Accountability) Act 2001.

PART II ADMINISTRATION

Division 1 - Samoa Bureau of Statistics

5. Establishment of the Bureau-(1) The Department of Statistics that existed immediately before the commencement of this Act continues and is re-established under this section as the Samoa Bureau of Statistics.

(2) The Bureau may also be referred to as “SBS” or “Statistics Samoa”.

(3) The Bureau is a government agency, and is under the regulation of the Minister and the Government Statistician in their respective functions and powers.

(4) All laws that apply to departments apply to the Bureau as if it were a State entity.

6. General functions and accountabilities - The Bureau has the following functions:

- (a) the primary function to give effect to the purpose in section 2;
- (b) other functions conferred by -
 - (i) the Minister, this Act or any other enactment;
 - (ii) section 25 or delegation under any other enactment.

7. Specific functions - The Bureau has the following specific functions:

- (a) to carry out the collection and analysis of statistical and related information as to -
 - (i) the economic, social, demographic and other characteristics of Samoa; and
 - (ii) the activities of persons, businesses and other organisations and institutions in Samoa;
- (b) to utilise and promote standard concepts, procedures, definitions and classifications for use in official statistics in line with international best practice;

- (c) to independently publish official statistics without delay;
- (d) to liaise, advise and cooperate with State entities on statistical projects carried out by the Bureau or those entities;
- (e) to advise the Government on matters regarding statistical policy;
- (f) to promote the avoidance of duplication of effort and information in the area of official statistics;
- (g) to promote and assist non-governmental statistical activities and collaborate with non-governmental organisations in statistical activities based on their records;
- (h) to give effect to Samoa's international statistical obligations;
- (i) to take the census of the population and housing, census of agriculture and surveys and other census under Part IV;
- (j) to examine and comment on the interpretation and validity of any published statistics, where the Bureau considers that to be necessary or appropriate;
- (k) to promote understanding and appropriate use of official statistics;
- (l) to manage the Registry of Births, Deaths and Marriages, and any other registry, if so directed by the Minister.

8. Powers of Bureau - The Bureau has all the powers reasonably necessary for the performance of any function of the Bureau or the Government Statistician, under this Act or any other enactment.

9. Application of Public Service Act 2004-(1) Except as otherwise provided in this Act, the Public Service Act 2004 applies to the Government Statistician, the Bureau, and its officers as if the Bureau is a Ministry.

(2) An officer of or any other person employed or engaged by the Bureau is taken to be a public servant.

Division 2 - Statistics Advisory Board

10. Statistics Advisory Board-(1) The Board is established consisting of the following members:

- (a) a Chairperson appointed by the Minister for a term of three (3) years and is eligible for re-appointment;
- (b) the Government Statistician or his or her representative; and
- (c) not less than five (5) and not more than seven (7) other members collectively, with experience in statistical or related matters, broadly representative of interests concerned with the production and use of statistics, including State entities, employers, unions, information technology, economic, financial and banking interests, social interests, users and producers of statistics, academics and consumer organisations.

(2) Members referred to in subsection (1)(c) are appointed by the Minister for a term of two (2) years and are also eligible for reappointment.

(3) A Member of Parliament is not eligible to be appointed as a member of the Board.

(4) A member (except a member who is an employee of a State entity) is entitled to fees and allowances as determined by Cabinet.

(5) The office of a member (other than the Government Statistician) becomes vacant if the member:

- (a) is absent, for, three (3) consecutive meetings of the Board, without leave from the Board; or
- (b) is removed from office by the Minister, for misconduct or incapacity proven to the Minister's reasonable satisfaction; or
- (c) becomes a Member of Parliament; or
- (d) dies.

11. Functions of Board-(1) The function of the Board is to advise the Minister and Government Statistician with regard to the following:

- (a) the improvement, extension, co-ordination and harmonisation of statistical activities;
 - (b) any gaps or deficiencies in providing statistical services;
 - (c) the actual and perceived integrity of, and public confidence and trust in, statistics;
 - (d) the priorities and programmes of work to be adopted by the Bureau;
 - (e) the promotion of an environment which is supportive of the collection, production, dissemination and use of statistics;
 - (f) the maintenance of confidentiality and security of individual information;
 - (g) the maintenance of independence, accuracy, relevance, integrity, timeliness, and professional standards of statistical information.
- (2) The Government Statistician must:
- (a) designate an officer of the Bureau as the Secretary of the Board; and
 - (b) provide the Board with resources as are necessary for the effective performance of its functions.
- (3) The Board may issue public statements on any matter relating to its functions under this Act, after consultation with the Minister and any State entity or other person involved in the matter.

12. Meetings and committees-(1) The Board must meet at least once in every calendar year or as necessary for the performance of its functions.

(2) Meetings of the Board may be convened by the Chairperson or must be called by the Secretary if requested by three (3) Board members.

(3) Unless a member affected agrees otherwise, members must be given five (5) clear working days' notice of any meeting.

(4) At a meeting of the Board:

- (a) a quorum is constituted by one-third of the current members;
- (b) the Chairperson, if present, must preside;
- (c) if the Chairperson is absent, the members present must elect one of their numbers to preside;
- (d) any question arising is to be determined by a majority of the votes of the members present and voting; and
- (e) the member presiding has a deliberative vote and a casting vote.

(5) Subject to this section, the Board may regulate its own meetings procedures.

(6) The Board may appoint any committee to provide advice to the Board on matters relevant under this Act as follows:

- (a) membership may include persons who are not members of the Board; and
- (b) a member is entitled to remuneration approved by Cabinet, except if he or she is a public servant, constitutional appointee, or a member of Parliament.

(7) The Secretary must ensure that the minutes of meetings of the Board are promptly and correctly signed by the chair of the meeting and published on the Bureau's website.

Division 3 - Government Statistician

13. Government Statistician, functions and powers-(1) A Government Statistician is established and to be appointed under section 12 of the Public Service Act 2004.

(2) The Government Statistician is also the Chief Executive Officer of the Bureau.

(3) The Government Statistician has the following functions:

- (a) the primary function to ensure that he or she and the Bureau carry out their functions, duties and powers under this Act efficiently and effectively;

- (b) to advise the Minister on statistical policy matters;
and
- (c) to ensure that the Bureau has and complies with any security protocols and processes as are reasonably necessary to comply with (and ensure public confidence in) the confidentiality provisions of this Act;
- (d) other functions and powers as are conferred by -
 - (i) the Minister, this Act or any other enactment;
 - (ii) delegation from any person and accepted by the Government statistician.

14. Assistant Chief Executive Officer and other officers-

(1) The Government Statistician may appoint the following officers of the Bureau:

- (a) an Assistant Chief Executive Officer; and
- (b) other permanent or temporary officers and other employees, as required for the purpose of this Act.

(2) An Assistant Chief Executive Officer must, under the control of the Statistician, perform any general official duties under this Act as he or she is called upon to perform by the Government Statistician.

15. Independence-(1) Subject to this Act and subsection

(2), the Government Statistician must solely determine:

- (a) what and how statistics will be collected, analysed and published; and
- (b) the extent, format and timing of the publication of statistics.

(2) The Minister may issue a written directive to the Government Statistician as to any of the matters referred to in subsection (1).

(3) The Government Statistician must comply with the directive and may make public without comment:

- (a) that collection or analysis of those statistics has commenced or ceased at the direction of the Minister; or

(b) that publication of those statistics has occurred, ceased or been advanced or delayed at the direction of the Minister.

(4) Irrespective of whether any public statement is made under subsection (3), a direction by the Minister under subsection (2) must be published on the Bureau's website.

16. Right to comment on statistics - The Government Statistician may include or make commentary or analysis, clearly identified as such, in order to promote understanding of those statistics when releasing or publishing statistics, or when responding to reactions to those statistics as published.

17. Annual reports-(1) The annual report required to be prepared by the Government Statistician under section 15 of the Public Service Act 2004 must include the following:

- (a) a statement of any advice from the Statistics Advisory Board that has not been followed or implemented, with reasons;
- (b) a statement of any known significant departure from best practice in the generation, collection, analysis, certification, or publication of statistics;
- (c) a statement of any known significant non-compliance with Samoa's international obligations in relation to official statistics (whether relating to the Bureau, or not);
- (d) a general description of any breach of the confidentiality obligations imposed by this Act (but not so as to compound the breach);
- (e) a statement, without comment, of any direction given by the Minister under section 15(2), whether or not it has already been made public.

(2) The annual report must be published on the Bureau's website and made available at its principal office within one (1) month after it is approved by the Minister, and it must remain available for at least five (5) years.

PART III PRINCIPLES, INFORMATION AND CONSULTATION

18. General principles-(1) The Bureau:

- (a) is the principal authority in Samoa for the collection, analysis, and publication of official statistics, and the co-ordination of statistical operations in Samoa; and
 - (b) must apply appropriate professional principles and conform to recognised ethical standards in the performance of its functions, and the exercise of its powers; and
 - (c) when imposing obligations on any person or group of persons, must have regard to the amount of inconvenience and expense likely to be imposed on those persons, and the direct and indirect value of the information to be collected to those persons, and others, before imposing the obligation.
- (2) The Bureau, the Government Statistician, and an officer must ensure confidentiality of personal information and commercially sensitive information, except as otherwise expressly provided in this Act or any other law.

19. Information to be used for statistical purposes only - Information given to the Government Statistician or the Bureau under this Act must be used for statistical purposes only, and only in accordance with this Act.

20. Confidentiality paramount-(1) All information published under this Act must be arranged to prevent any information published from being identifiable by any person (other than the person who supplied the information) as information relating to a particular person unless:

- (a) the person who supplied the information has consented to the publication in that manner; or
 - (b) at the time of publishing it could have been reasonably foreseen that a person could identify to whom the information relates.
- (2) An officer or other person with possession of or access to a schedule or other similar survey or information must ensure that the schedule or other similar survey or information is not seen, accessed or copied by some other person other than the officer or person who has made an oath or affirmation under section 23 or 24.

(3) Subsection (2) does not apply to the extent that the prior written consent has been given of the person who supplied the schedule or information.

(4) In any civil or criminal proceedings alleging a breach of subsection (3) it is for that person to prove that the consent had been given.

(5) Nothing in this Act prevents the Bureau returning information to the person or the State entity that supplied that information.

21. Limited disclosure of certain details permitted-(1) As an exception to section 20, the Government Statistician may disclose the following information to the public, or to any person who requests it:

- (a) information that is already available to the public without the breach of any law;
- (b) information supplied by any State entity if that State entity has an obligation to make that information public on request, or confirms to the Government Statistician that it would make that information available to the public if requested;
- (c) information that is a list of names and addresses of individual undertakings, including their classifications and the number of persons engaged in them; and
- (d) details of external trade, movement of ships and aircrafts, and cargo handled at ports and airports.

(2) As an exception to sections 20 and 22, the Government Statistician may upon the written request of the Attorney General, disclose the following information to the Attorney General:

- (a) information that may assist in protecting the National Security of Samoa; and
- (b) information required in the national interest of Samoa during a State of Emergency or a Proclamation of Disaster declared under any enactment.

(3) If the Government Statistician receives a request under subsection (1), the Government Statistician may:

- (a) provide it to the person who made the request; or

- (b) make the information public instead of providing it to the person who made the request.

22. Confidential information cannot be obtained or disclosed-(1) A surveillance warrant or search warrant must not be issued under the Police Powers Act 2007 to obtain information that is required to be kept confidential by this Act.

(2) Any information that is required to be kept confidential by this Act must not:

- (a) be disclosed in any process of discovery under the Evidence Ordinance 1961 or the rules of court;
- (b) be required to be produced to any person engaged in the administration of taxation or other enactment; or
- (c) be voluntarily disclosed by the Government Statistician to assist in the administration of any Act, or to assist a court in any proceedings.

(3) The Government Statistician and an officer or person who has made an oath or affirmation under section 23 or 24 is neither a compellable witness nor a competent witness in any civil or criminal proceeding in respect of any information that is required to be kept confidential by this Act.

(4) Subsections (2) and (3) do not apply:

- (a) to proceedings for any offence against this Act; or
- (b) if the person who is the subject of the information has given written consent to the release of the confidential information.

(5) Any information that is required to be kept confidential by this Act, but is released by mistake or misconduct, is inadmissible in evidence in any civil or criminal proceeding other than proceedings for an offence against this Act or proceedings against any person allegedly responsible for the release of the information.

23. Oath or affirmation by officer relating to confidentiality-(1) An officer, before commencing duty, must take and subscribe an oath or affirmation in the following form:

“I [Name] [solemnly swear/affirm] that I will faithfully and honestly fulfil my duties as an officer of the Bureau in conformity with the requirements of the Statistics Act 2014 and all other laws and that any information obtained or received by me as an officer of the Bureau will:

- (a) during my employment or engagement as an officer, be disclosed by me only in accordance with my official duties; and*
- (b) after that employment or engagement ceases, be disclosed by me only with the express authority of the Bureau.*

I acknowledge that any act or omission by me in breach of this [oath/affirmation] may result in disciplinary proceedings or my dismissal, and may also render me subject to criminal proceedings in which, if convicted, I may be sentenced to a fine or imprisonment, or both”.

(2) The oath or affirmation may be administered by any person before whom an affidavit may be sworn under section 14 of the Oaths, Affidavits and Declarations Act 1963.

24. Oath or affirmation by other persons-(1) A person who is an employee of the State or who is working in or for an approved organisation as an employee or contractor for the Bureau may, at the discretion of the Government Statistician, be permitted to make an oath or affirmation in the following form (which may be amended as appropriate for particular circumstances):

“I [Name] [solemnly swear/affirm] that I will faithfully and honestly conform to the requirements of the Statistics Act 2014 and all other relevant laws of Samoa, and that any information obtained or received by me relating to statistical matters will be used only for the purposes for which is made available [or

specify the purpose] and will be disclosed by me only with the express authority of the Bureau.

I acknowledge that I have read and understand my obligations under section 24(3) of the Statistics Act 2014.

I acknowledge that any act or omission in breach of this [oath/affirmation] may render me subject to criminal proceedings which, if convicted, I may be sentenced to a fine or imprisonment, or both, in Samoa.”

(2) The oath or affirmation may be administered by any person before whom an affidavit may be sworn under sections 14, 15 or 16 of the Oaths, Affidavits and Declarations Act 1963.

(3) A person who has made an oath or affirmation under this section:

- (a) may exercise any functions and powers of an officer, as the Government Statistician may specify;
- (b) has all the obligations and privileges of an officer under this Act;
- (c) may use any schedules or other statistical information of the Bureau immediately on request, or destroy or delete the schedules or other statistical information and all copies if so requested by the Bureau.

(4) In this section, “approved organisation”:

- (a) means any organisation, including any organ of the United Nations, whether based in or operating in Samoa or not, that is approved by the Minister for the purposes of this section on the grounds that it is conducting relevant research or analysis or providing assistance to the Bureau; and
- (b) includes a State entity.

25. Statistics functions of other State entities-(1) The Government Statistician, after consultation with the chief executive officer or general manager (howsoever called) of a State entity, may recommend to the Minister and the Minister responsible for that State entity that the functions of that State

entity in relation to the generation, collection, analysis, certification, or publication of statistics:

- (a) be performed by the Bureau either instead of or jointly with the State entity; or
 - (b) be performed in a particular way so as to be consistent with other statistical operations or best practice.
- (2) If the Minister and the Minister responsible for a State entity agree and so direct, the State entity must comply with the direction.
- (3) If the Minister and the Minister responsible for a State entity do not agree, then the Minister must refer the matter to the Board.
- (4) A direction under subsection (2) does not authorise or require the State entity or the employee of or contractor to a State entity to act in breach of any confidentiality obligations imposed on that State entity or person under any enactment or law.
- (5) The employee of or contractor to a State entity must not collect, process or see any information collected under the authority of this Act unless that person has made an oath or affirmation under section 24.

PART IV

CENSUS AND SURVEY TO COLLECT INFORMATION

26. Statistician to take census of population, housing, and agriculture-(1) The Government Statistician must take a census of the population and housing in 2016 and in every 5th year thereafter.

(2) The Government Statistician must take a census of agriculture in 2019, and in every 10th year after that.

(3) If the Minister directs otherwise, a census referred to in this section must be taken at a shorter interval than provided; and if this occurs, the 5 or 10 year period recommences from the date the census is taken.

(4) The day and time for which each census referred to in this section to be taken is to be specified by the Minister by Notice published in the Savali.

(5) The period issued in this section for a census may be extended by Notice by the Minister if the declaration of a national emergency prevents the completion of the census affected by the emergency.

27. Information to be collected at census of population and housing-(1) At a census of population and housing, the following particulars must be obtained from the occupier or person-in-charge of a dwelling:

- (a) the name and address, sex, age, and religious affiliation of all the occupants of the dwelling; and
- (b) the location, number of rooms, ownership, and the number of occupants present on census night.

(2) At a census of population and housing the Government Statistician may, if he or she considers it in the public interest to do so, collect from the occupier or person-in-charge of a house, information relating to any of the matters listed in the Schedule.

28. Surveys and other censuses-(1) At any time the Government Statistician considers appropriate, the Government Statistician may take a survey or further census of any of the matters listed in the Schedule.

(2) The Minister may, by Order in the Savali, amend the Schedule.

29. Mode of collection - To enable the collection of information by means of a census or survey, the Government Statistician must:

- (a) design a schedule, as the Government Statistician considers fit, which requests the particulars necessary for the census or survey; and
- (b) supply a schedule to any affected person, dwelling, or place of business by any means the Statistician reasonably considers to be appropriate (which may include notice of where an electronic schedule can be obtained); and

- (c) make additional schedules available for collection at reasonable locations having regard to the nature of the census or survey; and
- (d) carry out other matters as prescribed by regulations.

30. Duty to complete schedules and provide information-(1) A person-in-charge of a dwelling must supply, to the best of his or her knowledge, accurately and comprehensively, all information required by a census or survey within the time specified by the Government Statistician.

(2) If a dwelling does not have a person-in-charge, an occupier must supply, to the best of his or her knowledge, accurately and comprehensively, all information required by a census or survey within the time specified by the Government Statistician.

(3) A person who is not in a dwelling on census night has the same duties as those persons living in a dwelling.

(4) In any other case, a person required to supply information or complete a schedule or survey must do so, to the best of his or her knowledge, accurately and comprehensively.

(5) If a dwelling has two (2) or more persons-in-charge or occupiers, each of them must supply, to the best of their knowledge, all information required by a census or survey; but the performance of that duty by any one of them discharges the duty of the other or others.

(6) If a census or survey requires information from a corporate body, the directors or equivalent office holders or persons-in-charge of the corporate body must each supply, to the best of their knowledge all information required by that census or survey; or ensure that another of their number do so.

(7) In this section, “information” includes any certificate or declaration required by the Government Statistician.

31. Duty to obtain schedules for census-(1) A person who has not received a relevant schedule and is expected to supply information required by a census must:

- (a) obtain that schedule from the Government Statistician; and
- (b) complete the schedule as required; and

(c) retain the schedule until it is collected by an authorised officer, or return the completed schedule in accordance with any instructions received from the Government Statistician.

(2) In any prosecution of a person for failure to complete or return a census schedule, the fact that a schedule was not delivered to the person is not a defence.

32. Exceptions to general duties for census-(1) A person who by reason of illiteracy or infirmity is unable to complete a schedule or provide information in relation to a census of population and housing or a census of agriculture is entitled to request assistance from the Bureau to meet his or her obligations.

(2) A person who objects to stating the religion or sect to which the person belongs, or whether the person belongs to any religion or sect, may refuse or omit to supply that information; but the person is not entitled to supply false information in that regard.

33. Overseas businesses operating in Samoa-(1) The provisions of this Act relating to censuses, schedules, surveys and the provision of information apply to persons residing outside Samoa and corporations or organisations incorporated or constituted outside of Samoa, if they are carrying on business in Samoa or have interests in Samoa.

(2) Obligations applying to persons, corporations or organisations referred to in subsection (1) must be complied with on their behalf by their manager, attorney or other agent in Samoa.

(3) Nothing in subsection (2) requires a lawyer to commit a breach of lawyer and client privilege.

34. Right of inspection and duty to comply with requisitions-(1) Subject to subsections (2) and (3), the Government Statistician or an authorised officer may:

(a) enter any place of business; and

- (b) inspect any part of the premises or property, any goods which are being stored or offered for sale and any books of account, documents, or other business records; and
 - (c) require any person who would normally be expected to have the custody of any books of account, documents or other business records to produce the requested items for inspection within 48 hours or such longer period as may be specified by the requisition at the time it is made.
- (2) The Government Statistician, or any duly authorised officer, must not exercise the powers under subsection (1) except under the authority of a warrant under subsection (3).
- (3) A Judge may issue a warrant (“warrant”) to enter and search any place of work if the Judge:
- (a) has received a sworn application by the Government Statistician or authorised officer; and
 - (b) is satisfied, that it is necessary for a warrant to be issued for the purpose of this section.
- (4) The warrant authorises the person named in the warrant to:
- (a) enter, at any reasonable time, any place of business and inspect the premises and any goods which are being stored or offered for sale, and any books of account, documents, or other business records; and
 - (b) require any person who would normally be expected to have custody of any books of account, documents or other business records to produce the requested items for inspection within 48 hours or a longer period as may be specified in the requisition at the time it is made.
- (5) In this section:
 “authorised officer” means an officer (by name or office designation) of the Bureau authorised in writing by the Government Statistician to exercise the powers under this section;

“place of business”:

- (a) includes a place of business that is or also comprises a dwelling in whole or in part (such as a hotel or farm); but
- (b) does not include a place that is only a dwelling and in which no business operates.

35. Power to request re-supply of information - If a person who is required to provide information to the Bureau maintains that the obligation has been complied with but the Bureau has no record of its receipt, the Bureau may request the person to again supply the information in a form required by the Bureau.

PART V MISCELLANEOUS

36. Notice to be given to Government Statistician of existence of undertaking-(1) The Government Statistician may give notice in the Savali in Samoan and English, and in such other publications as he or she considers relevant having regard to the subject matter involved, that a census or survey is to be conducted requiring information on specified kinds of undertaking to be provided.

(2) If notice is given under subsection (1), a person who would be required to provide that information but does not receive a specific request for that information, (whether through a schedule or otherwise) within 21 days of the date of the notice must notify the Government Statistician of the existence of the undertaking and the person’s contact details within a further 21 days.

37. Evidence-(1) A document appearing to be signed by or on behalf of the Government Statistician and giving notice that any named officer is acting under the authority of the Government Statistician is, until the contrary is proven, sufficient evidence of that authority and that the document was signed as it appears to be.

(2) The stamped or printed signature of the Government Statistician, or any officer, may be used on any schedule, survey form, notice or other document in relation to the authority exercised by that person of the functions, duties or powers under this Act.

(3) Any schedule, survey, form, notice or other document appearing to bear the written stamped or printed signature of the Government Statistician, or any officer, is, until the contrary is proven, taken for all purposes and in all proceedings as having been signed by the person whose signature it appears to bear.

(4) Judicial notice must be taken of any signature referred to in this section and of the fact that the person whose signature it appears to be, holds or held the office of Government Statistician or is or was an officer, as the case may be.

(5) Judicial notice must be taken of any Instruction published in the Savali.

38. Offences-(1) A person who contravenes section 20 commits an offence and is liable on conviction:

- (a) if the act or omission was done or permitted in the knowledge that a breach of section 20 would occur, to a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding two (2) years, or both;
- (b) in any other case, to a fine not exceeding 20 penalty units.

(2) A person who (not having made an oath or affirmation as required by this Act) attempts to obtain access to or by wilful act or omission obtains access to information that may only be accessed by persons who have made the oath or affirmation, commits an offence and is liable on conviction to a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding two (2) years, or both.

(3) A person who has made an oath or affirmation under section 24(3) and has or is given access to information but does not comply with any requirement or restriction under that section, commits an offence and is liable on summary convictions to a fine not exceeding 20 penalty units.

(4) A person who contravenes section 30 or 31 commits an offence and is liable on conviction:

- (a) if the contravention persists after the person has been reminded of his or her obligations, to a fine not exceeding 20 penalty units;
- (b) in any other case, to a fine not exceeding 2 penalty units.

(5) A person who supplies information required under this Act that the person knows is wrong, incomplete or misleading, commits an offence and is liable on conviction to a fine not exceeding 20 penalty units.

(6) A person who contravenes section 36(2) commits an offence and is liable on conviction to a fine not exceeding 20 penalty units.

(7) If a person is convicted of an offence under subsection (4)(a), (5) or (6):

- (a) the Court may order the person to perform his or her obligations fully and properly; and
- (b) if the person fails to do so within the time specified by the Court, the person is in contempt of Court.

(8) If the Court is satisfied that an offence described in this section was committed for the purpose of financial gain, the Court may impose a further fine not exceeding three (3) times the value of the pecuniary gain derived by the offender from the commission of the offence.

39. Ministerial instructions-(1) The Minister may, by Notice published in the Savali, issue instructions for all or any of the following purposes:

- (a) schedules, surveys, notices, other forms and documents, and means of distribution, access to and submission of them, including electronic means, and related requirements for passwords or access codes and proof of identity as appropriate in the circumstances;
- (b) identifying kinds of statistics that may be collected in any census or survey in addition to those specified in the Schedule;

- (c) prescribing any other matters, not inconsistent with this Act, as are considered necessary or expedient for giving this Act full effect and its due administration.
- (2) Instructions issued under this section may:
 - (a) be of general or limited application; and
 - (b) require the making of a statutory declaration.
- (3) If no Instructions are issued for a schedule, survey or form, the Government Statistician may approve the content and format of the schedule, survey or form and other matters referred to in subsection (1)(a).

40. Regulations - The Head of State acting on the advice of Cabinet, may make regulations:

- (a) necessary for the implementation or for the purposes of this Act; or
- (b) subject to the prior approval of the National Revenue Board, prescribing fees or rates payable for any work commissioned by any person from the Government Statistician or the Bureau on a cost recovery basis or for the purpose of this Act.

41. Repeal, transitional and consequential amendment-

- (1) The Statistics Act 1971 is repealed (“repealed Act”).
- (2) At the commencement of this Act:
 - (a) all current actions or matters taken or carried out under the repealed Act continue as if they were taken or carried out under this Act;
 - (b) all publications made under the repealed Act continue as if they were made and published under this Act;
 - (c) the current Government Statistician and any officer or employees of the Department of Statistics continue under their current terms of employment as if they were appointed pursuant to this Act.
- (3) In the Births, Deaths and Marriages Registration Act 2002:
 - (a) for section 3, substitute -

“3. Government Statistician to be the Registrar General of Births, Deaths and Marriages-(1) The Government Statistician appointed pursuant to the Statistics Act 2014 is also the Registrar General of Births, Deaths and Marriages.

(2) The Registrar General is responsible for the general administration of this Act.

(3) In the administration of this Act, the Registrar General has the powers conferred by this Act only and cannot exercise his or her powers as the Government Statistician in the carriage of his or her duties as the Registrar General under this Act.”; and

(b) for section 4(1), substitute -

“4. Appointment of the Registrar/Assistant Chief Executive Officer and Senior Registry Officers-(1) The Registrar General may appoint such officers of the Public Service or of the Samoa Bureau of Statistics either by name or by office designation to be Assistant Chief Executive Officer and Senior Registry Officers as may be desirable for the effective and efficient administration of this Act.”.

(c) any reference in the Births, Deaths and Marriages Registration Act 2002 (except for sections 3 and 4(1)) to -

(i) “Registrar” is omitted and substituted with “Registrar General”; and

(ii) “Deputy Registrar” is omitted and substituted with “Registrar” or “Assistant Chief Executive Officer”.

SCHEDULE

Sections 27 and 28

STATISTICAL ACTIVITIES OR CENSUS OR SURVEY**1.0 Demographic and social statistics**

- 1.1 Population and migration
- 1.2 Labour and employment
- 1.3 Education
- 1.4 Health
- 1.5 Income, expenditure and consumption
- 1.6 Social protection and vulnerability
- 1.7 Human settlements and housing
- 1.8 Justice and crime
- 1.9 Culture
- 1.10 Political and other community activities
- 1.11 Time use

2.0 Economic statistics

- 2.1 Macroeconomics statistics
- 2.2 Economic accounts
- 2.3 Business statistics
- 2.4 Sectoral statistics:
 - 2.4.1 Agriculture, forestry, fisheries
 - 2.4.2 Energy
 - 2.4.3 Mining, manufacturing, construction
 - 2.4.4 Transport and communications
 - 2.4.5 Tourism
 - 2.4.6 Banking, insurance, financial statistics
- 2.5 Government finance, fiscal and public sector statistics
- 2.6 International trade and balance payments
- 2.7 Prices
- 2.8 Labour costs
- 2.9 Science, technology and innovation

3.0 Environment and multi-domain statistics

- 3.1 Environment
- 3.2 Regional and small areas statistics

- 3.3 Multi-domain statistics and indicators:
 - 3.3.1 Living conditions, poverty and cross-cutting social issues
 - 3.3.2 Gender, ethnic origin, and special population groups
 - 3.3.3 Information society
 - 3.3.4 Indicators related to the Millennium Development Goals and other international treaties and conventions to which Samoa is a party
 - 3.3.5 Sustainable development
 - 3.3.6 Entrepreneurship
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