

Western Australia

Statistics Act 1907

As at 28 Jun 2010

Version 02-c0-02

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Statistics Act 1907

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Western Australia

Statistics Act 1907

An Act to provide for the collection of statistics for public purposes.

1. Short title and commencement

This Act may be cited as the *Statistics Act 1907*, and shall come into operation on a day to be fixed by proclamation¹.

Part I — Provisions relating to collection and publication of statistics required by the State

[Heading inserted by No. 62 of 1956 s. 2.]

[1A. Deleted by No. 10 of 1998 s. 76.]

1B. Provisions of Part I subject to arrangements

The provisions of Part I of this Act are subject to the provisions of any arrangement, or supplementary arrangement —

- (a) mentioned in section 5 of the *Statistics (Arrangements with States) Act 1956* of the Commonwealth Parliament or any Act passed in amendment of, or substitution for, that Act by the Commonwealth Parliament; and
- (b) entered into by the Governor-General of the Commonwealth pursuant to authority conferred by section 5 of that Act, and by the Governor pursuant to section 25 of this Act, and for the time being subsisting.

[Section 1B inserted by No. 62 of 1956 s. 2.]

[2. Omitted under the Reprints Act 1984 s. 7(4)(f).]

3. Interpretation

In this Act, unless the contrary intention appears —

Factory means any work, mill, or establishment, used for the purpose of manufacturing, treating, or preparing any article.

Local Authority means any corporation or board constituted or appointed under the authority of a Statute, and charged with the administration of moneys for any purpose of local concern.

Minister means the Minister of the Crown charged, for the time being, with the administration of this Act.

Prescribed means prescribed by this Act or by regulations made under this Act.

Statistician means the Government Statistician appointed under this Act.

4. Appointment of Statistician

The Governor may from time to time appoint an officer to be called the Government Statistician, who shall, under the Minister, be charged with the duty of carrying into execution the provisions of this Act and the regulations.

5. Deputy Statistician, and other officers

The Governor may from time to time appoint a Deputy Government Statistician, and such statistical agents and other officers as may be required for carrying out the provisions of this Act.

Everything in this Act appointed or authorised or required to be done or signed by the Government Statistician may, in his absence, be done or signed by the Deputy Government Statistician, and shall be as valid and effectual as if done or signed by the Government Statistician himself.

6. Statistical agents and collectors

The Inspector or other officer in charge of every police district shall be the statistical agent for such district, and shall cause to be collected and furnished to the Statistician all such returns as may from time to time be required.

Such statistical agent may appoint any members of the police force under his control to be collectors for the whole or any parts of such district.

7. Statistician to take steps for collection of statistics

It shall be the duty of the Statistician, subject to the regulations, to prepare and issue forms and instructions, and take all necessary steps for the collection of such statistics as may from time to time be required for public purposes.

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8. Statistics to be collected

The Statistician shall, subject to the regulations, collect, annually, statistics in relation to all or any of the following matters:

- (a) Population;
- (b) Immigration and emigration;
- (c) Vital statistics;
- (d) Social statistics;
- (e) Factories and manufacturing industries; detailing nationality of proprietor, and number and nationality of employees;
- (f) Wages;
- (g) Employment and non-employment;
- (h) Imports and exports;
- (i) Shipping;
- (j) Railways and tramways;
- (k) Posts, telegraphs, and telephones;
- (l) Banking, insurance, and finance;
- (m) Land tenure and occupancy;
- (n) Agricultural, pastoral, and kindred industries;
- (o) Mining (including quarries);
- (p) Forestry;
- (q) Fisheries;
- (r) Local government;
- (s) Water conservation and supply;
- (t) Any other prescribed matters.

9. Returns to be supplied

For the purpose of enabling the statistics referred to in this Act to be collected, all prescribed persons shall, to the best of their

knowledge, when required by the Statistician so to do, fill up and supply, in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

Penalty: \$20.

[Section 9 amended by No. 113 of 1965 s. 8.]

10. Duty of persons to answer questions

Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistician, or an officer duly authorised by the Statistician, necessary to obtain any information required for the purposes of any statistics authorised by this Act to be collected.

Penalty: \$20.

[Section 10 amended by No. 113 of 1965 s. 8.]

11. Powers of entry and inspection

- (1) For the purpose of making any inquiries or observations necessary for the proper carrying out of this Act, the Statistician or any officer duly authorised by him may, at any time during working hours, enter any factory, and may inspect any part of it, and all plant and machinery used in connection with it, and may make such inquiries as are prescribed or allowed by the regulations.
- (2) No person shall hinder or obstruct the Statistician or any officer duly authorised by him in the execution of any power conferred by this section.

Penalty: \$20.

[Section 11 amended by No. 113 of 1965 s. 8.]

12. Statistician may require fresh returns

If any of the returns required under this Act are not made, or are not collected, or do not reach the hands of the Statistician, or are

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so imperfect as to be valueless or misleading, the Statistician may direct that such returns be made or collected anew.

13. Treasurer may withhold moneys when statistics not furnished

On receiving from the Statistician notice that any local authority has failed to furnish him with any return or information required under this Act, the Treasurer may, until such return or information is furnished, withhold the payment of any subsidy which otherwise would have been payable by the Treasurer to such local authority.

14. Publication of statistics

The Statistician shall compile and tabulate the statistics collected pursuant to this Act, and shall publish such statistics or abstracts thereof with observations thereon.

15. Penalty for officers neglecting duty

No statistical agent or collector shall refuse or neglect to do anything lawfully required of him in virtue of his office.

Penalty: \$20.

[Section 15 amended by No. 113 of 1965 s. 8.]

16. Untrue returns by officers

No officer shall wilfully or without lawful authority alter any document or form under this Act, or shall wilfully sign any untrue document or form.

Penalty: \$100.

[Section 16 amended by No. 113 of 1965 s. 8.]

17. Officers to observe secrecy

No officer shall, except as allowed by this Act or the regulations, divulge the contents of any form filled up in

pursuance of this Act, or any information furnished in pursuance of this Act.

Penalty: \$100.

[Section 17 amended by No. 113 of 1965 s. 8.]

18. Secrecy of returns

No return relative to any private business made for the purposes of this Act shall, without the previous consent in writing of the person making the return, be published in such manner as may divulge the contents of such return. Nor, except for the purposes of this Act, shall any person not engaged in the collection or compilation of statistics under this Act be permitted to see any such return.

19. Returns not to be produced in court

The Statistician or other officer having the custody of returns or information obtained under this Act shall not be required by subpoena or otherwise to produce any such returns or information to any court.

20. Penalty for false returns or answers

No person shall knowingly make, in any form or document filled up or supplied in pursuance of this Act, or in answer to any question asked him under the authority of this Act, any statement which is untrue in any material particular.

Penalty: \$100.

[Section 20 amended by No. 113 of 1965 s. 8.]

21. How notices may be given

Notices required by this Act, or any regulation thereunder, may be served on any person by posting the same addressed to him at his usual place of abode or business, in a letter marked "Statistics", and proof of such posting shall be deemed *prima*

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facie evidence of such notice being served at the time at which, by the course of post, such letter should be delivered.

22. Penalties at foot of sections

The penalty set out at the foot of any section of this Act indicates that any contravention of the section, whether by act or omission, shall be an offence against this Act, punishable upon summary conviction by a penalty not exceeding the penalty mentioned.

23. Authority to prosecute

Any person authorised in writing by the Statistician in that behalf may prosecute for offences against this Act, and any penalty recovered shall be credited to the Consolidated Account.

[Section 23 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 77 of 2006 s. 4.]

24. Regulations

The Governor may make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**Part II — Provisions relating to collection and
publication of statistics pursuant to arrangement
between the Commonwealth and the State, for the
purposes of both the Commonwealth and the State**

[Heading inserted by No. 62 of 1956 s. 3.]

25. Governor may enter into arrangement

- (1) The Governor on behalf of the State may enter into any arrangement, or supplementary arrangement, mentioned in section 5 of the *Statistics (Arrangements with States) Act 1956* of the Commonwealth Parliament or any Act passed in amendment of, or substitution for, that Act by the Commonwealth Parliament, with the Governor-General of the Commonwealth with respect to the collection and publication of statistics, and the supply of statistical information, for the purposes of both the Commonwealth and the State.
- (2) Without prejudice to the generality of the power conferred by subsection (1), the Governor on behalf of the State may enter into an arrangement with the Governor-General of the Commonwealth in, or substantially in, the form of arrangement set out in the Schedule.
- (3) Any arrangement or supplementary arrangement entered into pursuant to this section by the Governor on behalf of the State with the Governor-General of the Commonwealth has by virtue of this subsection effect according to its tenor.

[Section 25 inserted by No. 62 of 1956 s. 3.]

Schedule

Schedule

[s. 25(2).]

AN ARRANGEMENT entered into BETWEEN HIS EXCELLENCY THE GOVERNOR-GENERAL OF THE COMMONWEALTH OF AUSTRALIA acting with the advice of the Federal Executive Council AND HIS EXCELLENCY THE GOVERNOR OF THE STATE OF WESTERN AUSTRALIA acting with the advice of the Executive Council of the State WHEREBY IT IS AGREED as follows: —

1. The Commonwealth of Australia (in this arrangement called “**the Commonwealth**”) will create an office in the Public Service of the Commonwealth of Deputy Commonwealth Statistician for the State of Western Australia (the occupant of which office from time to time is in this arrangement called “**the Deputy Commonwealth Statistician**”).

2. The functions of the Deputy Commonwealth Statistician shall be to administer, subject to the general control and supervision of the Commonwealth Statistician, an office (in this arrangement called “**the Integrated Statistical Service**”) for the integrated collection and publication of statistics, and the supply of statistical information, for the purposes of both the Commonwealth and the State.

3. (1) The person occupying the office of Government Statistician of the State at the date of this arrangement shall resign from the Public Service of the State and, subject to the provisions of the *Statistics (Arrangements with States) Act 1956* of the Commonwealth and of the *Public Service Act 1922-1955* of the Commonwealth, shall thereupon be appointed to the office of Deputy Commonwealth Statistician in the Public Service of the Commonwealth, but notwithstanding that resignation shall continue to occupy the office of Government Statistician under the *Statistics Act 1907* of the State.

(2) In this arrangement, the expression “**the Government Statistician**” means the occupant at the relevant time of the office of Government Statistician under the *Statistics Act 1907* of the State.

4. Subsequent appointments to the office of Deputy Commonwealth Statistician as and when it becomes vacant will be made in accordance with and subject to the procedures of the Commonwealth after consultation between the Commonwealth Statistician and the appropriate Commonwealth and State authorities and the State will, in accordance with and subject to its own

procedures, at the same time appoint the same person to the office of Government Statistician of the State.

5. (1) The staff establishment needed for the Integrated Statistical Service shall be considered at appropriate times by a Committee consisting of —

- (a) the Commonwealth Statistician or his nominee;
- (b) an officer of the State who shall be the Government Statistician or an officer nominated by the Public Service Commissioner of the State²; and
- (c) a person nominated by the Commonwealth.

(2) The Committee referred to in the last preceding subclause shall also consider and advise the Commonwealth Statistician upon the position of temporary statistical officers and any other officers working on statistics under the direction of the Government Statistician.

6. With the consent of the Public Service Board of the Commonwealth and the Public Service Commissioner of the State, and subject to the provisions of the *Statistics (Arrangements with States) Act 1956* of the Commonwealth and of the *Public Service Act 1922-1955* of the Commonwealth, the Commonwealth may, without medical or other examination, appoint to, or engage for employment in, the Public Service of the Commonwealth, to perform duties in the Integrated Statistical Service, employees of the State engaged on duties of a statistical character under the direction of the Government Statistician who elect to be so appointed.

7. Nothing contained in this arrangement prevents the State from retaining any of its existing employees or appointing under its relevant legislation a reasonable number of new employees to perform at its expense and on its behalf the functions of statistical research officers under the direction of the Government Statistician acting in his State capacity.

8. (1) Officers appointed to, or engaged for employment in, the Public Service of the Commonwealth in accordance with clause 6 of this arrangement shall be required to execute such of the powers and duties conferred on “officers” by the *Census and Statistics Act 1905-1949*, as amended from time to time, as they are directed by the Commonwealth Statistician or the Deputy Commonwealth Statistician to execute.

(2) Notwithstanding the last preceding subclause, an officer appointed to, or engaged for employment in, the Public Service of the Commonwealth in

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accordance with clause 6 of this arrangement shall be required to perform such duties in respect of the functions of the Integrated Statistical Service referred to in clause 11 of this arrangement as he is directed to perform by the Commonwealth Statistician or the Deputy Commonwealth Statistician.

(3) The employees referred to in clause 7 of this arrangement will be made available by the State for the performance of such duties and functions for the purposes of the *Census and Statistics Act 1905-1949* of the Commonwealth, as amended from time to time, as may be agreed between the Commonwealth Statistician and the Government Statistician acting in his State capacity.

9. The Commonwealth will meet the full cost of the staff, equipment, printing, office accommodation and other things required for the Integrated Statistical Service.

10. The Deputy Commonwealth Statistician and the Staff of the Integrated Statistical Service will, so far as is consistent with the proper operation of the Service, be located in the capital city of the State, or in such other place as may be agreed between the Commonwealth and the State.

11. The Integrated Statistical Service will, among other things, perform or carry out the statistical work normally performed or carried out by the Government Statistician for departments or instrumentalities of the State, including but not limited to —

- (i) statistics of law and crime (as incorporated in Police Annual Reports and in statistical publications);
- (ii) vital statistics and the like as included in reports of State Departments of Health;
- (iii) worker's compensation (industrial accident) statistics;
- (iv) medical and hospital statistics (as incorporated in the Report of the State Department of Health and in statistical publications);
- (v) statistics of interstate trade; and
- (vi) herd testing statistics.

12. The Deputy Commonwealth Statistician and his officers will have access to all State statistical records, both past and current, and to sources of statistics in all Government departments and instrumentalities of the State, but shall observe and comply with all statutes of the State relating to those records or sources, including provisions relating to secrecy.

13. (1) The State will make available to the Integrated Statistical Service the services of the members of the Police Force of the State for the collection of statistics in the same manner as those services were provided immediately prior to the date of this arrangement to the Government Statistician.

(2) The Commonwealth will pay the postal, freight and other expenses incurred in connection with the statistical activities of the Police Force on behalf of the Integrated Statistical Service.

14. The Deputy Commonwealth Statistician and the Government Statistician will continue current statistical collections in the State, and the Commonwealth will continue to publish all statistical publications in and relating to the State which are published by the Government Statistician at the date of this arrangement, and will expand them to include a Western Australian Year Book and such other matters as may be considered necessary or desirable from time to time.

15. The Commonwealth will, subject to the consent of the owner or owners thereof, take over from the State existing rights and liabilities of the State in respect of hired punched-card equipment in use by the Government Statistician, and will purchase from the State at independent valuation equipment, owned by the State at the date of this arrangement, ancillary to that punched-card equipment.

16. The State will make available, free of charge, to the Commonwealth, for use by the Integrated Statistical Service, all furniture, books and other equipment in use by the Government Statistician at the date of this arrangement.

17. (1) Unless otherwise agreed by all the Government Statisticians of the States, the Commonwealth Statistician will arrange an annual conference with the Deputy Commonwealth Statisticians and the Government Statisticians of the several States to discuss and resolve agenda items on any statistical matter proposed by any Statistician.

(2) The Commonwealth and the State agree that the conference of Statisticians may consider and advise the two Governments on any matter arising under or relating to this arrangement.

18. (1) In the event of any major difficulty or dispute arising out of this arrangement, the Commonwealth or the State may request that it be considered by a Joint Statistical Committee.

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(2) A Joint Statistical Committee will be constituted for the occasion and will consist of five members being two representatives nominated by the Commonwealth, two representatives nominated by the State and an independent member agreed upon by the Commonwealth and the State who shall be the Chairman of the Committee.

(3) The Committee will report its recommendations upon any question considered by it in pursuance of this clause to the respective Governments, but those recommendations shall not be conclusive or binding on either Government.

Dated this day of , 1956.

By His Excellency's Command,

Governor-General.

By His Excellency's Command,

Governor.

[Schedule inserted by No. 62 of 1956 s. 3.]

Notes

¹ This is a compilation of the *Statistics Act 1907* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Statistics Act 1907</i>	3 of 1907	2 Sep 1907	1 Jan 1908 (see s. 1 and <i>Gazette</i> 1 Nov 1907 p. 3671)
<i>Statistics Act Amendment Act 1956</i>	62 of 1956	4 Jan 1957	4 Jan 1957
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
Reprint of the <i>Statistics Act 1907</i> approved 17 Mar 1982 (includes amendments listed above)			
<i>Financial Administration Legislation Amendment Act 1993</i> s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
Reprint 2: The <i>Statistics Act 1907</i> as at 6 Jun 2003 (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
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<i>Standardisation of Formatting Act 2010 s. 4 and 43(2)</i> ²	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))
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² On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 4 and 43(2) had not come into operation. They read as follows:

4. Schedule headings reformatted

- (1) This section amends the Acts listed in the Table.
- (2) In each Schedule listed in the Table:
 - (a) if there is a title set out in the Table for the Schedule — after the identifier for the Schedule insert that title;
 - (b) if there is a shoulder note set out in the Table for the Schedule — at the end of the heading to the Schedule insert that shoulder note;
 - (c) reformat the heading to the Schedule, as amended by paragraphs (a) and (b) if applicable, so that it is in the current format.

Table

Act	Identifier	Title	Shoulder note
<i>Statistics Act 1907</i>	Schedule	Arrangement between Commonwealth and State	

43. Part heading inserted before section 1

- (1) This section amends the Acts listed in Tables 1 and 2.
- (2) In the Acts listed in Table 1 before section 1 insert:

Part IA — Preliminary