

Chapter 386.
Statistical Services Act 1980.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 386.

Statistical Services Act 1980.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Statistical Services Act 1980,

Being an Act relating to the collection of data and compilation of statistics and related information from that data, and for related purposes.

PART I. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution* namely–

- (a) the right to freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) the right to privacy conferred by Section 49 of the *Constitution*; and
- (c) the right to freedom of information conferred by Section 51 of the *Constitution*,

is a law that is made for that purpose.

2. INTERPRETATION.

In this Act, unless the contrary intention appears–

“**the commencement date**” means 5 February 1981, being the date on which the *Statistical Services Act 1980* came into force;

“**the National Statistical Service**” means the National Statistical Office and all units that are established for statistical purposes in other State agencies;

“**the National Statistician**” means the National Statistician appointed under Section 6;

“**official statistics**” means statistics derived by State agencies from–

- (a) statistical surveys; and
- (b) administrative and registration records and other forms and papers the statistical analyses of which–

- (i) are published regularly; or
- (ii) are planned to be published regularly; or
- (iii) could reasonably be published regularly;

“person employed under this Act” includes a person deemed to be employed under Section 15, 16 or 24;

“respondent” means a person or body, corporate or unincorporate, in respect of whom or which or in respect of whose activities any data is sought or provided in a statistical survey;

“State agency” includes—

- (a) a State Service; and
- (b) a Department of a State Service; and
- (c) a Provincial Government; and
- (d) a corporation or other body established by or under an Act other than a corporation or other body that is declared by the Minister by notice in the National Gazette not to be a State agency for the purposes of this Act; and
- (e) any prescribed body;

“State Service” means—

- (a) the National Public Service; and
- (b) the Police Force; and
- (c) the Papua New Guinea Defence Force; and
- (d) the Parliamentary Service; and
- (e) any other service declared by an Act of the Parliament to be a State Service;

“statistical purposes” includes any purpose in connection with the collection of data and the compilation, analysis and dissemination of statistics produced from that data;

“statistical survey” means a survey of persons or bodies, corporate or unincorporate, by which data is collected from all persons or bodies in a field of inquiry, or from a sample of that field of inquiry, by a State agency under the authority of this Act or any other Act, or without specific provision in any Act, wholly or primarily for the purpose of processing and summarising the data by appropriate statistical procedures and publishing the results of the survey in some statistical form.

“this Act” includes the Regulation.

PART II. – ADMINISTRATION.

Division 1.

The National Statistical Office.

3. ESTABLISHMENT OF THE NATIONAL STATISTICAL OFFICE.

(1) The National Statistical Office is hereby established.

(2) The National Statistical Office is the central statistical authority of the State and is responsible for the development of arrangements for providing statistical information services to meet the needs of the community for information on which to base policy, planning and management decisions.

(3) The statistical information services referred to in Subsection (2) shall be provided by the National Statistical Office and other State agencies.

4. POWERS, ETC., OF THE NATIONAL STATISTICAL OFFICE.

Subject to this Act, the powers, functions, duties and responsibilities of the National Statistical Office include–

- (a) the collection of data and the compilation, analysis and dissemination of statistics and related information produced from that data concerning the activities and condition of the people and the physical and social systems in which they live; and
- (b) co-ordinating the operation of State agencies in the collection of data and the compilation, analysis, dissemination and publication of statistics and related information produced from that data with particular regard to–
 - (i) the avoidance of duplication in the collection by the State agencies of data for statistical purposes; and
 - (ii) the attainment of compatibility between, and the integration of, statistics compiled by State agencies; and
 - (iii) the maximum possible utilization, for statistical purposes, of data and the means of collection of data available to State agencies; and
 - (iv) the formulation of, and the ensuring of compliance with, standards for the carrying out by State agencies of operations for statistical purposes; and
 - (v) providing advice and assistance to State agencies in relation to statistics; and
 - (vi) advising the Public Services Commission on the establishment and staffing requirements of statistical units in State agencies; and
 - (vii) providing assistance in the recruitment, training and development of the staff of statistical units in State agencies; and
 - (viii) generally promoting and developing integrated social and economic statistics for the State; and
- (c) liaising with statistical organizations in other countries and with international organizations in relation to statistical matters.

5. RESPONSIBILITIES OF OTHER STATE AGENCIES.

The responsibilities of other State agencies in relation to the National Statistical Office include—

- (a) providing the National Statistical Office on request with full descriptions of operations undertaken for statistical purposes and access to the data processed for these purposes; and
- (b) advising the National Statistical Office of plans for any new or substantially changed operations to be undertaken for statistical purposes; and
- (c) generally co-operating with the National Statistical Office in the exercise by the National Statistical Office of the powers, functions, duties and responsibilities referred to in Section 4.

Division 2.***The National Statistician.*****6. THE NATIONAL STATISTICIAN.**

There shall be a National Statistician who shall be—

- (a) an officer of the Public Service; and
- (b)¹ appointed, suspended or dismissed in the manner as is specified in the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

7. QUALIFICATIONS FOR APPOINTMENT.

²A person is not eligible for appointment as the National Statistician unless he possesses such professional qualifications as in the opinion of the Departmental Head of the Department of Personnel Management will enable him to carry out his functions efficiently.

8. REVOCATION OF APPOINTMENT.

The Head of State, acting on advice, may revoke the appointment of the National Statistician for demonstrated inability, misbehaviour or physical or mental incapacity.

9. ACTING NATIONAL STATISTICIAN.

(1) Where the National Statistician is absent from the country or is for any reason unable to perform the duties of his office, or where there is a vacancy in the office of the National Statistician, the Head of State, acting on advice, may, by notice in the National Gazette, appoint a professionally qualified officer to act in the office of the National Statistician.

(2) During the period of any absence, inability or vacancy, as the case may be, referred to in Subsection (1), the Acting National Statistician has, and may exercise and perform, all the powers and functions of the National Statistician.

¹ Section 6 Amended by No. 78 of 2006, s. 22.

² Section 7 amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s71.

10. FUNCTIONS, ETC., OF THE NATIONAL STATISTICIAN.

In addition to his general functions as the National Statistician, the National Statistician—

- (a) subject to any directions of the Minister—is responsible for the administration of this Act; and
- (b) shall control the operations and staff of the National Statistical Office; and
- (c) is administratively responsible to the Minister for the efficient performance of the functions of the National Statistical Office; and
- (d) shall advise on matters relating to statistical programmes of the various State agencies, and shall, as necessary, confer with those agencies; and
- (e) shall advise the Minister on statistical policy matters and where appropriate confer with appropriate officers of State agencies to that end; and
- (f) shall consult with appropriate officers of other State agencies on the need for, and the scope, procedures, and form of any existing or proposed statistical survey being or to be carried out by the agency; and
- (g) has such other functions, duties and responsibilities as are conferred or imposed on him by any other law or as the Minister directs.

11. INDEPENDENCE OF NATIONAL STATISTICIAN.

The National Statistician has the sole responsibility for deciding—

- (a) the procedures and methods employed or to be employed in the provision of any statistics produced or to be produced by the National Statistical Office; and
- (b) the extent, form and timing of the publication of those statistics.

12. DELEGATION.

The National Statistician may, by writing under his hand, delegate to any person any of his powers and functions under this Act (except this power of delegation).

13. ANNUAL REPORTS.

(1) The National Statistician shall, before 30 June in each year, present to the Minister a report on the work carried out by the National Statistical Service during the preceding year.

(2) As soon as practicable after he has received the report referred to in Subsection (1), the Minister shall forward the report to the Speaker for presentation to the Parliament.

Division 3.***Staff of the National Statistical office.*****14. GENERAL STAFF.**

(1) Subject to this Act, any staff required for the National Statistical Office shall be officers or employees of the Public Service.

(2) For the purposes of the *Public Services (Management) Act 1995*, the National Statistician shall, in respect of the staff referred to in Subsection (1), be deemed to be the Departmental Head within the meaning of that Act.

15. OTHER STAFF.

(1) The National Statistician may, within the limit of funds lawfully available, appoint such commissioners, enumerators, agents or other persons as may be required, to collect or assist in the collection of data for the compilation of statistics or related information under this Act.

(2)³ ⁴The terms and conditions of appointment of a person appointed under Subsection (1) are as determined by the Departmental Head of the Department of Personnel Management after consultation with the National Statistician.

(3) A person appointed under Subsection (1) shall perform the duties imposed on him under this Act under the supervision and direction of the National Statistician.

(4) Each person appointed under Subsection (1) shall be furnished with a certificate of appointment signed by the National Statistician and shall, if required whilst carrying out his duties, produce that certificate.

(5) A person appointed under Subsection (1) shall not be deemed to be a member of the Public Service by reason only of his appointment under that subsection, but that person shall, for the purposes of this Act, be deemed to be a person employed under this Act.

16. SPECIAL ASSISTANCE.

(1) This Division does not prevent any person being employed on contract or otherwise, under this or any other law, to perform functions (including the conduct of research) for or in relation to the National Statistical Office.

(2) The National Statistician may, for the purposes of this Act, authorize any person to perform special services for the National Statistical Office.

(3) A person employed under Subsection (1), or authorized to perform special services under Subsection (2), shall, while he is so employed or authorized, be deemed to be employed under this Act.

³ Section 15(2) amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s72.

⁴ Section 15(2) amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s72.

PART III. – OFFICIAL STATISTICS.**17. OFFICIAL STATISTICS AND CO-ORDINATION.**

(1) Official statistics shall be compiled to provide information required by the National Executive, State agencies and businesses for the purpose of making policy decisions, and to facilitate the appreciation of economic, social, demographic and other matters of interest to the National Executive, State agencies, businesses and the general public.

(2) In order to co-ordinate as effectively as possible, and to render most useful, the official statistics produced, and also to avoid unnecessary duplication of requests for data, all official statistics are subject to this Act, except where an exemption is specifically made by or under this Act or by the Minister in writing.

18. NECESSITY TO INFORM NATIONAL STATISTICIAN OF DETAILS OF OFFICIAL STATISTICS.

(1) As soon as practicable after the commencement date, the permanent head or principal administrative officer of each State agency shall inform the National Statistician of the official statistics for which the agency is responsible.

(2) The information required under Subsection (1) shall, if the National Statistician so directs, include–

- (a) details of the concepts, classifications and schedules used; and
- (b) the statistical methods and procedures employed; and
- (c) the resources employed; and
- (d) the means of publishing the official statistics; and
- (e) such other matters as the National Statistician may require so that he can exercise his duties under this Act.

(3) When at any time after a direction has been given under Subsection (2)–

- (a) any new official statistics or substantial alteration to existing official statistics is being proposed in relation to his agency; or
- (b) any document which is being used or proposed to be used as the source of data for any official statistics is being amended or drafted,

the appropriate officer of the State agency concerned shall advise the National Statistician as to the matters specified in Subsection (2).

(4) The National Statistician, after discussion with the appropriate officer of the State agency concerned, may in any specific or general case, waive or relax, in whole or in part, the duty under Subsection (1), (2) or (3) in respect of that State agency.

(5) Where a disagreement occurs between the parties in any discussion conducted for the purpose of Subsection (4), the decision of the Minister on the matter is final and binding on the parties.

19. NATIONAL STATISTICIAN TO APPROVE ALL STATISTICAL SURVEYS.

(1) Subject to Subsection (2), no State agency shall commence or commission any statistical survey or make a substantial alteration to an already existing survey without the written approval of the National Statistician.

(2) The National Statistician, after consultation with the appropriate officer of the State agency concerned, may, in any specific or general case, exempt that State agency from the provisions of Subsection (1) either wholly or in part and may impose conditions on that exemption.

(3) Where the appropriate officer of a State agency is aggrieved by a decision of the National Statistician under Subsection (2) he may appeal to the Minister, whose decision is final and binding on all parties.

(4) All applications for approval to conduct a statistical survey or make substantial alteration to an existing one shall be made in terms of the need for, and the scope, procedures and form of the proposed statistical survey.

(5) Statistical surveys of the kind provided for by this Act that are being conducted by or on behalf of the National Statistical Office or any other State agency immediately before the commencement date shall continue to be conducted by that Office or other State agency, as the case may be, after that date as if they had been approved by the National Statistician unless and until the National Statistician decides otherwise.

20. PERIODIC REVIEWS.

(1) The National Statistician shall from time to time review the collection of data and the compilation, analysis, abstraction and publication of official statistics produced from that data by the National Statistical Office and by other State agencies.

(2) The State agency concerned shall, within a reasonable time after receiving written notification from the National Statistician that a review under Subsection (1) is to be made, provide such reasonable facilities as are necessary to facilitate completion of the review.

PART IV. – COLLECTION OF STATISTICAL DATA.**21. POWERS OF THE NATIONAL STATISTICIAN IN RELATION TO THE COLLECTION OF STATISTICS.**

The National Statistician may–

- (a) from time to time–
 - (i) issue instructions relating to the collection of data and the compilation, analysis and dissemination of statistics and related information produced from that data; and
 - (ii) prepare programmes relating to the matters specified in Subparagraph (i); and
 - (iii) approve forms for use in collecting data and compiling, analysing and disseminating statistics and related information produced from that data; and
 - (iv) subject to this Act, consult or co-operate with any other person or body for the purpose of any matter specified in this paragraph; and
- (b) notwithstanding anything in this Act, authorize the use of the statistical method of sampling for the collection of statistics; and
- (c) request a respondent to supply estimates for statistical purposes where recorded data is not available; and
- (d) instead of, or in addition to, any other method of collecting statistical data, direct that a form be delivered or sent to a respondent.

22. ACCESS TO RECORDS OF STATE AGENCIES.

Subject to Section 23, a person having the care and custody of any documents or records that are maintained by any State agency from which information is required by the National Statistician for the purposes of this Act, shall, on the request of the National Statistician or a person authorized by the National Statistician in writing for the purpose, grant access to those documents or records, or any of them, so as to enable the National Statistician or the authorized person to obtain that information.

23. ACCESS TO DOCUMENTS, ETC., UNDER CONTROL OF AUDITOR-GENERAL OR COMMISSIONER GENERAL OF INTERNAL REVENUE.

⁵(1) For the purposes of this section, “documents or records” insofar as it relates to the Commissioner General of Internal Revenue includes any return, certificate, statement or other record received by him pursuant to the *Income Tax Act 1959*.

(2) The National Statistician or a person authorized in writing by him for the purpose shall only have access to information from any documents or records that are maintained or held by–

- (a) the Auditor-General; or

⁵ Section 23 amended by the *Commissioner General of Internal Revenue (Consequential Amendments) Act 1993* (No. 1 of 1993), s2, which provides that “Chief Collector of Taxes” shall be read as “Commissioner General”.

(b) the Commissioner General of Internal Revenue,

where the prior written approval of the Auditor-General or the Commissioner General of Internal Revenue, as the case may be, has been obtained.

24. STATISTICAL SURVEYS BY OTHER STATE AGENCIES.

(1) A State agency other than the National Statistical Office may conduct a statistical survey under the authority of this Act by written agreement with the National Statistician, provided that all persons employed on the collection and processing of the replies to the statistical survey—

- (a) are deemed to be employed under this Act for the purposes of that survey; and
- (b) have made the declaration of secrecy in Form 1 as required in Section 30,

and the conditions as to security of data supplied, set out in Part V., apply.

(2) Respondents to any statistical survey conducted by a State agency pursuant to the authority of any other Act, or without specific provision in any Act, must be advised whether the survey is for statistical purposes only or other purposes also.

(3) Where the survey referred to in Subsection (2) is for statistical purposes only, all persons employed on the collection and processing of the replies to the survey shall make the declaration of secrecy in Form 1 for the purposes of that survey and the replies will be used for statistical purposes only and they will not be divulged to anyone who has not made the declaration of secrecy as required in Section 30.

25. JOINT COLLECTION OF STATISTICAL DATA.

(1) The National Statistician may enter into an agreement or arrangement with any State agency for the exchange of data collected jointly with that State agency from a respondent and for subsequent tabulation or publication of statistics based on that data.

(2) An agreement under Subsection (1) shall provide that the respondent shall be informed, in writing, that the information is being collected jointly on behalf of the National Statistical Office and the particular State agency.

(3) Subject to Subsection (2), an exchange of information under this section includes—

- (a) replies to original inquiries; and
- (b) supplementary information,

provided by a respondent to the National Statistical Office and the State agency jointly collecting the information.

26. STATISTICAL FORMS TO BE COMPLETED AND RETURNED.

(1) A respondent who has received a form—

- (a) from the National Statistician under Section 21(d); or
- (b) from any State agency for the collection of data for a survey being carried out under the authority of this Act,

shall, within the time specified in the form or within such further time as the National Statistician or the State agency may in any case approve, complete the form to the best of his ability and return it to the National Statistical Office or to the State agency, as the case may be.

(2) A person who, after receiving a form under this section—

- (a) fails to complete the form to the best of his ability; or
- (b) refuses to complete the form; or
- (c) refuses or fails to return the form to the National Statistical Office or to the State agency, as the case may be, within the period specified in Subsection (1),

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K50.00.

(3) For the purposes of Subsection (2) a form is not considered complete unless it contains all the required information and contains no false information, but where exact information is not available the provision of careful estimates shall be sufficient compliance.

27. STATISTICAL QUESTIONS TO BE ANSWERED.

(1) A respondent shall, to the best of his knowledge and belief, answer all questions asked of him for the purpose of obtaining data under this Act by—

- (a) the National Statistician; or
- (b) any member of the staff of the National Statistical Office authorized in writing by the National Statistician; or
- (c) any other person employed by a State agency authorized in writing by or on behalf of the National Statistician.

(2) A person who neglects or refuses to answer any or all questions asked of him in accordance with Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K50.00.

(3) For the purposes of Subsection (2) a question is not considered answered unless the answer contains all the required information and contains no false information but where exact information is not available the provision of careful estimates shall be sufficient compliance.

28. ACCESS TO INFORMATION, BOOKS AND RECORDS TO BE PROVIDED.

(1) The National Statistician may—

- (a) require any person to give to him any information in his possession or under his control; or
- (b) inspect, and take copies of or extracts from, any books and records in the possession or under the control of any person,

that in the opinion of the National Statistician relates or relate to the exercise or performance of the powers or functions of the National Statistical Office or of the National Statistical Service or to the achievement of the purposes of this Act.

(2) A person who, without reasonable excuse proof of which is on him—

- (a) refuses or fails to give any information under Subsection (1)(a); or
- (b) refuses or fails to make available for inspection under Subsection (1)(b) any book or record; or
- (c) gives information under Subsection (1)(a) that is false or misleading in a material particular,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K50.00.

29. PROVISION OF STATISTICS, ETC., BY PERSONS, ETC., OUTSIDE PAPUA NEW GUINEA.

The provisions of this Act relating to the completing and returning of forms required under this Act and the answering of questions under this Act, in the case of—

- (a) a person residing outside Papua New Guinea; or
- (b) a corporation, business or organization incorporated or registered outside Papua New Guinea,

carrying on business in Papua New Guinea, shall be complied with by the manager, attorney or other agent of that person, corporation, business or organization in Papua New Guinea.

PART V. – SECURITY OF DATA SUPPLIED.

30. DECLARATION OF SECRECY.

(1) Before entering on his duties under this Act–

- (a) the National Statistician; and
- (b) all officers and employees of the Public Service referred to in Section 14; and
- (c) all commissioners, enumerators, agents or other persons appointed under Section 15; and
- (d) all persons employed or authorized by the National Statistician to perform functions or special services under Section 16; and
- (e) all persons employed in the National Statistical Service; and
- (f) all other persons employed or deemed to be employed under this Act,

shall make the declaration of secrecy in Form 1.

(2) The declaration of secrecy referred to in Subsection (1) shall be made before the National Statistician or an officer authorized by the National Statistician for the purpose.

31. INFORMATION SUPPLIED TO BE CONFIDENTIAL AND USED FOR STATISTICAL PURPOSES ONLY.

(1) Subject to Subsections (2) and (3)–

- (a) information required to be supplied under this Act shall be used for statistical purposes only; and
- (b) notwithstanding anything in any other Act, a person, other than a person employed under this Act who has made the declaration of secrecy specified in Form 1, shall not be permitted to see any data relating to an individual respondent which has been collected under this Act except for the purposes of proceedings under this Act or to the release of information collected under Section 25; and
- (c) it shall be a principle to be followed in the publication of statistics to arrange statistical tables in such a manner as to prevent any particulars published in the tables from being identifiable by any person (other than the person by whom the particulars were supplied) as particulars relating to any particular person or undertaking.

(2) Subject to Subsection (3), the National Statistician may authorize in the manner and to the extent that he thinks proper, disclosure of–

- (a) data collected by the State agencies or persons for their own purposes and communicated to the National Statistical Office but such information is subject always to the same secrecy requirements to which it was subject when collected originally; and
- (b) data relating to any person, corporation, business or organization where that person, corporation, business or organization has consented in writing to that disclosure; and
- (c) data available to the public under any other law; and

- (d) data relating to any corporation, business or organization in relation to which the Minister acting with, and in accordance with, the advice of the National Statistician has certified in writing that, in his opinion, it is in the national interest that it be published; and
- (e) data relating to any hospital, mental institution, welfare institution or other non-commercial institution of a similar kind arranged so that the particulars contained shall not be related to any individual patient, inmate or other person in the care of an institution; and
- (f) data in the form of an index or list of—
 - (i) the names and locations of individual corporations, businesses or organizations; and
 - (ii) the products produced, manufactured, processed, transported, stored, purchased, sold or otherwise dealt with, or the services provided by the individual corporations, businesses or organizations referred to in Subparagraph (i) in the course of their operations; and
 - (iii) the number of persons engaged or employed by the corporations, businesses or organizations referred to in Subparagraph (ii) in the course of their operations.

(3) This section does not prevent the disclosure by the State agency that collected it of information collected not for, or not solely for, statistical purposes.

32. INFORMATION PRIVILEGED.

(1) Subject to Subsection (3), any data collected under this Act or a copy of such data in the possession of a respondent shall not be used as evidence in any proceedings in a court, or in connection with, or as evidence of, an assessment or levy of any tax imposed by the State.

(2) Subject to Subsection (3), a person employed under this Act shall not be required to divulge any data collected under this Act to a court or other person having power to summon witnesses whether by producing a form or document or otherwise.

(3) This section does not apply to—

- (a) proceedings under this Act; or
- (b) the release of data collected under Section 25.

PART VI. – OFFENCES.**33. OFFENCES BY EMPLOYEES.**

A person employed under this Act who–

- (a) wilfully and without lawful authority alters any form issued under this Act; or
- (b) in the performance of his duties under this Act, wilfully makes any false declaration or statement or signs any form which he knows or has reason to believe is untrue; or
- (c) obtains or seeks to obtain under this Act information which he is not authorized to obtain under this Act; or
- (d) except in the course of his duty under this Act divulges–
 - (i) the contents of any form filled up, or data supplied under this Act or at the request of the National Statistician; or
 - (ii) the transactions, profits or financial position of any person, corporation, business or organization derived from any form or data supplied under this Act,

is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months, or both.

34. OTHER OFFENCES.

(1) A person who–

- (a) knowingly makes a false or misleading statement or any material omission in completing or filling in any form or answering any question under this Act; or
- (b) without lawful authority, destroys, defaces, removes or mutilates any form or other document requesting particulars to be collected or containing particulars collected under this Act; or
- (c) acts in contravention of, or without lawful excuse fails to comply with, any requirement under this Act; or
- (d) wilfully deceives or attempts to deceive the National Statistician or any person employed under this Act,

is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding three months, or both.

(2) A person who–

- (a) wilfully obstructs; or
- (b) seeks to obstruct; or
- (c) causes any other person to obstruct,

any person employed under this Act in the execution of his duty is guilty of an offence.

s. 34.

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Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months, or both.

PART VII. – MISCELLANEOUS.

35. EVIDENCE OF APPOINTMENT, ETC.

Any document purporting to be signed by the Minister, the National Statistician or a person authorized in writing by the Minister or the National Statistician–

- (a) relating to the appointment or termination of appointment of any person under this Act; or
- (b) setting forth any instruction to any person employed under this Act,

is evidence before all courts and persons acting judicially of the appointment, termination of appointment or instruction, as the case may be.

36. JUDICIAL NOTICE.

All courts and persons acting judicially shall take judicial notice of the signature of any person who is or who has been the National Statistician.

37. PRESUMPTION OF VALIDITY.

Any written or printed document or paper purporting–

- (a) to be a form authorized for use in the collection of official statistics or other data under this Act; and
- (b) to set forth any instruction relating to the taking of a census or the collection of statistical data under this Act; and
- (c) to be issued under this Act,

that is produced by any person employed under this Act in the execution of his duties under this Act–

- (d) shall be presumed by all persons to have been duly issued under this Act by the person having authority to issue it; and
- (e) is evidence of the matters contained in it.

38. LIMITATION OF PROCEEDINGS.

Subject to this Act, any proceedings by way of summary conviction in respect of an offence under this Act may be instituted at any time within two years after the date on which the subject of the proceedings arose.

39. REFERENCES TO STATISTICAL OFFICER, ETC.

Unless the contrary intention appears, any reference in any law in force in Papua New Guinea to–

- (a) the Statistical Officer; or
- (b) the Statistician; or
- (c) the Government Statistician,

shall be read and construed as a reference to the National Statistician appointed under this Act.

40. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular for prescribing—

- (a) matters relating to the collection of data for statistical purposes; and
- (b) penalties of fines not exceeding K200.00 and default penalties of fines not exceeding K20.00 for offences against the regulations.

41. REPEAL.

The Acts specified in Schedule 2 are repealed.

SCHEDULE 1

PAPUA NEW GUINEA.

Statistical Services Act 1980.

Form 1 – Declaration of Secrecy.

Sec. 30.

Form 1.

I, . . . , (*insert position held under the Act*) do promise and declare that I will not, except as allowed by law, divulge any data relating to an individual person, corporation, business or organization coming to my knowledge in the execution of my duties under the *Statistical Services Act*, or from a survey carried out for statistical purposes only.

(*Signature of Declarant.*)

Dated, . . . 20...

Signed in my presence.

Witness.

Address of Witness.

SCHEDULE 2 – REPEALED ACTS.

Census Act.

Statistics Act.

Employment Statistics Act.

Office of Legislative Counsel, PNG