

# PORT STATISTICS ACT 1977

## No. 125 of 1977

An Act to provide for the collection of certain statistics relating to ports.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

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| 1. This Act may be cited as the <i>Port Statistics Act</i> 1977. <sup>1</sup>   | Short title                 |
| 2. This Act shall come into operation on the date of commencement of the <i>Stevedoring Industry Acts (Termination) Act</i> 1977.   | Commence-<br>ment           |
| 3. In this Act, unless the contrary intention appears—<br>“document” includes any record of information, however recorded or stored, whether in written or printed form, on film, by electronic means or otherwise;<br>“port” includes any place (including a place at sea) at or near which facilities are provided for or in connexion with the loading or unloading of cargo into or from ships;<br>“Secretary” means the Secretary to the Department of Transport;<br>“ship” includes any vessel.   | Interpret-<br>ation         |
| 4. (1) The Secretary may collect statistics in relation to all or any of the following matters:<br>(a) the loading of cargo into, and the unloading of cargo from, ships, including—<br>(i) the employment of persons in or in connexion with such loading or unloading; and<br>(ii) the availability of persons for employment in or in connexion with such loading or unloading;<br>(b) the loading of cargo into, and the unloading of cargo from, vehicles at a port, being cargo that has been unloaded from, or is to be loaded into, ships at that port, including—<br>(i) the employment of persons in or in connexion with the first-mentioned loading or unloading; and<br>(ii) the availability of persons for employment in or in connexion with the first-mentioned loading or unloading;<br>(c) the movement of ships into, from or within ports.<br>(2) Subject to sub-section (3), the Secretary may, in such manner as he thinks appropriate, cause to be published, or to be made available to other persons, statistics collected in pursuance of sub-section (1). | Collection of<br>statistics |

(3) Subject to sub-section (4), sub-section (2) does not authorize the publication or making available of statistics in a manner that enables the identification of a particular person or organization.

(4) Statistics may be published or made available in a manner that enables the identification of a particular person or organization if it is not practicable to publish or make available those statistics in a manner that does not enable the identification of that person or organization.

Furnishing  
of  
information

5. (1) For the purpose of enabling the collection of statistics referred to in section 4, the Secretary may, subject to sub-section (2), by notice in writing, require a person—

- (a) to furnish to the Secretary, or to a person specified in the notice acting on behalf of the Secretary, such information as is specified in the notice, being information relating to a matter specified in any of the paragraphs of sub-section 4 (1); or
- (b) to produce to the Secretary, or to a person specified in the notice acting on behalf of the Secretary, books or documents specified in the notice, being books or documents that contain information that relates, or may relate, to a matter specified in any of the paragraphs of sub-section 4 (1),

within such reasonable time and in such manner as is specified in the notice.

(2) The powers of the Secretary under sub-section (1) to require a person to produce books or documents are exercisable only for the purpose of enabling the Secretary to verify the accuracy of information furnished by the person in pursuance of a requirement under paragraph (1) (a).

(3) A person who fails to comply with a requirement made in pursuance of sub-section (1) to the extent that the person is capable of complying with the requirement is guilty of an offence and is punishable, on conviction, by a fine not exceeding \$500.

(4) A person shall not—

- (a) in purported compliance with a requirement made in pursuance of sub-section (1), furnish information that is false or misleading in a material particular; or
- (b) with intent to avoid the provisions of this section, destroy, mutilate, deface, conceal or remove any book or document.

Penalty: \$500.

Delegation

6. (1) The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act other than this power of delegation and his powers under section 8.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Secretary.

(3) A delegation under this section does not prevent the exercise of a power by the Secretary.

7. (1) Subject to section 9, a person who is or has been an officer shall not, either directly or indirectly, except in the performance of a duty under or in connexion with this Act or except as provided by the regulations—

Officers to observe secrecy

- (a) make a record of, or (except to, or as authorized by, the Minister) divulge or communicate to any person, any information concerning the affairs of any other person acquired by him in the performance of his duties, or in the exercise of his powers or functions, under or in connexion with this Act; or
- (b) produce to any person a document furnished for the purposes of this Act.

Penalty: \$1,000 or imprisonment for 3 months.

(2) A person to whom information referred to in paragraph (1) (a) is divulged as authorized by or under sub-section (1) shall, in respect of that information, be subject to the same obligations and liabilities under sub-section (1) as if the person were a person performing duties under this Act and had acquired the information in the performance of those duties.

(3) For the purposes of this section, any information acquired by an officer in accordance with an arrangement entered into under section 8 shall be deemed to have been acquired by the officer in the performance of a duty under this Act.

(4) In this section—

“officer” means a person performing duties, or exercising powers or functions, under or in connexion with this Act;

“produce” includes permit access to.

(5) This section extends to persons who are officers or employees of a State.

8. The Minister may enter into arrangements with a relevant Minister of State of a State with respect to—

Arrangements with States

- (a) the delegation by the Secretary of powers under this Act to—
  - (i) officers and employees of the State; and
  - (ii) persons who constitute, are members of, or are employed by, authorities established by or under laws of the State;

- (b) the supply to the State and to authorities established by or under laws of the State of information and statistics collected under this Act; and
- (c) the supply to the Commonwealth by the State and by authorities established by or under laws of the State of information and statistics relating to matters specified in any of the paragraphs of sub-section 4 (1).

Australian  
Statistician

9. (1) Nothing in this Act shall be taken to affect the exercise by the Australian Statistician of powers under the *Census and Statistics Act* 1905.

(2) Notwithstanding anything contained in section 7, an officer may divulge to the Australian Statistician any information acquired by the officer in the performance of his duties, or in the exercise of his powers or functions, under this Act.

(3) Any information furnished to the Australian Statistician in pursuance of sub-section (2) shall, for the purposes of section 24 of the *Census and Statistics Act* 1905, be deemed to have been furnished to the Australian Statistician in pursuance of that Act.

(4) For the purpose of assisting the Australian Bureau of Statistics to perform the functions referred to in paragraphs 6 (1) (c) and (d) of the *Australian Bureau of Statistics Act* 1975, the Secretary shall, from time to time, consult the Australian Statistician in relation to the exercise by the Secretary of powers under this Act.

Regulations

10. The Governor-General may make regulations not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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#### NOTE

1. Act No. 125, 1977; assented to 10 November 1977.