



**FONO AOA O FAITULAFONO.
LEGISLATIVE ASSEMBLY OF SAMOA.**

**REPORT OF THE GOVERNMENT
ADMINISTRATION COMMITTEE**

ON THE

STATISTICS BILL 2014

(Presented to the Legislative Assembly)

1. RECOMMENDATION:

The Government Administration Committee recommends that the Assembly take note of its Report.

2. RESOLUTION:

At conclusion of the Committees consideration, it resolved that the Statistics Bill 2014 be considered along with Amendments and Correction to Print.

3. PREAMBLE:

The Government Administration Committee is constituted pursuant to provision of Standing Orders 175:-

MEMBERS**APPOINTED**

| | | |
|---------------------------------------|--------------------|------------|
| Hon TUU'U Anasii Leota | Chairperson | 30/05/2011 |
| Hon AEAU Dr Peniamina Leavaiseata | Deputy Chairperson | 30/05/2011 |
| MUAGUTUTAGATA Faamausili Peter Ah Him | Member | 30/05/2011 |
| MOTUPUAA Uifagasa Dr Aisoli Vaai | Member | 30/05/2011 |
| TAPUAI Toese Ah Sam | Member | 30/05/2011 |
| FAGAAIVALU Kenrick Samu | Member | 03/10/2011 |
| FAIMALOTOA Kika Stowers | Member | 18/08/2014 |

4. Standing Orders 175:

In accordance with the provisions of Standing Orders 175, it shall be the duty of the Government Administration Committee to:-

- (a) To consider any bill, petition or other matter referred by the Assembly or pursuant to these Standing Orders; and such Estimates or review of ministerial performance as maybe referred by the Finance & Expenditure Committee;
- (b) To examine the policy, administration and expenditure of the ministries and associated government organisations related to central government advisory services, security intelligence, statistics and services to Parliament.

5. **BILL CONSIDERED:**

Statistics Bill 2014.

The Government Administration considered the Statistics Bill 2014, in accordance with Assembly instructions on the 18 March 2014.

6. **PROCEEDINGS.**

The public were invited to provide submissions to the above Bill, through Advertisements aired on the 2AP Radio Station and televised by the Samoa Quality Broadcasting Corporation on the 4th April 2014.

During Committee proceedings for consideration of the Bill, Assistance was provided by the Attorney General's Office for advice and information pertaining to the Bill. Witnesses were provided by the Bureau of Statistics as administrators of this Act.

7. **ASSISTANCE (S.O.156).**

7.1. **Office of the Attorney General**

| | | |
|-------------------------|---|----------------------------|
| Aumua T. Ming Leung Wai | - | Attorney General |
| Loretta Teueli | - | Assistant Attorney General |
| Constance Tafua Rivers | - | Assistant Attorney General |

7.2. **Samoa Bureau of Statistics**

| | | |
|----------------------------|---|-------------------------|
| Muagututia Sifuiva Reupena | - | Government Statistician |
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8. **SUMMARY OF FINDINGS.**

The objective of the Bill is to repeal the Principal Act passed by Parliament in 1971, which governs the role and functions of the Bureau of Statistics.

The drafting of this Bill was initiated under a project conducted by the Bureau. This project included consultation with its Stakeholders in order to determine and identify

specific areas that the Bureau believes the Principal Act that governs its duties and mandate need reform.

This Bill governs the collection, recording and analysis of statistical information, for the purpose of dissemination of official statistics. The Bureau stated that this Act takes into account best-practice in relation to the same and strengthens aspects of the current:

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

One of the main aspects that the Bureau and its Stakeholders based its findings on, is the need to reform the Act so that it takes into consideration modern changes, especially in emphasizing provisions for projects so that the Bureau of Statistics is able to develop the collection and recording of official statistics for the country.

The Committee noted that this Act appoints the Chief Executive Officer of the Bureau of Statistics as the Registrar General for Births, Deaths and Marriages.

9. CONSIDERATION IN DETAIL OF BILL.

Upon consideration in detail of the Bill, the Committee is satisfied with the provisions of the Bill except for Amendments and Re-numbering of Clauses as stated below:

AMENDMENTS:

9.1. Clause 10.

i. Sub-clause 10(1)(a).

Delete “Minister” and replace with “Head of State on the advice of Cabinet”, the new Sub-clause 10(1)(a) to read as:-

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

- (a) a Chairperson appointed by the Head of State on the advice of Cabinet for a term of three (3) years and is eligible for reappointment;**

ii. **Sub-Clause 10(2)**

Delete “Minister” and replace with “Head of State on the advice of Cabinet”, the new Sub-clause 10(1)(b) to read as:-

“(2) Members referred to in subsection (1)(c) are appointed by the Head of State acting on the advice of Cabinet for a term of two(2) years and are also eligible for reappointment.”

iii. **Sub-Clause 10(5)(b)**

Delete “Minister” and replace with “Head of State on the advice of Cabinet” and delete “the Minister’s” and replace with “Cabinets”, the new Sub-clause 10(5)(b) to read as:-

“(b) is removed from Office by the Head of State acting on the advice of Cabinet, for the misconduct or incapacity proved to Cabinet’s reasonable satisfaction.”

9.2. **Clause 12(6)**

Insert “with a terms of reference”, after “appoint” and before “any”, the new Clause 19 to be read as:-

“(6) The Board may appoint with a terms of reference, any committee to provide advice to the Board on matters relevant under this Act as follows:”

9.3. **Clause 14**

Delete clause 14

9.4. **Clause 25(3)**

Insert “for advice” after the word “Board”, the new Clause 25(3) to be read as:-

“(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 for advice.”

9.5. **Clause 29(b)**

Insert “to the best of his or her ability endeavor to” after “(b)” and before “supply”, the new Clause 29(b) to be read as:-

“29. Mode for Collection – to enable the collection of information y means of a census or survey, the Government Statistician must:

“(b) to the best of his or her ability endeavor to 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”

9.6. Clause 31(1)(a)

Insert “notify the Bureau of Statistics or” after “(a)” and before “**obtain**”, the new Clause 31(1)(a) to be read as:-

“(a) notify the Bureau of Statistics or obtain that schedule from the Government Statistician; and”

9.7. Clause 38

i. Sub-Clause 38(3)

Delete “**24(3)**” and substitute “**23 or 24**”, the new Sub-Clause 38(3) to be read as:-

“(3) A person who has made an oath or affirmation under sections 23 or 24 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.”

ii. Sub-Clause 38(8)

Insert “personal or” after “of” and before “financial”, the new Sub-Clause 38(8) to be read as:-

“(8) If the Court is satisfied that an offence described in this section was committed for the purpose of personal or 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.”

10. CORRECTION

Delete “**2014**” from the Title of the Act and substitute “**2015**”, the Title of the Act to be read as:-

“STATISTICS ACT 2015”

11. RESOLUTION

At the conclusion of its consideration the Committee resolved to recommend to the Assembly:

That the Statistics Bill 2014 progresses with amendments and correction to print.

12. **COMMITTEE ENDORSEMENT**

Hon TUUU Anasii Leota
CHAIRPERSON

Hon AEAU P Leavaiseeta
DEPUTY CHAIRPERSON

MUAGUTUTAGATA F. P. Ah Him
MEMBER

MOTUPUAA Uifagasa Dr A Vaai
MEMBER

FAGAAIVALU Kenrick Samu
MEMBER

TAPUAI Toese Ah Sam
MEMBER

FAIMALOTOA Kika Stowers
MEMBER