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Avoid Stigmatising Them by Name

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In the decade before the Australian federation in 1901 nearly all the individual colonies passed or attempted to pass legislation that would restrict entry on the basis of race.¹ In a very rare rejection of the instincts underlying these efforts, a South Australian newspaper declared:

The idea of an Australian colony introducing legislature to keep the colored man out of Australia is as absurd as it is unique considering that the aboriginal inhabitants are black.²

Despite this negative assessment of the viability of the White Australia project – and its even rarer appeal to the existence of Indigenous Australians – the attempt to achieve this unique absurdity was made. As a consequence, the Commonwealth of Australia for the first two generations of its existence maintained at the heart of its immigration administration another unique absurdity designed to achieve the aim of keeping the ‘colored man’ out but without mentioning race at all. Known at first as the Education Test and for most of the period of its existence as the Dictation Test, this was a bogus quiz for which a prospective entrant into Australia was set up to fail.

Histories of the White Australia policy in general and of the Chinese in Australia specifically are replete with references to the ‘Dictation Test’ and its corollaries the Certificate Exempting the Dictation Test and Certificate of Exemption. However few go into detail as to the essential ‘gross chicanery’ of the Dictation Test as it existed for more than 50 years, a legal instrument so unique that very often its fake nature is misinterpreted as merely a hard or unfairly given test.³ A test that failure to pass was a crime, with a person who failed to write down the 50-word passage dictated becoming a ‘prohibited immigrant’ liable to jail and deportation.

How did this unique legal instrument come about? Like all things the Dictation Test introduced in the Immigration Restriction Act 1901 has an origin and just how far back in history you wish to go to seek its origins is up to the intellectual curiosity and stamina of the historian. In the case of the Dictation Test this can take a researcher beyond the parliamentary debates of 1901 back through Imperial Conferences, to colonial Chinese restriction Acts, to goldfields riots such as

Lambing Flat, perhaps finally arriving at convict era struggles over labour, free and unfree.⁴ This would be a direct line, but on the way there are necessary excursions into specifics such as post-slavery United States efforts to disenfranchise African-Americans, through the broader fields of white-settler mindsets from Canada to Africa, and into the imagination of British imperialists as they strove to create one big happy empire.

The bedrock of how and why Australia adopted a fake test to administer its White Australia project lies in what today is characterised as a white-settler mentality, but which participants would perhaps have considered being British, Christian or more broadly 'white'. The first two classifications were problematic in the Australian context due to the large number of people in the Australian colonies from Ireland who rejected being 'British' and whose Catholicism was often thought of as being not quite 'Christian' as far as the various British Protestant sects were concerned. This did not mean the terms British and Christian were not freely used in disregard of the sensibilities of the Irish descended, but 'white' proved a useful if vague cover-all term.

The efforts to restrict the arrival of Chinese and other non-white peoples into the new Australian Federation played an important role in both prompting that federation and in determining its early legislative program.⁵ This was a consideration in the period immediately before Federation that even reached the level of a joke when a General Edwards in Hong Kong told Henry Parkes (the Father of Federation) that he had tried to get the Chinese fleet, including two new 'ironclads' under Admiral Ting, to visit Sydney in 1890 – 'Would this not help your Federation?' – is how he playfully expressed his support.⁶ However before this stage was reached the White Australia project had been evolving gradually over the 19th century.

As early as 1830, even before the oft-cited arrival of indentured labourers from China in the 1840s, the outlines of the debate over Chinese as workers can be discerned with its mixing of race and labour issues.⁷ It was in the gold rush period of the 1850s and 1860s that Chinese restriction laws established the first legislative precedents, but not until the 1880s that the renewal of these restrictions set the scene for a series of Imperial and Inter-colonial conferences that eventuated in the Natal compromise. All these legal efforts took place within a labour versus capital struggle over the cost of labour which was paralleled by a growing sense of the Australian colonies, and therefore of the increasingly discussed continent-wide 'Australia', as properly the domain of the white man – ideally a British one or at least a tamed Irish or absorbed European one.

Post-1788 the Australian continent had been incrementally claimed and politically dominated by British subjects. This process entailed both the expropriation of the Indigenous peoples and the imagining of the newly discovered

continent as British territory. Those who came to the newly acquired British territory (except those who as convicts had no choice) did so intent on improving themselves if poor and improving their fortunes if rich. Thus the Australian colonies were places where a sense of the territory as belonging to British people was developing at the same time as tensions existed between those who wanted high wages and those who wanted cheap labour. Both these concerns coalesced around the issue of denying some people the opportunity to come to the Australian colonies at all. The ‘some people’ in most of the 19th century being Chinese people, categorised by race regardless of their possible status as British subjects if born in other British colonies such as the Straits Settlements (including Singapore and Penang) or Hong Kong.

This question of the rights and status of a ‘British subject’ in terms of the colonial restrictions was often raised throughout the 19th century, often by the British government itself and usually to little avail. This was the beginning of a long history of courts making legal quibbles with limited impact in practice beyond forcing amendments. An early example of this was when Lowe Kong Meng, a prominent Melbourne businessman who was born a British subject in Penang, challenged the jurisdiction of Victoria’s ‘Chinese’ restrictions acts over his person. The ultimate result was an amendment clarifying that the restrictions applied to ‘every person of the Chinese race’.⁸

This racial concern would grow throughout the 19th century until the passing of the Immigration Restriction Act in 1901. This was an Act strongly supported by the Labor Party and which for a time also included provisions prohibiting the immigration of anyone on labour contracts.⁹ This was because for the Labor Party and the working class that supported it racial concerns with intertwined with labour concerns. While many undoubtedly used a concern over the one to heighten objections to the other, efforts to separate the two have usually only proved fruitful for academic debate.¹⁰

Labour as people or merely capital expenditure? Is the cheapest possible best or are higher wages better? How did this political struggle lead to the Dictation Test? Chinese workers were early categorised as ‘cheap’ labour, and even worse, as ‘unfree’, and in the context of the Australian experience of convict labour any such labour was to be opposed by those desirous of improving their wages and their dignity as free workers.¹¹ But such hopes and aspirations were often in conflict with those who merely wanted the cheapest and most servile form of labour they could find, and if this meant imported indentured labour, then that is what they would and did organise. The main labour source of this kind available in the early 19th century was either from British controlled India or – after the defeat of China and the opening of the various Treaty Ports under the Treaty of Nanjing – China.¹²

Both Indian and Chinese workers were brought to Australia and this is usually seen as the result of the ending of transportation, as squatters and other employers

of labour attempted to avoid the cost of what was termed ‘free’ as opposed to convict or ‘assigned’ labour. Yet even before the ending of transportation it was thought worthwhile to bring a number of Chinese carpenters to Tasmania on contract where the whole of the subsequent debate is captured in the declaration that they are, ‘likely to reduce the prices of cabinet work’ but this ‘will prove of great benefit to the many’.¹³ However it was not until the 1840s that significant numbers of Chinese workers on contracts were brought into New South Wales (then including Victoria and Queensland). This was because, as one commentator at the time eloquently expressed it:

Now that assignment has ceased, the great flock masters and lords of the soil would fain gull us into the belief that they cannot continue their farming pursuits without cheap labour, with which they have hitherto been supplied, and the discontinuance of which their avarice leads them to consider as a death blow to their prospects of aggrandisement. These modern Pharaohs say they want Coolies.¹⁴

Both indentured workers from India and China were used, but the defeat of China in the First Opium War and the establishment of the Treaty Port system thereafter apparently gave those from China an edge. In total, 3685 Chinese labourers were shipped to New South Wales between 1848 and 1853, mostly from the Treaty Port of Amoy.¹⁵ Although this period in which indentured Chinese labourers entered New South Wales was short and numbers were by no means overwhelming, this was sufficient to begin the labelling of all Chinese people as ‘coolies’ in the eyes of those inclined to do so.¹⁶ This persistent categorisation was despite the fact that after the 1850s the Amoy indentured labourers ceased to arrive and for the next 100 years the only Chinese people to arrive in Australia were from the mainly Cantonese speaking areas of the Pearl River Delta, who arrived by a variety of means, often in debt but by no means indentured, and very often completely free or free after a relatively short period.¹⁷

As one European observer with a rare degree of familiarity – having been sent from China by the British government to specifically report on the Chinese in Australia, J. Dundas Crawford – put it: ‘... if they have a too irksome bond, they soon clear themselves by honest labour’.¹⁸

The understanding shown by Crawford was rare, with cultural unfamiliarity concerning people from China providing more than enough justification for those wishing to perceive ‘Chinamen’ or ‘Celestials’ as different, unfair rivals or having no place in ‘our’ community. The categorisation of Chinese as ‘coolies’ or in various ways as ‘unfree’ or ‘unfair’ labour was just one way of ‘othering’ Chinese people after which a range of discriminatory measures could more easily follow.

Chinese were by no means the only people to be perceived as undesirable, they were merely the most numerous and persistent in wishing to enter the various

Australian colonies. All of the colonies set up around the Australian continent worried at times about their demographic composition and the arrival of people they were unsure about. South Australia desired a balance between English, Scottish and Irish, and even petitioned the British government to restrict the entry of people from Ireland, while Victoria actually did pass legislation restricting the entry of people from Tasmania.¹⁹ Both these colonies had a strong sense of the ‘desirable’ kind of people they preferred (not Catholics or convicts) and early on people labelled ‘Chinese’ did not seem to fit for a variety of reasons.

The coolie versus free labour argument was only one, and mixed with this was hostility to non-Christians and of course most fundamentally aversion to people who spoke another language or ate and dressed in differing ways. Another argument was encompassed in the ‘sojourner versus settler’ dichotomy with Chinese people’s allegedly not fitting a migrant settler ideal due to their favouring temporary residence.²⁰ This was often used to assert they did not deserve to be treated as equal citizens. Many of these arguments were used at the same time as their opposites were also employed; thus, for example, a horror of Chinese men marrying white women was added to the list, despite its negating the sojourner argument.

It is impossible and of little real value to attempt to discern which of these many arguments were ‘real’ and which merely self-serving. All point to two dominant themes, the desire to make the colonies and subsequently the new Commonwealth as British and/or white as possible, and to ensure that cheap labour or unfair labour competition was eliminated. This last could of course have been handled by ensuring that all received similar wages – as did happen with contracted German workers, for example – but the very prejudice against some arrivals made such equality of treatment difficult to achieve, resulting in a vicious circle. A justified fear on the part of workers that there were those who desired and did attempt to bring in workers precisely because they were cheaper added fuel to the situation.

All of these political concerns were emerging in the 1850s when the relatively small number of indentured people from Amoy were overwhelmed by a much larger number of people from the Pearl River Delta region coming through the newly established British controlled port of Hong Kong. This change was of course due to the gold rushes, which brought many more Chinese people, this time from a different region of China. More significantly they came under different conditions known as ‘credit-ticket’ – which is to say, under more family or local debt arrangements quite different from the indentured contracts. However the obligations of this method were similar enough to cause disquiet by those worried about wage levels, a worry enhanced by the lottery nature of competition on the goldfields.

This disquiet about the nature of Chinese workers on the goldfields was easily combined with a range of other factors that encouraged an ‘us versus them’ mentality to quickly evolve. Those who considered themselves ‘British’ or at least

entitled to the free run of a British controlled colony, often saw Chinese people as competitors to be driven off. A long list of excuses why this was reasonable was soon drawn up – ranging from Chinese goldseekers being dirty, murderous and diseased, to hardworking and better organised.

In these circumstances it is easy to imagine other groups could also have been similarly stigmatised, but no sizable group aside from the Irish existed in the Australian colonies to seriously challenge the idea of British entitlement. Indigenous people were decimated and ostracised, while the Irish fought for equality with English and Scots, with the pretence of a ‘United Kingdom’. Helping to drive the need to adopt the term ‘white’ (‘British’ being not to the liking of the Irish as an inclusive label) was the need to paper over the often antagonistic colonial diversity and to establish unity against ‘others’, most obviously the Chinese.

Thus a series of riots and agitations around the time of self-government and the establishment of democracy in both the colonies of Victoria and New South Wales led to the first restrictions on immigration, restrictions directed at Chinese people only.²¹ The establishment of Hong Kong as a British port in the 1840s had given the Cantonese-speaking people of the nearby Pearl River Delta easy access to trans-Pacific shipping and of this, they made ready use.²² The arrival of Chinese people by boat unsurprisingly led to these first immigration restrictions having a ‘boat’ element. The first of these restrictions was that of the Colony of Victoria in 1855, followed by New South Wales restrictions in 1861, both introducing a one Chinese person per 10 tons of ship limit as well as a £10 poll tax. As was the case after 1901, shipmasters and their agents were responsible for any breaches and therefore for limiting the number getting on a ship at all.

After Victoria and New South Wales, South Australia and Queensland also introduced the mix of poll taxes and tonnage restrictions on the entry of Chinese people. At this point in the mid-19th century there were no outright bans, with restrictions designed to reduce numbers only. It was also felt essential that for people already resident within the colonies a strict enforcement of laws should be maintained that would allow Chinese people to live without hindrance. At least that was the theory; in practice the gold fields were often managed to provide separate living areas so as to minimise conflicts. As well, much day-to-day discrimination would have shaped how people lived and worked.

Nevertheless Chinese people continued to enter the colonies and to live and work in a range of occupations well beyond gold mining.²³ Numbers fell, as did the numbers occupied in goldmining, and since the idea of routinely restricting the free movement of peoples had not yet taken hold, these initial Chinese-only restrictions were repealed by the end of the 1860s. But a precedent had been set.

As the colonies grew after the gold rush period two things evolved of relevance to the origins of the Dictation Test. Chinese numbers began to grow again as income

opportunities grew along with the wealth of the Australian colonies. Chinese people began to enter many areas of life and as usual were met with a mixture of hostility, tolerance, acceptance, friendship and discrimination. A significant feature was their tendency to be 'sojourners', a feature inherent in their motivation for travel but one that helped keep them apart from the rest of colonial society as it was evolving and gave many in this society yet another excuse for discrimination.

The second relevant feature is that this society was increasingly seeing itself as 'white', Christian, an integral part of the British Empire, and in many ways a superior version of what had been left behind. These ideas and self-imaginings were mixed with ideas of race, religion and class struggle. For some this also meant race hatred and racial stereotypes, including a fake Darwinism that saw some cultures and races as superior to others and accepted the stereotyping that these categories entailed. A corollary was that some other races could also be seen as superior, but this was all the more reason argued many to keep them out.

While many Chinese people lived, settled and raised families in the Australian colonies, others sojourned, regularly returning to their families in the south China villages. While overall numbers grew in the late 19th century, they remained less than 5 per cent of the total population. However, as Australia urbanised, so did



Chinese immigrants arriving in Melbourne's Chinatown, Little Bourke Street, 1866.

(Source: State Library of Victoria)

Chinese workers and this made them more visible in what became known as the Chinatowns of the two oldest colonial capitals, Sydney and Melbourne. As well, specific industries began to attract more Chinese people; market gardening suited the sojourner due to the ease of leased land, low capital investment and their south China experience in growing vegetables. Other industries that attracted significant proportions of Chinese people were furniture making and scrub cutting. But a wide range of other occupations were also taken up.²⁴ By 1881 as a result of these demographic and occupational changes an Intercolonial Conference could declare:

In all six colonies, a strong feeling prevails in opposition to the unrestricted introduction of Chinese, this opposition arising principally from a desire to preserve and perpetuate the British type in the various populations.²⁵

The immediate cause of this summation of feeling was the announcement that Western Australia was prepared to import Chinese workers at government expense. Although the gold rush-inspired restrictions had been repealed in the later 1860s as Chinese numbers fell, during the 1880s as numbers increased once more many, both workers and small business people, again felt threatened by Chinese competition. At the same time many simply felt Chinese people to have 'language, laws, religion, and habits of life' 'alien' to 'these British communities'.²⁶ For such people almost any anti-Chinese argument was sufficient. However, it should be kept in mind that such accounts emphasise the negative element while in fact many Chinese people lived successfully, married, raised children, returned to China many times and became wealthy, as well as citizens, throughout this period.²⁷

A new £10 poll tax and a one person (Chinese) per 100 tons was introduced in the 1881 restrictions of New South Wales and Victoria, rising to one in 300 tons in 1888 (500 tons in Queensland).²⁸ These tonnage restrictions were in addition to an 1881 £10 poll tax levied on each arrival by ship, which in 1888 was raised to £100 (Queensland £50). Shipmasters and shipping agents were responsible for any breaches of these restrictions and therefore for limiting numbers at the departing ports.

The 1888 round of restrictions – agreed to by another conference of colonial premiers – is also notable because for the first time Chinese people were also denied (Tasmania was an exception) the right to become naturalised. Thus a real infringement on the rights of those already resident in the colonies was introduced for the first time. However, those who had already paid the poll tax were provided with certificates that allowed them to move across colonial boundaries or to go to China and return without paying again.

The significance of these certificates is that the pattern of behaviour that Chinese people had developed for themselves was being allowed for, and in some cases reinforced by the laws and regulations designed to restrict them. This is a

consequence that is also seen after 1901 when the Commonwealth's restrictions were introduced.

In the late 19th century two such consequences can be noted, both weighted with irony. The first is that the denial of citizenship reduced opportunities for people to settle, thus reinforcing the very sojourner idea that many Chinese people were criticised for; while the requirement to pay a £100 poll tax necessitated many people going even deeper into debt than they might have otherwise. One result of such a debt was to heighten dependence on wealthier members of networks and increased opportunities for paying lower wages, a much-criticised feature of some Chinese people in Australia that was used to justify the restrictions in the first place.

Another consequence, typical of laws that attempt to limit profitability, were ingenious efforts to circumvent them, in this case as a result of minor variations in the restrictions between the colonies. Thus as Queensland's higher tonnage restrictions allowed a lesser number of Chinese passengers on board than did New South Wales, it became the practice 'for some years past' of entering the excess on the 'Ships Articles as crew' and then after legally passing through Queensland's ports to discharge these 'crew' on arrival in New South Wales.²⁹ When the new Australian Prime Minister Edmund Barton learned of this practice he quickly noted his demand that: 'Every lawful means must be taken to prevent the foisting of excess passengers as members of the crew, and I desire it to be rigorously dealt with.'³⁰

Up to this point – the last decade of the 19th century – the story of the anti-Chinese immigration restrictions is well known. But the sudden ramping up of the desire by the Australian colonies to extend these immigration restrictions to all variously referred to as 'Asiatics' or 'coloured' people is less well documented. The context was not so much a sudden 'influx' of such peoples causing anxiety to the 'white folk' as in the case of Chinese migrants – there simply wasn't one – but rather an approaching Australian federation.

This prospect included much discussion of what kind of nation this was to be, coupled with a growing labour movement intent on securing and maintaining higher wages for [white] workers within that nation. For the growing labour movement Chinese and other workers were to be largely excluded from the increasingly powerful unions, with workers solidarity assumed to mean that of 'white workers'. And it is in the unions and their new Labor Party where the use of the term 'white' was most common. For those of the middle class still monopolising political power before the advent of the first Labor Party governments the question of restrictive immigration was partly one of appeasing their working class voters and also the nature of the nation they felt they were moulding.

As the idea of an Australian federation grew, so did the issue of uniform control over immigration. Not all colonies followed the same policies and there were those who began to argue that the 'tropics' were a special case. Thus Queensland – which

had kept its poll tax for Chinese at £10 despite promises to raise it to £100 in 1888 – was allowing and even encouraging not merely Chinese but Japanese and Pacific Island labour to enter to work on its sugar plantations. Mostly such workers were on temporary contracts and were supposed to return to their homes, but always there were some who remained to infringe on the ‘whiteness’.³¹

The Northern Territory, administered by South Australia – which had at first extended its Chinese restrictions only to its border with this territory – also allowed indentured Chinese labour to enter for both railway building and mining.³² As well, in both northern Queensland and north-east West Australia, a pearl shell industry began to develop which maintained it needed ‘coloured’ labour to exist. Others of ‘colour’ were a small dribble of Indians entering as hawkers and a variety of people from ‘Assyria’ (portions of the Ottoman Empire), so-called ‘Afghans’ from British India, and, also as pearl divers, people from South-East Asia (Malays) in Queensland and Western Australia.

Remote and small in numbers though they were, this was irrelevant to those intent on imagining whiteness in need of protection. As a result, between 1888 and 1896 the various Australian colonies went from fearing an ‘influx’ of Chinese to fearing an influx of coloured peoples. As the Chief Secretary of Queensland explained, any delay in enacting restrictions, as he felt had taken place in the case of Chinese restrictions, might result in ‘the introduction of large numbers of the aliens objected to’.³³

The Federation movement had brought to the fore the various regional disparities over ‘tropical’ labour demands, mainly in the then Northern Territory of South Australia and in Queensland, where not only Chinese people but a range of South Sea Islanders, Japanese and assorted people of South-East Asia (variously known as Malays, Lascars and Manilla men) had entered. Their arrival and the work they did, some as indentured labourers, was based on the argument that ‘tropical’ environments needed coloured workers as white or European workers were not suited (except as bosses, of course) to the harsh climate. In many ways this odd but serious argument was the only real opposition to the White Australia project. An account of the 1896 Sydney conference at which the leaders of all the Australian colonies agreed to exclude all coloured races expressed the thinking in detail:

A few days ago a steamer arrived at Townsville from Japan bringing some hundreds of Japanese laborers for the northern plantations. The Japanese have been emigrating to Western Australia, there’s a small but steady stream to Thursday Island and Port Darwin, and at the latter place, according to Mr Griffiths, they already outnumber the Europeans.³⁴

The increase ‘of our Japanese population,’ observed the *Palmerston Times*:

... is going on at a rate which may well cause opponents of Asiatics to feel considerably alarmed for the future of the colony. To the careless observer the situation is not critical, but to this line of argument we reply that neither was the situation critical when Chinese mustered here in forties and fifties. But the danger grew into notice when they began to open up shops of all kinds, to hire out as artisans, to take up gold mines, to compete successfully as carriers, to butcher and bake, to engineer, to import goods and undersell the European – and in nearly every respect to cut the ground from under our feet.³⁵

The Jap is in some respects much less objectionable than the Chinaman. His morals are better, his habits are cleaner. But, industrially, he is a much more formidable rival. He is equally dogged, he is more intelligent and skilful, and he has the same ability to work and live on next to nothing a day. The *Times* foresees an interesting battle between Japanese and Chinese if the former continue increasing in numbers, but the entertainment for spectators will be marred by the knowledge that whoever comes out on top Australians will still be losers.³⁶

In Sydney the premiers or their representatives held another in a series of federal meetings to discuss matter of common interest and it was here in March 1896 that it was agreed to extend for the first time immigration restrictions beyond Chinese people. Under the heading ‘Undesirable Immigration’ it was moved: ‘That, in the opinion of this conference, it is desirable to extend without delay the provisions of the Chinese Restrictions Acts to all coloured races.’³⁷

Thus when the colonial premiers met in Sydney in 1896 the premiers of New South Wales and Victoria were keen to convince their Queensland counterpart to enact similar restrictions against all non-whites. They feared they would end up being members of a coloured nation if the Queensland loophole was not closed before Federation opened their own borders. The Inter-colonial Conference of 1896 agreed that all the colonies would enact restrictive immigration legislation aimed at natives of Asia, Africa and the Pacific Islands.

However this first attempt to launch the White Australia project immediately hit the rock of imperial disapproval and the acts passed by such colonies as New South Wales, South Australia and Western Australia were all reserved by their respective governors – meaning they were subject to approval in London by the Colonial Secretary. The ‘Right Honourable Secretary of State for the Colonies’ replied that ‘Her Majesty’s Government will not be able to advise Her Majesty to assent to the reserved Bill’.³⁸

The sudden attempt by the Australian colonies to extend their Chinese restrictions to a range of people from Asia, Africa and the Pacific Islands was an effort that ran straight into a contrary imagining of the British Empire. Urgent talks were held as the British attempted to explain that all were supposed to be equal within the Empire, an Empire that also sought cordial relations with such non-white powers as Japan. The imperial objections mainly rested on the desire not to insult either British Indian subjects or the government of Japan.

The Australian colonies were not the only part of the British Empire to face this contradiction between an imperial desire for unity with at least a semblance of equality and the demand on the part of its white settlers for exclusivity. The pre-South African Union colony of Natal's attempt to ban the immigration of people who were nominally British subjects coming from British India led to the 'Natal Act', which was the first use of an 'Educational Test' within the Empire designed to make discrimination appear non-racial.

The British knew their 'whiteness' was an issue the Australian colonies took very seriously and it was urgent that a compromise was worked out. The Diamond Jubilee of Queen Victoria in 1897 was the perfect opportunity for a meeting in the imperial capital, London. Thus in June-July 1897 the premiers of the self-governing colonies of the Empire met with Joseph Chamberlain MP (Her Majesty's Secretary of State for the Colonies) at the Colonial Office, Downing Street, London, to discuss such Empire-wide matters as postal communications, naval defence, the Pacific cable, treaties with Japan and Tunis, the forthcoming Paris Exhibition of 1900, and alien immigration.³⁹



The premiers of the self-governing colonies of the Empire met with the Secretary of State for the Colonies, Joseph Chamberlain, and Colonial Office bureaucrats at the Imperial Conference in London in 1897. (Source: Granger)

The immediate origins of what was to become Australia's Dictation Test can be found in this Imperial Conference of 1897, where the differing colonial and British perspectives came together. Here was the first discussion by colonial leaders of the creation of an unfair but nevertheless 'real' test to control movement, including British subjects, within a white-dominated empire. The essential unfairness of this approach was unacknowledged but accepted by a British Empire unwilling to take its rhetoric seriously and treat, for example, its Indian subjects as truly equal to its white ones.

The desire for preferential trade within the Empire and more such conferences were among the leading resolutions resulting from this meeting. But after a heated discussion on whether Saturday or Wednesday was the best day to dispatch the mail, the premiers turned their attention to alien immigration and Australian immigration specifically. A review of the Sydney conference held 18 months previously of the Australian premiers and New Zealand showed that they had agreed to extend their existing anti-Chinese immigration restrictions to all persons of the 'coloured race inhabiting the Continent of Asia or the Continent of Africa or any island adjacent thereto, or any island in the Pacific Ocean or the Indian Ocean'.⁴⁰

A number of exemptions had been provided, including for the 'natives of Australia, Tasmania and New Zealand', as well as 'missionaries, native teachers,



The goal was to formulate legislation to 'exclude the class of immigrants you think would be undesirable in Australia' but did not appear too objectionable: NSW Premier George Houston Reid, c. 1890-1900/photographer unknown (Source: Mitchell Library, State Library of New South Wales) and the Secretary of State for the Colonies, Joseph Chamberlain. (Photograph by Eveleen Myers (née Tennant), platinum print, early 1890s. National Portrait Gallery, London)

tourists, merchants, men of science or students'.⁴¹ Despite their agreement the various colonies had not produced identical results. New Zealand did not feel the need to include Africa or the Pacific, and Tasmania had specified that only males were affected. Another interesting if somewhat disturbing note was that the Colonial Office felt the exemptions were not wide enough to allow Indian troops to operate in Australia should it be necessary to 'expel an invader'.⁴²

The Secretary of State for the Colonies, Joseph Chamberlain, opened the discussion by declaring he was anxious that nothing be done 'injurious' or 'unnecessarily offensive' to 'our Indian fellow subjects', although he admitted that he could not pretend his suggested solution was satisfactory to them. Chamberlain's solution, the adoption of the 'Natal legislation', he generously thought did 'avoid stigmatising them by name as unfit for civilised life'.⁴³ The Natal legislation, Chamberlain suggested, was a test of a person's ability to write in English, a test given selectively and introduced in the Natal colony (later part of the South Africa Union) specifically to exclude 'Indian fellow subjects'. Chamberlain proposed that the then still separate Australian colonies introduce uniform legislation based on that of Natal to enable them to 'exclude the class of immigrants you think would be undesirable in Australia'.⁴⁴

When the British government had refused assent to the anti-alien legislation of the Australian colonies this had angered many and Chamberlain's compromise was by no means accepted immediately. The New South Wales Premier, George Reid, declared that he thought the previous exemptions introduced, including 'merchants', was wide enough to 'remove much of that objectionable appearance'.⁴⁵ That Reid could imagine that such exemptions as he listed – tourists and ministers of religion, as well as merchants but not hawkers – made such race-based legislation less objectionable in appearance indicates the heavy class-based nature of his thinking. People in classes below those mentioned simply did not count as far as he was concerned.

Reid also felt the whole issue was too 'vital' to be dealt with as Chamberlain proposed and defined the issue clearly as he saw it:

We cannot veil the issue in that way. We really feel in this legislation, situated as we are so near these hundreds of millions of coloured people, that we must set up at once a clear barrier against the invasion of coloured labour ... we are sternly resolved that there shall be a white Australia.⁴⁶

Reid took the point that specifying races and peoples was likely to lead to offense but felt that the Japanese would not object 'as long as we do not couple them with the Chinese'. We have 'this coloured flood coming in upon us' he declared dramatically. But he was also keenly aware of British disingenuousness on this issue and pointed out that the number of Chinese people in New South Wales would in

proportion represent 500,000 in Britain itself and asked what would be the result if even 10,000 Chinese people, or 'Chinamen' as he put it, arrived in Britain to settle? He answered his own question with 'you know the convulsion that would create'.⁴⁷

Reid continued by arguing that 'we are right next door to China' and 'we wish to preserve unmistakably the character of Australian colonisation as that of the British race'. This, Reid felt, was better done by exclusion than by having numbers of people enter who then might be 'treated brutally' and result in consequent greater embarrassment for the Imperial Government.⁴⁸ Presumably the embarrassment referred to was that the (brutal) nature of that British race would be thus exposed.⁴⁹

The Secretary of State referred to the New Zealand legislation as different because it excluded British subjects. Chamberlain recognised that the Australian colonies wished to exclude not only Chinese and Japanese but also Indians who were British subjects and so once again pressed the case for exclusion based on 'them not as Indians, but as persons who from their pauper condition, or from ignorance, are unfitted to colonise in your country'. He then went on to make the vaguest of promises to do all he could to discourage immigration from India by 'pointing out the difficulties they would at present subject themselves to, and the improbability they would be received'.⁵⁰

But even if Reid took such blandishments at face value he was having none of it, explaining that Chinese people came under conditions and arrangements that meant they did not arrive as paupers, and that it would be 'trifling with the gravity of the subject' to open 'the country up to all coloured persons who could get up sufficient English to write in a certain form'. The serious concern for Reid being race rather than the pretence of class that Chamberlain was pushing. For both men it should be noted there was no hint at that time that the test would not be real for those it was selectively applied to. For Reid having such a test, real or not, was an evasion that was 'beneath our intention'.⁵¹

Despite the level of 'intention' the debate over race and class took a downward turn when premiers Reid of New South Wales, and Edward Braddon of Tasmania (who claimed, 'long experience in India'), declared that an 'Indian influx' would be 'much worse' than a 'Chinese or Japanese influx' – Reid 'assuring' his fellow premiers that those who came from India were 'the most undesirable perhaps', while Braddon doubled up on this grand sweep of stereotypes by adding that there are 'a great many undesirable persons in India'.

Chamberlain readily agreed that certainly 'there can be no possible objection to your excluding undesirable persons' (even presumably if that included all 'our Indian fellow subjects').⁵² Finally Reid seized on the point that Japan had recently signed a treaty with Queensland in which it agreed to the exclusion of Japanese labourers 'whether right or wrong'. He then asked if Her Majesty's Government 'representing' the Indian Empire would be 'equally kind' given 'this is a matter

vitaly affecting the character of our civilisation and race'.⁵³

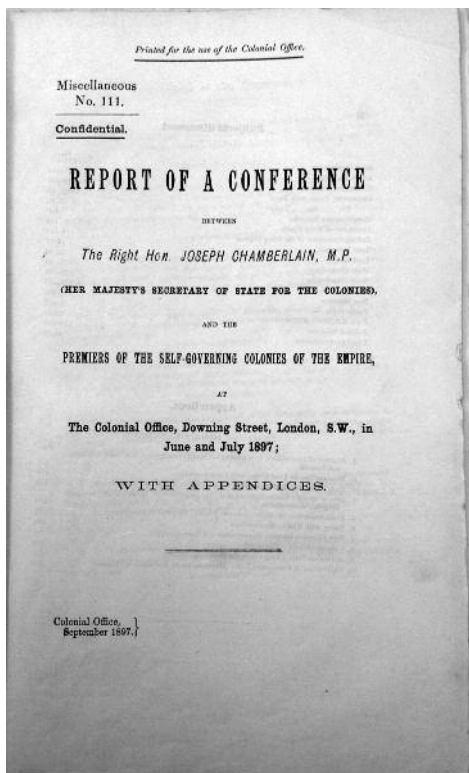
Chamberlain next attempted to argue a previous agreement on 'preferential treatment' for British subjects but a number of premiers, including John Forrest of Western Australia and Charles Kingston of South Australia, were adamant this never included Indian subjects. Reid continued to argue in favour of strong action that 'sets up a wall forever', citing Japan as an example of a country that in the future might give difficulties if this was not done now. However the Premier of Tasmania now began to signal his willingness to accept the 'educational test' as sufficient to exclude 270,000,000 Indians with the remaining 10,000,000 unlikely he felt to wish to come to the colonies.⁵⁴

The Premier of Victoria, George Turner, emphasised that the preference was for 'direct' methods over the 'roundabout' proposals of the Colonial Secretary; after which the Premier of Queensland, Hugh Nelson, then set out the case for individual legislation as being of greater value and flexibility. Nelson mentioned the restrictions already in place for Chinese immigrants, the treaty with Japan and Queensland's 'Polynesian' legislation, which he claimed was both 'assisting the

white men' and 'benefitting the Polynesian'. Forrest added – after Nelson had explained the co-operation of the Japanese government in controlling the numbers of Japanese labourers entering Queensland – that he thought the Japanese 'are all very civil, there is no doubt about that'.⁵⁵

The rest of the discussion among this heads of (white) empire confirmed that exclusion of the 'coloured races' was agreed on and that the issue now was merely method. They also agreed that non-British subjects was not the issue, but coloured British subjects were. Reference was made to the Sydney conference of 18 months before and to the value of a united Australia in pressuring the British Cabinet.⁵⁶ Reid then proposed a roundabout method of his own in which exclusion of British subjects would be left out of any Act and instead made discretionary.⁵⁷

Chamberlain was not happy with this



The Imperial Conference, 1897, minutes of Empire. (State Archives of NSW. Photo courtesy of the author)

suggestion or with Reid's attempted solution on his return to New South Wales, which was to introduce two separate bills – one that extended the Chinese restrictions to all other 'coloured races' but exempted British subjects, and another that imposed the Natal 'educational test' on anyone else. Chamberlain felt that this still left the question of Japanese sensitivity unanswered and 'begs that Japanese may be included on same terms as British Indian subjects'.⁵⁸

As summarised in the New South Wales press, the end result of the Imperial Conference was:

... one of the principal items of business which required his [Premier Reid's] presence in London at the diamond jubilee festivities was the necessity of discussing with Mr Chamberlain the granting of the royal assent to the Aliens Bill of last year. The royal assent was not granted, but the Premier's visit to England resulted in his ascertaining the terms upon which the royal assent would be given to a measure having for its object the restriction of undesirable coloured immigrants. Mr Reid accordingly has brought in a bill to extend the provisions of the Chinese Restriction and Regulation Act to other coloured races, British subjects, however, being exempt from its provisions. In order that the influx of British coloured subjects should be restricted, the Premier has had drafted the Immigration Restriction Bill. The latter provides for the application of an educational test which it is hoped will serve, among other purposes, that of greatly restricting the arrivals of British black or brown subjects at the ports of this colony.⁵⁹

Thus on the eve of Federation a division opened up – or was revealed – within the British Empire between differing types of 'British subjects'. While Joseph Chamberlain had argued a tepid case for the equality of all British subjects before the assembled premiers, it is interesting to see his reaction when the case for Indian equality was put to him by some of these British subjects themselves. Only a few years after this London meeting and while the new Commonwealth of Australia was debating its own form of treatment of 'our Indian fellow subjects', Chamberlain received a letter from the 'Indian Community, resident in Victoria'.⁶⁰

This letter well comprehends the debate held between the Colonial Secretary and the Australian colonial premiers only a few years previously and underlines the compromises and hypocrisy that was the outcome of this meeting. Claiming to represent 'the Indian Community, resident in Victoria' the writers requested the Colonial Secretary, Joseph Chamberlain to 'lend your assistance in a matter which is of vital importance to our welfare'. The matter of vital importance was of course the possibility that the new immigration restrictions would restrict people such as themselves from coming to Australia. The writers, Walite Shah and 10 others, went right to the heart of the matter by asking: 'What is the difference between an Indian and any other member of the British nation?'

The writers followed this up by outlining a history of membership and loyalty

to the British that would have been well known to the recipient. Chamberlain would have been 'well aware' that Indians had been 'members of the nation and under British rule' for 'the whole of the past century'. Perhaps laying it on a bit thick, Walite Shah and his associates added that they were 'proud to be under the wise and merciful rule' of the British because they knew that 'there is no other in the world which is so good'.⁶¹

Having staked their claim, the representatives of the Indian residents of Victoria then asked why 'our own government' would 'wish to separate us from herself' and put 'us as strangers with the outside nations of the world'. For these proud members of the British nation it was 'very painful' to be 'put along with the Chinese' whom they felt (writing just after the events of the Boxer Rebellion) were a 'defeated and dying race'. The writers claimed that before the introduction of this proposed immigration restriction, we considered 'ourselves' and 'especially those who do the bulk of the fighting of the Empire', as 'all people under British rule' and as 'part of the British nation'. Pleading that now it seems 'we are separated by the will of the British Government' from 'the nation' while the actions of the 'Commonwealth Government' are 'putting us amongst the outside peoples of the world'. At this point Walite Shah and his fellows pointedly asked: 'Who has the right to call Indian people "outsiders"?"

The letter emphasises that Indians are 'valuable subjects of the British Government', as proven by the desire of Russia to 'put her teeth on India' and its inability to do so because the Indian people were 'obedient and faithful'. They also declared the willingness of many Indian subjects to 'give their blood' and 'if necessary, to die for the Empire', including against the Chinese. The recent preparedness of 'Indian subjects of the King, in Victoria' to volunteer for service in the Boer War after the defeat of the Battle of Colenso is specifically cited as an example of their inclusiveness within the 'British nation' the writers wished to demonstrate.

Given the willingness of Indian subjects to serve the British, the writers state they are 'greatly pained' by 'so much talk of a white Australia'. Having 'dark-coloured skin' is not a reason for being 'cast off and put alongside Chinese and Japanese' while outside nations such as 'Germans, Russians, French, Italians' are not mentioned. Once more a pointed question is asked: 'Do the Members of Parliament consider the justice of this side of the question?'

The willingness of the Indian people to fight for what were the quarrels of 'the British Government with someone else' were again asserted and seen as part of a bargain where it was 'always understood that we were members of and helping the British Nation'. The remorselessly logical questions continue:

If we are members of the British nation, then why should we be denied equal rights with any other members of the same? Other members of the British nation can go

wherever they like and do whatever they please within the limits of the British dominion; so should this right be denied us? Is it just that the bargain be all one-sided?

This appeal to the Colonial Secretary ends with an unambiguous analogy of a family where one brother it appears 'is not so handsome as the others' but in every way endeavours to 'please his father' only to find his brothers 'through some motive which has the appearance of family jealousy' do not 'like him to come into their homes' while they 'keep the right to go and do whatever they like in his house'.

The letter ends by stating that the writers are 'anxious to know how it is that we who are members of the British nation are denied equal rights', and with masterly understatement declares: 'We do not think this is fair, although the Government seem to.'

The only apparent reply we have to this earnest appeal on behalf of the equality of the subjects of the British Empire is a letter appended to the copy sent onto the Australian Governor-General and passed by him to the Australian Prime Minister. The Colonial Secretary had himself argued, albeit weakly, the cause of Indian British subjects at the Imperial Conference of 1897, and had urged the Australian colonies to adopt the Educational Test now incorporated into the just passed Immigration Restriction Act. None of this prevented Chamberlain – with an astonishing lack of shame that perhaps only a member of the British elite could manage – blandly asserting that the legislation 'does not appear to cast any reflection upon any class of His Majesty's subjects'.⁶²

For Chamberlain the well put and sincere arguments in the appeal of Walite Shah and his fellow British subjects, similar to, yet more assertive than his own, were apparently so irrefutable, that the arguments of His Majesty's 'Indian residents in Victoria' could only be dismissed in the fashion of imperial hypocrisy – with a flat denial.⁶³

Chamberlain had been equally concerned about the impact of the colonial restrictions on Britain's external relations, namely with Japan. Certainly a major factor in the evolution of the Dictation Test was the 'Commercial Treaty of 1894' between Britain and Japan, a treaty to which all the Australian colonies had been asked to adhere, although only Queensland actually did so.⁶⁴ An implication of this treaty for those colonies seeking to build a White Australia was that Japan might claim equal treatment as far as immigration was concerned. The Japan Treaty, for example, gave all British subjects and goods rights and advantages even when certain colonies refused to adhere to the treaty.⁶⁵ Queensland nevertheless became a signatory because it wished to develop its far northern regions with indentured labour, Japanese sugar plantation workers in this case.

From the Japanese side the development of links with northern Queensland was also significant. Japan had purchased steamers for its war with China and as these

steamers were not needed after the peace a new steamship line was established to Australia. Agents were also seeking to send Japanese labourers to Queensland.

It was at this time that the United States established an immigration agreement with Japan by which the US had not introduced specific anti-Japanese immigration restrictions along the line of its Chinese restrictions. The Japanese government in return had promised to control the numbers of its emigrants itself.⁶⁶ Japan was anxious to strike similar deals with the Australian colonies but a sticking point was the inclusion of 'artisans' as well as labourers in the colonies' immigration restrictions.

Throughout these negotiations the Japanese government was willing to limit the entry of Japanese labourers. But undoubtedly the more pressing concern for the Japanese, and a matter referred directly to the Colonial Secretary in London, was the possibility of the Japanese being placed 'on the same level of morality and civilisation as the Chinese or other less advanced populations of Asia'. This 'slur' was 'keenly felt by the Japanese government', according to Chamberlain.⁶⁷

Thus a concern to limit the arrival of people generally considered 'coloured' on the part of the soon to be united Australian colonies clashed with a British government concern to avoid upsetting imperial relations both internal and external. The result was a gradual evolution, through a series of differing 'educational' tests legislated in the Australian colonies, of immigration restrictions as they made efforts to appear non-discriminatory.

However, while the origins of Australia's Dictation Test in the Natal Act and subsequent colonial legislation is often mentioned, it is less clear that all of these were, unlike the Commonwealth's Dictation Test, 'passable' tests. Which is not to say they were not discriminatory or unfairly administered. All were intended to be given only to non-Europeans, and what constituted passing or the ability to pass was never clearly defined and was left to the discretion of the colonial customs officials. Most employed, like the test of the Colony of Natal, a simple form to be filled in with the applicant's name and other personal details. That of Western Australia was the first to introduce 50 words to be written, although New Zealand in 1907 provided for 100 words to be read in an Act directed only at Chinese people.

The first of these attempts at compromise was the Natal Act of 1897 after a suggestion by Chamberlain when that colony wished to limit the number of people arriving from British India. It has been argued that the origins go further back to the tests given in the US state of Mississippi in an effort to disenfranchise voters of African-American origin.⁶⁸ But while similar in construction and intent there is no evidence either Chamberlain or the Natal colonial leaders were aware of what was happening in Mississippi. Certainly all were well aware of US innovations in immigration law and much of the US criteria found its way into the general immigration restrictions enacted by Natal. This demonstrated, if anything, the

independent origin of the Natal and subsequent colonial and Commonwealth educational tests, as the US Immigration Act of 1891 did not include any educational test.

It is true that some in the US around the turn of the 20th century were agitating for a form of literacy testing of migrants. But this was based on a real concern at reducing an inflow of illiterate peasants from Southern Europe rather than a racially based effort (although the anti-‘slav’ element was strong) aiming to avoid being seen as racist. The US in any case had long had, and long maintained, a racially based anti-Chinese immigration law with little concern for how that ‘looked’.

The original Natal Act of 1897 had been similarly disallowed by the imperial government and as a result of consultation with Joseph Chamberlain the earliest form of educational test evolved.⁶⁹ The result was that:

The immigration into Natal, by land or sea, of any of the classes defined in the following subsections hereinafter called ‘prohibited immigrant,’ is prohibited, namely: any person who, when asked to do so by an officer appointed under this Act, shall fail to write out in his own handwriting in any language of Europe, and sign an application to the Colonial Secretary in the form set out in Schedule B of this Act.

The concern in Natal was to maintain a white dominance and the year before the Natal Franchise Act had restricted eligibility to vote. According to this Act, ‘the parliamentary vote [in the Colony of Natal] was to be denied to people whose countries of origin did not have “representative institutions founded on the Parliamentary franchise”’.⁷⁰ The choice of ‘any language of Europe’ for the educational test underscored the intent to bar people from India and strengthened Chamberlain’s more modest proposal that would have allowed literate people of India (merchants and others) to enter.

At first known as the Natal Test, the various Australian colonies began to introduce similar acts after the 1897 Imperial Conference. Although soon to be made redundant by their federation, which passed all immigration control over to the new Commonwealth, these colonial restrictions were part of the evolution of the Commonwealth’s Dictation Test as an ‘absolute bar’ and legal fraud. The first to pass such immigration restriction was Western Australia, which also made two notable innovations over the Natal Act. The Western Australian test made knowledge of English essential to the test and was also the first to introduce a passage of 50 words (to be taken from any work of a British author). This was instead of a simple schedule that required an applicant only to write their name and some particulars. Thus in Western Australia:

Any person who, on being asked to do so by an officer appointed under this Act, shall fail to himself write out, in the presence of such officer, in the characters of any language of Europe, a passage in English of fifty words in length taken by such officer from a British author, and to append his name thereto in his own language.⁷¹

Exceptions to this were owners of property worth £300; or those previously domiciled in Western Australia; or wives and children; or those entering the 'pearl shell' industry.⁷²

As did the premiers at the London conference, a number of objections were raised, many of which would continue to be raised as the Dictation Test evolved. Perhaps setting the bar a little high was a newspaper representing miners:

We want the brown man kept out, but we want it, without setting the slightest bar on anybody desirable, without entailing any expense on ourselves and without the *modus operandi* stultifying our judiciary, our collective intelligence, or lowering our prestige.⁷³

It would remain to be seen whether all these conditions could be met by the Commonwealth's Education (later Dictation) Test. This same advocate of working class interests, as it casually referred to 'low-grade races generally' and 'races subgrade from our standard of civilisation', also objected that the clause relating to the test would be 'non-effective' due to 'the native rising generation' being 'taught to read, write and cypher in the English method'. The exception given to the pearling industry was also objected to for fear that such a loophole would soon be expanded by say a 'powerful mining syndicate'.⁷⁴

Regardless of these objections, the Western Australian restrictions were put into operation and in stark contrast to the later secrecy of the Commonwealth's introduction of similar laws a few years later and in defiance of the logic of using an educational test rather than naming races or nations, the publicly advertised regulations openly announced that the test section 'is to be put into operation mainly to the exclusion of Asiatics and Africans'.⁷⁵

New South Wales, however, did not care for these Western Australian innovations and kept more closely to that of the Natal original:

3. The immigration into New South Wales, by land or sea, of any person of the class defined in the following subsection hereinafter called 'prohibited immigrant', is prohibited, namely –
any person who, when asked to do so by an officer appointed under this Act, shall fail to write out in his own handwriting in some European language, and sign an application to the Colonial Secretary in the form set out in Schedule B of this Act, or in a form of a similar purport proclaimed from time to time by the Governor in substitution of the form set out in such Schedule.⁷⁶

It is interesting to note that an amendment was moved to specifically exclude 'Turkish or any dialect thereof' as one of the possible European languages. This was a concern for what was the actual border of Europe and hinted at definitions of 'European' that would recur in the Dictation Test period. The amendment was defeated.⁷⁷

SCHEDULE A.

Colony of New South Wales.

This is to certify that _____ of _____ aged _____ by trade or calling
a _____ is a fit and proper person to be received as an immigrant in New South
Wales.

Dated at _____ this _____ day of _____
(Signature)

SCHEDULE B.

To the Colonial Secretary,
Sir,

I claim to be exempt from the operation of the Immigration Restriction
Act, 1898.

My full name is _____

My place of abode for the past twelve months has been _____

My business or calling is _____

I was born at _____ in the year _____

Yours, &c.,

*Schedule for the NSW Education Test, 1898. Premier George Reid wanted 'a clear barrier
against the invasion of coloured labour'. Basic literacy was assumed to be rare.*

(Photo courtesy of the author)

By the beginning of 1899 the educational test was in use at the Port of Sydney and used to deny entry to at least eight Austrians and three Syrians, although four Italians and many more Austrians passed. The report also flagged another significant aspect of these immigration restrictions when it suggested that the shipping companies would be relied on to 'properly understand the character of the New South Wales law' and its administration would then 'work smoothly and simply'.⁷⁸

The Tasmanian Act of the same year was almost identical to that of New South Wales except that it took into account the existing Chinese restrictions:

Nothing in this Act contained shall be deemed to repeal or remove any restriction or condition imposed by The Chinese Immigration Act, 1887, upon the admission of Chinese into Tasmania.⁷⁹

This doubling up of restrictions on Chinese would continue to cause confusion well into the first years of the Commonwealth.

Thus three colonies successfully introduced a form of the Natal or educational test but in both Victoria and South Australia these attempts failed (Queensland being the only colony that apparently did not even try). Similar legislation was introduced into the Victorian Parliament and it seems only here that it foundered on the seemingly obvious objections. Victoria attempted an amalgam of the Western Australia and Natal Acts with a definition of a prohibited immigrant as:

Any person who, on being asked to do so by any officer appointed under this Act, shall fail to himself write out, in the presence of such officer, in the characters of any language of Europe, a passage of 50 words in length taken by such officer from a British author.

To this the obvious arguments were made:

The principal attack was directed against the proposed educational test. Mr Murray Smith complained that the words used were too vague, and the clause left far too much to the discretion or 'caprice' of an officer of Customs. The French, he said, next to the English, are the worst linguists in the world. The late Baron de Lesseps could not speak English, nor can Zola, the distinguished novelist, who would fail to pass the educational test required. 'But would the question ever be put to him?' asked Mr Best. 'Then that is my objection that too much is left to the caprice of the officer,' retorted the member for Hawthorn.

It was told that Mr Best, the bill's mover, 'declined to commit himself to an interpretation of his own bill'.⁸⁰

South Australia was another colony that failed to pass a Natal Educational Test although not until after some interesting discussion. The discussion began by the declaration that such a test was 'undoubtedly a transition from simplicity, uniformity, and adequacy in legislation on the subject of alien races, to complexity and doubt'. The bill also called for the use of an English author for the test, but it was recommended this be changed to 'British' else 'another race trouble' would result.⁸¹

Finally New Zealand made its attempt in 1899 with a more careful effort to avoid offending the core 'white' group and even the addition of an appeal mechanism:

Any person other than of British (including Irish) birth and parentage who, when asked to do so by an officer appointed under this Act by the Governor, fails to himself write out and sign, in the presence of such officer, in any European language, an application in the form numbered two in the schedule hereto, or in such other form as the Colonial Secretary from time to time directs:

Provided that any person dissatisfied with the decision of such officer shall have the right to appeal to the nearest Stipendiary Magistrate, who shall make such inquiries as he shall think fit, and his decision thereon shall be final.

Nothing in this Act contained shall apply to Chinese within the meaning of 'The Chinese Immigrants Act, 1881'; but all such Chinese shall continue to be subject to the provisions of that Act in like manner as if this Act had not been passed.⁸²

The New Zealand Act made the strongest efforts to ensure the test was 'real' by allowing appeal to a magistrate. Nevertheless, all the tests were seen to be real in so far as the discretion and prejudices of the officials giving them allowed. That all used either English or European languages (Turkish or not) demonstrated that not

mere literacy or education alone was the key, but rather a certain affinity with an undefined Europeaness.

Thus at the turn of the new century, which was also the beginning of the Commonwealth of Australia, the six colonies federating to create the new nation all had various forms of restrictions on the entry of Chinese people and all with the exception of Queensland (which had negotiated restrictions with Japan) had or had attempted to extend these restrictions to other peoples variously described as from Asia or Africa or coloured. These efforts had been inspired by a sense that the continent of Australia should be British or at least white and that this was not compatible with people from other cultures or races usually also considered inferior. In addition, many working class people, often supported by small business people, believed they could only achieve higher wages by ensuring they did not have to compete with workers they (and many employers also) believed were cheaper and therefore unfair.

Nevertheless the about to be born Commonwealth was not as white as it wished to be. The Indigenous peoples still survived, despite the invaders' exertions ranging from massacre and warfare, disease and efforts at cultural extinguishment, including even the then increasing practice of stealing children. Chinese people had settled and maintained strong links with their villages of origin, which ensured new arrivals each generation even among a people with a tendency to return.

In Darwin, Cairns and other locations, Chinese people were even a majority of the population. Small numbers of people from India and the Pacific Islands represented the largest non-Chinese groups of non-whites, although Italians caused some to think about what 'white' might mean. Thus the stage was set for the First Parliament of the new Commonwealth of Australia to introduce its first substantive piece of legislation, the Immigration Restriction Act, complete with its own version of the Educational Test.

The Immigration Restriction Act is often said to be the first legislation passed by the new Commonwealth Parliament, or more correctly the first major (as opposed to technical) piece of legislation. It was certainly the first contentious piece of legislation proposed, with the debate covering much of the same concerns as those raised in the 1897 Imperial Conference, dragging on from August until December 1901. The length of the debate revolved not around any doubt as to the White Australia project for which it would be laying the foundations, but rather how effective or otherwise the 'educational test' would be. Edmund Barton declared the test would be 'not only reasonably effective but drastically effective'.⁸³

The adoption of a form of educational test by the new Commonwealth, first suggested by the Colonial Secretary Joseph Chamberlain, was unsurprising. What is surprising is the rapid change in the nature of the test from, as Barton expressed it, a 'sufficient' bar to 'undesirables' into an 'absolute bar'.⁸⁴ That is, from a test that

tolerated a certain number of passers – as had the Natal Test and those passed by three of the Australian colonies – into a test no one could pass. From December 1901 the test evolved until after June 1903 the – now Dictation – Test became a uniquely absolute bar.⁸⁵ How that final evolution took place is a story for another time. Here can be seen the background of Australian colonial, racial, labour, class and imperial, concerns that together created the ‘gross chicanery’ of the Dictation Test. This was a test that was to remain the key mechanism for implementing the White Australia policy for two generations.

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Notes

1 This paper is a version of a chapter in a forthcoming history of the Dictation Test to be published by Brill, entitled *Heads-I-win-tails-you-lose: the test it was a crime to fail*.

2 *Narracoorte Herald*, 13 November 1896, p 2. Report on South Australian Bill introduced to give effect to immigration restrictions agreed at the Sydney Conference of Premiers that same year.

3 As Senator McGregor put it: ‘The Government had placed itself on the horns of a dilemma, as, if the Bill were honestly administered, it would be inept, and, if not honestly administered, it would involve Parliament and its officers in a piece of gross chicanery,’ *West Australian*, 14 November 1901, p 3. Australia chose the chicanery.

4 The story of the pre-1901 Chinese restrictions has often been told, perhaps best by R. A. Huttenback, ‘The British Empire as a “White Man’s Country”: racial attitudes and immigration legislation in the colonies of white settlement’, *Journal of British Studies*, vol 13, no 1, November 1973, pp 108-37. More recently in Jeremy Martens, ‘A Transnational History of Immigration Restriction: Natal and New South Wales, 1896-97’, *The Journal of Imperial and Commonwealth History*, vol 34, no 3, 2006, pp 323-44. See also Marilyn Lake, ‘From Mississippi to Melbourne via Natal: the invention of the literacy test as a technology of racial exclusion’, in Ann Curthoys and Marilyn Lake (eds), *Connected Worlds: history in transnational perspective*, Canberra, ANU Press, 2006, pp 209-29.

5 See Michael Williams, ‘Would this not help your Federation?’, in Sophie Couchman et al (eds), ‘After the Rush: regulation, participation, and Chinese communities in Australia 1860-1940’, *Otherland Literary Journal*, no 9, December 2004, pp 35-50.

6 General Edwards to Henry Parkes, 24 January 1890 in Williams, ‘Would this not help your Federation?’, p 35.

7 *Launceston Advertiser*, 26 July 1830, p 2; discussed below.

8 Kathryn Cronin, ‘A Culture of Control: an overview of immigration policy-making’, in James Jupp and Marie Kabala (eds), *The Politics of Australian Immigration*, Australian Government Publishing Service, Canberra, 1993, p 88.

9 This was prohibited immigrant criterion (g), ‘any persons under a contract or agreement to perform manual labour’, *Immigration Restriction Act*, 1901, Sec 3 (g).

10 See for example, Phil Griffiths, ‘The “necessity” of a socially homogeneous population: the ruling class embraces racial exclusion’, *Labour History*, 108, 2015, pp 123-44.

11 This aspect is explored in Sophie Loy-Wilson, ‘Coolie Alibis: seizing gold from Chinese miners in New South Wales’, *International Labor and Working Class History*, 91, 2017, pp 28-45.

12 For a detailed discussion see Tony Ohlsson, ‘The Origins of a White Australia: the coolie

question 1837-43', *Journal of the Royal Australian Historical Society*, vol 97, pt 2, December 2011, pp 203-19.

13 *Launceston Advertiser*, 26 July 1830, p 2.

14 *Australasian Chronicle*, 13 July 1841, p 2.

15 Loy-Wilson, 'Coolie Alibis', pp 28-45.

16 Even as late as 1959 and in a pamphlet arguing against the White Australia policy, Chinese in Australian history were characterised as 'indentured Chinese coolies'. Victorian Association for Immigration Reform, *Why does White Australia Matter?*, Brighton Vic, A. M. Harold for the Victorian Association for Immigration Reform, 1959[?], p 3.

17 For a detailed study of the difference in methods of migration see Wang, Sing-wu, *The Organization of Chinese Emigration 1848-1888: with special reference to Chinese emigration to Australia*, Chinese Materials Center, San Francisco, 1978.

18 J. Dundas Crawford, 'Notes by Mr Crawford on Chinese Immigration in the Australian Colonies', September 1877, *Great Britain Foreign Office Confidential Prints*, FO 3742, p 19. For more on this interesting and under-utilised source see, Michael Williams, 'Observations of a China Consul', *Locality*, vol 11, no 2, 2000, pp 24-31.

19 *South Australian Register*, 12 February 1862, p 2, and Convict Prevention Act of Victoria, *Launceston Examiner*, 1 May 1856, p 2. The Tasmanians felt this was discriminatory.

20 For a detailed discussion of the sojourner versus settler argument, see Michael Williams, *Returning Home with Glory: Chinese villagers around the Pacific, 1849 to 1949*, Hong Kong University Press, Hong Kong, 2018, pp 179-90.

21 This is well documented; see Charles Price, *The Great White Walls are Built: restrictive immigration to North America and Australasia, 1836-1888*, Canberra, Australian Institute of International Affairs in association with Australian National University Press, 1974, and Andrew Markus, *Fear and Hatred: purifying Australia and California 1850-1901*, Hale & Iremonger, Sydney, 1979.

22 For more on the role of Hong Kong see Michael Williams, 'Hong Kong and the Pearl River Delta *Qiaoxiang*', *Modern Asian Studies*, vol 38, pt 2, 2004, pp 257-82 and Elizabeth Sinn, *Pacific Crossing: California gold, Chinese migration, and the making of Hong Kong*, Hong Kong University Press, Hong Kong, 2013.

23 Barry McGowan, 'Shoulder yokes and moon cakes: the Chinese diaspora in the Riverina district of New South Wales, Australia, 1850 to the present', *Historic Environment*, vol 24, no 1, 2012, pp 26-34.

24 McGowan, 'Shoulder yokes and moon cakes', pp 26-34.

25 *The Sydney Morning Herald (SMH)*, 28 January 1881, p 3.

26 *SMH*, 28 January 1881, p 3.

27 For a study emphasising this aspect of Chinese in Australia, see Barry McGowan, 'Reconsidering Race: the Chinese experience on the goldfields of southern New South Wales', *Australian Historical Studies*, vol 36, no 124, 1 October 2004, pp 312-31.

28 Queensland had in fact been the first to reintroduce restrictions in 1877 but these do not seem to have been enforced and had little impact.

29 NAA, A1, 1920/5592, Memorandum, Collector of Customs, Sydney, 12 February 1902.

30 NAA, A1, 1920/5592, Note, E. B., 17 March 1902 to Memorandum, Collector of Customs, Sydney, 12 February 1902.

31 For some the opportunity to make Christians was paramount. The Rev Joseph King, *The duty of the Commonwealth in relation to coloured races: a paper read before the Conference of the Council of Churches*, Melbourne: sn, 1901[?].

- 32 Carmel Carmel, 'Chinese Immigration Restriction and the Pursuit of Nationalist Ideals in Colonial South Australia', *Journal of the Historical Society of South Australia*, no 44, 2016, pp 89-101.
- 33 NAA, A8, 1902/51 Part 1, Chief Secretary, Queensland to Prime Minister, New South Wales, 19 June 1896.
- 34 *The Advertiser*, 15 July 1896, p 4.
- 35 *The Advertiser*, 15 July 1896, p 4.
- 36 *The Advertiser*, 15 July 1896, p 4.
- 37 NAA, A8, 1902/51 Part 1, Minutes, Conference of Premiers, 4 March 1896.
- 38 NAA, A8 1902/49 Part 1, Telegram, Chamberlain to Governor, South Australia, 20 November 1897.
- 39 Colonial Office, Report of a conference between the Rt Hon Joseph Chamberlain, MP (Her Majesty's Secretary of State for the Colonies) and the premiers of the self-governing colonies of the empire at the Colonial Office, Downing Street, London, in June and July 1897; with appendices (Colonial Office, September 1897).
- 40 Report of a conference, p 162.
- 41 Report of a conference, p 162.
- 42 Report of a conference, p 163.
- 43 Report of a conference, p 130.
- 44 Report of a conference, p 130.
- 45 Report of a conference, p 130.
- 46 Report of a conference, p 131.
- 47 Report of a conference, p 131.
- 48 Report of a conference, p 163.
- 49 Report of a conference, pp 131-2.
- 50 Report of a conference, p 132.
- 51 Report of a conference, pp 132-3.
- 52 Report of a conference, p 133.
- 53 Report of a conference, p 134.
- 54 Report of a conference, p 135.
- 55 Report of a conference, pp 135-7.
- 56 Report of a conference, pp 137-8.
- 57 Report of a conference, p 139.
- 58 Agent General for New South Wales, 14 October 1897, quoting Chamberlain.
- 59 *Newcastle Morning Herald and Miners' Advocate*, 26 November 1897, p 4.
- 60 NAA, A8, 1902/182/1, Walite Shah, et al, to Joseph Chamberlain, 25 October 1901.
- 61 NAA, A8, 1902/182/1, Walite Shah, et al, to Joseph Chamberlain, 25 October 1901.
- 62 NAA, A8, 1902/182/1, Joseph Chamberlain to Lord Hopetoun, 24 December 1901.
- 63 NAA, A8, 1902/182/1, Joseph Chamberlain to Lord Hopetoun, 24 December 1901.
- 64 NAA, A8, 1902/51 Part 1, Joseph Chamberlain to Governor, New South Wales, 27 November 1897. Treaty of 1894, Article XIX specifically allowed all colonies to adhere or not separately. [191]
- 65 NAA, A8, 1902/51 Part 1, Circular, J. Chamberlain to New South Wales Government, 2 December 1899. For a discussion of the role of Japan in developing colonial attitudes at this time, see Alexander T. Yarwood, *Asian Migration to Australia: the background to exclusion 1896-1923*, Melbourne University Press, 1967, pp 6-8.
- 66 NAA, A8, 1902/51 Part 1, Confidential minute, Japan Treaty Revision, Mr Trench to the Earl of Kimberley, 7 February 1895 & Memorandum, H. S. Wilkinson, 10 January 1895.

- 67 NAA, A8 1902/49 Part 1, Chamberlain to Governor, South Australia, 20 October 1897.
- 68 This was first noted by Andrew Markus, *Australian Race Relations, 1788-1993*, St Leonards, NSW, Allen & Unwin, 1994, p 115 and reclaimed by Lake, 'From Mississippi to Melbourne via Natal', pp 209-29.
- 69 Report of a conference, p 170.
- 70 Natal Franchise Act, 1896, www.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01646/05lv01708.htm
- 71 Western Australia, *Immigration Restriction Act* 1897.
- 72 Western Australia, *Immigration Restriction Act* 1897.
- 73 *Coolgardie Miner*, 25 November 1897, p 4.
- 74 *Coolgardie Miner*, 25 November 1897, p 4.
- 75 *West Australian*, 12 January 1898, p 3.
- 76 NSW, *Immigration Restriction Act*, 1898, p 2.
- 77 NSW, Legislative Assembly, 1897, no 18. Weekly Reports of Divisions, no 2, Immigration Restriction Bill.
- 78 *Brisbane Courier*, 14 January 1899, p 4.
- 79 Tasmania, *Immigration Restriction Act*, 1898.
- 80 *Australasian*, 16 July 1898, p 37.
- 81 *Advertiser*, 25 August 1898, p 4.
- 82 New Zealand, *Immigration Restriction Act* 1899.
- 83 Australia, House of Representatives, 1st Parliament, 1st Session, 27 September 1901, Hansard, p 5312.
- 84 The phrase 'absolute bar' appeared only in the confidential instructions issued later; NAA, A1, 1911/10657, Confidential Notes for the Guidance of Officers, 1911, p 5.
- 85 Including a handful of 'accidental passes' from 1903 to 1909, a total of 59 people were granted admission to Australia on the basis of their ability to write out a 50-word passage in a European language dictated to them, but no one after that date until its abolition in 1958; see Barry York, *Immigration Restriction 1901-1957: annual returns as required under the Australian Immigration Act between 1901 and 1957 on persons refused admission, persons who passed the dictation test and departures of coloured persons from Australia*, Centre for Immigration and Multicultural Studies, Canberra, 1994.