

Act No. 65, 1900.

An Act to make provision for taking the Census of New South Wales in the year 1901, and for obtaining certain statistics, and certain particulars relating to live stock and crops, and the occupation of land, and certain businesses and occupations for the said and subsequent years; and for purposes incidental to or consequent on the aforesaid objects. [5th December, 1900.]

CENSUS.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Census Act, 1901," and is Short title. divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 1, 2.

PART II.—THE CENSUS—ss. 3-12.

PART III.—OTHER STATISTICS—ss. 13-19.

PART IV.—GENERAL AND SUPPLEMENTAL—ss. 20-30.

2. In this Act, unless the context otherwise indicates,—

Interpretation.

"Census" means an account of the population of New South Wales.

"Commissioner" means Commissioner of the Supreme Court for taking affidavits.

"Crop" includes farm, meadow, orchard, or garden produce.

"Dwelling" includes all buildings, erections, and tenements, whether permanent or temporary, of which the whole or any part is used for the purpose of human habitation, and any ship or other vessel in any port or harbour of New South Wales.

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

*Census.*

- “ Justice ” means justice of the peace.
- “ Minister ” means the Colonial Secretary.
- “ Occupier ” or “ person in charge ” includes householder and master, and the keeper or superintendent of a gaol, prison, hospital, lunatic asylum, benevolent asylum, or public or charitable institution.
- “ Owner ” includes co-owner, superintendent, agent, or person in the possession or charge of any farm, station, factory, or mine.
- “ Plant ” includes all machinery, machines, engines, or tools whatsoever used for manufacturing or mining purposes, or for treating the material dealt with in a factory or mine.
- “ Prescribed ” means prescribed by this Act or by regulations made thereunder.
- “ Proprietor ” includes co-proprietor, superintendent, lessee, or person in possession or charge.
- “ Station ” includes any holding used for grazing or pastoral purposes, whether the lands comprised in such holding are held under lease or license from the Crown or in freehold, or partly in any one way and partly in any other.
- “ Statistician ” means Government Statistician.

## PART II.

## THE CENSUS.

Census to be taken  
in 1901.

3. (1) A census for New South Wales shall be taken in the year one thousand nine hundred and one, and the census day shall be Sunday, the thirty-first day of March in that year.

Forms and instruc-  
tions to be issued.

(2) The Minister shall order and supervise the taking of the census; and, subject to his approval, the Statistician shall prepare and issue for the taking of the same such forms and instructions as the Statistician deems necessary.

Appointment of  
enumerators.

4. (1) For the purpose of taking the census the Governor may appoint and remove enumerators and define the districts for which they shall respectively act.

Appointment of  
collectors.

(2) Every enumerator shall designate to the Statistician suitable persons to act as collectors, and with the consent of the Statistician appoint such persons as collectors within his district or the respective sub-districts of his district, and may, with the consent aforesaid, remove any such collector from his employment.

Enumerators and  
collectors to make  
declaration.  
First Schedule.

5. (1) Every enumerator shall make and subscribe before some justice or commissioner a declaration in the form or to the effect of the First Schedule to this Act.

(2)

*Census.*

(2) Every collector shall make and subscribe before some justice, commissioner, or before the enumerator by whom he has been appointed a declaration in the form or to the effect of the said Schedule.

(3) All declarations under this section shall be transmitted to the Statistician.

6. (1) Household<sup>ers</sup>' schedules shall be prepared by or under the direction of the Minister for the purpose of being filled up by or on behalf of the several occupiers of dwellings, with particulars showing—

- (a) the name, sex, age, condition, duration of marriage, number of children born to each marriage, relation to head of the household, profession or occupation, sickness or infirmity, religion, education, and birthplace, and (where the person was born abroad) length of residence in New South Wales, and nationality of every person who abode in each dwelling on the night of the census day; and
- (b) the materials of the dwelling and the number of rooms contained therein.

(2) Any person travelling or out at work during the night of the census-day, and who returns to a dwelling on the day following, shall be treated as abiding in that dwelling on the night of the census-day.

7. (1) A collector shall, prior to the census day, leave at every dwelling within the district or sub-district to which he is appointed a household<sup>ers</sup>' schedule to be left at every dwelling.

(2) Where a dwelling is let or sublet in different tenements or apartments and accupied by different persons or families, or is the principal dwelling upon any station or large holding of land upon which there are persons resident at out-stations, a collector shall, prior to the census day—

- (a) leave a separate householder's schedule for the occupier of each such tenement or apartment in which any person usually sleeps, and
- (b) leave a separate householder's schedule for each such out-station at the said principal dwelling upon the station.

(3) Every collector shall also furnish prescribed particulars as to buildings intended for dwellings, but which are uninhabited or are in course of erection, on the census day.

(4) The Statistician shall, subject to the approval of the Minister, obtain returns of the particulars required by this Act with respect to persons who during the night of the census day were travelling, or for any other reason were not abiding on that night in any dwelling of which account is to be taken by the collectors.

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*Census.*

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Occupier to fill up  
and sign schedule.

**8.** Every occupier of a dwelling, with or for whom a householder's schedule has been left, shall, to the best of his knowledge and belief, fill up and supply in such schedule all the particulars specified therein, and shall sign his name thereunto, and shall deliver or cause to be delivered the schedule so filled up to the collector authorised to receive the same.

Collectors to receive  
schedules.

**9.** (1) Every collector shall, on the day next following the census day, or as soon thereafter as practicable, demand and receive the householder's schedule, left at every dwelling as aforesaid within his district or sub-district.

(2) Every collector shall satisfy himself, by inquiries made to the occupier of the dwelling or to any persons in or near such dwelling, that every householder's schedule left at a dwelling as aforesaid is fully, truly, and correctly filled up. If any such schedule is not so filled up in any particular the collector shall himself, according to the best information which he is able to obtain, make the same complete and correct, and in such case shall then and there countersign the said schedule with his own name.

Collectors to make  
out returns and  
deliver schedules to  
enumerator.

**10.** (1) Every collector shall, on the next day after the completion and receipt by him of all the householders' schedules within his district or sub-district, make out therefrom a return containing such particulars as may be prescribed, and shall deliver such schedules and return to the enumerator of his district or sub-district, together with a declaration in the form or to the effect of the Second Schedule to this Act.

(2) An enumerator may, in the case of any defect or deficiency in any schedule, return, or declaration so delivered, require the collector delivering the same to make further inquiries and to correct such defect or supply such deficiency at his own cost.

Enumerators to  
make out returns  
and transmit  
schedules to  
Statistician.

**11.** (1) Every enumerator shall, within two days after the receipt from his collectors of all such schedules and returns, make out therefrom a collective return containing such particulars as may be prescribed or as may be required of him by the Statistician.

(2) The enumerator shall thereupon sign and transmit such collective return to the Statistician, together with all the collectors' returns, and shall afterwards, with all convenient speed, transmit to the Statistician all the schedules and the declarations received from the several collectors, and shall also forward therewith a declaration in the form of the Third Schedule to this Act made and subscribed by himself before some justice.

Third Schedule.

Completion of  
census by  
Statistician.

**12.** The Statistician, on receipt of any schedules and other papers, 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

*Census.*

convenient speed prepare and transmit to the Minister abstracts made therefrom, and such abstracts shall be printed and laid before both Houses of Parliament.

PART III.

OTHER STATISTICS.

**13.** The Statistician shall make inquiry during the year one thousand nine hundred and one, and in such subsequent years as the Minister may direct, as to the hands employed, wages paid, hours of labour, plant and machinery used, steam or other power employed, quantity and value of articles produced, treated, or prepared, value of machinery and plant, value of lands and buildings occupied or used, and capital embarked in the business of every factory or mine, and also on other such matters connected with the working of factories, mines, and other establishments of productive industry, as the Minister may deem it expedient to inquire into.

Returns required from proprietors of factories and mines.

The forms relating to such inquiries shall be prepared by the Statistician, and when approved by the Minister shall, after publication in the Gazette, be issued to the persons from whom such information is required. And every proprietor employing one or more persons in any factory, mine, or other establishment of productive industry, or being himself so employed, shall make the returns prescribed as to any such inquiry.

**14.** The Statistician shall, during the year one thousand nine hundred and one, and in such subsequent years as the Minister may direct, require and obtain from every proprietor or occupier of land of one acre and upwards in extent, returns concerning—

Returns by proprietors of land and owners of stock.

- (a) the area and description of such land, the improvements thereon, the number, description, and value of agricultural, pastoral, and dairying implements and machinery used thereon, and the number of hands employed thereon in agricultural, dairying, or pastoral labour;
- (b) the area of such land under crop during the year, or for the period prescribed, the description and extent of each crop, and of each kind of produce taken from or being on such land or on any part thereof, and the actual or estimated yield or amount thereof;
- (c) the number and description of the stock owned by him or on his land, or in his charge;
- (d) the number of stock slaughtered for food or for boiling down, other than in a licensed or registered slaughtering establishments on such land;
- (e) the quantity and description of dairy produce from stock on such land;

(f)

*Census.*

(f) any other matter or thing relating to such land or to the cultivation thereof, or to the crops or produce thereof, or to the stock thereon, as may be prescribed.

Returns by owners  
of stock.

**15.** Every person occupying less than one acre of land shall furnish the prescribed returns of all stock owned by him.

Preparation of  
forms.

**16.** The forms in connection with the returns required from proprietors or occupiers of land and owners of stock under the two last preceding sections shall be prepared by the Statistician, and when approved by the Minister shall, after publication in the Gazette, be issued to the officers appointed to collect the information, to whom such proprietors, occupiers, and owners shall furnish the said returns.

Returns from  
banking, insurance,  
and other companies.

**17.** The Statistician may require and obtain from every person, or corporation transacting business as a banking company, life, fire, or marine insurance company, guarantee company, land, building, or investment company, finance company receiving deposits, railway, tramway, steamship, or other carrying or transporting company, and every company registered under the Companies Act, such information as in his judgment may be necessary to exhibit the transactions of the said several companies.

The Statistician may also require and obtain, in addition to the foregoing, from every railway and tramway company, particulars as to the number and character, and as far as ascertained, the cause of casualties occurring on or in the tracks, trains, or buildings of such company by which any life was lost.

The forms which may be required to be filled in for the purpose of obtaining the information and particulars mentioned in this section shall be prepared by the Statistician, and after approval by the Minister shall be published in the Gazette.

Householders'  
schedules and  
other returns need  
not be collected  
simultaneously.

**18.** The returns provided for in this Part of this Act shall be made for such periods, at such times, to such persons, and in such form or manner as may be prescribed: Provided that should any information not be deemed necessary, the Statistician may omit all or any part of the inquiries which he is empowered to make under this Part of this Act.

The forms shall be sent by post or otherwise to the persons from whom returns are required, at least one month previous to the time at which such returns are to be furnished by the regulations under this Act.

Factories, mines,  
and places may be  
entered.

**19.** The Statistician, or any person duly authorised under his hand, may, within reasonable hours, enter any factory, mine, workshop, or place where persons are employed for the purpose of making any inquiries or observations necessary for the proper carrying out of this Part of this Act.

*Census.*

PART IV.

GENERAL AND SUPPLEMENTAL.

**20.** Every holder of a pastoral lease or license under the Crown Lands Act of 1884, or any Act amending the same, or proprietor, occupier, or superintendent of any station shall perform the duty of occupier in respect of every out-station connected or held in conjunction with such station, and fill up and sign a separate householder's schedule for each separate dwelling, and deliver or cause to be delivered the schedule so filled up to the collector in whose district or sub-district such out-stations lie.

Occupiers of station to make returns for out-stations.

**21.** (1) If an occupier of any dwelling—

- (a) refuses or wilfully neglects to fill up to the best of his knowledge, information, or belief any householder's schedule left at such dwelling; or
- (b) refuses or wilfully neglects to sign and deliver such schedule; or
- (c) refuses or wilfully neglects to answer or untruly answers any inquiry made by a collector for any of the purposes of this Act; or
- (d) wilfully makes, signs, or delivers, or causes to be made, signed or delivered any false return or statement of any particular in any such schedule; or
- (e) if any person refuses or wilfully neglects to answer or untruly answers any inquiry made for any of the purposes of this Act by the occupier of the dwelling in which such person usually resides, or wilfully makes or causes to be made any false return or statement of any particular in any schedule or return required under this Act, or obstructs any person in the performance of any duty under this Act;

Penalty for non-compliance with Act.

such occupier or person so offending shall be liable on conviction to a penalty not exceeding five pounds.

(2) No such penalty shall be enforced against any occupier or person who from conscientious scruples omits to state the religious denomination or sect to which he may adhere or belong, and the proof of such conscientious scruples shall be the filling up of the column set apart for that purpose with the word "object."

**22.** If any enumerator or collector wilfully and corruptly makes and subscribes a declaration under this Act, knowing the same to be untrue in any material particular, he shall be deemed guilty of a misdemeanour.

Penalty for false declaration.

**23.** If any person—

- (a) accepts the office of enumerator or collector, and afterwards without lawful excuse refuses or wilfully neglects to perform any duty of such office; or
- (b)

Penalty for failing to act after accepting office.

*Census.*

Penalty for wilful  
default of collector.

(b) being a collector, fails to return to the enumerator of his district or subdistrict all the householders' schedules received by him, or wilfully signs or delivers any untrue document, or wilfully alters any document relating to the census, or otherwise wilfully violates any provisions of this Act:

every such person so offending shall for every such offence be liable on conviction to a penalty not exceeding twenty pounds.

Penalty for  
divulging.

**24.** If any officer, enumerator, collector, or other person employed under the provisions of this Act divulges the contents of any householders' schedule or any return or information furnished under this Act, he shall, for every such offence, be liable to a penalty not exceeding twenty pounds.

The Statistician or other officer having custody of the returns or information obtained under this Act shall not be subpoenaed to produce any such returns or information to any court, and if contrary to this provision he is subpoenaed he shall not produce such returns or information.

Census may be  
retaken.

**25.** Should the census of any district not be made, or the returns for the same not reach the hands of the Statistician, or be of such kind as to be valueless for the purposes of this Act, the Governor may direct that the census of such district be retaken on a day to be appointed by him, and all matters and things shall be done in regard thereto as are herein provided to be done in connection with the census of the thirty-first day of March, one thousand nine hundred and one.

Remuneration of  
enumerators.

**26.** The remuneration payable to each enumerator shall be a sum agreed upon between the enumerator and the Statistician and approved by the Minister, and shall be payable only in the event of the work of enumeration having been done to the satisfaction of the Statistician.

Remuneration of  
collectors.

**27.** The collectors shall, on the completion of the work of collection to the satisfaction of the Statistician and of the enumerator of the district within which the collector has worked, be paid such sum as may, with the sanction of the Minister, be agreed upon between the Statistician and the collectors.

Recovery of  
penalties.

**28.** All penalties under this Act or the regulation made thereunder may be recovered summarily before any stipendiary or police Magistrate, or before any two justices of the peace sitting at any petty sessions within the district wherein or in respect to which the default or offence arose or was committed.

Letters and  
telegrams free.

**29.** All letters and packets and all telegraphic messages for the purpose of carrying out this Act transmitted by post or electric telegraph within New South Wales, to or from the Statistician, or any enumerator or collector, if marked with the word "Statistics," shall be transmitted and delivered free of postage or charges.

**30.**



*Census.*

**30.** The Governor may make regulations in respect of all matters **Regulations.** and things arising under this Act and not herein expressly provided for, and for the more fully carrying out the objects and purposes of this Act; and such regulations when published in the Gazette shall have the force of law, and every person guilty of a breach of any such regulation shall be liable to a penalty not exceeding twenty pounds.

**SCHEDULES.**

**FIRST SCHEDULE.**

Section 5.

I, \_\_\_\_\_ do hereby accept the office of enumerator [*or collector*] under the Census Act, 1901, for the [district *or* sub-district] to which I have been appointed. And I do solemnly declare that I will faithfully perform the duties of the said office to the best of my knowledge and ability, and that I will not divulge the contents of any Schedule collected under the said Act.

(*Signature.*)

[Enumerator *or* Collector, as the case may be.]

Made and subscribed before me, at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901,—

[Justice of the Peace *or* Commissioner for Affidavits.]

**SECOND SCHEDULE.**

Section 10.

I, \_\_\_\_\_ a collector appointed under the Census Act, 1901, do solemnly declare that the householders' schedules numbered from \_\_\_\_\_ to \_\_\_\_\_ inclusive contained in the packet to which this declaration is attached are all the schedules under the said Act which have been received by me within the [district *or* sub-district] to which I was appointed, and that the whole contents of the said schedules and of the accompanying return made out therefrom are true to the best of my knowledge, information, and belief. And I further declare that I have distributed all necessary schedules, and that I have collected all the schedules so distributed, and that I will not divulge the contents of any schedule collected under the said Act.

(*Signature of collector.*)

Made and subscribed before me, at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901,—

[Justice of the Peace *or* Commissioner for Affidavits.]

**THIRD SCHEDULE.**

Section 11.

I, \_\_\_\_\_, an enumerator appointed for the district of \_\_\_\_\_, under the Census Act, 1901, do solemnly declare that I have forwarded to the Statistician all the householders' schedules and collectors' returns transmitted to me by the [*state here the number of collectors for his district*] appointed by me, and also one collective return made out by me from the said schedules and returns, and that such collective return is correctly and truly made to the best of my knowledge, information, and belief.

(*Signature of enumerator.*)

Made and subscribed before me, at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901,—

[Justice of the Peace *or* Commissioner for Affidavits.]

Act