



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XXVI.

AN ACT to provide Statistics of Agricultural,
Pastoral, and other Industries.

[Assented to, 23rd December, 1897.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Industrial Statistics Act, 1897.

Short Title.

2. IN this Act, so far as the context permits,—

“Crop” includes farm, meadow, or garden produce, and the produce of any fruit-bearing trees or shrubs.

Interpretation.

“District” means a statistical district, coinciding with a magisterial district, and “sub-district” means a division thereof coinciding with a police patrol district.

“Head of an Industrial Establishment” means the person in charge of any such establishment.

“Informant” means the person signing a Schedule containing any return required by this Act.

“Industrial Establishment” means any factory, workshop, or mill where either four persons or more have been employed

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at any time during the year, or where an engine driven by steam, gas, or electricity has been used, whatever be the number of persons employed, and any mine which has been worked at any time during the year, whatever be the number of persons employed.

“Live stock” includes camels, horses, asses, bulls, rams, goats, pigs, and the females and progeny, by whatever names called, of such animals respectively.

“Local newspaper” means a newspaper circulating in the district in which the owner or proprietor resides.

“Owner” or “proprietor” includes co-owner, superintendent, agent, and person in charge of any land, farm, station, orchard, vineyard, plantation of fruit-bearing trees or shrubs, live stock, or industrial establishment.

“Plant” includes all boilers, machinery, machines, engines, instruments, vehicles, and animals employed in any industrial establishment for the purpose of the production or sale of products.

“Prescribed” means prescribed or required by this Act, or by regulations made under this Act.

“Prescribed forms” includes all Schedules, Declarations, and other forms issued by the Registrar General for the collection of statistics under this Act.

“Regulations” means regulations made under this Act.

“To return” means to fill up the prescribed forms with the prescribed statistics, and to sign and deliver them as required; and “returns” means such documents so filled up and signed.

“Writing” includes part writing and part print.

Registrar General to manage the collection of statistics.

See Census and Industrial Returns Act, 1891 (N.S.W.), s. 3.

3. THE Registrar General shall order and supervise the collection of statistical returns relating to the occupation of land and to agriculture, crops, and live stock, and to industrial establishments, for the year eighteen hundred and ninety-seven and for every subsequent year, and shall prepare and cause to be provided such instructions, circulars, and forms as may be necessary or convenient for obtaining such returns, and shall distribute the same, together with any regulations made under this Act, to the statistical agents.

Persons required to make returns.

4. THE persons required by this Act to make returns are the following:—Every person who, on the thirty-first day of December in each year, is the owner or occupier of land of one acre or more in extent, or is the owner or person in charge of live stock, or is the head of an industrial establishment: Provided that, in respect of

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occupied land, the owner, not being the occupier, shall not be required to make returns.

5. FOR the purposes of this Act, each magisterial district in existence on the thirty-first day of December in each year respectively shall be a statistical district, and the Resident Magistrate or Government Resident thereof shall be the statistical agent for such district, and the police patrol districts within such statistical district shall be sub-districts thereof. The Governor may from time to time appoint and remove collectors and sub-collectors of statistics for each such district, and may remunerate them out of the moneys appropriated by Parliament to the purposes of this Act, and in any police patrol district for which the Governor omits to make such appointments the officer in charge of the police patrol for any sub-district shall be the statistical collector for the same, and may appoint any members of the police force under his command to be sub-collectors for the whole or any part of the same.

Statistical districts and sub-districts, and statistical agents, collectors, and sub-collectors.

6. EVERY statistical agent shall be charged with the performance within his own district of the following duties:—

Duties of statistical agents.

See ibid., s. 5.

To transmit to collectors the regulations, instructions, and prescribed forms issued by and received from the Registrar General in the quantities required for the respective sub-districts of the collectors;

To communicate to collectors the necessary instructions and directions relating to their duties and to the methods of collecting the prescribed statistics, and to advise with and counsel collectors as freely and fully in person and by letter as may be required for the purposes of this Act;

To provide for the early and safe transmission to his office by collectors of the returns, together with all declarations and other prescribed forms, and for the due receipt and custody of such documents pending their transmission to the Registrar General;

To examine and scrutinise the returns received from the collectors so as to ascertain whether the work has been performed in all respects in compliance with the law, and whether any part of his district has been omitted from the collection; and, in the event of any defect or discrepancy, to instruct the collector to make further inquiries, and to supply and correct such defect or discrepancy without any needless delay. Immediately after the completion of the work to transmit, under registered cover, all returns,

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declarations, and other prescribed forms from his district to the Registrar General, together with a report containing the prescribed particulars ;

To report, in writing, to the Registrar General any material difficulty or explanation, and, in particular, the names and address of every person who appears, by the report of any collector, to have refused to supply the whole or any part of the information required by this Act.

Duties of collectors and sub-collectors.

See ibid., s. 6.

7. EVERY collector and sub-collector shall be charged with the following duties:—

To make himself thoroughly acquainted with and attend minutely to the regulations and to the printed instructions issued by the Registrar General, and the verbal or other instructions of the statistical agent for carrying out the provisions of this Act ;

To deliver at the prescribed times in each year the prescribed forms to the several persons required to make returns under this Act within the collector's district ;

To collect the returns at the prescribed times throughout the sub-district, and, when doing so, to satisfy himself, by inspection, that the forms are correctly filled up, and, if otherwise, to require the informant to correct and complete the same.

Sub-collectors to deliver returns to collectors, who are to deliver them to statistical agent.

See ibid., ss. 8, 9.

8. EACH sub-collector, within seven days after collecting all the returns from the part of the sub-district entrusted to him, shall deliver the returns to the collector under whose command he is, together with a report in writing containing the prescribed particulars, and every collector within a week after receiving all the returns from the sub-collectors under his command shall deliver them to the statistical agent, together with a report, in writing, containing the prescribed particulars.

Registrar General to make abstract of returns and transmit it to Treasurer, to be laid before Parliament.

See ibid., s. 10.

9. THE Registrar General, on receiving the returns and other prescribed documents from the statistical agents in the respective districts, shall examine the same, and cause any defect or inaccuracy therein to be supplied or rectified, and shall, with all convenient speed arrange the same according to the several electoral districts, and make abstracts therefrom, and transmit such abstracts in a tabulated form to the Colonial Treasurer, who shall cause such abstracts to be printed and laid before both Houses of Parliament.

If forms are not delivered, persons required to make returns must apply at police station for forms.

10. (1.) IF, at the end of the first week in January of each year, the prescribed forms have not been delivered to every person required by this Act to fill up and sign the same, it shall be the

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duty of every such person to whom the forms have not been delivered to apply for the same by letter or otherwise to the nearest police station in his district, and to fill them up with the prescribed particulars, and to sign them.

(2.) If, at the end of March of each year, the collector or sub-collector has failed to collect the returns, it shall be the duty of each person who is required by this Act to make returns to immediately deliver or forward the same by post in the prescribed manner to the police officer in charge of a police station in the district.

Certain returns, if not collected, must be delivered at police station.

11. SUBJECT to the proviso in section four of this Act, every owner or occupier of land of one acre or more in extent shall make the following returns:—

Returns required from owners and occupiers of land.

See ibid., s. 13.

- (1.) Concerning the area and description of such land, the improvements thereon, and the implements and machinery used thereon ;
- (2.) Concerning the area of such land under crop during the year, or the prescribed period, the nature and extent of such crop, and of each kind of produce taken from or being on such land or on any part thereof, the actual or estimated yield or amount thereof, and concerning the failure or deterioration of any crop through disease or other causes and the nature of such disease or causes ;
- (3.) Concerning the labour engaged in connection therewith and such other matter or thing relating to the land or the cultivation thereof as may be prescribed.

12. EVERY owner or person in charge of live stock shall make the following returns:—

Returns required from owners, &c., of live stock.

See ibid., s. 14.

- (1.) Concerning the number and description of stock owned by him, or in his charge ;
- (2.) Concerning the health and management of all such stock ;
- (3.) Concerning the quality and description of dairy produce, and the machinery and implements used, and labour engaged in connection therewith.

13. EVERY head of an industrial establishment shall make the following returns:—

Returns required from head of industrial establishment.

See ibid., s. 15.

- (1.) Concerning the number, sex, ages, wages, or earnings, and hours of labour of the persons so employed, the

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- accommodation provided for them, and particulars of the employment of women and children ;
- (2.) Concerning the nature and amount of the power employed and the number and nature of machines in use, together with the maximum capacity of the establishment, and concerning the value of machinery and plant, and the value of the lands and buildings occupied or used for the purpose of the business ;
- (3.) Concerning the kind, quantity, and value of the articles made, produced, or prepared in the establishment.

GENERAL PROVISIONS.

Certain persons required to aid in carrying out this Act.
See *ibid.*, s. 21.

14. THE Commissioner of Police, every Mayor or Chairman of a Municipal Council, Chairman of a Roads Board, Justice of the Peace, Clerk of Court, Warden of Mining District, Mining Registrar, District Registrar of Births, Deaths, and Marriages, Inspector of Sheep or Cattle, and every other officer of the Government shall supply all information in his power to the Registrar General on his request in writing, and shall, on the like request, advise and aid him in any matter tending to effectually carry out this Act.

Penalty for offences by persons required to make returns.

15. EVERY person required by this Act to make returns who, in relation to any return which by this Act he is required to make, shall—

- (a.) refuse or wilfully neglect to procure, and within the required period fill up to the best of his knowledge, information, and belief, and return any prescribed form ; or
- (b.) knowingly make an incomplete or incorrect return ; or
- (c.) refuse to answer, or wilfully give an untrue answer, to any necessary inquiry made by any collector or sub-collector ;
or
- (d.) obstruct any person in the performance of his duty under this Act,

shall be liable, on conviction, to a fine not exceeding Twenty pounds ; but on payment thereof shall not be discharged from his obligations under this Act, and shall be liable to a like penalty for every other offence, and every repetition of an offence under this section. Provided that any person to whom forms have not been delivered, and who has applied for or posted a letter, in pursuance of, and within the time limited by, section ten, sub-section one, demanding a form or forms, and has not received the same, and also any person who shall have posted the returns within the time limited by section ten, sub-

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section two, shall be deemed to have complied with the requirements of this Act in that behalf, and shall not be liable to the above penalty.

16. ANY statistical agent, collector, or sub-collector who refuse) or neglects to do anything lawfully required of him in virtue of his office (not being prevented by sickness or other unavoidable causes shall be liable to a fine not exceeding Ten pounds.

Penalty for officers neglecting duty.
See ibid., s. 27.

17. ANY statistical agent, collector, or sub-collector who fails to transmit or deliver in the prescribed manner all the returns or other prescribed documents which he has received, or wilfully signs or delivers any such document untruly filled up, or adds to or alters any such document except at the request of the informant or person required to make a return therein, or who otherwise wilfully violates any provision of this Act shall, for every such offence, be liable to a fine of Twenty pounds.

Penalty for officers not delivering returns, and for certain misdemeanances in relation thereto.
See ibid., s. 23.

18. (1.) ALL information collected under this Act is to be used solely for statistical purposes, and is to be regarded as secret and confidential; the aggregate only of the returns from each district is to be published, and, save with the written consent of the informant, no part of the contents of his return is to be divulged.

Secrecy of returns.
See ibid., s. 28.

(2.) The Registrar General, or any statistical agent, collector, sub-collector, or other Government officer or employé who, save in accordance with this Act, makes an extract from any return, or divulges the whole or any part of any return, or who is guilty of any non-observance of this section, shall, for every such offence, be liable to a fine of Fifty pounds.

Penalty for breach of secrecy.
See Victorian Local Government Act, 1890, s. 51G.

19. IF the returns of any electoral district, or part of a district, are not made, or do not reach the hands of the Registrar General, or are so imperfect as to be valueless or misleading, the Registrar General may direct the returns of such district to be collected, or made and collected anew, and that all things required by this Act be done in regard thereto.

Registrar may require fresh returns in case of failure or omission.
See Census and Industrial Returns Act, 1891 (N.S.W.), s. 25.

20. ALL letters and telegraphic messages for the purpose of carrying out this Act, transmitted through the Post and Telegraph Department within Western Australia to or from the Registrar General, or any statistical agent, collector, or sub-collector, if marked with the word "Statistics," shall be transmitted and delivered free of postage or other charges.

Letters and telegrams marked "Statistics" to go free.
See ibid., s. 30.

21. NOTICES required by this Act, or any regulation to be made thereunder, may be given as follows:—

How notices may be given.

A notice may be served on an individual by posting the same addressed to him at his usual place of abode or business, in a letter registered and marked "Statistics," and proof of such posting shall be deemed *prima facie* evidence of such notice being served at the time at which, by the course of post, such letter should be delivered.

A general notice may be given to the inhabitants of any district or sub-district by publishing the same in the *Government Gazette*, [and for two consecutive weeks in two daily newspapers published in Perth] and for two consecutive weeks in some local newspaper, if any.

Regulations.

22. THE Governor may from time to time make, and from time to time repeal and alter, regulations for carrying this Act into effect; and a copy of all such regulations shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament be then sitting, and, if Parliament be not then sitting, within fourteen days after its next meeting; and all such regulations, when so published, shall have the force of law, and shall continue in force unless repealed or altered as aforesaid or disallowed by both Houses of Parliament.

Offenders may be prosecuted before Resident Magistrate or two Justices.

23. PERSONS charged with any offence under this Act may be prosecuted before a Resident Magistrate or any two Justices of the Peace in Petty Sessions.

Authority to prosecute, and appropriation of pecuniary penalties.

24. ANY person authorised, in writing, by the Registrar General in that behalf may prosecute for offences against this Act, and the half of any pecuniary penalties recovered shall be paid over to the Registrar General, to be dealt with by him as receipts of his department, and the other half shall be paid to the credit of the Consolidated Revenue Fund.

Prosecutions to be commenced within six months.

25. ALL informations and proceedings in respect of offences against this Act shall be commenced within six months after the offences thereby respectively charged shall have been committed.

Right of appeal.

26. ANY person aggrieved by any order, decision, or conviction by a Resident Magistrate or two Justices under this Act, may appeal therefrom to the Supreme Court at the next sitting of a Judge thereof which shall happen after one month from the making or pronouncing of such order, decision, or conviction: And the Judge shall hear and determine the matter of such appeal, and shall summon all necessary parties and witnesses, and shall make such order affirming, reversing, or altering the order, decision, or conviction, and as to the costs of the appeal, as to him shall seem fit, and,

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except where a conviction is affirmed, such order shall be enforced in like manner as a judgment of the Court: Provided that within twenty-one days from the making or pronouncing of the order, decision, or conviction appealed against, the appellant shall give written notice of such appeal to the Resident Magistrate or the Justices, or one of them, from whose order, decision, or conviction the appeal is brought, and shall lodge with the Master of the Supreme Court a sum not exceeding Twenty pounds to secure the costs of the appeal, or shall give security to his satisfaction for the payment of the costs of the appeal not exceeding Twenty pounds.

In the name and on behalf of the Queen I hereby assent
to this Act.

GERARD SMITH, Governor.