

Australian Governments and the Concept of Race: An Historical Perspective

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This article examines the development of racial concepts in Australia during the nearly 200 years of European occupation as evident in government action, particularly legislation and statistical categorisation. Attention is confined to a relatively limited body of evidence to facilitate comparability over time. The objective is to distinguish broad patterns, a task which is made difficult by the divided legislative authority within the country.

Confining attention to a limited body of evidence does not, however, dispense with the problem of defining precisely the field of study: how is it to be established that certain actions are based on a 'racial' consciousness while others are not? It is insufficient to rely on a narrow definition to distinguish racial consciousness or perception, for the precise form of concepts, categories and terminology can change over time while basic perspectives remain constant. Thus in a period when racial concepts are undeveloped there may be difficulty in establishing a clear and consistent set of categories; at another time concepts may be fully developed, but categorisation may be hidden for political reasons by, for example, an education test. It is necessary to employ a definition which captures the meaning at the core of racial conceptualisation, and which is sufficiently broad to allow for change over time. The definition adopted below incorporates two elements, the first of which is sufficient to establish a racial consciousness. It entails: (1) perception of physically distinguishable human populations (as distinct from sub-populations, such as divisions based on gender), whose behavioural traits and capacities are seen to be immutable, normally although not necessarily explained in terms of the group's biological characteristics or genetic inheritance; and (2) a belief that as a consequence of the group's immutable characteristics it is inappropriate for its members to be treated on a basis of equality with other members of society. There are therefore two elements to the definition, one concerned with perception and categorisation of human populations, the other with the ensuing consequences. The two elements may, but do not necessarily, co-exist.

It is the argument of this paper that racial consciousness in Australia has

passed through four phases; (i) the year to 1850, during which a major concern of governments was Aboriginal dispossession: (ii) the second half of the nineteenth century, which saw the beginning of large scale non-European immigration and the first attempts to develop a unified policy to deal with detribalised Aborigines: (iii) the flowering of racial consciousness from 1890-1940: and (iv) the gradual erosion of this outlook over the last forty years.

The Process of Dispossession - 1850

A first phase may be approximately dated from the beginning of European occupation to the gold rushes of the 1850s. In this period there was minimal immigration of non-Europeans but relations with Aborigines, concerned primarily with the process of dispossession, were of major importance. This periodisation is only a rough approximation, having particular relevance to the southern parts of the continent, for the need to dispossess Aborigines remained the dominating characteristic of relations in many other parts of the continent after 1850, for example, in Queensland as I indicate below.

When dispossession was the major concern of governments, relations were essentially of an immediate and practical nature. The subservient position of Aborigines was not spelled out in legislation but established in practice. There was little perceived need to establish the right to dispossess through legislation, for dispossession rested on a claim that Australia could be treated by the Crown as vacant land. Aborigines were, in theory, British subjects; in resisting the spread of Europeans they were the ones breaking the law, and could be dealt with according to its dictates. In reality there was little regard for the letter of the law, but the point remains that dispossession was effectively achieved under the guise of the existing legal system (Rowley 1970; Frost, 1981; Broome, 1982). The clearest illustration is provided by the activities of the Queensland Native Mounted Police in the second half of the nineteenth century. Although Aborigines retained their notional citizenship the native police treated them as a hostile enemy, beyond the jurisdiction of the British legal system. Queensland governments failed to sanction legislatively this para-military force, deciding instead to hide its activities under a veil of silence (Reynolds 1972:16-20; Evans 1975:55-66). In this context governments had little need for (and hence there was little development of) explicit 'racial' categories in legislation.

The withdrawal of notional citizenship was a slow development. Early forms of discrimination in the legal system were not formally couched in racial terms; Aboriginal evidence, for example, was inadmissible not because of a ban on members of a racial group, but because Aborigines could not take an oath on the Bible. In 1844 South Australia legislated to

admit evidence taken without a Bible oath when supported by corroborative evidence, but a similar bill was defeated in New South Wales in 1844 and again in 1849 (Reece 1974:180-2).

Although it is argued that government action was not *formally* grounded in racial consciousness, to all intents and purposes it can be equated with action stemming from such a perspective. Further, racist discourse was developed within sections of the government and the wider community. The major qualification is that within government some held to the view that Aborigines could be absorbed into European society; belief in immutable racial characteristics was sometimes questioned.

1850-1890

A second phase can be approximately dated from 1850 to 1890. Within this period governments were having to meet a changing set of circumstances. First, especially in the south-east of the continent, they were increasingly dealing with Aborigines who survived the process of dispossession. Second, for the first time they encountered large scale immigration of non-Europeans, raising the issue of selective immigration controls and discrimination against certain groups resident in the colonies. These changing circumstances within Australia coincided with the development and refinement of racial thought in the western world generally.

Relations with the surviving Aboriginal populations were characterised by a gradual move to curtail their notional rights and privileges. Early examples of such legislation are to be found in New South Wales; for example, there were attempts to forbid the possession of firearms, a prohibition on the freedom to consume alcohol and, under the vagrancy laws, it was made a crime for Europeans to lodge and wander in company with Aborigines (Reece 1974:188; 15 Vict., No. 4).

Legislators recognised the necessity to define an 'Aborigine', but there was as yet relatively little attention to the definition; in particular, the position of people of mixed descent, to be a significant issue in the twentieth century, received little systematic thought before the 1870s, and there was no attempt to define solely on the basis of supposed biological characteristics. Thus a New South Wales Bill of 1839 defined a 'Half-caste Native' as a person 'brought up and abiding with any tribe of Aboriginal Natives of the said Colony' (3 Vict., No. 16, s.1). Major Victorian legislation of 1869, namely the Act to Provide for the Protection and Management of the Aboriginal Natives, adopted similar wording;

Every Aboriginal native of Australia and every Aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating and

living with Aborigines, shall be deemed to be an Aboriginal... (33 Vict., No. 349, s.8).

This Act marked an important transition from isolated enactments which deprived Aborigines of specific rights, to comprehensive legislation which, as well as depriving Aborigines of rights, empowered governments to exercise specific controls. It established the pattern for legislation adopted in other parts of the country in the 1890s and 1900s, and provided the legislative basis to limit the freedom of movement of Aborigines and to control aspects of their lives. It provided the following regulations: (i) for prescribing the place where any Aboriginal or any tribe of Aborigines shall reside; (ii) for prescribing the terms on which contracts for and on behalf of Aborigines may be made with Europeans; (iii) for apportioning amongst Aborigines the earnings of Aborigines under any contract: and (v) for the care, custody and education of the children of Aborigines (33 Vict., No. 349, s.2). It was a feature of legislation dealing with Aborigines that much broader powers were assumed than were actually exercised in the majority of cases: administrators had considerable discretion in deciding, for example, which persons were to be moved to reserves. Among other limitations, governments were unwilling to allocate sufficient resources for full implementation of the legislation. But the 1869 Act was significant in providing the pattern for a new form of relationship.

Within this period legislation also affected a second group of non-Europeans, the Chinese immigrants who attempted to enter the Australian colonies during and after the first gold-rushes of the 1850s. There were two major types of measures enacted. The primary objective was to limit, for the first time, the entry of a specific category of immigrant. A secondary feature was the abridgement of the rights of members of this category who were already within the colonies; thus, for example, legislation passed in Victoria (1855), New South Wales (1861) and Queensland (1877) restricted the freedom of Chinese to mine on certain goldfields (Price 1974; Markus 1979).

While a precedent was established in limiting entry into the colonies, legislation in most colonies was directed at a narrowly defined group and it was not totally prohibitive: it did not bar the permanent entry of all members of the designated population. The objective of legislation was to limit entry, and to do so more severely with the passage of time, but not to impose a total ban in the period to 1890. Thus in 1855 Victoria imposed a poll tax of \$20 on Chinese entrants and the added requirement that no more than one Chinese passenger be carried for every ten tons of ship's burthen. The legislation was suspended in 1863, repealed in 1865, and re-enacted in 1881, with the tonnage ratio being increased to 1:100. The poll tax was dropped in 1888, but the legislation was made more restrictive by

increasing the tonnage ratio to 1:500. In some colonies restrictions were more severe, although again not prohibitive; Queensland raised the poll tax to \$60 in 1884, while New South Wales in 1888 raised the amount to \$200, with a tonnage ratio of 1:300 (Price 1974; Markus 1979).

The legislation was not totally exclusive in a second sense. For much of the second half of the nineteenth century certain categories of Chinese were exempted from laws regulating immigration. The first definition of 'Chinese' adopted by the Victorian parliament in 1855 was pragmatic, designed to meet what was perceived to be an immediate problem, and only applied to males:

the word 'Immigrant' shall mean any male adult native of China or its dependencies or of any islands in the Chinese Seas or any person born of Chinese parents (18 Vict., No. 39).

In 1857 the definition was further limited with the exemption of 'natural born or naturalized subjects of the Queen' (21 Vict., No. 42). Legislation in 1881 continued the exemption for British subjects (45 Vict., No. 723); in 1888, however, this was restricted to persons naturalised in the colony, and for the first time the notion of 'race' was introduced into the definition:

'Chinese' shall include every person of Chinese race not exempted from the provisions of this Act (52 Vict., No. 1005).

As in legislation dealing with Aborigines, the judiciary was empowered to decide, on the basis of physical appearance, whether a person was covered by the terms of the act (52 Vict., No. 1005, s.10).

There was considerable development of racial consciousness in the period 1850-90 and this is particularly apparent in legislation directed at the Chinese. With reference to the definition contained in legislation, there is a change from a territorial emphasis to one specifically couched in the terminology of race. There is also increasing acceptance of the idea of inequality, evident in the move to exclude designated groups from the mainstream of society. The objective of excluding Aborigines was readily apparent in the Victorian legislation of 1869, although this measure was not representative of developments in other colonies and was more typical of early twentieth century legislation. Discrimination against Chinese dates from 1855, but until the 1880s legislation was confined to the control of immigration and the activities of Chinese on the goldfields. Discriminatory measures in the 1880s began to assume a new character, directed towards a clear demarcation of the position of Chinese immigrants. Thus Chinese were denied the right of naturalisation in the late 1880s in New South Wales, Victoria and South Australia. In 1881 Victorian

Chinese who were not British subjects were denied the vote; a similar measure was enacted in South Australia in the following year and in 1885 Queensland denied the vote to 'an aboriginal native of Australia, India, China or the South Sea Islands... except in respect of a freehold qualification' (Price 1974:178).

While there was development of discriminatory legislation in the period 1850-1890, the process was far from completed. In all but two of the smaller colonies the target of legislation remained one specific group, and although immigration was controlled there was no total prohibition. Target groups were not defined solely on racial criteria; people of mixed Aboriginal-European descent, for example, continued to be defined with reference to mode of life. And the colonies were inconsistent in their attempts to exclude non-Europeans from the mainstream of society; thus Tasmania and Queensland did not abolish the right of naturalisation in this period.

The nature of these developments is further illustrated through an examination of categories employed by the colonial statisticians. There was a concern, beginning in the 1850s, to record the rate of Chinese immigration, their numbers and occupations, and also to estimate the number of Aborigines. But development beyond this point was slow; in this period there was no special attention given to refining categories in order to highlight the non-European presence. The tabulation of the 1881 Victorian census employed only three categories to summarise the population, namely, those exclusive of Chinese and Aborigines; Chinese; and Aborigines (Census 1881:123). The 'birthplaces of the people' were tabulated by country, not 'race', with a further distinction made between British possessions and the rest of the world. The major divisions were; Australasian colonies; United Kingdom; other British possessions (in Europe, Asia, Africa, America); European countries; Asiatic countries; African countries; American countries; and Polynesia. A footnote pointed out that in addition to the Chinese born in China there were an additional 329 persons of 'Chinese race' born elsewhere (Statistical Register 1883:7). The 1891 Victorian census employed similar divisions but, indicative of a growing willingness to adopt broad categories, the entry for Asiatic countries drew a distinction between the 17 persons born in China of European parents ('European race') and the 8,450 Chinese of 'Asiatic race' (Statistical Register 1892:8).

1890-1940

The third period, approximately dated from 1890 to 1940, witnessed the flowering of racial consciousness. Legislation was enacted to bar totally the permanent immigration of persons perceived to belong to certain racial groupings and to deny to those already in the country full enjoyment of

political rights and privileges. These actions were based on a fully articulated racial consciousness.

Late in the nineteenth century and early in the twentieth most states adopted legislation similar to the Victorian Act of 1869 which provided authority to remove Aborigines to reserves and to control all aspects of their lives, including terms of employment, control of assets, right of marriage and guardianship of children.

Legislation controlling immigration enacted in the same period was characterised by a move from specific to generic categories. Whereas in the past legislators dealt with perceived problems of an immediate, practical nature, they now strove to pre-empt their development by enacting legislation employing broad categories. Thus the New South Wales Coloured Races Restriction Bill of 1896 was directed at 'all persons belonging to any coloured race inhabiting the continent of Asia, or the continent of Africa, of any island adjacent thereto, or any island in the Pacific or Indian oceans'. A similar Bill was passed in Tasmania (Yarwood 1964; Charteris 1937). At the behest of the British government, subsequent legislation controlling immigration cloaked the specific target groups by adopting an education test, but there was little doubt that this test was to be applied in a discriminatory manner against non-Europeans, a point made clear in parliamentary debates and government memoranda (Yarwood, 1964). Most legislation outside the immigration field remained phrased in less circumspect terms. Thus, for example, the Post and Telegraphs Act of 1901 stipulated that only 'white labour' was to be employed in the carriage of mail on behalf of the Commonwealth (No. 12 of 1901, s.16(1)).

Australian governments were not content with halting non-European immigration; it was felt necessary to exclude non-Europeans - including Aborigines, as already noted - from the mainstream of community life, as well as subjecting them to discriminatory measures which denied them benefits normally available to taxpayers and restricted their job opportunities. The extreme example of this policy was the deportation in 1906 of most Melanesians resident in Australia (Corris, 1973). Other non-Europeans were allowed to remain, possibly because their deportation would cause serious diplomatic problems, but it was made clear that they were not wanted. In 1902 the Commonwealth disenfranchised any 'aboriginal native of Australia, Asia, Africa or the Islands of the Pacific except New Zealand', unless legislation in their state of residence conferred the vote (No. 8 of 1902, s.4). In 1903 the Commonwealth denied naturalisation to any 'aboriginal native of Asia, Africa or the Islands of the Pacific, excepting New Zealand' (No. 11 of 1903, s.5). Commonwealth legislation establishing old age and invalid pensions in 1908 disqualified Asiatics (unless born in Australia), and aboriginal natives of Australia,

Africa, islands of the Pacific and New Zealand (No. 17 of 1908, s.21). In 1912 the Commonwealth denied to 'women who are Asiatics, or are aboriginal natives of Australia, Papua, or the islands of the Pacific' (No. 8 of 1912, s.6).

Occupational discrimination dated from the late 1850s, the early targets being Chinese goldminers; subsequent discrimination affected storekeepers, hawkers, and Chinese working in the furniture trade. Such discrimination reached fullest development in the twentieth century, although with significant variation between the states. Queensland led the way, with one scholar identifying 40 discriminatory Acts in the period 1900-40; these measures covered the ownership and leasing of land, obtaining a loan from the Agricultural Bank, fishing for pearl shell and beche-de-mer, the manufacture of agricultural products, and employment in railway construction (Mercer 1981).

Some internal discriminatory measures also used the subterfuge of an education test, thus lessening the likelihood of diplomatic protests and simplifying the task of legislators who experienced difficulty in reaching a precise definition of the inferior races. Attempts at definition occasionally employed the concept 'white labour' but it was more common to attempt an enumeration of races, continents or geographical regions: presumably the legislators thought they were enumerating races, although this is not fully clear as the categories were rarely labelled as racial in legislation. These enumerated definitions contained a number of inconsistencies; thus in Commonwealth enactments Maoris were specifically exempted from the category of persons debarred from voting and citizenship, but they were specifically excluded from entitlement to pensions. Papuans were noted for the first time in a 1912 definition (No. 8 of 1912, s.6). 'Asiatics' born in Australia were deemed worthy of receiving the pension but not apparently the maternity benefit. There was, perhaps, a degree of logic in this discrimination: 'Asiatics' born in Australia would not be encouraged to have children, but as an act of magnanimity they would not be left destitute in old age.

This legislation of the early Commonwealth period signals a major development in racial consciousness, but it does not denote a termination point or full maturing. Racial consciousness without clear boundaries continued to undergo a process of development, with the definition of acceptable genetic stock being refined and narrowed. This development may be illustrated by examining the changing definition of Aborigine, government policy towards European immigration, and the categories employed by the Commonwealth statistician.

The 1897 Queensland definition of Aborigine was similar to that contained

in the earlier Victorian Act, with the status of persons of mixed descent being determined by their mode of life or association. Those covered by the legislation were;

- (a) an aboriginal inhabitant of Queensland; or
- (b) a half-caste who, at the commencement of this Act, is living with an aboriginal as wife, husband or child; or
- (c) a half caste who, otherwise than as wife, husband or child, habitually lives or associates with aboriginals (No. 17 of 1897).

This definition of 'half-castes' was subsequently developed to exclude consideration of social factors and to place reliance solely on supposed genetic inheritance. In deciding the eligibility of persons of mixed descent for social services and the franchise, and for inclusion in the census, the principal criterion was preponderance of non-Aboriginal 'blood' - there was some confusion whether preponderance meant 50% or 51% - although reference to mode of life was considered as a secondary factor. Thus a person defined as a 'half-caste' (i.e. non-Aboriginal by one Commonwealth criterion) who live on a reserve would not be eligible for a pension (Australian Archives 1938, 1949). Reference to mode of life finally disappeared from definitions adopted by some states in the 1930s, a time representing the high point of biological determinism in Australia. Western Australian legislation in 1936 was extended to cover persons of mixed descent, with exceptions for certain categories of 'quadroon', defined as 'a person descended from the full blood original inhabitants of Australia or their full blood descendants but who is only one-fourth of the original full blood' (No. 43 of 1936, s.2(f)). The definition of 'half-caste' in the Queensland Act of 1939 included a person

Both of whose parents have a strain of aboriginal blood, and who himself has a strain of more than twenty-five per cent of aboriginal blood but who has not a preponderance of such blood... (3 Geo. 6, No.6).

The process of narrowing the category of acceptable racial stock is also illustrated by controls on European immigration in the 1920s. In 1901 potential immigrants had been placed in two categories: the admissible (Europeans) and the inadmissible (non-Europeans). In the 1920s the federal government adopted a third category, in line with misgivings concerning the suitability of certain European peoples: this category comprised immigrants who could only be admitted in strictly limited numbers, their entry being controlled by numerical quotas. Those affected included Maltese, Greeks, Yugoslavs, Albanians, Czechoslovaks, Poles and Estonians (Australian Archives, 1928). In the late 1930s the Commonwealth added the category of 'Jews', requiring all prospective immigrants to declare whether or not they were of the 'Jewish race'. Following a number of pro-

tests the government diplomatically changed the wording to require a person merely to declare if they were Jewish, deleting the reference to race (Markus 1983). During this period an officer of the Commonwealth Investigation Branch, in a highly unusual questioning of racial premises, inquired of his Director:

Two dancers who are now appearing in Melbourne... have made applications [for permanent residence]... One is a Jewess married to an Aryan, member of the Church of England, and the other is a Roman Catholic Czech married to a Jewish man. To what race will their children belong? I recently asked a new arrival who looked 'German' rather than Jewish, whether she was a Jewess and a refugee. She told me her grandfather, who was a Prussian officer, married her Grandmother, a Jewess. Her father married a Jewess - what *race* is she? One generation behind her father, she was *Prussian*, - a Prussian, although applicant is not even German... If a Government officer 'thinks' a nominee is Jewish, where an applicant thinks he is not, where are we going to land? (Australian Archives 1939).

A third index to the development of racial consciousness - in particular the striving for precision and consistency - is provided by the questions asked in the census. In 1911 Australians were merely asked to indicate the race to which they belonged. At the next census in 1921 a tentative attempt was made to suggest categories: people were asked to state if they were of European race; if not, they were asked to indicate the non-European race to which they belonged. A further step in 1933 was the suggestion of categories for the non-Europeans:

If of European race wherever born write European, if non-European state the race to which you belong as Aboriginal, Chinese, Hindu, Negro, Afghan, etc. If a half-caste write also 'H.C.' as 'H.C. Aboriginal', 'H.C. Chinese' etc.

This striving for greater precision was hindered by one small problem: the inability to formulate an acceptable racial taxonomy. Hence the statistician's resort to 'etc.' in his enumeration. In recording arrivals and departures, moreover, he seemed completely confused as to the meanings of 'nationality' and 'race'. Thus in 1925 one table listed Chinese and Japanese as 'nationalities', while the same categories - Chinese and Japanese 'nationalities' - were employed in a second table listing 'non-European races' (Year Book 1925:946-7). As a result of this inconsistency, in 1927, the category 'Nationality or Race' was adopted, a classic each way bet (Year Book 1927:899). In 1946 the information, using the same divisions (for example, Chinese and Japanese), was reclassified under the heading 'Racial Origin' (Year Book 1946-7:732).

From 1945 -

A fourth period, dating from the end of the second world war to the pre-

sent time, has witnessed a movement away from ideas of biological determinism and a decrease in the significance that governments attached to racial categories.

A basic feature of post-war development was the redefinition of the category of immigrants who could, first, be admitted without restriction and, second, be encouraged to migrate by the provision of assisted passages. A cognate development was the redefinition of persons who could be admitted to the full exercise of citizenship. Whereas the first forty years of the century witnessed a narrowing of categories, the reverse occurred in the post war period, so that practically all forms of discrimination were removed from the statute books and the Racial Discrimination Act of 1975 outlawed 'any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin' (No. 52 of 1975, s.9).

An early change was the redefinition of desirable immigrants. Whereas southern and eastern Europeans had, in the pre-war period, been placed in the category of persons who could be admitted only in strictly limited numbers, from 1948 the immigration of previously undesirable national groups was encouraged, the category of acceptability being rapidly extended to meet the country's labour requirements (Markus 1984; Wilton and Bosworth 1984).

Paralleling this development was a change in policy towards Aborigines. Previously condemned to extinction on the margins of European society, Aborigines by the 1950s were expected to assimilate to white society, beginning with those of mixed descent. Signs of change were already apparent in the social welfare legislation of the 1940s. The Commonwealth's Child Endowment Act of 1941 provided for payment to Aborigines who were not nomadic or dependent on the Commonwealth or a state for support, thus indicating a move away from strict biological definition (No. 8 of 1941, s.15). In 1959 all Aborigines except those classed 'nomadic or primitive' were granted entitlement to pensions and maternity allowances, with this final discrimination being removed in 1966 (No. 51 of 1959, s.24; No. 41 of 1966, s.29). Legislation establishing unemployment and sickness benefits in 1944 did not automatically rule out Aborigines, but made their entitlement dependent on 'character, standard of intelligence and development' (No. 10 of 1944, s.19). This legislation was modified in 1959 and 1966 in line with modifications to other social service measures.

The states undertook a piecemeal repeal of legislation denying basic civil liberties to Aborigines, although at an uneven pace; Victoria removed barriers to full citizenship in 1957, New South Wales in 1963, South Australia in 1966 and Western Australia in 1972. The remaining vestiges of

discriminatory Queensland laws were over-ridden by the Commonwealth's 1975 Aborigines and Torres Strait Islanders (Queensland Discrimination Laws) Act (No. 75 of 1975).

A third area of change involved non-Europeans born outside Australia. In 1950 war-time refugees resident in Australia were granted permanent residence, as were Chinese holding temporary entry permits who did not wish to return to their homeland following the victory of the communist forces. In 1956 the privilege of naturalisation was extended to certain non-Europeans, notably the wives and husbands of Australian citizens. Beginning in 1959 permanent residence was opened to 'distinguished and highly qualified Asians'; guidelines were further changed in 1966 to permit a larger intake of 'well qualified' non-Europeans, and to liberalise family reunion criteria and terms for naturalisation. The removal of remaining forms of racial discrimination was implemented in 1973 (Palfreeman 1967; Yarwood and Knowling 1982; Price 1983).

While immigration restrictions were gradually modified, leading to the removal of racial discrimination, and discriminatory measures against resident non-Europeans met a similar fate, the division of human populations into racial categories continues to the present time, albeit in a muted form. The social significance of racial categorisation, of ideas of racial determinism, lost legitimacy, but the categorisation itself retains its hold.

The Commonwealth statistician, for example, continued to seek greater precision in racial categorisation long after governments began the process of dismantling discriminatory legislation. Thus the 1947 census had instructed people of mixed descent to define themselves according to the race of their father. After nineteen years this instruction was found to be inadequate; thus in 1966 those of mixed descent were required to indicate the precise nature of admixture in fractional terms, as in $\frac{1}{2}$ European - $\frac{1}{2}$ Aboriginal, $\frac{3}{4}$ Aboriginal - $\frac{1}{4}$ Chinese'. The striving for data of supposedly greater precision ended in 1971 with those of mixed origin being requested merely to indicate the race to which they 'considered' they belonged. The race question was omitted in 1981, only to reappear in 1986.

Although continuing to collect information on the country's racial composition, the statistician had begun in 1961 to highlight possible deficiencies in the data, noting that 'The term "Race" as used for Census purposes is not synonymous with ethnic group, but is based on geographical rather than ethnological descriptions' (Year Book 1961:315). It was further observed in 1964 that 'The basic data do not permit scientific classification of ethnic origin and the races are named with a geographical rather than a truly ethnological description' (Year Book 1964:1303).

The publication of information on the race of immigrants was deleted after the 1958 Year Book; the racial composition of the population was deleted after 1967. Recording the elements of admixture in the Aboriginal population was the longest lasting obsession. It was lamented in 1973 that:

reporting by Aborigines in the 1966 Census was insufficiently precise to differentiate persons who are 50 per cent Aboriginal from those who are more than 50 per cent Aboriginal... Even a total of all persons who are 50 per cent or more Aboriginal may be suspect, primarily because of the inclusion of persons who are less than 50 per cent Aboriginal and described themselves simply as 'Aboriginal', but also because of persons who are 50 per cent Aboriginal stating their race as 'European' (Year Book 1973:142).

The proportion of Aboriginal blood was last noted in the 1975-76 Year Book.

The quest for a definition of Aborigines has not, however, disappeared with changing perspectives and the dismantling of discriminatory legislation. In establishing entitlement to special benefit for Aborigines, governments have faced the continuing difficulty of defining eligibility. Since 1973 the Commonwealth has employed a definition for administrative purposes in which self-definition forms a constituent element. Eligibility is limited to:

a person of 'Aboriginal' or 'Torres Strait Islander' descent who identifies as an Aboriginal or Islander and is accepted as such by the community with which he is associated (Year Book 1973:971).

In contrast with the agreed definition for administrative purposes, legislators have been unable to settle on a consistent form of words. In the period 1974-80, four different definitions appeared in federal Acts, at times directly contradicting each other. Thus in 1974 an Aborigine was defined as 'an indigenous inhabitant of Australia, and includes an indigenous inhabitant of the Torres Strait Islands' (No. 103 of 1974), yet a definition in the following year was restricted to 'a descendant of an indigenous inhabitant of Australia' and did not include a 'Torres Strait Islander' (No. 52 of 1975). Another attempt at definition in 1975 was premised on the existence of an 'Aboriginal race', but admitted doubt as to the classification of islanders; "'Aboriginal'" means a person who is a member of the Aboriginal race of Australia. "Islander" means a person who is a member of the race to which Torres Strait Islanders belong' (No. 75 of 1975, s.3; No. 1 of 1977, s.3).

Concern with the precise degree of admixture is no longer a concern of legislators, but the validity of racial categorisation remains entrenched in-

the law. The existence of races is unquestioned, although there is no agreed taxonomy and this leads to absurd attempts at definition. Nowhere is the assumption of validity more evident than in anti-discrimination legislation which outlaws acts based on 'race, colour, descent or national or ethnic origin', arguably serving to legitimise the misconception and bigotry that it is designed to counteract.

References

- Australian Archives (1928), Immigration - Policy, CRS A458, P156/ 1.
Australian Archives (1938), Welfare of Aborigines, CRS A571, 38/ 883.
Australian Archives (1939), Insp. R. Browne to Director, Attorney-General's Investigation Branch, 19 April 1939, CRS A367, C3075.
Australian Archives (1949), Aborigines - Right to Vote, CRS A431, 49/ 822.
Broome, R. (1982), *Aboriginal Australians* Sydney, Allen and Unswin.
Census of Victoria, 1881, General Report.
Charteris, A. (1937), 'Australian immigration laws and their working', in N. MacKenzie (ed.) *The Legal Status of Aliens in Pacific Countries*, London, Oxford University Press.
Corris, P. (1973), *Passage, Port and Plantation* Melbourne University Press.
Evans, R., Saunders, K., Cronin, K. (1975), *Exclusion, Exploitation and Extermination* Sydney, ANZ Book Co.
Frost, A. (1981), 'New South Wales as *terra nullius*: the British denial of Aboriginal land rights' *Historical Studies* 77, 513-23.
Markus, A. (1979) *Fear and Hatred* Sydney, Hale and Iremonger.
Markus, A. (1983), 'Jewish Migration to Australia 1938-49' *Journal of Australian Studies* 13, 18-31.
Markus, A. (1984), 'Labour and Immigration 1946-9' The Displaced Persons Programme' *Labour History* 47, 73-90.
Mercer, P. (1981), 'The Survival of a Pacific Islander Population in North Queensland, 1900-1940', Ph.D. thesis, ANU.
Palfreman, A. (1967), *The Administration of the White Australia Policy* Melbourne University Press.
Queensland Statutes
Price, C. (1974), *The Great White Walls are Built* Canberra, ANU Press.
Price, C. (1983), 'Immigration Restriction' in *The Australian Encyclopedia* 4th ed., vol. 5, Sydney, Grolier.
Reece, R. (1974), *Aborigines and Colonists* Sydney University Press.
Reynolds, H. (ed.) (1972), *Aborigines and Settlers* Melbourne, Cassell.
Rowley, C. (1970), *The Destruction of Aboriginal Society* Canberra, ANU Press.
Statistical Register of the Colony of Victoria, 1883, part II.
Statistical Register of the Colony of Victoria, 1892, part II.
Statutes of New South Wales
Statutes of Western Australia
Victorian Statutes
Wilton, J. and Bosworth, R. (1984), *Old Worlds and New Australia* Ringwood, Penguin.
Yarwood, A. (1964), *Asian Migration to Australia* Melbourne University Press.
Yarwood, A. and Knowling, M. (1982), *Race Relations in Australia* North Ryde, Methuen.
Year Book of the Commonwealth of Australia, 1908-1985.