‘The privilege of employing natives’: the Quan Sing affair and Chinese-Aboriginal employment in Western Australia, 1889–1934

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In September 1921, two permits to employ Aborigines were forwarded to the Western Australian Chief Protector of Aborigines, AO Neville. The permits allowed Miss Yuanho Quan Sing of Derby in north-western Western Australia to engage the services of two individuals: ‘Bobbydol’ and ‘Roebourne Annie’. The permits had been authorised by the Resident Magistrate and local Protector of Aborigines, William Hodge. ‘Miss Quan Sing was told ... you could not grant her a permit to employ [A]boriginals’, explained the covering note, ‘but not withstanding this & the cancellation of her permit last year, she persists in her endeavour to obtain the privilege of employing natives’.¹ Neville immediately directed Hodge to cancel the permits, telling him, ‘Quan Sing and his family have made numerous efforts from time to time to employ natives, all of which have been frustrated’.²

Indeed the ‘privilege’ of employing Aboriginal workers had been fought hard for by the Quan Sing family, initially by Quan Sing snr, and subsequently by his eldest daughter Yuanho Quan Sing, who was, as she would repeatedly point out, Australian-born. Tracing the long-running confrontation of this Chinese-Australian family from a remote north-western township with the racial politics of Western Australia’s Aboriginal administration offers a rare, detailed glimpse into the significance of Aboriginal employment control for constructing categories of inclusion and exclusion in the Australian colonising project. ‘Quan Sing’s affair’, as one official termed it, also highlights how local politics of race played out on the frontiers of white Australia in the early twentieth century, revealing the instability and fragility of colour-coded citizenship, and the role of ‘Aboriginal protection’ in the development of Australian citizenship in the early twentieth century.

It is a story that might be considered the most marginal of histories. Chinese people, and Asians generally, were explicitly prohibited from employing Aboriginal workers in Queensland (from 1902), Western Australia (from 1907),

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- 1 Initials illeg, Memo to CPA, 19 September 1921, ‘Quansing – Employment of Natives’, series 2030, consignment 993, item 1939/0793, State Records Office of Western Australia. Unless otherwise stated all further references to the Quan Sing case are drawn from this file.
 - 2 Copy, telegram Chief Protector Aborigines to Resident Magistrate Derby 20 September 1921; Copy, Chief Protector Aborigines to Resident Magistrate Derby 20 September 1921.

and the Northern Territory (from 1910); elsewhere in Australia, one looks in vain for any documented Asian-Aboriginal employment relationship amongst the detailed records of the various state bodies regulating Indigenous workers in the twentieth century. A rich body of historical scholarship on Asian-Aboriginal relationships suggests that legislation restricting Asian employment of Aborigines was driven largely by the authorities' concern with controlling interracial sexuality and reproduction, even where other concerns, such as the desire to secure white economic advantage over Asians, or simple anti-Asian racism, were evident.³ Histories of Aboriginal labour emphasise the control and advantages these permit systems provided to white employers. However, the material and symbolic impact upon the Asian community of being denied access to Aboriginal labour by the same permit system is not considered.⁴ Nor have these restrictions been analysed in any depth in broader discussions of discriminatory anti-Asian policies passed from the late nineteenth century, although it has been understood that Chinese issues were central to the development of an ambiguous and contradictory legal framework for Australian citizenship.⁵ The popular image of the degrading, corrupting Chinese that seemingly justified such restrictions, a stereotype generally dismissed with ease by historians,⁶ might yet reveal more about the importance of declaring Chinese exclusion by refusing to admit them as employers of Aboriginal workers. As Claire Lowrie has recently highlighted, the evidence that Chinese people could and did employ domestic servants – both Chinese and non-Chinese – suggested to white colonists and officials that the Chinese were as capable of exercising 'colonial mastery' as the British. This was a threatening concept. The response was the discursive construction of the 'corrupting Chinese master', that worked to deny even powerful and wealthy Chinese the status of legitimate colonisers.⁷ Prohibiting Chinese men and women from employing Aboriginal workers pointedly and quite unequivocally excluded them from the colonial project.

The Quan Sing story does not provide much insight into the nature of relationships between Chinese employers and Aboriginal workers. The voices of the Aboriginal people are entirely missing from the archival records, while neither Yuanho Quan Sing nor any of her family expressed their opinions on the individuals they employed, or about the Aboriginal community more generally. Those who refused to countenance the Quan Sings' employment of Aborigines also never ventured any criticism or comment on the way they managed their relationships with their employees. Yuanho Quan Sing was supported at times by local officials who commented favourably enough on her treatment of Aboriginal people she employed, but provided little detail. For these reasons it

3 May 1984; Evans, Saunders and Cronin 1988; Choo 1994, 1995, 2001; Ganter 1998, 2006; Yu 1999; McGrath 2003; Martinez 2000, 2006; Stephenson 2007; Lowrie 2009: 199–203.

4 For Western Australia see Hetherington 2002; Jebb 2002. For Queensland see Robinson 2008; Kidd 2007.

5 Atkinson 1995; Ryan 1995; Chesterman and Galligan 1997: 80–81; Markus 2001; Rubenstein 2004.

6 For instance see Ganter 2006: 78, 126; Evans et al 1988: 310–311; Stephenson 2007: 62–64, 66.

7 Lowrie 2009: 200–201.

is not possible to reach any real conclusions about the nature of the employer/employee relationship in this specific case, nor understand whether, and why, Aboriginal people might have been prepared to work for this family.

The insights the story *does* provide are into the mentality of the government and officials, both local and in Perth, at the time, in administering policies that prevented Asian people from employing Aboriginal workers in any capacity. Insight can also be gained into the significance of the exclusions for Asian families like the Quan Sings, along with an understanding of why they, and others, might have sought 'the privilege of employing natives'. More generally, the story of the Quan Sing affair provides an opportunity to contribute to the historicisation of Australian citizenship.⁸ If Asian exclusion was the flipside of Aboriginal protection,⁹ together these processes combined to constitute the un-excluded, un-'protected' white Australian citizen.

'Quan Sing's Affair'¹⁰

When Quan Sing snr was first charged with 'working an [A]boriginal Boy' at Derby Local Court in April 1908, and fined £1 and ordered to pay 18/- court costs, he was annoyed. He had, he asserted, a recently acquired and valid general permit to employ Aborigines. Suspecting malice on the part of a local policeman and the Court Clerk, Quan Sing snr wrote to the Western Australian Attorney-General to protest against the charge and to seek reinstatement of his permit. '[A]ll I ask for is Justice ... as is due to any Respectable Citizen', he appealed.¹¹

Quan Sing snr had been convicted under new regulations to the 1905 *Act to make provision for the better protection and care of the Aboriginal inhabitants of Western Australia*. Introduced in December 1907, these included directions that no further employment permits to 'Asiatics' were to be issued 'whatsoever', and that all existing permits 'or agreements' were to be cancelled, at the discretion of the local Protectors. Asians were classified as undesirable employers of Aborigines, alongside hotelkeepers, for whom permits were also no longer allowed, under the same regulations.¹²

The Western Australian permit system dated back to 1886 legislation that instituted a voluntary contract system for employers of Aborigines.¹³ In 1905 the *Aborigines Act* had made it unlawful to employ 'any [A]boriginal, or a male half-

8 See Chesterman and Galligan 1997; Irving 2000; Dutton 2002; Rubinstein 2004; Holland 2007.

9 Ganter 2006: 93.

10 Arthur Adams, Resident Magistrate and Protector, to Chief Protector, 16 October 1909.

11 Quan Sing & Co to Attorney-General, Perth, 28 April 1908.

12 Aborigines Department Circular to Protectors of Aborigines, 17 December 1907, Extract from *Government Gazette* (WA) 20 December 1907, emphasis added.

13 *Aborigines Protection Act 1886*(WA). For discussion see Hetherington 2002: 149; Crowley 1954; Biskup 1973: 36.

caste under the age of fourteen years, or a female half-caste, *except under permit*, requiring employers to produce their permits on demand to police or appointed Protectors of Aborigines.¹⁴

Nevertheless there had been no explicit racial restrictions on permits in 1905. This was despite the fact that the legislation had arisen in the wake of a 1904 Royal Commission, which had heard the then Chief Protector Henry Prinsep complain that contracts could be entered into without his knowledge, that he had no power to 'prevent any Asiatic or European from being an employer under the Act' nor could he 'prevent Europeans or Asiatics allowing an [A]boriginal to enter, remain in, or reside on their premises' (unless they were 'European' publicans), and indeed, that he could not 'prevent the greatest scoundrel unhung from employing an [A]boriginal under contract'.¹⁵

The omission was even more remarkable given that the Commission had been headed by the new Queensland Chief Protector of Aborigines, Walter Roth, who had been involved with the passage of a 1902 amendment to Queensland's *Aboriginal Protection and Restriction of the Sale of Opium Act 1897* specifically excluding Chinese employers from holding permits to employ Aborigines in Queensland. As Northern Protector in Queensland in 1898, Roth had given explicit directions to local Protectors not to allow Chinese permits and had explained during the Queensland debates on the anti-Chinese amendment that without such restrictive legislation 'my hands are forced to allow the [A]boriginals to be employed by Chinamen'.¹⁶ But perhaps the experience in Queensland, where the 1902 amendments had been a contentious matter of public discussion, and restrictions against all Asians were not able to be secured, explains the more discreet approach taken in Western Australia.¹⁷ The restrictions against issuing permits to 'Asiatics' were ushered in very quietly indeed, as regulations announced in the government gazette at the very end of 1907.

Certainly the regulations appear to have caught Quan Sing by surprise. After he interviewed the then Chief Protector of Aborigines, Charles Gale, on the matter, leaving with him a copy of his letter to the Attorney-General and information that others, including an Indian man and a Chinese baker, were employing Aboriginal workers, Quan Sing applied for an exemption from the regulations. This being refused, he persuaded Gale to agree he could re-engage the Aboriginal worker originally contracted to him, for the balance of the term of the contract, if

14 *Act to make provision for the better protection and care of the Aboriginal inhabitants of Western Australia 1905* (WA).

15 Roth 1905: 32, 40.

16 See Evans et al 1988: 311, 252; Ganter 1998: 16; 2006: 77.

17 In fact reference to Chinese people, specifically, during the course of the Commission had been limited and relatively innocuous, see Roth 1905: 53, 83, 101, 50. Ganter 1998: 16, notes Roth's reluctance in the Queensland case to jeopardise royal assent. Other research by Ganter suggests that the 1907 Western Australian regulations may have been originally framed to restrict only Afghan employers, but extended to all Asians under the new Chief Protector, Gale, in 1908: Ganter 2006: 108.

he could find him. When Quan Sing could not re-locate his former worker Gale directed the local Resident Magistrate Adams to allow him to employ someone else instead, to Adams' chagrin.

Six months later – no doubt when the term of his original permit had expired – the Derby police initiated proceedings against Quan Sing for the illegal employment of an Aboriginal man and woman. Quan Sing then insisted that he had been given verbal authority by both the Chief Protector and the Minister of Works, who was, incidentally, also the State Premier. Quan Sing was, however, charged and fined again. And the following day, he was charged again. Quan Sing threatened to lodge an appeal with the Supreme Court, but to his dismay both the Chief Protector and the Premier refused, awkwardly, to provide statements in his defence.

Despite being warned that he would be 'dealt with severely' if he came before the court again, it is evident that Quan Sing continued to employ Aboriginal workers. In February 1910 he complained of police 'interference' with Aborigines in his employ.

An oral history recorded by the descendant of an Aboriginal woman who was 'washing and ironing' for the Quan Sings, dated to 1910, provides a clue into what might have happened. The interviewee's grandmother had told her children to play while she was working, when a 'police buggy and horse' appeared, and 'two Aboriginal police boys sang out to them in their language if they like to go for a ride':

the girls didn't understand the meaning of that joy ride ... they were taken away forever.

They could hear my grandmother's voice from that boob tree [the 'Prison Tree' in Derby, where the children were held overnight] calling out in Nyikina but they couldn't answer.

Next morning the boat was coming in from Wyndham. ... Mum said that the last thing they can remember they put them on the train. And from there that train went straight down to the jetty. ... By the time Granny got down to the water, this old jetty, they put them already down in the cabin.¹⁸

Possibly, the children were taken in retribution for Quan Sing's persistent defiance. However, as the removal and institutionalisation of mixed-descent Aboriginal children in the region dramatically intensified in this period,¹⁹ it is just as likely that the children were taken as part of a broader general sweep of

18 Speaker's name withheld, Oral history recorded by Mary Anne Jebb, Derby, undated, pers comm (email) Mary Anne Jebb, 1 June 2010; and abbreviated version dated to 1910 in text on current display at Old Derby Gaol Interpretative Centre, Derby, 'Under the Act', nd; see also transcribed version, Dunnybudgies, 'derby gaol', 13 February 2002, <<http://www.kuramancreative.com/dunnybudgies/states/derbygaol.html>> accessed 28 May 2010.

19 Haebich 2000: 242; Choo 2001: 151–152.

child removal in the area. Indeed, it would have been more remarkable if they had not been taken. Whether the mother had been targeted specifically because of her employer, or a blind eye had been turned to Quan Sing's employment of her, Quan Sing's demand for an investigation into the removal of her children would have antagonised the local police.²⁰

Towards the end of 1910 Quan Sing wrote once again to Gale, asking for the recovery of his permit to enable him to employ 'a native woman to assist' his wife, who was due in a month to give birth to their seventh child. All of their children except one infant were at school and when the new baby arrived it would be a 'necessity' that his wife had help in the house.²¹ His request was refused. In September 1911, however, Quan Sing had managed to secure a permit, from a new, apparently sympathetic Resident Magistrate, named Gurdon, at Derby. By the end of the month, the police at Derby had reported this breach of the regulations, and under instructions from the Aborigines Department Gurdon was forced to cancel the permit.

In April 1913, Quan Sing wrote again to the Attorney-General requesting a permit to employ someone to assist his wife, 'as it extremely hard for her to do the whole of the washes the single hand with so many childrens (7 childrens) after my elder daughter to go to the Claremont Methodist ladies college'.²² Again, refused.

In September 1915, some months after the appointment of a new Chief Protector, AO Neville, Quan Sing called on his offices in Perth to ask if the 'boy' he had previously employed could be returned to him, and again, some seven months later, to point out that two hotelkeepers, an Indian man and a Chinese baker all employed Aboriginal workers in Derby, and to request a general permit. Quan Sing's efforts resulted in a desultory investigation by Neville into his claims but, once again, a refusal to provide him with a permit.

It was at this point that Quan Sing's daughter, Yuanho Quan Sing, made her first application for a permit to employ '[A]borigines womens' in August 1917. She explained that as she was born in Derby, she understood that she was entitled as a 'natural born British subject' to such a permit, and she asked the Protector to 'oblige' her 'to have fair place same as anybody in Derby'.²³ The current Resident Magistrate at Derby, a man by the name of Elliott, sent an anxious telegram to Neville pleading that he not grant her a permit, as it was just a subterfuge by her father and would create a 'lamentable precedent'. It seems the police in

20 In the end, the Police Investigator only recommended that Quan Sing should see the Chief Protector Gale about the matter, according to Quan Sing: annotation, WO Sallenger to Quan Sing, 28 March 1910.

21 Quan Sing to CF Gale, 5 November 1910.

22 Quan Sing to Attorney General, Perth, 14 April 1913.

23 Miss Y Quan Sing to the Protector of Aborigines, 27 August 1917.

Derby were threatening to prosecute Quan Sing, yet again, for employing an Aboriginal worker at this time, and Quan Sing had engaged a solicitor's firm to forestall them.²⁴ Yuanho Quan Sing's application was refused.

Yuanho Quan Sing's response was defiant. Pointing out as her father had done that others were infringing the regulations in Derby, she again requested a permit, and was again denied. In October the following year, she was given a permit by Sergeant Crowe of the Derby police, which Neville immediately directed be cancelled. However, at the end of 1921, when Neville ordered the newly arrived Resident Magistrate Dr William Hodge to cancel the two single permits he had issued to Yuanho Quan Sing, he would encounter unexpected resistance.

A natural-born British subject

The argument that she was entitled, as a British subject, born in Australia, to employ Aboriginal labour, was at the centre of Yuanho Quan Sing's case for a permit, and it would be this argument that would perplex and indeed divide the authorities. That it was an argument her Cantonese-born father could not have made was not lost on Derby's Resident Magistrate, Elliott, who considered her application a ploy by her father. Nor was it lost on the authorities in Perth. The Aborigines' Department sought advice from the Solicitor-General of Western Australia, who replied that while the grant of a permit was 'discretionary', it was definitely not to be granted to an 'Asiatic'. Although there was no definition of 'Asiatic' as such, 'the question does not turn on whether the applicant is a British subject or naturalised'. At any rate, he opined, 'I think a person born of [C]hinese parents should be deemed an Asiatic'. And finally, given that her father had been refused a permit, 'I do not think it should be issued to his daughter living with him'.²⁵

Quan Sing snr had protested to the Attorney-General at the time of his first conviction that he had been a 'respectable resident of Derby since 1889' and as an employer of Aborigines under permit every year since, he had 'never been subjected to such annoyance before'.²⁶ His application for an exemption from the regulations set out his respectable status as an importer and merchant. He was a 'married man residing with my wife and six children'; had been a 'law abiding resident' since his arrival in the colony; and could provide character references from 'leading Government officials' at Derby.²⁷ His application was probably made on the advice of the sympathetic Chief Protector Gale, who forwarded it to the Colonial Secretary with a covering note pointing out that: 'These regulations

24 Telegram, Elliott to Chief Protector Aborigines, received 24 September 1917; Memo, Secretary to Chief Secretary, 25 September 1917.

25 Solicitor General, Western Australia, memo, 29 September 1917.

26 Quan Sing & Co to Attorney-General, Perth, 28 April 1908.

27 Quan Sing to Chief Protector of Aborigines, 4 June 1908.

were made to prevent Afghans encouraging native women about their camps, it was never meant to apply to a respectable married man with a wife of his own country.’²⁸

An exemption constituted no threat to the new system, but on the contrary, endorsed the power of the authorities to decide who could and could not be permitted to employ Aboriginal workers. While Quan Sing’s application for exemption was refused by the Colonial Secretary, it seems Gale was able to manoeuvre a limited kind of informal permit for him anyway – much to the aggravation of the local Resident Magistrate at the time. As the course of the Quan Sing story makes clear, the way the system functioned allowed local authorities a degree of latitude in their discretion to both dispense permits and to turn an unseeing eye where they chose. Having suspected local malice from the outset, Quan Sing’s refusal to defer to the local police and officials unsettled the usual method of regulating Aboriginal employment. His repeated insistence that other non-white employers were being allowed Aboriginal workers in Derby – what Magistrate Elliott would describe with annoyance as his ‘idle carping’²⁹ – resulted, eventually, in Neville asking Elliott for a report on ‘Asiatics’ employing Aborigines. Elliott’s response is fascinating for the insight it provides into the operation of the permit system at the local level.

Elliott denied knowledge of any Asians employing Aborigines in the West Kimberley. He stated he had only issued permits to those who applied through the Derby police, and were recommended by them as ‘fit, and proper persons to employ Natives’. The Indian man whom Quan Sing alleged employed Aborigines to drive carriages was Joseph Griffiths, government contractor and wood carter. He was, Elliott informed Neville, born in Barbados, and therefore a British subject, ‘entitled to all the privileges of a Britisher’.³⁰

Elliott’s response highlights the contemporary understanding that being born in a country under British rule conferred all the rights and ‘privileges’ of British status. No doubt this would have been salt in Quan Sing’s wounds. Three years earlier he had lost a different (though related) battle, when the local Derby court refused his application for renewal of his license to sell liquor on the grounds that legislation passed in 1911 disallowed the issue of such licenses to any person not a ‘naturalised British subject’. Quan Sing had taken the case to the federal authorities, claiming to be born in Hong Kong and thus a British subject, but as he could not produce a birth certificate, and had given his birthplace as Canton on all his children’s birth certificates, the license was not granted.³¹

28 CF Gale to Under Secretary, Colonial Secretary’s Department, 11 June 1908. See footnote 17.

29 F Elliott to Chief Protector of Aborigines, 20 September 1916.

30 F Elliott to Chief Protector of Aborigines, 20 September 1916.

31 ‘A Chinese Puzzle: The hard case of Quan Sing’, *The Advertiser* (Adelaide), Friday 25 July 1913: 10.

But Elliott's spirited defence of Griffith's permit went further. Clearly, the right to employ Aborigines was a measure of acceptance and inclusion in the white community, at the local level as much as at the state. Griffiths was, admitted Elliott, 'what you would term a Colored Man', but 'not necessarily ... an Asiatic':

Color cannot be the line of demarcation in his case, and I would remind you that, that Great and Good Man who lived some two thousand odd years ago Jesus Christ was a colored man, but no one has ever presumed to dub him an Asiatic. Moreover I can assure you, that if a petition were got up on his behalf, it would be signed [illeg] by all the inhabitants.³²

Quan Sing's claim that the Chinese baker, Ah Chee, employed an Aboriginal woman, was never directly addressed. Elliott's denial of any knowledge of Asian employers suggests that this employment was carried out without a permit, but tolerated nevertheless. As Ganter observes with regard to the Northern Territory, there 'had always been exemptions to the rule of Chinese exclusion from employing Aborigines',³³ but it was not only a matter of formal exemptions – evidently, the employment of Aboriginal workers by both hotelkeepers and Asian employers was a hazy part of the everyday reality of life in north-western Australia, and tolerance depended very much on the sympathies of local authorities.

Yuanho Quan Sing's determination to acquire a permit must be seen in this context. The regulation of Aboriginal employment was clearly being utilised to structure a tiered social order. By asserting her rights as a 'natural born British subject', Yuanho Quan Sing was both claiming her 'fair place', and challenging the power of the authorities to decide where she should be located. Indeed, in her first letter to Neville she stated that hotelkeepers in Derby were circumventing the permit system by organising associates to take out permits on their behalf, and that her father's friends were prepared to do the same: she 'trust[ed]' he would not object to this, but would 'oblige our [family] as same as you oblige everybody at Derby'.³⁴

On learning she was not to be given a permit, Yuanho Quan Sing then sent a carefully worded letter by registered post to Neville:

I desire to bring under your notice the following clause which I have noticed in the Aborigines Act, reading viz "No permit is shall be granted for employment of any [A]borigines or any half caste under the age of fourteen or female half caste to any premises licensed for the sale of intoxicating liquor." and wish to point out to you that practically all the licensed premises here have been and are still employing [A]borigines contrary to this clause.³⁵

32 F Elliott to Chief Protector of Aborigines, 20 September 1916.

33 Ganter 2006: 154.

34 Miss Y Quan Sing to the Protector of Aborigines, 27 August 1917.

35 Y Quan Sing to Protector of Aborigines, Perth, 10 October 1918 (original emphasis).

The Department 'must have overlooked' that particular clause, she continued, or have 'allowed an infringement of the Act for Derby'. Therefore, she argued, the Department 'should also allow an infringement of the clause referring to my case & grant permit to me to have the matter justified'.³⁶

Rejected again, Yuanho Quan Sing wrote to Neville in May 1918 declaring that every hotel and wine shop, as well as 'other Chinese premises and gardener', had been employing Aborigines for both 'inside' and 'outside' work. 'Now I will also ... employ Aborigines as same as everybody in the town ... I trust that you will not objection [sic]. Now I beg to ask you to protect me same as everybody'.³⁷ Neville replied that he regretted he was unable to comply with her request.³⁸

It is clear that Neville considered the advice the Department had received from the Solicitor-General in 1917 an unshakeable rebuttal of any claim that Quan Sing's daughter might make as a 'natural born British subject', and he clung tenaciously to the notion that the categories of 'Asiatic' and 'British subject' were mutually exclusive as his justification for refusing to consider her application.

But not all would find the reasoning compelling. Late in 1920, the Police Sergeant at Derby, WS Crowe, decided that Yuanho Quan Sing was indeed a fit and proper person to employ Aborigines, and informed the Chief Protector he had issued her with a permit. Neville explained, in a tone of weary patience, that 'many' applications 'by this girl and her father' had been refused, and the Crown Law department had ruled that 'these people were deemed to be Asiatics within the meaning of the law and the Solicitor General said that if a permit had been refused to Quan Sing he did not think it should be issued to his daughter'. He informed Crowe that the permit had to be cancelled. At the same time, interestingly enough, Neville mentioned that he had directed the Resident Magistrate to cancel a permit issued to a Nellie Ah Chee at Derby: the Ah Chee family were the bakers to whom Quan Sing snr referred in 1908 and again in 1916.³⁹

It would seem that Yuanho Quan Sing had decided to make her application through Crowe, evidently a newcomer, and had spent some time making her case. 'Miss Quan Sing was born in Derby WA and is therefore a natural born British Subject and is recognized as such & her name is on the Commonwealth & State Electoral Rolls & she votes at every election', Crowe replied. 'The Aboriginal Natives she employs are well treated and should you desire me to cancel the permit please let me know on what ground as Miss Quan Sing will

36 Y Quan Sing to Protector of Aborigines, Perth, 10 October 1918.

37 Miss Y Quan Sing to Chief Protector of Aborigines, Perth, 16 May 1919.

38 Copy, Chief Protector of Aborigines to Miss Y Quan Sing, 29 May 1919; copy, Chief Protector of Aborigines to the Resident Magistrate, Derby, 29 May 1919.

39 Copy, Chief Protector of Aborigines to Officer in Charge, Police Station, Derby, 29 October 1920.

take the matter up'.⁴⁰ Neville was resolute, insisting that while 'the regulation continues in force, no Asiatic whatsoever should receive a permit',⁴¹ and Crowe complied with his orders.

The newly arrived Resident Magistrate, Dr William Hodge, who granted two individual permits to Yuanho Quan Sing at the end of 1921, was less amenable. Neville had forwarded copies of his previous correspondence with Crowe when directing Hodge to cancel these two permits, but Hodge took exception, retorting that he failed to see how the Solicitor-General's reading of the law applied to Miss Quan Sing. The dictionary definition of 'Asiatic', Hodge told Neville, was 'one that is born or belongs in Asia'. Miss Quan Sing was born in Western Australia and had never been out of the state in her entire life, 'and therefore is not an Asiatic'. She had the vote in both federal and state elections 'as an Australian citizen by right of birth'. Indeed, he went on:

If Miss Quan Sing is to be counted an Asiatic because her Parents were Asiatics there is no Australians except perhaps the Aborigines as if the children born in Australia take the Nationality of their parents they would all be Europeans Africans or Americans.⁴²

Neville forbore from engaging with that line of argument, instead retreating to the line he had taken previously: that he was bound to observe the ruling of the Crown Law authorities, and so it was 'not possible ... to sanction employment of natives by the Quan Sing family'. Informing Hodge that the previous Resident Magistrate had been 'very much averse to granting such a permit' and had said it would 'create a lamentable precedent', Neville tried to persuade Hodge against sanctioning Chinese employment by slyly calling him on side against the race. 'Quite apart from the legal aspect', he coaxed, 'it is most undesirable that any association be permitted between Asiatics and Aborigines. This Department is constantly meeting trouble which arises through such association, and it was for this reason that the Regulation was instituted in the first place'.⁴³

But Hodge would not have it. 'The ruling of the Solicitor General does not touch on the point of Australian born persons of Asiatic parentage', he wrote back. Children of all other nationalities born in Australia were Australians, Hodge insisted, and the children of Quan Sing were Australian by birth also. Refusing or cancelling Miss Quan Sing's permit would set a much more lamentable precedent 'of injustice' - 'Dont admit Chinese if you dont like them [sic]', he snapped, 'but if admitted give them justice'. 'I have not cancelled this permit nor do I intend to do so', the Magistrate continued.

40 WS Crowe, Sergt S/C Protector of Aborigines to the Chief Protector of Aborigines, 12 November [1920].

41 Copy, Chief Protector of Aborigines to Sergeant Crowe, 22 December 1920, quoting 'Dr Stow'. This is not the same advice given by the Solicitor-General in 1917. No copy of the 1916 ruling Neville quoted exists in this file.

42 W Hodge to Mr Neville, 10 October 1921.

43 Copy, Chief Protector of Aborigines to the District Medical Officer, Derby, 4 November 1921.

Rather than do so I would resign the position of protector of Aborigines and will do so if you wish, but I decline to have any hand in a proceeding which appears to me grossly unjust and think that these injustices are of national importance at the present time and detract from the honour of Australia as a nation.⁴⁴

No doubt startled by his vehemence, and perhaps also stung by Hodge's contempt, Neville did not know how to reply and sent a lengthy memo to the Minister for the North-West instead. 'For years Quan Sing of Derby has consistently applied to us for permission to employ [A]borigines, and has just as consistently been refused', he explained. 'After the father found it was no use to apply further, his daughter began to plead, but was likewise refused'. Neville recommended that Police Sergeant Douglas, presumably Crowe's successor and possibly the person who had forwarded the permits authorised by Hodge to the Chief Protector, should take Hodge's place should he decide to resign his appointment as a local Protector over the matter. 'Incidentally', Neville concluded, 'a native recently under illegal engagement to Miss Quan Sing has proved to be a leper'. (A very clear example, indeed, of how negative stereotypes of the Chinese were manipulated to enforce their exclusion as employers.)⁴⁵ Colebatch advised Neville to explain to Hodge that he was not taking issue with him on the matter but that it was simply a matter of obeying the law. Neville then wrote to Hodge again explaining that he had been directed to tell him that 'it is not a question of the Department disagreeing with your view but a question of carrying out the law' and asking him to 'kindly comply and notify me accordingly'.⁴⁶ Hodge continued to serve as Resident Magistrate at Derby until his death in 1934,⁴⁷ but it was Sergeant Douglas who informed the Quan Sing family that they would never be issued a permit in future.

There was nothing further in the Quan Sing file until 19 years later, when an aging but still vindictive Neville queried the issue of two single permits to a man called Quan Sing at Carnarvon. The terse reply of the Carnarvon sergeant who issued the permits confirming that Quan Sing was, indeed, both Australian born and of the Derby family – 'All Quan Sings now living are Australians – I am quite aware that Asiatics should not be given permits' – marked the end of the Quan Sing file.⁴⁸ By 1939 Neville had to accept the principle Yuanho Quan Sing had argued for in 1921, at least when it came to Chinese-Australian citizenship. Recognition of Aboriginal citizenship was, of course, still decades away.

44 W Hodge to Chief Protector of Aborigines, 24 November 1921.

45 Chief Protector of Aborigines to Minister for the North-West, 9 December 1921. There is nothing on the file and no reference to any other record to corroborate Neville's claim.

46 Copy, Chief Protector of Aborigines to the Resident Magistrate, Derby, 13 December 1921.

47 According to a newspaper report he died by accidentally drinking sheep dip on the eve of his retirement, and despite attempting his own remedies: 'Doctor's Death: Sheep Dip Drunk by Mistake', *Sydney Morning Herald*, Wednesday 21 November 1934: 14.

48 Sergeant Page, Protector, to Commissioner of Native Affairs, 20 September 1939.

Privilege and the permit system

Knowing what to make of the Quan Sings' quest is problematic. While testifying to the practical and symbolic significance of access to Aboriginal labour, the eagerness of the family to acquire this badge of coloniser status also signifies their eagerness to join the colonising project. Yet we must also recognise that Quan Sing and his daughter's determination was matched by the resolution of the Aboriginal authorities – particularly, Neville – not to provide them with this 'privilege'. This contestation demonstrates that being allowed to employ Aboriginal labour actually defined Australian citizenship.

As a potent marker of inclusion in the community of colonisers, the reservation of the right to determine who was given official endorsement to employ Aboriginal workers was critical. The negotiation of the two Chief Protectors with the various local authorities in Derby gives us an indication of the classic colonial tensions that this produced. On the multiracial frontiers of white Australian settlement the authority of the centre to control race relations was to some extent weakened, and clearly local powerbrokers resented the Chief Protector's overbearing interference.

Hodge's rather fierce response may well highlight the start of a shift within white Australian attitudes regarding the meaning of citizenship. The Magistrate's insistence that people once permitted to enter the country and raise families were entitled to citizenship rights signalled a crucial move from the earlier concept of British subject status, as elaborated by Elliott. (In pointing out that under the 'birthright' formulation presented by Neville only Aboriginal Australians could be considered genuine Australians, Hodge was trying to show how absurd this was, not making a radical case for Aboriginal citizenship let alone Indigenous birthrights.)

Nothing in this story suggests that the Quan Sings were any better or worse employers of Aboriginal people than others. Instead, what emerges from the large file on 'Quan Sing's affair' is that the status of Chinese residents, and especially Australian-born Chinese, was a particular problem for 'White Australia' in the early twentieth century. If the issue of their employment of Aborigines was so controversial, what does this mean for our understanding of the Aboriginal permit system? The use of the term 'privilege' is especially revealing. Privilege connotes a thing that might be granted or withheld. To interpret the Quan Sing story usefully, it might be read most productively for its absences, and what it tells us about those for whom such 'privilege' was *not* controversial. By excluding Chinese Australians on the basis of race, and race alone, the permit system underlined that race was the first and foremost condition of the 'privilege of employing natives'.

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