



## STATISTICS ACT 2009

No. 301

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## **An Act relating to the collection of statistical information**

### **Part 1 - Preliminary**

#### **1 Name**

This is the Statistics Act 2009.

#### **2 Interpretation**

In this Act -

“appointee” means a person appointed under section 3(3);

“Assistant Statistician” means a person appointed under section 3(3);

“authorised officer” means a person appointed under section 3(3);

“Census night” means the night of the Census day;

“Deputy Government Statistician” means a person appointed under section 3(3);

“Government department” includes a Government corporation;

“Minister” means the Minister responsible for statistics;

“National Statistics Office” means the unit set up under section 3;

“official statistics” means statistics derived from:

(a) Statistical surveys under this Act; and

(b) Administrative and registration records and other forms and papers the statistical analysis of which is published regularly, is planned to be published regularly, or could reasonably be published regularly;

“private dwelling” does not include -

(a) a hotel, motel, hostel or boarding house; or

(b) a dwelling used solely or principally as sleeping accommodation by members of a group of persons who share common living or dining areas or other common amenities; or

(c) a religious institution; or

(d) a residential institution (including a hospital, nursing home, school, university, college, orphanage, house of refuge, prison or other penal or corrective institution);

“respondent” means any person who supplies or is required to supply statistical information;

“sample” means a statistical procedure by which information relating to a whole field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons concerned in the relevant field of inquiry;

“schedule” means any book, document, form, card, tape, disc, or storage media on which the information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

“statistical survey” means a survey of undertakings, or of the public on Niue, whereby information is collected from all persons in a field of inquiry or from a sample of them, by a Government Department pursuant to this Act wholly or primarily for the purpose of processing and summarising by appropriate statistical procedures and publishing the results of the survey in statistical form;

“this Act” means this Act and any regulations made under it.

## **Part 2 - National Statistics Office**

### **3 Appointment of the Government Statistician**

(1) There shall be established a National Statistics Office.

(2) (a) The Niue Public Service Commission must appoint a Government Statistician.

(b) The Government Statistician shall be the administrative head of the National Statistics Office and have such functions and duties and powers as are conferred or imposed on the Government Statistician by any enactment.

(3) The Niue Public Service Commission may on the request of the Government Statistician appoint an Assistant Statistician and other persons to be authorised officers to assist the Government Statistician to carry out his or her functions under this Act.

(4) The Deputy Government Statistician, Assistant Statistician or an authorised officer shall perform such functions under this Act as the Government Statistician directs.

(5) An authorised officer is not by virtue of that office an employee of the Niue Public Service for the purpose of article 62(3) of the Constitution.

(6) (a) The Government Statistician has the sole responsibility for deciding the procedures and methods employed in the provision of any statistics produced or to be produced by the National Statistics Office, and for deciding the extent, form, and timing of publications of those statistics.

(b) Notwithstanding paragraph (a), where the Cabinet through the Minister directs the Government Statistician to collect or cease collection of statistics of any kind provided by this Act and the Government Statistician would not without such a direction produce or cease production of those statistics, the Government Statistician shall carry out the direction, but may make public without comment the fact that the statistics have been collected and published, or that collection and publication has ceased, by direction of the Cabinet.

#### 4 Duties of Government Statistician

The Government Statistician shall-

- (a) make reports as are required by this Act, which reports shall have regard to the needs of user departments and, where consultations have been held, shall include the results of such consultations;
- (b) advise the Minister on statistical policy matters, and where appropriate confer with appropriate officers of other Government departments to that end;
- (c) keep the Minister informed of the statistical projects of all Government departments and provide, where appropriate after consultation with an appropriate officer of any other Government department concerned, any explanation required of the Government Statistician by the Minister of the purpose, scheme, methodology, and usefulness of any existing or proposed official statistical project;
- (d) on the completion of periodical statistical abstracts and reports, provide a copy of the abstract or report to the Minister;
- (e) compile, analyse, abstract, and publish, with or without comments, official statistics;
- (f) advise Government departments on the conception of statistical projects initiated or carried on by them, and to promote the observance of approved statistical standards by those Government departments;
- (g) consult with appropriate officers of Government departments on the need for, and the scope, procedure, and form of any existing or proposed statistical survey being or to be carried out by the departments and make a report to the Minister on the necessity for and the scope of any such survey and the Government department to be responsible for the survey;
- (h) make, after consultation with an appropriate officer of any other Government department concerned, a report to the Minister on the need for the continuance or discontinuance or the variation of any current collections of official statistics;
- (i) define, lay down, and promote standard concepts, procedures, definitions and classifications for use in official statistics;
- (j) make or construct such estimates, forecasts, projections, and statistical models as the Government Statistician may consider necessary;
- (k) arrange for the taking of a census of the population and households of Niue in 2006 and every 5<sup>th</sup> year after that;
- (l) examine and comment, where the Government Statistician considers necessary, the interpretation and validity of any published unofficial statistics;
- (m) carry out such investigations, do all such things, and provide such certificates, as may be required by any other enactment;
- (n) subject to section 12 supply, where the Government Statistician considers appropriate, specifications of the methods, procedures, and

definitions used in the collection and preparation of the official statistics produced.

### **5 Declaration of secrecy**

(1) Every authorized officer or employee of the National Statistics Office shall before taking up the duties of Office make a declaration in the form set out in Schedule 3.

(2) Any employee of any Government department, if engaged in the collection and processing of official statistics, and if the information so collected is primarily for statistical purposes and the respondent has been so informed shall, subject to agreement with an appropriate officer of the National Statistics Office, if required to do so by the Government Statistician, make a similar statutory declaration of secrecy under this or any other Act.

(3) (a) An employee who has made a statutory declaration of secrecy under subsection (2) shall be deemed to be an employee of the National Statistics Office in relation to the statistical collections with which the employee is associated.

(b) Every independent contractor and every employee of any such independent contractor, who is likely, in the course of carrying out the terms of that contract, to have access to information collected under the authority of this Act shall, if required to do so by the Government Statistician, make a statutory declaration of secrecy similar to the declaration of secrecy prescribed by subsection (1), regardless of whether that independent contractor or employee has made a declaration of secrecy under any other Act.

(4) A statutory declaration for the purposes of this section may be made before any person authorised for that purpose by or under the Niue Act 1966 section 720 or before any other person authorised for that purpose by the Government Statistician and the provisions of that Act shall apply in relation to any such declaration as if any person so authorised by the Government Statistician were so authorised by that Act.

(5) Every statutory declaration that is made for the purposes of this section shall be returned and recorded in such manner as the Government Statistician determines.

## **Part 3 - Collection of Statistics**

### **6 Official statistics and co-ordination**

(1) Official statistics shall be collected to provide information required by Cabinet, Government departments, village councils and local authorities, businesses and the general public for the purpose of making policy decisions and to facilitate the appreciation of economic, social, demographic and other matters of interest.

(2) In order to co-ordinate as effectively as possible, and to render most useful the official statistics produced, and also to avoid unnecessary duplication of requests for information, all official statistics shall be subject to this Act.

## **7 Necessity to inform the Government Statistician of official statistics**

(1) The permanent head or principal administrative officer of each Government department shall inform the Government Statistician of the official statistics for which the Government department is responsible.

(2) This information shall, if the Government Statistician requires, include details of the concepts, classifications, schedules, statistical methods and procedures employed, the means of publishing the official statistics, and all other matters as the Government Statistician requires.

(3) The permanent head or the principal administrative officer shall advise the Government Statistician of any new official statistics or substantial alteration to existing official statistics in relation to his or her Government department, or when any document which is being used or proposed to be used as the source of official statistics is being amended or drafted.

## **8 Periodic reviews**

(1) The Government Statistician shall from time to time review the collection, compilation, analysis, abstraction and publication of official statistics prepared by the National Statistics Office.

## **9 Meetings of statisticians and users of statistics**

(1) The Government Statistician shall, at least every 3 years, convene a meeting of users of official statistics to review user needs for such statistics.

(2) The Government Statistician may also hold other meetings, and set up committees of statisticians, suppliers, or users of statistics and other interested parties.

## **10 Sampling**

Official statistics may be collected by means of the statistical procedure known as sampling in place of a full enumeration, where the use of that method is considered appropriate.

## **11 Statistical surveys and census**

(1) A statistical survey shall be made only with the written approval of Cabinet.

(2) A statistical survey may be conducted in respect of any of the matters listed in Schedule 2.

(3) The date for the taking of the population and household census shall be set by public notice by the Government Statistician after consultation with the Cabinet.

(4) The information that may be required of a person at a population and household census is set out in Schedule 1.

## **12 Security of information**

(1) Information furnished to the Government Statistician under this Act shall only be used for statistical purposes.

(2) No person other than an appointee of the National Statistics Office who has made a statutory declaration specified in section 5(1) shall be permitted to see any individual schedule or any answer to any question put under this Act except for the purposes of a prosecution or a proposed prosecution under this Act.

(3) No information contained in any individual schedule and no answer to any question put for the purposes of this Act shall, except for the purposes of a prosecution or a proposed prosecution under this Act, be separately published or disclosed to any undertaking or to any person not being an employee of the National Statistics Office who has made the statutory declaration specified in section 5(1).

(4) All statistical information published by the Government Statistician shall be arranged in such a manner as to prevent any particulars published from being identifiable by any person as particulars relating to any particular person or undertaking, unless-

- (a) that person or the owner of that undertaking has consented to their publication in that manner, or has already permitted their publication in that manner; or
- (b) their publication in that manner could not reasonably have been foreseen by the Government Statistician or any appointee of the National Statistic Office.

(5) The Government Statistician shall make such other office rules as he considers necessary for the purposes of subsection (4) and Section 13 (e).

### **13 Government Statistician authorised to disclose certain information**

Notwithstanding section 12(1), the Government Statistician may disclose -

- (a) Information supplied by a person or undertaking in respect of which disclosure is consented to in writing by that person, or a competent officer of the undertaking, who supplied it;
- (b) Information made available to the public under any enactment as a public document;
- (c) Information in the form of an index or list of the names and addresses of individual undertakings, together with the industrial classification allotted to them and the number of persons engaged;
- (d) Details of external trade, movement of ships and aircraft, and cargo handled at ports;
- (e) In the event of a declaration of emergency under the Public Emergency Act 1979, the names, addresses, sex and age of persons resident on Niue for the purposes of controlling of that emergency only.

### **14 Disclosure of unfilled individual schedules**

(1) Notwithstanding section 12(1), the Government Statistician may disclose or distribute individual schedules to any officer of another Government department solely for bona fide research or statistical purposes pursuant to the functions and duties of that Government department.

(2) The published results of any such research or statistical project shall not divulge any more information than the Government Statistician could publish under this Act.

**15 Information is privileged**

Except in respect of a prosecution under this Act, no return made pursuant to this Act and no copy of a filled schedule or return in the possession of the respondent shall be disclosed or used as evidence in any proceedings, and no person who has made a statutory declaration under section 5(1) shall be compellable in any proceedings to give oral testimony regarding the return or to produce any return, document, or record with respect to any information obtained in the course of administering this Act, except in the manner provided by this Act.

**16 Forms**

The Government Statistician or an authorised officer shall design and use appropriate schedules for the collection of statistics on any matter listed in Schedule 2, and shall lay down for all such schedules the instructions and procedures necessary for the proper distribution, filling in, and return of them.

**17 Onus to complete schedules**

Delivery to any person of any schedule purporting to be issued under this Act and having on it a notice requiring that it be filled in and signed within the stated time by the occupier of that dwelling or part of the dwelling, or in his absence by some other member of the household, shall, as against the occupier, be a sufficient requirement so to fill in and sign the schedule within a stated time to the National Statistics Office, whether or not the occupier is specifically named in the schedule or personally served.

**18 Persons to furnish information**

Every person from whom particulars for the purposes of any statistical inquiry may lawfully be required pursuant to this Act shall, to the best of his knowledge, when required so to do by the Government Statistician or by any authorized officer, fill in and supply information, in accordance with the instructions contained in the schedule.

**19 Questions asked by the Government Statistician to be answered**

Every person who is required to provide information pursuant to this Act shall, for the purpose of providing that information, to the best of their knowledge and belief, answer all questions asked by the Government Statistician, or by an authorised officer of the National Statistics Office.

**Part 4 - Offences and Penalties**

**20 Omissions**

Every person employed in the execution of any duty or the exercise of any power or function under this Act commits an offence, and is liable on a conviction to a fine not exceeding 20 penalty units or imprisonment for a period not exceeding 60 days or both, who -



- (a) after having made the prescribed statutory declaration, omits (without lawful excuse) to carry out the duties under this Act, or knowingly makes any false declaration, statement, or return touching on any such matter; or
- (b) in the performance of his duties, obtains or seeks to obtain information which he is not duly authorised to obtain; or
- (c) knowingly fails to keep inviolate the secrecy of the information gathered or entered on the schedules collected by the Government Statistician pursuant to this Act, divulges the contents of any schedule filled in or any information furnished to the Government Statistician under this Act.

### **21 Obstruction of appointee of National Statistics Office**

(1) Every person commits an offence who interferes with, hinders, or obstructs the Government Statistician or any appointee of the National Statistics Office in the exercise of any power conferred by this Act.

(2) Every person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding 5 penalty units or, in the case of body corporate, not exceeding 20 penalty units.

### **22 Impersonation**

(1) Every person commits an offence who, not being an appointee of the National Statistics Office, by words, conduct, or demeanour, pretends that he is an appointee of the National Statistics Office or assumes the name, designation, or description of an appointee of the National Statistics Office.

(2) Every person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding 30 penalty units or imprisonment for a period not exceeding 60 days, or both.

### **23 Neglect or refusal to supply particulars**

(1) Every person commits an offence who neglects or refuses to fill in and supply the particulars required in any schedule lawfully left with or sent to him, or who neglects or refuses to answer any question or inquiry lawfully addressed to him by the Government Statistician, or by an employee of the National Statistics Office authorised in writing by the Government Statistician, and is liable on conviction to a fine not exceeding 5 penalty units or, in the case of a body corporate, to a fine not exceeding 20 penalty units.

(2) The conviction of any person of an offence against subsection (1) or against this subsection in relation to a failure to produce any books of account, vouchers, documents, or other business records, or to neglect or refuse to fill in and supply any particulars required in any such schedules or to answer any such question or inquiry, shall not relieve that person of the obligation to supply such books of account, vouchers, documents, or other business records, or to fill in and supply the particulars or to answer the question or inquiry.

(3) Where after the expiration of 14 days from the date of conviction, a person convicted of an offence against this section still has failed to produce the

books of account, vouchers, documents, or other business records lawfully requested, or continues to neglect or refuse to fill in and supply the particulars or to answer the question or inquiry, that person commits a further offence and is liable on conviction in respect of each day after the expiration of those 14 days to a fine not exceeding 1 penalty unit.

(4) Any obligation imposed on any person to produce any books of account, vouchers, documents, or other business records when lawfully required to do so, or to fill in and supply the particulars required in any schedule lawfully left with or sent to him, or to answer any question or inquiry lawfully addressed to him by the Government Statistician, or by an employee of the National Statistics Office authorised in writing by the Government Statistician, being an obligation required to be performed at or within a specified or particular time, shall be deemed to be a continuing obligation to produce such books of account, vouchers, documents, or other business records, or to fill in and supply any particulars required in any such schedule, or to answer any such question or inquiry, notwithstanding that the obligation has not been performed at or within that time.

(5) No person who objects to state their religious denomination or sect commits an offence by refusing to supply that information if "Object" is inserted in the space on the schedule provided for the information.

(6) Except with the prior approval of the Government Statistician, a reference in response to any schedule to a document from which the required information can be obtained shall not be deemed a compliance with this section.

#### **24 False statement**

(1) Every person commits an offence who knowingly makes, in any schedule filled in or supplied pursuant to this Act, or in answer to any question asked him under the authority of this Act, any false or misleading statement or any material omission.

(2) Any person who commits an offence this section is liable on conviction to a fine not exceeding 2 penalty units.

#### **25 Mutilation or defacement of schedules**

Every person who without lawful excuse, destroys, defaces, removes, or mutilates any schedule, form or other document containing particulars collected under this Act or requesting any such particulars is liable on conviction to a fine not exceeding 2 penalty units.

#### **26 Other offences**

Every person commits an offence and is liable on conviction to a fine not exceeding 5 penalty units who-

- (a) Without lawful excuse, contravenes or fails to comply with a provision of this Act or a requirement imposed under this Act; or
- (b) Wilfully deceives or attempts to deceive the Government Statistician or any Officer of the National Statistics Office in the exercise of any powers, duties, or functions under this Act.

**27 Time within which information may be laid**

No prosecution of any information in respect of an offence against this Act shall be commenced later than 12 months from the time when the matter of the information arose.

**Part 5 - Miscellaneous Provisions**

**28 Regulations**

- (1) Cabinet may make regulations for the purposes of this Act.
- (2) Cabinet may by regulations amend the Schedules.

**29 Repeal**

The Census Act 1971 is repealed.

**Schedule 1**  
**(Section 11)**

**Matters prescribed for the purpose of a census**

The following matters are prescribed for the purposes of the taking of a census -

- (a) in relation to a person -
  - (i) name;
  - (ii) sex;
  - (iii) age;
  - (iv) relationship to the other persons, if any, who spend Census night in the same accommodation;
  - (v) present marital status;
  - (vi) address of usual residence;
  - (vii) address of usual residence 1 year before the Census day;
  - (viii) address of usual residence 5 years before the Census day;
  - (ix) religious denomination;
  - (x) citizenship;
  - (xi) country of birth;
  - (xii) country of birth of each parent;
  - (xiii) in the case of a person not born in Niue - the year of the person's first arrival in Niue;
  - (xiv) languages spoken at home;
  - (xv) in the case of a person who speaks a language other than English at home -
    - (A) age of leaving school;
    - (B) education qualifications;
    - (C) whether employed or unemployed;
    - (D) income;
  - (xvi) in the case of a female person who is not less than 15 years of age - number of children given birth to;
  - (xvii) in the case of a person who is not less than 15 years and was employed (including self-employed) during the week immediately preceding the Census day -
    - (A) status in employment during that week;
    - (B) occupation during that week;
    - (C) the name and address of the undertaking in which the person was employed during that week;
    - (D) the main kind of business or industry carried on, or service provided, by that undertaking during that week;

- (E) the hours worked by the person during that week;
- (F) mode of travel to work by the person during the week;

(b) in relation to a household -

- (i) the address on Census night;
- (ii) in the case of a person who is usually a member of the household but is absent from the household accommodation on the Census night -
  - (A) name;
  - (B) sex;
  - (C) age;
  - (D) present marital status;
  - (E) relationship to other members of the household;
- (iii) the right, title or interest of the household in the household's accommodation;
- (iv) the number of bedrooms occupied by the household;
- (v) the rent or loan repayments payable by the household for its accommodation;
- (vi) if the household's accommodation is rented -
  - (A) the nature of the person or body to whom the rent is paid;
  - (B) the provision of furniture;
- (vii) the number of registered motor vehicles garaged or parked at or near the address of the household on the Census night;

(c) in relation to a private dwelling -

- (i) the structure;
- (ii) the location;

(d) in relation to a dwelling other than a private dwelling - classification of the dwelling by reference to its purpose.

Schedule 2

(Section 11 and 16)

**Matters in relation to which statistical information may be collected.**

Information may be collected on the following matters -

- (1) population and dwellings, migration, vital and other demographic and social matters;
- (2) health, welfare, and morbidity;
- (3) cultural participation, education, and recreation;
- (4) law enforcement and the administration of justice;
- (5) matters relating to the social and physical environment;
- (6) labour and manpower, including conditions of employment; work descriptions; and wages; incomes, earnings, and related emoluments; expenditure and taxation;
- (7) household (including family) characteristics, conditions and activities;
- (8) land tenure, occupation of land; and condition of land;
- (9) internal and external trade, visible and invisible;
- (10) travel, internal and overseas;
- (11) migration;
- (12) births, deaths, marriages and divorce;
- (13) population and the social, economic and demographic characteristics of the population;
- (14) health, health services and quarantine;
- (15) social and welfare services;
- (16) pension and superannuation schemes;
- (17) accidents and injuries;
- (18) public safety;
- (19) law;
- (20) crime;
- (21) the police force;
- (22) village councils;
- (23) education;
- (24) scientific research and development;
- (25) recreation and entertainment;
- (26) cultural activities;
- (27) tourism;
- (28) energy;
- (29) water resources;
- (30) conservation and environment;
- (31) agricultural, apicultural, poultry, dairying and pastoral industries and related service industries;
- (32) fishing, hunting and trapping;

- (33) mining, mineral and petroleum exploration, quarrying and related service industries;
- (34) forestry, saw milling and related service industries;
- (35) manufacturing;
- (36) housing;
- (37) construction and demolition;
- (38) repairs and maintenance;
- (39) wholesaling and retailing;
- (40) food preparation and food consumption;
- (41) transport and storage;
- (42) wages, earnings, hours of employment and workers' compensation;
- (43) conditions of employment;
- (44) employment and unemployment;
- (45) industrial disputes and arbitration;
- (46) employers' and employees' associations;
- (47) income, expenditure and savings in relation to a person, household or family;
- (48) prices and charges
- (49) business, professional, personal and household services;
- (50) trade commerce;
- (51) overseas transactions;
- (52) banking;
- (53) insurance;
- (54) finance;
- (55) ownership and control of property;
- (56) assets, liabilities and financial operations and transactions of a natural person or and organisation;
- (57) land tenure and occupancy;
- (58) real estate including land and property development;
- (59) taxation;
- (60) investment;
- (61) communication.

**Schedule 3**  
(Section 5)

**Declaration**

I .....[full name] of..... [Place of residence]  
..... [Occupation].

Solemnly and sincerely declare that I will faithfully and honestly fulfil my duties as an appointee of the National Statistics Office in conformity with the requirements of the Statistics Act 2006 and of all regulations made under it, and that any information acquired by me as an employee of that Office -

- (a) will not be disclosed by me during my employment in that Office, except in accordance with my official duty; and
- (b) will not be disclosed by me after I cease to be an employee of that Office, except with the authority of the Government Statistician.

Declared at .....[Place] this.....day of.....20.....

.....  
(Signature of person making  
the declaration)

.....  
(Name of person taking the declaration)

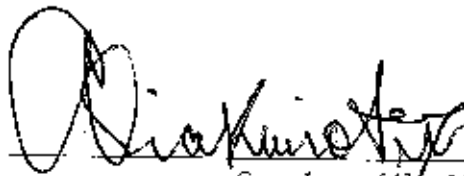
.....  
(Signature of person taking  
the declaration)

*( person authorized to take a  
declaration in Niue)*



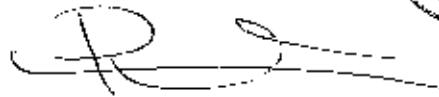
I ATAPANA SIAKIMOTU, Speaker of the Niue Assembly, hereby certify that the requirements of Article 34 of the Niue Constitution have been duly complied with.

SIGNED AND SEALED at the Assembly Chambers this 21<sup>st</sup> day of September 2009.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker



Clerk of the Niue Assembly

The Niue Assembly passed this Act on the 16<sup>th</sup> day of September 2009.