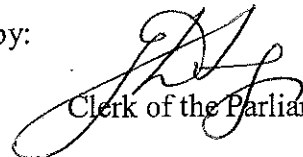



Examined and certified by:

  
Clerk of the Parliament

In the name and on behalf of Her Majesty Queen Elizabeth the Second I hereby assent to  
this Act this 26<sup>th</sup> day of September, 2016



  
Queen's Representative

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**An Act to consolidate and replace the Statistics Act 1966****The Parliament of the Cook Islands enacts as follows—****1 Title**

This Act is the Statistics Act 2015-16.

**2 Commencement**

This Act comes into force on the day after the day on which it receives the assent of the Queen's Representative.

**Part 1****Preliminary matters****3 Purpose**

The purpose of this Act is to ensure that official statistics produced by the Statistics Office are prepared to a standard that accords with sound practice and maintains public trust, and that the official statistics provide value in decision-making for the people of the Cook Islands.

**4 Interpretation**

In this Act, unless the context otherwise requires,—

**department** means any department, branch, bureau, agency, or other division of the Government, and includes a statutory body

**former Act** means the Statistics Act 1966

**Government Statistician** means the person who for the time being holds that office under **section 7**

**micro-data** means statistical data files of individual respondent records with information identifying individual respondents removed that will be used for statistical purposes

**Minister** means the Minister for the time being responsible for the administration of this Act who is duly appointed under Article 13 of the Constitution

**officer** means any permanent or temporary officer or employee in the Statistics Office, and includes the Government Statistician and any person appointed on a contract for services to perform any of the duties of an officer of the Statistics Office

**official statistics** means statistics produced by a department to—

- (a) inform the Government and people of the Cook Islands about their economic, social, cultural, and environmental conditions; or
- (b) measure economic and social progress of the people of the Cook Islands

**respondent** means an individual, a body corporate, an unincorporated body, a business, an undertaking, or an organisation in respect of whom or in respect of whose activities any report or information is sought or provided under this Act

**statistical purposes**—

- (a) means the production of official statistics; and
- (b) includes the production, management, protection, and use of respondent information obtained from any statistical or administrative source; and
- (c) includes making available for specified research purposes authorised by the Government Statistician any collection of non-identifying statistical records in the form of micro-data or unit record files

**Statistics Office** means the department continued by section 6.

- 5 **Act binds the Crown**  
This Act binds the Crown.

## Part 2

### Statistics Office and Government Statistician

#### Subpart 1—Statistics Office

6 **Statistics Office continued**

- (1) The department of the Public Service called the Cook Islands Statistics Office (CISO) is continued.
- (2) The Statistics Office is responsible for collecting from people, businesses, and organisations in the Cooks Islands information relating to their activities and economic and social situation in order to compile, analyse, abstract, and publish official statistics relating to the condition of commerce, people, their communities, and the environment, as well as the activities, performance, and impact of the Government.

#### Subpart 2—Government Statistician and National Statistics Council

7 **Appointment of Government Statistician**

- (1) The Public Service Commissioner may appoint the Government Statistician in accordance with a decision of Cabinet.
- (2) A Government Statistician may be appointed for a term of up to 7 years, and may be reappointed for one further term of up to 7 years.

8 **Appointment of Deputy Government Statistician**

- (1) The Public Service Commissioner may appoint the Deputy Government Statistician in accordance with a decision of Cabinet.
- (2) A Deputy Government Statistician may be appointed for a term of up to 7 years, and may be reappointed for one further term of up to 7 years.

- (3) The fact that the Deputy Government Statistician exercises any function, duty, or power of the Government Statistician is conclusive evidence of the authority of that Deputy Government Statistician to do so.

## **9 Duties of Government Statistician**

- (1) The Government Statistician must monitor, and demonstrate regard for, the demands placed on respondents when determining the form and frequency of the statistical obligations that are imposed on respondents, and must—
- (a) ensure the continued scientific integrity of the methods used in the production, analysis, and publication of official statistics;
  - (b) protect from disclosure all identifying information obtained for statistical purposes, except as permitted by **section 16**;
  - (c) make full use for statistical purposes of information available to departments;
  - (d) make rules for the publication and impartial release without delay of official statistics.
- (2) The Government Statistician must co-ordinate the practices of departments in the collection, compilation, and dissemination of official statistics and related information, by publishing standards and guidance that have particular regard to—
- (a) enabling the integration of statistics compiled by departments by ensuring the compatibility of classifications, reference frames, and statistical units;
  - (b) avoiding duplication in the collection of information for statistical purposes by departments;
  - (c) supporting the development of national registers of businesses, land parcels, dwellings, and significant structures for the advancement of public administration, including the advancement of official statistics.
- (3) The Government Statistician must advance the quality and relevance of each field of official statistics by—
- (a) publishing information about the methods used in the production of statistics, and assessments of their quality;
  - (b) organising and publishing periodic reviews of the relevance, scope, and quality of each field of official statistics;
  - (c) advising the Minister on matters of statistical policy, including the statistical programmes of departments;
  - (d) co-ordinating international statistical co-operation, including Pacific regional collaboration on standards, methods, and information management.

## **10 Independence of Government Statistician**

- (1) The Government Statistician must act independently in the performance or exercise of his or her functions, duties, and powers under this Act.
- (2) The Government Statistician has sole responsibility for deciding—
- (a) the statistical methodology and professional statistical standards used by the Statistics Office; and

- (b) the timing, form, and content of statistical releases and publications issued by the Statistics Office.
- (3) The Government Statistician must, if practicable, release statistics to all users at the same time, but may make rules as to when Ministers or departmental officers may, under embargo, have access to statistics before the statistics are released to the public by the Statistics Office or departments.
- (4) The Government Statistician may promote public understanding of official statistics at the time of any release by comment in an impartial manner, and may examine and comment on the interpretation of any published statistics if he or she considers it necessary and appropriate.

#### **11 Minister in charge of statistics**

- (1) The Government Statistician is accountable to the Minister in charge of statistics for the proper supervision of the administration of this Act and the control of the operations of the Statistics Office.
- (2) The Minister may issue directions to the Government Statistician about the implementation of this Act.
- (3) The Minister must lay before Parliament each year the Government Statistician's annual report under section 13 on the administration of this Act in the preceding 12-month period ending on 30 June in that year.

#### **12 National Statistics Council**

- (1) The Minister may establish a National Statistics Council to advise the Minister on the range and scope of official statistics necessary for economic and social development planning and management in the Cook Islands.
- (2) The Council comprises suitably qualified persons appointed by the Minister from government, businesses, and the community.
- (3) The Government Statistician is a member of any Council established under this section by virtue of his or her office.
- (4) The functions of the Council include—
  - (a) advising on the improvement, extension, co-ordination, and harmonisation of statistical activities:
  - (b) reviewing the priorities and programmes of work of the Statistics Office and the statistical programmes of departments:
  - (c) overseeing the maintenance of public trust in statistics about the Cook Islands, including the processes that ensure public confidence in the confidentiality provisions of this Act:
  - (d) advising the Minister on the findings of the sector wide reviews of official statistics:
  - (e) advising the Government Statistician on priorities for future access needs, and the form and quality of available statistics:
  - (f) overseeing the maintenance of independence, integrity, and professional standards of statistical information:
  - (g) designating as official statistics any statistical measure not produced by a department that meets the standards of official statistics and that provides significant information about a sector of official statistics that would otherwise not be available.

**13 Annual report**

- (1) In each year, the Government Statistician must give the Minister a report on the activities of the Statistics Office in the 12-month period ending on 30 June in that year, which may include any matter concerning official statistics.
- (2) In addition, as soon as practicable after the end of the first anniversary of the commencement of this Act and every 3 years after that, the Government Statistician must give the Minister a report on the official statistics to be produced by departments over the next 3 years that includes a review of the relevant achievements in the 3-year period reported on.

**14 Oath of office**

- (1) The Government Statistician and every other person employed or engaged under this Act must, before commencing his or her duties, take the following oath or affirmation:

“I, [name], swear that I will not at any time make known to others any information that comes to my knowledge as a result of my employment or engagement in the Statistics Office of the Cook Islands and that is protected from disclosure by the Statistics Act 2015.”

- (2) The oath or affirmation must be administered by a person duly authorised by law, and be returned and recorded in any manner required by law.
- (3) Employees of the Statistics Office must each have a signed authority from the Government Statistician that evidences their authority to fulfil their duties under this Act, and that signed authority is sufficient evidence of their authority for the purposes of this Act.

**Subpart 3—Collection and disclosure of statistical information****15 Protection from disclosure of respondent information**

- (1) Information obtained under this Act may be used only for statistical purposes in accordance with this Act.
- (2) All information published under this Act must be in a form that prevents information relating to a particular respondent from being identifiable except by the respondent who supplied the information.
- (3) If information is disclosed in a form that makes the person to whom the information relates identifiable by any other person, and the disclosure was not reasonably foreseeable, the Government Statistician must determine what action is needed to mitigate the impact of the disclosure and prevent a recurrence.
- (4) The Government Statistician and every officer and person employed in the Statistics Office must ensure the proper custody of statistical records, and ensure that—
  - (a) no identifiable individual return made for the purposes of this Act is examined except—
    - (i) by a person sworn under **section 14** who is employed or deemed to be employed under this Act; or
    - (ii) for the purposes of a prosecution for an offence against this Act; and

- (b) no person who has at any time been sworn under **section 14** discloses or knowingly causes to be disclosed by any means without the authority of the Government Statistician any information obtained by them under this Act in the exercise of their powers under this Act.
- (5) All returns and documents containing information obtained under this Act that enables the identification of respondents or other persons, businesses, or organisations must be kept at all times in a manner reasonably calculated to prevent any unauthorised person from accessing the returns or documents.
- (6) All forms obtained under this Act must be destroyed after the information obtained from them has been extracted by the Government Statistician or any person authorised by him or her, subject to the provisions of the Public Records Act 1984 or any other Act that relate to the destruction of official documents.
- (7) The records of each census of population must be held by the Government Statistician on the advice of the Archivist and must be made available as public records after 75 years from the date of the census.

#### **16 Limited disclosure of certain details permitted**

- (1) This section applies despite anything in **section 15**.
- (2) The Government Statistician may disclose information in any manner to the public or to any person who requests it if—
  - (a) the respondent who supplied the information has consented to the publication in that manner; or
  - (b) the information is already available to the public without breaching any law; or
  - (c) the information was supplied by a department and—
    - (i) the department is obliged to make the information available to the public on request; or
    - (ii) the department has confirmed to the Government Statistician that it would make the information available to the public if requested; or
  - (d) the information is a list of names and addresses of individual businesses, including their classification and the number of persons engaged in them; or
  - (e) the information is any details of external trade, the movement of ships and aircraft, or cargo handled at ports and airports.
- (3) The Government Statistician may disclose information about the location, size, and classification of businesses, land parcels, and dwellings to any department responsible for maintaining registers that support public administration including official statistics. The nature of the disclosure must be notified in the Government Statistician's annual report for the relevant period.
- (4) If the Government Statistician receives a request to which subsection (2)(b) applies, he or she may make the information available to the public as well as or instead of providing it to the person requesting it.

- (5) If an emergency is declared, the Government Statistician may make available to the appropriate authorities information that is not otherwise permitted by this Act to be disclosed and that relates to the characteristics and location of persons, their habitation, and their place of business, if the intended use of the information is for the benefit of persons affected by the emergency.

#### **17 Respondent information privileged**

- (1) Except for the purposes of a prosecution for an offence against this Act, any respondent information obtained by or on behalf of the Government Statistician under this Act is privileged and must not be used in evidence in any proceedings before any court, tribunal, or other body.
- (2) No respondent information obtained under this Act may be used for or in connection with the assessment or levying of any tax or be used as evidence of the assessment or levying of the tax.

#### **18 Census of population**

- (1) The day on which a census of population is to be taken and the time with reference to which the particulars are to relate must be appointed by Proclamation issued by the Queen's Representative by Order of the Executive Council.
- (2) The Government Statistician is responsible for the administration and completion of any census of population taken in the Cook Islands in accordance with regulations made under this Act.
- (3) The census of population must be taken every 5 years.
- (4) The first census of population under this Act must be taken 5 years after the last census of population taken under the former Act or as soon as practicable after that event.
- (5) At a suitable time after a Proclamation is issued under subsection (1), the Government Statistician must publish, in any newspapers and by any other means the Government Statistician considers sufficient for notifying the public,—
- (a) the date of the census; and
  - (b) details of where to seek advice and guidance related to the census; and
  - (c) details of how to obtain a schedule and of the supervisors and enumerators who are responsible for particular areas.

#### **19 Surveys and censuses**

- (1) Subject to regulations made under this Act, the Government Statistician may—
- (a) determine the method and form of collection, analysis, publication, and release of information for any survey or census conducted by the Statistics Office, including the taking of a census of population; and
  - (b) make any rules and provide any forms that he or she considers may be necessary to enable the work to be conducted effectively.
- (2) The Government Statistician must—
- (a) obtain information from respondents in the most efficient manner, having regard to all the demands placed on the respondents to surveys and censuses conducted in the Cook Islands; and



- (b) supply a schedule to every affected person, dwelling, or place of business by any means that the Government Statistician reasonably considers to be appropriate (which may include giving notice of where a schedule in electronic form can be obtained or accessed); and
  - (c) request a respondent to supply estimates, which must be made responsibly and in good faith, if the facts are not available.
- (3) Every respondent from whom information is sought under this Act must answer the inquiries of the Government Statistician to the best of their knowledge.
  - (4) A request for information under this Act may be made by delivering the request to a person in any way that is usual in the Cook Islands for transmitting official requests to citizens.
  - (5) In the absence of the occupant of a house or a business owner, the obligations of the occupant or owner must be met by another member of the family or an agent of the business owner (as the case may be).
  - (6) An agent in the Cook Islands of a foreign principal must provide the information the principal is required to provide under this Act or produce evidence that the agent has been unable to obtain the information.
  - (7) Official statistics may be collected by means of sampling if the use of that method is considered appropriate in place of full enumeration.
  - (8) The Government Statistician may determine that a survey or survey question be carried out on a voluntary basis and, in that case, must inform the respondents of his or her determination before they are requested to answer questions through an interview, form, questionnaire, or other record. All information obtained in this manner is subject to the restrictions on use and any prohibition on disclosure of information that are specified in this Act.

## **20 Joint collection of statistics**

- (1) The Government Statistician may, with the consent of the Minister, enter into an agreement with any department or corporation to jointly collect information being collected by the department or corporation if the information concerned is needed for the purposes of an inquiry by the Government Statistician.
- (2) The respondent must be informed that—
  - (a) the information is being collected jointly on behalf of the Government Statistician and the department or corporation; and
  - (b) any exchange of information under this section may include replies to original inquiries; and also include supplementary information provided by the respondent to the Government Statistician and the department or corporation jointly collecting the information.

## **21 Use of administrative records of departments for statistical purposes**

- (1) On request of the Government Statistician, a department must provide the Government Statistician with any administrative records that he or she reasonably requires for statistical purposes only.
- (2) At the time of providing the records, the department may set the conditions regarding storage of, access to, destruction of, and return of the records.

- (3) When a department proposes to introduce, revise, or extend any system for the collection, storage, and retrieval of information or to make a statistical survey, it must consult the Government Statistician and accept any of his or her recommendations that reasonably may be implemented in relation to the proposal.
- (4) If micro-data of non-identifying individual information that is intended to be made available for authorised research purposes by the Government Statistician includes information from the administrative records of a department, the department may impose conditions on the use of that information as micro-data in addition to any rules made by the Government Statistician.
- (5) Subject to **section 15**, the Government Statistician or any officer of the Statistics Office authorised for the purpose by the Government Statistician may inspect and have access to any returns, certificates, statements, documents, or other records obtained for the purposes of the Income Tax Act 1997.
- (6) Subject to **section 15**, the Minister in charge of revenue must cause any returns, certificates, statements, documents, or other records obtained for the purposes of the Income Tax Act 1997 to be made available for inspection by the Government Statistician or a person authorised for the purpose by the Government Statistician in any manner, and at the times and places, determined by that Minister or on his or her behalf.
- (7) Subject to **section 15**, the official responsible for Customs must cause to be sent to the Government Statistician returns of imports and exports into and from the Cook Islands in a form suitable for statistical purposes.

## **22 Temporary employees**

- (1) The Government Statistician may employ any commissioners, enumerators, agents, or other persons that the Government Statistician considers are necessary to collect statistics and other information for the purposes of this Act.
- (2) Subject to the Public Service Act 2009, the Government Statistician may engage any employee of the Public Service to perform or exercise any functions, duties, or powers under this Act, and the employee—
  - (a) is deemed to be employed under this Act while so engaged under this section; and
  - (b) is entitled to receive remuneration from the Government Statistician for work done by him or her in addition to his or her usual duties.
- (3) The Government Statistician may authorise or contract any person to perform special services for the Government Statistician under this Act, and the person is deemed to be employed under this Act while so authorised or contracted.
- (4) However, a person is not deemed to be employed for the purposes of the Public Service Act 2009 just because he or she is deemed by virtue of this section to be employed under this Act.

**23 Right of inspection for statistical purposes**

- (1) For the purposes of obtaining information sought under this Act from a person having the information or the custody or charge of any relevant documents or records, the Government Statistician or an officer authorised by him or her may apply to a High Court Judge for the issue of a warrant under subsection (2).
- (2) A High Court Judge may issue a warrant requiring a person to provide or grant access to the Government Statistician or any officer or employee authorised by the Government Statistician to enter and search any specified place of business and to inspect any goods or any books of account or other business records being held at that place.
- (3) In this section, **place of business** does not include a place that is only a dwelling and in which no business operates.

**Part 3****General and miscellaneous provisions***Offences and penalties***24 Offences and penalties**

- (1) A person commits an offence who,—
  - (a) after taking the oath set out in **section 14**, fails to fulfil his or her duty under that oath; or
  - (b) wilfully makes any false declaration, statement, or return in the performance of his or her duties under this Act; or
  - (c) being an employee of the Statistics Office or a person who impersonates an employee of the Statistics Office, obtains or seeks to obtain information that he or she is not duly authorised to obtain; or
  - (d) refuses or neglects to answer, or wilfully answers falsely, any question that is intended to obtain information for any purpose of this Act and is asked by any person employed or deemed to be employed under this Act; or
  - (e) refuses or neglects to provide any information that he or she is required to provide under this Act; or
  - (f) refuses or neglects to fill in to the best of his or her knowledge and belief any schedule or form that he or she has been required to fill in under this Act and to return it when and as required under this Act; or
  - (g) knowingly gives false or misleading information.
- (2) A person who commits an offence against subsection (1)(a), (b), or (c) is liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months, or to both.
- (3) A person who commits an offence against subsection (1)(d), (e), (f), or (g) is liable on conviction to a fine not exceeding \$1,000.

*Regulations***25 Regulations**

The Queen's Representative may, by Order in Executive Council, make regulations providing for the following purposes:

- (a) the effective conduct of statistical surveys and censuses of population;
- (b) any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

*Repeals and savings***26 Repeal**

The following Acts are repealed:

- (a) the Statistics Act 1966;
- (b) the Statistics Amendment Act 1970;
- (c) the Statistics Amendment Act 1973.

**27 Savings and transitional provisions**

- (1) The person who is the chief executive of the Cook Islands Statistics Office immediately before the date of commencement of this Act is deemed to have been appointed as the first Government Statistician under **section 7**, and is appointed on the same terms that apply to that existing appointment.
- (2) Any proceedings commenced under the former Act, but not completed before the commencement of this Act, must be completed under the former Act as if this Act had not been enacted.

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This Act is administered by the Cook Islands Statistics Office.

Printed under the authority of the Cook Islands Parliament—2015-16.

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