

EXPLANATORY STATEMENT

Issued by authority of the Minister for Housing and Assistant Treasurer

Census and Statistics Act 1905

Census and Statistics (2021 Census Day) Proclamation 2020

The *Census and Statistics Act 1905* (the Act) governs the taking and administration of the Census.

Subsection 8(1) of the Act provides that the Census shall be taken in the year 1981 and every fifth year thereafter, and at such other times as are prescribed. Thus, the next National Census is to be conducted in 2021. Subsection 8(2) of the Act requires that the Census day shall be appointed by proclamation.

The purpose of the *Census and Statistics (2021 Census Day) Proclamation 2020* (the Proclamation) is to set the Census day for the 2021 Census. The previous Census was conducted on 9 August 2016. To maintain comparability of the time series data it is important that the 2021 Census be conducted as close as possible to that date. The Census also needs to avoid school holidays to ensure as full coverage as possible of persons in their usual place of residence.

Thus, the Proclamation appoints 10 August 2021 as the day on which the 2021 Census will be taken.

Details of the Proclamation are set out in [Attachment A](#).

For the reasons above, external consultation in relation to the selection of the date was not considered necessary.

The Proclamation is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Proclamation commenced on the day after it was registered on the Federal Register of Legislation.

A statement of Compatibility with Human Rights is at [Attachment B](#).

ATTACHMENT A

Details of the *Census and Statistics (2021 Census Day) Proclamation 2020*

Section 1 – Name of the Proclamation

This section provides that the name of the Proclamation is the *Census and Statistics (2021 Census Day) Proclamation 2020*.

Section 2 – Commencement

This section provides that the instrument commences the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

The Proclamation is made under subsection 8(2) of the *Census and Statistics Act 1905*.

Section 4 – Census day 2021

This section proclaims the Census day for 2021 to be 10 August 2021.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Census and Statistics (2021 Census Day) Proclamation 2020

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

This legislative instrument proclaims the Census date to be 10 August 2021.

Human rights implications

This legislative instrument engages, and is compatible with, the prohibition on interference with privacy. Article 17 of the International Covenant on Civil and Political Rights prohibits unlawful or arbitrary interferences with a person's privacy, family, home and correspondence.

The instrument is for the purposes of proclaiming the date when the 2021 Census will be held and when personal information will be collected. The Census aims to measure accurately the number of people and dwellings in Australia on Census night, and a range of their key characteristics. This information is used for electoral purposes and for planning the distribution of government funds.

The conduct of the Census, as required by the *Census and Statistics Act 1905*, engages the prohibition on interference with privacy. This instrument does not impose obligations on persons to provide personal information. Such obligations associated with the collection of information from persons for the purposes of the Census are lawfully imposed by subsections 10(4) and 11(2) of the *Census and Statistics Act 1905*. Information given under the *Census and Statistics Act 1905* is protected by the secrecy provisions of section 19, which provides for offences for officers who disclose information (other than to the person from whom it was obtained) given under the Act.

Conclusion

This legislative instrument is compatible with human rights.