

No. XXXI.

An Act to make provision for taking the Census of New South Wales in the year one thousand eight hundred and ninety-one, and for obtaining certain Industrial, Commercial, and other Statistics, and certain particulars relating to the Live Stock, Crops, and Occupation of Land in and for the said Colony, and for other purposes in connection with the aforesaid objects.

[20th December, 1890.]

CENSUS AND
INDUSTRIAL
RETURNS.

WHEREAS it has been determined that an account of the Population of New South Wales shall be taken in the year one thousand eight hundred and ninety-one, and that certain Industrial and Commercial Statistics and particulars relating to the Live Stock and Agricultural Produce, and the Occupation of Land of New South Wales be obtained. Be it therefore 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.—*Enumeration and Account of the Population.*PART II.—*Industrial Statistics and particulars relating to Live Stock, Crops, and the Occupation of Land.*PART III.—*General Provisions.*

1. In this Act the expression—

“Census” means an account of the Population of New South Wales.

“The Colonial Secretary” means the Colonial Secretary for the time being.

“Crop (or Crops)” 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 shall be 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 whatsoever.

“Governor” means the Governor with the advice of the Executive Council.

“Occupier or person in charge,” includes every householder and every master, or keeper of every gaol, prison, hospital, lunatic asylum, benevolent asylum, and of every 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”

Interpretation.

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“Prescribed” means prescribed by this Act or by regulations made hereunder.

“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 be held under lease or license from the Crown or in freehold, or partly in any one way and partly in any other.

“Stock” includes any one or more horses, mares, geldings, colts, fillies, foals, bulls, cows, oxen, steers, heifers, calves, rams, ewes, wethers, hoggets, lambs, pigs, or any other animals which the Governor shall by notification in the *Gazette* declare to be “Stock” for the purposes of this Act, or any regulations hereunder.

PART I.*Enumeration and Account of the Population.*

Census to be taken
on 5th April 1891.

Colonial Secretary
to supervise taking
of census.

Schedules to be
prepared and left at
dwellings and filled
up by occupiers.

Particulars
respecting schools
other than Public
Schools.

Enumerators to be
appointed.

2. A census shall be taken, in manner hereinafter directed, of all persons in the Colony on the night of Sunday, the fifth day of April, or on such other date as may hereafter be appointed by the Governor, in the year one thousand eight hundred and ninety-one.

3. The Colonial Secretary shall order and supervise the taking of the said census, and, subject to his approval, the Government Statistician shall prepare and issue all forms and instructions to the persons for whose use they shall be intended, and shall prepare such schedules, forms, declarations, and circulars as may be necessary for obtaining information as to the name and surname, relation to head of family, conjugal condition, sex, age, profession or occupation, birth-place, religion, education, sickness or infirmity of every person, male or female, living in New South Wales on the said night of the fifth day of April, one thousand eight hundred and ninety-one, or other date appointed as aforesaid, and as to the materials and number of rooms of houses, and particulars of all houseless persons and persons travelling or on shipboard. Provided that it shall not be compulsory on the part of any person to state the nature of the religious faith, if any, professed by such person.

4. Every proprietor, head master, or principal teacher of any school not under the control of the Minister of Public Instruction, shall furnish information concerning the attendance of scholars and the subjects taught at such school, and such other particulars as may be required with regard to such school, and for such period and in such form as may be prescribed.

5. For the taking of such census, the Governor may appoint enumerators and define the districts for which they shall respectively act; and every enumerator shall, before entering on the duties of his office, take and subscribe a declaration in the form of Schedule A; and each enumerator shall be charged with the performance within his own district of the following duties:—

To propose to the Government Statistician the apportionment of his district into sub-districts most convenient for the purposes of enumeration.

To designate to the Government Statistician suitable persons, and, with the consent of the said Government Statistician, to employ such persons as collectors within his district, one for each sub-district.

To

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To transmit to collectors the printed forms and schedules issued by the Government Statistician in quantities suited to the requirements of each sub-district.

To communicate to collectors the necessary instructions and directions relating to their duties, and to the methods of conducting the census, and to advise with and counsel collectors as freely and fully in person and by letter as may be required for the purposes of this Act.

To provide for the early and safe transmission to his office of the returns of collectors, embracing all returns and schedules filled or collected by them in the course of enumeration, and for the due receipt and custody of such returns pending their transmission to the Government Statistician.

To examine and scrutinize the returns of collectors in order to ascertain if the work has been performed in all respects in compliance with the provisions of the law, and whether any integral part of the district has been omitted from the enumeration; and in the event of any discrepancies or deficiencies appearing in the returns from his district when examined in the office of the Government Statistician, to use all diligence in causing the same to be corrected or supplied.

6. The enumerators shall, in the course of the week ending on Saturday, the fourth day of April, one thousand eight hundred and ninety-one, or at such other time as the Governor may appoint, leave or cause to be left at every dwelling within their respective districts, one or more of such schedules (hereinafter termed householder's schedules) for the occupier or occupiers thereof, or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling (or where such dwelling is let in different stories or apartments, and occupied distinctly by different persons or families then by the occupier of each such distinct story or apartment), and the enumerator or collector shall collect all such schedules on the Monday then next following or as soon thereafter as practicable. And every occupier of any dwelling, or of any distinct story or apartment in any dwelling, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief so far as relates to all persons abiding in the dwelling, story, or apartment occupied by him or her, and shall sign his or her name thereunto, and shall deliver the schedules so filled up, or cause the same to be delivered to the enumerator or collector when required so to do.

7. Every collector shall, on Monday, the sixth day of April, one thousand eight hundred and ninety-one, or as soon thereafter as practicable, demand and receive the said schedules at all dwellings within his sub-district, and shall satisfy himself by inspection of the same that such schedules are correctly filled up, or if not so in any particular, shall himself by information derived from the occupier, make the same complete and correct, and in either such case shall then and there countersign the said schedules with his own name.

8. Every collector shall, within three days after all the schedules within his sub-district shall have been completed and received by him, deliver them to his enumerator, together with a declaration made and subscribed by himself in the form of Schedule B. And any enumerator may, in the case of any defect or deficiency in any schedule 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.

9. Every enumerator shall, within five days after receipt from his collectors of all such documents, make out therefrom a collective return

Distribution and collection of schedules.

Collectors personally to receive the schedules and see to their correctness.

Collectors to deliver all schedules, &c., to enumerator.

Transmission of returns by enumerators.

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return containing such particulars as may be required of him by the Government Statistician, and shall sign and transmit the same to the Government Statistician, together with all the schedules and returns and the declarations aforesaid as received from the several collectors, and together also with a declaration made and subscribed by himself in the form of Schedule C.

Government Statistician to examine schedules, and if inaccurate, cause them to be corrected.

10. The Government Statistician, on receipt of such schedules and returns and other papers, shall examine the same, and cause any defect or inaccuracy therein to be supplied or be corrected as far as may be possible, and shall with all convenient speed prepare and transmit to the Colonial Secretary abstracts made therefrom, and such abstracts shall be printed and laid before both Houses of Parliament.

PART II.*Industrial and Commercial Statistics and particulars relating to the live stock, crops, and occupation of lands.*

Enquiry into industrial condition of the people.

11. The Government Statistician shall make inquiry as to the industrial condition of the people, the hours of labour, the regularity of employment, the wages of workers, and the accommodation afforded by employers for their work people, the employment of children and females, the displacement of labour by machinery, the return upon capital invested, the variation in prices, and any other subject on which the Colonial Secretary may deem it expedient to have inquiry made.

Employers to furnish information.

12. For the purpose of carrying out the provisions of the last preceding section every employer of labour shall furnish information regarding the number and sex of persons employed, and the number of children under or apparently under fifteen years of age, the rates of wages paid to or earnings of employés, and the hours of labour.

Returns by proprietors of land.

13. Every proprietor of land exceeding one acre in extent shall make the following returns:—

- (i) Concerning the area and description of such land, the improvements thereon, and the agricultural implements used thereon.
- (ii) Concerning 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, the actual or estimated yield or amount thereof, and the freedom or otherwise of such crop from blight, pest, or disease, and if diseased the nature of such disease.
- (iii) Concerning any other matter or thing relating to such land or to the cultivation thereof, or to the crops or produce thereof, as may be prescribed.

Owners of stock to make returns.

14. Every owner of stock shall make returns in accordance with the prescribed form:—

- (i) Concerning the number and description of the stock owned by him or on his land, or in his charge.
- (ii) Concerning the health and management of all such stock.
- (iii) Concerning the quantity and description of dairy produce.

Returns of proprietors of manufactories.

15. And every proprietor employing one or more persons in mines, factories, or other establishments of productive industry, or being himself so employed, shall make the following returns in addition to the particulars required under section twelve:—

- (i) Concerning the kind and amount of power employed, and the kind and number of machines in use, together with the maximum

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maximum capacity of such establishment, and concerning the value of machinery or plant, and the value of lands and buildings occupied or used by him for the purposes of his business.

- (ii) Concerning the quantity, kind, or value of the articles obtained, produced, made, treated, or prepared in his mine or factory.
- (iii) Concerning the capital embarked in his business.

16. The Government Statistician shall require and obtain from every person, persons, or corporation transacting business as a banking company; life, fire, and marine insurance company; guarantee company; land, building, and investment company; finance company receiving deposits; railway, tramway, steamship, or other carrying and transportation company; and all companies registered under the Companies Act such information as in his judgment may be necessary to secure such returns as will exhibit the transactions of the said several companies. And the Government Statistician shall also require and obtain, in addition to the foregoing, from all railway and tramway companies particulars as to the number and character, and as far as ascertained, the cause of casualties (if any) by which life was lost which occurred upon or within the trains, the tracks, or buildings of the said corporation or company.

17. And whereas it may be found inexpedient that the industrial and commercial returns should be collected simultaneously with the householders schedules, the said returns shall be made for such periods, at such times, to such persons, and in such form or manner as shall be prescribed. Provided that should it not be deemed necessary, the Government Statistician may omit the whole or part of the inquiries which he is empowered to make under this Act from any individuals. And the forms shall be delivered to the proprietors of the mines or factories or other persons from whom returns are required at least one month previous to the time at which they may be required to be sent in by the regulations under this Act. Provided always that if the forms shall have been posted, evidence of such posting shall be deemed evidence of delivery for the purposes of this Act.

18. It shall be lawful for the Colonial Secretary to appoint special agents for the collection of industrial statistics apart from the enumerators and collectors employed on the Census enumeration.

19. It shall be lawful for the Government Statistician, or any person duly authorized under his hand, to enter any factory, mine, workshop, or place where persons are employed at any time within reasonable hours, for the purpose of making any inquiries or observations needful for the proper carrying out of this Act.

Returns from
Banking, Insurance,
and other
Companies, &c.

Householders
schedules and
industrial returns
not necessarily
to be collected
simultaneously.

Special agents may
be appointed.

Workshops, &c., may
be entered.

PART III.*General Provisions.*

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 furnish in a separate householder's schedule for each separate dwelling to the collector in whose sub-district such out stations lie, all such particulars as would be required of the occupiers themselves if a schedule had been left at each dwelling.

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Authorities to aid in carrying Act into effect.

Penalty for non-compliance with Act.

Penalty for wilful default of Collector.

Government Statistician may remove enumerators, agents, &c.

Census may be retaken.

How declaration to be made.

Penalty for failing to act after accepting office.

21. The Inspector-General of Police—every Municipal Council—Justice of the Peace—Clerk of Petty Sessions—Warden of a Mining District and Mining Registrar—District Registrar of Births, Marriages, and Deaths, and Inspector of Sheep within the Colony, and every other officer of the Government shall, on every request in writing from the Government Statistician, supply him with all information in his power respecting fit persons to be appointed enumerators or collectors as aforesaid, together with such advice and assistance upon any and every other point tending to the effectual carrying out of the provisions of this Act as may be in his power.

22. Any occupier or person in charge of any dwelling or distinct part of a dwelling who shall refuse or wilfully neglect to fill up to the best of his knowledge, or information and belief, any schedule left with such person pursuant to this Act, or to sign and deliver the same, or shall refuse or wilfully neglect to answer or untruly answer any necessary inquiry made by a collector or agent, or shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered any false return or statement of any particular in such schedule, or shall obstruct any person in the performance of any duty under this Act; and any proprietor, owner, manager, or person in charge who shall fail to make any return pursuant to this Act, or to any regulations made hereunder, relating to any land, stock, financial, or commercial industry, or business, or who shall make an insufficient return in relation thereto, and any person lodging with a householder and who refuses to give the information regarding himself which may be necessary for the completion of the householders' schedule shall be liable to a penalty not exceeding twenty pounds, but the payment of such penalty shall be deemed to have in no way discharged the obligation to furnish such information, and the person so offending shall be liable to a like penalty for each repetition of such neglect or refusal to supply information at the request of the Government Statistician or other person authorized by him.

23. Any collector or special agent who shall fail to return to his enumerator all the schedules which shall have been received by him, or shall wilfully sign or deliver any untrue schedule, or alter any schedule 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.

24. The Government Statistician, with the consent of the Colonial Secretary, may at any time remove any enumerator or agent and fill any vacancy thereby caused or otherwise occurring, and the enumerator may, with the consent of the Government Statistician, remove any collector in his district, and fill the vacancy thereby caused or otherwise occurring.

25. Should the census of any district not be made, or the returns therefor not reach the hands of the Government 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 fifth day of April, one thousand eight hundred and ninety-one.

26. Every declaration under this Act may be made and subscribed before any Justice of the Peace or Commissioner of the Supreme Court for taking affidavits.

27. Any person accepting the office of enumerator or collector under this Act, and afterwards refusing or neglecting to do anything lawfully required of him in virtue of such office, unless prevented by sickness or other unavoidable cause (in which case the Governor may forthwith appoint another enumerator, or the enumerator may appoint another collector approved as aforesaid), shall be liable to a penalty not exceeding twenty pounds.

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28. If any officer, enumerator, collector, agent, or clerk ^{penalty for} divulge the contents of any householder's schedule or return collected ^{divulging.} under this Act, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

29. All penalties under this Act may be recovered summarily ^{Recovery of} before any Stipendiary or Police Magistrate, or before any two Justices ^{penalties.} 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. And if the amount of any such penalty, together with the costs (if any) ordered to be paid upon any conviction under this Act be not paid within the time mentioned in the order or adjudication, the same may be enforced by distress and sale of the offender's goods and chattels, and in default of sufficient distress, such offender shall be liable to imprisonment for any term not exceeding one calendar month, unless such penalty and costs be sooner paid.

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

31. The Governor may make regulations for the execution of all ^{Regulations.} matters and things arising under this Act 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 *Government Gazette* shall have the full force of law, and every person who shall be guilty of a breach of any such regulations shall be liable to a penalty not exceeding twenty pounds.

32. This Act may be cited as the "Census and Industrial ^{Short title.} Returns Act of 1891."

SCHEDULES.

SCHEDULE A.

I, _____, do hereby accept the office of enumerator, under the "Census and Industrial Returns Act of 1891," for the 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.

Made and subscribed before me, at _____, 1891. } [Signature.]

this day of _____, 1891. }
Justice of the Peace,
or, Commissioner of the Supreme Court for taking Affidavits.

SCHEDULE B.

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

Made and subscribed before me, at _____, 1891. } [Signature.]

this day of _____, 1891. }
Justice of the Peace,
or, Commissioner of Supreme Court for taking Affidavits.

SCHEDULE C.

(Consolidated Fund) Appropriation.

SCHEDULE C.

I, _____, an enumerator appointed for the district of _____, under the "Census and Industrial Returns Act of 1891," do solemnly declare that the sealed packet addressed to the Government Statistician, to which this declaration is attached, contains all the Schedules and Declarations transmitted to me by [state here the number of Collectors for district] Collectors appointed by me and also one Collective Return made out by me from the said schedules, and that the said Collective Return contains the full, true, and correct results of all the particulars contained in the said schedules to the best of my knowledge and belief.

Made and subscribed before me, at _____, 1891. } [Signature.]
this _____ day of _____, 1891. }

Justice of the Peace,
or, Commissioner of the Supreme Court for taking Affidavits.
