



## ANALYSIS

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1966, No. 21

An Act to provide for matters relating to the statistics of the Cook Islands and the taking of the census of population

(14 February 1967)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title, Commencement and Division into parts - (1) This Act may be cited as the Statistics Act 1966.

(2) This Act shall come into force on the first day of January 1967.

(3) This Act is divided into parts as follows:

- PART I - General statistics
- PART II - Census of population
- PART III - Offences and penalties
- PART IV - Miscellaneous.

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

"Census Officer" means the Census Officer appointed under this Act; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Census Officer:

"Constitution" means the Constitution of the Cook Islands as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 1965:

"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 at any Island of the Cook Islands or on a passage between any of those Islands;
- (b) A bach, hut, caravan, tent or shelter;
- (c) An aeroplane or vehicle of any kind, - and where a building is let, sublet, or held in different apartments, and occupied by different persons or families, each part so let, sublet or held and used for the purpose of habitation shall be deemed to be a dwelling:

"High Commissioner" means the High Commissioner of the Cook Islands as appointed under Article 3 of the Constitution:

"Local authority" means an Island Council, District Council, or Village Committee as established in the Local Government Act 1966:

"Minister" means, in the case of matters relating to statistics other than the census of population, the Minister in charge of Statistics duly appointed under Article 13 of the Constitution; and in the case of the Census of population, the Minister of Justice duly appointed under Article 13 of the Constitution:

"Night of the Census" means the night between sunset on the day appointed under this Act for the census and sunrise on the following day:

"Occupier" or "person in charge" includes, as the case may be, the person for the time being in charge of any dwelling, 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 or a local authority, 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 or local authority:

"Public Service" means the Cook Islands Public Service as defined in Article 72 of the Constitution:

"Sampling" means a statistical procedure by which information relating to a whole field of inquiry is derived by applying statistical techniques to information obtained from a portion only of the total number of persons concerned:

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

"Statistics Officer" means the Statistics Officer appointed under this Act; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Statistics Officer.

#### PART I - GENERAL STATISTICS

3. Statistics Officer - (1) There shall, from time to time be appointed under the Public Service Act 1965 -

- (a) A Statistics Officer, who shall have such powers as are conferred or imposed on him by this Act or by any other Act; and
- (b) A Deputy Statistics Officer, to act in the case of absence from duty of the Statistics Officer (from whatever cause arising) or on the occurrence from any cause of a vacancy in the position of Statistics Officer (whether by reason of death, resignation, or otherwise) so long as such absence or vacancy continues.

(2) The Deputy Statistics Officer, while so acting, shall exercise the duties and shall have the powers of the Statistics Officer, and the fact that he so acts shall be sufficient evidence of his authority to do so.

4. Duties of Statistics Officer - The duties of the Statistics Officer shall be -

- (a) To advise the Minister on matters pertaining to statistical policy and to confer with the several Government Departments to this end;
- (b) To collect, compile, analyse, abstract, and publish statistical and related information relative to the commercial, industrial, agricultural, financial, social, economic, and general activities, condition, and health of the people of Cook Islands;
- (c) To maintain co-operation in the collection, classification, compilation, analysis and publication of statistics as between the several Government Departments; and
- (d) To supervise generally the administration of Part I of this Act and to control any staff appointed for this purpose under Section 5 of this Act.

5. Enumerators, agents, etc. - (1) The Statistics Officer may employ from time to time such enumerators, agents or other persons as may be necessary to collect such statistics and information as are authorized by this Act; and the duties of those enumerators, agents and other persons shall be such as the Statistics Officer shall determine.

(2) No person shall be deemed by reason only of his employment under this section to be employed in the service of Her Majesty for the purposes of the Public Service Act 1965.

6. Attestation - (1) Every person appointed for the purposes of this Act, before entering on his duties, shall take and subscribe the following oath:

"I, \_\_\_\_\_, solemnly swear that I will faithfully and honestly fulfil my duties as \_\_\_\_\_ in conformity with the requirements of the Statistics Act 1966 and of all the regulations thereunder, 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 such person, and returned and recorded in such manner as the Statistics Officer determines.

7. Evidence of Appointment - Any document purporting to be signed by or on behalf of the Statistics Officer and giving notice that any person named therein is acting under the authority of the Statistics Officer or setting forth any instructions to the person named therein shall, until the contrary is proved, be sufficient evidence of that authority or those instructions, as the case may be, and that the document was signed and addressed as it purports to be.

8. Schedules - The Statistics Officer shall, with the approval of the Minister, design and use such schedules as he deems requisite for collecting the statistics authorised by this Act to be collected, and shall lay down for all such schedules the instructions and procedures necessary for the proper distribution, filling in, and return thereof.

9. Classes of statistics - Subject to the provisions of this Act, and with the approval of the Minister, the Statistics Officer may from time to time collect, compile, analyse, abstract, and publish statistics, with or without observations thereon, relating to all or any of the following matters:

- (a) Population, vital statistics, health and morbidity:
- (b) Immigration and emigration:
- (c) Housing, building and construction:
- (d) Justice and penal institutions:
- (e) Social and educational matters:
- (f) Local government:
- (g) Wages, hours of labour, employment, unemployment, and conditions of labour:
- (h) Incomes, earnings, and taxation:
- (i) Family budgets and consumer surveys:
- (j) Land tenure, occupation, condition of land, and rents:
- (k) Primary and secondary industry, production and distribution of goods, and stocks of manufactured and unmanufactured goods:
- (l) External and internal trade (both wholesale and retail), and prices:
- (m) National income, balance of payments, and sector accounts:
- (n) Transport and communication:
- (o) Banking, finance, and insurance:
- (p) Such other matters as are prescribed by regulations under this Act.

10. Furnishing of information required in schedules - Every person from whom particulars may lawfully be required pursuant to this Act for the purposes of any statistical inquiry shall, to the best of his knowledge, when required to do so by the Statistics Officer, or by any person authorised in writing by or on behalf of the Statistics Officer, fill in and supply, in accordance with the instructions contained in or accompanying or having reference to any schedule, the

particulars specified in that schedule, and, where the form of the schedule contains any certificate or declaration by the person filling in the schedule, shall complete and sign that certificate or declaration in accordance with those instructions.

11. Questions to be answered - Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistics Officer, or by any person authorized by the Statistics Officer in writing by or on behalf of the Statistics Officer, necessary to obtain any information for the purposes of any statistics authorized by this Act to be collected.

12. Right of Entry - For the purpose of making any inquiry or observations necessary for obtaining the statistics authorized by this Act to be collected, the Statistics Officer, or any person authorized in writing by or on behalf of the Statistics Officer, may at any reasonable time enter any factory, plantation, workshop, office, shop, or place of business, whether carried on solely by the occupier or otherwise, and may inspect any part of the premises and any goods which are being stored or offered for sale therein.

13. Delivery of schedules - Delivery of a schedule for the purposes of this Act shall be effected personally by an employee of the Public Service or such other person as is employed under Section 5 of this Act.

14. Onus to complete schedules - (1) Delivery to any person of any schedule purporting to be issued under this Act, and having thereon a notice requiring that it be filled in and signed within a stated time shall, as against that person, be a sufficient requirement so to fill in and sign the schedule within that stated time.

(2) Delivery at any dwelling or part of a dwelling of any schedule purporting to be issued under this Act, and having thereon a notice requiring that it be filled in and signed within a stated time by the occupier of that dwelling, or in his absence by some other member of his family, shall, as against the occupier, be sufficient requirement so to fill in and sign the schedule within that stated time, whether or not the occupier is specifically named in the schedule or personally served therewith.

(3) Delivery at the factory, plantation, workshop, office, shop or place of business of any person, or his agent, or the occupier thereof, of any schedule purporting to be issued under this Act and having thereon a notice requiring that it be filled in and signed within a stated time, shall, as against that person or occupier, be a sufficient requirement to fill in and sign the schedule within that stated time, whether or not that person or occupier is specifically named in the schedule or personally served therewith.

15. Completion of schedules by Cook Islands agents of overseas traders carrying on business in the Cook Islands - The provisions of this Act relating to the filling in, signing and furnishing of schedules, and the answering of questions shall, in the case of a person residing outside the Cook Islands or a corporation incorporated outside the Cook Islands and in either case carrying on business in the Cook Islands, be complied with by the manager, attorney, or other agent of that person or corporation in the Cook Islands.

16. Sampling - (1) Notwithstanding anything in this Act, the Statistics Officer may collect statistics by means of the statistical method known as sampling in place of a full collection, where he considers that the use of that method is in the interests of greater accuracy, speed or economy.

(2) The fact that, because of any sampling procedure, only a portion of a particular group of persons is required to fill in a schedule or to answer any inquiry shall be no defence for the failure of any person to fill in that schedule or to answer that inquiry if lawfully required to do so.

17. Secrecy - (1) The information furnished under the provisions of this Act shall be used for statistical purposes only.

(2) No employee of the Public Service engaged in the administration of taxation or price control shall be employed for the purposes of this Act.

(3) Notwithstanding anything in any other Act, no person, other than a person sworn in the form as is provided under section 6 of this Act, shall be permitted to see any completed or partly completed individual schedule or any answer to any question put, except for the purposes of a prosecution or a proposed prosecution for an offence against this Act.

(4) Except with the previous consent in writing of the person by whom, or of the owner for the time being of the undertaking in relation to which, the return or answer was made or given, no part of a completed individual schedule, and no individual answer to any question put for the purposes of this Act, shall be separately published or communicated to any person other than a person sworn as aforesaid:

Provided that individual particulars as to location, acreages of land, numbers of persons engaged, and full details of external trade, movements of ships and aeroplanes, and cargo handled at ports maybe published.

(5) Notwithstanding anything in subsection (4) of this section, it shall be lawful for the statistician, with the approval of the Minister, to publish from time to time such particulars respecting individual fire, accident, and life insurance offices as he considers desirable in the public interest.

(6) 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 or undertaking, unless that person or the owner of that undertaking has consented to their publication in that manner, and for that purpose the Statistics Officer shall make such rules as he considers necessary in the public interest.

(7) After the information obtained pursuant to this Act has been compiled into statistical form all schedules and copies thereof, if any, shall be destroyed by the Statistics Officer or any person authorised by him.

## PART II - CENSUS OF POPULATION

18. Provisions to apply to census of population - (1) The provisions of sections 19 to 25 of this Act shall apply with respect to the quinquennial census of population and to any statistical inquiry taken directly with and as a part of that census.

(2) With respect to any matter not provided for in those sections the provisions of this Act relating to statistics generally, as far as they are applicable, shall apply with respect to that census and any such inquiry, provided that all references to the Statistics Officer shall be read as references to the Census Officer appointed under section 20 of this Act.

19. Census of Population - (1) The census of population of the Cook Islands shall be taken in the year 1971 and in every fifth year thereafter.

(2) The day for the taking of any census under this Act shall be appointed by the High Commissioner by notice published in the Cook Islands Gazette.

20. Census Officer and Census Supervisors - (1) There shall, from time to time be appointed:

- (a) A Census Officer, who shall be the Registrar of Births, Deaths and Marriages at Rarotonga, and shall have such powers as are conferred or imposed on him by this Act or any other Act;

- (b) A Deputy Census Officer, who shall be the Deputy Registrar of Births, Deaths and Marriages at Rarotonga, to act in the case of absence from duty of the Census Officer (from whatever cause arising) or on the occurrence from any cause of a vacancy in the position of Census Officer (whether by reason of death, resignation, or otherwise) so long as such absence or vacancy continues; and
- (c) Census Supervisors who shall be the Deputy Census Officer and such other employees of the Public Service as the Census Officer may appoint.
- (2) Every Deputy Census Officer, while so acting, shall exercise the duties and shall have the powers of the Census Officer, and the fact that he so acts shall be sufficient evidence of his authority to do so.

21. Duties of the Census Officer - The duties of the Census Officer shall be -

- (a) To advise the Minister on matters pertaining to census policy and to confer with the Statistics Officer to this end;
- (b) To take the Census of Population of the Cook Islands as provided in this Act; and
- (c) To supervise generally the administration of Part II of this Act and to control any staff appointed for this purpose under section 5 of this Act.

22. Particulars to be obtained at Census - (1) At every census of population the particulars to be obtained by means of schedules shall relate to all of the following matters:-

- (a) In respect of every person alive at midnight on the night of the census, - the name, residence, sex, age, marital status, place of birth, duration of residence, racial origin, religion, and personal occupation; and
- (b) In respect of every dwelling, - the name of the occupier or person in charge, location, number of occupants, number of rooms, and tenure.

(2) At any census of population the Census Officer may, if he considers it in the public interest to do so, and with the approval of the Minister, obtain by means of schedules particulars relating to all or any of the following matters:-

- (a) In respect of every person alive at midnight on the night of the census, - the status in employment, name of employer and type of industry in which employed, income, land holding and cultivation, education, and birth-place of parents;
- (b) In respect of every dwelling, - the materials of construction, household amenities, tenure of site, and number of livestock kept; and
- (c) Any classes of statistics prescribed in or pursuant to section 9 of this Act.

23. Duty of occupier of dwelling - (1) The occupier or person in charge of every dwelling shall ensure that the particulars required in the schedules relating to any census of population are furnished with respect to -

- (a) Every person who resided in the dwelling of which he is the occupier or person in charge on the night of the census and who was alive at midnight, or who, not being already included in any other Census Schedule, arrived at the dwelling after midnight on that night and before midnight on the next following night;
- (b) The dwelling of which he is the occupier or person in charge.

(2) Where a dwelling is occupied by two or more persons jointly the duty imposed on the occupier or person in charge as to the furnishing of the particulars for the census of population shall be upon the occupiers or persons in charge severally, save that the performance of the duty of the occupier or person in charge by one of the joint occupiers or persons in charge shall discharge the obligation of the other or others.

24. Duty of inmates of dwelling - Every person in respect of whom particulars are required pursuant to section 23 of this Act -

- (a) Shall furnish to the occupier or person in charge of the dwelling the particulars necessary to complete any schedule or schedules; or
- (b) Shall complete any schedule or schedules personal to himself or his family and deliver it or them to the occupier or person in charge of the dwelling:

Provided that any person completing a personal schedule may, if he so wishes, enclose it in an envelope endorsed with his name and sex, schedule number, village and island, and seal the envelope before delivery to the occupier or person in charge; and it shall be an offence under this Act for any occupier or person in charge or census enumerator to open any such envelope.

25. Particulars of persons not residing in any dwelling - (1) The Census Officer shall obtain the required particulars in respect of persons not residing in any dwelling on the night of the census in such manner as he determines.

(2) Every person shall, on being required to do so, furnish to the best of his knowledge and belief the required particulars relating to persons who were not residing in any dwelling on the night of the census.

### PART III - OFFENCES AND PENALTIES

26. Failure by enumerator to carry out duties - Every person commits an offence who accepts the office of enumerator under section 5 of this Act and afterwards, without sufficient excuse from serious illness or other unavoidable cause, neglects or refuses to perform any duty required by this Act to be done or performed by him or any duty assigned to him by the Statistics Officer.

27. Desertion, false declaration, unlawful information, and improperly divulging information - Every person employed in the execution of any duty or the exercise of any power or function under this Act commits an offence who -

- (a) After having taken the prescribed oath, deserts from his duty, or wilfully makes any false declaration, statement, or return touching any such matter; or
- (b) In the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not duly authorized to obtain; or
- (c) Fails to keep inviolate the secrecy of the information gathered or entered on the schedules and who, except as allowed by this Act, divulges the content of any schedule filled in or any information furnished under this Act.

28. Obstruction - Every person commits an offence who hinders or obstructs any person employed in the execution of any duty or the exercise of any power or function under this Act.

29. Personation - Every person commits an offence who, not being a person employed for the purposes of this Act, by words, conduct, or demeanour, pretends that he is such a person, or assumes the name, designation, or description of such a person.

30. Neglect or refusal to supply particulars - Every person commits an offence who neglects or refuses to fill in and supply the particulars required in any schedule as provided by this Act, or to answer any question lawfully put to him by any person employed for the purposes of this Act, and is liable on conviction to a fine not exceeding twenty-five pounds; and, if the default continues after conviction, to a further fine not exceeding one pound for each day during which the default has continued:

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 to supply that information if he inserts or causes to be inserted in the space on the schedule provided for the information the word "Object".

31. False Statements - Every person commits an offence who knowingly makes in any schedule filled in or supplied pursuant to this Act, or in answer to any question asked him under the authority of this Act, any false or misleading statement or any material omission.

32. Mutilation or defacement of schedules - Every person commits an offence who, without lawful authority, destroys, defaces, removes or mutilates any schedule, form or other document containing particulars collected under this Act or requesting any such particulars:

Provided that any destruction of such schedules, forms or other documents by any person authorised under subsection (5) of section 17 of this Act shall be deemed not to be an offence under this section.

33. Other Offences - Every person commits an offence 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) Wilfully deceives or attempts to deceive any person lawfully exercising any power, duty or function under this Act.

34. General Penalty - Every person who commits an offence against this Act for which no other penalty is prescribed is liable on conviction to a fine not exceeding fifty pounds.

#### PART IV - MISCELLANEOUS

35. Annual Report - (1) The Statistics Officer shall, no later than the thirtieth day of June each year, furnish to the Minister a report on the administration of this Act, other than those provisions relating to the census of population, for the year ending thirty-first of March immediately preceding.

(2) A copy of the report shall be laid before the Legislative Assembly within twenty-eight days after it has been received by the Minister if the Legislative Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the date of commencement of the next ensuing session.

36. Regulations - (1) The High Commissioner may from time to time, by Order in Executive Council, make all such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before the Legislative Assembly within twentyeight days after the date of the making thereof if the Legislative Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twentyeight days after the date of commencement of the next ensuing session.

37. Repeal and Savings - (1) The Census Act 1966 is hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by this Act shall not affect any document made or thing whatsoever 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 would have been made or done under this Act, shall continue and 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.