



Western Australia

Census Act 1891

Compare between:

[01 May 2005, 01-b0-05] and [04 Dec 2009, 01-c0-04]

Census Act 1891

An Act for taking the Census of Western Australia in the year 1891, and thereafter.

1. Census in 1891 and any subsequent year when proclaimed

A Census for Western Australia shall be taken, in the manner hereinafter directed, in the present year 1891, and the Census Day shall be Sunday, 5 April next. A like Census in any subsequent year may be taken on any day to be appointed by the Governor in Council by Proclamation in the 'Government Gazette.'

2. Interpretation

For the purposes of this Act the word '**Dwelling**' shall mean any house, building, booth, tent, hut, or other erection, in or under which any person usually sleeps, and every ship or other vessel in any port or harbour of the Colony. And the words '**Occupier or person in charge**' shall include every master or keeper of every gaol, lock-up, prison, hospital, lunatic asylum, benevolent asylum, and of every public or charitable institution; and all such masters and keepers shall make returns of all the particulars, so far as may be practicable, with respect to the inmates thereof. And every pastoral lessee or licensee of the Crown, proprietor, occupier, superintendent, or manager of station, may in like manner perform the duty of occupier for each and all of the out-stations, and furnish, in a separate form for each separate dwelling, to the sub-enumerator or collector in whose district or sub-district such out-stations lie, all such particulars as would be required of the occupiers themselves had forms been left at their dwellings; and the word '**Census**' shall mean an account of the population of Western Australia, and such account of live stock and particulars

relating to the occupation of land as the Superintendent of Census may prescribe.

3. Appointment of Superintendent of Census

The Governor in Council shall appoint some fit and proper person to superintend the taking of any Census, under the provisions of this Act, under the title of 'The Superintendent of Census,' and such person shall superintend the taking of the Census, and prescribe the form to be used in the taking thereof, and issue such forms and instructions as he may deem necessary for the use of the persons to be employed by him.

4. Appointment of officers

The Superintendent of Census shall appoint such enumerators, sub-enumerators, collectors, clerks, and other officers as he may in his discretion think necessary for the taking and compilation of the Census, and from time to time remove the same and appoint others, and shall define the districts and sub-districts for which any such enumerators, sub-enumerators, or collectors shall act, and shall cause to be printed and issued to each enumerator, sub-enumerator, or collector, clerks, and other officers such forms and instructions as he may prescribe.

5. Form to be left at dwelling and filled up by occupier

Every sub-enumerator or collector shall, within 10 days next preceding the day fixed for taking the Census, or such other period as may be approved and directed by the Superintendent of Census, cause to be left at every dwelling within his district or sub-district a copy of the form to be filled up. And the occupier or person in charge of every such dwelling shall fill up and supply in such form, to the best of his knowledge and belief, all the particulars specified therein, and shall sign his or her name thereto, and shall deliver, or cause to be delivered, the form so filled up to a sub-enumerator or collector authorised to receive the same.

6. Sub-enumerators or collectors to receive forms, and see to their correctness

Every sub-enumerator or collector shall, on the day next following the day fixed for taking the Census, or as soon thereafter as practicable, demand and receive the said forms at every dwelling within his district or sub-district, and shall satisfy himself by the best means of information in his power, and particularly by inquiries of the occupier or person in charge of the dwelling, or of persons in or near to such dwelling, that such form is truly, fully, and correctly filled up, or if not so in any particular shall himself by like means make the same complete and correct, and in either such case shall then and there countersign the said form with his own name.

7. Forms to be delivered to the enumerators by sub-enumerators or collectors

Every sub-enumerator or collector shall within 7 days, or such other period as may be approved and directed by the Superintendent of Census, after all the forms within his district or sub-district shall have been completed and received by him, deliver them to the enumerator of his district, together with a declaration made and subscribed by him in the form of the Schedule A, and any enumerator may in the case of any defect or deficiency in any form so delivered himself correct or supply the same, or require the sub-enumerator or collector delivering the forms as aforesaid to make further inquiry and to correct such defect or supply such deficiency.

8. Enumerators to add account of persons omitted (if any), and transmit forms to Superintendent

Every enumerator shall, within 7 days after receipt from his sub-enumerators or collectors, of all such forms, add thereto an account, according to the best information which he may be able to obtain of all the persons present within his district on the night of the Census day, but not included in any of the forms delivered to him, and transmit all such forms and account (if

any) to the Superintendent of Census, together with the declarations aforesaid received from the several sub-enumerators or collectors in his district.

9. Completion of Census by Superintendent

The Superintendent of Census, on receipt of such forms, shall examine the same and cause any defect or inaccuracy therein to be supplied or corrected, as far as may be possible, and shall, with all convenient speed, prepare and transmit to the Chief Secretary² a full and true Census, according to the account taken under this Act, in such form as he may deem advisable, and in every such Census shall be shown the population in each enumerator's district, sub-divided according to age and sex.

[Section 9 amended by No. 8 of 1925 s. 2.]

10. Penalty for non-compliance with Act

Any occupier or person in charge as aforesaid who shall refuse or wilfully neglect to fill up, to the best of his knowledge or information and belief, the form left at his dwelling, or to sign and deliver the same, or if any such occupier or person being unable to read or write shall, on the application of a sub-enumerator or collector, refuse to afford him the necessary information for the purpose of enabling such sub-enumerator or collector to fill up such form on behalf of any such occupier or person, or shall refuse or wilfully neglect to answer, or untruly answer any inquiry made by a sub-enumerator or collector, or wilfully make, sign, or shall deliver, or cause to be made, signed, or delivered any false return or statement of any particular in such form, or shall obstruct any person in the performance of any duty under this Act, shall for every such offence be liable to a penalty not exceeding \$40.

[Section 10 amended by No. 113 of 1965 s. 8(1); No. 59 of 2004 s. 141.]

11. Penalty for default of officers

Any sub-enumerator or collector who shall fail to return to the enumerator of his district or sub-district, and any enumerator who shall fail to return to the Superintendent of Census all the forms which shall have been received by him, or shall wilfully sign or deliver any untrue form, or alter any form, except as aforesaid, or shall otherwise wilfully violate any provision of this Act shall for every such offence be liable to a penalty not exceeding \$40.

[Section 11 amended by No. 113 of 1965 s. 8(1).]

12. False declaration to be perjury

Every declaration under this Act may be made and subscribed before any Justice of the Peace, and any person making and subscribing a false declaration shall be deemed guilty of perjury.

13. Penalty for divulging contents of form

If any enumerator, sub-enumerator, collector, clerk, or other officer employed by the Superintendent of Census shall divulge the contents of any form, except as required by this Act, he shall, for every such offence, be liable to a penalty not exceeding \$40.

[Section 13 amended by No. 113 of 1965 s. 8(1).]

[14. Deleted by No. 59 of 2004 s. 141.]

15. Governor in Council may make regulations

The Governor in Council may from time to time make regulations for the more effectually carrying out the provisions of this Act, in any case for which sufficient provision is not made by this Act; and such regulations, when published in the 'Government Gazette,' shall have the force of law.

16. Short title

This Act may be cited as '*Census Act 1891*¹.'

[Section 16 amended by No. 10 of 1970 s. 4.]

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

Notes

¹ This is a compilation of the *Census Act 1891* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>The Census Act 1891</i> ³	54 Vict (1891) No. 7	26 Feb 1891	26 Feb 1891
<i>Ministers' Titles Act 1925</i> s. 2	8 of 1925	24 Sep 1925	24 Sep 1925
<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))
<i>Statute Law Revision Act 1970</i> s. 4	10 of 1970	29 Apr 1970	29 Apr 1970
Reprint 1: The <i>Census Act 1891</i> as at 17 Jan 2003 (includes amendments listed above)			
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<u>This Act was repealed by the <i>Statute (Repeals and Minor Amendments) Act 2009</i> s. 3(1)(a) (No. 46 of 2009) as at 4 Dec 2009 (see s. 2(b))</u>			

² Under the *Alteration of Statutory Designations Order (No. 4) 1983* a reference in any law to the Chief Secretary is read and construed as a reference to the Minister for Racing and Gaming.

³ Now known as the *Census Act 1891*; short title changed (see note under s. 16).