

# EXPOSURE DRAFT



EXPOSURE DRAFT

## Census and Statistics Regulation 2016

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Alex Hawke [**DRAFT ONLY—NOT FOR SIGNATURE**]

Assistant Minister to the Treasurer

Parliamentary Secretary to the Treasurer

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## Part 1—Preliminary

### 1 Name

This is the *Census and Statistics Regulation 2016*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2016.	1 October 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Census and Statistics Act 1905*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) authorised officer;
- (b) Bureau;
- (c) Census day;
- (d) Statistician.

In this instrument:

*Act* means the *Census and Statistics Act 1905*.

*Census night* means the night of the Census day for a Census.

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## Part 1 Preliminary

### Section 6

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*prescribed premises* means premises in a class of premises prescribed by section 14.

*private dwelling* means a dwelling other than:

- (a) a hotel, motel, hostel or boarding house; or
- (b) a dwelling used solely or principally as sleeping accommodation by members of a group of persons who share common living or dining areas or other common amenities; or
- (c) a religious institution; or
- (d) a residential institution (including a hospital, nursing home, school, university, college, orphanage, house of refuge, prison or other penal or corrective institution); or
- (e) a vessel, other than a houseboat, used in navigation by water.

### 6 Extension of the Act to external Territories

For section 2 of the Act, the following external Territories are prescribed:

- (a) Norfolk Island;
- (b) the Territory of Christmas Island;
- (c) the Territory of Cocos (Keeling) Islands.

### 7 Engagement of persons to assist the Statistician

- (1) For paragraph (b) of the definition of *officer* in section 3 of the Act, the Statistician may engage persons, including members of the staff of the Bureau referred to in subsection 16(1) of the *Australian Bureau of Statistics Act 1975*, to assist in the carrying out of the functions of the Statistician.
- (2) A person engaged by the Statistician under subsection (1) must carry out such duties as the Statistician considers will assist in the carrying out of the functions of the Statistician.

### 8 Undertaking of fidelity and secrecy form

For the purposes of section 7 of the Act the form set out in Schedule 1 is prescribed.

## Part 2—The Census

### 9 Statistical information for the Census—persons

For subsection 8(3) of the Act, the matters mentioned in the following table are prescribed in relation to persons.

<b>Statistical information for the Census—persons</b>	
<b>Item</b>	<b>Matter</b>
1	Name
2	Sex
3	Date of birth or age last birthday
4	Relationship to the other persons, if any, who spend the Census night in the same accommodation
5	Present marital status
6	Address of usual residence
7	Address of usual residence 1 year before the Census day
8	Address of usual residence 5 years before the Census day
9	Religion or religious denomination
10	Citizenship
11	Aboriginal or Torres Strait Islander origin
12	Ancestry
13	Country of birth
14	Country of birth of each parent
15	For a person not born in Australia—the year of the person’s first arrival in Australia
16	Languages spoken at home
17	For a person who speaks a language other than English at home—his or her proficiency in speaking English
18	Present attendance at an educational institution, including the type of institution attended (if any)
19	For a person who is not less than 15 years of age, the following: (a) the highest level of primary or secondary school completed; (b) educational qualifications; (c) labour force status; (d) income; (e) domestic activities; (f) the provision of unpaid care due to the disability, long term illness or old age of another person; (g) the provision of care to a child, without pay; (h) voluntary work through an organisation or group
20	For a person who is not less than 15 years of age and was employed (including self-employed) during the week immediately preceding the Census day, the following:

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## Part 2 The Census

### Section 10

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**Statistical information for the Census—persons**

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<b>Item</b>	<b>Matter</b>
	(a) status in employment during that week;
	(b) occupation during that week;
	(c) the name and address of the undertaking in which the person was employed during that week;
	(d) the main kind of business or industry carried on, or service provided, by that undertaking during that week;
	(e) the hours worked by the person during that week;
	(f) the main duties or tasks that the person usually performs in the occupation;
	(g) the mode of travel to work by the person on the Census day;
	(h) if the person owns a business, the total number of persons who are employed by the business
21	The need for assistance with, or the supervision of another person for, any of the following activities (including the reason for the need): (a) self care;
	(b) body movement;
	(c) communication
22	For a female who is not less than 15 years of age—the number of children to whom she has given birth

### **10 Statistical information for the Census—household accommodated on the Census night in a private dwelling**

For subsection 8(3) of the Act, the matters mentioned in the following table are prescribed in relation to a household accommodated on the Census night in a private dwelling.

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**Statistical information for the Census—household accommodated on the Census night in a private dwelling**

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<b>Item</b>	<b>Matter</b>
1	The address on the Census night
2	For a person who is usually a member of the household but is absent from the household accommodation on the Census night, the following: (a) name;
	(b) sex;
	(c) date of birth or age last birthday;
	(d) student status;
	(e) relationship to other members of the household;
	(f) Aboriginal or Torres Strait Islander origin
3	The right, title or interest of the household in the household's accommodation
4	The number of bedrooms in the dwelling
5	The rent or loan repayments payable by the household for its accommodation
6	If the dwelling is rented—the nature of the person or body to whom rent is paid



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**Statistical information for the Census—household accommodated on the Census night in a private dwelling**

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<b>Item</b>	<b>Matter</b>
7	The number of registered motor vehicles, garaged or parked at or near the dwelling on the Census night, that are owned or used by residents of the dwelling
8	Access to the internet at the dwelling

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**11 Statistical information for the Census—private dwelling**

For subsection 8(3) of the Act, the matters mentioned in the following table are prescribed in relation to a private dwelling.

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**Statistical information for the Census—private dwelling**

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<b>Item</b>	<b>Matter</b>
1	The structure
2	The location
3	The status of a person in the dwelling

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**12 Statistical information for the Census—dwelling other than a private dwelling**

For subsection 8(3) of the Act, the matters mentioned in the following table are prescribed in relation to a dwelling other than a private dwelling.

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**Statistical information for the Census—dwelling other than a private dwelling**

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<b>Item</b>	<b>Matter</b>
1	The classification of the dwelling by reference to its purpose
2	The status of a person in the dwelling
3	The address of the dwelling
4	The name (if any) of the dwelling
5	The number of persons resident in the dwelling

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## Part 3 Statistics

### Section 13

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## Part 3—Statistics

### 13 Statistical information that may be collected for publication

For section 9 of the Act, the matters mentioned in the following table are prescribed.

<b>Statistical information for publication</b>	
<b>Item</b>	<b>Matter</b>
1	Accidents and injuries
2	Agricultural, apicultural, poultry, dairying and pastoral industries and related service industries
3	Assets, liabilities and financial operations and transactions of a natural person or an organisation
4	Banking
5	Births, deaths, marriages and divorces
6	Business, professional, personal and household services
7	Communications
8	Conditions of employment
9	Conservation and environment
10	Construction and demolition
11	Crime
12	Cultural activities
13	The Defence Force and police forces
14	Education
15	Employers' and employees' associations
16	Employment and unemployment
17	Energy
18	Finance
19	Fishing, hunting and trapping
20	Food preparation and food consumption
21	Forestry, saw milling and related service industries
22	Health benefit and health insurance schemes
23	Health, health services and quarantine
24	Housing
25	Income, expenditure and savings in relation to a person, household or family
26	Industrial disputes and arbitration
27	Insurance
28	Investment
29	Land tenure and occupancy
30	Law

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Statistics **Part 3**

Section 13

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**Statistical information for publication**

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<b>Item</b>	<b>Matter</b>
31	Local government
32	Manufacturing
33	Migration
34	Mining, mineral and petroleum exploration, quarrying and related service industries
35	Overseas transactions
36	Ownership and control of property
37	Pension and superannuation schemes
38	Population and the social, economic and demographic characteristics of the population
39	Prices and charges
40	Public safety
41	Real estate including land and property development
42	Recreation and entertainment
43	Repairs and maintenance
44	Scientific research and development
45	Social and welfare services
46	Taxation
47	Tourism
48	Trade and commerce
49	Transport and storage
50	Wages, earnings, hours of employment and workers' compensation
51	Water resources
52	Wholesaling and retailing

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## Part 4 Administration

### Section 14

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## Part 4—Administration

### 14 Powers of entry—prescribed classes of premises

For subsection 18(1) of the Act, the classes of premises mentioned in the following table are prescribed.

Prescribed classes of premises	
Item	Matter
1	For hotels and motels—the parts of the premises consisting of: (a) the foyer; and (b) any reception area; and (c) any corridor; and (d) any other area that is generally open to the public
2	Boarding houses
3	Hostels
4	For a building that contains flats or home units—a common area that is generally open to residents of the building
5	Caravan parks
6	Camping grounds
7	Construction camps
8	Mining camps
9	Premises being used in connection with agricultural, apicultural, poultry, dairying or pastoral industries
10	Business premises
11	For a housing development that is not open to the public—a common area that is generally open to residents of the development
12	The land surrounding premises mentioned in any of items 1 to 11, to the extent that the land: (a) is not separately occupied; and (b) is not used for the purposes of the residence or sleeping accommodation of a person or persons
13	The land surrounding a dwelling-house (including a flat or home unit), to the extent that the land: (a) is not separately occupied; and (b) is not used for the purposes of the residence or sleeping accommodation of a person or persons

Note: The premises mentioned in the table do not include a dwelling-house (including a flat or home unit), or a part of any other premises that is separately occupied or used for the purposes of the residence or sleeping accommodation of a person or persons: see subsection 18(2) of the Act.

### 15 Entry to prescribed premises

(1) Subsections (2) and (3) apply to a person who is:

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- (a) in charge of prescribed premises; or
- (b) otherwise responsible for controlling the access of persons to prescribed premises; or
- (c) a resident of prescribed premises.

*Failure to arrange for entry*

- (2) The person commits an offence if:
  - (a) the Statistician or an authorised officer has given the person reasonable notice that an authorised officer will attempt to enter the prescribed premises at a reasonable time, or during a reasonable period, specified in the notice for the purpose of:
    - (i) supplying persons with forms; or
    - (ii) collecting forms that have been supplied to persons; or
    - (iii) making inquiries for the purposes of the Act; and
  - (b) the person does not make arrangements that would allow an authorised officer to enter the prescribed premises at the time, or during the period, specified in the notice.

Penalty: 5 penalty units.

*Refusal of entry after request*

- (3) The person commits an offence if:
  - (a) the Statistician or an authorised officer has given the person reasonable notice that an authorised officer will attempt to enter the prescribed premises at a reasonable time, or during a reasonable period, specified in the notice for the purpose of:
    - (i) supplying persons with forms; or
    - (ii) collecting forms that have been supplied to persons; or
    - (iii) making inquiries for the purposes of the Act; and
  - (b) an authorised officer identifies himself or herself to the person as an authorised officer at the time, or during the period, specified in the notice; and
  - (c) the authorised officer asks the person to allow the authorised officer to enter the prescribed premises for the purpose of:
    - (i) supplying persons with forms; or
    - (ii) collecting forms that have been supplied to persons; or
    - (iii) making inquiries for the purposes of the Act; and
  - (d) the person does not allow the authorised officer to enter the prescribed premises.

Penalty: 5 penalty units.

## 16 Evidentiary certificates

- (1) The Statistician may give a certificate:

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## Part 4 Administration

### Section 16

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- (a) that a document attached to the certificate is a true copy of a notice under subsection 10(4) or 11(2) of the Act served on a person specified in the certificate; and
- (b) that, in the case of a notice under subsection 10(4) of the Act:
  - (i) a form attached to the certificate is a true copy of the form that accompanied that notice; and
  - (ii) if instructions accompanied the form referred to in subparagraph (i), a document attached to the certificate is a true copy of those instructions.
- (2) The Statistician may give a certificate that a document attached to the certificate is a true copy of an undertaking of the kind referred to in paragraph 13(2)(c) of the Act by a person specified in the certificate.
- (3) In proceedings for an offence against the Act, a certificate given under this section is prima facie evidence of the facts specified in the certificate.
- (4) For the purposes of this section, a document purporting to be a certificate given under this section is taken to be such a certificate, unless the contrary is proved.

## **Part 5—Transitional Matters**

### **17 Things done under the *Statistics Regulations 1983***

- (1) If:
  - (a) a thing was done for a particular purpose under the *Statistics Regulations 1983* as in force immediately before that instrument was repealed; and
  - (b) the thing could be done for that purpose under this instrument;the thing has effect for the purposes of this instrument as if it had been done under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to:
  - (a) an engagement being made; and
  - (b) a certificate or other instrument being given or made.

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## Schedule 1 Undertaking of fidelity and secrecy

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### Schedule 1—Undertaking of fidelity and secrecy

Note: See section 8.

*Census and Statistics Act 1905*

#### Undertaking of fidelity and secrecy

I, *[Name]* of *[Address]*, an officer within the meaning of the *Census and Statistics Act 1905*, undertake that:

- (a) I will faithfully and to the best of my ability execute the powers and duties conferred on me by or under that Act; and
- (b) I will not, either directly or indirectly, divulge or communicate any information provided in pursuance of that Act to any person (other than the person from whom the information was obtained), unless the information is divulged or communicated in accordance with, or for the purposes of, that Act.

Dated

*[Signature of officer]*

Signed in the presence of:

*[Signature and legible statement of name and address of witness]*



## **Schedule 2—Repeals**

### *Census and Statistics (Census) Regulation 2015*

#### **1 The whole of the regulation**

Repeal the regulation.

### *Statistics Regulations 1983*

#### **2 The whole of the Regulations**

Repeal the Regulations.