

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 42 de 1973

JOINT REGULATION 42 of 1973

## JOINT REGULATION

No. 42  
of 1973.

To provide for the taking of a Manpower and Employment Survey.

[Published: Special Edition, Condominium Gazette.]

MADE by the Resident Commissioners under the provisions of Article 2 (2) and 7 of the Anglo-French Protocol of 1914.

1. In this Regulation, unless the context otherwise requires—
  - “Statistician” means the Condominium Statistician;
  - “authorised officer” means a person appointed as such under section 5;
  - “person” means an individual or group of persons, whether incorporated or not;
  - “return” means a form filled in under the provisions of this Regulation.
2. The Statistician shall cause a Manpower and Employment Survey to be conducted in the New Hebrides during the months of September and October, 1973 and thereafter as may be necessary.
 

Manpower and Employment Survey to be conducted.
3. The Statistician shall make arrangements and do all such things as are necessary for the taking of the Manpower and Employment Survey and for this purpose shall arrange for the preparation and issue of the necessary forms and instructions and for the return or collection of the forms when completed.
 

Powers and duties of Statistician.
4. The Statistician shall in the exercise of his powers and the performance of his duties under this Regulation be subject to the control of and comply with any lawful directions given by the Resident Commissioners.
 

Statistician subject to control of Resident Commissioners.
5. The Statistician may in writing designate any person to be an authorised officer for the purposes of this Regulation:
 

Authorised officers.

Provided that any power conferred by this Regulation on an authorised officer may be exercised by the Statistician.
6. (1) An authorised officer may require any person to supply him with such particulars as may be prescribed in the Manpower and Employment Survey forms or which the Statistician may consider necessary or desirable in relation to the collection of such information; and on being so required such person shall to the best of his knowledge, ability and belief, complete such forms, make such returns, answer such questions and give all such information in such manner and within such reasonable time as may be required by the authorised officer.
 

Powers of authorised officers.

(2) An authorised officer may require any person to supply him with such particulars either by interviewing such person personally or leaving at or posting to the last known address of such person a form containing a notice requiring the same to be completed and returned in the manner and within such reasonable time as may be specified in the notice.

7. (1) Subject to this section all information relating to any person obtained under authority of this Regulation—

Secrecy of information.

(a) shall be treated as strictly confidential and shall not knowingly be disclosed in any way except to the Statistician and authorised officers acting in the execution of any duty under this Regulation;

(b) shall be absolutely privileged in all proceedings of any court, council, committee, board of enquiry or any other authority, other than for the purposes of any prosecution for a breach of this Regulation when the same shall be disclosed in camera.

(2) Notwithstanding the provisions of subsection (1), the Statistician may in his discretion—

(a) return any information, returns or documents supplied or obtained under the provisions of this Regulation to the person who supplied the same;

(b) forward any returns, documents or information obtained under the provisions of this Regulation to any recognised overseas organisation for computer processing purposes;

(c) publish or otherwise disclose particulars relating to any person which have been obtained directly from the person concerned provided that no objection to such disclosure was made in writing on the appropriate section of the return when the information was supplied.

(3) Nothing in this section shall affect or be deemed to affect any written or other law relating to the disclosure or non-disclosure of any official, secret or confidential information, evidence or document and any person required by the Statistician or by an authorised officer to supply any information, to give evidence or to produce any document shall be entitled in respect of such information, evidence or document to plead the same privilege or immunity before the Statistician or such authorised officer as he would before a court of law.

8. For the purposes of section 7, every authorised officer shall enter into an undertaking of secrecy in the form prescribed in the Schedule.

Undertaking of secrecy by authorised officers.

9. Any person who, save as allowed by this Regulation, knowingly discloses any information relating to any person which has been supplied or obtained under the provisions of this Regulation shall be guilty of an offence punishable by a fine not exceeding

Offence of unlawfully disclosing information.

100,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange, or by imprisonment for a term not exceeding one year or by both such fine and imprisonment.

10. Any person who—

- (a) wilfully obstructs the Statistician or any authorised officer in the lawful performance of any duties or in the lawful exercise of any powers imposed or conferred upon him by this Regulation;
- (b) refuses or neglects to complete and supply to the best of his knowledge, ability and belief, within such time as may be specified in that behalf, the particulars required in any return, form or other document left with or sent to him or to answer any question or inquiry put to or made of him under the provisions of this Regulation;
- (c) knowingly or recklessly makes in any return, form or other document completed by him under the provisions of this Regulation, or in any answer to any question or inquiry put to or made of him under the provisions of this Regulation, any statement which is untrue in any material particular;
- (d) without lawful authority or excuse, destroys, defaces or mutilates any return, form or other document containing particulars collected under the provisions of this Regulation; or
- (e) impersonates an authorised officer,

Other offences.

shall be guilty of an offence punishable by a fine not exceeding 50,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

11. Notwithstanding the provisions of this Regulation, neither the Statistician nor any authorised officer shall have any administrative authority or power to compel any person to comply with any duty or obligation imposed by this Regulation.

No administrative power to enforce Regulation.

12. This Regulation may be cited as the Joint Manpower and Employment Survey Regulation No. 42 of 1973 and shall come into operation on the date of its publication in the Condominium Gazette.

Citation and commencement.

Made at Vila this twenty-first day of September, 1973.

LANGLOIS

M. TOWNSEND

The Resident Commissioner  
for the French Republic.

Her Britannic Majesty's Acting  
Resident Commissioner.

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SCHEDULE

I, (full name).....

of (place of residence).....

(occupation) .....  
being an officer exercising powers or duties conferred or imposed on me by or  
under the Joint Manpower and Employment Survey Regulation No. 42 of 1973,  
undertake not to disclose knowingly any information supplied or obtained in  
pursuance of that Regulation, save as allowed thereby.

Signed at.....this.....day of....., 197 ...

.....  
(Signature)

Witness:.....

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