

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ

No. 7

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

[Assented to 26th February, 1891.]

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 :—

Census in 1891
and any subse-
quent year when
proclaimed

1. 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, the 5th day of 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.'

Interpretation

2. 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

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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. 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.

Appointment of
Superintendent
of Census

4. 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.

Appointment
of Officers

5. Every sub-enumerator or collector shall, within ten 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.

Form to be left
at dwelling and
filled up by
occupier

6. 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.

Sub-enumerators
or Collectors
to receive forms,
and see to their
correctness

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Forms to be delivered to the Enumerators by Sub-enumerators or Collectors

7. Every sub-enumerator or collector shall within seven 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.

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

8. Every enumerator shall, within seven 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.

Completion of Census by Superintendent

9. 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 Colonial Secretary 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.

Penalty for non-compliance with Act

10. 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 be liable to a penalty not exceeding Twenty pounds.

Penalty for default of officers

11. 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 Twenty pounds.

False declaration to be perjury

12. 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.

Penalty for divulging contents of form

13. If any enumerator, sub-enumerator, collector, clerk, or other officer employed by the Superintendent of Census shall divulge the

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contents of any form, except as required by this Act, he shall, for every such offence, be liable to a penalty not exceeding Twenty pounds.

14. All penalties under this Act may be recovered summarily before two or more Justices of the Peace under the provisions of an Ordinance passed in the session holden in the fourteenth year of the reign of Her present Majesty, No. 5, or any Ordinance or Act passed for the amendment thereof.

Recovery of penalties

15. 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.

Governor in Council may make regulations

16. This Act may be cited as 'The Census Act, 1891.'

Short title

17. The Ordinance passed in the 12th year of the reign of Her present Majesty, and numbered four, intituled 'An Ordinance for taking an Account of the Population and of the Amount of the Stock and Crop and other Particulars of the Colony of Western Australia,' and 'The Census Act, 1880,' are hereby repealed.

Repeal

W. C. F. ROBINSON,
GOVERNOR.

SCHEDULE A

I a sub-enumerator (or collector), appointed under 'The Census Act, 1891,' do solemnly declare that the forms numbered from to inclusive, contained in the sealed packet to which this declaration is attached, are all the forms under the said Act which have been completed and received by me within the district (or sub-district) to which I was appointed, and that the whole contents of all the said forms are true to the best of my knowledge, information, and belief.

Made and subscribed before me }
at this day }
of 1891. }

Justice of the Peace.