



# Statistical Returns Act 1896

Current as at 23 September 2013





Queensland

# Statistical Returns Act 1896

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# Statistical Returns Act 1896

## An Act to facilitate the collection of statistical information

### 1 Short title

This Act may be cited as the *Statistical Returns Act 1896*.

### 2 Act binds all persons

This Act binds all persons, including the State.

### 3 Definitions

In this Act—

*approved form* see section 12.

*person* includes a local government, society, institution, or a body of persons (whether incorporated or unincorporated).

### 3A Government statistician

In this Act—

*government statistician* shall mean the person appointed for the time being by the Governor in Council to be government statistician.

### 4 Government statistician may collect and publish statistical information

- (1) The government statistician may collect and publish statistics in relation to—
  - (a) population and vital statistics;
  - (b) immigration and emigration;

- (c) social statistics;
  - (d) factories and manufacturing industries;
  - (e) wages, employment and unemployment;
  - (f) tourism, recreational and household services;
  - (g) imports and exports;
  - (h) shipping;
  - (i) transport and freight;
  - (j) banking, insurance, finance and business services;
  - (k) land tenure and occupancy;
  - (l) agricultural, pastoral and kindred industries;
  - (m) mining and mining industries (including quarries);
  - (n) retail and distributive industries;
  - (o) forestry;
  - (p) fisheries;
  - (q) local government;
  - (r) water conservation and supply;
  - (s) building and construction industries;
  - (t) energy sources and industries;
  - (u) the environment;
  - (v) any other prescribed matters.
- (2) Without limiting the generality of subsection (1), the government statistician may make approved forms available to any person by delivery or in such other manner as the government statistician thinks fit or as may be prescribed.
- (3) An approved form must state the nature of the information the government statistician requires.
- (4) A person to whom an approved form is made available shall insert or cause to be inserted therein all the information required to the best of the person's knowledge and shall within 30 days after the form is made available to the person return it, duly filled up, to the government statistician or some

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person authorised by the government statistician to collect or receive the same.

- (5) The government statistician may collect information by asking a person a question in any way, including by a verbal, electronic or written communication.
- (6) The government statistician may collect information incidental to the collection and publication of statistics under this section including, in particular, information to prepare a sampling frame.
- (7) In this section—

*sampling frame* means a list of persons, businesses or organisations (including addresses or other contact information), or a measurable set of items or events, from which a sample can be selected for the collection of statistics.

## 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 the person 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 authorised 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 2 penalty units for each day during which the refusal or neglect has continued.
- (2) A person may be prosecuted from time to time for the person's refusal or wilful neglect that constitutes an offence against subsection (1)(a) or (b) in respect of any period or periods during which the person's refusal or wilful neglect has continued.
- (3) A person who inserts or permits to be inserted in a form made available to the person pursuant to section 4 any information

that is to the person's knowledge false commits an offence against this Act.

Maximum penalty—2 penalty units.

## **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 otherwise collecting information under 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.

Maximum penalty—100 penalty units or 2 years imprisonment.

(2) A person to whom is disclosed information that has been obtained under this Act and that the person 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 the person pursuant to a direction of the government statistician under section 7 on terms such that the person was at liberty to divulge or communicate the information or part in question—

(i) at will; or

(ii) subject to a condition; or

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



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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.

Maximum penalty—100 penalty units or 2 years imprisonment.

## **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.

## **8 Proceedings for offences**

- (1) An offence against this Act shall be prosecuted in a summary way under the *Justices Act 1886* on the complaint of the government statistician or of some person authorised 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.
- (3) The authority of a person to make a complaint referred to in subsection (1) shall be presumed until the contrary is proved.

## **9 Defendant to prove return of form**

In a prosecution under this Act it shall be incumbent upon any person charged with refusing or wilfully neglecting to return a form delivered to the person as aforesaid to prove that the person, within the time prescribed by section 4—

- (a) delivered such form duly filled up as aforesaid to some person authorised by the government statistician to receive the same; or
- (b) deposited or caused to be deposited in some post office such form addressed to the government statistician.

**10 Certificate of government statistician prima facie evidence**

In a prosecution under this Act the production of a certificate under the hand of the government statistician stating the date and contents of any letter addressed to the defendant, and the date upon which it was lawfully delivered, shall be prima facie evidence of the contents of such letter and the delivery thereof to the defendant.

**11 Regulation making power**

The Governor in Council may make regulations under this Act.

**12 Approval of forms**

The chief executive may approve forms for use under this Act.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1	1995 Act No. 58	28 November 1995	13 December 1995

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1A	2009 Act No. 22	22 June 2009	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
23 September 2013	2013 Act No. 39	

## 4 List of legislation

### **Statistical Returns Act 1896 60 Vic No. 16**

date of assent 16 December 1896  
 commenced 1 January 1897 (see s 2)  
 amending legislation—

### **Statute Law Revision Act 1908 8 Edw 7 No. 18 s 2 sch 1**

date of assent 23 December 1908  
 commenced on date of assent

### **Bureau of Industry Act 1932 23 Geo 5 No. 25 pt 4 (as amd by 26 Geo 5 No. 9 s 10)**

date of assent 15 December 1932  
 commenced 22 February 1933 (proc pubd gaz 25 February 1933 p 702)

### **Statistics Act 1935 26 Geo 5 No. 9 ss 3–5**

date of assent 17 October 1935  
 commenced on date of assent

### **Statistical Returns Act Amendment Act 1986 No. 27**

date of assent 8 April 1986  
 commenced on date of assent

### **Statistical Returns Act Amendment Act 1987 No. 58**

date of assent 1 October 1987  
 commenced on date of assent

### **Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995  
 commenced on date of assent

### **Fuel Subsidy Repeal and Revenue and Other Legislation Amendment Act 2009 No. 22 s 1, pt 14**

date of assent 22 June 2009  
 commenced on date of assent

### **Treasury and Trade and Other Legislation Amendment Act 2013 No. 39 s 1, ch 2 pt 6**

date of assent 23 September 2013

commenced on date of assent

## 5 List of annotations

### Preamble

om 8 Edw 7 No. 18 s 2 sch 1

### Act binds all persons

s 2 prev s 2 om R1 (see RA s 37)  
pres s 2 ins 2013 No. 39 s 40

### Definitions

s 3 sub 1995 No. 58 s 4 sch 1  
def *approved form* ins 1995 No. 58 s 4 sch 1  
def *person* sub 1995 No. 58 s 4 sch 1

### Government statistician

s 3A ins 1935 26 Geo 5 No. 9 s 4  
amd 1986 No. 27 s 2

### Government statistician may collect and publish statistical information

s 4 sub 1932 23 Geo 5 No. 25 s 28(1)  
amd 1935 26 Geo 5 No. 9 s 3  
sub 1987 No. 58 s 2  
amd 1995 No. 58 s 4 sch 1; 2009 No. 22 s 53; 2013 No. 39 s 41

### Refusal or failure to furnish information etc.

s 5 amd 1935 26 Geo 5 No. 9 s 3  
sub 1986 No. 27 s 3  
amd 1995 No. 58 s 4 sch 1

### Secrecy

s 6 amd 1935 26 Geo 5 No. 9 s 3  
sub 1986 No. 27 s 4  
amd 1995 No. 58 s 4 sch 1; 2009 No. 22 s 54

### Release of information

s 7 prev s 7 amd 1935 26 Geo 5 No. 9 s 3  
om 1935 26 Geo 5 No. 9 s 5  
pres s 7 ins 1986 No. 27 s 5

### Proceedings for offences

s 8 sub 1986 No. 27 s 6  
amd 1995 No. 58 s 4 sch 1

### Defendant to prove return of form

s 9 amd 1935 26 Geo 5 No. 9 s 3

### Certificate of government statistician prima facie evidence

s 10 amd 1935 26 Geo 5 No. 9 s 3  
amd 1995 No. 58 s 4 sch 1

**Lawful delivery**

s 10A ins 1986 No. 27 s 7  
om 1995 No. 58 s 4 sch 1

**Regulation making power**

s 11 sub 1987 No. 58 s 3; 1995 No. 58 s 4 sch 1

**Approval of forms**

s 12 ins 1995 No. 58 s 4 sch 1

**Transitional provision about forms**

s 13 ins 1995 No. 58 s 4 sch 1  
exp 28 May 1996 (see s 13(3))

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