

11-12 GEORGE VI.

CHAP. 45.

An Act respecting the Dominion Bureau of Statistics.

[Assented to 30th June, 1948.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as *The Statistics Act*.

INTERPRETATION.

2. In this Act,
 - (a) “Bureau” means the Dominion Bureau of Statistics;
 - (b) “carrier” means any person engaged in the business of transporting goods, wares, or merchandise by land, water or air, including an express company;
 - (c) “department” includes any branch or agency of the Government of Canada or of the government of a province, as the case may be;
 - (d) “Minister” means the Minister of Trade and Commerce;
 - (e) “public utility” means (i) any person owning, operating or managing an undertaking for the supply of electricity, gas or water or for the transmission of oil by pipe line; and (ii) any telegraph, cable or telephone company;
 - (f) “regulation” means any regulation, order, rule or instruction made or issued under this Act.

GENERAL.

3. There shall be a Bureau under the Minister, to be called the Dominion Bureau of Statistics, the duties of which shall be (a) to collect, compile, analyse, abstract and publish statistical information relative to the commercial, industrial, financial, social, economic and general activities and condition of the people;

(b) to collaborate with all other departments of the government in the collection, compilation and publication of statistical records of administration according to any regulations;

(c) to take the census of Canada as provided in this Act; and

(d) generally to organize a scheme of co-ordinated social and economic statistics pertaining to the whole of Canada and to each of the provinces thereof.

4. (1) The Governor in Council may appoint an officer to be called the Dominion Statistician, who shall hold office during pleasure, and whose duties shall be, under the direction of the Minister,

(a) to advise on all matters pertaining to statistical policy and to confer with the several departments of Government to that end:

(b) to organize and maintain a scheme of co-operation in the collection, classification and publication of statistics as between the several departments of government;

(c) to supervise generally the administration of this Act and to control the operations and staff of the Bureau; and

(d) to report annually to the Minister with regard to the work of the Bureau during the preceding year.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Bureau may be appointed in the manner authorized by law.

5. The Minister may employ from time to time, in the manner authorized by law, such commissioners, enumerators, agents or persons as are necessary to collect for the Bureau such statistics and information as he deems useful and in the public interest, relating to such commercial, industrial, financial, social, economic and other activities as he may determine, and the duties of such commissioners, enumerators, agents or persons shall be such as the Minister prescribes.

6. (1) Every officer, census commissioner, enumerator, agent and other person employed in the execution of any duty under this Act or under any regulation, before entering on his duties, shall take and subscribe the following oath:

I, ,solemnly swear that I will faithfully and honestly fulfil my duties as
.....
in conformity with the requirements of the Statistics Act and of all regulations thereunder, and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.
.....

(2) The oath shall be taken before such person, and returned and recorded in such manner as the Minister prescribes.

7. The Minister shall:

(a) make and prescribe such rules, regulations, instructions, schedules and forms as he deems requisite for conducting the work and business of the Bureau, the collecting, compiling and publishing of statistics and other information and the taking of any census authorized by this Act;

(b) prescribe what schedules, returns and information are to be verified by oath, the form of oath to be taken, and shall specify the officers and persons by and before whom the said oaths are to be taken.

STATISTICS.

8. (1) The Governor in Council shall not, nor shall the Minister, in the execution of the powers conferred by this Act, discriminate between individuals or companies to the prejudice of any such individuals or companies.

(2) Notwithstanding anything in this Act, the Minister may authorize the collection of statistics by means of the statistical method known as "sampling".

9. (1) The Minister may enter into any arrangement with the government of any province providing for any matter necessary or

convenient for the purpose of carrying out or giving effect to this Act, and in particular for all or any of the following matters:

(a) the execution by provincial officers of any power or duty conferred or imposed on any officer under this Act or any regulation:

(b) the collection by any provincial department or officer of any statistical or other information required for the purpose of carrying out this Act; and

(c) the supplying of statistical information by any provincial department or officer to the Dominion Statistician.

(2) All provincial officers executing any power or duty conferred or imposed on any officer under this Act or any regulation, in pursuance of any arrangement entered into under this section, shall, for the purposes of the execution of that power or duty, be deemed to be officers under this Act.

(3) All schedules or forms returned to a provincial department in pursuance of any arrangement entered into under this section shall be free of Canada postage, under such regulations as are from time to time made in that respect by the Governor in Council, and any person violating any such regulation is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars.

10. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act can be obtained or which would aid in the completion or correction thereof, shall grant to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Dominion Statistician, access thereto for the obtaining of such information therefrom.

11. The Minister may, by special letter of instruction, direct any officer, census commissioner or other person employed in the execution of this Act to make inquiry under oath as to any matter connected with the taking of the census or the collection of statistics or other information or the ascertaining or correction of any supposed defect or inaccuracy therein; and such officer, census commissioner or other person shall then have the same power as is vested in any court of justice, of summoning any person, of enforcing his attendance and of requiring and compelling him to give evidence on oath, whether orally or

in writing, and to produce such documents and things as such officer, census commissioner or other person deems requisite to the full investigation of such matter or matters.

12. Any letter purporting to be signed

(a) by the Minister or the Dominion Statistician, or by any person thereunto authorized by the Governor in Council, and giving notice of any appointment or removal of or setting forth any instructions to any person employed in the execution of this Act; or

(b) by any officer, census commissioner or other person thereunto duly authorized, giving notice of any appointment or removal of or setting forth any instructions to any person employed under the superintendence of the signer thereof,

shall be, respectively, *prima facie* evidence of such appointment, removal or instructions, and that such letter was signed and addressed as it purports to be.

13. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of a census, or the collection of statistics or other information, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form or as setting forth such instructions, shall be presumed to have been supplied by the proper authority to the person so producing it, and shall be *prima facie* evidence of all instructions therein set forth.

14. (1) The Minister shall, subject to the approval of the Governor in Council, cause to be prepared one or more tables setting forth the rates of remuneration or allowances for the several census commissioners, enumerators, agents and other persons employed in the execution of this Act, which may be a fixed sum, a rate per diem, or a scale of fees, together with allowances for expenses.

(2) Such remuneration or allowances and all expenses incurred in carrying this Act into effect shall be paid out of moneys provided by Parliament for that purpose.

(3) No remuneration or allowance shall be paid to any person for any service performed in connection with this Act until the service required of such person has been faithfully and entirely performed.

SECRECY.

15. (1) No individual return and no part of an individual return made, and no answer to any question put, for the purposes of this Act, shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person, other than a person employed by the Bureau or working under arrangement with the Bureau and sworn under section six, be permitted to see any such individual return, part or answer.

(2) No report, summary of statistics or other publication under this Act shall contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

(3) This section does not apply to returns or answers made pursuant to section twenty-five or section twenty-six.

CENSUS OF POPULATION AND AGRICULTURE.

16. The census of population and agriculture of Canada shall be taken by the Bureau, under the direction of the Minister, in the month of June in the year one thousand nine hundred and fifty-one and every tenth year thereafter, on a day to be fixed by the Governor in Council.

17. A census of population and agriculture of the provinces of Manitoba, Saskatchewan and Alberta shall be taken by the Bureau, under the direction of the Minister, in the month of June in the year one thousand nine hundred and fifty-six and every tenth year thereafter, on a day to be fixed by the Governor in Council.

18. The Governor in Council shall divide the country in respect of which the census is to be taken into census districts, and each census district into subdistricts to correspond respectively, as nearly as may be, with the electoral divisions and subdivisions for the time being, and in territories not so defined or so situated as to admit of adhering to boundaries already established, into special divisions and subdivisions, for the purpose of the census.

19. (1) Each census of population and agriculture shall be so taken as to ascertain with the utmost possible accuracy for the various territorial divisions of Canada, or of the provinces of Manitoba, Saskatchewan and Alberta, as the case may be,

(a) their population and the classification thereof, as regards name, age, sex, conjugal condition, relationship to head of household nationality, race, education, wage-earnings, religion, profession or occupation. and otherwise;

(b) the number of houses for habitation, whether occupied or vacant, under construction or otherwise, the materials thereof and the number of rooms inhabited;

(c) the area of occupied land and its value and its condition thereof as improved for cultivation, in fallow, in forest, unbroken prairie, marsh or waste land, and otherwise; the tenure and acreage of farms and the value of farms, buildings and implements;

(d) the products of farms, with the values of such products and the number and value of domestic animals within the preceding census or calendar year, and

(e) such other matters as may be prescribed by the Governor in Council.

(2) To promote economy, the method of statistical sampling may be used for the securing of some of the information specified in subsection one if, in the opinion of the Dominion Statistician, the sampling method will yield data adequate to meet census needs and the Dominion Statistician may, as he deems advisable, omit some of such information from the quinquennial census if, in his opinion, the change at five-year intervals is not of sufficient importance to warrant the expense of collection and compilation.

CENSUS OF INDUSTRY, CONSTRUCTION, TRADING AND SERVICE ESTABLISHMENTS, ETC.

20. A census with regard to mines, quarries, fisheries and forests, and of manufacturing, construction, commercial, and service establishments, and of such other industrial, trading, business and professional activities as may be prescribed by the Minister, shall be

taken at such intervals as the -- Minister may direct, so as to ascertain with the utmost possible accuracy the products and operations thereof.

21. (1) The Dominion Statistician shall, under the direction of the Minister, prepare forms for the collection of such data as may be, in his judgement, desirable for the proper presentation of industrial statistics, and the said forms shall embody inquiries as to the

- (a) name under which business is carried on;
- (b) kind of goods manufactured or business done;
- (c) capital invested;
- (d) principal stock or raw materials used, and total value thereof;
- (e) gross quantity and value of articles manufactured;
- (f) number of persons employed, distinguished as to sex, adults and children;
- (g) power used or generated;
- (h) total wages and salaries paid;
- (i) number of days on which business was carried on, and any other special matter.

(2) The Minister may employ agents or other persons for the collection of the statistics referred to in subsection one or a form may be sent to the person from whom information is desired and such person shall answer the inquiries thereon and return the same to the Bureau, properly certified as accurate, not later than the time prescribed thereon or such extended time as the Minister in his discretion may allow.

22. The Dominion Statistician shall, under the direction of the Minister,

- (a) annually prepare a report on the statistics of commerce and navigation of Canada with foreign countries, which shall, according to the principles and in the manner defined in the regulations,

(i) state the kinds, quantities and values of the merchandise entered and cleared coastwise into and from the customs collection ports of Canada.

(ii) comprehend all goods, wares and merchandise exported from Canada to other countries

(iii) comprehend all goods, wares and merchandise imported into Canada from other countries,

(iv) comprehend all navigation employed in the foreign trade of Canada;

(b) prepare and publish monthly reports of the exports and imports of Canada, including the quantities and values of accounts drawn from the warehouse and such other statistics relative to the trade and industry of the country as the Minister may consider expedient.

23. The Department of National Revenue shall send to the Dominion Statistician, in such manner and form and at such periods as the Governor in Council may prescribe, returns of imports from and exports to foreign countries arriving at or leaving Canada by water, land or air, and of the navigation employed in the foreign trade of Canada.

24. The Dominion Statistician shall prepare and make a report annually containing the results of any information collected during the preceding year upon the domestic trade of Canada.

CARRIERS AND PUBLIC UTILITIES.

25. (1) When so required by the Minister, every carrier and public utility shall annually prepare returns in such form as may be prescribed by the Governor in Council with respect to its operations.

(2) Such returns shall be signed and certified as accurate by the individual concerned or by the secretary or other responsible officer if the carrier or public utility is a corporation.

(3) Such returns shall be made for the period beginning from the day to which the then last yearly returns made by the carrier or public utility extended, or if no such returns have been previously made, from the commencement of the operation of the carrier or public utility and ending with the last day of December in the year for which the returns are to be made or with such other day as the Minister may direct.

(4) Such returns, completed as required by this section, shall be forwarded by such carrier or public utility to the Dominion Statistician within one month after the first day of February in each year or within one month after any other day directed by the Minister under subsection three.

26. (1) When so required by the Minister, every carrier shall prepare returns of his traffic and operations monthly, and every public utility shall prepare returns of its operations monthly, that is to say, from the first to the close of the month inclusive; such returns to be in accordance with the form prepared by the Dominion Statistician and approved by the Minister.

(2) Such return, signed by the individual concerned or, if the carrier or public utility is a corporation, by an officer responsible for the correctness of the same, shall be forwarded to the Dominion Statistician within forty-five days from the end of the month to which the return relates.

27. All returns made in pursuance of section twenty-five or twenty-six shall be privileged communications and shall not be evidence in any court whatever, except in any prosecution for

(a) default in making such returns in accordance with the requirements of this Act;

(b) perjury in making any oath required by this Act in connection with such returns;

(c) forgery of any such return; or

(d) signing any such return knowing the same to be false.

CRIMINAL STATISTICS.

28. The clerk of every court or tribunal administering criminal justice, or in case of there being no clerk, the judge or other functionary presiding over such court or tribunal shall, before the end of October in each year, fill in and transmit to the Dominion Statistician, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the Dominion Statistician relating to the criminal business transacted in such court or tribunal.

29. The warden of every penitentiary and reformatory and the sheriff of every county and district shall, before the end of October in each year, fill in and transmit to the Dominion Statistician, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the Dominion Statistician relating to the prisoners committed to the penitentiary, reformatory or jail.

30. Every person required to transmit any schedules mentioned in section twenty-eight or twenty-nine shall from day to day make and keep entries and records of the particulars to be comprised in such schedules.

31. The Secretary of State shall, before the end of October in each year, cause to be filled in and transmitted to the Dominion Statistician such schedules for the year ending the thirtieth day of September last preceding, relative to the cases in which the prerogative of mercy has been exercised, as the Minister may prescribe.

GENERAL STATISTICS.

32. Subject to the direction of the Minister, the Bureau shall collect, compile, analyse, abstract and publish statistics in relation to all or any of the following matters:

- (a) population;
- (b) births, deaths, marriages, divorces;
- (c) epidemiology, morbidity;
- (d) immigration and emigration;
- (e) employment, unemployment, payrolls, man-hours;
- (f) agriculture, horticulture, dairying, cold storage;
- (g) factories, mines and productive industries generally; (h) education;
- (i) public and private finance;
- (j) wholesale and retail trade and supplying of services;

(k) hospitals, mental institutions, tuberculosis institutions, charitable and benevolent institutions;

(l) prices and cost of living;

(m) any other matters prescribed by the Minister or by the Governor in Council.

33. The Governor in Council may authorize the Minister to have any special statistical investigation made that is deemed advisable, and may prescribe the manner and by what means such investigation shall be made.

OFFENCES AND PENALTIES.

34. Every person employed in the execution of any duty under this Act or any regulation who.

(a) after having taken the prescribed oath, deserts from his duty, or wilfully makes any false declaration, statement or return touching any such matter; or

(b) in the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not duly authorized to obtain, or

(c) fails to keep inviolate the secrecy of the information gathered or entered on the schedules and forms, and who, except as allowed by this Act and the regulations, divulges the contents of any schedule or form filled in, in pursuance of this Act or any regulation, or any information furnished in pursuance of this Act or any regulation;

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding three hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

35. Every person who, without lawful excuse,

(a) refuses or neglects to answer, or wilfully answers falsely, any question requisite for obtaining any information sought in respect of the objects of this Act or any regulation, or pertinent thereto, which has been asked of him by any person employed in the execution of any duty under this Act or any regulation; or

(b) refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form which he has been required to fill in, and to return the same when and as required of him under this Act or any regulation, or wilfully gives false information or practises any other deception thereunder;

is, for every such refusal or neglect, or false answer or deception, guilty of an offence and is liable, upon summary conviction, to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

36. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act or any regulations can be obtained, or which would aid in the completion or correction thereof, who refuses or neglects to grant access thereto to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Dominion Statistician, and every person who wilfully hinders or seeks to prevent or obstruct such access, or otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act or any regulation, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding three hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months and not less than one month, or to both fine and imprisonment.

37. The leaving by an enumerator, agent or other person employed in the execution of this Act or any regulation, at any house or part of a house, of any schedule or form purporting to be issued under this Act or any regulation, and having thereon a notice requiring that it be filled in and signed within a stated time by the occupant of such house or part of a house, or in his absence by some other member of the family, shall, as against the occupant, be a sufficient requirement so to fill in and sign the schedule or form, though the occupant is not named in the notice, or personally served therewith.

38. The leaving by an enumerator or agent or other person employed in the execution of this Act or any regulation at the office or other place of business of any person or the delivery by registered letter to any person or his agent, of any schedule or form purporting to be issued under this Act or any regulation, and having thereon a notice requiring that it be filled in and signed within a stated time, shall, as

against the person be a sufficient requirement to fill in and sign the schedule or form, and if so required in the notice, to mail the schedule or form within a stated time to the Bureau.

39. Every person employed under this Act who

(a) wilfully discloses or makes known directly or indirectly to any person not entitled under this Act or any regulation to receive the same,- any information obtained by him in the course of his employment which might exert an influence upon or affect the market value of any product or article, or

(b) uses any such information for the purpose of speculating in any product or article,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

40. Any fine imposed and recovered for any offence under this Act shall belong to His Majesty for the public uses of Canada.

41. Where an offence against this Act or any regulation has been committed the complaint may be made or the information laid within twelve months from the time when the matter of the complaint or information arose.

42. The Statistics Act, chapter one hundred and ninety of the Revised Statutes of Canada, 1927, is repealed.
