

S.C. 1918

## 8-9 GEORGE V.

### CHAP. 43.

#### **An Act respecting the Dominion Bureau of Statistics.**

*[Assented to 24th May, 1918.]*

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

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

#### **INTERPRETATION.**

2. In this Act, unless the context otherwise requires,
  - (a) "Minister" means the Minister of Trade and Commerce;
  - (b) "Bureau" means the Dominion Bureau of Statistics;
  - (c) "Transportation Company" means any railway, telegraph, telephone and express company and any carrier by water;
  - (d) "Regulation" means any regulation made under the provisions of this Act or any order of the Governor in Council made under the authority of this Act.

#### **GENERAL.**

3. There shall be a bureau under the Minister of Trade and Commerce, to be called the Dominion Bureau of Statistics, the duties of which shall be to collect, abstract, compile and publish statistical information relative to the commercial, industrial, social, economic and general activities and condition of the people, to collaborate with all other departments of the Government in the compilation and publication of statistical records of administration according to the regulations, and to take the Census of the Dominion as hereinafter provided.

4. (1) The Governor in Council may appoint an officer to be called the Dominion Statistician, who shall hold office during pleasure, whose duties shall be, under the direction of the Minister, to prepare all schedules, forms, and instructions, and generally to supervise and control the Bureau, and 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 may be appointed as are necessary for the proper conduct of the business of the Bureau, all of whom shall hold office during pleasure.

5. The Minister may employ from time to time, subject to the provisions of the *Civil Service Act*, such commissioners, enumerators, agents or persons as are necessary to collect statistics and information for the Bureau relating to such industries and affairs of the country as he deems useful and in the public interest, and the duties of such agents or persons shall be such as the Minister determines.

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 made hereunder, 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 Act and of all proclamations, orders in council and instructions issued in pursuance thereof, 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 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 of statistics and other information and taking of any census authorized by this Act; he shall 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.

**8.** 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 individual or company.

**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 the regulations;

(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 the regulations, 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.

**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.** (a) Any letter purporting to be signed by the Minister or the Dominion Statistician, or by any other person thereunto authorized by the Governor in Council, and notifying any appointment or removal of or setting forth any instructions to any person employed in the execution of this Act; and,

(b) Any letter signed by any officer, census commissioner, or other person thereunto duly authorized, notifying 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 census, or the collection of statistics or other information or so 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 such moneys as are 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 services required of such persons have 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 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 not engaged in connection with the Census be permitted to see any such individual return or any such part of any individual return.

(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.

## **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, on a date in the month of June in the year one thousand nine hundred and twenty-one, to be fixed by the Governor in Council, and every tenth year thereafter.

**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, on a date in the month of June in the year one thousand nine hundred and twenty-six, to be fixed by the Governor in Council, and every tenth year thereafter.

**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.** 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, relation 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 farm 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;
- (e) the municipal, educational, charitable, penal and other institutions thereof; and,
- (f) such other matters as may be prescribed by the Governor in Council.

### **CENSUS OF INDUSTRY --- MINES, FISHERIES, FORESTRY, MANUFACTURES, ETC.**

**20.** A census of the products of industry shall be taken for the year one thousand nine hundred and eighteen, and subsequently at such intervals as may be determined by the Minister, which census shall be taken so as to ascertain with the utmost possible accuracy,

- (a) the products of all mines and quarries, fisheries, forests, manufacturing establishments, and the number and kind of buildings and other works of construction used in connection with the same ;
- (b) any other trade and business which may be prescribed, with the quantity of real estate and the number and kind of buildings and plant used in connection therewith; and

(c) any other matters that may be prescribed by the Minister.

**21.** (1) The Dominion Statistician shall, under the direction of the Minister prepare a form for the collection of such data as may be, in his judgement, desirable for the proper presentation of industrial statistics, and the said form shall embody inquiries as to (1) the name of person, partnership or corporation; (2) kind of goods manufactured or business done; (3) capital invested; (4) principal stock or raw materials used, and total value thereof; (5) gross quantity and value of articles manufactured; (6) number of persons employed, distinguished as to sex, adults and children; (7) the power used or generated; (8) total wages and salaries paid; (9) number of days on which it was carried on; and (10) any other specified matter.

(2) The said schedule shall be sent by mail to the owner, operator or manager of each industrial concern with respect to which information is desired, and such owner, operator, or manager, or any other person to whom this schedule or blank form is sent shall answer the inquiries thereon and return the same to the Bureau, properly certified as to its accuracy not later than the time prescribed thereon, provided, however, that the Minister may, in his discretion, extend the time for returning the schedules, and provided that when deemed expedient, the Minister may employ agents or other persons for the collection of these statistics.

### **STATISTICS OF TRADE AND COMMERCE.**

**22.** (1) The Dominion Statistician shall, under the direction of the Minister, annually prepare a report on the statistics of Commerce and Navigation of Canada with foreign countries. Such reports shall comprehend all goods, wares and merchandise exported from Canada to other countries, all goods, wares and merchandise imported into Canada from other countries, and all navigation employed in the foreign trade of Canada, which facts shall be stated according to the principles and in the manner defined in the regulations.

(2) The Department of Customs 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 or by rail, and of the navigation employed in the foreign trade of Canada.

**23.** The annual report of the Statistics of Commerce and Navigation shall state the kinds, quantities and values of the merchandise entered

and cleared coastwise into and from the customs collection ports of Canada.

**24.** The Dominion Statistician shall, under the direction of the Minister, 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.

**25.** 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.

## **TRANSPORTATION**

**26.** (1) Every transportation company shall annually prepare returns in such form as may be prescribed by the Governor in Council with respect to its capital, traffic equipment, working expenditure, and such other information as the Governor in Council may prescribe.

(2) Such returns shall be dated and signed by and attested upon the oath of the secretary or some other chief officer of the company, and shall also be attested upon the oath of the president, or, in his absence, of the vice-president or manager of the company.

(3) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company extended, or, if no such returns have been previously made, from the commencement of the operation of the company and ending with the last day of June in the then current year.

(4) Such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Dominion Statistician within one month after the first day of July in each year.

**27.** (1) Every transportation company shall prepare returns of its traffic monthly, that is to say, from the first to the close of the month inclusive. Such returns shall be in accordance with the form prepared by the Dominion Statistician and approved by the Minister.

(2) A copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Dominion Statistician within seven days from the day to which the returns have been prepared.

**28.** All returns made in pursuance of any of the provisions of the two sections of this Act immediately preceding this section shall be privileged communications and shall not be evidence in any court whatever, except in any persecution 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.**

**29.** 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 up 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.

**30.** 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 up 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.

**31.** Every person required to transmit any such schedules shall from day to day make and keep entries and records of the particulars to be comprised in such schedules.

**32.** Every officer required to transmit to the Minister of Finance true copies of returns made by justices of the peace shall, before the end of October in each year, transmit to the Minister true copies of all such returns for the year ending the thirtieth day of September next preceding.

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

### **GENERAL STATISTICS.**

**34.** Subject to the direction of the Minister, the Bureau shall collect, abstract and tabulate annually statistics in relation to all or any of the following matters: (a) Population; (b) Births, deaths and marriages; (c) Immigration and Emigration; (d) Agriculture, (e) Education; (f) Public and Private Finance; (g) any other matters prescribed by the Minister or by the Governor in Council.

**35.** 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.**

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

(a) after having taken the prescribed oath, shall desert 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) shall not keep inviolate the secrecy of the information gathered or entered on the schedules and forms, and who shall, except as allowed by this Act and the regulations, divulge the contents of any schedule or form filled up in pursuance of this Act or any regulation, or any information furnished in pursuance of this Act or any regulation;

shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding three hundred dollars and not less than fifty

dollars, or to imprisonment for a period not exceeding six months and not less than one month, or to both fine and imprisonment.

**37.** 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 up to the best of his knowledge and belief any schedule or form which he has been required to fill up, 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; shall, for every such refusal or neglect, or false answer or deception, be guilty of an offence and liable, upon summary conviction, to a penalty not exceeding one hundred dollars and not less than twenty dollars, or to imprisonment for a period not exceeding three months and not less than thirty days, or to both fine and imprisonment.

**38.** 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 regulation can be obtained, or which would aid in the completion or correction thereof, who wilfully or without lawful excuse 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 shall be liable, upon summary conviction, to a penalty not exceeding three hundred dollars and not less than fifty dollars, or to imprisonment for a period not exceeding six months and not less than one month, or to both fine and imprisonment.

**39.** 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 up 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 up and sign the schedule, though the occupant is not named in the notice, or personally served therewith.

**40.** The leaving by an enumerator or agent or other person employed in the execution of this Act at the office or other place of business of any person or firm or of any body corporate or politic, or the delivery by registered letter to any person, firm or body corporate or politic or his or its agent, or any such schedule or form having thereon a notice requiring that it be filled up and signed within a stated delay, shall, as against the person or the firm and the members thereof and each of them or the body corporate or politic, be a sufficient requirement to fill up 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.

**41.** Any fine imposed and recovered for any offence under this Act shall belong to His Majesty for the public uses of Canada, but the Minister may authorize the payment of one-half of any such fine to the prosecutor.

**42.** The *Census and Statistics Act*, chapter sixty-eight of the Revised Statutes of Canada, 1906, is hereby repealed.

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