

# 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 I - 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 - CENSUS 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 requirement 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.

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(Hon TUILAEPFA Fatialofa Lupesoliai Aiono Neioti Dr. Sailele Malielegaoi)  
**PRIME MINISTER AND MINISTER RESPONSIBLE**  
**FOR THE SAMOA BUREAU OF STATISTICS**