

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

No. 27 of 1986

An Act to amend The Statistical Returns Act of 1896 as
subsequently amended in certain particulars

[ASSENTED TO 8TH APRIL, 1986]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Statistical Returns Act Amendment Act 1986*.

(2) In this Act *The Statistical Returns Act of 1896* as subsequently amended is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Statistical Returns Act 1896-1986*.

2. Amendment of s. 3A. Government Statistician. Section 3A of the Principal Act is amended by omitting all words from and including the words ““Director” within” to and including the words “times be appointed” and substituting the words “person appointed for the time being”.

3. Repeal of and new s. 5. The Principal Act is amended by repealing section 5 and substituting the following section:—

“**5. Refusal or failure to furnish information, etc.** (1) A person who—

- (a) refuses or wilfully neglects to fill or cause to be filled up a form made available to him pursuant to section 4; or
- (b) refuses or wilfully neglects, within the period prescribed by section 4, to return the form duly filled up to the Government Statistician or to a person authorized by the Government Statistician to collect or receive the same,

commits an offence against this Act, which shall be taken to be a continuing offence and is liable to a penalty of \$100 for each day during which the refusal or neglect has continued.

(2) A person may be prosecuted from time to time for his refusal or wilful neglect that constitutes an offence against paragraph (a) or (b) of subsection (1) in respect of any period or periods during which his refusal or wilful neglect has continued.

(3) A person who inserts or permits to be inserted in a form made available to him pursuant to section 4 any information that is to his knowledge false commits an offence against this Act.

Penalty: \$100.”.

4. Repeal of and new s. 6. Penalty on collectors divulging information. The Principal Act is amended by repealing section 6 and substituting the following section:—

“**6. Secrecy.** (1) A person who is, or has been, employed in the office of the Government Statistician or in collecting or receiving forms referred to in section 4 or engaged in collating

information on behalf of the Government Statistician shall not, except—

(a) in accordance with a direction of the Government Statistician; or

(b) for the purposes of this Act,

divulge or communicate any information obtained under this Act.

(2) A person to whom is disclosed information that has been obtained under this Act and that he knows or suspects to have been obtained under this Act shall not, whether within or outside the State, divulge or communicate that information or any part thereof unless—

(a) the information or part in question was disclosed to him pursuant to a direction of the Government Statistician under section 7 on terms such that he was at liberty to divulge or communicate the information or part in question—

(i) at will;

or

(ii) subject to a condition;

or

(b) he believes on reasonable grounds that the information or part in question was disclosed to the person from whom he obtained it as prescribed by paragraph (a),

and in either case, where paragraph (a) (ii) is relevant to the case, the information or part in question is divulged or communicated in accordance with the condition.

(3) A person who contravenes subsection (1) or (2) commits an offence against this Act.

Penalty: \$5 000 or imprisonment for 2 years or both.”

5. **New s. 7.** The Principal Act is amended by inserting the following section after section 6 as inserted by this Act:—

“7. **Release of information.** (1) The Government Statistician may give a direction providing for and in relation to the disclosure of information obtained under this Act.

(2) Without limiting the generality of subsection (1), directions may specify terms and conditions subject to which the information may be disclosed including terms and conditions as to the disclosure of the information by the person to whom it is to be disclosed.”

6. **Repeal of and new s. 8.** The Principal Act is amended by repealing section 8 and substituting the following section:—

“8. **Proceedings for offences.** (1) An offence against this Act shall be prosecuted in a summary way under the *Justices Act 1886-1985* on the complaint of the Government Statistician or

of some person authorized in that behalf by writing under the hand of the Government Statistician.

(2) A complaint of an offence against section 6 (2) that is committed outside the State shall be heard and determined at a place appointed for holding Magistrates Courts within the Central Division of the Brisbane District appointed under the *Decentralization of Magistrates Courts Act 1965-1974*.

(3) The authority of a person to make a complaint referred to in subsection (1) shall be presumed until the contrary is proved.”.

7. **New s. 10A.** The Principal Act is amended by inserting the following section after section 10:—

“**10A. Lawful delivery.** For the purposes of this Act a form shall be deemed to have been lawfully delivered when it is—

- (a) served personally on the person to whom it is addressed; or
- (b) left at or forwarded by post to the usual or last known place of abode of such person.”.