

Statistics Act 1971

CONSOLIDATED ACTS OF SAMOA 2007-2008

STATISTICS ACT 1971

Arrangement of Provisions

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THE STATISTICS ACT 1971 1971 No. 7

AN ACT to consolidate and amend certain enactments relating to the statistics of Samoa and the taking of the census of population, housing and agriculture.

(3 November 1971)

1. Short Title - This Act may be cited as the Statistics Act 1971.

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

"**Board**" means the Statistics Advisory Board constituted and established by this Act.

"**Department**" means the Department of Statistics constituted and established by this Act.

"**Dwelling**" means a building, erection, or tenement, whether permanent or temporary, which is wholly or partly used for the purpose of human habitation, and includes:

- (a) A ship or other vessel in any port, harbour or dock in Samoa, or on any river or lake therein, or ashore, or on a passage between any 2 Samoa ports;
- (b) A bach, hut, caravan, tent or shelter;
- (c) An aeroplane or a vehicle of any kind,-

where a building is let, sublet, or held in different apartment, and occupied by different persons or families, each part so let, sublet, or held and used for the purpose of human habitation shall be deemed to be a dwelling.

"Minister" means the Minister in charge of the Department of Statistics.

"Officer" means every permanent or temporary officer appointed under this Act.

"Person-in-charge" means any individual person, group of persons, club, society, association of person, partnership, company or other organisation whether cooperate or not, occupier or person-in-charge of any dwelling, farm, plantation, central or local government departments, and public or charitable institutions.

"Schedule" means any book, document, form, questionnaire, or card on which the information required is entered or indicated for statistical purposes under this Act.

"Statistician" means the Government Statistician or any person for the time being authorised by the Minister to exercise or perform any of the powers and duties of the Government Statistician.

3. Department of Statistics - There is hereby constituted and established a Department of the Government to be known as the Department of Statistics which, under the control of the Minister, and subject thereto, of the Government Statistician, shall be charged with the administration of this Act, and shall have such functions as are conferred in it by this or any other Act.

4. Powers of the Minister - The Minister shall have all such powers as may be reasonably necessary for the performance of any function of the Department, or the administration of this Act.

5. Government Statistician and duties - (1) There shall from time to time be appointed a Government Statistician who shall be charged with the administration of this Act, subject to the control of the Minister, and who shall have such powers and duties as are conferred or imposed upon him or her by this Act or by any other enactment.

(2) The duties of the Statistician shall be:

- (a) To advise the Government on matters pertaining to statistical policy and to direct and co-ordinate the statistical work of all Government Departments;
- (b) To collect statistics and related information as to the economic, social, and demographic and other characteristics and/or activities of persons, businesses, other organisations and institutions;
- (c) To compile, analyse and disseminate official statistics and related information;
- (d) To promote and assist non-governmental statistical activities and collaborate with non-governmental organisations in the collection, compilation, analysis and dissemination of statistical information obtained from the records of such non-governmental organisations;
- (e) To take the census of population, housing and agriculture of Samoa as provided by this Act;
- (f) To prepare and issue all forms, instructions and directions, and take such

other action as may be necessary to exercise his or her powers under this Act;
(g) To supervise generally the administration of this Act.

6. Delegation of duties by Statistician - The Statistician may delegate any of his or her powers under this Act so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

7. Provision for staff - (1) There may from time to time be appointed a Deputy Government Statistician who shall, under the control of the Statistician, perform such general official duties under this Act as he or she is called upon to perform by the Statistician.

(2) On the occurrence from any cause of a vacancy in the office of Statistician (whether by reason of death, resignation or otherwise), and in the case of absence from duty of the Statistician (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Statistician shall have and may exercise all the powers, duties and functions of the Statistician.

(3) There shall from time to time be appointed such other permanent or temporary officers as may be required for the purpose of carrying out the provisions of this Act.

8. Oath of officers - (1) Every person employed in carrying out the provisions of this Act shall take and subscribe the following oath:

"I ... solemnly swear that I will faithfully and honestly fulfil my duties
as in conformity with the requirement of the [Statistics Act 1971](#), and that I will not disclose or make known any matter or thing which
comes to my knowledge by reason of my employment as such."

(2) The oath shall be taken before such person, and retained and recorded in such manner as the Statistician determines.

9. Statistics Advisory Board - (1) There is hereby constituted a Statistics Advisory Board consisting of the Minister (who shall be the Chairman), the Financial Secretary, the Director of Economic Development, the Statistician, and 2 other members to be appointed by the Head of State, acting on the advice of Cabinet, one of whom shall be a representative of the Chamber of Commerce of Samoa and the other a suitable person selected from the general public.

(2) The Statistician shall be the Secretary of the Board.

(3) Meetings of the Board shall be convened by the Statistician on the instructions of the Chairman and shall be held on such dates and at such times and places as the Chairman shall direct.

(4) The quorum necessary for the transaction of business at any meeting shall be 3 members.

(5) The Board may require persons-in-charge of Government Departments and other persons to furnish relevant information, interpretation and opinions on statistical matters and programmes.

10. Functions of the Statistics Advisory Board - The functions of the Statistics Advisory Board shall be to review regularly the statistical needs of Government, and those of commerce and industry, academic and research bodies, and other users of official statistics in Samoa, and in the light of such reviews to advise or direct the Statistician regarding annual and 5-yearly programmes

of work and priorities in official statistics to be undertaken by the Department of Statistics to best serve the national interest.

11. Census of population, housing and agriculture - (1) The Statistician shall take a census of population and housing of Samoa in the year 1971 and in every fifth year thereafter or at any other time when directed to do so by the Minister.

(2) The Statistician shall take a census of agriculture at any time when directed by the Minister, and thereafter at least in every tenth year or at any other time when directed by the Minister.

(3) The day on which the census of population and housing and the census of agriculture shall be taken and the time with reference to which the particulars shall relate, shall be appointed by the Minister by proclamation published in the Samoa Gazette and the Savali.

12. Information to be collected - Subject to the directions of the Minister, the Statistician may at such times and for such periods as he or she decides, collect for the purpose of compiling, tabulating, and publishing statistics, information in relation to all or any of the matters listed in the Schedule.

13. Mode of collection - To enable the collection of information on matters listed in the Schedule, by means of a census and/or surveys, the Statistician or any officer authorised by him or her shall be empowered to:

(a) Supply a schedule to any person-in-charge as defined in section 2 hereof and require such person to answer to the best of his or her knowledge all the informations asked in the schedule in accordance with instructions in the schedule or accompanying it, and require such person to return the completed schedule to the Statistician or the Statistician's nominated agent by a specified date;

(b) Ask such person in writing or orally any questions necessary to obtain information for the purpose of compiling statistics prescribed under this Act, and require any such person to give, to the best of his or her knowledge, written or oral answers to any questions asked in this way:

PROVIDED THAT no person who from conscientious scruples objects to state the religious denomination or sect to which he belongs shall incur any liability by refusing or omitting to supply that information.

14. Duty to obtain census schedules - It shall be the duty of any such person who, because of any omission by an employee of the Government or other cause, has failed to receive any schedule relating to any census proclaimed by the Minister, by personal delivery at his or her dwelling or place or work, to obtain that schedule by application to the Statistician and have it completed according to instructions given, and to retain the schedule until it is collected from him or her by an officer of the Department of Statistics, and the fact that any schedule was not delivered at his or her dwelling shall be no defence in any prosecution against him or her under this Act for failure to fill in the schedule.

15. Right of inspection - The Statistician or any officer authorised by him or her may enter at any time during working hours any factory, workshop or any place where people are employed to undertake any inquiries under this Act, or to examine the place of work and documents and records relating to the work.

16. Publication of statistics - The Statistician shall compile and tabulate statistics from the information collected under this Act, and subject to the confidentiality provisions, he or she may arrange to publish or otherwise disseminate such statistics or abstracts of them with or without observations thereon.

17. Confidentiality of statistical returns - (1) Any officer having custody of a schedule furnished by a person in pursuance of this Act shall not permit such schedule to be seen by any person other than an officer sworn to secrecy under this Act without the consent of the person by whom or in respect of whom the schedule was furnished, nor shall such officer knowingly reveal, publish, or otherwise disclose the contents of a schedule furnished in pursuance of this Act in a manner which would enable particulars relating to any individual person to be identified as such, by any other person, without the written consent of the person to whom the particulars relate, and on his or her conviction for an offence against this section such officer shall be liable to a fine not exceeding 4 penalty units.

(2) Except for purposes of a prosecution under this Act, no officer having custody of a schedule or a copy of the schedule which has been furnished in pursuance of this Act shall be required by subpoena or otherwise to produce the return or any part or copy of the return, as evidence in a Court of law or for any other judicial or administrative proceedings.

18. Neglect or refusal to supply particulars - Every person commits an offence, who neglects or refuses to fill in any supply the particulars required in any schedule lawfully left with or sent to him or her, or who neglects or refuses to answer any questions or enquire lawfully addressed to him or her by the Statistician or by an employee of the Government authorised in writing by the Statistician, and is liable on conviction to a fine not exceeding 1 penalty unit, and if the default continues after conviction to a further fine not exceeding 1 penalty unit for each day during which default has continued.

19. Mutilation or defacement of schedules - No officer shall wilfully or without lawful authority alter, destroy, deface, remove or mutilate any schedule, form, or other document containing particulars collected under this Act. The penalty for breach of this section shall be a fine not exceeding 3 penalty units.

20. Abuse of authority - The use by any officer of any authority conferred on him or her under this Act to gain entry to private property or access to information for purposes not permitted or required by the Statistician shall be an offence punishable on conviction by a fine not exceeding 4 penalty units.

21. Use of Information for personal gain - The use or attempted use by any officer for personal gain, of any information collected under this Act and not permitted to be published or disclosed under this Act shall be an offence punishable on conviction by a fine not exceeding 5 penalty units or by imprisonment for any term not exceeding 6 months.

22. Other offences - Every person commits an offence and on conviction, shall be liable to a fine not exceeding 2 penalty units, who:

(a) Acts in contravention of or, without lawful justification or excuse, fails to comply in any respect with any provision of this Act or any requirement imposed under this Act; or

(b) Falsely represents himself or herself as an officer exercising authority under this Act.

23. Regulations - The Head of State, acting on the advice of Cabinet, may make all such regulations from time to time, not inconsistent with this Act, as may be necessary and expedient for carrying out or giving full effect to this Act and for the due administration thereof.

24. Repeal - (1) The Census and Statistics Ordinance 1956 is hereby repealed.

(2) It is hereby declared that the repeal of any provision by this Act shall not affect any document made or anything whatever done under the provisions so repealed or under any corresponding former provision and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been done under this Act, shall continue to have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

SCHEDULE

Section 12

MATTERS IN RELATION TO WHICH THE STATISTICIAN MAY COLLECT INFORMATION

1 POLULATION

1. Sex
2. Age
3. Relationship to head of household
4. Relationship to head of family
5. Marital status
6. Age at marriage
7. Duration of marriage
8. Marriage order
9. Children born alive
10. Children living
11. Citizenship
- 12 Literacy
13. School attendance
14. Educational attainment
15. Educational qualifications
16. National and/or ethnic group
17. Language
18. Religion
19. Household composition
20. Family composition
21. Type of economic activity
22. Occupation
23. Industry
24. Employment status
25. Socio-economic activity
26. Dependency
27. Main source of livelihood
28. Any other prescribed matters

II HOUSING

1. Type of building
2. Construction material
3. Year or period of construction
4. Number of rooms
5. Cooking facilities
6. Bathing facilities
7. Sewage facilities
8. Types of toilet facilities
9. Type of lighting
10. Type of living quarters
11. Location
12. Occupancy status
13. Type of ownership
14. Water supply system
15. Rental
16. Tenure
17. Any other prescribed matters

III AGRICULTURE

1. Location of holding
2. Area of holding
3. Name of holder
4. Tenure
5. Type of holding
6. Land utilisation
7. Type of crops and area under crops
8. Livestock and poultry
9. Employment in Agriculture
10. Farm population
11. Irrigation and drainage
12. Fertilizers and soil dressings
13. Agricultural production
14. Association of agricultural holdings with other industries
15. Any other prescribed matters

IV INDUSTRY

1. Kind of activity
2. Size of establishment
3. Location
4. Kind of economic organisation
5. Kind of legal organisation
6. Type of operation
7. Employment, salaries and wages
8. Capacity of power equipment installed
9. Capacity of other machinery and equipment
10. Gross output, its composition and related items
11. Input and related items
12. Measures of value added

13. Change in stock
14. Gross fixed capital formation
15. Other prescribed matters

V DISTRIBUTION

1. Kind of activity
2. Kind of business
3. Type of operation
4. Kind of economic and legal organisation
5. Location
6. Size of establishment
7. Employment, wages and salaries
8. Expenditure and sale for fixed assets
9. Inventories
10. Wholesale and retail sales
11. Purchases
12. Other prescribed matters

VI GENERAL STATISTICS

1. Vital Statistics
2. Health
3. Morbidity
4. Migration
5. Aliens and status of inhabitants
6. Building and construction
7. Justice and penal institution
8. Education and welfare services
9. Local government
10. Wages
11. Hours of labour
12. Conditions of labour
13. Industrial disputes
14. Accidents
15. Incomes, earnings and taxation
16. Family budgets, expenditure and conditions of living
17. Land transfers and mortgages
18. Trade and commerce
19. Prices
20. National income
21. Rents
22. Transportation and communication
23. Shipping and ports
24. Banking, Finance and Insurance
25. Forestry
26. Fishing
27. Other prescribed matters.

This law has been generally edited as provided for by section 5 of the Revision and Publication of Laws Act 2008. The following general revisions have been made –

- (a) References to Western Samoa have been amended to Samoa in accordance with an amendment to the Constitution of Samoa in 1997.
- (b) The fines have been amended and are stated as penalty units as provided for by the Fines (Review and Amendment) Act 1998.
- (c) All references to the male gender have been made gender neutral.
- (d) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

There were no amendments made to this law since the publication of the Western Samoa Statutes Reprint 1978-1996.

Revised and consolidated by Noumea Loretta Afamasaga.
Under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo
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**The [Statistics Act 1971](#) is administered in the
Ministry of Communication, Information and Technology.**