

Census Act 1971

NIUE LAWS LEGISLATION AS AT DECEMBER 2006

CENSUS ACT 1971

1971/68 – 28 April 1971

- 1 Short title
- 2 Interpretation
- 3 Census of population
- 4 Census Officer
- 5 Enumerators and agents
- 6 Attestation
- 7 Schedules
- 8 Particulars to be collected at census of population
- 9 Census to be taken by means of schedules
- 10 Duty of head of household or occupier or person in charge of dwelling
- 11 Duty of inmates of dwelling
- 12 Objection to stating religion
- 13 Census employees may ask questions
- 14 Additional instructions
- 15 Neglect or refusal to supply particulars and false particulars
- 16 Mutilation or defacement of schedules
- 17 Divulging information
- 18 Hindering census employee
- 19 Preparation of statistics
- 20 [Spent]

To provide for the taking of the census of population

1 Short title

This is the Census Act 1971.

2 Interpretation

In this Act –

"**census employee**" means any person employed by the Census Officer under section 5;

"**Census Officer**" means the Census Officer appointed under section 4;

"**dwelling or household**" means any building, construction, or erection, whether permanent or temporary, which is wholly or partly used for human habitation; and includes a ship or aeroplane;

"**night of the census**" means that night between sunset on the day before and sunrise on the day appointed under this Act for the taking of the census; the precise time reference being midnight of that night;

"head of household" or **"occupier"** or "person in charge" includes, as the case may be, the person for the time being in charge of any dwelling, or habitation attached to or used in a factory, plantation, workshop, office, shop or other place of business, penal institution, hospital, or other public charitable institution; and also includes the master of any ship or vessel, the person in command of an aircraft, and the person in charge of any vehicle; and where the occupier or person in charge is a corporate body, includes the manager, secretary, clerk, or other executive officer of the corporate body or local authority, or any person actually in charge on behalf of the corporate body;

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

3 Census of population

(1) The census of population of Niue shall be taken in 1971 and in every fifth year thereafter.

(2) The day on which the census shall be taken and the time with reference to which the particulars shall relate shall be appointed by the Secretary to the Government by notice published in the Gazette.

4 Census Officer

(1) There shall be appointed, under Part 6 of the Niue Constitution, a Census Officer for the proper carrying out of the provisions of this Act.

(2) Any person so appointed may hold office in addition to or in conjunction with any office in the Niue Public Service.

(3) Any person so appointed shall be empowered to carry out any of the functions or duties of a census enumerator or census employee.

5 Enumerators and agents

(1) The Census Officer may employ such enumerators, sub-enumerators, agents, clerks, office assistants or other persons as may be necessary for the taking of a census, and the duties of those employees shall be such as the Census Officer determines.

(2) No person appointed under subsection (1) shall be deemed by reason of his appointment under this section only, to be employed in the service of the Government of Niue for the purpose of Part 6 of the Constitution.

6 Attestation

(1) Every person appointed for the purpose of taking the census, before entering on his duties, shall take and subscribe to the following oath:

"I, solemnly swear that I will faithfully and honestly fulfil my duties as in conformity with the requirements of the Census Act 1971, and that I will not, without due authority in that behalf, 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 the Census Officer and returned and recorded as such Officer determines.

7 Schedules

The Census Officer shall, with the approval of the Cabinet, design and have prepared for use such census and other schedules as he deems requisite for collecting the statistics authorised to be collected, and shall lay down for all such schedules the instructions and procedures necessary for the proper distribution, filling in, and return of it.

8 Particulars to be collected at census of population

(1) At every census of population particulars relating to all of the following matters shall be obtained by means of schedules from every occupant or as the case may be from each person who is in charge of a dwelling –

- (a) The name, sex, age, and ethnic origin of every occupant of the dwelling;
- (b) Particulars of the dwelling as to location, number of rooms, ownership, and number of occupants on census night.

(2) At any census of population the Cabinet may, if it considers it in the public interest so to do, require the Census Officer to obtain from each or every occupant or as the case may be from each head of household or person in charge of a dwelling particulars relating to all or any of the following matters –

- (a) The profession or occupation and industry in which employed, nationality and citizenship, health, marital status, religion, birthplace, duration of residence in Niue, number of children, number of hours worked per week for wages or salary or financial reward, status in employment, name of employer, income, usual residence of every occupant of the dwelling;
- (b) Particulars of the dwelling as to type of dwelling, household amenities, material of walls and tenure of site;
- (c) (i) Population and dwellings, migration (internal and external), vital and other demographic and social matters;
 - (ii) Health, welfare, and morbidity;
 - (iii) Cultural participation, education, and recreation;
 - (iv) Law enforcement and the administration of justice;
 - (v) Matters relating to the social and physical environment;
 - (vi) Labour and manpower, including conditions of employment; work descriptions; wages, including direct and indirect emoluments; hours of work and labour disputes;

- (vii) Accidents, including industrial injuries;
- (viii) Household (including family) characteristics, conditions, and activities;
- (ix) Assets (including savings), liabilities and wealth of persons, and undertakings;
- (x) Prices of commodities and services at any or all transaction levels;
- (xi) Travel, internal and overseas;
- (xii) Economic, financial, production, and other matters relating to undertakings; forestry, fishing, trapping; agriculture; mines, quarries, and wells; manufacturing; construction; transportation, storage, and communications; electric power, gas, and water utilities; wholesale and retail trade; finance, insurance, and real estate; restaurants; hotels and accommodation; and other community, business, welfare, and personal services.

9 Census to be taken by means of schedules

The census shall be taken by means of the schedules referred to in sections 7 and 8 and containing particulars which shall be furnished by each head of household or occupant or person who resided in the dwelling on the night of the census and who was alive at midnight or who, not already being included in any other census schedule, arrived in that dwelling after midnight of the night of the census and before midnight on the next following night.

10 Duty of head of household or occupier or person in charge of dwelling

The head of household or occupier or person in charge of every such dwelling shall ensure that the particulars required by the schedules are furnished with respect to –

- (a) Every person who resided in the dwelling on the night of the census and was alive at midnight; and
- (b) Every person who arrived at the dwelling after midnight on that night and before midnight on the next following night and was not included in any other census schedule.

11 Duty of inmates of dwelling

(1) Every person in respect of whom particulars are required under section 10 –

- (a) Shall where necessary furnish such information as the head of household or occupier or person in charge of the dwelling may require so that he may complete the dwelling schedule; and

(b) Shall either complete a personal schedule and deliver it to the head of household or occupier or person in charge, or shall furnish the required particulars to the head of household or occupier or person in charge so that the latter can complete the personal schedule for him.

(2) (a) The person completing a personal schedule may enclose it in an envelope endorsed with his name and sex, and seal the envelope before delivery to the head of household or occupier or person in charge pending collection by the census employee.

(b) If the head of household or occupier or person in charge opens any such envelope he commits an offence and is liable to a fine not exceeding 1 penalty unit.

12 Objection to stating religion

If any person objects to stating his religion, an entry of "object" made in the space provided for the answer to this question in the personal schedule shall be sufficient for the purposes of the census.

13 Census employees may ask questions

Every census employee appointed for the purpose of the census may ask such questions and conduct such inquiries as are necessary to obtain or to verify the particulars authorised by this Act to be collected.

14 Additional instructions

In any case in which the prescription of particulars hereinbefore specified is insufficient to indicate the nature of the information to be furnished, the Census Officer may direct by means of instructions in a census schedule or by separate notice, the precise nature of the particulars required.

15 Neglect or refusal to supply particulars and false particulars

Subject to section 12 every person commits an offence who neglects or refuses to furnish any census schedule as required by this Act or to answer any questions lawfully put to him for the purposes of the census, or who knowingly makes any statements or gives any answer untrue in any material particular required by this Act, and is liable to a fine not exceeding 1 penalty unit.

16 Mutilation or defacement of schedules

Every person commits an offence who, without lawful authority, mutilates or defaces a census schedule or other census document or record containing particulars collected under this Act or requesting any such particulars and is liable to a fine not exceeding 1 penalty unit.

17 Divulging information

Every person commits an offence, who, whether or not he is a census employee appointed to any duty in connection with the census, divulges or makes use of any information obtained pursuant to this Act except as required for the preparation of statistics from the data obtained at the census, and

is liable to a fine not exceeding 1 penalty unit.

18 Hindering census employee

Every person commits an offence who hinders or obstructs any census employee in pursuance of his duty and is liable to a fine not exceeding 0.5 penalty units.

19 Preparation of statistics

- (1) The information furnished under this Act shall be used for statistical purposes only.
- (2) Subject to this Act and with the approval of the Cabinet, the Census Officer may have statistics prepared from the data obtained at the census and may publish such statistics, with or without observations.
- (3) Every person employed for the purpose of preparing such statistics before entering on his duties, shall take and subscribe to the oath contained in section 6.
- (4) It shall be a principle to be followed in the publication of statistics to arrange, wherever possible, statistical tables in such a manner as to prevent any particulars published in the tables from being identifiable by any person (other than by the person by whom the particulars were supplied) as particulars relating to any particular person, unless that person has consented to their publication in that manner, and for that purpose the Census Officer shall make such rules as he considers necessary in the public interest.