



# **Census Information Legislation Amendment Act 2000**

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**An Act to amend the *Census and Statistics Act 1905*  
and the *Archives Act 1983* in relation to the 2001  
Census, and for other purposes**

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## **An Act to amend the *Census and Statistics Act 1905* and the *Archives Act 1983* in relation to the 2001 Census, and for other purposes**

[Assented to 19 April 2000]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Census Information Legislation  
Amendment Act 2000*.

### **2 Commencement**

This Act commences on the day on which it receives the Royal  
Assent.

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### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments relating to the 2001 Census**

### *Archives Act 1983*

#### **1 Subsection 3(1) (before the definition of *Archives*)**

Insert:

*2001 Census information* means information transferred to the custody of the Archives under section 8A of the *Census and Statistics Act 1905*.

#### **2 After section 22A**

Insert:

##### **22B 2001 Census information**

- (1) For the purposes of this Act, a record containing 2001 Census information is in the open access period after the end of the period of 99 years beginning on the 2001 Census day.
- (2) Subsection 3(7), and section 56, do not apply to records containing 2001 Census information.
- (3) In this section:

*2001 Census day* means the day appointed, under subsection 8(2) of the *Census and Statistics Act 1905*, as the Census day in the year 2001.

#### **3 After section 30**

Insert:

##### **30A Non-disclosure of 2001 Census information**

*Non-disclosure to another person*

- (1) An Archives officer must not, at any time before a record containing 2001 Census information is in the open access period, divulge or communicate any of that information to another person

(except to another Archives officer for the purposes of, or in connection with, the performance of that other officer's duties under this Act).

Note: Section 70 of the *Crimes Act 1914* creates an offence in relation to the disclosure of information by Commonwealth officers.

*Non-disclosure to a court or tribunal*

- (2) A person who is or has been an Archives officer must not, at any time before a record containing 2001 Census information is in the open access period:
- (a) be required to divulge or communicate any of that information to a court or tribunal; or
  - (b) voluntarily give any of that information in evidence in proceedings before a court or tribunal.

*Section 58 has no effect on this section*

- (3) Section 58 does not affect the operation of this section.

*Definition*

- (4) In this section:

*Archives officer* means the Director-General or a member of the staff of the Archives.

## ***Census and Statistics Act 1905***

### **4 Section 3**

Insert:

*Archives* means the National Archives of Australia mentioned in subsection 5(1) of the *Archives Act 1983*.

### **5 After section 8**

Insert:

### **8A Transfer of 2001 Census information to the Archives**

If:



- (a) a form is given to the Statistician or an authorised officer under section 10 in relation to the Census taken in the year 2001; and
- (b) a person has consented, in accordance with the form, to the information contained in the form being transferred to the custody of the Archives under this section;

the Statistician must transfer the information to the custody of the Archives in a form and manner agreed by the Statistician and the Director-General of the Archives.

## **6 After section 19**

Insert:

### **19A Non-disclosure of 2001 Census information to a court or tribunal**

- (1) A person who is or has been the Statistician or an officer must not, at any time during the period of 99 years beginning on the 2001 Census day:
  - (a) be required to divulge or communicate to a court or tribunal any information contained in a form that is given to the Statistician or an authorised officer under section 10 in relation to the Census taken in the year 2001; or
  - (b) voluntarily give any of that information in evidence in proceedings before a court or tribunal.

- (2) In this section:

**2001 Census day** means the day appointed, under subsection 8(2), as the Census day in the year 2001.

## Schedule 2—Amendments to change the name of the Archives

### *Archives Act 1983*

#### **1 Subsection 3(1) (definition of *Archives*)**

Repeal the definition, substitute:

*Archives* means the National Archives of Australia mentioned in subsection 5(1).

#### **2 Subsection 3(1) (definition of *Council*)**

Repeal the definition, substitute:

*Council* means the National Archives of Australia Advisory Council mentioned in subsection 10(1).

#### **3 Subsection 3(1) (definition of *Director-General*)**

Omit “Australian Archives”, substitute “National Archives of Australia”.

#### **4 Part II (heading)**

Repeal the heading, substitute:

## **Part II—Establishment, functions and powers of the National Archives of Australia**

#### **5 Subsection 5(1)**

Omit “Australian Archives”, substitute “National Archives of Australia”.

Note: The heading to section 5 is altered by omitting “**Australian Archives**” and substituting “**National Archives of Australia**”.

#### **6 Subsection 5(2)**

Omit “Australian Archives”, substitute “National Archives of Australia”.

**7 Subsection 7(1)**

Omit “Australian Archives”, substitute “National Archives of Australia”.

**8 Part IV (heading)**

Repeal the heading, substitute:

**Part IV—National Archives of Australia Advisory Council**

**9 Subsection 10(1)**

Omit “Advisory Council on Australian Archives”, substitute “National Archives of Australia Advisory Council”.

Note: The heading to section 10 is replaced by the heading “**National Archives of Australia Advisory Council**”.

**10 Subsection 24(3)**

Omit “Australian”.

*[Minister’s second reading speech made in—  
House of Representatives on 17 February 2000  
Senate on 13 March 2000]*

(9/00)