THE TERRITORY OF CHRISTMAS ISLAND

No. 4 of 1980

AN ORDINANCE

To amend the Census Ordinance 1961

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the Christmas Island Act 1958.

Dated this twenty-seventh day of March 1980.

ZELMAN COWEN
Governor-General

By His Excellency’s Command,

R. J. ELLICOTT
Minister of State for Home Affairs

CENSUS AND STATISTICS (AMENDMENT) ORDINANCE 1980

1. This Ordinance may be cited as the Census and Statistics (Amendment) Ordinance 1980.*

2. In this Ordinance, “Principal Ordinance” means the Census Ordinance 1961.†

3. The title of the Principal Ordinance is amended by inserting “and the collection of statistics” after “Censuses”.

4. Before section 1 of the Principal Ordinance the following heading is inserted:

“PART I—PRELIMINARY”.

5. Section 1 of the Principal Ordinance is amended by inserting “and Statistics” after “Census”.

6. Section 3 of the Principal Ordinance is amended—

(a) by omitting the definition of “Census day” and substituting the following definition:

“‘Census day’ means the day in a census year appointed by the Minister, by notice published in the Gazette, to be a census day for the purpose of the taking of the Census;”.

† Ordinance No. 2, 1961 as amended by Nos. 2 and 7, 1966; and No. 3, 1971.

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(b) by omitting the definition of "officer" and substituting the following definition:

"'officer' means a person appointed under section 9 or 23B;"; and

(c) by omitting the definition of "the Statistician" and substituting the following definition:

"'the Statistician' means—

(a) where a Statistician is appointed for the purposes of both Part III and Part IV—that Statistician; or

(b) the Statistician appointed for the purposes of Part III or the Statistician appointed for the purposes of Part IV, as the case requires."

7. Before section 4 of the Principal Ordinance the following heading is inserted:

"PART II—ADMINISTRATION".

8. Section 4 of the Principal Ordinance is repealed and the following section substituted:

"4. (1) The Minister may appoint a Statistician for the purposes of Part III.

(2) The Minister may appoint a Statistician for the purposes of Part IV.

(3) If no appointment is in force under sub-section (1) or (2), the Minister may appoint a Statistician for the purposes of both Parts III and IV."

9. Before section 6 of the Principal Ordinance the following heading is inserted:

"PART III—CENSUS".

10. Section 6 of the Principal Ordinance is repealed and the following section substituted:

"6. The Census shall be taken in each year in which the Census is taken in the Commonwealth under the Census and Statistics Act 1905."

11. Section 10 of the Principal Ordinance is repealed.

12. After section 23 of the Principal Ordinance the following Part, heading and section are inserted:

"PART IV—STATISTICS

"23A. The Statistician shall, subject to the regulations and in accordance with the directions (if any) of the Minister, collect statistics in relation to all or any of the following matters:

(a) accidents;
(b) banking, insurance and finance;
(c) education;
(d) employment and non-employment;
(e) entertainments and amusements including sports, recreation and cultural activities;
(f) erection, alteration and repair of buildings and other constructional activity;
(g) housing;
(h) imports and exports;
(i) migration;
(j) population;
(k) postal and telegraphic matters;
(l) prices, rents and household and family budgets;
(m) public health and quarantine;
(n) shipping and transport;
(o) sickness, diseases and injuries;
(p) superannuation, provident and pension schemes;
(q) trade and commerce;
(r) wages, earnings and conditions of employment;
(s) wholesale and retail business;
(t) wireless, radio and telephone matters.

"23b. (1) For the purpose of the collection of statistics under this Ordinance, the Minister may appoint such officers as he thinks fit.

"(2) A person appointed under this section holds office during the pleasure of the Minister.

"(3) A person appointed under this section shall be paid, in respect of the performance of his duties under this Ordinance, such remuneration as the Minister approves.

"23c. Each officer appointed under section 23b shall perform such duties in relation to the collection of statistics under this Ordinance as are prescribed or as the Statistician directs.

"23d. For the purpose of enabling the collection of statistics under this Ordinance, the Statistician may require a person to supply, in accordance with the instructions contained in or accompanying a form supplied to that person by the Statistician, the particulars specified in that form, and that person shall, to the best of his knowledge, comply with the requirement.

Penalty: $20.

"23e. (1) A requirement of the Statistician under section 23d shall be in writing and may be made—

(a) in the case of a requirement on a person other than a body corporate, by delivering it personally or by leaving it at, or by sending it by post to, that person’s usual or last known place of residence or business; or
(b) in the case of a requirement on a body corporate, by delivering it to, or sending it by post to, the registered office of the body corporate or to any office at which the body corporate carries on business.

"(2) The form and instructions referred to in section 23d shall be supplied to the person or body corporate with a requirement specified in sub-section (1).

"(3) The requirements or the instructions shall specify a date on or before which the particulars specified in the form are to be supplied and the place and the person to whom those particulars are to be supplied.

"23f. (1) In a prosecution for an alleged offence under section 23d, a certificate purporting to have been signed by the Statistician shall, unless the contrary is proved, be deemed to have been duly signed by the Statistician.

"(2) For the purpose of a prosecution for an alleged offence under section 23d, the Statistician may certify—

(a) that a document annexed to the certificate is a true copy of a requirement made of the defendant under section 23d;

(b) that a form annexed to the certificate is a true copy of the form supplied to the defendant with the requirement;

(c) that a document annexed to the certificate is a true copy of the instructions that were contained in or accompanied the form; and

(d) that the requirement and the form were delivered to, left for, or sent to the defendant in accordance with section 23e, and such a certificate shall be evidence of the facts stated in the certificate.

"(3) The person to whom particulars were, in accordance with the requirement or instructions, to have been supplied may certify that the particulars were not so supplied, and such a certificate shall, unless the contrary is proved, be deemed to have been signed by that person and shall be evidence of the facts stated in the certificate.

"23g. A person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistician or an officer appointed under section 23b that are necessary for the purpose of the collection of any statistics under this Ordinance.

Penalty: $20.

"23h. For the purpose of making any inquiries or observations necessary for the proper exercise of his powers or performance of his Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of persons to answer questions Duty of 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functions under this Ordinance, the Statistician or any officer appointed under section 23A may, at any time—
(a) during business hours, enter and inspect any shop or other place where goods are sold and inspect any goods for sale; or
(b) during working hours, enter any factory, workshop or place where persons are employed and inspect any part of it, and all plant and machinery used in connection with it.

"PART V—MISCELLANEOUS"

"23J. The Statistician and each officer shall, before exercising any power or performing any duty conferred or imposed upon him under this Ordinance, sign, in the presence of a witness, an undertaking of fidelity and secrecy in accordance with the form in the Schedule."

13. Section 24 of the Principal Ordinance is amended by omitting "ten" and substituting "23J".

14. Section 26 of the Principal Ordinance is amended by inserting "or the collection of statistics" after "Census".

15. Section 27 of the Principal Ordinance is amended by omitting "Census," and substituting "Census or the collection of statistics,"

16. Section 30 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

"(4) Nothing in this section authorizes the Statistician to disclose the identity of any person who supplied any information in the course of the taking and collection of the Census or in the course of the collection of statistics under this Ordinance."

17. After section 30 of the Principal Ordinance the following section is inserted:

"31. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and, in particular, prescribing penalties not exceeding a fine of $100 for offences against the regulations."

18. The Schedule to the Principal Ordinance is amended—
(a) by omitting "Section 10" and substituting "Section 23J";
(b) by inserting "and Statistics" after "Census" (wherever occurring); and
(c) by inserting "or the collection of statistics" after "Census in the year 19".

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