

CENSUS AND STATISTICS.

No. 15 of 1905.

An Act relating to the Census and Statistics of the Commonwealth.

[Assented to 8th December, 1905.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia as follows :—

PART I.—INTRODUCTORY.

Short title.

1. This Act may be cited as the *Census and Statistics Act 1905*.

Parts.

2. This Act is divided into parts, as follows :—

Part I.—Introductory.

Part II.—Administration.

Part III.—The Census.

Part IV.—Statistics.

Part V.—Miscellaneous.

Definitions.

3. In this Act, unless the contrary intention appears—

“Commissioner for Affidavits” means a person authorized under the law of the Commonwealth or of a State to take affidavits or declarations.

“Dwelling” means a building, erection, or tenement, whether permanent or temporary, which is wholly or partly used for the purpose of human habitation and includes any ship or other vessel in any port of the Commonwealth or in any inland waters thereof, or any ship or vessel registered in Australia on a passage between any two Commonwealth ports.

“Factory” means any work, mill, or establishment, used for the purpose of manufacturing treating or preparing any article.

“Occupier” includes every governor, superintendent, officer in charge, or keeper, of any gaol, prison, hospital, lunatic asylum, or public or charitable institution.

“The Statistician” means the Commonwealth Statistician.

PART II.—ADMINISTRATION.

4. The Governor-General may appoint a Commonwealth Statistician, who shall have such powers and perform such duties as are conferred or imposed on him by this Act or the regulations.

Appointment
of Statistician.

5.—(1.) The Statistician, in relation to any particular matters or class of matters or to any particular State or part of the Commonwealth, with the approval of the Minister, may, by instrument under his hand, delegate any of his powers under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters or the State or part of the Commonwealth specified in the instrument of delegation.

Power of
Statistician to
delegate.

(2.) Every delegation shall be revocable in writing, at will, and no delegation shall affect the exercise or performance by the Statistician of any power or duty.

6.—(1.) The Governor-General may enter into any arrangement with the Governor of any State providing for any matter necessary or convenient for the purpose of carrying out or giving effect to this Act and in particular for all or any of the following matters :—

Arrangements
with State
Governments
as to execution
of Act.

(a) The execution by State Officers of any power or duty conferred or imposed on any officer under this Act or the regulations ;

(b) The collection by any State Department or officer of any statistical or other information required for the purpose of carrying out this Act ; and

(c) The supplying of statistical information by any State Department or officer to the Statistician.

(2.) All State Officers executing any power or duty conferred or imposed on any officer under this Act or the regulations, in pursuance of any arrangement entered into under this section, shall for the purposes of the execution of that power or duty be deemed to be officers under this Act.

7. Every officer executing any power or duty conferred or imposed on any officer under this Act or the regulations, shall, before entering upon his duties or exercising any power under this Act, make before a Justice of the Peace or Commissioner for Affidavits a declaration in accordance with the prescribed form.

Declaration of
"secrecy" by
officers.

PART III.—THE CENSUS.

8.—(1.) The Census shall be taken in the year One thousand nine hundred and eleven and in every tenth year thereafter.

Taking of
Census.
Cf. N.S.W. 1900
No. 65 s. 3.

(2.) The Census day shall be a day appointed for that purpose by proclamation.

9. It shall be the duty of the Statistician, subject to the regulations and to the directions of the Minister, to prepare and issue forms and instructions, and take all necessary steps for the taking and collection of the Census.

Statistician to
take steps for
collection of
census.

Forms to be left at dwellings.
Cf. N.S.W. 1900 No. 65, ss. 6, 7.

10.—(1.) For the purpose of taking the Census, a form called the Householder's Schedule shall be prepared, and left, in accordance with the regulations, at every dwelling throughout the Commonwealth.

(2.) Where a dwelling is let, sublet, or held in different apartments and occupied by different persons or families, each part so let, sublet, or held and used for the purpose of human habitation shall be deemed a dwelling house.

Occupiers to fill up Householders' Schedules.
Cf. ib. s. 8.

11. Every occupier of a dwelling, with or for whom a Householder's Schedule has been left, shall, to the best of his knowledge and belief, fill up and supply therein, in accordance with the instructions contained in or accompanying the Schedule, all the particulars specified therein, and shall sign his name thereto and shall deliver the Schedule so filled up and signed to the Collector authorized to receive it.

Penalty: Ten pounds.

Particulars in schedule.

12. The particulars to be specified in the Householder's Schedule shall include the particulars following:—

- (a) the name, sex, age, condition as to, and duration of, marriage, relation to head of the household, profession or occupation, sickness or infirmity, religion, education, and birthplace, and (where the person was born abroad) length of residence in Australia and nationality of every person abiding in the dwelling during the night of the Census Day;
- (b) the material of the dwelling and the number of rooms contained therein;
- (c) any other prescribed matters.

Collectors to assist in filling up schedules.
Cf. ib. s. 9.

13. It shall be the duty of each Collector if requested to assist occupiers of dwelling houses in filling up the Householder's Schedule, and to satisfy himself by inquiries from occupiers of dwellings or other persons that the Householder's Schedule has been correctly filled up.

Duty of persons to supply information to collectors.
Cf. ib. 21 (e).

14. Every person shall, to the best of his knowledge and belief, answer all questions asked him by a Collector necessary to obtain any information required to be filled up and supplied in the Householder's Schedule.

Penalty: Ten pounds.

Returns of persons not abiding in dwellings.
Cf. ib. s. 7 (4).

15.—(1.) The Statistician shall obtain such returns and particulars as are prescribed with respect to persons who, during the night of the Census Day were not abiding in any dwelling.

(2.) Every person shall, on being required by the Statistician so to do, furnish to the best of his knowledge and belief any prescribed particulars relating to persons who were not abiding on the night of the Census Day in any dwelling.

Penalty: Ten pounds.

PART IV.—STATISTICS.

16. The Statistician shall, subject to the regulations and the directions of the Minister, collect, annually, statistics in relation to all or any of the following matters :—

- (a) Population ;
- (b) Vital, social, and industrial matters ;
- (c) Employment and non-employment ;
- (d) Imports and exports ;
- (e) Inter-State trade ;
- (f) Postal and telegraphic matters ;
- (g) Factories, mines, and productive industries generally ;
- (h) Agricultural, horticultural, viticultural, dairying, and pastoral industries ;
- (i) Banking, insurance, and finance ;
- (j) Railways, tramways, shipping, and transport ;
- (k) Land tenure and occupancy ; and
- (l) Any other prescribed matters.

Statistics to be collected.

17. For the purpose of enabling the statistics referred to in this Part of this Act to be collected, all prescribed persons shall, to the best of their knowledge, when required by the Statistician so to do, fill up and supply, in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

Forms to be filled up.

Penalty : Ten pounds.

18. Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistician or an officer authorized in writing by the Statistician, necessary to obtain any information required for the purposes of any statistics authorized by this Act to be collected. Provided that no prosecution for contravention of this section shall be instituted without the consent of the Minister.

Duty of persons to answer questions.

Penalty : Ten pounds.

19.—(1.) For the purpose of making any inquiries or observations necessary for the proper carrying out of this Act, the Statistician or any officer authorized in writing by him may, at any time during working hours enter any factory, mine, work-shop, or place where persons are employed, and may inspect any part of it, and all plant and machinery used in connexion with it, and may make such inquiries as are prescribed or allowed by the regulations.

Powers of entry and inspection.
Ct. N.S.W.,
1900 No. 65 s.
19.

(2.) No person shall hinder or obstruct the Statistician or any officer authorized in writing by him in the execution of any power conferred by this section.

Penalty : Ten pounds.

20.—(1.) The Statistician shall compile and tabulate the statistics collected pursuant to this Act and shall publish such statistics or abstracts thereof, as the Minister directs, with observations thereon.

Publication of statistics.
Ct. Canada,
1886, ch. 59 s.
11.

(2.) All statistics or abstracts prepared for publication and the Statistician's observations thereon (if any) shall be laid before both Houses of the Parliament.

PART V.—MISCELLANEOUS.

Person not bound to state his religion.
Cf. N.S.W., 1900 s. 21 (2).

21. No person shall be liable to any penalty for omitting or refusing to state the religious denomination or sect to which he belongs or adheres.

Desertion by officers.
Cf. ib. s. 23.

22. No officer, after having taken the prescribed declaration, shall desert from his duty, or shall refuse or wilfully neglect, without just excuse, to perform the duties of his office.

Penalty : Twenty pounds.

Untrue returns by officers.
Cf. ib. s. 23 (b).

23. No officer shall wilfully or without lawful authority alter any document or form under this Act or shall wilfully sign any untrue document or form.

Penalty : Fifty pounds.

Officers to observe secrecy.
Cf. ib. s. 24.

24. No officer shall, except as allowed by this Act or the regulations, divulge the contents of any form filled up in pursuance of this Act, or any information furnished in pursuance of this Act.

Penalty : Fifty pounds.

Forgery of forms.

25. Any person who forges, or utters knowing it to be forged, any form or document under this Act, shall be guilty of an indictable offence, and liable to imprisonment for a term not exceeding three years.

Penalty for false returns or answers.
Cf. ib. 21 (d).

26. No person shall knowingly make in any form or document filled up or supplied in pursuance of this Act or in answer to any question asked him under the authority of this Act any statement which is untrue in any material particular.

Penalty : Fifty pounds.

Regulations.

27. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters and things which, by this Act, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.