



ANALYSIS

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1966, No. 1

An Act to provide for the taking of the census of population (31 August 1966)

1. Short Title and Commencement - (1) This Act may be cited as the Census Act 1966.

(2) This Act shall be deemed to have come into force on the first day of January, nineteen hundred and sixty-six.

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

"Constitution" means the Constitution of the Cook Islands as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 1965 together with any amendments to such Constitution;

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"Dwelling" means any building or erection, whether permanent or temporary, which is wholly or partly used for human habitation; and includes a vessel at any island of the Cook Islands or on a passage between any of those Islands:

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

"Night of the Census" means the night between sunset on the day appointed under these regulations for the census and sunrise on the following day.

3. Census of Population - (1) The census of population of the Cook Islands shall be taken in the year 1966 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.

4. Census Officer and Supervisors - For the purpose of the administration of the provisions of this Act there shall be appointed the following officers whose respective powers and duties shall be as prescribed by this Act:-

- (a) the Registrar of Births, Deaths and Marriages at Rarotonga shall be appointed the Census Officer, who shall be the officer in charge of the census:
- (b) the Senior Government Representatives in the islands of the Cook Group other than Rarotonga shall be appointed Census Supervisors for the island or islands they represent.

5. Enumerators, agents, etc. - (1) The Census Officer and Census Supervisors may employ from time to time such enumerators, agents or other persons as may be necessary for the taking of a census; and the duties of those enumerators, agents and other persons shall be such as the Census Officer or Census Supervisor appointing them 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 purpose of taking the census, 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 Census Act 1966, 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 Census Officer determines.

7. Census taken by means of schedules - The census shall be taken by means of the schedules referred to in section 10 of this Act and containing particulars which shall be furnished by the occupier or person who resided in the dwelling on the night of the census and who was alive at midnight or who, not being already 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. -

8. Duty of occupier of dwelling - The 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, or 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; and
- (b) The dwelling of which he is the occupier or person in charge.

9. Duty of inmates of dwelling - Every person in respect of whom particulars are required pursuant to section 8 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 if the occupier or person in charge, or the census enumerator, opens any such envelope he commits an offence and is liable to a fine not exceeding £50.

10. Particulars to be obtained at Census - The particulars, which shall be obtained by means of schedules at every census of population, shall relate to the following matters:-

- (a) Personal Schedule: in respect of every person alive at midnight on the night of the census - name; village and usual residences; sex; marital status; age; number of natural children of females, living or dead, and age when first child was born; place of birth; duration of residence in the Cook Islands; racial origin; religion; status in employment; name of employer and type of industry in which employed; personal occupation; unemployment; nature and extent of income; land holding; and cultivation; education and qualifications:

- (b) Dwelling Schedule: in respect of every dwelling - name of occupier or person in charge; village; number of occupants; number of rooms; material of walls, roof and floor; household amenities; tenure; and tenure of land on which dwelling is built; number of livestock owned by occupier.

11. Objection to stating religion - If any person objects to stating his religion, an entry or statement of objection shall be sufficient for the purpose of the census.

12. Officers may conduct enquiries - Every officer appointed for the purpose of the census may ask such questions and conduct such enquiries as are necessary to obtain or to verify the particulars specified in section 10 of this Act.

13. Census officer may direct 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.

14. Neglect or refusal to supply particulars and false particulars - Subject to Section 11 of this Act 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 £50.

15. 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 £50.

16. Divulging information - Every person commits an offence, who, whether or not he is an officer 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 £50.

17. Hindering officer in pursuance of his duty - Every person commits an offence who hinders or obstructs any officer in pursuance of his duty under this Act and is liable to a fine not exceeding £10.

18. 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 Minister of Justice, the Census Officer may have statistics prepared from the data obtained at the census and may publish such statistics, with or without observations thereon.

(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 of this Act.

(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.

(5) That when the information obtained pursuant to the provisions of this Act has been compiled into statistical form, all Census schedules, originals or copies, if any exist, are to be destroyed.

19. 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.

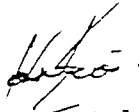
(2) All regulations made under this section shall be laid before the Legislative Assembly within twentyeight days after the date of the making thereof if the Legislative Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twentyeight days after the date of commencement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

20. Revocation and Savings - (1) The Cook Islands Census Regulations 1961 are hereby revoked.

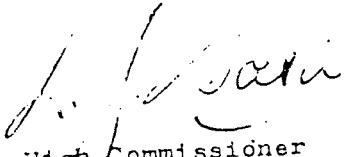
(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by this Act shall not affect any document made or thing whatsoever done under the provisions so revoked or under any corresponding former provision and every such document or thing, so far as it is subsisting or in force at the time of the revocation 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.

(3) Every reference to the Cook Islands Census Regulations 1966 in schedules and documents prepared for the 1966 Census shall be read as a reference to this Act.

Examined and certified:


Clerk of the Legislative Assembly

In the name and on behalf of Her Majesty Queen Elizabeth
the Second I hereby assent to this Act this *3rd* day
of *August* 1966.


High Commissioner