

THE ISLAND OF NAURU

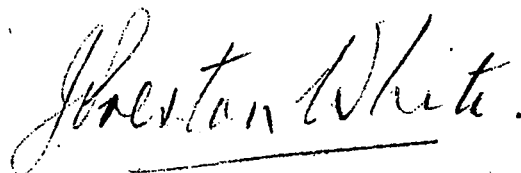
No. 2 of 1961.

A N O R D I N A N C E

Relating to the Taking and Collection of
Censuses in the Island of Nauru.

I, THE ADMINISTRATOR of the Island of Nauru,
in pursuance of the powers conferred by Article 1
of the Agreement dated the second day of July,
1919, between the Government of the United Kingdom,
the Government of the Commonwealth of Australia and
the Government of New Zealand, hereby make the
following Ordinance.

Dated this Twenty-First day of June , 1961.



Administrator of the Island of Nauru.

CENSUS ORDINANCE 1961.

Citation.

1. This Ordinance may be cited as the Census Ordinance 1961.

Repeal.

2. The Census Ordinance 1947 and the Census Ordinance 1954 are repealed.

Interpreta-
tion.

3.-(1.) In this Ordinance, unless the contrary intention appears -

"Census day" means the day in a census year appointed to be the Census day for the purpose of the taking and collection of the Census in the Commonwealth in that year;

"census year" means a calendar year in which the Census is required to be taken in the Territory in pursuance of section six of this Ordinance;

"dwelling" means a building, erection or tenement, whether permanent or temporary, that is wholly or partly used for the purpose of human habitation, and includes any ship or other vessel in a port in the Territory or on a passage between any two ports in the Territory;

"Householder's Schedule" includes a personal slip;

"officer" means a person holding an office referred to in section nine of this Ordinance;

"occupier" includes a governor, superintendent, officer-in-charge or keeper of a gaol, prison, hospital, lunatic asylum or public or charitable institution;

"personal slip" means a personal slip referred to in section seventeen of this Ordinance;

"ship" includes any vessel used in navigation by water;

"the Statistician" means the Statistician holding office under section four of this Ordinance.

(2.) Where a building is let, sub-let or held in different apartments and occupied by different persons or families, each part so let, sublet or held and used for the purpose of human habitation shall be deemed to be a separate dwelling for the purposes of this Ordinance.

Appointment
of Statistician.

4.-(1.) The Minister shall appoint a person to be the Statistician for the Territory.

(2.) The Statistician holds office during the pleasure of the Minister.

Delegation by the Statistician. 5.-(1.) With the approval of the Minister, the Statistician may, by writing under his hand, in relation to a matter or class of matters, delegate any of his powers or functions under this Ordinance (except this power of delegation).

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Statistician.

Taking of the Census. 6. The Census shall be taken in each year in which the Census is taken in the Commonwealth under the Census and Statistics Act 1905-1949 of the Commonwealth, as amended from time to time.

Statistician to take steps for collection of the Census. 7. It is the duty of the Statistician, subject to the directions of the Minister, to prepare and issue forms and instructions, and to take all necessary steps, for the taking and collection of the Census in a census year.

Division of the Territory for the Census. 8.-(1.) The Statistician may, for the purposes of the taking and collection of the Census in a census year, divide the Territory into such Collector's Districts as he considers necessary.

(2.) Where the Territory is not divided into Collector's Districts under the last preceding sub-section for the purposes of the taking and collection of the Census in a census year, the whole of the Territory shall be deemed to be a Collector's District for those purposes in that census year.

Appointment of officers. 9.-(1.) For the purposes of the taking and collection of the Census in a census year -

(a) the Minister shall appoint a person to be the Field Supervisor for the Territory; and

(b) the Field Supervisor for the Territory shall appoint, in respect of each Collector's District, a person to be the Collector for that District.

(2.) A person appointed under this section holds office during the pleasure of the person by whom he has been appointed.

(3.) A person appointed under this section shall be paid, in respect of the performance of his duties under this Ordinance, such remuneration as the Minister approves.

Undertaking
of fidelity
and secrecy.

10. A person appointed under the last preceding section shall, before entering upon the performance of his functions under this Ordinance, sign, in the presence of a witness, an undertaking of fidelity and secrecy in accordance with the form in the Schedule to this Ordinance.

Duties of
Field
Supervisor.

11. Subject to this Ordinance and to any directions duly given him by the Statistician, the Field Supervisor shall -

- (a) make all necessary arrangements for the taking and collection of the Census in the Territory in the census year in relation to which he is appointed;
- (b) obtain an accurate record of the population in the Territory; and
- (c) forward that record, together with such summaries of that record as the Statistician directs, to the Statistician as soon as possible after that record or those summaries have been obtained.

Duties of
Collectors.

12. Each Collector shall carry out such duties in relation to the taking and collection of the Census in the census year in relation to which he is appointed as are prescribed by this Ordinance or as the Statistician directs.

Householder's
Schedule.

13.-(1.) For the purposes of taking and collecting the Census in a census year, a Householder's Schedule shall be prepared specifying the matters in relation to -

- (a) a dwelling; and
- (b) a person,

in respect of which particulars are required to be furnished.

(2.) For the purposes of the last preceding sub-section, the matters in relation to a dwelling are -

- (a) the class of dwelling, that is to say, whether the dwelling is a private house, flat, portion of a private house or flat, hotel, institution or other class of habitation;
- (b) the material of which the outer walls of the dwelling are constructed;
- (c) the number of rooms in the dwelling;
- (d) the title by which the occupier occupies the dwelling;
- (e) the weekly rate of rent (if any) payable in respect of the dwelling;
- (f) whether gas or electricity or gas and electricity services are supplied to the dwelling;
- (g) whether the dwelling contains a kitchen or bathroom or both;
- (h) the date of construction of the dwelling; and
- (i) whether the dwelling is on a rural holding of not less than one acre in area.

(3.) For the purposes of sub-section (1.) of this section, the matters in relation to a person are -

- (a) the name of the person;
- (b) the relation of the person to the head of the household of the dwelling in which the person is residing;
- (c) the sex of the person;
- (d) the age of the person on the Census day;

- (a) a dwelling; and
- (b) a person,

in respect of which particulars are required to be furnished.

(2.) For the purposes of the last preceding sub-section, the matters in relation to a dwelling are -

- (a) the class of dwelling, that is to say, whether the dwelling is a private house, flat, portion of a private house or flat, hotel, institution or other class of habitation;
- (b) the material of which the outer walls of the dwelling are constructed;
- (c) the number of rooms in the dwelling;
- (d) the title by which the occupier occupies the dwelling;
- (e) the weekly rate of rent (if any) payable in respect of the dwelling;
- (f) whether gas or electricity or gas and electricity services are supplied to the dwelling;
- (g) whether the dwelling contains a kitchen or bathroom or both;
- (h) the date of construction of the dwelling; and
- (i) whether the dwelling is on a rural holding of not less than one acre in area.

(3.) For the purposes of sub-section (1.) of this section, the matters in relation to a person are -

- (a) the name of the person;
- (b) the relation of the person to the head of the household of the dwelling in which the person is residing;
- (c) the sex of the person;
- (d) the age of the person on the Census day;

- (e) whether the person is married and, if so, the duration of that marriage;
- (f) in the case of a person whose marriage is existing on the Census day - the number of children (if any) of that person and the spouse of that person born to them during that marriage;
- (g) the religion of the person;
- (h) in the case of a person who was not born in the Territory - the period during which he has resided in the Territory;
- (i) the place at which the person was born;
- (j) the nationality of the person;
- (k) the race to which the person belongs;
- (l) the industry, business, trade, service or profession in which the person is engaged or, if the person is unemployed or temporarily absent from work, in which the person is usually engaged.
- (m) the qualifications or training of the person for the profession or occupation in which he is engaged or usually engaged, as the case may be;
- (n) whether the person is an employer, an employee or a person engaged in business on his own behalf;
- (o) the place of work of the person; and
- (p) in the case of an unemployed person - the duration for which he has been unemployed and the cause of his unemployment.

Distribution of Householder's Schedules. 14.-(1.) For the purposes of the taking and collection of the Census in a census year, a Collector shall leave a Householder's Schedule at each occupied dwelling within the Collector's District.

(2.) Except with the approval of the Field Supervisor for the Territory, a Collector shall not leave a Householder's Schedule at a dwelling earlier than seven days before the Census day, or after the Census day, to which it relates.

(3.) A Collector shall leave the Householder's Schedule at a dwelling -

- (a) by delivering it personally to the occupier of the dwelling;
- (b) by delivering it to a person apparently in charge of the dwelling or residing at the dwelling; or
- (c) if no person is in the dwelling at the time the Collector calls at the dwelling - by placing it in the letter-box for the dwelling, under a door of the dwelling or in some other place where it is likely to come to the notice of the occupier.

(4.) A person, not being the occupier of a dwelling, who receives a Householder's Schedule, into whose hands a Householder's Schedule comes or who receives notice of the fact that a Householder's Schedule has been left at a dwelling shall deliver the Schedule to the occupier or give notice of that fact to the occupier, as the case requires.

Penalty for a contravention of this sub-section :

Five pounds.

Delivery
of House-
holder's
Schedules
to ships.

15.--(1.) The Collector for a Collector's District in which a port is included shall leave a Householder's Schedule with the master of each ship that is in the port on the Census day in a census year.

(2.) Where a ship is on a passage between any two ports in the Territory on the Census day in a census year and a Householder's Schedule was not left with the master of the ship before that Census day, the Collector for the

Collector's District in which the port at which the ship first arrives after that Census day is included shall leave a Householder's Schedule with the master of the ship.

Occupiers
to fill up
House-
holder's
Schedules.

16. The occupier of a dwelling, or the master of a ship, with or for whom a Householder's Schedule relating to the taking of the Census on a Census day has been left shall -

- (a) to the best of his knowledge and belief, fill up and furnish in the Schedule, in accordance with the instructions contained in or accompanying the Schedule, all the particulars specified in the Schedule in relation to the dwelling and in relation to every person who is residing in the dwelling or on the ship on the night of the Census day;
- (b) sign his name on the Schedule; and
- (c) deliver the Schedule, when so filled up and signed, to a Collector authorised to receive it.

Penalty : Ten pounds.

Supply of
particulars
by persons
who do not
wish to
provide
information
for inclusion
in the
House-
holder's
Schedule.

17.-(1.) Where a person does not wish to furnish to the occupier of a dwelling or to the master of a ship, for insertion in the Householder's Schedule for that dwelling or ship, the particulars required to be furnished in that Schedule in respect of himself, the Collector shall supply to the occupier, for completion by that person, a personal slip containing the questions relating to the matters in respect of a person that are required to be specified in a Householder's Schedule under section thirteen of this Ordinance.

(2.) A person who does not wish to furnish to the occupier of the dwelling or to the master of a ship for insertion in the Householder's Schedule for that dwelling or ship the particulars so required to be furnished in respect of himself shall supply those particulars on the

personal slip, shall sign the slip, seal it in an envelope and hand the envelope to the occupier or master, as the case may be.

Penalty : Ten pounds.

(3.) The occupier of a dwelling or the master of a ship shall deliver each envelope handed to him in accordance with the last preceding sub-section to the Collector when delivering to the Collector the Householder's Schedule for the dwelling or ship.

Penalty for a contravention of this sub-section : Ten pounds.

Persons may be required to furnish particulars.

18.-(1.) Where a Collector has reason to believe -

(a) that a person did not reside in a dwelling on the night of the Census day in a census year; or

(b) that a person -

(i) is a person in respect of whom the particulars specified in a personal slip are required to be furnished under the Act; and

(ii) no such particulars in respect of the person have been so furnished,

the Collector shall require the person -

(c) to supply, in a personal slip handed to the person by the Collector, the particulars in respect of the person specified in the slip; or

(d) to furnish to the Collector such particulars as are necessary to enable a personal slip to be completed in respect of that person.

(2.) A person shall not fail to comply with a requirement made under the last preceding sub-section.

Penalty for an offence against this sub-section : Ten pounds.

(3.) The Statistician may require a person to furnish, with respect to another person who was in the Territory on the night of the Census day in a census year but did not reside in a dwelling on that night, particulars of any of the matters relating to a person that are specified in a Householder's Schedule.

(4.) A person shall not fail to comply, to the best of his knowledge and belief, with a requirement made under the last preceding sub-section.

Penalty for an offence against this sub-section :
Ten pounds.

Obligation of persons in respect of whom particulars are not furnished. 19. Where the particulars required under this Ordinance in respect of a person have not been included in a Householder's Schedule or in a personal slip that has been furnished to an occupier of a dwelling, to the master of a ship or to a Collector, that person shall, as soon as practicable after the Census day in a census year, attend at a post office or police station and there furnish the particulars in respect of himself specified in a Householder's Schedule.

Penalty : Ten pounds.

Collection of Schedules. 20. A Collector shall, as soon as practicable after the Census day in a census year, call at each dwelling in the Collector's District for which he has been appointed and collect the Householder's Schedules and the personal slips in respect of that dwelling.

Particulars with respect to uninhabited dwellings. 21. Where a Collector finds that a dwelling is uninhabited on the Census day in a census year, the Collector shall -

- (a) supply, on a Householder's Schedule, such of the particulars in relation to a dwelling as are specified in that Schedule and he can ascertain by observation and inquiry;

(b) write on the Schedule the word "unoccupied" and such brief particulars of the reasons why the dwelling is uninhabited as he can ascertain by inquiry; and

(c) sign the Schedule.

Collectors to assist in filling up Schedules. 22. It is the duty of a Collector -

(a) to assist a person who requests him so to do in filling up a Householder's Schedule; and

(b) to satisfy himself by inquiries from the occupiers of dwellings or other persons that the Householder's Schedules collected by him have been correctly filled up.

Persons to supply information to Collectors. 23. A person shall answer, to the best of his knowledge and belief, a question asked him by a Collector, being a question relevant to any information that the Collector is required to obtain for the purpose of the taking and collection of the Census in a census year.

Penalty : Ten pounds.

Failure by officers to perform duties. 24. An officer who has signed an undertaking referred to in section ten of this Ordinance shall not refuse or wilfully neglect, without just excuse, to perform the duties of his office.

Penalty : Twenty pounds.

Untrue returns by officers. 25. An officer shall not wilfully or without lawful authority alter a document or form under this Ordinance or sign a document or form that, to his knowledge, contains a false statement.

Penalty : Fifty pounds.

Officers to observe secrecy. 26. The Statistician, an officer or the occupier of a dwelling shall not, except as permitted by this Ordinance, divulge the contents of a form filled up, or any information furnished for the purpose of the taking and collection of a Census.

Penalty : Fifty pounds.

Penalty for false returns or answers. 27. A person shall not, in a form or document filled up or furnished for the purpose of the taking and collection of a Census, or in an answer to a question asked him under the authority conferred by this Ordinance, make a statement that, to his knowledge, is untrue in a material particular.

Penalty : Fifty pounds.

Forgery of forms.

28.-(1.) A person who forges, or utters knowing it to be forged, a form or document under this Ordinance is guilty of an offence against this section.

(2.) An offence against this section may be tried by the Central Court or by the District Court, but an offender is not liable to be punished more than once in respect of the same offence.

(3.) The punishment for an offence against this section is -

(a) if the offence is tried by the Central Court -
imprisonment for a term not exceeding three years;
or

(b) if the offence is tried by the District Court -
imprisonment for a term not exceeding one year.

Person not bound to state his religion.

29. A person is not liable to a penalty for omitting or refusing to state the religious denomination or sect to which he belongs or adheres.

Publication.

30.-(1.) The Statistician shall compile and tabulate the information collected in pursuance of this Ordinance, and shall publish such statistics and abstracts of that information as the Minister directs.

(2.) The Statistician may publish such observations as he thinks fit on any statistics or abstracts published by him under the last preceding sub-section.

(3.) Statistics and abstracts of information collected in pursuance of this Ordinance may be published in conjunction with any statistics or abstracts of information collected by the Commonwealth Statistician, or by the Statistician of another Territory of the Commonwealth, in pursuance of a law relating to the taking and collection of the Census in the Commonwealth or in that other Territory.

Census of
indigenous
population.

31. Nothing in this Ordinance shall be taken to prevent the taking and collection of an additional Census of the indigenous population of Nauru at such time as the Administrator, by notice published in the Gazette, appoints.