



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Reference: Treatment of census forms

DARWIN

Thursday, 6 November 1997

OFFICIAL HANSARD REPORT

CANBERRA

HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Members

Mr Andrews (Chair)

Mr Barresi	Mr Mutch
Mrs Elizabeth Grace	Mr Randall
Mr Hatton	Mr Sinclair
Mr Kerr	Dr Southcott
Mr McClelland	Mr Tony Smith
Mr Melham	Mr Kelvin Thomson
	Mrs Vale

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.

WITNESSES

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Present

Mr Andrews (Chair)

Mr McClelland

Mr Kelvin Thomson

Mr Mutch

The committee met at 5.12 p.m.

Mr Andrews took the chair.

ADAMS, Mrs Jillian Margaret, Senior Vice-President, Genealogical Society of the Northern Territory Inc., 25 Cavenagh Street, Darwin, Northern Territory

McDONALD, Ms Tracey Anne, President, Genealogical Society of the Northern Territory Inc., 25 Cavenagh Street, Darwin, Northern Territory

O'BRIEN, Mr Vernon Thomas, Research Officer, Genealogical Society of the Northern Territory Inc., PO Box 37212, Winnellie, Northern Territory 0821

TOMLINSON, Mrs June, Honorary Secretary and Public Officer, Genealogical Society of the Northern Territory Inc., PO Box 37212, Winnellie, Northern Territory 0821

CHAIR—I open this public hearing of the committee's inquiry into the treatment of census forms, and I welcome witnesses and others who are attending this meeting of the committee. The subject of this inquiry is whether the current practice of destroying name identified forms after the data is collected from them should continue. We have taken evidence so far in other capital cities, and this is one of our last hearings on this inquiry. We look forward to hearing from the witnesses today in Darwin.

I now welcome representatives of the Genealogical Society of the Northern Territory. 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 the parliament. We are in receipt of your submission of the 17 July 1997. Would you care to make some brief opening remarks about it?

Mr O'Brien—Yes. The first page or so of the submission covers our role as a society, et cetera. On page 1 we refer to our problems with the lack of printed records of births, deaths and marriages. On page 2 we mention the Aboriginal census of the Wards Register of 1957. We use that where we can, but the back-up information is not available to our society. The 60,000 cards that are held by the NT government or by the Registrar-General are not available, so we have a limited scope with helping Aboriginal people get information about their forebears. We also mention on page 2 that we have prepared details on the census data of 1881, 1891 and 1901, which are fairly well used by members of the public here in the Territory and interstate. On the latter part of page 2 we also mention the probate records that we have also searched. The confidentiality factor is stressed here in that the probate records of all the details of deaths in the Northern Territory are available up to the 1990s. So if we cannot find it from other sources, such as the census, we can sometimes go to the probate record and find the date of death, which is the key point that we are usually looking at for further references.

On page 3 we mention our problem over seven or eight years with the Census Act

itself, about which we started corresponding with the various people stated there through the Australian Archives in 1989. We mention that in 1990 we had the reference back saying that there would be a further inquiry into censuses after 1905 when the census act was enacted. So we were denied access to the limited information in those census returns of 1911, 1921 and 1933. They are the main areas that we are concerned about. The bulk of the inquiries to the Northern Territory are from interstate people wanting to know what happened to Joe Bloggs in 1921 or so. We have very limited information to be able to give them an answer to those questions, other than to refer them to the Registrar-General and this requires research of a complete record to ascertain the date of death, et cetera.

We then mention our troubles with the Australian Archives. The census records are debarred and only recently we went there to look at what was available in that period that we mentioned of 1902 to 1940. That is a critical period where we are searching information. We have not got the records. The Australian Archives did have some open access files but they have now closed all the access files to the census records of that period.

The basis of our submission is, in the end, that we are asking for retention of the census records, particularly in the Territory where there is limited information to search for material. We are asking for the retention of the material for a 50-year period so that we can do further research on those earlier records from the 1911 to 1940 period, which are of particular interest to us. For that reason we are not saying that we want census data up to the present time; we are saying that we particularly want it up to the 1940-odd period. That is the basis of our submission.

CHAIR—Thank you. I would like to clarify a few matters in your submission. In paragraph 3 on page 2 you refer to the Wards Register. It is stated in the final sentence:

The ‘Wards Register’ is a public document, it contains what most would deem ‘sensitive’ yet there is no restriction to those seeking to obtain information from this source.

You make reference there to ‘what most would deem sensitive’. Can you elucidate what that information is?

Mrs Tomlinson—It gives tribal names. I do not know whether you have seen a copy of the Wards Register.

CHAIR—No.

Mrs Tomlinson—We have brought a page of it so that you can see it. Some people would regard that information about their relatives as sensitive.

CHAIR—So this is a register of wards.

Mr O'Brien—It is virtually the only Aboriginal census of the Northern Territory.

CHAIR—The wards that are referred to are wards in terms of areas. Is that correct?

Mrs Tomlinson—No, the wards are actually full-blooded Aboriginal people.

CHAIR—As in wards of state?

Mr O'Brien—Wards of state.

Mr McCLELLAND—Is the title 'Pursuant to the Welfare Ordinance 1953-55' based on some sort of registration for them to obtain social security benefits or something of that nature?

Mr O'Brien—I think they define the word 'ward' in that particular ordinance earlier on; it is in 1957.

CHAIR—So you are saying that the declaration by the administrator is to:

declare to be wards the persons named in the Schedule to this declaration, being persons who, by reason of their manner of living, their inability without assistance adequately to manage their own affairs, their standard of social habit and behaviour and their personal associations, stand in need of such special care or assistance as is provided for by the said Ordinance.

Your point is that it not only names them by European tribal group and tribe name, provides their sex and their year of birth but also makes, in a sense, some judgments about their personal lives by virtue of the fact that they are named on a public document. Is that so?

Mr O'Brien—Yes.

Mrs Tomlinson—Yes.

Mr O'Brien—There is a backup document, or 60,000 cards, which went to supply additional information to the Wards Register that was actually gazetted in the Commonwealth Government Gazette. There is a backup system of cards—60,000 cards—which was held originally by the Commonwealth department of Aboriginal affairs and after self-government it was handed over to the NT government. Those cards are deemed to be confidential and are held by the Registrar-General. They are currently being held by the NT government but they are not accessible to societies such as ourselves.

CHAIR—Is there a limit on the moratorium against their release or are they just held in perpetuity?

Mr O'Brien—I do not know that for sure, but there is a protocol that was being devised by the Registrar-General which covers the access to those documents. They are mainly for people from the stolen generation to have access to. They are not available to the ordinary public.

CHAIR—How many individuals were named in the Wards Register?

Mr O'Brien—I think 60,000 are in that fairly thick list.

CHAIR—Over what period of time?

Mr O'Brien—The census was taken in 1957 and there has been no census of Aboriginal people since then other than what may be included in the present censuses.

CHAIR—Is the population of the Northern Territory about 120,000 or 180,000?

Mr O'Brien—It is 120,000.

CHAIR—My recollection is that the indigenous population is about 25 per cent, which brings you back to about 45,000 people—that is why I am asking you. So, if you have got 60,000 names, presumably that was over some period of time?

Mr O'Brien—It was compiled over a number of years before 1957. I am not quite sure exactly how they devise the 60,000, but there are 60,000 cards that cover that register.

CHAIR—So that calculation must include just about every Aboriginal person in the Northern Territory?

Mr O'Brien—The people who have been subsequently born since 1957 would not be included.

Mrs Tomlinson—Those events are births, deaths and marriages. If you were born, you could be there; as a marriage, you could be there; and you could also be there as a death—so you could have three cards. There are not 60,000 separate individuals.

CHAIR—My question was: how many are named in the schedule to the Wards Register?

Mrs Tomlinson—I have never actually bothered to count them.

CHAIR—The 60,000 relates to the cards and there could be some double or even triple counting of individuals. I understand that. As for the probate certificates, it is a long while since I have looked at a probate certificate because it has generally been abolished

in most places.

Mrs Tomlinson—We have a probate file.

CHAIR—Does that relate to each person who dies in the Northern Territory?

Mrs Tomlinson—Yes.

CHAIR—Is that a Supreme Court record which is able to be publicly searched?

Mrs Tomlinson—Yes.

CHAIR—Does that record the name and the date of birth?

Mrs Tomlinson—Yes, some of it records a lot more.

Mr O'Brien—Certainly the date of death, which we are concerned about.

CHAIR—You make reference in the third paragraph on page 3 to the F108 series between 1901 to the 1940 period in relation to territory residents. I take it from that that the original census records up to 1940 are still maintained. Is that what you are saying?

Mr O'Brien—The F108 series is a series of files created in the Australian Archives. That series covers censuses of 1881, 1891 and 1901. There are no census details of individual persons in the censuses after 1901. We did make inquiries concerning the period of 1901 to 1940 because of our problem with answering questions about that vital period. The correspondence followed that we were not able to have access anywhere beyond the 1901 census.

CHAIR—But, as I recall, Mr O'Brien, you made reference in your opening statement to the 1933 census. Do I understand from what you have said that the 1933 census, so far as the Northern Territory residents are concerned, still is maintained; that is, the documents are archived somewhere, but it is just that you cannot get access to them?

Mr O'Brien—I do not think we can verify that the census is available in archives. We have not got access to the files from 1911, 1921 and 1933, so we have no idea whether they still exist. But the Australian Archives have closed the record in terms of those files. So there is no access to the public in relation to that period.

CHAIR—But you understand that there is at least information that was collected from the 1933 census, for example, which is maintained in the Australian Archives?

Mr O'Brien—I think there is, as far as I am aware. I was in Canberra some years ago in the 1950s. And through the Australian Archives, doing some research about Central

Australia, I was actually able to have access to the 1911 census in respect of the district of Alice Springs. In writing up the history of some of the early pastoralists in Alice Springs, we were able to—at least from that written record—have the dates of birth of some of our leading pastoralists in Central Australia.

That record was only made available to me from the Australian Archives at the old archives building, opposite Parliament House in Canberra, in the 1950s, if I took the file and hand-copied the information. Having hand-copied the information about a selected number of, say, 200 or 300 people in Central Australia in 1911, I was then able to tabulate for this society and for other research workers an indication of who lived in Alice Springs in that 1911 period. That has been quite helpful in working out profiles of some of the people in the Territory.

That obviously was a closed document. But for some reason I could, and had to, hand-copy the details without photocopying them to produce a register of who lived in Alice Springs in 1911. So it is obvious that some of those census documents of that closed period do exist; it is a question of whether or not they are likely to be made available.

CHAIR—Before I hand over to my colleagues, just to clarify: I take it that you are saying that data collected from any future census should be retained and made available for public access after 50 years. Is that right?

Mr O'Brien—After 50 years from the present period, which would take us back to the 1940s. We are probably concerned more about 1901 to 1940.

CHAIR—Yes, I understand that. But I am now asking you about the future. For example, take the 2001 census. Is it your recommendation that with the 2001 census, the original census data—either in its original form, or in some copied form such as microfiche—be retained and made available generally after 50 years?

Mr O'Brien—Yes, I think so.

Mr McCLELLAND—Do you mean all data or only name, address and age?

Mrs Adams—Part of the data.

Mr McCLELLAND—You are not interested in the financial details?

Mrs Adams—No. The census gives us a really good snapshot of who lived in the country at the time and where their original birthplace was. You do not get that detail from a lot of other records. That is something that is really important to people who are researching and for Australian historical information.

Mr McCLELLAND—You have ruled out income; you would not need that.

Would you be interested in religion or wouldn't you be so fussed about that?

Ms McDonald—Religion is interesting. For instance, some of the English census records give you that sort of data. But in Australia, too, there has not been a consistency with policy of census records. A lot of records have been destroyed; then in other areas they have been kept. It has depended on the time, the year. I think that is where we need some sort of consistency with policy.

Mr O'Brien—I think the types of records that we are after are those mentioned in the middle of page 2. I mention that the census recorded the name, age, gender, occupation, residence, religion and place of birth. They are the particular ones in which we are interested in that period 1911 to 1933 in particular. A lot of those early records, from the bits of them I have seen, do not answer the question on the matter of religion. A lot of them have left this question out. I suppose that the bushies up here decided that they would leave that to somebody else to worry about.

Place of birth is fairly important to us. There is also a column there that is often mentioned as the place of origin, being whether they come from Scotland, Ireland or somewhere. This gives a genealogist an immediate link. We are not looking for an Australian record; we are looking for an IGI record in England, Ireland and Scotland. That gives us a lead straight away that we do not have to search the Australian record; we go overseas to find the IGI record, which will give us a clue as to where the person was born.

This is fairly important in Central Australia. Perhaps we might be looking for a person who came to Central Australia and was here for 30 years or so. We might search all the Australian records and spend a lot of time on it and then find that he comes from Scotland. If we were to know that in the first place from a simple record like that, it would give us a lead to get to the critical points that we are after.

Mr KELVIN THOMSON—What do you think of the idea of it being voluntary; that is to say, on future census forms for people to be asked the question, 'Do you agree to having the details released after an appropriate period?'—perhaps 100 years or something of that character?

Mr O'Brien—I notice in the more recent censuses there is a keenness to have all the questions answered, and there are more and more questions each time the census comes out. In the earlier censuses, which we covered in those headings of name, age, gender, occupation, et cetera, it is limited census information, and perhaps we could have that type of information rather than all the other additional ones.

I should imagine that more recent censuses should be able to be broken into two parts: one could be dealing with the non-sensitive areas, if I could put it that way, and then the areas where more particular information is requested, where people are not

proffering the information forward, could go into the second part of it. So, if you wanted to then make information available to outsiders such as genealogists, you could then have archives with instructions to copy only the first stage of the census record.

Mr KELVIN THOMSON—But, even in relation to the non-sensitive material, do you think there ought to be an option for people to opt out if they are concerned about the privacy aspects of it all?

Ms McDonald—How can there be a privacy aspect if you are looking at not releasing the data? Say you decide not to release the data for 100 years—which is the case with a lot of Commonwealth government records—it is not going to affect a living person; it is not going to affect that person. So I do not see why you would give them the option.

Mr KELVIN THOMSON—It would not concern me personally, but it may well concern others. Therefore, it has arisen as an issue as to whether there ought to be some choice in the matter.

Mrs Tomlinson—But if you had a choice in the matter, you would not have a complete census; you would only have part of it because a lot of people would just tick no for no's sake.

CHAIR—I suppose the question is whether some information is better than no information?

Mrs Tomlinson—Yes.

Mr O'Brien—As a society, we have commenced a pioneer register for the Northern Territory. We have sent out a form which asks for details of the person who is to be nominated as the pioneer, who their mother and father were and who their children were, et cetera. At the end of that form, we have put the yes-no question: are you willing to have this thing published in the public record—yes or no? People will then have the opportunity to say if they are offended by this information being used publicly.

Mr MUTCH—Did most of them say yes?

Mrs Tomlinson—Every one of them said yes.

Mrs Adams—At this stage we have over 700 forms on individuals who lived in the Northern Territory up to 1939.

Mr MUTCH—I would imagine that there is, in a number of ethnic groups from overseas who have come to the Northern Territory, a great interest in researching their past. Have they come to try to trace their family history through your association? Have authors sought advice from you about writing histories of communities that have come to

the Northern Territory?

Mr O'Brien—Yes. We have had two or three people who have actually written books about their family based on their experiences up in the Northern Territory.

Mrs Adams—We have had people of Chinese descent. One lady is trying to trace her family, and her ancestors came from the Philippines. We have people trying to trace their Italian ancestry. They come to us to see what records we have and how we can help them.

Mr MUTCH—Are you finding this is a growing area of interest?

Mrs Adams—Yes.

Ms McDonald—Definitely.

Mr MUTCH—If you had the census information that was publicly available would that fill many black holes in that research?

Mrs Adams—Yes, particularly after 1901.

Mr MUTCH—Do you think that research is important for the cohesiveness of a community?

Mrs Tomlinson—I think it gives a person a sense of belonging.

Mrs Adams—Yes, to know who you are, where you came from and what sort of background your ancestry had. If you have no interest at all I guess it is not of interest. But there are an awful lot of people out there who have a growing interest. Our membership is growing and so is the membership of a lot of other societies. It is becoming of great interest to people to find out what their background is and where they came from. For those people who do not know and cannot find it, it can become very frustrating.

Ms McDonald—It also helps to give a picture of the community as a whole—who was living there, what they did, where they came from and that sort of thing. That is important when you are doing your family history. People think of family history sometimes as being separate from history, but it all meshes in together. It is important when you are researching your family to also think about where they lived, what the house was like, what street they lived in and what the community was like at the time. That is important to people when they are researching their family.

Mr MUTCH—How would you rate the census information? Obviously you cannot use too much of it in this country, but you would have experience in tracing things

overseas. Is a census often the only link that you can find?

Mrs Tomlinson—Yes.

Ms McDonald—With some people. Some of the English census records from last century are excellent. Sometimes people go straight to those and find a record of their relative, and that is a starting point for them when they have not been able to find them anywhere else.

Mr MUTCH—Do you really believe that if a guarantee were given that information would be retained confidentially for, say, 100 years people would refuse to accurately fill out the census forms?

Ms McDonald—I do not think so.

Mrs Adams—No. Everyone else knows about us—the taxation man, your employer, Medicare. Once you are dead you are buried in a cemetery and your details are usually filed away neatly in some sort of order. So you can be found in lots of places. I do not think that the majority of people out there are paranoid about people being given that sort of information, particularly if it has a 100-year ban on it.

Mr MUTCH—Do you have any connections with the Australian Bureau of Statistics up here? Do you have a relationship with them?

Mrs Tomlinson—No.

Mr MUTCH—They have not expressed any view to you?

Mr O'Brien—The statistician did say in the 1990s when we wrote to him via the Australian Archives that they were not able to make available those records after 1901 due to the 1905 Census Act, which debars them from doing that.

Mr MUTCH—I was a bit confused about that correspondence that you referred to.

Mrs Tomlinson—It confused us too.

Mr MUTCH—It says:

Until late last year it had been thought that the records were owned by the successor of the creating agency, the Northern Territory Commissioner of Police and were made publicly available on that basis.

What does that indicate? Are they saying that information was made available?

Mr O'Brien—Before the war the stats were compiled by the NT police. Since then the Bureau of Statistics seems to be invoking the 1905 Act so that access to those census records are not available.

Mr MUTCH—Was the correspondent saying that they thought that they had been made available but that they had not?

Mr O'Brien—Yes, I think that is what he is inferring in that letter and in what you are quoting.

CHAIR—Thank you for your submission and for coming along and discussing it with us.

[5.44 p.m.]

BLACK, Mr Danny William, Acting Regional Director, Australian Bureau of Statistics (Northern Territory Office), GPO Box 3796, Darwin, Northern Territory 0801

SMITH, Mr David Graham, Assistant Director, Population Census Development and Field Organisation, Australian Bureau of Statistics, Cameron Offices, Chandler Street, Belconnen, Australian Capital Territory

CHAIR—Welcome. Do you have anything to say regarding the capacity in which you appear?

Mr Black—I am here in my capacity not only as the acting regional director of the office but also as the previous head of the Aboriginal statistics unit within the ABS.

CHAIR—Thank you. Although the committee does not require you to give evidence under oath I advise you that the hearing is a legal proceeding of the parliament and warrants 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 contempt of the parliament. We are in receipt of your submission about the 1996 census, the Indigenous Numeration Strategy. Would you care to make some opening remarks?

Mr Smith—Yes. I might try to summarise the main features of the 1996 strategy for enumerating indigenous persons. It was built on strategies used in previous censuses. The aim was to use the successful elements from those previous censuses and enhance them where we could. There are a number of factors that make such a strategy necessary. These are spelt out in more detail in the document you have. They are present to varying degrees in different locations and different parts of the country and to little or no extent in some urban situations.

Broadly speaking, the main obstacles for the census operation to overcome are, in some cases, distrust of government, English literacy problems, problems for form filling in an oral based culture and the mobility of the people, particularly in remote communities. To deal with these issues the census strategy included some specific measures. We had staff recruited to specifically deal with indigenous enumeration, and that is distinct from enumeration of non-indigenous persons. There were some awareness activities that specifically addressed indigenous cultural barriers and publicised the benefits of the census for the indigenous community generally and for specific communities. There were specially designed forms to be used by interviewers where the situation appeared to call for it. Wherever possible, we used locally based indigenous personnel and indigenous media outlets.

There are really two distinct parts to the strategy, if I can encapsulate it that way.

Where discrete communities were identified as needing special treatment, we used these special interview forms I referred to and interviewers from within the community to carry out the census. Everywhere else, and this includes nearly all urban areas, indigenous people were enumerated using the standard census form and standard census procedures usually by the regular census collector in the area, but there were indigenous assistants available to provide assistance where that was deemed necessary. That is a brief summary of the approach we adopted in 1996.

CHAIR—Thank you, Mr Smith. Can you make any general comment about the quality of the census count for indigenous Australians?

Mr Smith—A general comment for 1996?

CHAIR—Yes.

Mr Smith—I believe it was the best count. By generalising, I am naturally speaking about censuses that I have not been involved in. But certainly I have seen the 1991 census reasonably close up. I believe it is the best count of indigenous people that we have managed yet, speaking overall.

Mr McCLELLAND—Is it pretty good and accurate?

Mr Smith—It is hard to find benchmarks on which to evaluate it against. We are dealing with some conceptual issues here. In relation to the definition of an indigenous person in census terms, it is almost self-defining, although the question that provides the information to identify people as indigenous asks whether a person is of indigenous origin. A person can answer that either truthfully or untruthfully or they can be unclear as to what the question means.

Mr McCLELLAND—And aside from that?

Mr Smith—In terms of coverage, I have no doubt that we—

Mr McCLELLAND—You have covered it.

Mr Smith—Yes, as well as possible.

CHAIR—The suggestion has been made that, if you look at the numbers of people identified as being indigenous, the increase between the 1991 and 1996 census—and even an increase, say, over 10 years—seems to be greater than natural increase would lead you to expect. Assuming for a moment that is right—I am not necessarily saying it is but let us assume for the sake of discussion that it is—is there any reason why that would be the case?

Mr Smith—It is pretty generally accepted, certainly within ABS and, I believe, pretty widely outside, that it indicates there are changes in propensity to identify as indigenous. That is what I was referring to earlier. One can only really interpret those results to show that there are people identified as indigenous in the 1996 census who presumably did not identify that way in 1991. Mr Black, would you agree?

Mr Black—Yes, I agree with that. Certainly what is attributable to that is perhaps the ABS effort in bringing the awareness to the indigenous community about the census and perhaps a general increased propensity of indigenous people to want to make a statement about their indigenous origin. There are other factors, too. The indigenous population is known to have a higher fertility rate and so the natural growth rate is higher than that of the non-indigenous population. Again, the coverage exercise that we undertake in the remote areas definitely improves our chances of getting a better result.

CHAIR—What lessons have you learnt from 1996 that you would look at implementing in 2001?

Mr Black—I guess we have built the strategy up that was used in 1996 over the last three or four censuses and it seems to be working fairly well. I would think that the 2001 census will be pretty much based on the way we have done it to date. There may be some refinements in how we check our coverage in some remote areas. As I said, we believe the coverage is very good in remote areas. But that is not to say that in some pockets of remote areas we have not got the numbers that perhaps we might have got, so there is always room for improvement there.

Mr KELVIN THOMSON—Do you have a view about how indigenous Australians themselves respond to the census? What kinds of concerns, if any, do they have in relation to it?

Mr Black—Having actually worked in the field delivering the census program on three occasions—1976, 1981, 1986—and, to a lesser extent, in 1991, I am pretty firmly of the opinion that indigenous people have virtually the same concerns that non-indigenous people have regarding privacy. As I have discussed the conduct of the census and the arrangements for the census in remote communities, generally the community councils I have spoken to want to know up-front about the privacy issues before they discuss the precise enumeration issues. In fact, the comments that they make on those occasions confirm in my mind that they pretty much have the same concerns as everyone else regarding their privacy.

Mr KELVIN THOMSON—Is there any special sensitivity that you are aware of concerning deceased persons?

Mr Black—I believe so. It is probably not for me to make a comment on that on behalf of indigenous people, but certainly it has cropped up on some specific communities

that we have been setting up arrangements for. A recent death, for example, has meant that we have had to make very convoluted arrangements to accommodate the sensitivity of the occasion.

CHAIR—As I understand, under customary law you cannot, for example, use the name of a deceased person, and those who carry that name cannot use that name. Obviously, that must create problems in taking the census.

Mr Black—It does. On at least a couple of occasions where I know that has been a problem, it has been overcome by the community members electing to use some other name for the family associated with the deceased.

CHAIR—I take it from what you are saying that you have got around the naming issue, if I can put it that way, but it has not affected the other data that is collected. I mean relationships and religion and income and all of that.

Mr Black—I believe not. Except getting that information from the remote communities is very difficult in any situation, irrespective of the particular circumstances that you referred to.

CHAIR—Yes.

Mr McCLELLAND—Consistent with that, do you know whether there is any apprehension among Aboriginals as to someone researching their history in, say, 100 years time, which would necessarily mean that the person would have to look up their name?

Mr Black—Again, I cannot say. Except in the dealings I have had with Aboriginal communities, they have often expressed some concern about their name going on the form. Generally, as we describe the privacy arrangements and the benefits of the census, their cooperation is usually the same as everyone else's. Whether they would be concerned about forms being looked at in 100 years time with their names on them, I really could not say.

Mr MUTCH—When you interview the people who you are filling out the forms for, do you go to pains to explain to them that the forms are destroyed, or do you merely read out the front sheet, which says, 'No information will be released in a way—

Mr Black—No, the way we go about it is we, first of all, conduct an awareness campaign in the community, where we cover all those sorts of issues. So there is an education campaign to let people know just precisely what is going to happen with their forms. In some communities we have shown the same video that is shown on TV around the country, which actually features the forms being pulped straight after the census. Certainly the disposal and the destruction of the forms is one of the items we particularly cover, even in remote areas.

Mr MUTCH—Does that get a response from people?

Mr Black—I do not think we get an overt response about it, but I believe that people are reassured by that. After the awareness campaign has been conducted, we are generally able to set arrangements in place to do the census. My feeling is that the way we do things at the moment is reasonably accepted by the communities. It is probably the best of a poor situation.

The communities have expressed to me on a number of occasions—and you have probably heard this yourselves—that they feel they are pretty well over-researched, and the census is just another thing that they have to do. Once the connection is made with the benefits of the census regarding funding for communities and so on and the privacy concerns are allayed, we have generally not had much trouble going about implementing the census.

Mr MUTCH—What do you think would happen if the government suggested that we might be able to keep the next census, for instance, for 100 years before it is released—that is, the name identified information? Firstly, would it really be able to be communicated that that was different from previous procedures and, secondly, if the aim of the government were to, in fact, keep the next census in terms of the name identified information, would that pose a great problem to you in explaining it to your communities?

Mr Black—I think it would because it is a lot simpler at the moment to be able to say, ‘Your form is going to be destroyed, as is everyone else’s form around the country. Your data is not being treated any differently from anyone else’s.’ That is a very simple concept to get across. As you say, I think it would be very difficult to try to get across the concept of retaining the forms for some period into the future so that someone else unknown to them, for some unknown purpose, might have access to that information. My feeling is that people would very quickly lose confidence in what you were trying to get across because they just did not understand that concept.

Mr MUTCH—Do you think there might be some growing awareness and desire amongst Aboriginal and indigenous communities to be able to trace their family histories, an awareness that they need information that is kept by the government in order to do this sort of thing?

Mr Black—I have to say yes to that, because I think the stolen generation inquiry does indicate that that is the case. I understand there are members of that inquiry and their constituents trying to do extensive research on past family links. Whether the census would be of any help in that regard, I am not convinced.

Mr MUTCH—If we had census records retained for that period, though, wouldn’t they have been an invaluable tool for being able to link families together?

Mr Black—They may have. I am really not sure about that. I just know how difficult it would be to access a record that was purported to be that of a relation of the person, whether there was enough information and the propensity to use a number of different names. All of those things would make it very difficult. I cannot really say.

Mr MUTCH—I want to revisit the previous question. If you sat down with the groups and said, ‘This time, because we have a special project for Australia, we would like to let you know that we are going to keep this information locked up in a vault in Canberra or wherever,’ do you really believe they would suddenly refuse to assist you?

Mr Black—I would not say they would refuse to assist, but I think their suspicion about our motives would increase.

Mr MUTCH—If you conducted an awareness campaign to tell them that it was a project for federation or whatever, you would probably be able to overcome those concerns, wouldn’t you?

Mr Black—We have been very successful taking the line we have taken with our awareness campaigns. Whether we would be equally successful pushing another line, I really cannot say. I have some doubts, but I suppose anything is possible.

Mr MUTCH—Have you been successful in the past because they trust you and your collecting authority, or is it because they just trust the government?

Mr Black—I do not think it is a matter of trusting the government.

Mr MUTCH—So they do not trust the government but they trust you?

Mr Black—I think it is due to the personal approach that we take in delivering the awareness and the fact that we come across fairly sincerely—which I think we do—about our motives. That is, we get the best information for that segment of the community that we can so that they can benefit from funding decisions and more fairly put their case. I think that approach is very successful.

Mr MUTCH—So it would not then be impossible to sell a change in plan for the next one by saying, ‘We have decided we would like to keep them so we can better assist you in those endeavours’?

Mr Black—I would have some doubts, because it would enter another element into the debate, into the presentation of the awareness, and it would complicate things.

Mr MUTCH—Have you had any contact with your counterparts in the remote areas of Canada, where they also have indigenous populations, about the manner in which they collect the information?

Mr Black—No, I have not, but Dave might have some information on that.

Mr Smith—I have some information which is more from written communications than from contact with people over there. I know they have had more difficulty than we have experienced—outright opposition in some censuses to the enumeration procedure. They have different sorts of problems, not only remoteness but also the climate. They conduct a census in the northern part of the country at a different time of the year than in the southern part, and that covers some of the—

Mr MUTCH—Would they explain to their indigenous populations that they keep the census, which they have historically done?

Mr Smith—I do not know whether they explain to anybody that they keep the census.

Mr MUTCH—They actually take the census and then keep it.

Mr Smith—They do that, but I do not know whether they explain it to the population.

Mr MUTCH—It has not proved to be a barrier to taking as accurate a census as can be obtained in that country?

Mr Smith—Again, I do not know.

CHAIR—Thank you very much for your submission and for coming along to discuss it with us this afternoon.

[6.05 p.m.]

CARMENT, Professor David Sulman, Vice-President, Federation of Australian Historical Societies, GPO Box 1440, Canberra, Australian Capital Territory 2601

CHAIR—I welcome Professor David Carment. 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 the parliament. We are in receipt of the submission from the Federation of Australian Historical Societies of 31 October. Would you care to make some opening remarks?

Prof. Carment—First of all, I would like to thank you for this opportunity to speak to the committee. I do not want to reiterate in any detail what is contained in the submission. It makes a number of general points that I think community historians in particular would regard as most important in favour of the retention of census data. It also suggests that a period of 50 years should elapse before any census data is used so that the privacy of individuals who are living and, to some extent, their families can be protected.

One of the main points that I want to make this evening is that the lack of census data in Australia has been a serious problem for historians. There are just a couple of censuses that I can think of in the colonial period where some data has remained. On the other hand, in other parts of the world—in countries like the United States and Canada—where a lot of the data has been available to historians, it has meant that much more interesting work can be done in the field of community history and social history, in biographical work and in the whole field of family history that is so important to genealogists.

I would like to perhaps become even more specific and provide a couple of cases where our arguments can be illustrated. First of all, I would like to refer to the pioneering work done some years ago by Dr James Waldersee, of the University of Sydney, in which he looked at Catholic society in New South Wales during the first 80 or so years of European settlement in Australia. In his book, which is called *Catholic Society in N.S.W. 1788-1860*, he makes very extensive use of the data that has survived from the census that was taken in 1828. He is able to say a lot of things about the Catholic population in much of Australia at that time that would not be possible without the use of census data. I will read to you one brief section from his findings:

The 1828 census, an imperfect tool, has nevertheless served its purpose, surviving the hazards of omission, dissimulation, confusion, copying errors and the rest. Sufficient to the truth appears to have remained to give a coherent picture of the New South Wales Catholic community in that year. It has been possible at least to enter most of the colony's Catholics in a register of names, at best to provide them with a profile of background activities and prosperity. Diversification was probably the most striking feature the census demonstrated, a reflection of the rapid growth in the

economy of the colony. This is of particular interest when it seemed to extend to the Catholic sector of the community. In that sector, the varieties presented, the breadth of the social spectrum, the gamut of occupations and activities, the range and degrees of affluence and security belie the impression that the Catholics of the colony were but an offshoot of the downtrodden Catholics of Ireland with prospects rendered even worse by the added taint of transportation.

It seems to me that that kind of finding, based on census material, is really quite significant in the way in which we look at early Australian history.

The other specific instance I want to talk about is the way in which census data is used today by community historians in the United States. Here I refer to a fairly well-known book called *Nearby history*, by David Kyvig and Myron Martin. It is widely used in America by not only academic historians but people who have an amateur interest in history. It is published by the American Association for State and Local History which is, in a way, the counterpart of the Federation of Australian Historical Societies. In that book, they make this point:

The manuscript records, for the years they were available, allow even closer examination of individual families, neighbourhoods, farms and businesses. Since the census takers usually covered their districts systematically—house by house, street by street—and always listed addresses, it is possible to compile a picture of a block of neighbourhood. Ethnic, racial, occupation and wealth patterns can be identified. High concentrations of blacks or foreign born, young or old and male or female residences can be clues to the special character of a neighbourhood, as can the presence of unusual numbers of lodges or households with the same family name.

I think the point that historical societies throughout Australia would be making is that this kind of approach adds to the complexity of our history and is of special interest to people who are looking at the histories of their own towns, their own regions, their own families, or people who are, as I said before, doing biographical work. For that kind of reason, the Federation is very keen that census data ought to be preserved in the future so that in 50 years time, and beyond the 50-year period, historians in Australia can do the sorts of things that Waldersee did with the Catholics in New South Wales, the sorts of things that people are currently doing in North America.

CHAIR—Professor, on that last point, wouldn't it be possible to do what the American authors have described largely in Australia by being able to drill down through the census data to the census collection districts? That is, one could compare census collection, or at least a couple of them, with other areas now, which would show up whether there was a high percentage of people of a particular occupation or the housing characteristics or whatever.

Prof. Carment—Certainly that is the case. One of the interesting things that is currently being done with the censuses in Australia is, for example, with the production of social atlases. There is a very good social atlas for Darwin, which tells people quite a lot about a number of different aspects of the population in Darwin. The important element

that is missing is the inclusion of names. I guess that is the key element as far as historical societies are concerned.

Mr McCLELLAND—Just being the devil's advocate, why is the inclusion of names so important?

Prof. Carment—I guess many historians are interested in people as individuals, not just as groups. When you want to understand groups, of course, you also have to look at the individuals who constitute those groups. To go back to the point I was making before, if you are doing biographical work, the absence of names is a real impediment.

CHAIR—I take it from the tenor of what you have said, Professor, that retaining and having access to census data at some stage in the future is not simply of value for genealogists or family historians; it has a broader historical use.

Prof. Carment—I think it is of great value to all historians. One of the problems for historians in Australia, like myself, is that most of us have never had the opportunity to use census data because, with a couple of exceptions that I have been talking about, it is not there for us to use. For example, my main interest is the 20th century period, and I have never had the opportunity to look at census data in the way in which some of my American counterparts would.

CHAIR—Perhaps I am being the devil's advocate again, but it is said by those who take a different view that there really is sufficient data available. You have births, deaths and marriages. You have various other things ranging from the telephone book through to some forms of business associations and the like. Yes, you may not have everything in terms of the census data, but you certainly have a great deal of information which is valuable.

Prof. Carment—That is true: we do have a great deal that is valuable. I would respond that the census data adds to the value that you are talking about. Obviously we cannot keep every record from the past, but the census data does seem to me, and to many historians, to be something which will greatly enrich our knowledge of the past.

Mr KELVIN THOMSON—One of the issues that we have had raised with us and are giving some consideration is whether there might be a one-off in relation to the 2001 census—a centenary of federation project or something of that character—and a different arrangement used concerning that particular census. Do you have any thoughts on that?

Prof. Carment—I think there is some merit in that proposal. We could look at 2001 as a special case. That would be better than not doing it at all. By keeping the data from the 2001 census and perhaps allowing people to use it from the middle of the next century onwards, we would be able to put together a very fascinating and, I think, very worthwhile profile of the Australian community at the turn of the century in a way that

would not be possible otherwise, for reasons I have already mentioned.

Mr KELVIN THOMSON—Yes. We do get a picture from talking to people—and I think you mentioned it when you talked about the 1842 census in Van Diemen’s Land—that a particular census can be of great value and that people seem to be able to derive an enormous amount of data out of the one exercise.

Prof. Carment—Yes. I think genealogists would probably argue, with a good deal of logic, that data from all censuses should be kept because, after all, they are interested in members of their families; not just at one point in time, but over a longer period, over a longer sequence.

Mr KELVIN THOMSON—I understand that, but it also occurs to me when listening to people in this area just how much value the snapshot idea actually does provide.

Prof. Carment—I think there is a lot of value in that. As you might be aware, in 1988 a number of volumes came out that were put together by historians right around the country. The so-called slice approach to history was used, and a number of years were examined as historical slices—1838, 1888, 1938. Certainly that is something that would be appealing to many historians. If we could look at 2001 as a slice, it could be approached in the same way as those other slices that I mentioned.

Mr KELVIN THOMSON—Yes. What do you say about this issue of closed periods? There have been different figures put to us about what is an appropriate closed period. What do you think about that?

Prof. Carment—That is a difficult issue. With much of the archival material that is available in archives it is a shorter period than 50 years, which is what we are suggesting. I am not sure that any period is going to be acceptable to everyone, and 50 years is perhaps something of a compromise. But on the assumption that many of us will not be around in 50 years time—if I am here in 50 years, I will be 98 and probably not worrying about these things anyway—it does, to a considerable extent, protect the privacy of people who are currently living.

Privacy is a very thorny issue for historians because, after all, if you take concerns about privacy too far it would be very difficult to write meaningful or critical history. Some individuals in the past are people whom we quite rightly now criticise and condemn. If we were too concerned about privacy and too concerned about the feelings of relations and descendants, then we may not be able to do that.

Mr KELVIN THOMSON—I guess the idea with history is that the people who are being written about have passed away, therefore those issues are much less substantial and whatever period you determine ought to be with that in mind.

Prof. Carment—Yes. That is why I say it is difficult to know an exact period.

Mr MUTCH—With respect to women and the writing of histories about women and groups that have not really been addressed in the past, are they better addressed in countries like America because of their access to census information which is based on the domicile of people and is, therefore, a democratic sort of look at society, rather than on a view of history through the eyes of an important figure or someone whom we think important at the time?

Prof. Carment—I can only answer that question very generally. In general terms, if census data is available, I think it will help the writing of women's history in Australia, in the sense that we will find out more about named women than we know about them at present. But, without having done this kind of work myself, it is very difficult to be any more detailed in my answer to your question.

Mr MUTCH—It is the same, I suppose, with migrant communities. I would imagine that in America, which is an immigrant community like ours, there is a fair body of work on their immigrant communities. It would be a cohesive thing.

Prof. Carment—Indeed. I have a friend who is an historian at the University of Victoria, British Columbia, Canada, who has been making extensive use of census data along the lines that you have just described.

Mr MUTCH—Does he or she feel that people would refuse to answer the questions on the census form in this country, if we decided to emulate what they have been doing in Canada for many years?

Prof. Carment—I do not know how he feels on that. My own feeling is that I do not think it would be a major concern to most people. After all, there is a lot of information that the government and other agencies know about us as individuals. Some people might resent that. But, generally, we live in a community, I think, where we have to accept that, if we are to have a reasonable level of social services, if we are to have a reasonable level of government generally, we have to provide information about ourselves to others. I do not think it would be a major issue at all.

CHAIR—Professor, I thank you for the submission from the Federation, and also for coming along and discussing it with us this afternoon.

Prof. Carment—Thank you again for allowing me to do so.

CHAIR—I thank all those for their attendance today, and the parliamentary reporting service.

Resolved (on motion by Mr McClelland):

That this committee authorises publication of the evidence given before it at public hearing this day.

Committee adjourned at 6.22 p.m.