



REPUBLIC OF VANUATU

STATISTICS ACT NO. 7 OF 2022

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REPUBLIC OF VANUATU

Assent: 20/06/2022
Commencement: 20/06/2022

STATISTICS ACT NO. 7 OF 2022

An Act to provide for the establishment, operation and management of the Vanuatu Bureau of Statistics, the collection, production, analysis and publication of official statistics and the conduct of censuses and surveys, and for related matters.

Be it enacted by the President and Parliament as follows-

PART 1 PRELIMINARY MATTERS

1 Objectives of the Act

The objectives of this Act are:

- (a) to collect, produce, analyse and publish official statistics according to best practices; and
- (b) to maintain public trust and integrity in the Vanuatu Bureau of Statistics; and
- (c) to ensure that official statistics provide value in decision making; and
- (d) to conduct regular censuses and surveys; and
- (e) to comply with Vanuatu's international obligations in relation to statistics.

2 Interpretation

In this Act, unless a contrary intention appears:

administrative records means a set of records derived from an administrative source;

artificial intelligence means the simulation of human intelligence processes by machines, especially computer systems;

Bureau means the Vanuatu Bureau of Statistics established under section 3;

census means a census conducted under Part 5 that involves the complete enumeration of the population of Vanuatu to generate records, including numbers

of people, their spatial distribution, age, sex, living conditions and other key socioeconomic characteristics;

Chief Statistician means the person appointed as the Chief Statistician under section 6;

Council means the National Statistics Advisory Council established under section 11;

dwelling means a building or structure, whether permanent or temporary, that is wholly or partly used for human habitation and includes a vessel or a vehicle;

government agency means:

- (a) a Ministry; or
- (b) an office of the Government; or
- (c) an office or body established by the Constitution; or
- (d) an office or body established by an Act of Parliament; or
- (e) a prescribed agency;

household means those persons who usually eat together and share the work of preparing the food or the cost of providing the food;

member means a member of the Council under section 12;

Minister means the Minister responsible for statistics;

officer means any permanent or temporary officer of the Bureau;

official statistics means:

- (a) statistics produced by the Bureau or any other government agency authorised by the Chief Statistician; or
- (b) community produced records, being records collected by individuals, private, community or other non-government entities, declared to be official statistics by the Chief Statistician;

record includes data, information, a file or document in any form, including in electronic form;

standards mean the standards made by the Chief Statistician under section 38;

statistics means the study and manipulation of records, including ways to gather, review, analyse, and draw conclusions from records, which may either be declared official or unofficial for the public, researchers or institutions to make use of in relation to user demands;

statistical purpose means the development and production of official statistics, the undertaking of statistical analysis or the provision of statistical services;

survey means a survey conducted under Part 5, whereby information is collected from persons in a field of inquiry or from a sample, wholly or primarily for the purpose of:

- (a) processing and summarising by appropriate statistical procedures; and
- (b) publishing the results of the survey in a statistical form;

Vanuatu Statistical System means the system that the Bureau uses to coordinate record producers, record users and record providers in Vanuatu for record collection and statistics production practices.

PART 2 VANUATU BUREAU OF STATISTICS AND CHIEF STATISTICIAN

Division 1 Establishment of the Vanuatu Bureau of Statistics

3 Establishment of the Vanuatu Bureau of Statistics

The Vanuatu Bureau of Statistics is established.

4 Functions of the Bureau

The Bureau has the following functions:

- (a) to develop, strengthen and coordinate the operations of the Vanuatu Statistical System; and
- (b) to implement the National Strategy for the Development of Statistics; and
- (c) to undertake the collection, production, analysis and publication of official and other statistics; and
- (d) to conduct the census of the population and housing, and the census of agriculture, and other censuses, and undertake surveys and collect administrative records; and
- (e) such other functions that may be conferred on the Bureau by this Act or any other Act.

5 Powers of the Bureau

The Bureau has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.

Division 2 Chief Statistician

6 Appointment of the Chief Statistician

The Chief Statistician is to be appointed by the Public Service Commission under the Public Service Act [CAP 246].

7 Functions of the Chief Statistician

The Chief Statistician has the following functions:

- (a) to administer this Act and advise the Minister on matters relating to the administration of this Act; and
- (b) to oversee the strategic direction of the Vanuatu Statistical System; and

- (c) to develop and strengthen the National Strategy for the Development of Statistics; and
- (d) to advise the Minister, after receiving advice from the Council, on statistical policy matters; and
- (e) to declare statistics as official statistics after receiving endorsement advice from the Council; and
- (f) to manage and oversee:
 - (i) the collection, production, analysis and publication of official and other statistics by the Bureau; and
 - (ii) the conduct of censuses and surveys, and the collection of administrative records by the Bureau; and
 - (iii) the operations of the Bureau; and
- (g) to ensure that the Bureau complies with security, privacy and confidentiality protocols and processes as are reasonably necessary to comply with and to ensure public confidence; and
- (h) to give effect to Vanuatu's international statistical obligations; and
- (i) to encourage and support government agencies to follow statistical best practices; and
- (j) to make standards under section 38; and
- (k) such other functions that may be conferred on the Chief Statistician by this Act or any other Act.

8 Powers of the Chief Statistician

- (1) The Chief Statistician has the power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions under this Act.
- (2) Without limiting subsection (1), the Chief Statistician has the following powers:
 - (a) to authorise a government agency to collect records on behalf of the Bureau for statistical purposes; and

- (b) to enter into agreements with government agencies, corporations and other persons to collect records jointly with the Bureau if the records are the same or similar to the records sought by the Bureau.

9 Independence of the Chief Statistician

- (1) The Chief Statistician must act independently in the performance of his or her functions and the exercise of his or her powers under this Act.
- (2) The Chief Statistician is not subject to the direction or control of any person in relation to:
 - (a) developing, producing, communicating, disseminating, publishing or distributing statistics; and
 - (b) selecting record sources, concepts, definitions, standards, methods and classifications to be used for matters under paragraph (a); and
 - (c) the timing and content of all forms of distribution of statistics.
- (3) Without limiting this section, the Chief Statistician must:
 - (a) be impartial and objective in developing, producing, communicating, disseminating, publishing and distributing statistics; and
 - (b) ensure that the official statistics reflect faithfully, accurately and as consistently as possible reality and are based on scientific criteria used for the selection of sources, methods and procedures; and
 - (c) provide clear and objective comments and analysis when publishing official statistics.

Division 3 Professional standards for statistics production

10 Professional standards

The conduct of the Chief Statistician and an officer must be in accordance with professional standards for statistics production determined by the Council.

PART 3 NATIONAL STATISTICS ADVISORY COUNCIL

11 Establishment

The National Statistics Advisory Council is established.

12 Membership of the Council

- (1) The Council consists of the following persons:
 - (a) the Director General of the Ministry of Finance and Economic Management; and
 - (b) the Director General of the Office of the Prime Minister; and
 - (c) the Director General of the Ministry of Meteorology, Geological Hazards and Climate Change; and
 - (d) a representative of the Reserve Bank of Vanuatu appointed by the Governor; and
 - (e) a representative from non-government organisations appointed by the Vanuatu Association of Non-Government Organisations.
- (2) If a member referred to under paragraph (1)(a), (b) or (c) is unable to attend a meeting of the Council, the member must nominate a Director under his or her Ministry to attend the meeting on his or her behalf.

13 Functions of the Council

- (1) The Council has the following functions:
 - (a) to endorse the annual and long-term work program of the Bureau; and
 - (b) to support the Chief Statistician on the operations and strategic direction of the Vanuatu Statistical System; and
 - (c) to support the Chief Statistician on any matter regarding the collecting, processing, analysing, documenting, storing or distributing of statistics, and
 - (d) to support the Chief Statistician on the conducting of a census or survey; and

- (e) to support on any matters referred to the Council by the Chief Statistician; and
 - (f) such other functions that may be conferred on the Council by this Act or any other Act.
- (2) The Council may establish committees to assist the Council in carrying out its functions under this Act.
- (3) The Council is to determine the functions and procedures of the committees.

14 Powers of the Council

The Council has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.

15 Chairperson and Deputy Chairperson of the Council

- (1) The members of the Council are to elect from amongst the members a Chairperson and Deputy Chairperson.
- (2) The Chairperson and Deputy Chairperson are to hold office for a period of 5 years and may be re-elected.

16 Meetings of the Council

- (1) The Council is to meet at least 2 times in a year in its ordinary meetings and may hold not more than 2 extraordinary meetings as are necessary for the proper performance of its functions under this Act.
- (2) The Chairperson of the Council is to preside at all meetings of the Council and in his or her absence, the Deputy Chairperson is to preside at these meetings.
- (3) The Bureau is the secretariat of the Council.
- (4) The quorum for a meeting of the Council is 3 members of the Council, present at the meeting.
- (5) A member present at a meeting of the Council has one vote and questions arising at a meeting are to be decided by a majority of votes.
- (6) If the voting at a meeting is equal, the Chairperson or the Deputy Chairperson (if he or she is presiding over the meeting) has a casting vote.

- (7) Subject to this Act, the Council may determine and regulate its own procedures.

17 Removal of a member

A member appointed under paragraphs 12(1)(d) and (e) may be removed by the Council if the member:

- (a) fails to attend 3 consecutive meetings of the Council without the permission of the Council; or
- (b) is suspended from his or her profession for misconduct; or
- (c) is incapable of performing his or her duties as a member; or
- (d) becomes a member of Parliament, a councillor of a Provincial Government Council or a Municipal Council.

18 Resignation of member

A member appointed under paragraphs 12(1)(d) and (e) may resign from being a member of the Council at any time by giving 2 weeks' notice in writing to the Vanuatu Association of Non-Government Organisations.

19 Sitting Allowance

- (1) The members of the Council including the Chairperson and the Deputy Chairperson are entitled to a sitting allowance for each day in which the Council sits for a meeting.
- (2) The Minister is to prescribe, by Order, on the advice of the Council the rate of the sitting allowance.

PART 4 ACCESS, DISCLOSURE AND PROTECTION OF RECORDS

Division 1 Access to records

20 Access to certain records

- (1) If:
- (a) a government agency or other person is in possession or control of records; and
 - (b) records required for statistical purposes can be obtained, completed or corrected from the records,

the government agency or other person must, upon request by the Bureau, provide or grant access to the Bureau.

- (2) If records are provided or access granted under subsection (1), the Bureau may provide or grant access to those records to another person if authorised by the Chief Statistician, including by way of an end user licensing agreement.

- (3) Without limiting subsection (1), the Bureau may access for statistical purposes:

- (a) civil registration records under the Civil Registration and Identity Management Act No. 28 of 2021; and
- (b) records relating to custom duties under the Customs Act No. 7 of 2013; and
- (c) records relating to value added taxes under the Value Added Tax Act [CAP 247]; and
- (d) records relating to businesses registered under the Vanuatu Financial Services Act [CAP 229]; and
- (e) records relating to education under the Education Act No. 9 of 2014; and
- (f) records relating to employment under the Vanuatu National Provident Fund Act [CAP 189].

Division 2 Request for administrative records

21 Request by Chief Statistician

- (1) The Chief Statistician may request a government agency to provide administrative records as may be required for statistical purposes.
- (2) A government agency must, upon receiving a request under subsection (1), provide the administrative records to the Chief Statistician.

22 Conditions by government agency

A government agency may, in providing administrative records under section 21, impose conditions relating to the storage, access, destruction and return of such records.

Division 3 Disclosure of records by Chief Statistician

23 Disclosure of records to the public

The Chief Statistician may disclose records, in whole or in part, to the public if:

- (a) the records are already available to the public; or
- (b) the government agency or the person who supplied the records provides consent; or
- (c) the records are supplied by a government agency and that government agency has an obligation to make that information public; or
- (d) a government agency confirms to the Chief Statistician that it would make the records available to the public on request.

24 Disclosure of records for public registers

The Chief Statistician may disclose records to any government agency responsible for maintaining registers that support public administration.

25 Disclosure of records in an emergency or disaster

If a state of emergency has been declared under the National Disaster Act [CAP 267] or a declaration of public health emergency declared under the Public Health Act [CAP 234], the Chief Statistician may make available to appropriate government agencies records that are not otherwise able to be lawfully disclosed if the use of the records is intended to be to the benefit of persons affected by the emergency or disaster.

PART 5 COLLECTION OF CENSUS, SURVEY AND ADMINISTRATIVE RECORDS

26 Census

- (1) The Chief Statistician must carry out censuses, including population, housing and agriculture in accordance with a declaration under subsection (2).
- (2) On the advice of the Chief Statistician, the Minister is to, by Order, declare the date and time of a census.

27 Surveys and administrative records

The Chief Statistician may collect records through a survey or collect administrative records on the statistical activities listed in the Schedule at such times as the Chief Statistician determines on the advice of the Council.

28 Methods for census, survey and collecting administrative records

In carrying out:

- (a) a census under section 26; or
- (b) a survey or collecting administrative records under section 27,

the Chief Statistician is to prescribe the method to carry out the census or survey, or collect the administrative records, in accordance with the standards made under section 38.

29 Mode of records collection

- (1) The Chief Statistician must in collecting records by means of a census or survey, or collecting administrative records:
 - (a) approve a form which requests the particulars necessary for the census, survey or administrative records; and
 - (b) supply the form to any person, household and place of business affected by the census, survey or administrative records by any means the Chief Statistician reasonably considers to be appropriate; and
 - (c) make additional forms available for collection at reasonable locations having regard to the nature of the census, survey or administrative records; and

- (d) carry out other matters as prescribed, in writing, by the Minister on the advice of the Chief Statistician.
- (2) The collection of administrative records may also be obtained by artificial intelligence with such records collected in formats that include numbers, texts, media (photo, audio or video) or spatial information.

30 Completing census and survey forms

- (1) A person-in-charge of a dwelling, household or place of business must supply, to the best of his or her knowledge, accurately and comprehensively, all records required by a census or survey within the time specified by the Chief Statistician.
- (2) If a dwelling, household or place of business does not have a person-in-charge, an occupier of the dwelling or place of business, or another person nominated by the household must comply with subsection (1).
- (3) If a census or survey requires information from a corporation or other non-government entity, the directors or equivalent office holders or persons-in-charge of the corporation or entity must each supply, to the best of his or her knowledge, accurately and comprehensively, all information required by the census or survey.
- (4) A person who by reason of illiteracy, disability, impairment or infirmity is unable to complete a census or survey form or provide records in relation to a census or survey, may request assistance from the Bureau to complete such form.
- (5) A person who wishes not to state the religion or sect to which he or she belongs, or whether the person belongs to any religion or sect, may neglect to supply such information, but the person is not entitled to supply false information in this regard.

PART 6 CONFIDENTIALITY OF RECORDS, AND UNDERTAKING OF SECRECY

31 Confidentiality of records

- (1) All officers must ensure:
 - (a) the proper safekeeping of statistical records; and
 - (b) that all returns and documents containing records obtained under this Act, which enable identification of a particular person are kept at all times, in such a way so as to prevent any unauthorised person having access to them.
- (2) All records published under this Act must be arranged so as to prevent a particular person being identified by another person.
- (3) If, through the publication of records under this Act, a person is able to identify to whom the records relate, and which at the time of publishing could not have been reasonably foreseen, the Chief Statistician must determine the actions needed to mitigate the impact, and prevent a recurrence.
- (4) The Chief Statistician must keep all records of a census and may only make the records of a census available to the public, after 75 years from the date of the census.

32 Oath of allegiance

All officers and any person who has been granted access by the Chief Statistician to the records of the Bureau must, prior to starting their official duty or accessing the records, enter into an oath of allegiance determined by the Chief Statistician.

PART 7 OFFENCES

33 Offences

(1) If a person without lawful excuse:

- (a) refuses or neglects to answer, or wilfully answers falsely, any question intended to obtain information under this Act; or
- (b) refuses or neglects to furnish any records required under this Act; or
- (c) refuses or neglects to fill in to the best of his or her knowledge and belief any form that the person is required to fill in, and to return, when and as required under this Act; or
- (d) knowingly gives false or misleading records required under this Act,

the person commits an offence and is liable on conviction:

- (i) in the case of an individual-to a fine not exceeding VT2,000,000 or to a term of imprisonment not exceeding 12 months, or both; or
- (ii) in the case of a body corporate- a fine not exceeding VT 10,000,000.

(1A) To avoid doubt, subsection (1) does not apply to the collecting of records by means of a census or survey or collecting administrative records.

(2) An officer or a person who breaches his or her undertaking under section 32 commits an offence and liable on conviction to a fine not exceeding VT2,000,000 or to a term of imprisonment not exceeding 12 months, or both.

(3) If the Chief Statistician or an officer:

- (a) makes a record about a person that has been classified as confidential by the Chief Statistician; or
- (b) shares or communicates such record to another person,

he or she commits an offence and is liable on conviction to a fine not exceeding VT2,000,000 or to a term of imprisonment not exceeding 12

months, or both, unless the record is made, or the record is shared or communicated, in the course of performing functions or duties or exercising powers under this Act.

- (4) A person who impersonates an officer, and who obtains or seeks to obtain records that he or she is not duly authorised to obtain under this Act, commits an offence and is liable on conviction to a fine not exceeding VT2,000,000 or to a term of imprisonment not exceeding 12 months, or both.
- (5) A person who continues to use records outside the period of the declared state of emergency referred to in section 25, being records that are not otherwise able to be lawfully disclosed, commits an offence and is liable on conviction to a fine not exceeding VT2,000,000 or to a term of imprisonment not exceeding 12 months, or both.

34 Penalty notice

- (1) The Chief Statistician may serve a penalty notice on a person if it appears to the Chief Statistician that the person has committed an offence under any provision of this Act or the Regulations and the offence is one that is stated by the Regulations to be an offence to which this section applies.
- (2) A penalty notice is a notice to the effect that if the person served does not wish to have the matter determined by a Court, the person may pay within a time and to a person specified in the notice, the amount of penalty stated in the penalty notice.
- (3) A penalty notice may be served personally or by post or email.
- (4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (6) The Regulations may:
 - (a) prescribe the amount of penalty payable for the offence if dealt with under this section; and
 - (b) prescribe different amounts of penalties for different offences or classes of offences.

- (7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a Court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

PART 8 MISCELLANEOUS PROVISIONS

35 Immunity

- (1) A civil or criminal proceedings must not be brought against the Chief Statistician or an officer for anything done or omitted to be done in good faith by him or her in the execution or purported executions of his or her functions and powers under this Act.
- (2) Subsection (1) does not apply if the Chief Statistician or an officer acted in bad faith in executing his or her functions or powers or in dereliction of his or her functions and powers under this Act.

36 Delegation of functions and powers

- (1) The Chief Statistician may, in writing, delegate to an officer any of his or her functions or powers under this Act, other than the power of delegation.
- (2) The delegation may be made generally, or in respect of a particular matter or class of matters.
- (3) The Chief Statistician may at any time revoke or vary a delegation.
- (4) A delegation does not prevent the Chief Statistician from exercising the power or performing the function that he or she has delegated.

37 Privileged records

- (1) Except in respect of a prosecution initiated under this Act, any records obtained from a person by the Bureau is privileged and is not to be used as evidence in the proceedings of any Court, tribunal or other body.
- (2) Any records obtained from a person are not to be used for or in connection with the assessment or levy of any tax imposed by the Government and may not be used in evidence of such assessment.

38 Standards

- (1) The Council may, on the advice of the Chief Statistician, make standards for defining and establishing uniform specifications and characteristics for statistical products or services or other statistical purposes.
- (2) A standard may adopt existing national, regional or international instruments as in force from time to time, with or without modifications.

39 Annual report

The Chief Statistician must, within 3 months after the end of each year, furnish a report to the Minister relating to the administration of this Act for the preceding year.

40 Amendment of Schedule

The Minister may, on the advice of the Council, by Order, add to, vary or replace a Schedule under this Act.

41 Regulation

- (1) The Minister, on the advice of the Council, may make Regulations not inconsistent with this Act for the better carrying out or giving effect to the provisions of this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may prescribe:
 - (a) matters for or with respect to:
 - (i) the Vanuatu Statistical System; and
 - (iii) the collection, production, analysis and publication of statistics; and
 - (iii) censuses, surveys, administrative records and artificial intelligence; and
 - (b) fees for the purposes of this Act or the Regulations; and
 - (c) fines not exceeding VT100,000 for a breach of the Regulations.
- (3) The Regulations may adopt existing regional or international instruments as in force from time to time, with or without modifications.

42 Repeals

The Statistics Act [CAP 83] and the Census Act [CAP 71] are repealed.

43 Transitional and Savings provision

- (1) Any act or thing done in the name of the Vanuatu Statistics Office before the commencement of this Act is taken to have been done in the name of the Bureau on or after the commencement of this Act.

- (2) Any publication made under the Statistics Act [CAP 183] before the commencement of this Act continues to have legal effect under this Act on or after the commencement of this Act.
- (3) The person holding the office of the Government Statistician immediately before the commencement of this Act is to continue for the remainder of his term as the Chief Statistician on the same terms and conditions of service with accrued and accruing entitlements.
- (4) The officers of the Vanuatu Statistics Office who were employed or engaged immediately before the commencement of this Act are to continue in office as officers of the Bureau on the same terms and conditions of service with accrued and accruing entitlements.
- (5) On and after the commencement of this Act, a reference in any other Act, or any Regulation or other instrument:
 - (a) to the Statistics Act [CAP 83] or a provision of that Act is taken to be a reference to this Act; and
 - (b) to the Vanuatu Statistics Office is taken to be a reference to the Bureau.

44 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

The following are statistical activities for a census or survey:

1 Demographic and social statistics

- (1) Population and migration
- (2) Labour and employment
- (3) Education
- (4) Health
- (5) Income, expenditure and consumption
- (6) Social protection and vulnerability
- (7) Human settlements and housing
- (8) Justice and crime
- (9) Culture
- (10) Political and other community activities
- (11) Time use
- (12) Land
- (13) Media
- (14) Utilities

2 Economic statistics

- (1) Macroeconomics statistics
- (2) Economic accounts
- (3) Business statistics
- (4) Sectoral statistics
- (5) Agriculture, forestry, fisheries

SCHEDULE

- (6) Energy
 - (7) Mining, manufacturing, construction
 - (8) Transport and communications
 - (9) Tourism
 - (10) Banking, insurance, financial statistics
 - (11) Government finance, fiscal and public sector statistics
 - (12) International trade and balance payments
 - (13) Prices
 - (14) Labour costs
 - (15) Science, technology and innovation
- 3 Environment and multi-domain statistics**
- (1) Environment including climate change and biodiversity
 - (2) Regional and small areas statistics
 - (3) Multi-domain statistics and indicators:
 - (a) living conditions, poverty, livelihoods, wellbeing and cross-cutting social issues;
 - (b) gender, including gender based violence;
 - (c) ethnic origin, religion, citizenship and special population groups;
 - (d) goals and other international treaties and conventions to which Vanuatu is a party;
 - (e) sustainable development entrepreneurship.