



# HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

**Reference: Treatment of census forms**

SYDNEY

Monday, 15 September 1997

OFFICIAL HANSARD REPORT

CANBERRA

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Members

Mr Andrews (Chair)

Mr Andrew	Mr Mutch
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Mrs Elizabeth Grace	Mr Sinclair
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Matter referred to the committee for inquiry into and report on:

The treatment of forms from future population censuses.

The inquiry will examine the issues surrounding the destruction or retention of census forms. It will focus on whether the current practice of destroying census forms after processing should continue or whether they should be retained for medical, social and genealogical research.

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HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON LEGAL AND  
CONSTITUTIONAL AFFAIRS

*Treatment of census forms*

SYDNEY

Monday, 15 September 1997

Present

Mr Andrews (Chair)

Mr Mutch

Mr Randall

The committee met at 9.17 a.m.

Mr Andrews took the chair.

**WATERS, Mr Nigel, Head, Privacy Branch, Human Rights and Equal Opportunity Commission, GPO Box 5218, Sydney, New South Wales, 1042**

**CHAIR**—I declare open this public hearing of the House of Representatives Standing Committee on Legal and Constitutional Affairs' inquiry into the treatment of census forms. I welcome witnesses, members of the public and others who may be attending this meeting of the committee. The subject of this inquiry is whether the current practice of destroying name identified forms after the data has been collected from them should continue. So far, we have taken evidence in Canberra, Perth, Adelaide and Brisbane, and we look forward to the contributions from various witnesses here in Sydney today.

I welcome Mr Waters from the Human Rights and Equal Opportunity Commission. Although the committee does not require you to give evidence under oath, I should advise you that the hearing is a legal proceeding of the parliament and warrants the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. We are in receipt of your submission of 7 August 1997. Would you care to make some opening remarks?

**Mr Waters**—If I may, briefly. The Privacy Commissioner welcomes the opportunity to make a submission on this subject, which we regard as a very important issue about which you are going to be making recommendations. The commissioner has consistently supported the current policy of destruction of name identified census information as soon as possible after processing. Our view is that the Australian Bureau of Statistics is unique in the Commonwealth in being able to give an absolute guarantee of confidentiality once the forms have been processed.

The purpose of the census does not require the retention of name identified records. We are persuaded by the evidence that, if the forms were to be retained in a name identified form, the purposes of the census would be significantly compromised. If the forms were to be retained, there would have to be a significant level of explanation to the public about what would happen to the information. It seems clear that that would have a serious adverse consequence on the quality and accuracy of the information, based on the survey research that is available and on overseas experience.

If the forms were retained, there would also be some very significant issues to do with quality assurance and the question of whether the information was accurate enough for other purposes. Questions would arise, for instance, about the need for an access and correction right for individuals whose information was recorded, and there would be questions of cost and complexity involved in any infrastructure that needed to be set up to deal with that issue.

Clearly, the purposes that have been identified as possible ones for long-term use are very different purposes from the original purpose of the census collection, and although the presumption against that in the Privacy Act could easily be overcome legislation—by a change to the Act to require retention would amount to an 'authorised by

law' exception for the purposes of the privacy principles—it is nevertheless a departure from the principles in the Privacy Act, which we would regard as undesirable, and we would strongly support the continued policy of destruction as soon as possible.

**CHAIR**—Thank you, Mr Waters. In paragraph 1.5 of the submission, this is stated:

The ABS collects an extensive amount of very sensitive personal information during censuses and the only way to guarantee that the privacy of that information will be protected is if the information is destroyed as soon as possible.

Would you care to elaborate on that?

**Mr Waters**—Yes. In saying that, we are essentially saying that any other guarantees or security precautions inevitably involve a twofold risk: firstly, the possibility of unauthorised access through hacking or simply unauthorised access by people who do have legitimate access rights, but also, of course, the risk of a subsequent change of mind or change of heart by governments about the degree of confidentiality and the restrictions on subsequent use, which is always subject to change. And I think there is sufficient evidence that the public are extremely sensitive about the extent to which they can trust long-term assurances from government about these matters.

**CHAIR**—If the name identifying aspects of the data were held separately and not entered into any computer storage system—for example, the census form was simply microfiched and the microfiche put in the Australian Archives for whatever number of years—presumably that would remove much of the first concern.

**Mr Waters**—Yes.

**CHAIR**—But you would still maintain the second concern.

**Mr Waters**—That is correct.

**CHAIR**—What implications does that have then for the reams upon reams of data that governments currently maintain about everything from taxation records to social security records, to veterans' affairs files, which are accessible to some extent by a whole range of people in a shorter rather than a longer period of time?

**Mr Waters**—The same. We find through the survey work that we have carried out that the same sort of concerns apply. I think the census is, in a sense, unique in asking so much sensitive information in one package, if you like, so there is an added sensitivity to that particular combination of information and the potential uses that could be made of it.

But I agree, the other concerns do apply. It is just that, in those other areas, in a sense there is an overriding need for access for the purpose for which it is being collected, whereas in this case you have a situation where the primary purposes of the census appear to be perfectly satisfactorily dealt with, and indeed enhanced, by the destruction policy.

And so it seems to me that the onus for any change in that policy needs to be that much greater.

**CHAIR**—The commissioner expressed some concerns about the retention of the name identifying data for a period of up to about 18 months. Would you care to elaborate on that?

**Mr Waters**—This goes more to the first of the two types of risk I talked about, the possibility of unauthorised access. We have had some discussions with the bureau over a number of years about trying to shorten that period so that the risk is reduced. And we have, for instance, talked to them about the option of a tear off section with the identifying information being involved. We understand that there are some practical difficulties from their point of view in terms of processing the forms, and those discussions continue separately from this issue.

**CHAIR**—If the committee were to recommend that the data be retained, what safeguards would you recommend as being essential for the maintenance of privacy or the assurance that the privacy principles were carried out, not only in spirit but in letter?

**Mr Waters**—In the submission we have not gone into great detail on that because we saw that as being a sort of second order issue which could be addressed if and when the decision was made to change the policy. But certainly we would be looking for the sort of safeguard, such as the one you talked about, of holding information separately and in different places, and certainly not creating any sort of electronic index or database which would obviously increase the risk of both the unauthorised and the subsequent authorised change of access.

**CHAIR**—In terms of legislation, are there any particular legislative safeguards? Take your second basis of objection. Parliament can always override itself, but are there hurdles, if you like, in other areas which parliaments have created which would at least—mixing my metaphors now—make the bar a bit higher?

**Mr Waters**—We would, certainly in this area I think, be looking at specific use restrictions and associated penalties in the statistics legislation rather than relying on general Privacy Act and Crimes Act penalties, and there are precedents in a number of other pieces of legislation for very specific restrictions which would, for instance, make it quite clear that other interests that would normally allow exceptional access—like law enforcement interests—would not, in this case, prevail.

**CHAIR**—Just coming back to the 18-month period for which the data is currently kept, are you aware whether there have been instances of any breaches of privacy reported to the commissioner?

**Mr Waters**—No. The only substantiated privacy concerns that we have had in relation to the census have been some undesirable practices on the part of collectors, and they have all been prior to the processing stage. The bureau has an extremely good track



record, in our view, of maintaining confidentiality.

**CHAIR**—What sorts of things have collectors been involved in?

**Mr Waters**—The sorts of concerns that we have dealt with have been issues to do with the collector being known to the householder, in small communities in particular, and the bureau has always moved very quickly to address those concerns when we raise them.

**CHAIR**—What about the use of the gold envelope, as I think it is called, which means that the collector does not actually physically see the return? Has the commissioner had any comments or views on that?

**Mr Waters**—We have taken the view that the availability of that should be made very clear to people. I think between the two censuses that we have been involved in there has been a significant increase in the level of promotion of that option, and, as you know, a large number of people have taken up the option of the two alternative types of envelope. Yes, we would just continue to monitor the bureau's efforts to make sure that people are aware of that option.

**CHAIR**—Does the commissioner do an audit of any of these organisations? For example, the Audit Office does an audit of a whole range of government departments and relevant other bodies. Does that ever occur with the—

**Mr Waters**—We do have a rolling audit program. We have relatively few resources to devote to it so we do not manage to get around to all agencies. In fact, I am not sure, but I do not think we have ever carried out an audit of the bureau. We tend to operate on a risk assessment model. We audit those agencies where there is a combination of very sensitive information and some suggestion through press reports or complaints, statistics, of problems occurring.

**CHAIR**—What about state archives?

**Mr Waters**—Archives I believe we have audited once in relation to a specific aspect of their activities. I do not recall what it was now. It was some years ago. But, again, like the bureau, we have had no substantial complaints experience so they have not been targeted for audit activity.

**Mr MUTCH**—You said earlier that you were persuaded by the evidence that a census would be compromised if the name identified in the information was kept. What was that evidence?

**Mr Waters**—It is really the evidence of the survey research that both the bureau and ourselves have carried out on people's likely reaction to the retention of name identified information. The bureau has summarised that in its own submission.

**Mr MUTCH**—Are you talking there about the AGB McNair poll survey?

**Mr Waters**—That is the most recent one. We carried out research back in 1994 which included one question about the level of trust that individuals had in different organisations and the bureau comes out in the middle range of government agencies and private sector organisations that are trusted to handle information responsibly. The fact that we get so many calls and the bureau itself gets so many calls about privacy issues during the conduct of the census indicates the level of sensitivity. It is clear that a fairly substantial number of people in the population do not already trust the assurances they are given about confidentiality of census information. If we were not able to give them the absolute assurance that we are currently able to, I suspect there would be a very much greater level of concern.

**Mr MUTCH**—Did that form a part of your work in 1994? Did you put to them different options about whether things were retained for 100 years and certain guarantees given?

**Mr Waters**—No. It was just a single general question about relative levels of trust between different agencies.

**Mr MUTCH**—Perhaps you could provide us with a copy of that survey that you did.

**Mr Waters**—Certainly.

**Mr MUTCH**—With respect to the AGB McNair poll, did any of your people look at that survey to check its efficacy and the types of questions that were asked?

**Mr Waters**—We have not independently verified it, but on the face of it, to the extent that we have looked at it, we see no reason to doubt it.

**Mr MUTCH**—You were basically persuaded by that survey?

**Mr Waters**—By that, and also we understand there has been some overseas experience. This again is second-hand. It is not something we have independently verified. Similar concerns in some overseas jurisdictions have led to decisions about whether to retain or not and also in some cases to active consumer boycotts, if you like, or citizen boycotts.

**Mr MUTCH**—Perhaps we could provide you with a copy if you have not seen the questions that were asked by the ABS or AGB McNair in that survey, because I think that might be quite illuminating to you. It might be worth your having a look at it if you have been persuaded by that survey.

**Mr Waters**—I would certainly be happy to do that if you have concerns about it.

**Mr MUTCH**—We have major concerns—I certainly do. I would be interested to know whether you are aware that in the United Kingdom the name identified forms are

kept. Is there a privacy commissioner in the UK?

**Mr Waters**—Yes, there is, a Data Protection Registrar. They deal only with computerised records. As, to the extent to which they have looked at this issue, I would not be sure.

**Mr MUTCH**—You have never made any effort or had the opportunity to discuss the retention of name identified census forms in the UK with your counterparts?

**Mr Waters**—No. It was not until this committee got this reference that it was ever a significant enough issue or possibility for us to take it up with our overseas counterparts. We could do that if it would be helpful to the committee.

**Mr MUTCH**—Thank you.

**Mr RANDALL**—I want to revisit the amount of unauthorised access to this information. The chairman went through it pretty well but, for my own information, you do not have any evidence, do you, of unauthorised access to ABS census information?

**Mr Waters**—No.

**Mr RANDALL**—So why does it concern you if there is no history of it?

**Mr Waters**—Partly because it is kept for a relatively short period of time and, in conditions where it is being processed, it is not actually residing as a database available for easy access. Our concerns about the risk of unauthorised access are largely based on public perceptions. We do not think that, in a practical sense, there need be any great risk of unauthorised access and that it would be possible to put in place adequate safeguards to minimise that risk to a large extent. But I think you would have great difficulty persuading the public that you had done that, given their level of suspicion and concern based on leakages in other areas.

People do not typically distinguish between the bureau, and indeed the archives, which have such rigid record keeping and security policies, and those agencies which are routinely having to access data and therefore having to expose the information to a greater risk of unauthorised access.

**Mr RANDALL**—From your understanding, do the surveys which are done in countries like Britain and Canada—where they do retain the forms—have any less integrity? Is the quality of their surveys any lower than the quality of those gathered by the Australian bureau, in your opinion?

**Mr Waters**—I would not be able to independently verify it, but we understand from the bureau that the bureau's accuracy and integrity is amongst the highest in the world. They attribute that, partly at least, to the assurances they are able to give.

**Mr RANDALL**—So you seem to be running on information the bureau has given you?

**Mr Waters**—Yes.

**Mr RANDALL**—You said, ‘From what I understand from the bureau,’ so the bureau is telling you—

**Mr Waters**—We have not attempted to independently verify that. In a sense, our interest is in asking the community to consider the balance between privacy and the other public interests; the strength of the other public interests is for others to demonstrate.

**Mr RANDALL**—If a committee recommendation came out of this inquiry that you do an audit of the ABS, what would you think?

**Mr Waters**—We are happy to respond to invitations from all sorts of quarters in terms of our audit program, and we would certainly be able to consider that.

**Mr RANDALL**—What do you think of the very strong argument, from the evidence produced so far, that there is a great and growing need to retain this information for medical purposes—to do with various forms of cancer, for example. Would the use of this information to save lives in cases of polyposis, breast cancer and—I believe there is evidence to suggest—prostate cancer not outweigh some of the concerns that you have?

**Mr Waters**—It would obviously be a factor which would strengthen the argument for a relaxation. Although we have not looked in detail at the other submissions, my impression from looking at the submissions you have received is that there have been relatively few from the medical research community or the social research community. It is largely weighted towards the genealogical and family history interests. I did not see submissions from many medical research organisations or peak medical organisations. I have only seen the first two volumes of it, so I may be—

**Mr RANDALL**—But, if at the end of this inquiry there were a number of medical research groups that did produce a growing weight of concern about retention—for the saving of lives and the tracking of genetically traceable disease—would that have any influence on you in your role?

**Mr Waters**—It would certainly be a factor that we would take into account and we would expect you to take into account in striking the balance. But I think some issues would then arise about whether the sort of no access period which would satisfy a genealogist, say, would also satisfy the medical research interest. We would certainly—and we have made this point in the submission—feel that a breakdown of the different uses would be useful because, on the one hand, you have got the genealogists who are interested in the maximum amount of information but are prepared to wait a long time for it and, on the other hand, some of the medical interests would be saying, ‘We do not need much of the information and we may be able to lose some of the name identifier details,

but we need it sooner.’ That would then have implications for the public perception about the period for which it was going to be locked up and protected.

**Mr RANDALL**—My final question, Mr Waters, is a purely subjective one: the next survey is in the year 2001 and, as a snapshot in time, given the fact that you could then gauge the sort of response or reaction to a well-advertised campaign, would you see explaining why you were retaining the forms and explaining that you could use your gold envelopes, et cetera as a good idea, as a celebration of 2001 as a point in time?

**Mr Waters**—I do not think we are really in a position to express a view about the merits of that as a celebration activity. I think the risk of doing it in association with just one census is that you could be prejudicing a very important set of public interests for the long term. So, even if it was declared to be an experiment, it could damage the credibility of and the perceptions of confidence in the bureau in a way that would damage those interests in a long-term sense.

**Mr RANDALL**—But it seems to be a good time to test these accusations that the integrity might be affected.

**Mr Waters**—In our view, to risk the fairly substantial set of public interests which are being put at potential risk, it would need a stronger case to be made for the other public interests.

**CHAIR**—Mr Waters, does the UK have privacy legislation like the legislation we have in Australia?

**Mr Waters**—It is similar but not identical. As I said earlier, it is restricted to computerised information, except in the health area. It is otherwise similar, in that it applies a set of principles and has a set of remedies similar to ours. But all the European countries are having to bring their privacy laws into line by the end of next year, and it will be applied to manual records at that point. I think there is a phase-in period, and it will apply to manual records after another three years.

**CHAIR**—You said, ‘except for the health area’: do I understand you to mean that it does apply to manual records in the health area?

**Mr Waters**—There is a separate piece of legislation relating to access to medical records in the UK, which supplements the Data Protection Act. You have a full set of principles applying to all computerised information, including health information, and then you have a specific access regime in relation to health records only—whether they are manual or computerised.

**CHAIR**—Would it be possible for us to obtain a copy of the UK principles, if you have them?

**Mr Waters**—Yes, certainly.

**CHAIR**—I thank you and, through you, the commissioner, for the submission and also for coming along and discussing it with us this morning.

**Mr Waters**—Thank you.

[9.55 a.m.]

**DUMBRELL, Mr Thomas, Director, Strategic Information Performance Review, Research & Development Branch, New South Wales Department of Training and Education Co-ordination, Level 24, 1 Oxford Street, Darlinghurst, New South Wales 2010**

**PEGLER, Mr Graham, Acting Manager, Information Development Unit, Principal Information Architecture Analyst, New South Wales Department of Health, 73 Miller Street, North Sydney, New South Wales 2060**

**REJANTE, Miss Cesarina, Manager, Intergovernmental Financial Relations, New South Wales Treasury, Level 25, 1 Farrer Place, Sydney, NSW**

**NEYLAN, Mr Julian Peter, Manager, Monitoring and Analysis Branch, Housing and Metropolitan Division, New South Wales Department of Urban Affairs and Planning, Governor Macquarie Tower, 1 Farrer Place, Sydney 2000**

**CHAIR**—Welcome. Although the committee does not require you to give evidence under oath, I should advise you that these hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the house itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

We are in receipt of various submissions from New South Wales Treasury, from the New South Wales Department of Training and Education Coordination, from the New South Wales Department of Health and from the New South Wales Department of Urban Affairs and Planning. Would any of you like to make some opening remarks?

**Miss Rejante**—We thank the committee for the opportunity to give evidence primarily as users of census data. We would like to express our grave concerns about the effect on the quality of the data that retention of name identifiers might have. We rely here on information provided by the ABS, on the basis of the AGB McNair survey, which suggests that doubts in the mind of the public about the privacy and confidentiality of census records could significantly reduce the accuracy and reliability of census data. From the perspective of the New South Wales Treasury this is a matter of concern because Commonwealth payments to states are based directly or indirectly on population statistics.

Commonwealth payments to states for their own purposes consist of roughly \$20 billion in general revenue grants and hospital funding grants—of which about \$6 billion comes to New South Wales—and nearly \$11 billion in specific purpose payments, of which about one-third comes to New South Wales. So these amounts are significant. A slight error or undercount in population statistics could result in either significant reductions in the total pool of funds made available to states or significant redistributions in funding between the states. For example, we have been told by the Commonwealth Grants Commission that, if they were to cease assessing expenditure needs for that data

which is based on population statistics, that would amount to a redistribution of roughly \$780 million.

Also, apart from the broad aggregate, data on various population subgroups on the basis of, for example, age, sex distribution, ethnicity or income level is used as a basis for the design and delivery of government programs. My colleagues from the other agencies would be in a position to tell you about how some of those statistics are used. Should the accuracy of census data be compromised, this could lead to serious distortions in service delivery, because the response rates are not likely to be the same across population subgroups or across locations.

It is our understanding that objections to the destruction of census forms are made largely on the grounds of medical, historical or genealogical research, but the ABS informs us that in the past there has been no demand for census records for medical or historical purposes. It is also our understanding that there is a substantial number of alternative data sources which can serve the purpose of genealogical research. For these reasons we believe that, in the event that name identifiers are retained, the benefits may be relatively marginal compared to the costs.

**CHAIR**—Thank you. Does anybody else wish to make any opening remarks?

**Mr Neylan**—The New South Wales Department of Urban Affairs and Planning has made a submission to the committee, stating its position on the destruction or retention of census forms. The department would oppose any action—such as the alteration of existing arrangements for the destruction of forms—which may jeopardise the quality of the data. This says, essentially, that the data requirements of the department are such that any reduction in the quality of the data would be unacceptable in terms of its effects on departmental decision making which is reliant on census data.

To demonstrate the uses which the department puts census data to, it is highly important for New South Wales urban and regional planning and for the development of housing policies and programs. I would like to cite a couple of examples from our perspective.

The department is responsible for generating the official population projections for New South Wales and its regions. It is vital for planners and policy makers in both the public and private sectors to have the most up-to-date information on demographic trends and what the future population is likely to be. Future community planning in many spheres, such as infrastructure, human services, usually involves assumptions about the size and composition—particularly age and gender—of the future population. It is generally acknowledged that such information is essential input for effective state and regional planning.

The census data is a key ingredient of the department's population projections model. While no data collection can be guaranteed error free, we acknowledge that the ABS goes to great lengths to minimise error. The introduction of further error—



prospectively—will be compounded throughout the New South Wales population projections model, resulting in decreased accuracy and reliability for our urban and regional planners at both state and local government levels.

Housing planning is another example. The census is the only comprehensive data source for estimating size and complexity of housing need at regional and local levels. Policy and planning decisions by all levels of government on how best to meet that need is strongly reliant on having a quality set of housing needs indicators containing accurate estimates of dwelling and household characteristics, income levels, housing costs and occupancy patterns. Again, only a census can provide this level of detail with any degree of confidence. Therefore, a reduction in accuracy will in some—unknown, I grant—way reduce the effectiveness of targeted outcomes for those households in need of assistance.

Census data is highly important to New South Wales urban and regional planning. The department's position is that it cannot afford to jeopardise the quality of its work and the outcomes that follow for the people of New South Wales. Therefore, the department would oppose any action—such as altering the existing arrangements for destruction of the forms—which might jeopardise the quality of the data.

**CHAIR**—Thank you.

**Mr Pegler**—Speaking on behalf of the New South Wales Department of Health, we restate our position of opposing the retention of census forms and supporting the current practice of destruction. The basis for this opposition is the concern that the quality of census data and, consequently, the utility and confidence that health planners and decision makers in health have in the census data will be diminished if name identified census forms are retained.

The research commissioned by the ABS to determine the impact of the retention of name identified census forms on the Australian public's census response rates clearly shows the potential for loss of quality in census figures. The continuation of practices that enable high quality, reliable population data to be produced is important. The quality of that data relies upon continued strong community support. That community support should not be jeopardised.

New South Wales Health has an interest in ensuring the quality of census data as it is a substantial user of this data. The allocation of capital and recurrent funds to health services is done by the employment of formulae which use census data. Significant monetary amounts are involved. A variation in the quality of census data could diminish the confidence of planners in the matrix for resource distribution and reduce the ability of New South Wales Health to equitably distribute resources to meet the health needs of the people of New South Wales. Funds are distributed to health services using the RDF or resource distribution formula which employs census statistics. In addition, projections based upon census data—weighted according to age, gender and non-English speaking background—are made for acute, new patient activity in 82 different diagnosis groups for service planning.

Clinical service planning in radiotherapy, cardiac services, paediatrics and other areas uses a projected demand in census populations. Age distributions are taken from census data. Gender and NESB are significant socio-demographic factors which are obtained from the census data to appropriately weight and project into health service planning.

Area health services also employ census data. Interpreter services add significantly to the cost of interventions. Census data on new arrivals, country of birth and NESB are used to predict the need for interpreter services and particular types of service delivery so that funds can be appropriately allocated.

Another instance is dental services. Serbians and Croatians have the worst dental health in Europe. Having a knowledge of the numbers and proportions of people with this background and their distribution in New South Wales can assist in predicting demand in allocating resources to dental health.

Clearly, New South Wales relies heavily on census data. Any diminution in the quality of census data places at risk the ability of New South Wales Health to distribute funds and prioritise capital programs and health services most effectively and equitably.

In considering the question of the value of name identified census data linked to cancer registry data, the Epidemiology and Surveillance Branch of the New South Wales Department of Health indicated that items such as current occupational codes are a poor proxy for investigations of exposure to a hypothetical carcinogen and are probably not specific enough for epidemiological investigations. Further, the occupation reported at a census is taken at a point in time. For an investigation of occupational exposures, a measure of duration and intensive exposure is necessary. Therefore, such linkages are seen as being of only marginal utility.

The position of New South Wales Health has reaffirmed that good quality, reliable census data is needed for effective decision making and planning. A reduction—due to reduced cooperation by the public in completing census forms—in the quality of the data is of significant concern. Such detailed, independent data is not available from any other source. New South Wales Health therefore recommends that the committee consider as central to its investigations the impact on census data quality of name identified retention of forms

**Mr Dumbrell**—Like my colleagues' departments, my department is a major user of census material. We use that material at a number of levels. I want to focus on the vocational education and training applications of the data, as that is my major involvement.

Under the current Australian National Training Authority agreement funds are distributed at the national level on the basis of population. The broad estimates of population or the count of population given in the census is an important issue in terms of how many dollars the state gets under the ANTA agreement. At that level, we would be

concerned about any loss of accuracy in the information.

At the state level, we use census data for a wide range of applications. We have concerns in the targeting of education and training delivery to a wide range of disadvantaged groups as well as to the population in general. The census is the only source of accurate information on the location, age, educational qualifications, occupation and industry of employment of people in disadvantaged groups.

At the local level, we have well in excess of 100 TAFE colleges in New South Wales. We aim to ensure that the education and training delivered through those TAFE colleges matches as closely as possible the needs of both the community and—particularly—the employers in the industries located within the areas served by those colleges. For that purpose we again need very detailed census data. As has already been pointed out, we would be very concerned if that data quality were compromised—particularly by the absence of any of the disadvantaged groups we seek to assist with the provision of education and training services.

**CHAIR**—I understand that, in terms of broad demographic information, the basic information which a state government and its departments require in order to carry out their functions as efficiently as possible is, firstly, a count of the overall population of the nation and, as a subset of that, a count of the population of the respective states and/or territories. Secondly, they need details of movement of population between states and, thirdly, they need details of movement of population intrastate. Is that accurate?

**Mr Neylan**—There are also issues of the make-up of the population to be able to estimate future movements and future growth and decline, which is to do with the factors that impact on births, deaths, age and gender.

**CHAIR**—So the trend in relation to births and deaths is important as well. I am generalising, obviously, but are they the four factors that you would be looking at?

**Miss Rejante**—Among other things, Mr Chairman, because the distribution of general revenue grants among the states relies on much more detailed information.

**CHAIR**—Yes, I am coming to that. But as a broad generalisation, are they the four sets of information that is required?

**Mr Neylan**—That is probably the most important data. There are other components to it to do with what the population is up to as far as dwelling occupancy and employment are concerned.

**CHAIR**—Obviously, from the point of view of planning, the more often that information is collected or updated the more useful it is in terms of the efficacy of the planning.

**Mr Dumbrell**—That sort of information is very important for planning of

education and training capital expenditure, but the much more detailed information is also important for the planning of delivery of programs.

**CHAIR**—But, presumably, every year that the premiers and treasurers turn up to COAG, and in dealings with the Commonwealth Grants Commission, the basic information is the relativities of movement, if I can use that expression, on all those criteria?

**Miss Rejante**—Mr Chairman, I will clarify that. The calculation of the relativities relies on very detailed information. The total pool of funds that is available, without considering yet how it is distributed, is based on the aggregate population counts but the calculation of the relativities is based on the Grants Commission's assessment of expenditure needs for a number of expenditure categories. For each of those categories it is essential that the commission has access to, depending on the category, detailed information on, for example, Aboriginality, non-English speakers, income levels and so on. So I would say that total population—the aggregate figures—are only relevant to the total pool and not to the distribution of the pool of funds.

**CHAIR**—Yes. In fact, if it was simply taken, if grants were distributed simply on the basis of population, there would be a different outcome to what there is now. That is what the Grants Commission says itself.

**Miss Rejante**—Yes.

**CHAIR**—But, nonetheless, in looking at it from year to year, it is looking at changes in those categories, is it not?

**Miss Rejante**—Yes.

**CHAIR**—That is, without firstly breaking down the subset into, say, Aboriginality, ethnicity or whatever, your starting point would be to look at the relative distribution of population between the states. If 100,000 people moved from Victoria to Queensland, Queensland is going to be putting its hand up for some more funds from the Grants Commission. Victoria has then got to argue why that has not had the impact on the surface it might appear to have.

**Miss Rejante**—That is broadly correct.

**CHAIR**—So that information needs to be collected as often as possible to make those calculations more accurate?

**Miss Rejante**—Yes.

**CHAIR**—In reliance on the census data, which is information that is only collected once every five years, the further you get away from the time of the census the more inaccuracy is likely to creep into the system.

**Mr Neylan**—That is right. My own experience with the Commonwealth-State housing agreement is that each year the Commonwealth relies on the revised estimates coming out of the ABS, which, again, are a function of the quality of the base plus the other factors which are part of the model which projects that.

**CHAIR**—When the census comes around what we end up doing is revising all the figures that we have. So for the 1996 census you get an accurate depiction of what the figures were, which may differ from what the 1995 revisions actually indicated. What happens then is the states, or some of the states, say, ‘Had this information been more up to date, we would have got a bit more money from the Grants Commission.’

**Miss Rejante**—I think there is a general acceptance on the part of all the states that whatever the best available data is at that point in time, we will all live with it.

**CHAIR**—Yes. I understand that. There is no better way at the moment and I am coming to that. So, we are dealing with census information that has inaccuracies in it in the first place?

**Mr Neylan**—I do not think there is any question that data collections per se are estimates of a population. As a statistician, I do not think that is in question. I think all data collections—

**CHAIR**—In terms of planning, would it not be more useful, whether you are talking about health, education or just general grants to states, to have a system which was more accurate in tracking what was happening from year to year?

**Miss Rejante**—In principle, yes.

**CHAIR**—Right. Would not the system which is in use in the UK—where a one per cent sample of the population is taken for an ongoing longitudinal study and that sample is topped up each time there is a movement in the population so it detects both movements in the population intrastate and, if used in Australia’s case, would detect movements in population interstate, as well as all the other breakdowns of ethnicity and Aboriginality, et cetera—be much more reliable information for the purposes of planning than simply relying on a five-yearly census and revisions taken of it?

**Mr Dumbrell**—It is very difficult to answer that question without looking at how the Australian data would compare with data in the UK, which I am not familiar with, but I do not think that we could necessarily assume that a UK survey would be applicable to Australia.

**CHAIR**—No, what I am asking you is: wouldn’t a sample of one per cent of the population in the UK, which is about 500,000 people—which necessarily has to be name identifying in order to continue to track it, and when people die they drop out of that survey and then people are born and put in it, so you maintain about one per cent sample of the population which you track on a longitudinal basis over time—provide much more

detailed and accurate information for the purposes of planning, at whatever level you are talking about, than simply relying on a five-year census?

**Mr Dumbrell**—I think they would serve different purposes. I think both would be needed, particularly when one has to deal with disadvantaged groups, as my colleague has referred to: the Aboriginal population and non-English speaking background people. For my department's planning purposes we need breakdowns by age, sex, labour force status and off the top of my head I could not say whether a one per cent sample would be satisfactory for those purposes. The general principle that you are enunciating is correct. The use of longitudinal studies is very valuable and probably under done in Australia. I have been involved with longitudinal studies that we have run in my department, but the purposes are not necessarily the same and I do not think, for example, that it would be all we would need for our planning purposes.

**CHAIR**—No, I am not suggesting it would. I am asking whether it would provide more accurate information on an ongoing basis than the planning system we have at the present time which is based on estimates based on a five-yearly census.

**Mr Neylan**—Can I add to that, Mr Chairman. I gather you are suggesting that the results of a one per cent annual sample would be used to revise the census estimates through the intercensal period?

**CHAIR**—It might be used for that but it might also give you a breakdown of a whole range of other factors. For example, it would give you more detailed estimates about anything ranging from the incidence of cancer, housing needs, the displacement of the Aboriginal population through to the displacement of any particular ethnic group which had come into the country. It seems to me that whatever your planning issue is, you would have much more accurate information from that sort of approach.

**Mr Neylan**—But I understand that the revisions that are done annually now already incorporate that sort of information. The ABS have a very elaborate rolling program of sample surveys—one per cent probably not in all cases but a range of fairly sophisticated vehicles which contribute various levels of information to the revisions that are done annually.

**CHAIR**—I understand that.

**Mr Neylan**—More detail than that I cannot comment on, but my impression is that, in effect, that happens now.

**CHAIR**—I am just exploring it because it seems to me that that is one use made of the census in the UK which is not made here which would contribute to planning efficiency and accuracy in Australia, particularly where there are interstate issues. Maybe the UK is going to get that with Scotland, England and Wales soon. But it might be of benefit with those particular issues that we have in Australia in a federation. What I am saying, to summarise all that, is that maybe the retention of named data, provided the

privacy and other concerns can be overcome, may provide in fact better information in terms of planning for the future than what you have got now.

**Mr Dumbrell**—I would have to say how well designed the one per cent sample is. You cannot assume that a one per cent sample, regardless of how well designed it is, is going to be as reliable and is going to be able to pick up the information that a census can.

**Mr MUTCH**—Would you also agree, though, that the bigger the sample, the better the result could be, in the sense that if you had a five per cent sample, you would have a better chance of—

**Mr Dumbrell**—As long as the same elements of good design apply, that would be so.

**Mr MUTCH**—But would it not be true to say that in some cases, the bigger the sample that you can utilise, the better for your statistical and research purposes?

**Mr Dumbrell**—Not unless it is well designed. Even a five per cent sample that is not well designed is not going to produce useful data.

**Mr MUTCH**—As politicians, you get these polls and they say, ‘We did a very scientific sample based on 10 people,’ and we all think, ‘If it was 5,000 people, we would feel a bit more secure.’ Isn’t there some element of truth in that?

**Mr Dumbrell**—It depends what question you are asking.

**Mr Neylan**—And there are also diminishing returns on increasing sample size once you get over a certain level. You are talking one per cent, 180,000 people, and that is quite a big sample.

**Mr MUTCH**—The point is that if you do ad hoc surveys in between censuses that is very costly, problematic as well, but if you have got the information name identified there, you can utilise the existing information. Surely that would be a boon to research.

**Mr Dumbrell**—If your one per cent survey, for example, is designed on certain assumptions about population movements and population patterns change during the intercensal period, you are not necessarily going to pick that up, if you have designed your sample on the basis of earlier benchmarks.

**Mr MUTCH**—Yes, but you are sticking to the same sample, you see. Perhaps if you had all the name identified forms available over the years, you would be able to do your calculations and come up with a better sample but you have not lost the basic information.

**Mr Neylan**—I am a bit unclear about how that would increase the accuracy. Are

you suggesting that purely the hypothetical database of names and addresses, 18 million of them, would be used as a sampling frame and therefore, after the most recent census where that was validated, you would use that name and address record as the sample frame on which you would send out survey forms in those succeeding years with the hope that they would still be at that address? Or are you suggesting that that would be linked with other—

**Mr MUTCH**—What I am saying is that you can go back and find out where people were living and you can track people. Surely that must be of some benefit in terms of sociological research or any type of research.

**Mr Neylan**—During the intercensal years?

**Mr MUTCH**—Yes, or at any time in the future. How do you go back and verify information and data if you have actually destroyed the source data? How can anyone say we can rely on these statistics when you cannot check them?

**Mr Neylan**—I am not sure why having the name and address improves the reliability of a one per cent survey.

**Mr MUTCH**—I do not think I was arguing that.

**Mr Neylan**—I thought that was the premise in the context of retention or destruction.

**Mr MUTCH**—Unfortunately, I am not a statistician.

**Mr Neylan**—The other issue is linking. I wondered whether your questioning was geared towards linking the census record of name and address with other collections which are more commonly available in the intercensal periods, which is another question altogether.

**CHAIR**—My questions were based on the Institute of Health and Welfare submission in which they drew upon the UK practice of the one per cent sample, which was part of their argument for saying that you would need to retain the name identifying information in order to construct the same sort of sample that they have in the UK.

**Mr Neylan**—I think they were suggesting, from my reading of that, that the ABS be the repository of linked collections and no-one else. It appeared that they were suggesting that subsequent users of that linked built-up data set would apply for summary collections.

**CHAIR**—The user would not have the access to the name identification; that would be done by the ABS or whoever kept the information.

**Mr Neylan**—Yes.



**Mr MUTCH**—One of the things we were interested in is that Mr Dumbrell's submission says that the longstanding practice of the ABS in destroying all name identified forms ensures public cooperation in responding to the census at a high level of accuracy. What do you base that statement upon?

**Mr Dumbrell**—I suppose it is an assertion. I can remember the public debate that has been around a number of general privacy issues such as the Australia Card. I have also been involved in undertaking a range of surveys myself in which issues of privacy have been paramount in actually ensuring that we get a reasonable level of response rate. I do not think it is an unrealistic position to take when you are dealing with the whole population of Australia. The sorts of surveys that I have been involved with have regarded a 60 or 70 per cent response rate as quite an achievement. We are not aiming for the same levels of accuracy of data which the census is. If only five or 10 per cent of the population were influenced by the debates about privacy and Big Brother government, it would have a much more profound effect on the accuracy of the data than some of the surveys that I have designed and run.

**Mr MUTCH**—Are your surveys voluntary?

**Mr Dumbrell**—Yes.

**Mr MUTCH**—But the ABS survey is compulsory.

**Mr Dumbrell**—That is correct.

**Mr MUTCH**—Isn't that really the reason it is accurate?

**Mr Neylan**—The census is compulsory, the surveys are not.

**Mr MUTCH**—That is what I am saying, that the census is compulsory. Is that not really the reason why people fill it in?

**Mr Dumbrell**—I cannot really speculate on that. I do not know that it is only the filling in; I suspect that the accuracy with which people fill it in is to some extent dependent upon their goodwill and their perception of both the value and the security of the information they are providing. People can comply with surveys but not be forthcoming with the data they actually provide.

**Mr MUTCH**—Perhaps if they think that it is going to be kept and might be checked they might be more prepared to be accurate.

**Mr Dumbrell**—I could not speculate on that.

**Mr MUTCH**—Did you get the ABS McNair survey as well?

**Mr Dumbrell**—I have not seen that survey. I can say that the sector I am involved

with has used that company for other surveys and we have regarded them as very professional. So I would not have any reason to doubt the professionalism of the—

**Mr MUTCH**—If we had another copy, it might be worth sending it to you.

**Mr RANDALL**—As a layman, listening to the four departments here, it appears to me that you have all said exactly the same thing: that you are very interested in this data for money rather than anything else. It all comes down to what sort of dollar you can get as a result of this data. Would I be correct in saying that?

**Mr Dumbrell**—No, I have said more than that.

**Mr RANDALL**—I am a simple layman.

**Mr Dumbrell**—We are very concerned that we provide education and training services that meet the needs of a wide range of people in the community. We are particularly concerned that we deliver courses and programs for, for example, Aboriginal and Torres Strait Islander people or people from a non-English speaking background, that we deliver courses that are appropriate to their needs, to their age group, to the industries and occupations that they might be working in or aspiring to work in. It is an effective targeting of the dollars that we have, and we have equity targets as well.

**Mr RANDALL**—Mr Dumbrell, you spoke about good design. I am extrapolating that into the good design of the McNair survey. Could I ask the other members that are appearing here today: have you seen this McNair survey? You are all indicating that you have not. When you see questions like this which say that computers have increased the chances of breaches of privacy and confidentiality—it is almost a statement—and having names of computer records is a threat to privacy, does that appear to be a bit of push polling to you? Are you going to get a certain result?

**Mr Dumbrell**—I would want to see the whole thing.

**Mr RANDALL**—It says that having addresses on computer records is a threat to privacy.

**Mr Dumbrell**—Is that a question or a preamble?

**Mr RANDALL**—These are the statements put to the respondents.

**Mr Dumbrell**—That is one of the questions, is it, that people are asked to respond to?

**Mr RANDALL**—These are the first five. The other two are: for future censuses, names should not be kept on computer records; for future censuses, addresses should not be kept on computer records. They are loaded questions. They are obviously going to get the answer they are after, or don't you agree with me? You talk about AGB McNair being

a marvellous organisation which you all have great faith in. When you see loaded questions like that, do you still have the same faith? You see, this is where we have a bit of a problem. You are all relying on this survey, which the ABS have made sure you got to know about, and you have all one way or another referred to it—

**Mr Neylan**—No, I would disagree with that. We have not referred to it at all. Our position is not to contest to what degree accuracy would suffer but purely to point out the costs involved to what we consider to be our responsibilities in New South Wales if the quality was jeopardised. We have not gone into the detail of to what extent—

**Mr RANDALL**—You have no evidence, have you, that it would be, other than this survey?

**Mr Neylan**—We have not conducted surveys nor conducted any investigation of the extent of that. We have read some literature, different submissions in the reports. As a statistician, it appears to me that there is a question about accuracy of data under this proposition, but we have not tried to quantify what degree of error would result from it.

**Mr RANDALL**—Sorry, I am not trying to be obnoxious, I am just trying to get to the point of saying that you are almost relying on gut feeling, anecdotal evidence or this one survey to come to the position you have got about the privacy concerns and the corruption of the results.

**Mr Neylan**—And also experience with managing surveys, where questions about the position of the respondent in relation to future records is an important issue to be addressed in a survey. Here we have a change in conditions with an unknown result.

**Mr RANDALL**—Do you think that Australians when compared with Canadians are more paranoid about privacy?

**Mr Neylan**—I would not like to comment on that.

**Miss Rejante**—That is very speculative.

**Mr RANDALL**—Do you have any evidence that the Canadian census surveys are any less accurate than the Australian?

**Mr Dumbrell**—No, I do not.

**Mr RANDALL**—Given the fact that theirs is retained, it does not seem to be a great argument that you are going to get a less accurate result.

**Mr Neylan**—I am not sure how you go about estimating the loss of accuracy. I am not sure on what basis you would be suggesting that Canada's practice was not making any difference. I suppose you could also quote countries where the reverse was true; where they are in fact destroying census forms like Australia. I am not sure how you

would weigh up the relative merits of that.

**Mr MUTCH**—Do you know any other countries that are regularly doing so?

**Mr Neylan**—I gather the Republic of Germany destroys its forms.

**Mr MUTCH**—We do not get to travel overseas on this committee.

**Mr Neylan**—You have heard that Canada does. I gather that we are not the only country in the world—not that I have investigated that—who destroys census forms.

**Mr RANDALL**—From what I can understand we are in a minority. I would like to ask a question of Mr Pegler. Whom did you refer to who said that this data would be of marginal value to cancer research? Whom did you ascribe those comments to?

**Mr Pegler**—To the epidemiology and surveillance unit in the Department of Health.

**Mr RANDALL**—Of New South Wales?

**Mr Pegler**—Yes.

**Mr MUTCH**—Mr Neylan, you said that you were advised that the alteration of existing arrangements would lead to a reduction. Who advised you? Did the ABS contact you at all in relation to this?

**Mr Neylan**—Yes. We saw the information that they provided to us.

**Mr MUTCH**—So you did see the AGB McNair results?

**Mr Neylan**—No. I saw the ones quoted by ABS.

**Mr RANDALL**—Regarding that epidemiology and surveillance unit, could you get their opinion on what you have quoted in writing for us?

**Mr Pegler**—In fact I already have a memorandum to that effect.

**Mr RANDALL**—Can you provide that?

**Mr Pegler**—Yes, I certainly could.

**CHAIR**—Thank you very much. I thank you for each of your submissions and also for coming along and discussing them with us this morning.

[10.46 a.m.]

**STACEY, Mr Trevor John, Acting Registrar, New South Wales Registry of Births, Deaths and Marriages, Level 4, 191-199 Thomas Street, Haymarket, Sydney, New South Wales 2000**

**TAYLOR, Ms Georgina Kathleen, Manager, Amendments, New South Wales Registry of Births, Deaths and Marriages, Level 4, 191-199 Thomas Street, Haymarket, Sydney, New South Wales 2000**

**CHAIR**—I will resume the hearing. I welcome Mr Stacey, the Acting Registrar of Births, Deaths and Marriages in New South Wales, and Ms Taylor. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. We are in receipt of your submission of August of this year. Would you care to make some opening remarks?

**Mr Stacey**—There is really nothing that we need to add to that submission; it still stands. Probably the most relevant comment that we would make in support of that submission is the report and recommendations of the standing committee on social issues here in New South Wales, which looked into whether or not New South Wales should have an open register for births, deaths and marriages. We believe that the information contained within that report and its recommendations still stand and, on the question of privacy, are probably more relevant today than they were five years ago, when that report was issued.

Adding to that—Georgina has just reminded me—when that committee sat, it pronounced initially that it believed that the inquiry was going to be one of great simplicity. As time went by, it was realised just how complex this issue is.

Given that the Law Reform Commission had recommended an open register and the social issues committee overturned that decision and went for a closed register—and that is what now applies in New South Wales—three things came out of that. One is the quality of data, as has been mentioned earlier. But we do not say that that is the only issue on which we would rely for a closed register. The second is fraud minimisation or prevention, which is something that is growing rapidly in Australia and is of great concern to us and to many agencies around Australia. The third is the privacy issue. So it is on those three points that we make our decisions about the release of any data.

**CHAIR**—Thank you very much. Can you elaborate on what you mean by an open and closed register?

**Mr Stacey**—In the United Kingdom, and I believe also in New Zealand, access to data held by the registries relating to birth, death or marriage is completely open. Anyone can walk into the registry, pay the required fee and walk out with information on any

person in those countries.

In New South Wales and the rest of Australia, that is not the case, because the amount of information that is collected in Australia, under what is almost model legislation now across Australia, is much more comprehensive. There are relationship links held within the registry records as opposed to those in the United Kingdom. It is just the individual who is identified, and the address of that individual is identified. But that is about it.

**Ms Taylor**—There is very little information included. I will give an example for the committee, and certainly you will find in the back of the standing committee report actual examples and summaries of the different countries. On a British death certificate, if you died in the United Kingdom and if you were married it would indicate that fact. It would not actually even give a name of your spouse, let alone go into detail of your children, beyond saying that you have two sons living, or something. It does not provide anywhere near the detail of an Australian record. Certainly, when those trade-off issues were reviewed by the committee, particularly with a view to—as no doubt your committee has found—the keen interests in the genealogical and historical committees, they were not prepared to accept a reduction in Australian information in order to enable full and open access as of tomorrow on all records.

The restricted access regime, under which Australian registries operate, really amounts to a compromise which enables the individual who provides the information and their immediate next of kin to feel secure in the use of that information; the degree of detail to be collected for planning purposes to be sufficiently comprehensive in the national interest; and the interests and needs of historians and other researchers to be dealt with. In our submission we also have the certificate access policy that gives the periods at which records become unrestricted. They are basically based on lifetime principles—when a person would be alive and after that point it is available.

**CHAIR**—So the additional information that we keep in Australia is essentially the relationship information. For example, when you fill in a birth certificate you are encouraged to provide the name of the father, which I think we have a high record of even with the rising illegitimacy rate, and the occupation at the time, as I recall, as well.

**Mr Stacey**—Correct.

**Ms Taylor**—You also place other details of previous issue of the relationship—other children, for example.

**CHAIR**—That is right, yes.

**Ms Taylor**—Britain is quite keen on collecting occupation. They always seem to have done that, traditionally, running out of the old books used by King John and going onwards to the Doomsday Book where you always got your occupation if you were male but very little else about you.

**CHAIR**—That information is restricted to the person about whom the information is taken. As the father of children, I can obtain birth records for my children—and need to do so if I want to obtain a passport on their behalf, for example. Is that only for minors or does that relate right through? So if you are in that relationship you can obtain the information about the subject of the certificate?

**Ms Taylor**—That is correct.

**CHAIR**—So with births does it go to parents and with deaths it goes to children? Is that how it works?

**Ms Taylor**—That is the usual relationship structure, yes. It is also partly on the principles of informed consent. You, as the father or mother of a child, would have usually provided that initial information, so telling you once your child turns 18, ‘No, you can’t have it,’ does not serve any privacy purpose for the family whatsoever. That is the same for entitlements. As you said, children acquire documents after deaths and it is very important for there to be that key linkage so that the child of a deceased is the prime person who can acquire that document.

**CHAIR**—I presume it is the same in New South Wales as in Victoria now, but the registry in Victoria is now into providing art quality fancy certificates with all this on it which you can frame and give to your youngster when he is 6, 16 or 26 or whatever. My recollection is, having recently got a set, that there are two forms: one which contains all the information and one which is just an extract sort of information. Is that true around Australia?

**Ms Taylor**—The fancy certificates are certainly around Australia now.

**Mr Stacey**—It is becoming truer. Queensland, I think, now is running nearer to Victoria. South Australia is about to start, if it has not already, and Western Australia is certainly doing it.

**Ms Taylor**—And we do it.

**CHAIR**—So, outside that access, is the restriction the same throughout Australia in that it is deaths 30 years, marriages 50 years and births 75 years, or does it vary from state to state?

**Ms Taylor**—It varies slightly but not significantly. In the back of the standing committee report you will find a table indicating the different situations in the states. Possibly, the major area where it could vary is sometimes on death certificate data. Most states apply a 30-year rule like the Commonwealth archives style rule, because it is a clearance of lifetime in the next generation. Some issue it slightly closer to time, but certainly all Australian registries realise particularly the forward potential of imminent release of death certificates to people who are not otherwise entitled to them.

**CHAIR**—I was going to ask you about that. Can you elaborate on the fraud concerns?

**Mr Stacey**—This is an open hearing, is it not?

**CHAIR**—This is an open hearing, yes. Can you just wait a moment, Mr Stacey. I will seek some advice which may assist us. If it is of assistance, we can resolve to take some evidence in camera from you.

**Mr Stacey**—Let me try to answer generally first. If you want more specific information, we might opt for that track. There are a number of agencies that get together around Australia that look at the use of certain information that we hold in registries around Australia and how that can be misused. There are a number of ways that people can use that information to obtain benefits to which they as individuals assuming a new identity or someone else's identity are truly not entitled. If you want to go further than that, I think I would need to go—

**CHAIR**—I am not sure that we need to go further than that. Perhaps you can answer this question, but if you prefer not to answer it because of concerns about security then do not. I would take it that it would not be too difficult for somebody to obtain a birth certificate and have it altered in a way which would then enable them to obtain a passport.

**Mr Stacey**—Can I answer that privately?

**CHAIR**—Yes. What I propose to do is that we will continue with any other general questions and then I will seek the advice of the committee as to whether or not we go in camera for any further matters.

**Mr Stacey**—I certainly would not want to reveal any modus.

**CHAIR**—I understand that.

**Mr Stacey**—Or incidents.

**Mr RANDALL**—Does this go outside your willingness in the public forum? Are we talking about social security fraud and things like this?

**Mr Stacey**—We are talking about a number of areas of fraud.

**Mr MUTCH**—I am not quite sure of the relevance in general privacy terms. The report you referred to from the social issues committee in the New South Wales parliament I believe was not unanimous.

**Ms Taylor**—There was one dissent, and that was only on the release of indexes. There was not a dissenting voice to open the lot. That was it.



**Mr MUTCH**—Wasn't that in relation to the open—didn't that dissenter—

**Ms Taylor**—No. They were not dissenting to say 'open fully' at all. It was Anne Symonds, who was the deputy chair at the time and who wrote a very worthwhile dissent, who principally dissented on recommendations as to date range for release of data, mainly for clarification. The page you fill in as a registration form becomes a full record. There is also an index selection of that data which would simply give your name, your parent's name under which you were born. But there was no other information about were your parents married, where it was, family, et cetera.

The registry does operate different date releases on indexes to certificates, to a degree. Although, certainly, having them very largely apart could create complications to clients and their understanding. But Anne Symonds's report—and I refer you to page 85 of that standing committee report—was principally in regard to access of those indexes. She proposed, for example, in regard to recommendation 11, rather than the birth indexes being restricted for a period they be available so that you know the fact that someone was born.

**Mr MUTCH**—It sounds like a reasonable thing.

**Ms Taylor**—Yes. That is fine. It certainly was a reasoned argument, but that is certainly very different to saying, 'Full birth certificates are available.' In regard to that she proposed a 75-year deadline as opposed to a 100-year deadline, but it was still a substantially longer term. Similarly, for marriage certificates she proposed a 30-year rule rather than a 50-year rule, and there was dissent on only four recommendations.

**Mr MUTCH**—I was just wondering how this relates to our present inquiry. You keep your records, don't you?

**Ms Taylor**—We do.

**Mr MUTCH**—You do not destroy them in the interests of privacy.

**Ms Taylor**—No. It was on two levels. As Mr Stacey indicated, there are certainly—this may be covered in camera—potential fraud implications. The detail on census data, if generally available, could provide someone with some extra tools to assume an identity or deal with something.

**Mr RANDALL**—Have you any evidence of that?

**Ms Taylor**—We also have—

**Mr RANDALL**—Was that a yes or a no?

**Ms Taylor**—If we can come back to that when we are in the in camera session. The other part is that, if the committee is to decide to retain name identified information it

would certainly suggest that the experience of Australian registries in guidelines, purposes and age of records would be extremely relevant. We have certainly found during the committee's inquiry that the potential impacts on potentially data quality and also the public perceptions or acceptance of such a decision very much turn on matters like who is going to use the data, for what, and when can they get it. If you were to go and do extra polling on the basis of whether it would be available after 100 years, like the UK model, or straight after the census is validated, you would get different degrees of compliance.

**Mr MUTCH**—But your experience is that you have different dates of release of information. Prior to the release of that for general public access, had you had any major problems of leakages or unauthorised access to your own databanks in your experience?

**Mr Stacey**—Very minimal. At least one or two instances of information that we hold within the registry, but it is minimal.

**Mr MUTCH**—Have you done any research or surveys of the attitude of people? If you say to people, 'This is going to be put in a vault for 75 years and then released' have you found any great resistance to that concept? People might be quite thrilled with the fact that they are going to be kept in perpetuity as part of the record of the nation.

**Ms Taylor**—I think it is a little different in some ways to the census data. They know that the information they provide to us is a record for themselves; they can always get at it. They then use it to obtain their passport or other things.

In terms of some qualitative analysis, in November last year we introduced a new birth registration form and death registration form with some changes to the questions collected. We did trialling among clients. For example, we went out and visited major maternity hospitals and covered 2,000 births. People were quite interested that the extra information was being asked for. The most major one was the previous children of the mother—not of that relationship. The mother may have remarried, her previous spouse may have died or whatever, and it would appear that she had only one child; in fact, she had two previous ones.

We were very pleased about the notification on the form that that was collected as a statistical item only; the names were not being retained and passed on. It would simply be the fact that a mother who gave birth in this period had two elder children. Some certainly are not pleased; others saw it as a recognition of their other children, but would not have been pleased if it amounted to their next door neighbour, employers or anybody else being able to find out that they had a previous child out of wedlock, or something like that. Those concerns are quite real in vital statistics information.

**CHAIR**—As I understand the American census collection, where the material is released after I think 72 years, not even the individual can obtain access to the information which has been taken in the census. So there is no personal access like you have for births, deaths and marriages. That would seem to be at least equally assuring as people can be in relation to births, deaths and marriages.

**Ms Taylor**—Certainly, if you are referring to the time frame, it at least is towards the longer term.

**CHAIR**—But here there is a danger. We might go into this later. Where you have limited access which is related to the individual and a generation either side, then you have already opened the door to some information getting out. It could happen innocently, in that somebody obtains their own information and then it is left lying around, so to speak. Or it can happen fraudulently, where somebody seeking to use it uses it for unlawful purposes.

**Mr Stacey**—That exists, in any event, with a person obtaining that information or someone else seeking information about an individual. Anyone can consent to anybody else getting that individual's information.

**Ms Taylor**—Consent is the issue.

**CHAIR**—That is the case with your records now?

**Mr Stacey**—Yes. You could come in and ask to look at my birth certificate, and I would say, 'You have no right.'

**CHAIR**—That is right.

**Mr Stacey**—But, if you asked me whether you could, and I was willing to give it to you, I am consenting and you can.

**CHAIR**—Yes. Whereas if we were American citizens and I turned up to the United States archives and said, 'I want to see Mr Stacey's census records from the last census,' they would tell me to get lost. Equally, if I turn up and say, 'I would like to see my census records,' they will say, 'If you are alive in 72 years, you can, but otherwise you can't.'

**Mr Stacey**—I think the reason we collect data and release certain of that information to individuals is that there is a benefit that over years, through legislation, people can obtain by getting access to that information—social security and passports, as have been mentioned before. If there were not those benefits accruing from that data, it may well be that we would have a similar situation.

**Ms Taylor**—In terms of the census data and being able to review it, it is contemporary data; it is what you put down on that night in the census form. If it were to be subject to something like that consent arrangement, sitting down with the person and saying, 'Mr Stacey, could you tell me about your income, religion?' or whatever, it is probably easier—it happens for legitimate business and social purposes already—than going and picking up their census form. Something like a birth certificate is a little bit different because it establishes actual generational relationships and is actually used as a standard of proof.

**Mr RANDALL**—You have indicated that you have staff who have released information. Was that deliberate or in error?

**Mr Stacey**—Sorry, I do not understand the question.

**Mr RANDALL**—The chairman asked you whether there have been any breaches, and you said that you knew of a couple and they were staff related. I am asking whether they were deliberately done or done in error.

**Mr Stacey**—No, they were deliberately done. Our system is capable of identifying any unauthorised access to the system, and that is how those people were identified and charged.

**Mr RANDALL**—Good. I refer to term of reference 5.1, where concern is expressed about the retention of name identified census data, et cetera. Mostly your concern is the effect retention would have on the quality. Other than anything you are going to tell us in camera, do you have any other evidence that that is the case—that retention would affect the quality of name identified data?

**Ms Taylor**—We have only our experience with our own data. As I have said, with things like the qualitative survey on a new item being included—access, if you like—retention would affect it if retention were under non-strict guidelines. The other matter—

**Mr RANDALL**—But if they were under strict guidelines, it would be all right?

**Ms Taylor**—That is also where—maybe other surveys and polling are needed—community perceptions would be very important. Certainly—

**Mr RANDALL**—But do you know of any other survey data? Do you know of the AGB McNair survey?

**Ms Taylor**—I have not seen it.

**Mr RANDALL**—But you know of it. You looked at it this morning.

**Ms Taylor**—We know of it but we are not basing our concern on that.

**Mr RANDALL**—How did you get to know about it if you do not like it?

**Ms Taylor**—We were advised by the ABS of its existence but concerns on data quality can be seen with the standing committee report. There were concerns on data quality back in 1993 about the effect an open register might have, which is not related to an AGB McNair survey.

**Mr RANDALL**—Just come again on that last bit.

**Ms Taylor**—Within the standing committee report, in the privacy provisions, you will find some reference by the committee to concerns of data quality that could happen were the register to be opened, being the equivalent of name identified data available.

**Mr RANDALL**—I do not know much about the report but you have just said ‘could happen’. Do they provide any evidence in that report? I have just got it and I have not had a chance to read it.

**Ms Taylor**—They certainly provide discussion because the Law Reform Commission recommended opening the register and actually pointed towards stating that they believed data quality could be improved because people would see their own record and correct it. A restricted access regime already allows for that—you can correct your own data—so that was not going to be an improvement towards accuracy. Certainly, in terms of clients, where we do pick up inaccurate information we have very low error rates, relatively, and the ABS can probably verify that against other vital statistic collections in the world; the birth, death and marriage data. We have very high compliance. People are willing to tell us things they would not tell other people.

Perhaps I can give some anecdotal information. In my role as manager of amendments, I am responsible for the area that corrects data in the registry after a record is made. If people have made an incorrect statement it is usually either because they were not aware of the true information at the time or they were concerned about the legal obligation the document gave. They were actually forthcoming in talking to us about complying with our requests because they were aware we were not passing on their data complete to any agency without their consent.

**Mr Stacey**—Can I add to what Georgina has said. The registry is different in that the data it collects, as opposed to census data, is collected on behalf of an individual for the benefit of that individual at some later stage. So there is a requirement almost on the individual that if they are going to use this data later for their own benefit they are going to get it as right as possible—

**Mr RANDALL**—They are well motivated, are they not?

**Mr Stacey**—Yes, there is a good motivation whereas with the census data there is perhaps not that same motivation. Is there any benefit that is flowing to that individual by being able to access that census data at some later stage to get a benefit from it? It is hard for us to answer the question. We believe from anecdotal information and from stuff that we have read in reports—it was an issue back in 1993—that the quality of data would probably be affected.

**Mr RANDALL**—Given that there seems to be a different regime in different states of Australia in terms of the 30-year rule, et cetera, and given my experience in an electorate and the mobility of the population not only within the state but also intrastate, do you think there is any need or would there be any better record keeping or tracing, et cetera, if there was uniform legislation across Australia?

**Mr Stacey**—That is an aim we are already achieving. I will go around Australia: Queensland has indicated that it will certainly implement provisions that are very much in line with the model legislation but not necessarily the model legislation; New South Wales already has passed it and it is in operation; Victoria has passed it but it is not yet operational; South Australia has passed the model legislation and it is operational; Western Australia has it in draft form at the moment; the Northern Territory has it in place and the Australian Capital Territory is considering it. I think it has been drafted and it is before the parliament. It was decided as an initiative for SCAG that that model legislation would be introduced around Australia. I would say that within the next three years we would have model legislation for both deaths and marriages around Australia.

**Mr RANDALL**—Thank you.

*Evidence was then taken in camera, but later resumed in public—*

[11.28 a.m.]

**LISTON, Associate Professor Carol Ann, Vice President, Royal Australian Historical Society, 133 Macquarie Street, Sydney, New South Wales 2000\**

**CHAIR**—I welcome Professor Carol Liston. Although the committee does not require you to give evidence under oath, I advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. We are in receipt of the society's submission of 23 July this year. Would you care to make some opening remarks?

**Prof. Liston**—Yes. The submission, which was put together by our council and forwarded under the name of our president, Rosemary Annable, looks at some of the ways in which historical use is made of name identified data. The particular instances of historical work cited in that include biographical studies, not just of individuals but of groups of people who live in different places and come from different backgrounds. They are also studied as a collective biography, such as the example cited of graduates of the same university, people working in a similar occupation. For these reasons, knowing the specific identity of people allows them to be traced. Their joint experiences are pulled together from their individual backgrounds.

The submission also refers to the use of family history, which is a very substantial part of the community's interest in history through their genealogy. We cited the possibility that local and regional histories are highly dependent on quite localised and specific data. We may want to follow up the difficulties the historians in that area have in terms of data that is available in Australia compared to what is available overseas.

Our president also referred to the difficulty of indigenous Australians finding any material on their activities within the Australian population and the importance of having access to data that is specific to individuals for them to find out about their families in the past.

The society addressed the issue of the quality of the information and privacy concerns and offered the view that we felt people were more concerned about data collected by the Australian Taxation Office or Social Security than about the type of information that is provided in the census. Within the historical community we are accustomed to dealing with periods of closure in the access to material. Certainly for census data which is used on a comparative basis, which tends to be from the United Kingdom, the 100-year closure is fairly familiar to most historians using this type of data.

Elaborating on that and looking at other ways in which historians might use name identified data, one of the difficulties in Australia is that, because there is only the 1828 census intact with its householders returns in New South Wales, there has been very little scholarship done in this area in Australia. This is in considerable distinction to what happens in historical circles outside Australia. In the United Kingdom, throughout Europe

and in the United States, census enumerators' books and household specific data returns form a core part of a massive amount of historical information. In Scandinavia, census records exist from the 1700s onwards. In Norway they have now made available all household information up to 1900 in electronic format for historians of social structure, family occupation and place to investigate. In the United Kingdom there are a number of very large university projects based around the householder returns from the United Kingdom censuses that have been progressively released.

Certainly those types of studies initially were from historians interested in history, computing and demography, and required quite elaborate computing techniques. Now, with the rapid change in access to personal computers, the householder returns in the census data are used in the school curriculum in the United Kingdom. So there is a range of these types of historical activities that simply is not part of the Australian scene because we have not had access to the range of name identified data that is common elsewhere.

**CHAIR**—Thank you. I do not want to sound like a philistine, but do we suffer from not having that?

**Prof. Liston**—The types of studies that have been done in Britain have used the name identified census data to link in with earlier data, such as the parish register, to effectively re-create the population history of Britain. By using the quite specific family linkages they have been able to model both the nature and the extent of the British population back to before the Industrial Revolution, before census information.

My understanding also is that the work has been particularly significant in studies on the history of the family, which is a branch of history quite distinct from family history. This looks at the nature of family and family life. In particular there has been quite a lot of debate in Britain and Europe about the nuclear family, the care of the aged, the nature of extended households and the size of communities in which people live and interact. That type of data, which relates as much as anything to identifying kinship networks, really needs specific name identified material. The type of work that has been done in parts of Europe goes over 400 years and uses a combination of church parish registers, censuses, name identified data and tax returns, which again are not available in Australia. This material together has provided quite new work on the nature of the family. Many of those people are now looking at aged care and how that has been traditionally done. I would argue that these historical background studies have quite a bearing on contemporary social policy. This is the world in which that material is used in Europe.

**CHAIR**—You are saying that being able to study family structures in an anthropological sense has a contemporary value?

**Prof. Liston**—It has a contemporary value in perhaps trying to put into context the nature of single parent families, extended families, grandparents living within geographical proximity or not of relatives such as aunts and uncles, and child-care and aged care implications that come from that. Many of the assumptions that are made in the late 20th century are often made without the benefit of knowing what the actual practice was in the



past. These studies have been put in place to try to work out where there are culturally specific instances of that, where there are general patterns across Europe. Name identified data has been critical for these very long-term studies.

**Mr RANDALL**—I imagine that you are an authority on these matters, with your academic background. Perhaps you can help us. You have referred to Scandinavian countries, et cetera. How many countries in the world do this for their census statistics gathering?

**Prof. Liston**—The countries I am aware of where this type of academic study using census data takes place are France, Belgium and all of the Scandinavian countries.

**Mr RANDALL**—I am not being very clear. Which countries destroy census data after collecting it?

**Prof. Liston**—I am aware that it is done here.

**Mr RANDALL**—Anywhere else?

**Prof. Liston**—I had a feeling Israel may do it, but I am not certain.

**Mr RANDALL**—You stated earlier that you believe that the Australian Bureau of Statistics versus the Australian Taxation Office and Social Security—

**Prof. Liston**—I think that perhaps people are more concerned that, of the information that they might provide, the more sensitive data is that collected by other agencies rather than that necessarily collected by the census.

**Mr RANDALL**—Do you have any evidence of that?

**Prof. Liston**—A general feeling amongst the membership of our society is that, in terms of privacy, that would be where people's concerns are. There is a general feeling in the historical community that the longer that length of time between the collection of quite specific information and its availability for use, the less sensitive that data is felt to be by the individuals concerned. Experiences of people, for example, with traumatic events during the Second World War are now very much part of the current historical debate and interest. Certainly the distance in time has made it easier for people to look at these events and they are less concerned about the information coming out.

**Mr RANDALL**—I know the general thrust of your submission, but do you have any opinions on retention of data for medical purposes? Does that come into your area?

**Prof. Liston**—I am aware that there are medical historians who look at it. Certainly the studies that have been done overseas include studies into fertility. The linkages of the number of children a woman would bear—

**Mr RANDALL**—So there is a genetic link up with fertility problems, is there?

**Prof. Liston**—That allows that type of data to be collected. You may be able to establish the number and longevity of children. I understand that there is some work being done on links between occupation and lifestyle and life cycle over a period of time. Certainly a study of occupations linked with family size could indicate something for medical historians but I am not one myself so I cannot be more precise than that.

**Mr RANDALL**—If somebody were to have a family where a couple of the children were not by that father and it was not revealed as such and they continued to fill in the forms, is there any way that the collecting of the data could ever expose that?

**Prof. Liston**—It would need an enormous amount of work in terms of linking other records together to be able to establish that. The work on the 19th century census in Britain has revealed that with the use of certain terminology like ‘in-law’ rather than ‘stepchild’ you can start picking up the vocabulary of the way in which people describe themselves in their relationship to the head of house. But if people identify themselves as the child of a certain person then those values are taken at face value in the historic documentation until there is other evidence to suggest otherwise.

**Mr MUTCH**—I was very interested in the paragraph on the history of indigenous Australians. Have you had any personal involvement in the area of research of indigenous Australians?

**Prof. Liston**—I am certainly aware that the 19th century returns that do survive for New South Wales, which is the 1891 and the 1901 householder lists, do not identify every individual but they identify the name of the head of household. They do provide some information on aboriginality within the community and have not been greatly used yet in terms of people investigating Aboriginal Australians. I think now that we have the 1901 census available, which has only come out in the last eight or nine months, you will see more studies coming out that will make use of this information.

**Mr MUTCH**—If we had been keeping our census from the time that Aboriginals were included on it, would that have been of great assistance to the inquiry into the separation of Aboriginal and Torres Strait children from their families and their efforts in the future to re-establish ties?

**Prof. Liston**—Given what I would imagine would be the access conditions to the census, it would not have affected them in their lifetime. It would have been a subsequent generation that would have been able to establish that information. My understanding would be that the international patterns of the census would not have been retained. It would not have been available for that type of use.

**Mr MUTCH**—But if it were available at some stage in the future it would be there?

**Prof. Liston**—It would certainly allow identification of people in putting them back into the historical record. For example, in the broader County of Cumberland area, we are aware that many of the Dharug people continued to live long after the First Fleet arrived in 1788 and where, in fact, there are still descendants of the Dharug still living in western Sydney. If we had had name identified householder returns for the 1851, 1861, 1871 census, we would have had a much better understanding of what their strategies were for survival. That information is lost to us. All we have now is the stories they can remember to tell us.

**Mr MUTCH**—Has it been a major impact upon the ability of historians to write Australian history because of the fact that we do not retain the census and no identified records?

**Prof. Liston**—I think it is, given the great unusual pattern of Australian settlement from a prison to a democratic country. Looking at it as a continent that is one of the last to be the victim of imperial occupation, it means that there are many interesting historical experiences that I think took place on this continent that we cannot provide comparable types of historical records to countries overseas.

Because of the length of our European settlement, we do not have the long runs of parish registers that make it a comparable record that is available in Europe. The British legislation for compulsory registration of births, deaths and marriages in 1837 was introduced fairly quickly afterwards into most states except New South Wales and it means that virtually since the start of settlement in Victoria and South Australia they do not have parish registers that are publicly accessible in the same way in which they are in Europe.

Here in New South Wales, because the general registry office did not get operational until the mid-1850s, about 1856, it means that we do have a longer run of parish registers. I am in fact just starting work with my students to see how we can make better use of them. In part, they have been left in the context of family historians. They have not been the subject of deep historical work simply because they survive for only 50 years in New South Wales, and that is not really a generational change. The type of work, the longitudinal studies, which are done overseas, rely on their registers going back to 1538, for example, in the United Kingdom and similar lengthy runs in other parts of Europe, particularly in France where I understand they are excellent.

**CHAIR**—If census record name identifying were to be retained, is there a view amongst members of the society about a length of time before they should be released? Is 100 years a general view?

**Prof. Liston**—I think 100 years is a generally accepted period that people feel the community would accept as being a safeguard. There are instances of it being available in a shorter time, of which the United States is a principal example. Even within Britain, where the 100-year rule applies, it does not cover, for example, the surviving parts of the Irish census. Historians are working on the householder returns for the Irish census for

1901 and 1911. But, in that, they have adopted what appears to be a voluntary code of ethics in terms of the way in which the data is used in any published reports and in terms of the way in which name identified material is treated.

**Mr RANDALL**—The question I have asked previously is a point in time, the 2001 Australian census. As an historian, you would have some opinion on the retention of that as either a trial or some sort of benchmarking for the Australian nation?

**Prof. Liston**—Indeed. I think it would provide an important time in the public psyche for people to participate in a trial of the census retention. I think the more people look at the historical record that is available the more they will become interested in Australian history, the more they want to feel they are part of it. One way in which they are part of it, of course, is if their name is retained in some historical record.

I do not think it would be beyond the technical possibilities for the Bureau of Census and Statistics to provide a cover sheet to their form that could, if you like, act as a summary sheet to what is a complex form of person one, two, three and four, summarising them on a cover sheet that would provide a minimal amount of information—not unlike that collected in the 19th century: name, age, place of birth, relationship to head of house.

**Mr RANDALL**—Occupation.

**Prof. Liston**—Occupation, which is a vehicle of historical use. But place names are also very important. If that was summarised on a cover that could then be perhaps torn easily off, microfilmed and the originals destroyed, I think it is generally accepted that microfilm offers good preservation qualities in terms of the data. It would certainly provide less of a storage problem. It would make it much easier to retain them under security conditions that would be perhaps generally acceptable than if the forms were there. Although I suspect the notion of people actually being able to find an individual in these unindexed records is highly unlikely. It takes many years of work to build up indexes to them to make them useful to find individuals. I think there could be ways of assuring people that their privacy would be respected for the centenary.

**Mr RANDALL**—Similarly, placing of the census forms and your good suggestion about the cover sheet in these gold envelopes would add to that security.

**Prof. Liston**—Any of those methods. The sheer bulk of it, unindexed, would make it highly unlikely that anyone could go deliberately looking for a particular individual. I am sure there is confidence in the way in which institutions like the Australian Archives would care for it.

**CHAIR**—Professor Liston, can I, through you, thank the society for the submission and thank you for coming in today and discussing it with us.

**Luncheon adjournment**

[1.24 p.m.]

**d'APICE, Mr Richard, Councillor, Society of Australian Genealogists, Richmond Villa, 120 Kent Street, Sydney, New South Wales, 2000**

**GARNSEY, Miss Heather, Executive Officer, Society of Australian Genealogists, Richmond Villa, 120 Kent Street, Sydney, New South Wales, 2000**

**KNIGHT, Dr Kenneth, President and Honorary Archivist, Society of Australian Genealogists, Richmond Villa, 120 Kent Street, Sydney, New South Wales, 2000**

**CHAIR**—I welcome representatives of the Society of Australian Genealogists. In what capacity do you appear before the committee today?

**Dr Knight**—I was formerly, for 12 years, Chairman of the Archives Authority of New South Wales.

**Mr d'Apice**—I was a consultant to the Law Reform Commission's reference in relation to privacy in the census in 1979.

**CHAIR**—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

We are in receipt of your submission of 15 July of this year. Would you care to make any opening remarks?

**Dr Knight**—I do not want to go through the submission in detail, which we have put to you. I would like to make a couple of comments, firstly, about the importance of the census as an historical document, not specifically for family history, although it is very important to us because it does bring together family and household groups. It also enables you to build up quite a good picture of communities. The British census, in particular, is very important in this regard. We do have pages from the enumerator's census material. It enables you to tell whether people such as apprentices are living with the master that they are indentured to, whether shop assistants are living in premises other than their own homes, whether students are living in boarding schools and so on. It does give you very good information on the movement of people, the growth of communities, the decline of communities and so on.

As far as we know, there is no other information that gives you that broad picture. You cannot pick it up from electoral rolls, which deal only with voters and in the past did not cover, say, females or Aborigines. You cannot pick it up from phone books. You cannot pick it up from the births, deaths and marriages indexes fully. We regard the census as a particularly important historical document.

Having said that—the committee will already have had comparisons with what you can do in other countries with this sort of information—I would like to address myself to the arguments that are commonly put forward against retaining the census. The first that one hears is that the census was not created for historical research; it was created for some other purpose of government and, therefore, we should not keep it. That strikes me as a quite spurious argument. You could say that about virtually every government department's files. You could say it about the housing department's files, yet those files have enabled people to do very important research into rental patterns and things of that sort in Sydney.

Then there is what I like to think of as the holocaust argument—that is, if we keep the census, we might have an authoritarian regime in the future that will set out to persecute ethnic minorities and subject them to atrocities, and the census material will enable them to identify those groups in some way. That seems to me to be an almost laughable argument, yet it is put forward. I think any government planning to persecute minorities would hardly find it necessary to consult census records. There are hundreds of other types of records that would be just as easy and maybe better for them to consult. Government departments keep material that is much more sensitive than anything that appears on the census—medical records, banking and insurance records, immigration and passport information and so on.

Then there is perhaps the main argument put forward by the Bureau of Statistics—that is, the quality of the data argument. They argue that, unless people are assured that records will be destroyed, they will provide false answers to the questions. Firstly, I would suggest that that argument is quite untested. There was a McNair-Anderson survey some time ago. I have not seen that survey, but I have seen information that suggests many of the questions were pretty loaded. I would not regard that as a very authoritative document.

I think the likelihood of falsification of records is not borne out by the experience in those countries that do retain the census and release it after a long period of confidential holding. Most people in Australia whom I talk to about this are unaware that the census material is destroyed. They go ahead happily filling in the census forms because they are asked to do so by the government, and they really do not have in the back of their minds the fact that this material is going to be destroyed and that therefore they can be honest about it.

I think there will always be some level of inaccuracy, maybe deliberate falsity, in census material. That will happen whatever you do about retention or otherwise. It will not change much, I do not believe. What the statisticians are looking for is trends, and I do not think they will be affected. You will still be able to see the trend in the material. So I would not give much credence to that argument.

Finally, the argument that is put forward is that, if you retain the material, it will leak; that there will be enormous numbers of leakages of information. I would suggest that government archives offices, which I assume is where the material would be held, both Commonwealth and state, have excellent records when it comes to maintaining the

confidentiality of the material that they hold. Much of the material held by archival institutions and in government departments is highly sensitive—taxation material, adoptions, cabinet papers. There is a tremendous amount of material. As far as I know, there have been no significant problems of leakages from those archive authorities.

We would like to see the whole form retained and released after a period of 75 to 100 years. We are not looking to ourselves; we are looking to future historians. We think that selection of part of the material for retention would probably add to the cost of it but, if that were the price of keeping at least the basic material, we would go along with that. We think that government records are normally retained indefinitely and destroyed only if a strong case is made out for destruction. It should be up to those advocating destruction to make out a strong case. We do not believe they have done so.

**CHAIR**—As I understand it, the data which is collected in the census in the UK is less than what we collect in ours here. Is that correct?

**Dr Knight**—That is probably so. The material collected is who is in the household, the head of the household, the relationships of others to the head of the household, place of birth and occupations. That is probably the bulk of it. The material which I have in front of me is the 1881 census that was released in 1981. We have the 1891 census, and in a few years we will have the next one. It certainly does not take into account household income and matters of that sort. I suspect that, if there is falsification of information, that is a likely place. If anything, people will falsify it by putting their income up a bracket rather than down. I may be wrong about that.

**CHAIR**—Some groups in favour of retention of the data, for example, the Western Australian Genealogical Society, have advocated that the data that should be retained should be limited. For example, they say in their submission: name, household address, age, gender, marital status, relationship, birthplace, birthplace of parents, internal migration and occupation. What is your view about the retention of a more limited collection of data rather than everything?

**Dr Knight**—Purely from the point of view of family historians, keeping that sort of data would serve most of our purposes, but I do not think it serves the purposes of historians generally. Many of our members begin doing family history and move into local history and, indeed, beyond that. So our preference is for keeping it all and keeping it confidential for an appropriate period. But I do not know whether my colleagues have other views.

**Mr d'Apice**—That is my view and it is Heather's as well. The cost of selecting the material to be retained is obviously a consideration. It has all been collected and, unless there is a strong argument for the destruction of identifiable fields, it would be my view that the whole should be retained.

Family historians are merely a subset of historians generally and they have a larger interest in history generally. Certainly those who are solely interested in the 'begats'—

whose father and whose grandfather, et cetera—could possibly be satisfied with the limited amount of material that has been referred to there, but the broader the material retained, from our point of view, the better.

**Dr Knight**—If one thinks of the past, we have been through a period in our history that covers Federation, severe economic depression, two world wars and so on. It seems to me to be a tragedy that we have not kept the census for that period, and it could equally be a tragedy because we do not know what is going to happen in the future. The census really does provide basic and important information.

**CHAIR**—One of the arguments in relation to a limited retention is that you could probably collect that data on one page which then could be microfiched and the microfiche could be stored. The rest of the data, once it is coded—as is done now—would be destroyed. So you would not keep the original forms. I do not think anybody is advocating that the original forms will necessarily survive anyway. That way, you could more easily guarantee that the name-identifying data would not be subject to scrutiny for whatever period of time.

**Dr Knight**—I think if the committee came up with a recommendation to keep only part of the material, it would be essential to move that part to, say, the front of the total form so it could be torn off and dealt with separately. That would seem to be the obvious way of handling it.

**Mr d'Apice**—If there are grounds established for destroying anything, then by all means destroy it. The argument seems to be that everything should be destroyed without, in our view, adequate argument that that should be the case. The argument does not seem to be selective about the bits that ought to be destroyed and those that might be retained. I would have thought it would be much harder to persuade the public that a selection will happen and 'these bits will be retained and that will be destroyed'. I would not have thought that that would address any public concerns that did exist.

The Australasian Federation of Family History Organisations, of which our society is a founding member, has put in a very lengthy submission with which we agree in its totality, with the reservation about parts being destroyed. It sets out the statements which appear on the front pages of both the US and the Canadian census forms. In the Canadian form it says that, by law, Statistics Canada must take a census every five years and every household must fill in a census form and that, by law, no-one except employees of Statistics Canada is allowed to see the personal information you provide. That is as far as they feel they need to go with their assurances. The American one is not that different from it. I believe the others which are retained are in a similar form.

That seems to satisfy the privacy concerns. There are inaccuracies in all censuses, obviously, especially in the US and, I gather, the UK censuses but it is not suggested that the accuracy of the responses is affected by the privacy consideration so much as by collection problems. Any failures in those censuses should not be seen as too much of a guidance to your committee as to what should occur here. The collections here seem to be



of a very high standard. Whilst nothing is going to achieve 100 per cent it seems to be very close to it.

**CHAIR**—When you say collection problems, Mr d’Apice, do you mean actually physically locating everybody in the nation to give them a form and then collecting it back from them?

**Mr d’Apice**—Exactly.

**Dr Knight**—It involves coming back and collecting them, using sampling techniques very often.

**Mr d’Apice**—Sampling is particularly used, as I understand it, in areas of Washington and New York in the United States and similar places in the United Kingdom where there are great security risks.

**CHAIR**—Presumably, also, the higher the level of homelessness and squatting and the like the more difficult it is to collect 100 per cent.

**Mr d’Apice**—Yes. Whatever the cause of the lack of 100 per cent collections, the inaccuracies from that do not seem to be caused by any concerns about privacy by the people completing the forms. It is more about getting the form at all.

**Mr MUTCH**—When you talk to statisticians they say that the two best are the ABS and Canada. In Canada they have retained the census up until, I believe, the last one, which I believe is not being retained on cost grounds. They retain the whole paper forms.

**Mr d’Apice**—It is my recollection—I think it is dealt with in detail in the submission from the Australasian Federation of Family History Organisations—that the Canadian census that they did not retain was a half-period census. They make them every 10 years and they are retaining all the 10-year ones but there was one done at five years.

**Mr MUTCH**—We have had the occasional person who has basically said that family history is of no great use to anyone. Why is a knowledge of our history at that level of the average person important to a nation?

**Miss Garnsey**—History is people. That is the simple answer. The type of information that you gather about people, and the social history that genealogists do in the broader picture of local history and moving into community histories, et cetera, is the basis of much historical work around the world. Genealogists in the past have had something of a reputation for being interested just in their own families, in their personal view, but really the local academic historians are doing biographical work on the family history as part of the broader picture as well. Genealogists are very vocal on things like census retention because they appreciate the value of the material that is in the census. It helps them to do their research and helps all historians to do research.

**Dr Knight**—I can give some fairly simple examples. Part of my family background is a family who were naval carpenters. They had a business in Plymouth and they went into the navy and then came back to the business. They left and came to Australia in the 1870s, and you begin to think ‘Why?’ It leads you to looking into the whole nature of naval ship construction and so on of that period, carpentry dying out as trade in the navy, and the effect that that has on naval towns like Plymouth and Portsmouth with big dockyards and so on. You spread out into a whole host of other general historical questions. Similarly, my wife descends from a family of German winemakers up on the Hunter. You were led from looking at their immediate family backgrounds into the whole question of wine making as an industry.

Serious family historians do not just plot a family tree and leave it at that. They look at the whole impact of how people lived, what affected their working life and so on. It is just as much serious history as any other form of history, in our view. Indeed, it forms the basis of much historical work. Historians who just look at the important figures in a country—the prime ministers, the monarchs and so on—are not looking at the people who formulate where a nation is going. It is the rank and file of the population who really determine the nature of a country’s future.

**Mr MUTCH**—Wouldn’t your critics say you are just being a bit quirky? Being interested in the historical aspects is all very nice but their defence would be that you were corrupting or potentially corrupting the information to be gathered because you want to have a nice little retrospective snapshot of where you came from.

**Dr Knight**—You could argue that about any form of history. Indeed, I have heard privacy advocates argue that the moment a government department finishes with a file and the work has been done it should be shredded. That is a ludicrous argument, but I have heard it put forward quite seriously. You could argue against the value of history, I suppose, generally. I am an historian and a political scientist by trade. I believe that family history is just as much a part of the broad historical community as any other aspect. We are not just doing it as a hobby. If I believed that keeping the census documents would corrupt the data then I would agree with destruction, but I do not believe that case has been established.

**Mr RANDALL**—The ABS and other government departments trotted up before us ad infinitum and have told that that is the fact and that they have got good evidence from a survey they have put together, which suggests that that is the case and that what you are doing for your own self-interest—not you personally, but your groups—is against the national interest.

**Dr Knight**—I do not know what evidence they have apart from the McNair Anderson survey, which I am not sure one ought to put a lot of credence in.

**Mr RANDALL**—Why do you say that?

**Dr Knight**—Because, as I understand the questions, they were probably loaded to

produce the answer that the ABS wanted. That is a difficult charge to level at an organisation if you do not know how they went about commissioning the survey. I would rather see a survey conducted quite independently of the ABS, which also has a barrow to push. Obviously, we are lobbying as an organisation but, equally, so are they. I wonder how many of the government departments have actually conducted any survey themselves to see if their information would be corrupted. Or are they simply taking the word of the ABS, which has probably gone around and said: 'Look, there are some mad genealogists who want to keep the census and we should resist this.' I spent many years in government, so I know how some of these things operate.

**Mr MUTCH**—Do you have any statistical background yourself?

**Dr Knight**—Not as a statistician, no. I am a political scientist and administrative historian. I was for some 20 years in the New South Wales Public Service in Education, Treasury and Premier's Department, and I was for about another 20 years professor at the University of Queensland, assistant Vice-Chancellor of the University of Sydney, and I was director of Kuring-gai College of Advanced Education.

**Mr MUTCH**—It sounds like we should perhaps provide you with a copy of the AGB McNair survey, because I think you would find it very interesting. I think we are down to our last copy—

**Mr d'Apice**—We would certainly appreciate the opportunity to comment on it.

**Mr MUTCH**—If you could get any comment or feedback on that, we would appreciate it.

**Mr d'Apice**—Just to take up Dr Knight's point, I was a consultant appointed to the 1979 Law Reform Commission reference on this point, and Bill Orme, who I think was the secretary of the New South Wales Privacy Commission, was also a consultant. He expressed the view, quite firmly and with a perfectly straight face, as far as I could see, that we all had such a right to privacy as would enable us to obliterate any reference to ourselves from the public record upon our deaths, so you could withdraw your birth certificate and every other piece of evidence of your existence on this planet.

**Mr MUTCH**—Pol Pot had the same idea, I believe.

**Mr d'Apice**—He kept photographs of them, however. Mr Orme would even have the photographs and the birth registration removed. It is the opposite extreme to the view we are taking. I think it is a very extreme view that would obtain little support, but it is certainly the extreme privacy view.

The inaccuracy of this material certainly did not concern 19th century census takers and earlier census takers. These censuses have in substantial part been retained in New South Wales. They provide an invaluable record of what this colony looked like in the 19th century. Nothing of that nature exists from 1900 onwards. It is a great loss to

historians generally, and I am not here speaking of family historians, because we would never have seen these things and will not in our lifetime see them. But the 1828 census, for instance, which was published a couple of years ago by two of the councillors of the society, is a document widely recognised as being of invaluable assistance in historical research generally and certainly not limited to family history.

On the subject of the Canadian experience, which I mentioned earlier, there is a reference on page 10 of the Australian Federation of Family History Societies submission where it says:

In Canada, where all census returns or copies have been retained on a five-yearly basis since 1901, we understand that a decision has been taken not to retain the 1996 identified data for costs of storage reasons. However, according to the Director of Data Access and Control Services of Statistics Canada, no policy decision has been taken by the Canadian government to destroy the 2001 census and in fact it seems quite likely that they will keep it.

In fact, as I understand the position, the 1996 census material has not yet been destroyed. It is still retained but a decision had been made for economics reasons that it will be destroyed. But none of that appears to be based on privacy considerations.

**Mr MUTCH**—What is the retention period in Canada, or the release period?

**Dr Knight**—In the USA it is 72 years.

**Mr MUTCH**—It would be interesting to compare our body of historical writings with that of those countries that have access to the census. Have you got a handle on that at all, as to whether the writings that they have encompass far more social history, history of women, history of migrant groups and so forth, compared with our historical record?

**Mr d'Apice**—I do not think we have got any direct experience there to quote to you, but I think you can see a very direct relationship between the release of, say, cabinet documents and a boom in historical writings on the period concerned. You see that every year under the 30-year rule. Over the whole range of historical publications you will find a whole series of writings on the subject and often a review of the particular period. The views that were previously taken about the motivations for particular actions of government and the like are entirely reviewed.

I think you can confidently expect a different effect but a similar sort of effect when statistical information becomes available. In this country we have no experience of it because there has been nothing retained since 1900. When the 1828 census was released some five or 10 years ago, it certainly produced quite a lot of material that derived directly from the census material that had become available for the first time. It had been freely available to researchers but never correlated in any manner that was researchable.

**Mr RANDALL**—I have a very obvious question which has been asked before. I would imagine that you would be supportive, at least till the year 2001, of the retention of surveys given their historical significance. If there was a good advertising campaign

promoting benefits or otherwise or outlining concerns, it might help allay those figures. I suppose you would not disagree with that.

**Dr Knight**—We would certainly support the retention of our census then. However, we would not like to see it be a one-off event. We think this material is so important that it ought to be retained. Unless some very good reasons can be adduced for destruction, it ought to be the normal course of events to retain this sort of material.

**Mr RANDALL**—Some countries do surveys and destroy the five-year one and retain the 10-year one. What is your opinion on that?

**Mr d'Apice**—We would prefer the five-year ones as well but there are practical issues. It is conceivable that you could have a census every year. It would be very difficult to argue that you needed to retain absolutely every year's census. I do not think we would argue for that.

**Dr Knight**—The only logical basis for doing that would be the cost factor I suppose. You either justify keeping the census or keeping part of it or destroying it. You cannot really justify keeping every second one except on cost grounds. I cannot see any other argument for that. If that were a solution, we should support that in preference to keeping nothing.

**Mr MUTCH**—Some people say that we have plenty of records—births, deaths, marriages, land titles registration. Why do we need this census and why is a census particularly relevant?

**Dr Knight**—We have nothing that enables you to work on households and communities in the same way. Most of the other records do not allow you to make those sorts of connections so that you can build up a picture of a community.

**Mr MUTCH**—Is it also an argument that a lot of the other records are patchy and they might be lost and so forth?

**Dr Knight**—Of births, deaths and marriages?

**Mr MUTCH**—I am referring to other records as well. What about the future? What does the future hold? Is it because of technology that fewer records are being kept? I remember the period when faxes came in. You knew that the fax paper was going to fade, so obviously those records get lost. Is it the situation with current technology with computers that we could be at risk of losing more information?

**Dr Knight**—Most archives offices are looking to retaining material in the government departments on computers, which will mean that they will have to upgrade the material or migrate it to each new system as it emerges. Certainly the New South Wales archives offices are looking at the possibility of meeting part of the departmental costs of doing that for the material that they want to retain.

Obviously technology is creating a whole host of problems for record keeping and for archival management. I think we risk losing our collective memory as a result of the technological changes, unless there is a great deal of vigilance. New South Wales is in the process of updating its Archives Act in order to try to cope with this new situation.

**Mr d'Apice**—Also the sort of records that are retained across a broad range are not retained on a national basis. They vary in quality and accessibility across the various states. The records that you enumerated, births, deaths and marriages, land titles and all of these sorts of records are state based records. There is no comparable series of Commonwealth records that I am aware of. Perhaps the taxation records and the Department of Social Security records might in a combined sense be comparable.

**Mr MUTCH**—Also not everybody is on the tax records—if you do not have to pay tax, for instance.

**Mr d'Apice**—Exactly. There is no nationwide series of records that I know of, other than the census.

**CHAIR**—I thank the society for its submission and thank you for coming today and discussing it with us.

**Dr Knight**—Thank you for the hearing. We are very grateful.

[2.04 p.m.]

**NICHOLSON, Professor Garth, Professor of Medicine and Director of Molecular Medicine Laboratory, University of Sydney, Sydney, New South Wales 2006**

**CHAIR**—I welcome Professor Nicholson. In what capacity are you appearing before the committee?

**Prof. Nicholson**—I am a professor at the University of Sydney, based at Concord Hospital. I run a molecular medicine lab, which is a lab which uses the new DNA technologies to look at human diseases in that, to some extent, genetics are involved in family histories. I was informed about this inquiry through one of the people I deal with, Mr Ray Thorburn from the Kiama Family History Centre, who has assisted me in no small part with genealogical information when we require it. He said it would be important if I could say something about this to the committee to see if we could keep census information which would make the job we are trying to do a whole lot easier.

**CHAIR**—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

Just picking up on what you were saying, you have been involved in CMT research and you have said that there is an aspect of tracing of families histories which is an important aspect of that. Could you elaborate on that?

**Prof. Nicholson**—As a medical researcher, we have mapped two genes in our lab. I think that is no inconsiderable achievement seeing that the number of genes mapped now may be in the order of hundreds. The genes we mapped would have been in the first 100 to ever have been mapped. We did this largely because of the resources available to us here in Australia. The Americans did not have these resources and neither did other overseas groups. Because of that, we were successful. Therefore, one of the arguments I am making is that by having better resources—I guess we are talking about public resources available to the research community in this country—we can continue to lead the way because we have a population which is fairly stable, unlike that in America. So my equivalent in America would have a lot more difficulty putting together the families that have been able to help us.

The way we go about mapping genes—and by mapping them we mean mapping them to a chromosome rather than to a country—we require large families and we run markers, which are not unlike blood group markers only they are DNA markers. We then go and look for an association between our marker and the disease. Because we know the marker lies on a particular chromosome, which is a bit like a country, it maps us to a particular area. In this case, it is a linear thing because a chromosome is a linear stretch of information. Then we can say, ‘We know we’re in the ballpark. We’ve mapped this disease to the Sydney area. We only now have to find its street address.’ To do that there

are new, sophisticated technologies which allow us to get right to the street and actual door-to-door address and find out exactly what gene is involved and what has gone wrong with that gene.

Although genetics is involved, this involves all human diseases, not just genetic diseases. So, for example, we are looking at Parkinson's disease at the present time and prostate cancer. In any disease, 10 per cent of cases are run in families. So, as a general rule, you can say that of any disease there will be a small proportion which runs in families. It might be rheumatoid arthritis or whatever. I could ask you what your weak points are and you could tell me what runs in your family and then we could talk about what genes this might be and whether we could find it.

Almost certainly there will be things in each of your families that you will know about because your parents had these problems and other people had them and, more than likely, the chances are that these are the things you are going to die of rather than something else you do not know about.

We have 100,000 genes and we are something like nearly 100 per cent perfect in all our genes except for about 10 or 20, and it is one of these 10 or 20 that is going to cause us to die sooner or later, whether it is a recessive debility to a cancer or a heart disease or a neurological disease. This is the argument that I make: it is not relevant to any particular specialty; it means that if we can map genes for any disease, we can find out what is going on.

Let us take as an example Alzheimer's disease. You might want to find out whether you are at risk of this and whether there is anything you could take now to prevent getting this disease. You might know that a number of members of your family actually have it. So a number of these forms of Alzheimer's disease have been found and they are known genes and they can be tested for at present. Presently, we do not have the preventive treatment coming, but it will come sooner or later.

What we would like to do, particularly where we have diseases of later onset, such as prostate cancer, is to be able to put together families with prostate cancer to find these risk factor genes. Everybody has been working their hearts out for many years to see the environmental causes of, say, Alzheimer's Disease or prostate disease and they cannot really put their finger on anything. They might make use of census statistics to see whether, say, Alzheimer's disease runs with keeping dogs in your house. That information would be there in the statistics perhaps. Often there are very important pieces of environmental information in the statistics. I am saying that census statistics might help the medical research for the environmental and genetic factors.

With the last people who gave evidence you discussed why this information could not be obtained from, say, the Registrar-General's or the registers of births, deaths and marriages. I would say the same things as they said a moment ago, and that is that the information is better centralised, it is probably a good second check, and there may be other information that is not registered on a register of births, deaths and marriages. You



may have people who are born, say, overseas and therefore would not appear as part of a family and would not appear on our registers. With this information you have the opportunity to put families and their overseas connections together at the same time.

I do know that a number of disease genes have been found by investigators in other states of this country because they had access to records that we do not have access to, probably registers of births, deaths and marriages. For certain diseases they were able to put together much larger families than we have. They are therefore able to go ahead and find these genes. I would hope that we would be able to keep these sources of information so we can put together whole families and their connections.

A moment ago you were talking about whether you should keep five- or 10-year census material. If you start to keep less than the whole material you will be punching holes in it. You may not be able to put full families together if the vital information appeared on a 10-year census and not on other ones. For the sorts of things that I am trying to do you would need to be able to obtain the full material and possibly electronically sort it over numbers of years. I do not know how this census material is held these days, but I guess it is in electronic form so it would be amenable to searching.

**CHAIR**—If I understand what you are saying, you would require, in effect, immediate access to all past census material in order to construct an accurate family tree, and you would need the name identifying data. Would you require that as a researcher yourself or would there be a way you could use it through linked files where you do not actually have access to the name identifying data?

**Prof. Nicholson**—When you are tracing families you need the names. I cannot see how you could do it without knowing the names. Whether people would object to other people finding out their family connections, which they would probably know anyway, is a question. They know up to a certain distance and then you can take it further than that by exploring this information which would, hopefully, be a public record. You can extend your genealogy beyond that known to the people involved themselves. That means that you are entering a group of people who do not know that they are related to the people you are picking up.

Say you are chasing a disease; you could argue two ways. You could say that you have picked up this information and you know that the new set of people that you are wanting to contact are at risk from this certain disease. It could be argued from an ethical point of view that once you have this information it is your duty to let them know at least that they are at risk. You cannot withhold the information, having found it. You may be under some sort of an obligation. I always feel that it is better, in this situation, to face the facts rather than put your head in the sand, and you could offer it to the people who would otherwise be arguing that they want to be kept private. They can opt to not reveal themselves or they can be approached by a suitable third party who would say, ‘Somebody wishes to contact you. There is important information there. Do you wish to be contacted, or not?’—particularly if it is medical information. Then people at least have the option of saying, ‘No, I do not want to know this information.’ At least they have the option of

doing that, whereas in the past they would not have even known it.

**CHAIR**—That is prospective. As I understand the way you do the research, you start with an individual who has a disease—

**Prof. Nicholson**—Yes.

**CHAIR**—And then you seek to identify the gene that is the carrier of that disease and you trace back to see if there are—

**Prof. Nicholson**—Not quite. Before we can find the gene connected to the disease, we have to plot the family. Starting from an affected individual, that person might say that an aunt, an uncle and so many grandfathers had the problem, so you can trace that far and speak to those people. We cannot ring those people up because, again, that is a privacy issue. We say to the family, ‘Would you like to be involved? If you would, contact us.’ So we leave them to ring us. If you are using census information, you could still operate the same way. Somebody—in this case it may not necessarily be the family, but a census officer or someone else—could say, ‘There is a bona fide researcher from the University of Sydney who is tracing a medically important thing to your family. We do not know whether it is relevant to you or not. If you are interested, would you contact him?’ and just leave it like that. Then you at least have the opportunity of putting things back together again.

**CHAIR**—It means, though, as I understand it, that you are in effect making use of the information well before the 70- to 100-year retention period.

**Prof. Nicholson**—That is correct. We cannot make use of 100-year-old information—particularly obtaining blood samples—because all those people are dead. What we need to do is get to the living members of families that we know are connected, through the historical record. That might mean that we go back through this material or other material which would connect them and then we would say, ‘You are a living descendant of this person. If you are interested, please contact this person because there is a piece of research going on that you may wish to know about.’

**Mr RANDALL**—Could I just follow on from that very briefly on a couple of things. The ABS and other government agencies have objections to the retention of census information, saying it would be a corruption of the quality of the information if people saw it as an invasion of privacy. In other words, they would not be as honest and they would not want to be as involved. What you are saying is that it is in their best interests to be involved at an early stage. Do you believe that with a good selling campaign—before the next census, for example, in 2001—you could turn around the perceived public objections to the retention of named data? In other words, health-wise it is in their interest.

It seems to be, on the little bit of evidence we have so far, that there is objection to retaining the named data. What I am saying is that if you are able to sell a good argument on genetic linking grounds, for example—

**Prof. Nicholson**—I could do that but it would need much more of a selling campaign than just talking about medical things, wouldn't it? There are a lot of other interests for all sorts of reasons.

**Mr RANDALL**—It would not just be one thing; this would be a component of it.

**Prof. Nicholson**—Yes. I would think it would be very necessary to do it. I cannot get into the sort of detail that I am talking about; all we could say is that this could help us find cancer risk or medical risk genes in the population and trace them and make people aware of the relevance to them.

**Mr RANDALL**—I have two last questions. The first is, do you have any doubt whatsoever that the retention of name census data would help in identifying a myriad of diseases?

**Prof. Nicholson**—Every disease known to man. It is a two-edged thing. It would help medical researchers in this country and therefore help the development of medically related treatments, technology, patents or whatever. It would also help the families with a particular problem.

**Mr RANDALL**—Following on from that, earlier this morning we heard from Mr Graham Pegler of the New South Wales health department who said that the epidemiology and surveillance unit in the health department of New South Wales has put out a statement saying that it is of virtually no use retaining these records at all. How do you react to that?

**Prof. Nicholson**—I do not know, because I am not an epidemiologist. I was putting that up as I thought there would be epidemiological data in there of use to them. I do not know why he is saying that. I am just trying to remember the last census form I filled in, what the data is in them. I need an up-to-date census form to see that.

**Mr RANDALL**—On the face of it, though, you would disagree with the epidemiology and surveillance unit?

**Prof. Nicholson**—It probably depends on the problem that you are trying to solve. Certainly information would be there of use to concerned researchers. Obviously the information that he is talking about is not present. The problem with destroying documents is that you cannot imagine the question until the time in the future comes when the question is raised and you go back to the data, which is the resource, to answer the question. We cannot predict the questions that the future might be asking of us.

**Mr RANDALL**—That is right. For example, I imagine 100 years ago quite obviously gene therapy was not a medical tool.

**Prof. Nicholson**—No, and other things like, say, AIDS or something else. We could not have predicted that. It may be possible to go and see AIDS related medical

illnesses and things straight away from the census data. I imagine if someone in the family had AIDS there would be enough indicators there to indicate that a person at least has a chronic and fatal disease in the family that you could put your finger on, even if you could not call it AIDS.

**Mr MUTCH**—How long has your Australian gene linkage program been going?

**Prof. Nicholson**—Since 1980.

**Mr MUTCH**—Have you made submissions to the ABS or the Australian Archives before on the question of retention?

**Prof. Nicholson**—No.

**Mr MUTCH**—Have you ever been invited?

**Prof. Nicholson**—No.

**Mr MUTCH**—It is interesting because in their submission the ABS said that they have received no demand in the past for census records for medical research.

**Prof. Nicholson**—I must admit that I did not even think of doing it this way. We have always done it through word of mouth, through our own families and connections.

**Mr MUTCH**—They also say that as part of their consultation process for the 1996 census they invited submissions and that no submissions supporting retention were received from research institutes or organisations, epidemiologists or other members of the medical profession despite ABS actively soliciting submissions for epidemiological research.

**Prof. Nicholson**—What date was that?

**Mr MUTCH**—That was for the 1996 census. I was interested to see whether you have ever been approached.

**Prof. Nicholson**—No, I have not. The people doing the sort of work we are doing would be more or less one or two large labs per major city in Australia. There are not a lot of people doing this.

**Mr MUTCH**—You would have the associations, wouldn't you? Is Charcot-Marie-Tooth commonly known as Parkinson's?

**Prof. Nicholson**—No.

**Mr MUTCH**—What is that?

**Prof. Nicholson**—Charcot-Marie-Tooth is an interesting disorder. It has an odd name which everyone remembers.

**Mr MUTCH**—My colleague here advised me it was Parkinson's disease.

**Prof. Nicholson**—CMT was thought to be a medical rarity, an obscure gene, but of course every genetic disorder is a rare disorder. We have a hundred thousand genes, so each one of them is going to be, on their own, rare. When you get a common disease such as Parkinson's having a variant which is heredity, there are going to be a bunch of different genetic diseases which we cannot separate at the present time.

CMT actually is the same. It is a bunch of disorders which affect the function of the peripheral nerve so that they do not conduct at the proper speed. The result of that is that your hand and feet muscles atrophy and get weak. Such people you can pick a mile away. They have a floppy gait and floppy feet and you can see them waddling down the street. You can pick them in Macquarie Street from one end to the other. Often these people do not even know. They say, 'It is just me. I have been weak in the hands and feet all my life. My dad is like that and somebody else is like that.' Fifty per cent of them never knew they had the disorder until we got going. It was thought to be rare. It is now the commonest genetic disease known to man.

**Mr MUTCH**—Is there a Charcot-Marie-Tooth society as such?

**Prof. Nicholson**—Yes, there is and it is growing in size rapidly. Every time I go to a meeting there are 50 more people in the room.

**Mr MUTCH**—You do not know whether they have ever been asked or have made submissions to the ABS?

**Prof. Nicholson**—No, but I imagine they would be happy to do that.

**CHAIR**—Assuming that the census data was retained, what hurdles do you believe you should have to jump through to have access to it?

**Prof. Nicholson**—I think you should be a bona fide, card carrying researcher. If you are a medical researcher, you have to show that you are. The normal test for that is that you are peer grant supported: that is, your work is supported by government grants and other grants and you have to go through the peer review process, which means that your work has to be of top quality and probably world quality to get support. Therefore, you are not just going to come and go.

Then again, you would want the same barrier put between the patient, the family or the person who supplied the census data and the researcher. We would not want to directly involve them. Some sort of an invitation should go to the person who supplied to data saying, 'A researcher is interested in this. Would you please contact him if you wish to know further information about it?' and describing something about the research. Normally

we have to write a full page describing what our research is or our background and then people can look at this information and decide whether they want to contact us.

**CHAIR**—Would that have to go through an institutional ethics committee?

**Prof. Nicholson**—Yes. All medical research in this country has to go through institutional ethics committees.

**CHAIR**—Unless it is privately funded?

**Prof. Nicholson**—Yes. I suppose we do have the possibility that we might have industry based, privately funded researchers also wanting to do this. I do not feel there is really a problem there either. As long as they demonstrated that they were bona fide researchers from a well-known, recognised and reputable company that would be okay.

**CHAIR**—Let me be a devil's advocate for a moment. What if somebody wants to do research on something which is socially highly contentious? Every now and again a researcher gets an idea which is not generally supported by the rest of the research community.

**Prof. Nicholson**—Like the gay gene.

**CHAIR**—Yes. Let us say that some reputable researcher is of the view that homosexuality is a genetic defect. Provided that person had institutional ethics approval, do you think that that research ought to be—

**Prof. Nicholson**—What we are talking about here is censorship, isn't it?

**CHAIR**—What I am asking is: should that person have access to the same census data as you should?

**Prof. Nicholson**—If they are doing institutional ethics approved and peer grant reviewed and funded research, why not? Otherwise you are being the ostrich again, aren't you? Say the truth is that there is a gay gene there and we are going to say, 'We do not believe we should go and look at it. We are going to keep our heads in the sand,' that is not going to lead to progress for the understanding of the problems that gay people face. Until they face the origins of their behaviour fair and square, no-one is going to become rational about it, are they? Say it was criminality or something else? People have always said that. There are well-known disorders which cause people to end up in gaol. Dyslexia is one. If you go through the gaols, you will find that a very high percentage—60 or 70 per cent—of inmates have some degree of dyslexia and because of that, they become aggressive in schools, run up against problems and then end up being juvenile problems. One thing leads to another and they end up in gaol.

If we knew and could trace that gene, we would be preventing that disorder and keeping all those people out of gaol. I do not think a social reason is a reason for us to

put our heads in the sand.

**CHAIR**—Do you think that the extent to which the data can be used, such as these areas we have been discussing, would then undermine the confidence of the provision of the data in the first place?

**Prof. Nicholson**—People are worried about the fact that you can do a genetic test and it can give you an answer. Say it was a gay gene and I could tell you that you carried it, you would know what your own behaviour is and you would say, ‘That is obviously a pile of rubbish,’ or ‘That may explain a whole lot to me.’ It is your personal information.

Again, medical research goes through a process. For a while, it is research data and it is kept private and no names are revealed. It is more statistical type data that the researcher keeps. But then if it becomes useful in the medical area or any other area, it is published in the public arena and you deal with it that way. If you wished to have yourself tested for such a gene, you can make your own choice and go to your own doctor and have yourself tested, having received the adequate counselling and whatever, but it is no longer a research issue.

Let us say that this was a useful means. I cannot imagine that any gene could be that simple that it could actually be predictive—I think that is a gross oversimplification—but it may explain some behaviours. If you wished to find this out and there was a major problem in the family, you could use it and it may help you as a parent understand your child’s behaviour. Knowing our behavioural tendencies, it just helps us understand the behaviour. You no longer treat someone with a different behaviour as someone who was brought up wrongly by their mother or that sort of thing or have some idea that you can actually change it when you cannot and you may deal with something much more rationally.

**CHAIR**—Thank you for coming in this afternoon and discussing the issue with us.

**Prof. Nicholson**—I do not know about the situation in other countries. Do other countries keep their census information?

**CHAIR**—It varies. Some do and some do not.

**Prof. Nicholson**—Does the US?

**CHAIR**—Yes.

**Prof. Nicholson**—That means that we are putting ourselves at an industrial technological disadvantage with the US if we throw away our census data. They are much more likely therefore to develop inventions based on this, which will be either treatments of diseases or not, if we throw away this opportunity.

The other thing that I wanted to say is that because our population connects with

particularly initially the UK and then southern Europe and now Asia, historically those connections are very valuable to us and we would be able, through the data that we have collected over the last half century, to connect up with researchers in Europe and the UK and then suddenly we can make great use of that data because we can push it outside Australia's confines. I think I have made the point that if we do retain this information, it is helpful both for medicine and for the families themselves.

**CHAIR**—Thank you very much.



[2.36 p.m.]

**NICHOLLS, Dr Edward Maxwell, Honorary Visiting Fellow, University of New South Wales, Sydney, New South Wales 2000**

**CHAIR**—Welcome. In what capacity are you appearing before the committee?

**Dr Nicholls**—As a long-time geneticist, having been a teacher of medical genetics since 1964. I have been in retirement for five years, but I still have some teaching responsibilities. I am here largely as a private citizen in the sense of not representing anybody else's views bar my own.

As far as my own views are concerned, in 1978 I first appeared before the Law Reform Commission on the forthcoming census at that time. One of my submissions that I handed in is a summary of what I spoke about then. That is now somewhat ancient history. Nothing has changed except that we now have some of what Professor Nicholson spoke about, and that is the immense detail beyond belief involved in the sequencing of the 3,000 million bases which are what we originate from when a fertilisation occurs. They account for probably 10,000 known defective genes, about 100,000 altogether, about 10,000 that we know about and probably another 40,000 or 50,000 that we are yet to find out about.

The Americans are spending \$5 to \$10 billion to sequence the whole genome with some help from Australians and others. The flood of information will be beyond belief. It is already beyond belief because, for lots of things, you go to the computer to find out what they have done recently. You do not carry it in your head.

The consequence of that is the fact that genetics now affects all of medicine. If you get run over by a train, there is probably nothing genetical about that unless you were so incredibly stupid that you stood in front of it. Nearly all the diseases, all the cancers, all the rheumatic diseases, the susceptibility to infection—AIDS is largely a behavioural problem—and even the susceptibility to AIDS or HIV might be genetical. Certainly there are a great number of infectious diseases where genetics is going to play a part in susceptibility.

**CHAIR**—Doctor, I am required to give you a warning. The committee does not require you to give evidence under oath but the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false and misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

You were present, I think, when Dr Nicholson was giving his evidence. Something was not clear in my mind, even having heard him but, as time was moving on and I knew you were coming, I thought I would have a second go with you.

I understand the development of our understanding of genetics, the potential uses

that can be made of it, the mapping of the human genome, et cetera. What I do not precisely understand is what use the census data will be in relation to this. Is it that, having discovered a defective gene, the census data will give us more information in tracing the family back? Is that the primary use of it or is it something else which I am not understanding?

**Dr Nicholls**—That would be the most important use. I will comment on epidemiology because you asked a question about that. The most important use of the data is to be able to trace a family back to discover things about the past. Perhaps we should refer to Queen Victoria; she usually gets involved in this. She was the mother of three haemophiliacs. Because there was a very detailed knowledge of her past history, being a royal, it could be said with great certainty that there was no haemophilia in her pedigree, in her background. Therefore, it was assumed that she had a mutation or that her mother had a mutation and gave Queen Victoria the gene. The gene then went to her sons and it had great political significance in Russia with the Russian royal family and the young prince who, along with the others, was executed. He was haemophilic. That was an interesting point but there are more significant things going back in history.

I am talking about epidemiology because you asked Dr Nicholson about it. Apparently somebody this morning said that census information had no value for epidemiology.

**Mr RANDALL**—The New South Wales health department.

**Dr Nicholls**—Yes. Ordinarily, questions about health matters are not asked in the census, and I am not here to advocate that that should happen—not in our present state of social development. The great thing about a census is—and it exceeds all other sources—that you do it house by house and virtually, but not completely, family by family. The reason for doing it every five years is that families break up and disappear. People leave their addresses and you cannot trace back. Even on a 10-year basis you would probably have difficulty tracing back far enough and finding out who was the father, who was the grandfather, great-grandfather, et cetera.

Another example of the value of this tracing came about in South Africa. Dr Dean was an English doctor who got perturbed because two of his patients died unexpectedly. He inquired of his colleagues and found out that they had had problems of a similar nature. He traced back to 1670, mainly because of the religious records in South Africa, and found that porphyria, the disease these people suffered from, had been brought to South Africa by three Dutch people—or just one of three—in 1670 or thereabouts. It had spread through South Africa to the point where about 20,000 descendants had been potentially at risk. Eight thousand people almost certainly had the disease but most of them had not suffered from it.

There you have the ability to go right back in history to a starting point—the same with other diseases. Huntington's disease originated in Europe or England—somewhere in that vicinity—300-odd years ago, as far as the record is concerned. You can go right back

and you can see the spread of a thing. We are nowhere near the front end of all these problems. We are still at the back end of them. There are still diseases that are common in some places.

I have been teaching students recently, and I always make a point of mad cow disease because it was originally discovered as a rare human disease. The people up in New Guinea were eating each other's brains. Once one person got sick, it spread through the tribe and many of them died—a large number died. It is found all over, and it is transmissible between species.

There is enormous value in being able to trace back. The British government has suffered severely—not the one that is there now but the one before—through lack of knowledge, lack of nerve and lack of firm decisions because they did not know enough about this disease. These things are not just play things; they are basic matters concerning the health of populations. You have to know where your people come from.

Australia is now one of the greatest melting pots of racial mixing. One of those things I submitted very recently, which you probably have not seen, had a statement by an eminent geneticist, one of the famous ones. It said that if we do not strike now we might as well just about give up on many populations, which are getting so mixed and have such mobility we need to have the records now for the future for the different things that will occur.

**CHAIR**—There seems to me to be a rub. You are saying there are cogent reasons for maintaining this data because of the genetic information that will be of enormous medical and health benefit to the nation in the future. On the other hand, we have a very strong argument put to us, not only by the Bureau of Statistics but by others, saying in effect that the fact of the retention of name identifying information will lead to a diminution in probably the quantity and the quality—certainly the quality—of the information which we collect in the first place, and for that reason we should destroy and continue to destroy that information.

This is the difficulty I was having with Professor Nicholson's evidence. He was saying that not only should we retain it but also we, as medical researchers, should be entitled, after jumping through the appropriate ethical and other hoops, to make use of that information virtually immediately. That runs up against those who say that, if you make use of the information within a lifetime, then you add to the fears of the general populace about the retention of information and, therefore, the accuracy, et cetera, of it.

I also note that Professor Nicholson made reference to the enormous strides being taken in the United States in mapping the human genome. As I understand it, even in the United States, where the census data is retained, there is absolutely no access to it within 72 years of a census being taken. Thereafter it is open slather: so long as you pay your fee, you can look at George Washington's or Teddy Roosevelt's census return—anybody's. Is there still value in retaining name identifying data even if there is a quarantine time in which it cannot be used, or does that destroy the argument from a

genetic point of view?

**Dr Nicholls**—First of all, anything you retain has to be name identified. In fact, I suggest that, for example, original names like maiden names should be retained in census records, because if somebody marries a Serbian, for example, and that Serbian becomes a Smith, you do not know where those genes came from but you have a fair idea if you have the name; more so if they say where their ancestry originated. So name identification is about the best thing you can look for if you retain it at this time. That is important in Australia because we are now a polyglot, multicultural, multi-ethnic population.

I wanted to make a snitchy comment. You asked Dr Nicholson whether the ABS inquired about people to submit. I heard nothing. I am probably the first geneticist in Australia who has really been active in this field. I heard nothing about them wanting information, but I will tell you a story. I wrote a snitchy letter to the *Herald* and got a phone call from the ABS in late 1995 or early 1996, and I offered to go to Belconnen to talk to the guy. He never invited me to come. I go to Belconnen relatively often. I could have done it at any time.

I do not think I would say the ABS are so conservative that they do not want people to rock their particular boat. One should not be too aggressive about these things. I do not think they want anybody, any more than I could get an inch past the Privacy Commission back in 1978. They said it was dreadful; but what about the telephone book? Suppose there is someone here who does not like what I am saying and who may want to get at me. They can come to my house in Bondi Junction, peer through the window and shoot me. It is in the telephone book. It is me; I am alive. What about in 100 years time? They can knock my tombstone over, I suppose.

In my submission I suggested that medical research has priority and, say, after 30 years, if you go through what Dr Nicholson referred to, which is the ethics committees of institutions—I want to tell you a little story about that. A while ago I went up to Bargo and bled dingoes. I did not know what ethical committee to go to about this rather exotic activity, which was for a scientific purpose, so I got my permission from the University of New South Wales animal ethics committee. I did not want to bleed dingoes without ethical permission.

These things are now pervasive. If you are going to probe into anything which you might call research, you need to get ethics committee approval. In other words, a group of senior staff members will look at what you have in mind and if they think it is rubbish they will say, 'It is rubbish. You cannot do it.' Any doctor or geneticist wanting to look at census data—and I would suggest a 30-year moratorium on that, just to take a pot shot at it—would have to get ethics committee approval. It would be the same as anything else. If I wanted to get a sample of blood from you people, I would have to get ethics committee permission. I would have to tell them why.

**CHAIR**—Why 30 years and not 70 years?

**Dr Nicholls**—Because matters will arise which are of urgent concern to people in genetics which may well be less than 70 years. For historians I would make it 50 and for lay people I would make it either 70 or 100.

There is no reason why anybody should try to find out what their next-door neighbour's background is. They would all have to have good reasons. They would all have to be vetted by an organisation similar to the NHMRC or some other organisation; they could not just do it willy-nilly. I would be very strong about that.

I would not make the stuff available, like putting it in your computer and getting a print-out of your next-door neighbour, because everybody will have a computer by then. That would not be desirable at all. You would need to go through some governmental or semi-governmental organisation to get permission and historians would have to go to some senior historical group who would say that it was worth while before they could do it at all.

**CHAIR**—Just on the ethics committee, without being too disrespectful to the scientific community, it is possible to shop around for ethics committees, isn't it? For example, if you are doing reproductive technology research and you are in an institute that is dedicated to reproductive technology research, you are likely to get a more liberal, if I can put it that way, interpretation than if you were in an institute that is dedicated to something else.

**Dr Nicholls**—Geneticists and doctors who do these things would almost all have a connection with a senior body. If they did not have a connection with a senior body, there would have to be some sort of oversight of it, say, by the NHMRC. They know all the ethics committees. They know who they are. You cannot manufacture your own ethics committee so that you can do what you like. It is quite a well regulated system.

**CHAIR**—I recall a study by a researcher from the University of Newcastle which suggested that the quality of ethics committees varied substantially. I cannot remember his name now.

**Dr Nicholls**—I suppose such situations arise. The quality of people varies. I still think it is a very proper system which does not have too many loopholes.

**Mr RANDALL**—I want to re-visit two points. Firstly, you alluded to the question I asked Professor Nicholson about epidemiology and the surveillance unit in the health department of New South Wales. But for the record, you do not agree with their stance against retaining census forms? Is that right?

**Dr Nicholls**—I agree that you probably cannot get much of epidemiological value from it because our census does not ask any questions. I am not advocating that they should ask questions about health. Unless they ask questions about health, there is no epidemiological basis for it.

There is one classic case, which I have also put into one of my submissions, by a very famous man, Alexander Graham Bell. He studied deafness in the United States by looking at the census records which had been dumped in Washington. He actually made some quite significant observations on deafness because they asked questions about it. If you do not ask questions about deafness, you do not find out anything about it. The same would apply to any other disease in some future time, maybe six censuses ahead of now when everybody is relaxed and has accepted that censuses can be useful. They are only marginally useful, as far as I am concerned. Then you could start putting in certain types of medical questions if you really needed that information.

**Mr RANDALL**—I am basically saying that one section of the scientific community seems to be at odds with the others we have heard from so far in terms of this unit in the New South Wales health department.

**Dr Nicholls**—It is only that there are no questions about health.

**Mr RANDALL**—I will move on from there. Secondly—I am also revisiting, to tease it out a little more—you were not approached as an eminent geneticist. Do you know anyone else who was approached by the ABS in your experience or knowledge?

**Dr Nicholls**—I said I would go and see them, and they did not ask me. I am sure—

**Mr RANDALL**—They did not ask any of your colleagues?

**Dr Nicholls**—No. I am sure they did not ask anybody. At least, I cannot be sure, but I would be amazed if they had. The fellow was on the phone to me, and I said, ‘I’ll come’, and I never heard from him again. He did not like my attitude.

**Mr MUTCH**—I spoke to Dr Siu-Ming Tam at the data processing centre and asked him about disability. I was interested because we did not seem to have a handle on that in my own electorate. He said they are working on a question for disability. If they are going to recognise the need for this sort of medical information, would you see a greater demand for the retention of the census data? I imagine you would.

**Dr Nicholls**—I think they could use it for that purpose, but I would not be advocating it at the moment. I think it is too big a jump from the current views. We do need name identification, and that is a big jump, but I think people would accept that. I agree with what Professor Nicholson said: it really needs a red-hot education program to sell the idea.

There is so much mysticism behind it. Professor Nicholson said he did not know what the questions were. People like me fill them in. One thing I have always objected to is questions about religion. I do not see that anybody’s religion is anybody else’s business, and I do not see any point in finding out that there are 14 million people who say they are Christians when in fact only one million of them have ever been in a church. The whole

thing would need to be looked at and, in time, there could be some very discreet questions about, for example, disability.

**CHAIR**—Thank you for your submission and the various other attachments and for coming in and discussing it with us today.

**Dr Nicholls**—My pleasure.

[3.05 p.m.]

**YEATS, Ms Christine Isabel, Manager, Reference Services, Archives Authority of New South Wales, Level 3, 66 Harrington Street, The Rocks, Sydney, New South Wales**

**CHAIR**—Although the committee does not require you to give evidence under oath, I should advise you that these hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. We appreciate your coming along today to discuss these matters with us. The New South Wales Archives Authority is in a unique position in Australia in terms of census material from last century. I invite you to address the committee.

**Ms Yeats**—I have been invited to come and speak to the committee about the way the Archives Authority of New South Wales handles its 19th century holdings of musters and census records. As you say, the New South Wales Archives has quite extensive holdings of census and muster material. Perhaps I should begin by giving a brief explanation of the difference between a census and a muster.

Musters were originally conducted in the colony by the governor to try to get an understanding of how many people were here and who was on stores and who was off stores, et cetera. The idea was to ascertain numbers and find out who had to be fed by the government and who was self-sufficient. As most people would be aware, the colony consisted of both free and convict people. By 1828 it was realised that the governor had no right to compel free people to attend a muster. Instead a census, as we would know it today, was held.

The information in those records varies greatly, as does the records or information about individuals that has actually survived. The earliest record we have of individuals—the closest thing to what we would call a muster—dates from 1800. There were earlier musters conducted, but the records have not survived. In 1788 there was a listing called a Victualling List conducted for both New South Wales and Norfolk Island. Again that was basically to establish who was here and who was on stores and who was off.

The last census conducted under New South Wales legislation was in 1901. Those records were recently released by the New South Wales state archives, with the approval of the various New South Wales agencies. They had been restricted previously. After that date the census taking role was handed over to the Commonwealth. It is now a Commonwealth function.

As I mentioned, the information in the records varies considerably. The 1828 census, for instance, is quite helpful in providing information about individuals and about their land holdings and stock holdings and so on. The next census for which we have records is the 1841 census. The records which have survived from that census provide



information, of which much is statistical and abstract. The householder is the only person whose name you get, but there are various other statistical pieces of information about the age and sex breakdown of the people within the household. There is also an indication of their status—whether they were convict or free.

The 1841 census is particularly useful because it gives a lot of information about stock and land holdings and also indicates what land was under cultivation and so on. We find that people use that for information about individuals and also to get a bird's eye picture of what was happening in New South Wales at that time.

Although there were censuses conducted in New South Wales after 1841, the next census for which there are any extant records is 1891. For both the 1891 census and the 1901 census which I mentioned earlier, all that have survived are what we call the collectors' books, which were basically the record maintained by the collector as he or she went around distributing the individual household returns to the houses. What they took down was the name of one person in the household—the person to whom they handed the form—and the books provided a summary as to the number of people in the household.

The 1891 and 1901 censuses are also useful because, although they do not often give the names of Aboriginals living in the community, they do often give total numbers of Aboriginals, which can be useful for other purposes.

The very early records tend to be listings of people and stock. They do not often give a lot of information but, again, the information varies, remembering that New South Wales was a penal establishment and what the government was principally concerned about was keeping tabs on the people who had been transported here from the UK and elsewhere. That is a basic overview. I will answer any questions if anything is not clear.

**CHAIR**—Thank you. Just as a matter of curiosity, having grown up on a farm where mustering referred to sheep and cattle, was a muster a physical roundup of people?

**Ms Yeats**—It was calling people together, basically. It was done variously in local areas, but the system changed over time. Originally, of course, it would have just been Sydney and then as people spread around the various magistrates had responsibility. But basically it is a head-counting type of activity.

**CHAIR**—Can I come to the 1901 census, which is the last for which you retain name identifying information, at least as to the head of the household. Does it identify the names of other members of the household?

**Ms Yeats**—No, it does not.

**CHAIR**—The census would have, but that has not been retained?

**Ms Yeats**—That is right. In fact, the information that has survived is the same as would be available elsewhere in publications such as the *Sands Directory*, which was a

publication for both country New South Wales and the city. It was basically just a listing of individuals in each street and their postal address or delivery address. There are other kinds of directories—like post office directories and various gazetteers—that were published throughout the century which provide much the same kind of information: the name of the person and address.

**CHAIR**—Would local council rating records be similar?

**Ms Yeats**—As I understand it, that is a later piece of legislation—around 1913—so they may have some of that kind of information but I am not aware of it. Council records are not part of our legislative mandate so I cannot answer that, I am sorry.

**CHAIR**—You said that the 1901 collection books have only just been released. What rationale was there for releasing them, and for releasing them when they were released?

**Ms Yeats**—Basically because they were the age they were. There was an impediment on them being released prior to that because of the wording of the 1901 Census Act. Excuse me; it might be 1900 but, at any rate, it was the Census Act which allowed the state to conduct the census. There was an embargo on divulging any information, which is what I think probably would have occurred for earlier censuses as well. Because that legislation was still standing until the early 1990s, they remained restricted.

The 1901 census legislation was actually repealed as being archaic legislation in the early 1990s. Once that happened, we sought leave through the transferring agencies—it was actually a successor agency—which is our standard arrangement, to release the information, essentially because the records were almost 100 years old and because the information they contained was similar to information that would be and is readily available elsewhere.

**Mr MUTCH**—Have there been any complaints, to your knowledge, about the release of this information?

**Ms Yeats**—No, quite the contrary. We got excellent press coverage and, anecdotally, I can say I have had excellent feedback on that.

**Mr MUTCH**—A lot of people argue that you cannot trust the government, but they have released the information.

**CHAIR**—Had there been any attempts prior to the early 1990s to amend or repeal the 1900 legislation?

**Ms Yeats**—Not that I am aware of. We had not actively sought to have it repealed because we knew that it would require an act of parliament. Again, anecdotally, I think there was certainly some push within the research community, but because it required an

act of parliament, that requires quite a lot of organising by people trying to achieve that. So, essentially, we had not taken any active steps in that regard.

**CHAIR**—Presumably, there are possibly one or two people around who could be identified who are still alive from the 1901 census?

**Ms Yeats**—I doubt it. It has to be someone in charge of a household. They would be very old.

**CHAIR**—So they would have to be about 120.

**Ms Yeats**—We have a lot of records that are restricted; 70 to 80 is generally regarded to be a lifetime.

**CHAIR**—Of the records that you keep generally, apart from these records, do you work on the general principle of a 30-year rule or are there different standards for different documents?

**Ms Yeats**—There are differences. Most public records are deemed to be open after 30 years, unless we receive advice from the agency to the contrary. There are exceptions. Records that are considered to be sensitive or contain confidential information have longer restrictions. There are also variants in terms of whether it is going to be open to family members or open for general research purposes. All of those access restrictions are worked out in consultation with the transferring agency.

**CHAIR**—Are there many complaints about release of information, say, after 30, 40 or 50 years?

**Ms Yeats**—No, I am not aware that there are. I cannot really think of a time when anyone has made a representation to the authority about the release or otherwise of information. People are only able to access restricted information with the permission of the transferring agency. They have to actually write and make an application to view such information.

**CHAIR**—Can you give me some examples of the type of information which is restricted?

**Ms Yeats**—Adoption files, for instance, have a 100-year restriction on them. Psychiatric records have about a 70-year restriction. Ward records also have a very lengthy restriction.

**CHAIR**—If a person has been adopted or admitted to a psychiatric institution, details of that will become available after 100 or 70 years?

**Ms Yeats**—Yes, after a lifetime.

**CHAIR**—Whereas if they are a member of a household, their normal census information is destroyed?

**Ms Yeats**—Yes, census records are outside our ambit. Basically, it is the reverse of that. The authority, like many other archival institutions, is used to administering access on a scale beginning from a standard 30-year restriction. I should also add that some records are actually open even earlier than the 30 years. Thirty years is standard but some material has an earlier release date and some a much later release date. The authority has a long history of being able to administer those provisions.

**CHAIR**—With that restricted information which has a longer quarantine period, once the period is up, is it open to general access then?

**Ms Yeats**—If that is what the access provisions state.

**CHAIR**—Take the two that you gave examples of—adoptions and psychiatric references.

**Ms Yeats**—Yes, they are, once the period of restriction has passed. I do not think we have any adoption records that will be available until well into the next century, just as an aside. With the other ones, yes, they are.

**CHAIR**—So, theoretically, one could ascertain that that is everybody who had a psychiatric illness in New South Wales in, say, 1920.

**Ms Yeats**—If they were able to access the records in that way.

**CHAIR**—That is what I am asking you. If I were doing a research project for a PhD, for example, on the history of psychiatric illness in New South Wales between the end of the First World War and the onset of the Depression, would it be possible for me to access through the archives, if I had the time and the energy and whatever else, the records of psychiatric illness?

**Ms Yeats**—It would be possible to access that material which was open for public scrutiny. But, in doing some kind of research project like that, the records do not always have a very neat cut-off date, so it would probably necessitate a researcher doing something like that—getting permission from the Health Department to view certain groups of records because it would not necessarily be easy to determine a definite cut-off date. Some files may go for 20 or 30 years.

**CHAIR**—I suppose that is the same with an adoption file, too. Is the file maintained for the period of a person's life?

**Ms Yeats**—It is maintained for however long it needs to be. It will vary, of course, as to what gets added to it after the adoption takes place. But, as I say, there is a 100-year restriction on those.

**CHAIR**—What about court records? For example, wards of the court?

**Ms Yeats**—They have, I think, a 50- or 70-year restriction on those. People who are taken into state care, you mean?

**CHAIR**—Do they have a cut-off period? For example, if someone was researching the reasons for which individuals were made wards of court by the New South Wales Supreme Court in 1920, would they be able to gain access to those records?

**Ms Yeats**—I do not think they would be able to find the reasons. They would probably be able to find out the names of people who were made wards of the state. Often it is quite difficult or not always possible to ascertain the reason simply because the records have not survived. Not all state archives and not all public records have survived, even with the best will in the world. We have only had an Archives Act since 1960. In relation to wards, there are ward registers which would establish whether or not a person was a state ward.

**Mr MUTCH**—With respect to census material, which you do not have a lot of, is that recognised worldwide as being of particular intrinsic value—a census as opposed to other forms of records?

**Ms Yeats**—It is because it provides a picture at a particular given time of exactly what the economic and the demographic situation is in a particular locality. In New South Wales, for example, if we choose again the 1828 census, it is possible to see exactly how many people there were, the level of occupation of land, how much was under pasture and so on and also details about stock. So it is, I guess, a moment in time—and that is probably the best way to describe it. Because of that, it is very useful. We find that people would use that not just for tracking individuals but also for doing a local history study. That is the kind of information which is very valuable for that kind of thing. That is the kind of use for which census information does have a much wider application.

**CHAIR**—How popular are these census records?

**Ms Yeats**—They are very heavily used, generally. Particularly for people doing family history research, they are a jumping off point, a point of establishing a certain set of information, a set of facts at a given date. Often because they provide a bit of background information about the person, it can be quite useful. They are very popular.

**Mr MUTCH**—Are you able to make money, as a government authority, by providing access to certain family history groups and others?

**Ms Yeats**—We do not charge for access. We have a written research service, and we do charge clients who want to make use of that. One of the things that come as part of that research might and probably does usually entail is checking of census records. So, indirectly, yes. But clients can come into our search rooms and consult the records free of charge.

**Mr RANDALL**—Just getting back to Mr Mutch's question, you said that census or data was important as a point in time. I have asked this question before. So 2001 would be another good snapshot in time?

**Ms Yeats**—If 1901 was, I would have to say that 2001 would certainly be. It is outside of my area of expertise, but I would have to say that it is going to be useful for a lot of other purposes.

**Mr MUTCH**—What is your area of expertise exactly?

**Ms Yeats**—I meant in terms of post-1901 census records. Because they are not subject to the New South Wales Archives Act, they are not a group of records about which the authority has a view.

**Mr RANDALL**—My second question, which is part of the terms of reference, is about the costs of retention. As an archivist, what is your opinion on the cost argument against retention of the records?

**Ms Yeats**—I do not really wish to speak about the post-1901 material because, again, that is outside the ambit of the authority's mandate. But, in terms of the 19th century material, most of that has been microfilmed or microfiched, and we maintain both the original record and the copied record. The cost of storage is not an issue for us, although that is obviously an issue generally in terms of archival storage; I can say that. There are alternative methods that most archival institutions are considering. Records themselves are now being created in a variety of formats other than hard copy.

**Mr RANDALL**—I know you cannot be terribly specific, so can you just give us a gut feeling, a guesstimate, as an expert? Is it an expensive exercise, for example, to retain this information—and we are not talking about your particular period in time—and is it cost prohibitive, I suppose that is what I am asking, or is it relatively simple and inexpensive?

**Ms Yeats**—I guess I would come back to my other statement. These days there are many different options for storage. It does not have to be pieces of paper. What may be prohibitive in one format may not be in another format.

**Mr RANDALL**—How about microfiche, for example? It is not very expensive?

**Ms Yeats**—It is not very expensive, nor is digitised or electronic information. Looked at that way, there are different approaches.

**CHAIR**—Just to follow that up, it has been a long time since I have looked at microfiche. When I was looking at it, as I recall, there was one microfiche per page. But I think you can actually get a lot more on a page. How many A4 pages do you get on a microfiche?

**Ms Yeats**—At a very rough estimate you might get 50 or so. It varies actually because some originals are quite large and not all records are in A4 format.

**CHAIR**—If we are talking about one A4 page you could probably get around 50?

**Ms Yeats**—I think so, yes.

**CHAIR**—What is the cost of them doing one microfiche?

**Ms Yeats**—I cannot answer that. The costliest part of microfilming is always the cost of preparation. The filming is the least expensive part of what we have to do. When we want to microfilm or microfiche something, we actually have to go through and make sure that the papers are in an order that is—

**CHAIR**—In the correct order?

**Ms Yeats**—Yes. Whereas if you are filming something that is in a bound format it is much easier because one assumes the pagination is correct.

**CHAIR**—One final thing: what is the life of a microfiche?

**Ms Yeats**—Microfilm done to archival standards is about 100 years, at least, I think they are working on microfiche to try to do that to archival standards as well, which is very long term. Archival standard of microfilming is 100 years plus.

**CHAIR**—I understand that is still the best method and things like CD-ROMs and that have a much shorter life.

**Ms Yeats**—From the point of view of the authority, we are using microfilming—and I use that term broadly—as the optimum method of preservation.

**CHAIR**—I thank you very much for coming today. We appreciate that because of the expertise you have in this area.

### **Short adjournment**

[3.45 p.m.]

**JOHNSTON, Professor Graham, Committee member, Australian and New Zealand Association for the Advancement of Science, New South Wales Division, C/- Department of Pharmacology, University of New South Wales, Sydney New South Wales**

**CHAIR**—Welcome, Professor Johnston. In what capacity do you appear before the committee today?

**Prof. Johnston**—I appear as a member of the New South Wales division of the Australian and New Zealand Association for the Advancement of Science, ANZAAS. I am Professor of Pharmacology at the University of Sydney. I am also a member of the Commonwealth Administrative Appeals Tribunal.

**CHAIR**—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

We are in receipt of the submission from ANZAAS, New South Wales, of 16 July. Would you care to make some opening remarks?

**Prof. Johnston**—It is a brief submission. We are a group of scientists who are interested in the preservation of census data for scientific research. We want to put a case regarding the value of retention, provided privacy issues can be suitably addressed. We are interested in certainly name identified records becoming available at a suitable time. We are interested in the storage of the records. Probably that storage is the key thing that we have expertise in—how these archival records might be stored. We have no expertise regarding the cost of the exercise.

**CHAIR**—I note that the co-author of your submission, Dr Temple, is a member of the New South Wales state privacy committee. I take it from that, and in light of what you have said, that whilst you believe that privacy concerns are a consideration, they are not paramount?

**Prof. Johnston**—No; I suspect they are paramount.

**CHAIR**—Let me take that a step further. Part of the argument in favour of the destruction of census data is that based on privacy. The argument runs, if I can put it briefly and perhaps inadequately, that because of privacy concerns and the fears, therefore, that the quality of the data collection will be diminished, we should destroy the data, whereas your submission is in favour of retaining the data.

**Prof. Johnston**—Privacy issues have to be considered in a balanced view—that of the public good versus the private good. In the case of the census forms, there is a lot of



information there that is extremely valuable to the public way down the track in its original form, in a disaggregated form.

Many countries have rules regarding the time that the detailed census information can become available. Many European countries, including the UK, have a 99-year rule with respect to release of name identification data. The USA has a 72-year rule. We think that this is not an unreasonable period in that that, in essence, would cover the lifetime of an individual filling a form out.

The privacy issues really relate to when they are filling the census out. Do they know what will happen to that data? At the moment I believe that not many people know that the census forms are destroyed. I asked about 60 people in the department today and not one knew that the census forms were actually destroyed. That is a bias sample, presuming in an academic department there are a lot of things we do not know about. We are highly specialised—put it that way. I understand that, if you were going to retain the forms, you would have to be up-front about that at census time and that would have to be clear on the census form and everything like that.

From a scientific point of view, that original data is extremely valuable. There is obviously an optimum period whereby that data is useful and then becomes less useful. The feeling amongst the scientists we are talking to about this is that 99 years is a long time. We would really prefer to go more along the American style of 72 or, as I have just learnt, the average lifespan type thing, which would be a bit longer than 72 now; it would be 76 or something like that.

**CHAIR**—I am just reflecting on having filled in a form last year as person one in the household on behalf of the entire household. In my case last year, there were children as young as 10 years. Had it been now that I was filling it in, I would be filling it in also for a child aged six months. So, in 72 years, it is conceivable that with average lifespans at least the six-month-old could still be alive. Whereas, in 99 years, whilst it is possible, it is much less likely.

**Prof. Johnston**—My feeling is that the 99 years would get over the privacy issue quite well. I do not believe your data would suffer with a 99-year clause in it. I think most scientists would like less than 99 years. They would like to get hold of the data as quickly as possible. But you have to respect people's privacy. There are some urgent issues that people would want this type of data for—for example, following some emergency situation or the like. I think that type of data for something immediate—in a 10-year period or 20-year period—can be got in other ways.

**CHAIR**—Can I take an example of one which seems to me to at least have some compelling arguments—I am not saying they are necessarily conclusive. Take the example of the infection of asbestosis at Wittenoom where there is a long causal chain in terms of years. If there is an infection with asbestosis, then the chance of having the disease is not only high but fatal. How do you get around that? Let us say we retain the information on the census forms and we suddenly discover, as we did a decade or so ago, an incidence of

this disease because of the mines. Do we make exceptions for that or, as you say, are there other ways of obtaining that information?

**Prof. Johnston**—I think there are other ways of obtaining that information. You can go specifically to the company records, the electoral rolls and the treating practitioners and get as much information as you can from those people. I am aware that in certain situations—and I have certainly had this as a member of the Administrative Appeals Tribunal—you do actually have powers to subpoena records, including doctors' records, and you can follow emergency situations through that way.

I would think the quality of the data you get there is far better than you get off the census forms. The emergency I had to deal with as a member of the AAT was the Creutzfeldt-Jakob disease and the pituitary hormone and the problems there of following who got what batch of what hormone. The census data really would not have helped you there.

**Mr RANDALL**—May I ask one question whilst we are on this subject of asbestosis because it teases it out a little bit more. I have visited Professor Bruce Robinson's research facilities into asbestosis; the chairman said that it will be good to identify people who are there. Professor Robinson's work is done in genetic engineering to stop tumours, et cetera. Apparently some people are more susceptible genetically to asbestosis than others. Wouldn't that put more urgency on the fact that it would not be available in doctor's records?

**Prof. Johnston**—I cannot think of what information would be on the census form that would help you in that particular instance.

**Mr RANDALL**—No, following the family through.

**CHAIR**—You could do a longitudinal search so that you have got 1961, 1966, 1971 and 1976. If people have migrated, as is often the case with mining communities in particular, you might have a better chance of tracking them down.

**Mr RANDALL**—Southern Europeans, for example, in Wittenoom.

**Prof. Johnston**—Yes. You may be right, but does that overcome the privacy issues that people are concerned with? I do not really know is the answer to that. I must say first up that I have actually got personal experience of the Wittenoom business because my wife was a member of the Department of Aboriginal Affairs when that was on. She had to do a lot with respect to that. I have also had to trace just recently mining families through the south island of New Zealand by hunting through electoral records and looking at who went where, et cetera. It is remarkable what you can turn up.

**Mr RANDALL**—While you are talking about privacy issues, as somebody with your background and experience, isn't there some sort of philosophical argument about the greater good?

**Prof. Johnston**—Yes. Let me go on record as saying that I think 99 years is too long. I think the US 72 years is not too bad. I would not mind a 50-year rule, but that is me. I do not think you could get away with a 20-year rule or something like that. That is too short a period and too sensitive. That is my own feeling. In that time period there are records available. You can get data in another way and I think you get better data as well. You are really relying on the census just to trace the families through. I still think you can get that other ways.

**Mr MUTCH**—The only other point is that you start asking more medical questions in the census.

**Prof. Johnston**—Yes, which becomes more intimidating then.

**Mr MUTCH**—But it also becomes more useful.

**Prof. Johnston**—Yes.

**Mr MUTCH**—And that is something that might be happening. Then would you look at perhaps having an embargo with one exception being medical research? Do you think people would buy that in the interests of medical research?

**Prof. Johnston**—No, because I think medical work is very contentious. Doctors do not like having their medical records subpoenaed. There is fuss about who owns your medical record. The doctor owns your medical record, not you, which I think is dumb. That is the law. I think that one is getting very difficult. You will get a lot of submissions on it. I am just saying from the point of view of what I have seen on the AAT that there are ways of getting data if you have to get it quickly and certainly over a 20-year period.

**Mr MUTCH**—Are you saying that over a longer period, if there is an embargo, it still would be of some use to medical science than a long embargo period?

**Prof. Johnston**—Yes. It would be. Of course the longer time period is the name identified records. You could probably have records that were not name identified to get demographic trends and the like. They do that anyway.

**Mr MUTCH**—Statistically that is what it is for.

**Prof. Johnston**—But it is just how disaggregated the data is.

**Mr MUTCH**—Out of our interest, how long has your organisation ANZAAS been in existence?

**Prof. Johnston**—More than 100 years. The first meeting was in Sydney in 1880. I know that because I spoke at the centenary of ANZAAS in 1988 which was here in Sydney. That is how I can remember it.

**Mr MUTCH**—You still are remarkably well preserved.

**Prof. Johnston**—No; we are diminishing in numbers.

**Mr MUTCH**—Have you made a submission to the ABS or to Australian Archives about the retention of census and name identifying information?

**Prof. Johnston**—No, we have not.

**Mr MUTCH**—Have you ever been approached by either the ABS—

**Prof. Johnston**—I believe members of ANZAAS have. We do have particular expertise in the electronic storage of records and all that sort of thing.

**Mr MUTCH**—Have they ever been approached by the ABS or Archives to make a submission on retention of these name identifying records?

**Prof. Johnston**—No, I do not think so. I am not sure. We tend to respond to public calls for submissions.

**CHAIR**—Professor Johnston, earlier you were saying that if an emergency type situation arises then information can be obtained through other means. For the record, would you run through the sorts of means that are available to obtain information? You mentioned the electoral rolls in New Zealand.

**Prof. Johnston**—There are electoral rolls, council records, church records, charitable organisation records and the general genealogical type record information—more and more of which is becoming available. More and more of that is becoming available electronically. I am trying to think of the church organisation that does it—the Mormons do it. A lot of those sorts of records are available. Then there are community organisations and pharmacists records. There are lots of things. It is detective work, but people do it. The census records could be useful in that area, but what I am saying is that I do not think they are vital, given the privacy issue—people want to maintain their privacy. But for how long—

**CHAIR**—Does ANZAAS generally, at the national level, have a policy or position on this?

**Prof. Johnston**—No. They asked us to do this submission. It was mainly because of Dr Temple's interest in privacy issues. She has been a member of the state privacy commission for a decade, and I have this experience in administrative decision making, which I have been at for six years. Plus we ran a forum in Sydney last year on academic life on the electronic frontier. That was directed at the problems of electronic data storage.

I have some information not on that but on something the Americans have been through in that area. This is stuff coming out of their 1960 census, when they put a lot on

to electronic records and they lost some of it. They have gone into the whole business of electronic data storage there, rather like we did in the meeting last year.

The conclusions really are that the electronic storage of data is changing so quickly that it really is a minefield. We would like the original data preserved, the original forms preserved, and micro film records, limited micro film copies, available. Limited is the key so that one can keep track of who accesses what information.

**CHAIR**—So, if we were to recommend that the census data be retained, one of the proposals put to us is that perhaps on the census there should be two or three parts to it: one part being the information which is name identifying being retained perhaps in a microfilm or microfiche form, and the other information just being encoded into the computer system as it is now for the collection of statistical information. If we are to do that, then the difficulty in retaining the actual census forms that we fill in is twofold, on the evidence we have. One is the space and the cost of storage. The second is the fact that the quality of paper which censuses are done on now is not that lifelong anyway, and microfilm would be better.

**Prof. Johnston**—I agree. We would like the original data kept for as long as possible, though. Under suitable archival storage, you can store ordinary paper for some time. The microfilm is more or less the backup, I suppose. Can I make a point for microfilm versus microfiche: I have to read lots of them and there is no question that microfilm is far quicker to handle, far more user friendly. Microfiche is awful to use. It does stack the data more efficiently, but getting it back again is difficult and you can have some errors in using it.

Most of the daily newspapers across the world are stored in microfilm rather than in microfiche. It is not something that is likely to change over 100 years—you will still be able to read microfilm. I agree with you about the paper: the country cannot afford to do the census forms on acid-free paper that will store for a long time. It is a matter of trying to store them for as long as possible.

**CHAIR**—Professor, I thank you for the submission from ANZAAS and for coming along today to discuss it.

Resolved (on motion by Mr Randall, seconded by Mr Mutch):

That the following documents be accepted as exhibits and received as evidence to the inquiry: abstracts of the Human Genetics Society of Australasia; the guide to the Archives Authority of New South Wales information leaflet No. 38, musters and census records; a copy of an extract from the New South Wales census for the year 1828; the document entitled *Historical narrative on data from the 1960 census*; and the document from the National Archives and Records Administration entitled *NHPRC research issues and electronic records*.

**Committee adjourned at 4.08 p.m.**

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