



**Tuvalu**

# **STATISTICS ACT**

**2008 Revised Edition**

**CAP. 22.20**





Tuvalu

## STATISTICS ACT

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Tuvalu

## STATISTICS ACT

### AN ACT TO PROVIDE FOR THE COLLECTION, COMPILATION, ANALYSIS AND PUBLICATION OF STATISTICAL INFORMATION AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERE TO<sup>1</sup>

Commencement [1st February 1974<sup>2</sup>]

#### 1 Short title

This Act may be cited as the Statistics Act.

#### 2 Interpretation

In this Act unless the context otherwise requires —

“**authorised officer**” means any person appointed as such under section 3;

“**the Government Statistician**” means the Government Statistician appointed under section 3(1).

#### 3 Appointment of Government Statistician

- (1) The Minister may by notice appoint a Government Statistician who shall have and may exercise such powers and functions as are conferred on him by this Act.
- (2) The Government Statistician may, in writing, appoint any person to be an authorised officer for the purposes of this Act.
- (3) Any power conferred by this Act on an authorised officer may be exercised by the Government Statistician.

- (4) The Minister may give to the Government Statistician or an authorised officer such directions as he thinks fit with respect to the exercise or performance of his powers, functions or duties under this Act, either generally or in a particular case.
- (5) The Government Statistician or an authorised officer shall in the exercise of his powers, functions or duties under this Act, comply with any directions given by the Minister under subsection (4).

#### **4 Duties and powers of Government Statistician**

- (1) It shall be the duty of the Government Statistician —
  - (a) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, agricultural, social, economic and general activities and condition of the people of Tuvalu;
  - (b) to co-ordinate with departments of the Government the collection, compilation, analysis and publication of statistical records of administration; and
  - (c) generally to organise a co-ordinated scheme of social and economic statistics relating to Tuvalu,in accordance with the provisions of this Act.
- (2) It shall be the duty of the Government Statistician to make such arrangements and to do all such things as are necessary for the performance of his duties under this Act.

#### **5 Collection of statistical information**

- (1) The Government Statistician shall collect in Tuvalu or any part thereof statistical information relating to all or any of the matters set out in Schedule 1.
- (2) The Minister may from time to time, by order, amend Schedule 1.

#### **6 Compilation and tabulation of statistical information**

The Government Statistician shall cause the statistical information collected under this Act to be compiled, tabulated and analysed and, subject to the provisions of this Act, may cause such statistical information or abstracts thereof to be published with or without observations thereon, in such manner as he may determine.

#### **7 Restriction on publication**

Except for the purposes of a prosecution under this Act —

- (a) no individual return, or part thereof, made for the purposes of this Act;

- (b) no answer given to any question put for the purposes of this Act; and
- (c) no report, abstract or other document, containing particulars comprised in any such return or answer so arranged as to enable identification of such particulars with any person, undertaking or business,

shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Act unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of an undertaking or business, from the person having the control, management or superintendence of the undertaking or business:

Provided that nothing in this section shall prevent or restrict the publication of any such report, abstract or other document which would make identification of any undertaking possible merely by reason of the fact that the particulars relate to an undertaking which is the only undertaking within its particular sphere of activities, if such report, abstract or other document is so arranged as to disclose, in respect of such undertaking, only the following information —

- (a) either the quantity or the value of any description of goods manufactured, produced or exported or sold, and
- (b) the number of and any description of employees employed, and
- (c) any other information which has been furnished or supplied under this Act, to the publication of which no objection has been made in writing by the person furnishing or supplying such information at the time of furnishing or supplying such information.

## **8 Power to obtain particulars**

- (1) Where any statistical information is being collected in accordance with the provisions of this Act, an authorised officer may require any person from whom particulars may lawfully be required under this Act to supply him with such particulars as may be prescribed or which the Government Statistician may consider necessary or desirable in relation to the collection of such statistical information; and on being so required such person shall, to the best of his knowledge and belief, complete such forms, make such returns, answer such questions and give all such information, in such manner and within such reasonable time, as may be required by the authorised officer.
- (2) An authorised officer may require any person to supply him with particulars either by interviewing such person personally or by leaving at the last known address, or posting to the last known address, of such person a form having thereon a notice requiring the form to be completed and returned in the manner and within such reasonable time as may be specified in the notice.
- (3) Where any particulars are, by any document purporting to be issued by an authorised officer, required to be supplied by any person, it shall be presumed until the contrary is proved —

- (a) that the particulars may lawfully be required from that person in accordance with the provisions of this Act, and
- (b) that the document has been issued by an authorised officer.

## **9 Access to public and other records**

Where in the collection of statistical information relating to any matter set out in Schedule 1 the Government Statistician is of opinion that there can be obtained from any Government records or documents or from any records or documents belonging to any local authority information sought in respect of such matter, any person who has the custody of any such record or document shall grant access thereto to the Government Statistician or any authorised officer.

## **10 Disclosure of information not obligatory in certain cases**

- (1) Nothing in this Act contained shall affect or be deemed to affect any written or other law relating to the disclosure or non-disclosure of any official, secret, or confidential information, evidence or document, and any person required by the Government Statistician, or by any authorised officer, to supply any information, to give any evidence, or to produce any document, shall be entitled in respect of such information, evidence or document to plead the same privilege before the Government Statistician or such authorised officer as before a court of law.
- (2) A person shall not be required to supply any information under this Act which involves the disclosure of any technical process or trade secret in or relating to the undertaking of which he is the owner or in the conduct or supervision of which he is engaged.

## **11 Power of entry**

An authorised officer may, at all reasonable times and upon production, if required, of his authorisation, for any purpose connected with the collection of statistical information, enter and inspect any land, building, vehicle or vessel where persons are employed, other than a dwelling-house, and may make such enquiries as may be necessary for the collection of such information.

## **12 Oath of secrecy**

Every person employed in the execution of any duty under this Act shall, before entering on his duties, make and subscribe before a magistrate, or other person authorised by law to administer oaths, an oath or affirmation in the form set out in Schedule 2.

**13 Offences**

- (1) Any person, being employed in the execution of any duty under this Act, who —
  - (a) by virtue of such employment or duty becomes possessed of any information which might influence or affect the market value of any share, interest or other security, product or article, and who, before such information is made public, directly or indirectly uses it for personal gain; or
  - (b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of his employment any information acquired by him in the course of such employment; or
  - (c) knowingly compiles for issue any false statistics or information,shall be guilty of an offence and shall be liable to imprisonment for 2 years and to a fine of \$800.
- (2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any person shall be guilty of an offence and shall be liable to imprisonment for 2 years and to a fine of \$800.
- (3) Any person who —
  - (a) hinders or obstructs an authorised officer in the lawful performance of any duties or in the lawful exercise of any powers imposed or conferred upon him under this Act; or
  - (b) refuses or neglects —
    - (i) to complete and supply, within such time as may be specified in that behalf, the particulars required in any return, form or other document left with or sent to him; or
    - (ii) to answer any question or inquiries put to or made of him, under this Act; or
  - (c) knowingly or recklessly makes in any return, form or other document completed by him under this Act, or in any answer to any question or inquiry put to or made of him under this Act, any statement which is untrue in any material particular; or
  - (d) without lawful authority or excuse, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act; or
  - (e) refuses without reasonable cause to grant access to records and documents in accordance with the provisions of section 9,shall be guilty of an offence and shall be liable to imprisonment for 1 year and to a fine of \$400.

**14 Regulations**

The Minister may make regulations generally for the better carrying into effect of the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, for —

- (a) prescribing the particulars and information to be furnished in relation to any matter in respect of which statistical information may be collected under the provisions of this Act;
- (b) prescribing the manner and form in which, the times and places at which and the persons by whom such particulars and information shall be furnished.

**SCHEDULE 1****(Section 5)**

1. Population
2. Vital occurrences and morbidity
3. Immigration and emigration
4. Primary and secondary production generally
5. Agriculture
6. Forestry and logging
7. Fishing
8. Land tenure, the occupation and use of land and the production thereof
9. Transfers of land, leases of land, charges, encumbrances and other interests in land
10. Mining and quarrying, including the prospecting of metallic, non-metallic, petroleum and natural gas products
11. Manufacturing, including handicrafts and rural industries
12. Fuel and power
13. Water undertakings and sanitary services
14. Building, construction and allied industries
15. Commercial and professional undertakings and business services
16. Wholesale and retail trade and hotels
17. Transport and communication in all forms by land, water or air
18. Storage and warehousing
19. Banking and finance generally
20. Fire, marine, accident and life insurance
21. Community, recreation and personal services
22. Local government
23. Education
24. Health
25. Social conditions, including housing
26. Sweepstakes, lotteries, charitable and other public collections of money
27. Employment and unemployment

28. Salaries, wages, bonuses, fees, allowances and any other payments and honoraria for services rendered
29. Industrial disturbances and disputes
30. Injuries, accidents and compensation
31. Associations of employers, employees and other persons generally
32. Wholesale and retail prices of commodities and cost of living
33. Internal and external trade
34. Personal expenditure and consumption
35. Income, earnings, profits, rents and interest
36. Savings
37. Capital investment
38. External finance and balance of payments
39. Stocks of manufactured and un-manufactured goods
40. Information required for the computation of the national income and expenditure of Tuvalu

**SCHEDULE 2**

(Section 12)

**OATH OF OFFICE AND SECRECY**

I .....do swear (or solemnly affirm) that  
I will faithfully and honestly fulfil my duties as .....  
.....in conformity with the requirements of the  
Statistics Act, and that I shall not, without due authority, reveal any information acquired  
by virtue of my said duties, nor, until such information is made public, directly or  
indirectly use it for personal gain.

## ENDNOTES

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<sup>1</sup> 1990 Revised Edition, Cap. 15 – Act 12 of 1973

<sup>2</sup> LN 2/74