

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

CENSUS AND STATISTICS AMENDMENT ACT 1981

EXPLANATORY MEMORANDUM

(Circulated by authority of the Treasurer, the Hon. John Howard MP)

## OUTLINE

The main purpose of this Bill is to amend the Census and Statistics Act 1905 to correct a number of legislative defects which were identified by the Australian Law Reform Commission and to rectify a number of inadequacies of a technical and administrative nature.

The secrecy provision is being amended to :

- . make it clear that persons employed by the Bureau of Statistics under Census Regulations and Statistics Regulations, such as Census collectors and interviewers, are bound by the secrecy provision of the Act;
- . ensure that former officers of the Bureau are bound by the secrecy provision of the Act; and
- . substantially upgrade the penalty for unauthorised disclosure.

The Bill also provides for some changes of a technical and administrative nature as follows :

- . as recommended by the Australian Law Reform Commission, the machinery provisions relating to the conduct of the Population Census are being amended to authorise the use of sealed envelopes and the mailing back of Census schedules;
- . the repeal of a number of provisions that are adequately dealt with by other Acts; and
- . the upgrading of all penalties to reflect current values.

## NOTES ON THE CLAUSES OF THE BILL

### PART I - PRELIMINARY

Part I of the Bill provides for the short title and commencement of the amending legislation.

#### Clause 2 - Commencement

Sub-clause 2(1) provides that clause 4 in Part II of this Bill, which varies the manner in which the completed Census Schedule is to be returned to the Statistician shall come into operation on the day on which this Act receives the Royal Assent. This will be prior to the distribution of Census Schedules for the 1981 Population Census.

Sub-clause 2(2) provides that the remaining clauses in Part II of this Bill shall come into operation on 30 June 1981, so that they will apply to the 1981 Population Census.

### PART II - AMENDMENTS OF THE PRINCIPAL ACT

#### Clause 3 - Interpretation

A definition of "officer" is required to ensure that not only are members of the staff of the Australian Bureau of Statistics are bound by the secrecy provision of the Act, but also to make it clear that persons employed as population survey interviewers, Census collectors and the like, who are engaged in accordance with regulations to assist in the carrying out of the functions of the Statistician, are bound by the secrecy provision.

#### Clause 4 - Occupiers to fill up Householders' Schedules

This amendment is necessary to authorise the mailing back of Census Schedules to the Bureau of Statistics if the usual personal collection by a Census collector is not effective.

#### Clause 5 - Collectors to assist in filling up Schedules

In the 1981 Population Census a special sealed envelope is to be made available to persons wishing to maintain the privacy of their Schedule by by-passing the Census collector. In those circumstances it would not be possible for the Census collector to satisfy himself that the Schedule had been correctly filled up.

#### Clause 6 - Powers of Entry and Inspection

This Clause amends the Census and Statistics Act by omitting sub-section 19(2) which specifies that obstruction of an officer in the execution of his powers of entry and inspection, is an offence. The offence is adequately covered by section 76 of the Crimes Act 1914.

#### Clause 7 - Untrue Returns by Officers

This Clause repeals section 23 of the Census and Statistics Act which deals with untrue returns by officers, as it is adequately covered by section 72 of the Crimes Act 1914.

#### Clause 8 - Secrecy

This Clause amends section 24 of the Census and Statistics Act, the secrecy provision, to ensure that former officers of the Bureau are bound by the secrecy provision of the Act.

#### Clause 9 - Forgery of Forms

This Clause repeals section 25 of the Census and Statistics Act which deals with forgery of forms, as it is adequately covered by section 67 of the Crimes Act 1914.

#### Clause 10 - Amendments relating to Penalties

The existing penalties in the Census and Statistics Act were set in 1905 at levels which are now quite unrealistic. In particular, in line with a recommendation of the Australian Law Reform Commission, the penalty for unauthorised disclosure is substantially upgraded to more adequately reflect current values and the seriousness of the offence.