

# An update on Indigenous numbers in Australia (2022)<sup>1</sup>

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Some years ago, I wrote a piece asking, 'How many Aboriginal Australians are there?'<sup>2</sup>. My beef at that time was that the Australian Bureau of Statistics (ABS) wasn't collecting census data about 'Indigenous' people in ways that met the High Court's criteria to be regarded as an Aboriginal (and presumably Torres Strait Islander) person. This continued to be the case in the 2021 census.

Without satisfactory data on who might be 'Indigenous', we cannot know how many people might be represented by any Indigenous Voice which is now under active discussion, or how that representation might be achieved. We also cannot calculate rates of Indigenous incarceration and socio-economic disadvantage which may be worse than commonly believed.

The High Court [*Love and Thoms v Commonwealth of Australia*]<sup>3</sup> determined in 2020 that to be regarded as an Aboriginal person, a person must: (1) be biologically descended from Aboriginal people; (2) self-identify as an Aboriginal person; and (3) be recognised as a member of an Aboriginal group by its elders or those with traditional authority to determine its membership.

Censuses do not canvass the extent to which people are 'recognised', or by whom, but the small numbers reported from the 2021 census as speaking any Indigenous language at home (76,978, fewer than 10% of respondents who reported an Aboriginal or Torres Strait Islander 'origin') suggest that few people of Indigenous 'origin' identify closely with an Indigenous 'heritage'. Data for Aboriginal Land Councils from State Electoral Commissions suggest the same<sup>4</sup>.

So, what does the 2021 census tell us about Australia's Indigenous numbers?

Currently, ABS censuses do not ask questions directly about ethnic identity. They do ask whether respondents have an Aboriginal or Torres Strait Islander 'origin'. Whatever that word might be intended to mean, the responses are more likely to be expressions of descent than of self-identity<sup>5</sup>. In 2021, 812,718 people reported 'Aboriginal' and/or 'Torres Strait Islander' origin (3.2% of Australia's estimated resident population), a number that the ABS raised to 983,257 after adjusting for an estimated undercount of 17.6%<sup>6</sup>.

Censuses do ask about 'ancestry'. With only two responses allowed<sup>7</sup> most of about 725,000 people who reported an Aboriginal or Torres Strait Islander 'ancestry' in 2021 (695,359 'Aboriginal' and 57,353 'Torres Strait Islander'<sup>8</sup>) reported a non-Indigenous ancestry also, including 'Australian' ancestry (277,469 – who might be 'Indigenous', 'non-Indigenous' or both!), 'English' (131,618) and 'Irish' (31,853). Both the latter could subsume various 'British' ancestries.

Neither descent nor ancestry are synonymous with ethnic identity, which is an expression of how a people live<sup>9</sup>, but from censuses it seems certain that the number of people who actively identify (exclusively or otherwise) as Aboriginal or Torres Strait Islander is much fewer than the numbers of people who report an Indigenous origin or ancestry. This is hardly surprising in an Australia that has a long history of biological and cultural colonisation.

In passing, it is interesting to observe that in limiting responses to two ancestries the ancestry question makes it almost impossible to report multiple ancestries<sup>10</sup>. In 2021, 35% of respondents in the whole Australian population reported 'English' ancestry and 32% 'Australian', both of which must include many generic responses. Others reported a generic 'New Zealand' ancestry which could subsume 'New Zealand Māori', Pākehā and perhaps other ancestries

While two-only ancestries shed some light on ethnicities, limiting responses to two ancestries alone may mis-represent the complexity of Australians' Indigenous, European, British, and Asian ancestries

and may encourage reporting generic ancestries such as ‘Australian’ and ‘New Zealander’ as proxies for more complex ancestries or place-origins. The ABS needs to review how it asks questions related to descent and ethnicity.

The term ‘ancestry’ is widely misunderstood. Even the ABS mixes up national/subnational places of birth/origin (eg ‘Bengali’), ethnicity (‘Afrikaan’), bloodlines (‘Anglo-Indian’), and combination of place, ethnicity and bloodline (eg ‘Jewish’ and ‘Australian Aboriginal’ in its reporting of ancestries but it does not report ‘European New Zealander’). If the ABS want to know about ‘preferred’<sup>11</sup> places of origin of parents or grandparents – or something else – it needs to ask rather than imply this in its questions.

In reporting data for ‘Indigenous’ people as enumerated by it, the ABS should also not try to compare results for ‘Indigenous’ and ‘non-Indigenous’ Australians. Censuses show clearly that most Indigenous people have non-Indigenous ancestries also, so ‘Indigenous’ and ‘non-Indigenous’ are not mutually exclusive classes. Obviously, the ABS should continue comparing Indigenous results with those for all Australians.

Also, although a separate accounting of any single ethnic group might be questioned<sup>12</sup>, the ABS should be asking a census question about Indigenous ethnicity, because institutions ask clients about Aboriginal and Torres Strait identity for their justice and welfare purposes. However, rather than asking about ‘origins’ the ABS should ask respondents directly in words that match those asked by other institutions: *‘is the person an Aboriginal or Torres Strait Islander?’*.

Finally, while under-enumeration of Indigenous people remains as large as has been estimated (equivalent to 0.7% of the estimated resident population of Australia in 2021), there are much larger numbers of census respondents who do not respond to questions on origins or ancestry (1,233,495 or 4.8% of people enumerated did not respond on origins in 2021) and even larger ones of under-enumeration nationally (estimated at 5.6% of the resident population).

So, the number of Australians who have some Indigenous ‘heritage’ could be larger than reported but the number who actively identify as Aboriginal or Torres Strait Islander is likely much smaller. It simply is not possible to know how many people might be represented by an Indigenous Voice, or how that representation might be achieved<sup>13</sup>.

Nor, until numbers of people who actively identify as Aboriginal or Torres Strait Islander are known, can dis-proportionate rates of Indigenous incarceration and socio-economic disadvantage amongst some Indigenous people be known, let alone addressed. Without denying the blight of racial discrimination, not knowing how much of socio-economic disadvantage is a consequence of remoteness and isolation means that ‘reconciliation’ remains just a buzzword.

Censuses are important for understanding a population, particularly in its geography. The ABS needs to review how its censuses might better ask for and report data on descent and ethnicity in line with the tests of the High Court as who might be regarded as an Aboriginal person.

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<sup>1</sup> This is a somewhat modified version of a piece published in *Pearls and Irritations*, on 23 July 2022, with endnotes appended.

<sup>2</sup> ‘How many Aboriginal Australians are there? <https://ijsbowie.files.wordpress.com/2020/06/aboriginal-numbers-website.pdf> (accessed 20 July 2022)

<sup>3</sup> [2020] HCA 3, 2020. The implications of this for Constitutional recognition of Indigenous people have been widely discussed and it has been suggested that although this test was accepted by the Court without dissent, a different set of Justices could find distinctions that might diminish the application of the test.

<sup>4</sup> For example, the NSW Electoral Commission at <https://www.elections.nsw.gov.au/Elections/Other-elections/Aboriginal-Land-Council-Election-2019> (accessed 20 July 2022)

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<sup>5</sup> In 1971 and 1976, the ABS asked about 'racial' origins, in line with earlier censuses which asked questions about origins in terms of 'blood, race or caste' and (contrary to popular belief) did attempt to enumerate Australian Aboriginals and Torres Strait Islanders. ABS 2011 2071.0 - *Reflecting a Nation: Stories from the 2011 Census*.

<https://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/2071.0Feature%20Article2July%202011?opendocument&tabname=Summary&prodno=2071.0&issue=July%202011&num=&view=> (accessed 20 July 2022)

<sup>6</sup> Nearly a million represents 3.8% of Australia's estimated resident population in 2021. The estimated under-enumeration of 17.6% compares with an under-count of 5.6% (1,423,539) in the national estimated resident population of 25,608,022. See ABS, 2022, *Aboriginal and Torres Strait Islander Population*, <https://www.abs.gov.au/statistics/people/population/2021-census-overcount-and-undercount/latest-release#aboriginal-and-torres-strait-islander-population>; ABS, 2022, *Report on the quality of 2021 Census data: Statistical Independent Assurance Panel to the Australian Statistician: An independent view of the quality of statistical outputs from the 2021 Census of Population and Housing*, <https://www.abs.gov.au/census/about-census/census-statistical-independent-assurance-panel-report/35-aboriginal-and-torres-strait-islander-peoples>; and ABS 2022, *2021 Census overcount and undercount: Statistics about Census coverage from the Census Post Enumeration Survey*, <https://www.abs.gov.au/statistics/people/population/2021-census-overcount-and-undercount/2021> (all accessed 20 July 2022)

<sup>7</sup> This has been since the 2006 census. the 2001 census allowed multiple responses. Earlier censuses since well before the 1967 Constitutional referendum had allowed one response only to questions on race and nationality and had reported counts of Australian Aboriginals and Torres Strait Islanders.

<sup>8</sup> These numbers have more than quadrupled since 2016, suggesting improvement in data collection.

<sup>9</sup> Ethnicity is not synonymous with 'race'. Ethnic identity is essentially learned behaviour and so is culturally acquired. Ancestry is essentially biologically acquired by descent and expressed in bloodlines or lineages. Physical characteristics such as skin colour or DNA are acquired by descent but, with no biological markers for 'race', that is a concept without scientific basis. Beliefs about the group(s) to which one might belong are learned behaviours. To illustrate: one can be born to a Jewish mother (Jewish descent); one can become Jewish by joining the religion (learned behaviour); but there are no biological markers for Jewishness: at best there are tendencies among people known to have descended from ancestors who have lived together as Jews towards sharing such things as the k1a haplogroup and certain food intolerances ([https://en.wikipedia.org/wiki/Genetic\\_studies\\_on\\_Jews](https://en.wikipedia.org/wiki/Genetic_studies_on_Jews), accessed 20 July 2022). Similarly, there are no physical markers that establish Aboriginality in Australia or Polynesian descent in the Pacific although there are tendencies towards say the C4 and K4 haplogroups in Australia, and C2 and O3 haplogroups in Polynesia among small samples of people with known indigenous descents. Rather than physical markers, it is language that has been important in tracing ethnicities in the Pacific, but not in Australia where so many languages have been destroyed or corrupted.

<sup>10</sup> for example, I had great-grandparents born respectively in England, Ireland, Scotland and what were then Van Diemens' Land and West Prussia, but grandparents born in New Zealand and England. How can I as pākehā usefully respond to the present 'ancestry' question?

<sup>11</sup> In the past the ABS has treated responses on origins and ancestry as 'preferred' or 'most closely identified with': ABS 2016, 2901.0 - *Census of Population and Housing: Census Dictionary, 2016*. <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2901.0Chapter37202016> (accessed 20 July 2022).

<sup>12</sup> The 1967 amendments to the Australian Constitution that repealed section 127 (which had barred the counting of 'aboriginal natives') and extended section 51(xxvi) powers to make laws 'for any race for whom it is deemed necessary' to 'the aboriginal race' may have been intended to be inclusive but seem to have led to a separate accounting. Some Indigenous people have been counted in censuses since 1911 in line with the section 51(xi) census and statistics powers. Given the potential for abuse of the race powers I wonder that there is so little discussion of the race powers including whether they extend to ethnic groups.

<sup>13</sup> The manner of representation of Indigenous people was largely avoided in advice given to the Government by M Langton and T Calma, 2021, *Indigenous Voice Co-design Process Final Report to the Australian Government*, [https://voice.niaa.gov.au/sites/default/files/2021-12/indigenous-voice-co-design-process-final-report\\_1.pdf](https://voice.niaa.gov.au/sites/default/files/2021-12/indigenous-voice-co-design-process-final-report_1.pdf) (accessed 20 July 2022). The central concern of that advice seems to be with elevating a group of people via the Constitution to special status because of their racial affiliations, which doesn't seem to be in any spirit of Reconciliation. Other issues such as race-based powers in the Constitution or the problems of legislating an Indigenous Voice are not addressed in that advice.