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QUEENSLAND

STATISTICAL RETURNS ACT 1896-1986

[Reprinted as at 1 June, 1986]

Statistical Returns Act of 1896, 60 Vic. No. 16

As amended by

Statute Law Revision Act of 1908, 8 Edw. 7 No. 18

Bureau of Industry Act of 1932, 23 Geo. 5 No. 25

Statistics Act of 1935, 26 Geo. 5 No. 9

Statistical Returns Act Amendment Act 1986, No. 27

An Act to Facilitate the Collection of Statistical Information

[ASSENTED TO 16 DECEMBER, 1896]

Preamble repealed by Act of 1908, 8 Edw. 7 No. 18.

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as "*The Statistical Returns Act of 1896.*"

Collective title conferred by Act of 1986, No. 27, s. 1 (3).

2. Commencement. This Act shall commence and take effect on and from the first day of January, one thousand eight hundred and ninety-seven.

3. Interpretation. The term "person" includes any local authority, society, institution, or any body of persons corporate or unincorporate.

3A. Government Statistician. In this Act the term "Government Statistician" shall mean the person appointed for the time being by the Governor in Council to be Government Statistician.

Inserted by Act of 1935, 26 Geo. 5 No. 9, s. 4; as amended by Act of 1986, No. 27, s. 2.

4. Government Statistician may deliver forms for procuring information. For the purpose of collecting and publishing statistical information relating to—

(a) Population; vital statistics;

- (b) Immigration and emigration;
- (c) Social statistics;
- (d) Factories and manufacturing industries;
- (e) Wages;
- (f) Employment and non-employment;
- (g) Imports and exports;
- (h) Shipping;
- (i) Railways and tramways and transport generally;
- (j) Banking, insurance, and finance;
- (k) Land tenure and occupancy;
- (l) Agricultural, pastoral, and kindred industries;
- (m) Mining and mining industries (including quarries);
- (n) Retail and distributive industries;
- (o) Forestry;
- (p) Fisheries;
- (q) Local government;
- (r) Water conservation and supply;
- (s) Any other prescribed matters,

the Government Statistician may prepare and make available to such persons, by delivery or in such manner as he thinks fit or as may be prescribed by regulations, any forms prescribed for procuring such information in order that such forms may be filled up by such persons and returned to him.

Such forms shall specify the nature of the information required by the Government Statistician.

Every person to whom any such form is so made available shall insert or cause to be inserted therein the full information required thereby to the best of his knowledge and belief, and shall, within thirty days after the making available by the Government Statistician of such form to him, return the same, duly filled up, to the Government Statistician or to some person authorised by the Government Statistician to collect or receive the same.

Substituted by Act of 1932, 23 Geo. 5 No. 25, s. 28 (1).

5. Refusal or failure to furnish information, etc. (1) A person who—

- (a) refuses or wilfully neglects to fill or cause to be filled up a form made available to him pursuant to section 4; or
- (b) refuses or wilfully neglects, within the period prescribed by section 4, to return the form duly filled up to the Government Statistician or to a person authorized by the Government Statistician to collect or receive the same,

commits an offence against this Act, which shall be taken to be a continuing offence and is liable to a penalty of \$100 for each day during which the refusal or neglect has continued.

(2) A person may be prosecuted from time to time for his refusal or wilful neglect that constitutes an offence against paragraph (a) or (b) of subsection (1) in respect of any period or periods during which his refusal or wilful neglect has continued.

(3) A person who inserts or permits to be inserted in a form made available to him pursuant to section 4 any information that is to his knowledge false commits an offence against this Act.

Penalty: \$100.

Substituted by Act of 1986, No. 27, s. 3.

6. Secrecy. (1) A person who is, or has been, employed in the office of the Government Statistician or in collecting or receiving forms referred to in section 4 or engaged in collating information on behalf of the Government Statistician shall not, except—

- (a) in accordance with a direction of the Government Statistician;
or
- (b) for the purposes of this Act,

divulge or communicate any information obtained under this Act.

(2) A person to whom is disclosed information that has been obtained under this Act and that he knows or suspects to have been obtained under this Act shall not, whether within or outside the State, divulge or communicate that information or any part thereof unless—

- (a) the information or part in question was disclosed to him pursuant to a direction of the Government Statistician under section 7 on terms such that he was at liberty to divulge or communicate the information or part in question—
 - (i) at will;
or
 - (ii) subject to a condition;
or
- (b) he believes on reasonable grounds that the information or part in question was disclosed to the person from whom he obtained it as prescribed by paragraph (a),

and in either case, where paragraph (a) (ii) is relevant to the case, the information or part in question is divulged or communicated in accordance with the condition.

(3) A person who contravenes subsection (1) or (2) commits an offence against this Act.

Penalty: \$5 000 or imprisonment for 2 years or both.

Substituted by Act of 1986, No. 27, s. 4.

7. Release of information. (1) The Government Statistician may give a direction providing for and in relation to the disclosure of information obtained under this Act.

(2) Without limiting the generality of subsection (1), directions may specify terms and conditions subject to which the information may be disclosed including terms and conditions as to the disclosure of the information by the person to whom it is to be disclosed.

Original s. 7 repealed by Act of 1935, 26 Geo. 5 No. 9, s. 5.

Present s. 7 inserted by Act of 1986, No. 27, s. 5.

8. Proceedings for offences. (1) An offence against this Act shall be prosecuted in a summary way under the *Justices Act 1886-1985* on the complaint of the Government Statistician or of some person authorized in that behalf by writing under the hand of the Government Statistician.

(2) A complaint of an offence against section 6 (2) that is committed outside the State shall be heard and determined at a place appointed for holding Magistrates Courts within the Central Division of the Brisbane District appointed under the *Decentralization of Magistrates Courts Act 1965-1974*.

(3) The authority of a person to make a complaint referred to in subsection (1) shall be presumed until the contrary is proved.

Substituted by Act of 1986, No. 27, s. 6.

9. Defendant to prove return of form. In a prosecution under this Act it shall be incumbent upon any person charged with refusing or wilfully neglecting to return a form delivered to him as aforesaid to prove that he, within the time prescribed by the fourth section hereof,—

- (a) Delivered such form duly filled up as aforesaid to some person authorised by the Government Statistician to receive the same; or
- (b) Deposited or caused to be deposited in some post office such form addressed to the Government Statistician.

10. Certificate of Government Statistician prima facie evidence. In a prosecution under this Act—

- (a) The production of a certificate under the hand of the Government Statistician stating the date and contents of any letter addressed to the defendant, and the date upon which it was lawfully delivered, shall be prima facie evidence of the contents of such letter and the delivery thereof to the defendant;
- (b) The production of the Gazette containing any form prescribed under this Act shall be deemed sufficient evidence of such form and of the contents thereof.

10A. Lawful delivery. For the purposes of this Act a form shall be deemed to have been lawfully delivered when it is—

- (a) served personally on the person to whom it is addressed; or
- (b) left at or forwarded by post to the usual or last known place of abode of such person.

Inserted by Act of 1986, No. 27, s. 7.

11. Regulations. The Governor in Council may make Regulations for better carrying into effect the provisions of this Act; and all such Regulations shall, after publication in the Gazette, have the force of law.

By Authority: S. R. HAMPSON, Government Printer, Queensland

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