Date Introduced: 30 April 1981
House: House of Representatives

Short Digest of Bill

Purpose

To amend the Census and Statistics Act 1905 to incorporate the recommendations of the Australian Law Reform Commission.

Background

The Law Reform Commission in its report "Privacy and the Census" tabled on 15 November 1979 said that the secrecy provision of the Principal Act was defective in that it did not apply to past Statisticians and officers, the term "officer" was not defined in the Act, and the penalty for breach of the secrecy provision was inadequate. The Law Reform Commission also recommended the use of sealed envelopes and the mailing back of Census forms.

Main Provisions

Clause 2 provides that Part 1 and clause 4 shall come into operation on the day the Bill receives the Royal Assent, while the remaining provisions shall come into operation on 30 June 1981.

Clause 3 of the Bill inserts two new definitions into the Principal Act, "Bureau" and "officer". Those amendments are for the purpose of ensuring that members of the staff of the Australian Bureau of Statistics will be within the secrecy provision of the Act, as well as persons engaged in accordance with the regulations.

Clause 4 amends section 11 of the Principal Act so that an occupier of a dwelling has the option of either giving the Householder's Schedule to the authorised Collector, or furnish the Householder's Schedule, in accordance with the accompanying instructions, to the Statistician. "Statistician" is defined in the Principal Act to be the Commonwealth Statistician. The instruction will presumably make provision for an occupier to return the
Schedule by mail to the Statistician in a sealed envelope as the amendment does not expressly provide for this.

Clause 5 amends section 13 of the Principal Act by omitting the requirement that a Collector is to satisfy himself that a Householder's Schedule has been correctly filled up.

Clause 6, 7 and 9 repeal sub-section 19(2), section 23 and section 25 of the Principal Act respectively. The offences created under these sections come within certain provisions of the Crimes Act 1914.

Clause 8 amends section 24 so that this secrecy provision covers both a person who is or has been the Statistician or an officer under the Act. An occupier of the dwelling is no longer bound to secrecy under section 24. The Collector is a member of the staff of the Bureau or engaged in accordance with the regulations (and therefore within the definitions of "officer").

Clause 10 amends the penalties in all section of the Principal Act where offences are created.

For further information, if required, contact:

8 May 1981

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