Paradoxes of White Australia, 1910-1930: With reference to the dictation test and exemption clause.

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Author Declaration

I, Stephen John Sargent, declare that this thesis contains no material which has been submitted for examination in any other course, or accepted for the award of any other degree or diploma at this, or any other tertiary educational institution and, to the best of my knowledge and belief, contains no material previously published or written by another person except where due reference is made in the text.

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Stephen John Sargent
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Abstract

This thesis will not focus on the history of the White Australia Policy *per se*, which has been covered extensively by historians in the past. It will rather examine two specific mechanisms of the Act. First it will examine the ‘Dictation Test’, Section 3(a) of the *IRA* and its application to Europeans and British subjects, rather than to Asiatics and coloured immigrants as intended. Secondly, it will examine the use of the ‘Exemption Clause’ that came under Section 4 of the *IRA*.

The hypothesis of the thesis is that there were three paradoxes evident in the Policy and its implementation. The first was that legislation with the supposed intent of preserving British culture flew in the face of Imperial policy. Secondly, the dictation test, a mechanism intended to exclude non-whites, was mainly used against European immigrants in 1910-30. Finally, while the dictation test was being used against Europeans, coloured immigrants were entering Australia through the use of the Exemption Clause and Naturalisation Certificates.

The first chapter, “Getting the White Australia Policy Up and Running 1890-1910,” follows the establishment of the dictation test from its origins in the late 1890s until 1910, after which no one was able to pass the test.

The Second chapter, “The Dictation Test”, explores the second paradox. It argues that, in order to continue to maintain strong governmental control over immigration of foreigners into Australia, the dictation test was applied to Europeans and British subjects. It analyses case studies of Europeans and British subjects who were declared prohibited immigrants after being subjected to the dictation test.

The third chapter, “The Exemption Clause”, demonstrates the third paradox in the administration of the White Australia Policy, whereby some Asiatics and coloured immigrants were granted exemption certificates to enter Australia even while the dictation test was being used against Europeans and British subjects.
Abbreviations

CO  Colonial Office
CPP  Commonwealth of Australia Parliamentary Papers
CPD  Commonwealth of Australia Parliamentary Debates
IR  Immigration Restriction
IRA  Immigration Restriction Act
NAA  National Archives of Australia
MP  Member of Parliament
QPP  Queensland Parliamentary Papers
VLC  Victorian Legislative Council
WALR  Western Australian Law Reports

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Table 1:  Persons who passed and failed the dictation test 1902-1930.

Table 2:  Exemptions from IRA, Section 3(h) and Naturalisation Certificates from the Naturalisation Act 1903, approved to Non-whites during 1902 to 1930.
INTRODUCTION

Immigration has always been a contentious issue throughout Australia’s history, both politically and socially. Immigration is the defining issue in the battle of wills between politicians and the polls, because voters, if given the chance, will always prefer fewer new arrivals.\(^1\) Immigration has had a fundamental part in transforming Australia into what it is today: originally built on convicts, then free British and European settlers, and then open to the world, much of Australia’s heritage, achievements and future prospects have been shaped by both those born within Australia and those born outside Australia. Nonetheless, much of the historical attention has been given to Australia and immigration has focused upon what is now considered an embarrassing, troubled and controversial policy – the ‘White Australia’ Policy.

The ‘White Australia’ Policy was the slogan given by the media and social commentators in reference to one of the founding Acts\(^2\) – the *Immigration Restriction Act* of 1901.\(^3\) The IRA was a governmental control over the immigration of persons into Australia from 1901 until 1958.\(^4\) After

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\(^2\) Another founding Act and closely related to the White Australia Policy was the *Pacific Islands Labourers’ Act*. This Act would prevent the importation of Pacific Island Labour for the use on the Queensland Sugar Cane farms; preventing further coloured labour and promoting white labour. Other relevant Acts were: the *Contract Labour Act 1905*, *War Precautions Act 1914 and 1915* (repealed in 1920), the *Aliens Registration Act 1920*, and the *Enemy Aliens Act 1920* (repealed with the exception of Turks in 1925).
\(^3\) *Immigration Restriction Act* 1901 was amended in 1905, 1912, 1920, 1923, 1925 and 1930. After the amendment in 1912, the *Immigration Restriction Act* (IRA) became known as the *Immigration Act*. Therefore, in reference to the 1912 Act, the abbreviation will be IA or will be written as the *Immigration Act*. The Naturalisation Act of 1903 is in reference to a person being born outside Australia being declared an Australian in clauses contained in the Act.
\(^4\) The ‘Dictation test’ (Section 3(a)) was the mechanism that prevented entry into Australia up until 1958. In 1958 the act changed to the *Migration Act*. The Act was suspended in 1966 and finally abolished in 1973.
fifty years of labour experiments and a growing suspicion of Asiatics, the ‘White Australia’ idea became ‘one of the most powerful impulses bringing the Australian colonies together in Federation.’\textsuperscript{5} As Attorney-General Alfred Deakin said in the debate on the \textit{IR} bill,

No more power, operated more universally on this Continent...no motive power operated more powerfully in dissolving the technical and arbitrary political divisions which previously separated us than the desire that we should be one people, and remain one people, without the admixture of other races.\textsuperscript{6}

Many MPs in the debate saw it as Australia’s moral duty to protect their British heritage by preventing the mixture of races on the continent of Australia, preventing cheap labour from entering Australia, and promoting British culture.

This thesis will not focus on the history of the Policy\textsuperscript{7} \textit{per se}, which has been covered extensively by historians in the past. It will rather examine two specific mechanisms of the Act. First it will examine the ‘Dictation Test’, Section 3(a) of the \textit{IRA} and its application to Europeans\textsuperscript{8} and British subjects\textsuperscript{9}, rather than to Asiatics and coloured\textsuperscript{10} immigrants. Secondly, it will examine the use of the ‘Exemption Clause’ which came under Section 4 of the \textit{IRA}. The exemption clause, or exemption certificate enabled non-

\textsuperscript{6} Commonwealth Parliamentary Debates, Vol. 4, 12 September, 1901, p. 4804.
\textsuperscript{7} ‘Policy’ is in reference to the \textit{IRA}. After amendments in 1912 the \textit{IRA} was renamed the: \textit{Immigration Act}. At all times ‘Policy’ refers to the Act from 1901-1930 under the original name \textit{IRA}.
\textsuperscript{8} Throughout the thesis the reference of European is used. The definition of European is a person(s) who are immigrating to Australia from a European country excluding Great Britain.
\textsuperscript{9} The reference ‘British Subject’ is also used throughout the thesis. The definition of ‘British Subject’ is an immigrant who falls under the British Empire. Not only residents of Britain and ‘White’ Dominions. Examples of these subjects are Indian and Maltese immigrants.
\textsuperscript{10} The \textit{IRA}’s purpose was to stop ‘coloured’ immigration and therefore the term ‘coloured’ is used throughout the thesis. ‘Coloured’ is in reference to prohibited immigrants who were targeted for their darker complexion. For instance, the Japanese and Chinese were targeted for their ‘Yellow’ colour. Colour is used as a reference to nations that were viewed as being coloured or non-white.
Europeans\textsuperscript{11} to enter Australia without being submitted to a dictation test; they could, however, at any time have the certificate voided by the signature of the Minister.

**Literature Review**

The literature on the ‘White Australia’ Policy is both extensive and detailed. Beginning in the early 1920s with A.B. Keith, L. Lyng, and M. Willard, it gives a primary source based account of the development of the Policy and its early impacts on Non-British immigrants.\textsuperscript{12} Research on the policy began in the 1920s and continues to the present decade. Moreover, the literature on the Policy tended to change in scope from decade to decade. In the 1920s it focused upon the development of the Policy, beginning with the Labour experiments in 1825 and finishing in the 1920s. In the 1930s the first piece of literature had been written on a European country and its place in Australian immigration history. The work also focused upon the national interest, national policy and the people of Australia.\textsuperscript{13}

Beginning in the 1940s, and evident up until the 1970s, historians were critically examining the Policy because of several factors sometimes including a desire to overturn it. In 1947, *A White Australia? Australia’s Population Problem* was published after the ‘Twelfth Summer School of the Australian Institute of Political Science’ conference in Goulburn, New South Wales.

\textsuperscript{11} Non-European is in reference to a coloured and non-coloured person who living outside at the time.


Several academics including demographer W.D. Borrie, and anthropologist A.P. Elkin, all presented papers at the conference on ‘Re-thinking the White Australia Policy’ and ‘Is White Australia Doomed?’, calling for an end to the Policy due to its concerns over racism, the inevitable failure of the policy and finally due to a growing ‘population problem’ that would develop in Australia.

Beginning in the early 1950s historians began to publish research on the White Australia policy with the journal *The Australian Quarterly* publishing several of the articles.\(^{14}\)

In recent decades, the focus of historians on the Policy has shifted away from the origins of the Policy, administration, and the impact it had on the ‘Non-White’ immigrant\(^ {15}\), the literature then turned to focus on Europeans and British subjects who had been discriminated against under the Policy.


\(^{15}\) Non-white immigrant is in reference to any coloured person immigrating to Australia.
This extensive literature contains information and analysis of the changing attitudes to immigration in Australia. It points, among other themes, to the use of the dictation test against Europeans and also the use of the exemption clause to give access to some coloured and Asiatic immigrants to Australia without having to pass a dictation test while Europeans were being subjected to the test, when their immigration was the most desired. This paradox forms the main focus of this thesis.

**Theoretical Approaches**

The theoretical approach that will be used in this thesis is primarily empirical, predominately relying on many primary sources, but paying attention to critically analysing concepts of whiteness, Europeanness and Britishness current in the 1910s and 1920s. Sources include newspaper reports between 1910 and 1930 on Europeans subjected to the dictation test in order to find case studies for the thesis and to provide examples that will help contribute to the thesis hypothesis, newspaper articles written on the exemption of Asiatic or coloured immigrants to provide evidence of an immigration paradox were examined. But first, this thesis will use evidence of overall numbers from the National Archives of Australia and also from Barry York in order to establish the extent and trends of the dictation test and exemption certificates between 1910 and 1930, rather than relying on case studies alone. Commonwealth Parliamentary Debates, Commonwealth Parliamentary documents and also State Parliamentary and legal documents were examined in order to examine what the Ministers were reporting, how
the Members of Parliament were holding the government accountable and how the mechanisms developed from 1901-1930.

These sources play a key to the thesis due to the extensive articles written on the ‘White Australia’ Policy during its establishment and also the several decades of its enforcement. The case studies used in the thesis are also selected by their statistical representativeness of overall trends and relevance to the thesis hypothesis.

Secondary sources are important to the thesis in order to provide broader context and evidence related to this thesis’s narrower focus and hypothesis of the thesis. The secondary sources used in the thesis include a wide range of authors, topics, immigration focal points, books and journal articles. In order to keep the thesis focused on specific period in immigration history, only the most relevant of secondary sources written on the Policy have been used. The secondary sources that have provided a useful general focus upon the impact of the Policy upon non-Europeans, British subjects, the administration of the Policy, and statistics and case studies of the ‘White Australia’ Policy during the selected time period of 1910 until 1930.

**Thesis Overview**

The thesis has been divided into three chapters. The first chapter ‘Getting the White Australia Policy Up and Running 1890-1910’ follows the establishment of the dictation test from its origins in the late 1890s up until its perfection in 1910 from which no one was able to pass the test. The chapter also describes the early years of the test and how it developed as a mechanism to prevent coloured immigration. Finally, the chapter addresses some of the evident
paradoxes during the parliamentary debates and how this would lead to problems with the test in the future years.

The Second chapter ‘The Dictation Test’ continues from the previous chapter, enhancing the paradoxes that were evident in 1901 and how they were beginning to impede on European immigration. The chapter also analyses case studies of Europeans and British subjects who were declared prohibited immigrants after being subjected to the dictation test. These case studies demonstrate that the federal government, MPs and public servants could not resist the lure of power evident in the dictation test; and how they were influenced by political, social and moral objectives.

The third chapter is ‘The Exemption Clause’ and also builds on the second in demonstrating the paradox in the administration of the White Australia Policy with reference to the exemption clause in the IRA. The paradox that is evident is that, in order to continue to maintain strong governmental control over immigration of foreigners into Australia, Europeans and British subjects were applied the dictation test while the Asiatics and coloured immigrants were granted exemption certificates to enter Australia. The third chapter also analyses the exemption certificates and whether their implementation weakened the Policy, contradicted the myth of a ‘White Australia’ and whether the exemptions were really used for political reasons.

The hypothesis of the thesis is that beginning at federation, Australia’s attitude towards immigration was focused on the Asiatic race. However, this perception changed from Asiatics to South Eastern Europeans after Alfred Deakin voiced his suspicion through newspaper articles he anonymously wrote. Furthermore, this suspicion manifested into the need for the dictation
test to be used on these immigrants due to confusion over what really constituted a ‘white’ immigrant, a ‘European’ immigrant, and a ‘coloured’ immigrant. Furthermore, the dictation test was used against British subjects and Europeans because of moral and political reasons, owing to the language used in the IRA, enabling its abuse by politicians and public officials to maintain their objectives on immigration to Australia. Finally, the exemption clause was used for political reasons owing to the changing complaints of some non-European countries. The exemption clause was used to continue a rigorous control of immigration to Australia. Alas, the exemption clause also shaped the views surrounding the ‘White Australia’ Policy.
CHAPTER 1

Getting the White Australia Policy Up and Running 1890-1910

In most societies tests have been constructed as symbols of success, achievement and mobility, and reinforced by dominant social and educational institutions as major criteria of worth, quality and value. The granting of citizenship is thus dependent on passing a language test...this policy determines continued residence in the state, and access to rights and benefits such as health, education and welfare.


On Tuesday 1 January 1901, the people of Australia witnessed the inauguration of their Commonwealth – a new nation predominantly of the descendants of transplanted Britons, a white democratic member of ‘the greatest empire the world had ever known’, on which the ‘sun never set’.16 Australia’s destiny was seen as ‘unfolding in a British Imperial context’, a nation just out of its chrysalis, still soft and fragile, fully formed but not quite recognisable.17 It was believed that federation would also supplant the mutual suspicion and hostility between the colonies with brotherhood, a widening of human sympathy, which was the hallmark of moral progress.18

Federation itself wore a progressive air; it represented so clearly a stage in social evolution from simple to complex forms. It was through federation

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that men envisioned that the British Empire, the Anglo-Saxon race, the English Speaking peoples and finally the world would be united. The ‘Australian patriot’, moral progress, social revolution, the values of the British Empire and the unification of the Anglo-Saxon race were all represented in the Immigration Restriction Act of 1901. An act colloquially referred to as the ‘White Australia Policy’, it was an important landmark in Australian history and part of “the Australian Settlement” which was an integral part of Australia’s social progress for the next several decades. The Policy was shaped by a consensus and embodied the newly federated nation’s government, which had begun fifty years prior to federation. The policy went through several changes because of changes in attitudes towards several different ethnic groups and forms of immigration. In the end, the policy was also ‘a denial of the country’s original inhabitants’ and would begin to affect the desired European immigration.

The ‘White Australia’ Policy was a mechanism intended to keep Australia white, its workforce white and also to stop the contamination of Australia’s British heritage. Cheap labour was associated with colour; therefore, by eliminating coloured groups from the white society of Australia, its workforce would not suffer under the threat of cheap labour, keeping Australia’s living standards strong and able to progress further in the future. In Australia’s late colonial history and early years as a federated nation, Australia practised a policy of ruthless exclusion of immigrants on the basis

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19 Hirst, Sense and Nonsense, 198.
of race. It is here Australia begins to have changing and sometimes conflicting attitudes on its immigration policy. In its administration, the ‘White Australia’ Policy moved away from its original intentions after 1910, moving away from the exclusion of only coloured migrants and to use the policy to control even European and British immigrants for political, moral or social reasons, rather than being based on racial motives.

**Establishing the Dictation Test**

Prior to federation, colonial governments were administering their own immigration laws, of which several were directed specifically at restricting the number of Chinese immigrants entering the colony. Concern about Chinese immigration led New South Wales to pass the *Influx of Chinese Restriction Act 1881* which applied an entrance tax of £10 and a limit on each ship of one Chinese passenger per 100 tons of ship’s tonnage. This was again amended in 1887, raising the poll tax to £100 and one Chinese passenger per 300 tons. It was clear to many in the colonies that a unified and national approach towards immigration was needed to combat the ‘influx’ that was concerning the public.

By 1896, the focus shifted away from restricting a single race immigrating to Australia. The Chinese were no longer a single target of colonial governments and in 1894, as Japan had qualified as a menace to

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25 Report on the Select Committee on Chinese Immigration [Victorian Legislative Council 1856-7 pp. 853-4] did serve to raise the issue of the influx stating: Your Committee are of opinion that the Chinese migrate to this country exclusively to mine for gold and to trade among themselves; that their numbers exceed 40,000, of which there are not more than four or five females, and those are of an inferior class.
Australia’s immigration policy. This was acknowledged by the adoption of the 1896 Intercolonial Conference to amend anti-Chinese laws in order to apply the laws to all coloured races, repeal the exemptions given to coloured British subjects and renounce the Anglo-Japanese Treaty of Commerce and Navigation of July 1894. Joseph Chamberlain, Secretary of State for the Colonies, present at the conference, reserved the Bills from comment and in 1897 suggested modeling the *Natal Restriction Act* of 1897. While the Australian colonies used colour as a method of restriction, the Natal Act used the subterfuge of an ‘education test’ in order to determine if an immigrant were desirable or should be deported.

Chamberlain was representing the view of Her Majesty’s government and it was his view that the attempt by the Australian colonies to restrict immigration by colour was against the traditions of the Empire.

I have seen these Bills, and they differ in some respects one for the other, but there is no one of the except perhaps the Bill which comes to us from Natal, to which we can look with satisfaction...I wish to say that Her Majesty’s Government thoroughly appreciate the object and the needs of the colonies in dealing with this matter...but we ask you also to bear in mind the traditions of the Empire, which make no distinction in favour of or against race or colour and to exclude by reason of their colour, or by reason of their race, all Her Majesty’s Indian subjects, or even all Asiatics, would be an Act so offensive to those people that it would be most painful, I am quite certain, to Her Majesty to have to sanction it.

Chamberlain then gave reason on how to view an undesirable immigrant and reaffirmed his stance on the Natal Act.

It is not because a man is of different colour from ourselves that he is necessarily an undesirable immigrant, but it is because he is dirty, or he is immoral, or he is pauper, or he has some other objection which can be

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27 CPD, Vol. 4, 12 September 1901, 4808-09.
defined in an Act of Parliament and by which the exclusion can be managed with regard to all those whom you really desire to exclude...As I have said, the colony of Natal has arrived at an arrangement which is absolutely satisfactory to them...and to which the objection I have taken does not apply, which does not come in conflict with this sentiment, which I am sure you share with us.  

With the federation of Australia in 1901, a national framework for the restriction of coloured immigration could begin. The Members of Parliament during 1901 were nearly all in favour for a restriction on immigration, and had the advice from Chamberlain on how to frame the legislation, however, even with Chamberlain, it was the method of exclusion that was heavily debated. Influential politicians who had helped to form the Australian federation all had different opinions on how to exclude those unwanted peoples.

Many politicians including Prime Minister Edmund Barton and Attorney-General Alfred Deakin were in favour of a dictation test, modeled from the Natal Act. The dictation test would be a passage of fifty words in a specified chosen language that would be read at dictation to the immigrant. The immigrant would then have to write the passage correctly. Barton originally proposed for the test to be in English however this was rejected in favour of ‘any European language’ from Members of Parliament due to pressure mounted from Japanese Political officials to Australia and also from Britain. Barton’s intention was that if the test were of the English language, well-educated Japanese immigrants would be able to pass the test and would be able to enter Australia. However, MP Henry Wills opposed this on fear that if the test was in English:

28 CDP, vol. 4, 12 Sept, 1901, 4808-09.
29 A. C., Palfreeman, Administration of the White Australia Policy (Melbourne: Melbourne University Press), 81-85, and Yarwood, Non-European Immigration, 80-82.
heterogeneous races to be found at Cairo...Large numbers of Hindoos...(and)...in the West Indies again there are hordes of coloured men, half-casts and others, who would be able to pass any ordinary test (in English) [also] many thousands of Polynesians who are able to read and write.'\textsuperscript{30}

King O’Malley also added that if the test was conducted in English, American ‘Negroes’ would be able to pass the test and it would exclude white Europeans such as the Germans and Scandinavians.\textsuperscript{31}

Former Premier of New South Wales, George Reid, was now leader of the federal Opposition and a vital contributor to the movement to illuminate the Commonwealth’s IRA to be in ‘clear and unmistakable terms’.\textsuperscript{32} J.C. Watson the leader of the Labor Party did not wish the parliament to heed Chamberlain’s advice to adopt the dictation device.\textsuperscript{33} According to Brian Fitzpatrick, Watson viewed the dictation test as a:

\begin{quote}
Fly in the soothing balm of ‘White Australia’. He held with the pagan author of Ecclesiastes that dead flies cause the ointment of the apothecary to send forth a stinking savour.\textsuperscript{34}
\end{quote}

Watson was in favour of various forms of immigration while the rest of Parliament was against it. Watson was in favour of Indian immigration and also in favour of South-Eastern European immigration while Deakin was intransigently against it. However Watson made conflicting and confusing speeches during the debate. For instance he stated that:

\begin{quote}
Everybody knew that the Yellow Peril was a reality, that coloured hordes were just waiting for a favourable wind, to storm down on Australia, and that the best way to prevent the East from dumping its surplus millions on Australia was to forbid them to enter.\textsuperscript{35}
\end{quote}

However, Watson proceeded:

\begin{flushright}
\textsuperscript{30} Commonwealth Parliamentary Debates, Vol. 4, 25\textsuperscript{th} September 1901, p. 5132.
\textsuperscript{31} C.P.D., September 12 1901, p. 4820.
\textsuperscript{32} Yarwood, Non-European Immigration, 81.
\textsuperscript{34} Fitzpatrick, The Australian Commonwealth, 163.
\textsuperscript{35} C.P.D., Vol. 4, 4363.
\end{flushright}
The objection I have to the mixing of these coloured people with the white people of Australia – although I admit it is to a large extent tinged with consideration of an industrial nature – lies in the main in the possibility and probability of racial contamination.\textsuperscript{36}

In a confusing twist, Watson threw his argument away, stating:

\begin{quote}
I think we should gauge the whole case by the abstract possibilities of the case, but by those considerations which appeal to our ordinary human weaknesses and prejudices.\textsuperscript{37}
\end{quote}

Even with Watson’s conflicting speeches, the dictation test was passed. It survived in the Bill but only just, the Senate debate on this clause providing an interesting case of Australian Parliamentary proceedings as affected by party ‘deals’.\textsuperscript{38} The passing of the IRA now gave the Australian government statutory control over immigration and more importantly, a mechanism that could prevent the entry of coloured immigrants without citing colour as the reason for their deportation.

By the end a paradox was beginning to emerge. Australia was convinced that its ultimate protection from the Asiatic hordes to the north was through the might of the British Fleet and through the idea of racial purity. However, in order to achieve this defense, Australia had to exclude all coloured races, had to do it without offending those in the Empire and also the traditions of the Empire.

**The Early Years 1901-1909**

After several months of intense debate over the Bill, the IRA commenced on December 23, 1901. Over the next several years, the IRA and also the dictation test would be frequently amended in order to continue Australia’s

\begin{footnotes}
\textsuperscript{36} C.P.D., p. 4633-4.
\textsuperscript{37} C.P.D., p. 4363.
\textsuperscript{38} Yarwood, *Non-European Immigration*, 75.
\end{footnotes}
statutory control over immigration. The amendments were also attempts by the federal government to improve the function of the Act and assure that the mechanism could be upheld if any immigrant challenged it in the Australian legal system. The statistical and numerical evidence provides a clear picture of how the dictation test was able to reduce the number of coloured immigrants arriving in Australia. The original focus of the IRA, the Chinese, their immigration numbers fell from 29,907 in 1901 to 6,404 in 1947. Furthermore, the Chinese also represented half of the total number of coloured persons departing Australia during 1901 and 1946. The Japanese and Afghans, while never very large in number, shared in the decline, respectively, from 3,602 and 394 in 1901 to 330 and 22 in 1947.

After the IRA was passed, the British Authorities were suspicious of its true intentions regarding British subjects across the globe. In September 1908, the Secretary of State for the Colonies wrote to the Australian Governor-General reminding him of British displeasure over the limitations placed on Indian immigration:

The facts are patent that it is the settled policy of Australia – a policy which has become more and more pronounced with growing years – to prevent the coloured races from obtaining a footing in Australia; that, on the other hand, there is a growing resentment in India at the attitude which has been adopted in Australia towards East Indians, and, on the part of the British administrators and statesmen, who are trustees of the interests of India, a growing demand that there should be on the part of

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Australia...’a more just appreciation of the rights and sentiments of the Indian people.’

The British administrators realised that the White Australia Policy was by then a pronounced, accepted and settled policy in Australia. The British administrators were also demonstrating to Australian administrators that the White Australia Policy violated the foundations of an Empire by excluding the Indians from access to Australia. Indians, Australians and the British monarchy were joined under the Britain’s crown, however, there was reluctance from Australians to share a close tie with India, but would rather sever such bonds. J.C. Watson argued in 1901 that the Australians were the ‘citizen-subjects’ while the Indians were the ‘subject-citizens’. Furthermore, at the 1907 London Imperial Conference, an Australian representative, continued to drive Australia away from India, claiming only when India paid fair wages could she ‘invite comparison with all other white people of the self-governing colonies.’

Through various amendments during the early years of the IRA operation, the restrictive legislation was tightened up and in some cases extended. In 1905 the provisions regarding the application of the dictation test were revised. This amendment allowed the language used in the test to be ‘any prescribed language’ rather than a European language.’ Furthermore, changes in 1910, 1912, 1920, 1924-25 and finally in 1932 would be the last amendments made until the abolition of the dictation test by the Migration Act in 1958. From 1901 until 1910, the dictation test could be used on an

43 Rivett (ed.), Immigration, 23.
44 Yarwood, Non-European Immigration, 80-82.
immigrant at any time within one year of their arrival, however, this was extended in 1910 to two years, three in 1920 and finally five years in 1932. A.C. Palfreeman believed that practice of extending the period for which the dictation test was intended to ‘give the immigration authorities a much greater time allowance to find and deport immigrants’ that were not covered by sections of the IRA.

In 1912, amendments were made to enforce a more stringent health provision for immigrants and the Immigration Restriction Act was renamed to the Immigration Act. In 1924-25, the Act was again amended to impose regulations regarding to European or ‘White Alien’ immigration into Australia. These new restrictions meant that all ‘alien’ immigrants had to possess £40 landing money or hold landing permits issued as a result of their maintenance or employment being guaranteed by relatives or friends in Australia.

The dictation test was not perfect from the beginning. It took a number of years for the test to be foolproof and effective enough to stop all unwanted immigrants from entering Australia. Between 1904 and 1909, several court decisions affected the administration of the test, forcing the government to amend the Acts to prevent further complications, especially Christie v. Ah Foo (1904), Mann v. Ah On (1905), and Potter v. Minahan (1908), it was successfully argued that for the test to be valid, fifty words must be dictated,

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45 York, Admitted: 1901-1946, 5. The amendment in 1924 to extend the period of time was extended; the amendment also extended the power of personnel conducting the test. The dictation test could now be administered not only to department officers and police, but any person duly authorised in writing by an officer to administer the test. This power was used to authorise interpreters to administer the test, because on a number of occasions magistrates had acquitted persons charged with becoming prohibited immigrants on the grounds that the administering officer did not know enough of the immigrant’s language to explain to him the nature of the test. (Palfreeman, Administration of the White Australia Policy, p. 83).

46 NAA: Immigration Act, 1925.
neither more nor less. In Mann v. Ah On it was found that ‘The words read out to the appellant do not constitute a “passage” within the meaning of the section.’ Chief Justice Madden, speaking of the duty of an officer under Section 3(a) of the IRA, said:

His duty is to select a passage of fifty words and read them and ask him to write them and sign his name; no more, no less. If he does not do that the crime cannot be constituted.

The subsequent action by the federal government was to make sure that the dictation test was conducted within the guidelines upheld by the court. The Home and Territories Department released a memorandum highlighting previous issue with the dictation test and how best to avoid them. In the memorandum, it drew reference to the court cases:

Various Court cases have been lost through evidence being furnished that the test had not been correctly applied. The main point to remember is that, although a language may be chosen with which the immigrant is not acquainted, the test should be applied in such a way that he would be afforded a reasonable opportunity to write the passage out if he were literate and knew the language.

The early years of the IRA were also important in the impact it had upon the immigration of coloured immigrants. Between 1902 and 1913, the dictation test was mainly used against the immigrating Chinese. After that, few Chinese attempted to come to Australia unless confident of admission. However, between 1901 and 1909, 52 immigrants passed the dictation test. The ability of coloured immigrants to pass the dictation test which was

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47 Palfreeman, The Administration of the White Australia Policy, 81-2.
48 Mann v. Ah Oh (1905) 7 Western Australian Law Reports 182, p. 183.
49 WALR, 182, 184.
50 NAA: PP6/1, 1927/H/427.
selected to prohibit their entry was concerning for the federal government. Memorandums were soon sent to all major ports instructing custom officials how to properly administer the test.\textsuperscript{53}

**Conclusion**

After fifty years of opposition to Asiatic immigration, Australia established and legislated a national framework to restrict it. The establishment of the IRA and dictation test was a challenge for the Members of Parliament. Although there was an overwhelming consensus that a restrictive policy was needed, the method of exclusion was intensely debated by the House of Representative and only narrowly survived to be passed by the Senate.

The IRA was a policy that tried to accompany vast opinions in Parliament. From the Prime Minister, Attorney-General, leader of the opposition and leader of the Labor Party all had positions that influenced the Act. The result was confliction. The Act had to be amended several times in order to assure its purpose and to continue the conflict over immigration in Australian politics. The paradox of the White Australia Policy is evident when examining the impact on immigrating Europeans. Confusion was constant over who really was a ‘white’ person and even who was a ‘European’ person.

However, even with the conflict, the dictation test was extremely effective in achieving its goal. Within the first five years 1,036 immigrants were prevented from entering Australia. Nevertheless, when the test was no longer necessary for its original purpose, the federal government would not be able to resist the lure of the dictation test’s power for other ends. After

\textsuperscript{53} NAA: PP6/1, 1927/H/427.
1910, the dictation test was a powerful political tool that could be adapted to various situations, fulfilling moral, political and social objectives.
CHAPTER 2

The Dictation Test

Tigers have been known to depopulate villages. One was known to exist in this way for several years, taking eighty human lives a year before it was hunted down and slain. When matters become too terrible to be borne, the natives pack up and move to another part of the county.

*Test Passages No, 32/19: October 1932.*

The *Immigration Restriction Act of 1901* was intended ‘to place certain restrictions on Immigration and to provide for the removal from the Commonwealth of Prohibited Immigrants.’ A ‘Prohibited Immigrant’ was defined in section 3(a) of the IRA as:

Any person who when asked to do so by an officer fails to write out a dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer.

Those persons who failed the test would be a ‘prohibited immigrants’ and would be prevented from landing in Australia. Even though Edmund Barton declared in 1901 that the dictation test would be ‘without distinction of race, colour, or origin...irrespective to the background of the immigrant,’ the dictation test was specifically designed to be imposed on coloured migrants and not European migrants. Once the test became impossible to pass in 1910, the test began to be applied to migrants irrespective of their racial background. The dictation test was being applied to Europeans for political, social and moral reasons throughout the 1910s, 1920s and 1930s.

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55 *Immigration Restriction Act (Cmwlth) 1901*, No. 17.
56 *Immigration Restriction Act, 1901.*
The Dictation Test from 1910

In 1901, in an anonymous article appearing in the London’s *Morning Post*, Alfred Deakin proclaimed that other races are soon to be ‘...excluded by legislation if they are tinted in any degree. The yellow, the brown, the copper-coloured are to be forbidden to land anywhere.’\(^{57}\) Also in the article, Deakin wrote that the only non-British Europeans eligible to immigrate to Australia were the Germans and Scandinavians and that ‘our Antipodean suspicion is directed at immigrants of the lower Latin type, and is decidedly antagonistic towards new-comers from South-Eastern Europe...for all those outside that charmed circle the policy is that of the closed door.’\(^{58}\) Deakin’s antipodean suspicion became Australia’s suspicion.

After the dictation test was finally perfected in 1909, the dictation test was now beginning to be used against Europeans.\(^{59}\) The use of the dictation test to exclude Southern Europeans was continually proposed by unions and pressure groups, yet the IRA remained unspecified in order not to give offence to countries such as Japan and India, therefore leaving it possible for Southern Europeans, and also other Europeans to be subjected to the test.\(^{60}\) The supposed ‘influx’ of Southern Europeans into Australia had already caused a commotion, with Unions and the Western Australia government raising concerns and also launching two Royal Commissions into Italian immigration.


\(^{58}\) Jack and Templeton, *Sources of Immigration History*, 11-12.

\(^{59}\) Official Commonwealth Year Book of 1911 states that no European had been given the dictation test; nevertheless in the previous chapter, confusion of what constitutes ‘coloured’ and also ‘European’ led to several desirable immigrants be submitted to the test and failed.

One of the first Europeans to be declared a prohibited immigrant under section 3a of the IRA was Alexander Kellerman in 1913. Kellerman was an Austrio-Hungarian who was arrested in Newcastle NSW and while in front of the Newcastle court, he informed the magistrate that he was not motivated to work in Australia stating: ‘Now that I am here, let the country keep me.’ A requirement of immigrants coming to Australia was that they were to contribute to Australia and not to ‘become a charge on the public or upon any public or charitable institution.’ Kellerman’s dislike for work, and the belief that now he was here in Australia and the public should support him, was not in accordance with the spirit of the IRA. Kellerman was therefore ordered to take the dictation test, which he failed, and was labelled a prohibited immigrant and sentenced to one month’s imprisonment before being deported to Hong Kong. This was not the end of Kellerman’s journey. Upon his deportation to Hong Kong, the authorities there refused his arrival, forcing authorities to return him to Australia, where he was given the dictation test for a second time and failed. Kellerman was returned to where his journey originated, the East Indies.

In the following year of 1914, a young Irish woman, Ellen Fitzgibbon was the ‘first British subject of European race to be thus rejected’ through the application of the dictation test. On November 10 1914 at the Adelaide Police Court, Fitzgibbon pleaded guilty to having entered the Commonwealth

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62 IRA, 1901.
without having passed the dictation test. The ‘assisted immigrant from London’ had arrived in Australia aboard the *Beltana*, during the travels from London to Australia, during which, medical personnel examined Fitzgibbon. After the medical examination was done, Detective Segorlind of Port Adelaide boarded the vessel when it arrived in Port Adelaide, submitted the dictation test in 55 words of the Swedish language to Fitzgibbon. Upon failing the examination Fitzgibbon was declared a prohibited immigrant; however, Detective McSweeney told the magistrate that it is ‘not a matter of the lady’s health’ but rather she was charged with failing the dictation test. Furthermore, the magistrate proceeding over the case of Ellen Fitzgibbon was addressing questions of the application of the test. The magistrate was rather startled to know ‘...that a person from London would have to submit to a test of that kind at the sweet will of any officer.’ Having been accustomed to taking ‘depositions for about thirty years’, the magistrate believed that ‘he could not pass such a test.’ Despite this, Ellen Fitzgibbon was sentenced to three months gaol in order for the Minister time to arrange for her deportation.

The case of Ellen Fitzgibbon is an interesting one in addressing the history of the dictation test with regard to its application to Europeans and Britons and British subjects. Ellen Fitzgibbon, ‘who is rather attractive [in] appearance’ was an Irish woman, subject of the British Empire was denied entry for permanent residence in Australia after being subjected to the

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dictation test. Detective McSweeney told the court that immigration officers ‘had very good reasons for refusing her permission to land’ therefore, ‘applying a very strict dictation test in the Swedish language of which the girl knew nothing about.’\(^6\) The question of the real motivation behind supplying the test to Ellen Fitzgibbon attracted attention in the House of Representatives on December 3 1914 when ‘Mr. Mahon told Mr. Flemming that a language test was applied at Adelaide to Ellen Fitzgibbon from London, with a view to excluding her for special reasons, which could be supplied privately.’\(^6\)

**Dictation test and Punishment**

The *IRA* Section 3(e) states that ‘any person who has within three years been convicted of an offence...and has been sentenced to imprisonment for one year or longer...’ would therefore become an undesirable immigrant and ineligible for immigration into Australia. Nevertheless, if a crime was committed in Australia by an immigrant, the dictation test could be used as a final or extra punishment to those convicted. On December 23 1911, miner Thomas Henry Darlington was fatally stabbed in the neck at the Federal Hotel, Whim Creek WA, as a result of what appears to have been a drunken brawl.\(^7\) Two Italians, Joseph Seleno and Lawrence Cappelli were charged over the incident. Seleno was charged with wilful murder, while Cappelli was charged as an accessory. Cappelli was described as a ‘habitual criminal’ and was therefore seized by customs for deportation and sentenced to seven days gaol in order to arrange

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\(^6\) Barrier Miner, Nov. 20, 1914.


\(^7\) ‘Fremantle Police Court.’ *The West Australian*, 22 May, 1915, page 5, and ‘The Whim Creek Murder.’ *Kalgoorlie Western Argus*, 9 January 1912, page 34.
for his deportation.\textsuperscript{71} Cappelli was a known criminal, and was therefore much easier to deport from Australia back to Italy. Seleno on the other hand was not. After being tried and convicted of manslaughter, Seleno was sentenced to three years imprisonment.\textsuperscript{72} In March 1912 and at the end of June 1913, Seleno was released and during this time he was submitted the dictation test and failed the test.\textsuperscript{73} Seleno was then under the IRA classified as a prohibited immigrant and would be deported from Australia.

**Maltese and the *Gange***

The Maltese, who were both Europeans and British subjects, were the next European ethnic groups to be targeted in 1916. At this time in Australian history, the conscription debate was in full swing. Prime Minister William ‘Billy’ Hughes was entrenched in a bitter battle for those supporting conscription and those opposing conscription. Amongst the several points against conscription was the issue of the ‘White Australia’ Policy. The anti-conscriptionists alleged that conscription was a policy that would begin to dismantle the ‘White Australia’ Policy piece-by-piece. The fear was the when Australia’s workforce was conscripted to fight in the First World War, the positions left behind in the workforce would be filled by cheap foreign labour, thus forcing a change to the IRA and the dismantling of the policy. This would all come together over what the Maltese labeled the ‘il-Tfal ta Billy Hughes’ (the children of Billy Hughes) saga.\textsuperscript{74}

\textsuperscript{72} ‘Foreigner’s Deportation Ordered.’ *The Sydney Morning Herald*, 10 July, 1913, page 10.
\textsuperscript{73} ‘Fremantle Police Court.’ *The West Australian*, page 5.
The political trouble that was about to influence both the Hughes government and the Conscription referendum in October 1916 would lead to the application of the dictation test to 214 Maltese agricultural labourers, who left Malta before passport restrictions were enforced by the British government. Once Hughes was informed of the 214 Maltese immigrants and their intended arrival on the French vessel the Gange on October 28 1916, on the eve of the conscription referendum, the political situation was already out of control for the Hughes government. Hughes’s attempts to delay the Gange’s arrival to Australia had failed. He appealed to the British and the French governments, who were both anxious about the outcome of the Australian referendum and did not want to alienate each other over the growing saga. In addition, secret cables that were sent between government departments over the issue were leaked to newspapers, and in certain cases, having accurate summaries of the cables, frustrating Hughes’ attempts to keep it all out of the public eye. In a cable between Maltese government officials and Australian government officials, it was suggested that nothing could be done to delay the ship from the Maltese side, leaving the issue up to the Australian government; suggesting the use of the IRA:

I can see no way in which it is now possible for us to prevent their arrival but in case of necessity it is of course open to your government to deal with them under the Immigration Act.  

Upon final instruction, the Gange docked in Melbourne on the 29 October and once it was docked, both government officials and immigration officers

75 Barry York, Empire and Race, 81.
76 York, Empire and Race, 82.
77 SCC to GG, Decipher of Secret Cable, 13 October, 1916, AA/ACT CP78/23 14/89/456, quoted in York, Empire and Race, 82.
boarded it. Along with these officials was a Dutch professor who boarded the vessel to apply the dictation test to the 214 Maltese immigrants, which none passed. Apart from the 459 Chinese who were excluded by the dictation test in 1902, this was the largest single group to be excluded by the dictation test.

Although the Maltese were British Subjects, and were also European, the dictation test was still applied. Furthermore, the IRA stated that the test could be ‘administered in any European Language’, and, the language chosen for the Maltese immigrants was Dutch, a language of which they did not have any knowledge. Otherwise the 214 Maltese immigrants would have entered Australia, causing more frustration and political problems for Hughes and his government.

The issue of the 214 Maltese became a political storm. Of the 214 men – 165 of them were of military age, most of the 165 men had already served at Gallipoli, and most of the men were married with children who suffered terribly when they were not able to gain employment in Australia. Furthermore, seven of the men were former residents of Australia who returned to Malta for a holiday and were now returning to their new home, Australia. During an address, Hughes declared that the immigrants were in violation of the 1905 Contract Labour clause and were thus given the dictation test. Nevertheless, the men that arrived on the Gange were general labourers, and were not under contract upon their arrival in Australia. ‘In no case have Maltese immigrants been assisted by any government agency, or

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80 York, Empire and Race, 84-85.
81 York, Empire and Race, 85.
82 York, Empire and Race, 85.
brought under contract.' Further criticism over the Hughes’ decision to prohibit the entry of the Maltese immigrants came from a joint statement from New South Wales Labor Premier W.A. Holman and Opposition leader Charles Wade. Both Holman and Wade were for conscription and this was a joint effort to take control of the situation and to refute the anti-conscriptionists. The statement consisted of eight points. They argued that:

The Maltese are in no sense coloured labour. They are purely European race. Five hundred Maltese fighting for the British Empire went down in the Battle of Jutland. Being British subjects they are upon arrival in Australia subject to military service.

Along with Holman and Wade, many journalists were writing in consensus over the issue. The *Sydney Morning Herald*, *The Argus*, the *Sunday Times*, the *Western Mail* and also *The West Australian* all contributed to the debate over the misconduct of the Australian government. The government’s handling of the Maltese immigrants enraged some Australians. In a letter to the *Sydney Morning Herald*, George Brown stated:

To exclude such men seems to be a most ungrateful return for the great love and kindness which was shown by the Maltese to our Australian sick and wounded men from the trenches of Gallipoli.

The First World War and the Gallipoli trenches for the first time brought together Malta and Australia. The experiences shared in the trenches, hospitals, and the camaraderie shared by both for the Empire, brought a newfound respect for the Maltese. There was a review in the *Sydney Daily Telegraph* of the Reverend Albert Mackinnon’s book, *The Nurse of the Mediterranean*, a glowing tribute to Malta’s role as a base hospital. The review was able to persuade readers that the Maltese were ‘white, not

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coloured’ and, therefore, the Maltese were ‘highly acceptable immigrants’. Nevertheless, even with a somewhat united media voice, the *Australian Workers Union* was convinced that the close relationship that Australia and Malta shared was nothing more than a ‘Fairy Story’. They were still convinced that Malta was a country of coloured persons, separate from the British Empire and therefore unacceptable in Australia.

**Political Concerns and the ‘European Influx’ in the 1920s**

By the late 1910s, those responsible for the foundations of federation, and the policies that would lead Australia into the future were no longer involved in the politics. It was the next generation of political minds who would now direct the ‘Australian Settlement.’ The new direction of Australia’s rigorous selection of incoming immigrants was based not only on racial but also on moral, political, and social grounds. Much turned on both the Dublin Easter Rising in 1916 and The Russian Revolution in 1917. The Russian Revolution did more than turn its host country ‘upside down.’ Coming, as it did, in the midst of World War One, the overthrow of Nicholas II seemed to symbolise both a decisive challenge to the old ruling elites who had plunged the world into a conflict of unprecedented slaughter, and the beginning of a new age based on the enlightened motifs of freedom and democracy. The Australian government disapproved those with Sinn Fein or Bolshevik sympathies or other political affiliation. Irish and Russian immigrants who wished to

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86 York, *Empire and Race*, 91.
87 York, *Empire and Race*, 91.
88 The ‘Australian Settlement’ is defined by Paul Kelly in *The End of Certainty* (Crows Nest: Allen & Unwin, 2008), 1-4.
89 Nicholas Atkin and Michael Biddiss (eds), *Themes in Modern European History 1890-1945* (New York: Routledge, 2009), 181.
90 Atkin and Biddiss (eds), *Themes in Modern European History*, 181.
immigrate to Australia could only do so if they obtained special permission in advance.\textsuperscript{91} This represented a radical change from how the \textit{IRA} was enforced in the past.

The dictation test was a powerful tool for the new generation of politicians. New political affiliations that were not well received by the Australian government would use the influence and power of the dictation test to prohibit several Europeans entry into Australia due to their affiliations. In 1934, Gerald Griffin, an Irish-born New Zealand communist, was excluded after being submitted to the dictation test. Griffin was prohibited from landing in Australia, at Fremantle and Sydney, under various sub-sections of Section 3 of the \textit{Immigration Act}.\textsuperscript{92} Griffin was prevented from landing because he was submitted the dictation test in Dutch, a language that was not known to him. Griffin failed the test and his entry was declared undesired.\textsuperscript{93} However, Griffin's political affiliations also prevented him from landing as he was considered in violation of Section 3(gd):

\begin{quote}
any person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State or any other civilized country... or advocates or teaches unlawful destruction of property, or who is a member of or affiliate with any organization on which entertains and teachers any doctrines and practices specified in this paragraph.\textsuperscript{94}
\end{quote}

Also under Section 3(gd):

\begin{quote}
any person believed by the Minister to be in his opinion, from information received by the government of the United Kingdom or of any other parts of the British Dominions or from any foreign government...undesirable as an inhabitant of, or visitor to, the Commonwealth.\textsuperscript{95}
\end{quote}

\begin{footnotes}
\footnotetext[91]{NAA: A1, 1936/13639.}
\footnotetext[92]{NAA: A432, 1934/1736 Part 2.}
\footnotetext[93]{NAA: A432, 1934/1736 Part 2.}
\footnotetext[94]{A432, 1934/1736 Part 2.}
\footnotetext[95]{A432, 1934/1736 Part 2.}
\end{footnotes}
Griffin was prohibited because of his political affiliations. He was well known to the Australian government and it was concerned, as he was known to be an ‘extremely vigorous communist propagandist.\textsuperscript{96} Also prevented from landing in Australia was Egon von Kisch. Kisch would challenge the ruling of the dictation test, and the dramatic case would play out in the public view.\textsuperscript{97}

The new breed of politicians would now guide Australia into the future. Guided by those before them and their policies that were in place, it was their job to decide how to apply their policies to new problems. Their interpretations of policies were now applied in the new decade of the 1920s. The ‘White Australia’ Policy was now in the hands of those who had listened to the debates over the issue of Asiatics, colours, and Deakin’s profound mysticism for Britons and antipodean suspicion of South-Eastern Europeans and Lebanese.

The 1920s continued Australia’s ‘infrequent, spasmodic and arbitrary’ application of the dictation test.\textsuperscript{98} In December 1920, the Australian government passed the \textit{Amending Immigration Act}, prohibiting the entry of Germans, Yugoslavs, Bulgarians, Hungarians and Turks for a period of five years. Concerns over non-British European immigration were growing due to a more than doubling of non-British European arrivals between 1923 and 1924 from 5,626 to 12,332.\textsuperscript{99} Compared with British immigration of 88,335 in

\textsuperscript{96} A432, 1934/1736 Part 2.
\textsuperscript{98} Yarwood, ‘Dictation Test’, 27.
\textsuperscript{99} NAA: A432, 1934/1736 Part 2.
1924, Europeans represented about twelve per cent of the total. Nevertheless, articles, letter, opinions and the labeling of European immigrants as ‘white aliens’ gave the opinion that ‘the most practical scheme in order to keep our White Australia as British as possible would be to limit the proportion of foreign migrants to the number of British in any one year.’ The concern would lead to the misguided approach to emphasize that European immigrants were ‘foreigners’ and also to label their immigration as an ‘influx’, resulting in several Royal Commissions – including the Ferry Report of 1925.

Finally, immigrant Britons were not safe from rigid enforcement and control. All immigrants had to undergo enquiry and form-filling in order to provide as much data on the person as possible; enabling the government to pick and choose who they would like entering Australia. Along with this, the dictation test was applied to some Britons for being undesirable. The numbers tested, though small, compared with the arrivals, demonstrates the abuse on political, moral and social grounds to use the immigration policy in order to obtain a particular political vision of a British utopia in the Commonwealth of Australia.

During the mid 1920s, Australia was trying to run a dual immigration policy. Firstly, Australia was attempting to encourage more British immigrants through the use of propaganda, cheaper fares and advertising, while attempting to reduce the amount of European immigration. The supposed influx of South Eastern European immigrants worried pressure
groups and unions. In order to limit the arrivals of South Eastern Europeans, the Australian government took a new stance on restriction. Based upon the United States method of exclusion and control, immigrants had to have a certain amount of landing money. Over the course of the 1920s, the amounts would rise, beginning at £10 and increasing to £40 by 1927-28.\textsuperscript{103} However, the considerable public support for the prevention of European immigration resulted in a letter to the \textit{Argus}:

\begin{quote}
The Government authorities, we are told, are watching it [foreign immigration], but is a scheme which will check it being formulated? We shall cause less heart burnings in others nations if we act promptly, than by encouraging their expectations of an open door, and then, when a flow of their surplus population has once well set in, try to arrest it. The most practical scheme in order to keep our White Australia as British as possible would be to limit the proportion of foreign migrants to the number of British in any one year – say a quarter – and of the quarter, give a preponderance to the Nordic races.\textsuperscript{104}
\end{quote}

E.E. Keep, a member of the Victorian division of the New Settlers' League argued that 'it was necessary that Australia be kept as clean as possible.'\textsuperscript{105}

The increase of the landing money required for the Australian government to permit entry was the result of increased conversations between State leaders and the Prime Minister's office. In the correspondents, Sir George Fuller, Premier of NSW, referred to the increase in Southern European immigration as a 'threatened invasion'.\textsuperscript{106} During 1924 and 1925, along with Western Australia, the Premiers of Victoria, Queensland, and South Australia\textsuperscript{107} suggested various forms of control including establishing a quota system, more stringent medial examinations and the extension of the use of

\begin{flushright}
\textsuperscript{104} 'Foreign Immigration – To the Editor of the Argus' by Arthur Wills, 29 November, 1924, \textit{The Argus}, p. 20.
\textsuperscript{105} Langfield, "White Aliens", \textit{Journal of Intercultural Studies}, 3.
\textsuperscript{106} NAA: A458, B156/1 Part 1.
\end{flushright}
the dictation test to include Europeans.\textsuperscript{108} In 1925, more formal restrictions were imposed in order to control the South Eastern European ‘invasion’. Section 3, paragraph (f) was added to the Immigration Act. Section 3(f) would prohibit the entry of immigrants who were likely to become a burden upon the public by reason of infirmity of mind or body, insufficiency of means to support himself or any other cause.\textsuperscript{109}

The new age of politics was beginning to shine through. The dictation test by the 1920s had already done its job of preventing the arrival of Asiatic, coloured, cheap labour and of the preservation of the British heritage. By the 1930s the test was rarely used for racial reasons. The NSW Minister for Labour and Industry John Marcus Baddeley in 1926 released a statement, drawing attention to the use of the dictation test and the requirements of landing money:

The Commonwealth Immigration Act authorises the imposition of a language dictation test which has been used by the Federal Government to prevent a number of people, including British subjects, from landing in Australia, but so long as any foreigner or his friends within the quota can put up £40, he can with the Federal Government’s sanction land here.\textsuperscript{110}

Accompanying the landing money required to gain entry to Australia, the government installed quotas on the number of immigrants allowed entry in a year. Mr. Baddeley did not believe that this was enough to reduce the numbers of foreigners coming to Australia’s shores. The dictation test as a method of racial restriction had virtually been ended. The test was infrequent in use, and was not a valuable mechanism to deter ‘foreigners’. The quotas and landing money requirements did restrict immigration; nonetheless, this was not

\begin{thebibliography}{1}
\bibitem{108} A458, B156/1 Part 1.
\bibitem{109} A458, B156/1 Part 1.
\bibitem{110} ‘Charge Repeated.’ \textit{The Brisbane Courier}, 28 October, 1926 page 20.
\end{thebibliography}
enough for pressure groups, Unions and some politicians who held a firm belief in the dictation test.

On July 15 1929, the Sydney Central Police Court was hearing a case ‘in which the immigration officers gave a language test in French to a British subject.’ Richard William Newton Ross, aged 33 years, a salesman was charged with being a prohibited immigrant. Thomas Maher, a Customs officer, gave evidence that Ross was a stowaway from South Africa by the Euripides, which arrived at Sydney on Friday 12th July 1929. Once it was determined that Ross was a stowaway, immigration officer Charles Brossols, prescribed the dictation test to Ross in the French language. Upon the completion of the test, it was determined that Ross had failed the test and was therefore a prohibited immigrant. What is fascinating in this case is not the fact that a British subject was a stowaway, but rather the Police Magistrate Mr. Cohen asked: ‘Why did you not submit the test in English?’ Brossols’ answer was straightforward and confusing for some: ‘Because I thought he might pass it.’ Ross was an Imperial Service man with an unblemished record and was previously in Australia for nearly seven years. Ross was sentenced to imprisonment for six months with hard labour. At the end of the case, opinion was divided over the case. Indeed, under the IRA, stowaways would be given the dictation test; nevertheless, nobody expected an Imperial service man, with a clean record to attempt to gain ‘free passage to Australia.’ ‘In essence’, one writer began, ‘he is being punished for seeking a free trip to Australia.’

112 ‘French Dictation Test.’ Northern Standard, 7.
113 ‘French Dictation Test.’ Northern Standard, 7.
114 ‘French Dictation Test.’ Northern Standard, 7.
In 1930, 132 Italians were subjected to the dictation test and subsequently failed. This was the third largest group refused entry since the establishment of the dictation test in 1901. The antagonism towards the Italians, Greeks, Poles, and Yugoslavs then was disproportionate to the size of the ‘threat’. In 1901, debates of the IRA clearly stated the idea that European immigration would be encouraged and other forms would be prevented. Nevertheless, from the influence of arguably the most central and dominant political personality in the first decade of Australia’s federation, Alfred Deakin, the preference for British immigration continued in both the public and the next generation of political leaders. This transformed the dictation test into a political tool to obtain political goals. The confusion over what ‘European’ and ‘White’ constituted meant many injustices to Europeans and even British subjects.
Table 1: Persons who Passed and Failed the Dictation Test 1902-1930

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<td>1927</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1928</td>
<td>-</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1929</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1930</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>52</td>
<td>52</td>
</tr>
</tbody>
</table>


Note: * Minimum total
NR – No Record Available
Conclusion

The dictation test that enforced Australia’s antagonism towards coloured immigration from 1901, refused admission to 2,970 persons by 1930 of whom, 1,169 were excluded between 1902 and 1910. The dictation test was highly successful in stopping the immigration of coloured labour, and within the first decade had also discouraged thousands of immigrants from attempting to immigrate because of the test. However, growing concerns over non-British European immigration would see the test imposed on them. This practice was in violation of Empire policy and also promises made during the debates in 1901, that: ‘...there was no desire on the part of the government to keep out educated or reputable Europeans.’ The dictation test was fundamental to the fight against coloured immigrants, the fight against the ‘invasion of cheap labour’, and the preference surrounding the preservation of a British White Australia, acknowledged by the slogan: ‘Australia for the White man.’

Nevertheless, many Europeans and British subjects were subjected to the tests. Even with Barton’s pledge, Henry B. Higgins and William McMillan both Irishmen, as Brian Fitzpatrick would put it, ‘did not trust this English chicanery.’ Both Higgins and McMillan believed that the test could be used to keep out educated or reputable Europeans besides Asiatics. Both men were suspicious about how customs officers and Ministerial instruction would shape and determine the application of the test. Higgins said bluntly in 1901 that he did not know whether authority could be trusted ‘not to apply the

Italian language, for instance to a Swede.'\textsuperscript{119} History would prove these men to have been correct; both customs officials, and also ministerial instructions would keep out desirable immigrants because of politics and morals that were disapproved by the Minister.

The dictation test was one of many shameful chapters in Australian history that is yet to be fully evaluated by historians. We already know that it was instrumental in the fight against coloured and Asiatic immigration. But its use to block some Europeans and British subjects has not yet been generally understood. The dictation test was used arbitrarily against individuals from these groups. This was despite assurances from the Australian government that it would not, and that British and European immigration would be encouraged. The political, moral and social views of customs officers, Ministers and also the Prime Minister's office, were behind several controversial cases involving the dictation test. Well before the famous cases of Egon Kish in 1934, and Margrett Freer in 1936\textsuperscript{120}, the test was being used for political, moral and social views. Cases such as Ellen Fitzgibbon, who had shocked the magistrate because a desirable, attractive young Irish woman was given the test, the 214 Maltese immigrants (who had obtained legal passports from Britain and were furthermore of military age, and a small minority had actually already lived in Australia for several years) were notorious. The 132 Italians in 1930, Greeks and British also faced opposition from the dictation test and failed. Richard William Newton Ross also represents how apparently

\textsuperscript{119} C.P.D., vol. 4, 1901, p. 3498.
desirable British immigrants could be subjected to a test designed to keep out the non-British and non-whites.
CHAPTER 3

The Exemption Clause

That is exactly what this doctrine of White Australia is a religion, that fervent, fanatical, and sacred determination of five and a half million people to keep a great continent for themselves, for their own race and colour, and faith. To the great majority of Australians this new religion of Oriental exclusion at any cost, and at any sacrifice, is a living, breathing thing. It is Australia. She will fight for it and she will die for it. No League of Nations, no association of nations, not even the British Empire, can force her to change this religion. It is her very life.

“White Australia.” The Mercury, 8 March, 1922 p. 3.

The ‘White Australia’ Policy has often been remarked as an embarrassing legacy that will forever haunt Australia as a nation. The ‘White Australia’ doctrine was, no doubt, as an American observer in 1922 said, a ‘religion...fervent, fanatical, and sacred determination’ of Australia’s population and political leaders at the beginning of Federation.”121 It was a doctrine based upon loyalty to the British Empire and British heritage but paradoxically disapproved by the imperial government. Racial discrimination is evident throughout Australia’s past, and it is also in the histories of other settler colonies such as New Zealand, USA, Brazil and Canada; nevertheless, ‘memories’ of the ‘White Australia’ Policy tend to overlook the fact that immigration of Asiatics and coloured was not perfectly prevented between 1910 and 1930.

In the previous chapter, the issue of the dictation test was addressed and how this enabled Australia to have a firm grip over the immigration of persons from every ethnic background, not just coloured people, including those from Europe and even Britain. Even some British subjects and other Europeans

121 “White Australia. As An American Sees It.” The Mercury, 8 March, 1922 page 3.
were declared prohibited immigrants after failing the dictation test, a device to which they were not supposed to be subjected. On the other hand, some Asians and coloured immigrants were being given certificates of exemption, allowing them entry into Australia during the same period.

The Exemption Clause

The Exemption Certificate was defined under Section 4(a) of the *Immigration Restriction Act* which reads:

A certificate of exemption shall be expressed to be in force for a specified period only, and may at any time be cancelled by the Minister by writing under his hand.

Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Commonwealth, be treated as a prohibited immigrant offending against this Act [IRA]:

Provided that in the case of a person entering the Commonwealth from any vessel under this section no penalty shall attach to the vessel or its master owners or characters.  

In 1905, it was held in *Mann v Ah On* that the effect of a Certificate of Exemption was to exempt the holder, during its currency, from liability to the dictation test and that he did not subsequently become a prohibited immigrant until he had been subjected to, and had failed, the test.  

To correct the effect of this decision, the second paragraph was amended in 1905 to read:

Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Commonwealth, *be deemed to be a person* offending against this Act, and may be deported from the Commonwealth pursuant to any order of the Minister.

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122 *Immigration Restriction Act (Cmwlth) 1901, No. 17.*
Therefore, there was no need to subject the person who held an expired certificate to a dictation test in order to deport the person from the Commonwealth; it was the signature of the Minister which would deem the person offending against the Act. After the 1905 amendment to the Act, the exemption certificate worked smoothly and gave the minister all the discretion required.\(^{125}\) The exemption clause was included into the IRA to allow the ‘administration power to allow non-Europeans to enter temporarily, or to be more specific, to keep statutory control over temporary residents’.\(^{126}\)

Although the States controlled much of the practical side of the IRA, the federal Minister for External Affairs was heavily involved in the decision process on the fate of immigrants coming to Australia. On the expressed will of the Minister, exemption certificates could be approved, denied, extended or terminated. Even though the entry of an immigrant was at the Minister’s discretion, it was possible that the validity of an exemption certificates did not expire. Even if, by accident, the certificate expired before the department renewed it, it was still possible to issue the immigrant (or holder of the certificate) a new certificate, so long as he agreed to accept it.\(^{127}\)

In order for a person to obtain an exemption certificate, permitting their entry into Australia, the applicant had to produce a statutory declaration, a good character reference that was provided by the Police, and for identification purposes, six unmounted photographs, including full face and profile. The statutory declaration included the name of the Collector of Customs; the State of the Commonwealth in which the person ‘hereby

\(^{125}\) Palfreeman, *White Australia Policy*, 87.


\(^{127}\) Palfreeman, *Administration of the White Australia Policy*, 90.
certified’ would be ‘exempted from the provisions of paragraph (a) of Section 3 of the Act’ would reside. The declaration would have to contain the signature of the Collector of Customs and date, with a detailed description of the person. The Customs officer would have to complete the form with the immigrant’s nationality, age, height, build, birthplace, complexion, hair, eyes and also any particular marks and also an ink impression of the person’s left hand. The Customs and Excise Office did not take the application process lightly. In a memorandum to the Officer-In-Charge of Police at North Carlton, Melbourne, the Customs and Excise Office explained the importance of photographs, the interview process and the necessity to evaluate the person’s relationships:

The photograph submitted should be shown by the police officer to the persons giving the certificates of character, and be certified by such persons as that of the applicant, and further, whenever the applicant is personally known to the police, an endeavor should be made to arrange for her presence at the interview between the police and the person giving the certificates, so that there is no doubt as to the identity of the person under discussion. A statement to the effect that the photograph has been shown accompany every report.

Nevertheless, exemption certificates were not the only method of entry for coloured immigrants. Holders of a bona fide Passport were able to enter Australia and also through certificates of Naturalisation.

Under sections 4 and 5 of the Naturalisation Act of 1903 determined who was able to become a Naturalised British Subject:

4. A person who has before the passing of this Act obtained in a State or in a colony which has become a State a certificate of naturalisation or letters of naturalisation shall be deemed to be naturalized.
5. A person resident in the Commonwealth, not being a British subject, and not being an aboriginal native of Asia, Africa, or the Islands of the

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129 Anne Monsour, Not Quite White: Lebanese and the White Australia Policy 1880 to 1947 (Brisbane: Post Pressed 2010), 47.
130 See NAA: E752, 1916/36, NAA: E752, 1919/34 & NAA: J3115, 159. The passport would guarantee access for travel reasons, therefore not requiring the dictation test. For a passport to be bona fide, it had to be issued through Australia or for Dominions through Britain.
Pacific, excepting New Zealand, who intends to settle in the Commonwealth, and who –
(a) has resided in Australia continuously for two years immediately preceding the application; or
(b) has obtained in the United Kingdom a certificate of naturalisation or letter of naturalisation,
may apply to the Governor-General for a certificate of naturalisation.\textsuperscript{131}

Under the Act, coloured immigrants who had been living in Australia continuously for two years who passed a character assessment were able to become Naturalised British Subjects, enabling them to permanent residence in Australia.\textsuperscript{132} However, the Act prevented ‘an aboriginal native of Asia, Africa, or the Pacific Islands’ who intended on settling in the Commonwealth from being naturalised.\textsuperscript{133} Once naturalised, the party involved would assume a ‘normal’ life in Australia, the right to vote, paying taxes, and the right to have ownership of land.

An exemption certificate was required if a coloured person born in Australia was leaving Australia and intended to return. Without the adequate paperwork, they could have been subjected to the dictation test. Customs officials dealing with the application would obtain the migrant’s birth certificate, to verify the subject was born in Australia, recording the State of birth, date and certificate number.\textsuperscript{134} After processing the person’s claim and verifying their birth, on the back of the application, the examined migrant would also have to produce a hand-print, finalising the application.\textsuperscript{135}

Section 4 of the IRA enabled the federal government to continue to administer and maintain statutory control over non-white immigration into Australia. The exemption certificates allowed the admission of non-whites

\textsuperscript{131} The Naturalisation Act, No. 11 of 1903.
\textsuperscript{132} NAA: A1 1927/19354.
\textsuperscript{133} Naturalisation Act 1903.
\textsuperscript{134} Naturalisation Act, 1903.
\textsuperscript{135} See for example NAA: A1 1927/19354.
into Australia supposedly without jeopardising the ‘White Australia’ policy. While statutory control over the clarification of those who were deemed to be ‘naturalised’ after two years permanent residence in Australia again continued the unified restriction of aboriginal natives of ‘Asia, Africa and Islands of the Pacific’ from immigration to Australia. British Subjects in colonies such as India were prevented entry into Australia by the dictation test against criticism from the British government. Indians were generously favoured with exemption certificates in order to ease possible political tensions over the issue of Australia’s strict immigration policy and as reward for India’s loyalty to the Empire and its cause in the First World War. Japan was also largely represented in exemptions because of their protests against the original IRA in 1901 and also in 1919 during the peace conference.
Table 2: Exemptions from IRA, Section 3(h) and Naturalisation Certificates from the Naturalisation Act 1903, approved to Non-whites during 1902 to 1930.

<table>
<thead>
<tr>
<th>Year</th>
<th>Naturalisation Certificates</th>
<th>Exemption Certificates</th>
</tr>
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<tbody>
<tr>
<td>1902</td>
<td>-</td>
<td>42</td>
</tr>
<tr>
<td>1903</td>
<td>-</td>
<td>143</td>
</tr>
<tr>
<td>1904</td>
<td>-</td>
<td>282</td>
</tr>
<tr>
<td>1905</td>
<td>-</td>
<td>219</td>
</tr>
<tr>
<td>1906</td>
<td>NR</td>
<td>NR</td>
</tr>
<tr>
<td>1907</td>
<td>-</td>
<td>311*</td>
</tr>
<tr>
<td>1908</td>
<td>-</td>
<td>254</td>
</tr>
<tr>
<td>1909</td>
<td>-</td>
<td>277*</td>
</tr>
<tr>
<td>1910</td>
<td>-</td>
<td>270</td>
</tr>
<tr>
<td>1911</td>
<td>-</td>
<td>291</td>
</tr>
<tr>
<td>1912</td>
<td>-*</td>
<td>373</td>
</tr>
<tr>
<td>1913</td>
<td>-</td>
<td>289</td>
</tr>
<tr>
<td>1914</td>
<td>-</td>
<td>280</td>
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<td>1915</td>
<td>-</td>
<td>217</td>
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<td>1916</td>
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<td>1917</td>
<td>8</td>
<td>203</td>
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<tr>
<td>1918</td>
<td>8</td>
<td>248</td>
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<tr>
<td>1919</td>
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<td>280</td>
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<tr>
<td>1920</td>
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<tr>
<td>1921</td>
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<td>1922</td>
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<td>259</td>
</tr>
<tr>
<td>1923</td>
<td>2</td>
<td>274</td>
</tr>
<tr>
<td>1924</td>
<td>-</td>
<td>294</td>
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<tr>
<td>1925</td>
<td>NR</td>
<td>NR</td>
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<td>1929</td>
<td>3</td>
<td>310*</td>
</tr>
<tr>
<td>1930</td>
<td>2</td>
<td>227</td>
</tr>
<tr>
<td>Total</td>
<td>53*</td>
<td>7,379*</td>
</tr>
</tbody>
</table>

Source: Barry York, Admitted: 1901-1946: Immigrants and Others Allowed into Australia Between 1901 and 1946. Data By Year On: Persons not asked to pass the dictation test, their nationalities or race, the countries whence they came and the section of the Immigration Act under which they were allowed in. (Canberra: Centre for Immigration and Multicultural Studies, 1993), 99-126, A.T. Yarwood, “The Dictation Test – Historical Survey,” 29 and NAA: A1, 1912/1794 and B13, 1926/15671.

Note: * Minimum total
NR – No Records Available
Japan and India

By the 1890s, Japan modernizing and undergoing ‘phenomenal industrial development’ and rapid population growth. She achieved outstanding military success in the Sino-Japanese War of 1894-5, and the Russo-Japanese war in 1905.136 The rapid growth and success of Japan would now lead them to be seen by Australia as a menace towards Australia’s ‘ideal of a homogenous race and standard of living,’ as Bruce Smith noted in 1901.137 With the exception of Queensland, all colonial governments declined to adhere to the 1894 Anglo-Japanese commercial and Navigation treaty, which established that subjects of each signatory country could enter, travel and live in the other’s territory.138

Japan was now tied into the ‘Yellow Peril’ stereotype, which up until the 1890s, had been occupied by the ‘yellow, opium-stinking, unwashed, beast Chinaman.’139 The link made between the Chinese and Japanese had been made official in the Intercolonial Conference in 1896, where discussion was underway on how to restrict unwanted immigration and the preserve

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137 During the debate over the IRA, Edmund Barton pushed for the dictation test to be of the English language. Barton’s push for the test to be conducted in English was the hope that the well-educated Japanese immigrants that would come to Australia would be able to pass the test and be admitted into Australia. Barton believed that their education and skills, if proved through the dictation test would be beneficial to the growth of the Australian nation. However this was met with strong criticism from Members of Parliament who believed that this policy would see Australia become a joke to European countries and finally that Japanese became a menace towards Australia before federation. Japanese pressure also resulted in the 1905 amendment to the Dictation test – changing from ‘any European language’ to ‘any prescribed language’.
138 A. T. Yarwood, “The Dictation Test”, 20. Australia’s protection relied on the British Fleet. The Anglo-Japanese Alliance treaty of 1902 enabled Britain to reduce her fleet presence around the Pacific. The reduced presence and the Japanese Navy’s destruction of the Russian Fleet in 1905 only increased Australia’s concern, leading to Alfred Deakin’s invitation of the “Great White Fleet” of the United States to Australia in order to demonstrate that ‘England, America and Australia will be united against yellow aggression’. (S. Macintyre, A Concise History of Australia, (3rd Ed. Cambridge: Cambridge University Press, 2009), 140-144).
139 The Bulletin, May 1, 1886.
Australia’s homogenous society. The 1888 *Chinese Immigration Restriction Act* (NSW), were amended to include ‘all coloured races’. Although the Bills were passed, Joseph Chamberlain, Secretary of State for the Colonies, refused Royal assent. Chamberlain was under pressure from Mr. Kato, Japanese ambassador in London, who did not want the Colonial legislation passed.

The efforts by the Foreign Ministry from Japan to maintain and enhance their prestige in the eyes of the rest of the world, did secure favoritism towards their immigration to Australia. However, the issue of Japanese prostitutes in Australia, as examined by D.C.S. Sissons, demonstrates a different perception held by Australian authorities and the Japanese Foreign Ministry.\(^{140}\) Before the *IRA* was in place, an article in the *Japan Mail* in early 1896 stated that there were already some 200 Japanese prostitutes in Australia – about the same number as in British India, about twice as many as in Hong Kong, and about two-thirds as many as in Singapore.\(^{141}\) The 200 Japanese prostitutes were not the first Japanese to arrive in Australia, but were the ‘pioneers paving the way for the shop-keeper and the labourers in turn.’\(^ {142}\)

The Japanese immigrants were able to immigrate to Australia through several different ways. Firstly, the Japanese women could apply to the Alien Registration, which required all non-British subjects, foreign nationals living in Australia to register with local Authorities during 1916 and 1926 and again during 1939 and 1971. The second method of immigration was through

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\(^{141}\) Sissons, “Karayuki-san – I”, 323.

\(^{142}\) Sissons, “Karayuki-san – I”, 327.
smuggling.\textsuperscript{143} The suspicion of smuggling held by the National Council for Women, who forwarded their suspicions to Customs authorities. In January 1921, a report from H. W. Hardie, the Sub-Collector of Customs at Thursday Island explained how the Japanese women were smuggled into Australia:

I have just recently been placed in possession of some very disquieting information regarding the stowaway question and the story, which is briefly as here related, is being followed up. Each of the Japanese mail boats has a secret compartment which has been built by the boatswain or the carpenter. It is fitted with electric light and has an electric fan to keep the air sweet. On every trip the women are brought down. These women are led to believe that they are being taken to Australia to fill honourable positions and they go the length of entering into bogus contracts...It is stated that they are landed on an island near Thursday Island in collapsible boats; that a depot is in existence somewhere in North Queensland and that a launch proprietor takes them from the island where they land to such depot, whence they are subsequently distributed over Australia.\textsuperscript{144}

In the same report, Hardie also draws reference to the exemption certificate as a means of entering Australia. Hardie states that ‘something familiar was done in 1908 and it was in connection with the story that I help up Nobu Ide’s C[ertificate of] E[exemption from the] D[ictation] T[est] pending investigation.’\textsuperscript{145} Japanese women were able to enter Australia through the Alien Registration, smuggling and the exemption certificates where they would work in brothels until replaced by younger women.

The Japanese government and Foreign Ministry regarded the presents of Japanese prostitutes working on foreign soil to be ‘prejudicial to Japan’s reputation.’\textsuperscript{146} The Foreign Ministry attempted to cope with the problem through several tactics. In 1891, with the help of the Queensland government,

\begin{footnotesize}
\textsuperscript{143} Japanese brothels in Australia could not continue to operate unless younger women replaced those who were older. ‘The brothels continued and this led to suspicion that young women were being smuggled in.’ (Sissons, “Karayuki-san: II,” 475.)
\textsuperscript{144} H. W. Hardie to Secretary of Home and Territories, 19 January, 1921, A.A. A2219, quoted in Sissons, “Karayuki-san – II”, 475.
\textsuperscript{145} H. W. Hardie to Sec. Home and Territories, A.A. A2219, quoted in Sisson, “Karayuki-san – II”, 475.
\textsuperscript{146} Sissons, “Karayuki-san – II”, 485.
\end{footnotesize}
two prostitutes were deported from Australia and sent back to Japan.\footnote{Sissons, “Karayuki-san – II”, 485. The two examples of women deported are referred to in the article as Oyasu and Ishii Hide. “A Prohibited Immigrant. Case of Oyasu.” The West Australian, 1 September 1909, page 3, “A Prohibited Immigrant’, The Western Mail.” 4 September 1909, page 34 and “Alleged Prohibited Immigrant. Charge against Japanese Woman.” The West Australian, 26 August 1909, page 3.} In July 1885, the Japanese Foreign Ministry issued instructions to ‘prefectural governors’ to thoroughly check the ‘antecedents, occupations and destinations of all women proceeding overseas unaccompanied by their families’ and suspicious cases ‘passports should not be issued and the women made to abandon their journeys.’ However, this failed.\footnote{IRA, 1901.}

While the Japanese government and Foreign Ministry were concerned about the image Japanese prostitutes were projecting around the world, Australia was conflicted with its view of Japanese prostitutes. Under Section 3(f) of the IRA, ‘any prostitute or person living on the prostitution of others’, if proven could be charged as a prohibited immigrant.\footnote{Sissons, “Karayuki-san – II”, 485-487.} However, from the register on the IRA, no Japanese woman was charged as a prohibited immigrant under section 3(f) of the IRA.\footnote{IRA, 1901.} While there was also public pressure to have the Japanese brothels suppressed,\footnote{‘Cairns Municipal Council’, Morning Post, 8 July, 1897, p. 4, Sydney Morning Herald, 26 October, 1894, p. 4, The Murchison Advocate 1898 and a Public Petition handed to Western Australia Premier Sir John Forrest in 1894.} the Queensland police had a different attitude towards the situation. William E. Parry-Okeden\footnote{William Edward Parry-Okeden (1840–1926), public servant, police commissioner, protector of Aborigines and horseman. On 1 July 1895 he was appointed commissioner of police. Michael D.DeB. Collins Persse, ‘Parry-Okeden, William Edward (1840–1926)’, Australian Dictionary of Biography, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/parry-okeden-william-edward-7965/text13869, accessed 22 December 2011.}, Police Commissioner believed that the role the police should play was not to exterminate prostitution but as ‘controlling it so that its evils and pernicious influences may be lessened as much as possible’ and ensuring that ‘the doings
of the persons concerned in carrying on this loathsome trade should be kept from being openly, flagrantly offensive and demoralising.'\textsuperscript{153} The Queensland police shared this attitude with many enforcement agencies throughout the world. Parry-Okeden believed that the human sexual impulses felt by men warranted a certain level of prostitution, in particular in areas where Kanaka labour was used in the sugar fields. It was felt that the ‘sexual passions of the Kanakas’ should be ‘satisfied by the Japanese rather than by Caucasian women’.\textsuperscript{154}

The 1896 Intercolonial conference decided to include Indians in the definition of “all coloured races” in the extended provisions of the 1888 \textit{Chinese Immigration Restriction Act} and to alter section 15 which disregarded the fact that Indians were British subjects. Chamberlain’s advice to refuse Royal assent was ‘out of consideration for the feelings of Her Majesty’s Indian subjects’.\textsuperscript{155}

The First World War would for the first time place Australia under both the obligations of the Empire and also alongside Asian allies, especially with the Indians, for their wartime co-operation.\textsuperscript{156} The actions and the loyalty to the Empire shown by the Indians in the First World War ‘demanded a reappraisal of India’s status in the Empire’ and also of the White Australia Policy and its policy on Indian immigration. Four years after the First World War ended, the Indian government sent the member of Council of State, Srinivasa Sastri on an Empire tour in order to gain a full partnership with other parts of the British Empire, ‘just as the same as Canada, South Africa

\textsuperscript{153} Sissons, “Karayuki-san – II”, 479.
\textsuperscript{154} Sissons, “Karayuki-san – II”, 479.
\textsuperscript{155} CPD, Vol. 4, 12 September 1901, 4808.
\textsuperscript{156} Kenneth Rivett, (ed) \textit{Immigration: Control or Colour Bar? The Background to ‘White Australia’ and a Proposal for Change}, (Melbourne: Melbourne University Press), 23.
and Australia enjoy.'  

The tour would also attempt to ‘obtain full citizens’ rights throughout the British Dominions for all the King’s subjects, irrespective of caste, colour or creed.'  

Even Mahatma Gandhi, India’s pre-eminent political and ideological leader could not ‘understand this short-sighted policy [WAP]’ and called it ‘bad on economic, ethical and political grounds’, the Australian public welcomed and applauded his objectives and only a small section of the press remained suspicious of his true objectives.

After the struggles and protests launched by the Japanese and also the Indians through diplomatic representation and also the recognition in the First World War, the exemption, naturalisation, and dominion clauses were used more favourably towards Indians. The Australian government notified the Indian government:

> to deal as generously as possible with applications by former Indian residents who wished to return to the Commonwealth and who had failed, in some cases because of the “tough” policy of the early years to obtain the usual certificates prior to their departure from Australia.

Some Indians who had previously been refused readmission were now allowed to re-enter upon being satisfactorily identified. Admission of Indians steadily rose from the end of the First World War. This was also the same for Japanese persons seeking admission into Australia. The exemption clause, as well as supporting acts such as the Naturalisation Act was used by the Australian government as political motivation and reward for ‘Asiatic’

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159 22 June 1922, the Bulletin wrote: ‘If and when India obtains Home Rule, the next demand will be for free migration within the Empire which India is an equal partner.’
161 de Lepervanche, Indians in a White Australia, 59.
countries who do right by the Empire; even though the policy in the first place was a violation against the Empire.

Indian migrant Noor Mahomed was granted a two-year exemption from the dictation test on the 27 May 1907 under certificate number 90/07. Two years later, Mahomed applied for a further extension of three years and was granted with a further certificate number 89/09 from the 4 May 1909. Upon the completion of the second extension, Mahomed applied for a ‘further extension of this period’ and it was submitted to the Collector of Customs for consideration. On the 6 of February 1912, the certificate for further extension number 07/2811 for a further two years was approved. However, it was clear that Mahomed had overstayed his welcome in the administrator’s eyes. The letter went on to state that the ‘applicant should be informed that no further extension will be granted.’ However, after the First World War, when the attitudes towards Indian immigrants changed because of their loyalty and bravery in the conflict, administrators had a changed approach.

‘British Indian’ Gareeb applied for a certificate of exemption for three years so he could ‘temporarily’ leave the Commonwealth and upon his return would be ‘exempted from the provisions of paragraph (a) of Section 3 of the [Immigration Restriction] Act if he returns’ in the allotted period of time. Gareeb was leaving Australia to return to India for three years and according to the report filed by the Police or Customs officials, Gareeb had been living in Australia under the occupation as a ‘hawker’. In the interviews conducted, the officer interviewed his employers to assess his character and to testify that the person applying for the exemption was Gareeb. It was then determined that

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163 NAA: A1, 1912/1794.
164 A1, 1912/1794.
165 A1, 1912/1794.
there was no police record of Gareeb, the photos produced by Gareeb for the certificate for identification purposes was testified by Meara Jaboor and a Mr. Robinson, and that he was of good character.166 Once Gareeb was granted the extension, he left for India. In January 1929, February 1932, and May 1935, Gareeb was able to file and be accepted for further three-year extensions.167 India’s loyalty and bravery in the First World War attracted a newfound respect for India and their place in the British Empire, enabling favourable consideration in regards to entry and re-entry into Australia.

**Problems encountered**

The exemption clause, *Naturalisation Act* and dominion certificates did not necessarily give concessional access to all non-white persons like the Japanese and Indians looking to come to Australia. The legislature and also governmental officials imposed tough and very restrictive components preventing many desirable persons from entering Australia. The preference for Britons, and the acceptance of Germans and Scandinavians placed Southern Europeans, Mediterranean and non-whites at a disadvantage in the battle to obtain a certificate or to prove residence in Australia to prevent them being deported, gain naturalisation or to even enter Australia for a period of time.

One of the earliest problems with the exemption clause occurred in 1912. In a letter to the Collector of Customs from Atlee Hunt, Secretary for the Department of External Affairs urged the ‘utmost care’ in dealing with applications for Certificates of Exemptions. The warning was in the light of an

166 NAA: B13, 1926/15671.
167 B13, 1926/15671.
attempted evasion of the IRA by a Chinese youth who had been admitted into Australia for educational purposes.\textsuperscript{168} The Chinese youth tried obtaining a certificate allowing him to return to his education and also to remain in Australia. \textsuperscript{169} In 1916, the Department of External Affairs issued a memorandum relating to various applications of the Exemption Certificate issued from the Customs House in Melbourne from 1913 to 1916.\textsuperscript{170} The memorandum demonstrated to the officials a list of errors and omissions that were a result from not correctly completing the certificate.\textsuperscript{171}

Administratively, Lebanese persons were treated as prohibited immigrants, requiring them to pass the dictation test in order to immigrate to Australia. The IRA, and Naturalisation Act considered the Lebanese as Syrians and therefore, ‘aboriginal natives of Asia’ due to their geographical location. The Lebanese protested on various occasions that they were in no way Asiatics, but rather ‘white Christians’.\textsuperscript{172} The naturalisation certificate was in various manners, offensive to the Lebanese, who argued that they were a ‘civilized Christian race’ and ‘descendants of the Crusades from Europe’,\textsuperscript{173} in an attempt to disprove their ties to the ‘uncivilized, yellow and cheap Asiatic.’\textsuperscript{174} In order to immigrate to Australia, Lebanese immigrants had to pass the dictation test, of which a possible four ‘Syrians’ passed before the dictation test became impossible to pass in 1909. The only other way to gain access to Australian shores was to gain an exemption certificate, or to continue to live in Australia, prove that they were a permanent resident and

\textsuperscript{168} NAA: B13, 1912/17990.
\textsuperscript{169} B13, 1912/17990.
\textsuperscript{170} NAA: B13, 1916/24825.
\textsuperscript{171} B13, 1916/24825.
\textsuperscript{172} Monsour, \textit{Not White}, 56.
\textsuperscript{173} Monsour, \textit{Not White}, 56.
\textsuperscript{174} ‘The Jap. on the Horizon,’ \textit{The Bulletin}, 22 June 1901.
therefore eligible to become a ‘naturalised British Subject’ and could no longer be submitted the dictation test. In comparison to the Lebanese, immigrants from Malta, Germany, Italy and even China, who applied for an exemption certificate or naturalisation, administratively, fared better.

Exemption certificates were not only used for persons to arrive in Australia, they were also used for non-Europeans who were permanent residents in Australia, or naturalised citizens, to leave the Australia in order to return to their country of heritage, travel, to return to Australia, marriage or family reasons. Without the exemption certificate, that person could be subjected the dictation test upon return, even if they were a naturalised subject or a permanent resident of Australia. If a person who was of ‘foreign appearance’ ignored the administrative process, it would become difficult for them to re-enter Australia. That said, the person could obtain an exemption certificate in order to prove domicile, naturalisation or permanent residence in Australia. However, a statutory declaration, photographs, character reference and in some cases political lobbying would occasionally not be enough to secure permanency in Australia.

Australia’s immigration policy from 1901 until 1930 was full of quirks and paradoxes as a result of the administration of the exemption certificates and the Naturalisation Act. In some periods, the Indian migrants were treated differently from other Asians, the Lebanese were judged to be ‘aboriginals of Asia’ and were therefore heavily scrutinised when applying for a certificate of exemption or for naturalisation even when sufficient evidence

175 see: NAA: J3115, 156.
176 J3115, 156 and Monsour, Not White, 48-49.
was provided; while Germans, Scandinavians and even Italians were favoured by the administrators.

Italian immigrant Leonardo Melita demonstrated that, even with scarce evidence, administrators favoured Europeans. Leonardo Melita arrived at the port of Sydney from Naples in August 1912. After living and working in North Queensland for 12 years, Melita applied for a certificate of naturalisation, renouncing his ties to his nationality, and signalling his intention to permanently reside in Australia. As naturalised in North Queensland in October 1924, his application, Melita had provided three names of natural born British citizens, one of whom had to be a Justice of the Peace, Post master, teacher of a State school or police officer who could testify to his good character and identification.177 Furthermore, in his report of naturalisation, Melita had to prove his literacy, any languages known to himself or his family, evidence proving his nationality and birth, conduct during the war and why he was applying to become a naturalised citizen.178 According to Melita’s Report of Naturalisation, he could speak English, did not have any evidence which would prove his place of birth or nationality, and there was no record of his conduct during the First World War.179 Melita’s reason for naturalisation was his desire to ‘become a property owner’ and continue his occupation as a cane farmer.180 Even with some scarce evidence, Constable S. Wallace signed the report adding that the ‘applicant is a man of good character and there are no convictions records against him here.’181 With the report, Melita’s statutory

177 NAA: A1, 1924/19827.
178 A1, 1924/19827.
179 A1, 1924/19827.
180 A1, 1924/19827.
181 A1, 1924/19827.
declaration and three sources of verification, he was granted his naturalisation certificate.\textsuperscript{182}

In contrast, Lebanese immigrant George Coorey came to Australia and settled in January 1892 but he had to leave Australia and return to Syria because of his father’s health complications and family affairs in 1899; two years before the implementation of the IRA.\textsuperscript{183} Unfortunately, both of Coorey’s parents died further extending his stay in Syria. Coorey had left Australia without filing any paper work acknowledging his departure from Australia with his intentions on returning after he dealt with his family affairs; consequently when Coorey arrived back in Australia in 1907, he was deemed a prohibited immigrant and was only able to enter Australia after a ‘Syrian’ priest and a ‘Syrian’ merchant helped pay the £100 bond.\textsuperscript{184} Coorey was able to travel to Tamworth, however after three months, it was expected by customs that he would proceed to New Zealand.\textsuperscript{185} According to Jacob Moses, Coorey demonstrated his intention to return to live permanently in Australia when he sold all his assets in Lebanon, leaving himself virtually homeless.\textsuperscript{186} Coorey also used the exempt period of three months to prove permanent residence in Australia but despite further positive character references, his application was denied and he was forced to depart Australia for New Zealand.\textsuperscript{187} Coorey’s case demonstrates that even when positive character references from people prominent in the community were produced and also with substantial evidence of his intent on the renunciation of his home country, administrators considered the Lebanese as Asians and would

\textsuperscript{182} AI, 1924/19827.
\textsuperscript{183} Monsour, \textit{Not White}, 48 and NAA: D4878, COOREY T G.
\textsuperscript{184} Monsour, \textit{Not White}, 48 and D4878, COOREY T G.
\textsuperscript{185} Monsour, \textit{Not White}, 48 and D4878, COOREY T G.
\textsuperscript{186} Monsour, \textit{Not White}, 48 and D4878, COOREY T G.
\textsuperscript{187} Monsour, \textit{Not White}, 48 and D4878, COOREY T G.
prohibit their entry. Coorey’s case also demonstrates what could happen when the immigrant does not complete all necessary paperwork.\textsuperscript{188}

**Conclusion**

The exemption clause which was added to the *IRA* in 1902 would help the immigration of foreigners into Australia, without their being subjected to the dictation test - a test that nobody passed after 1909. In the beginning, the Barton government had a strict interpretation of the certificate, conveying the ‘resentment with which Australian’s regarded the usual Asian practice of looking on Australia as a place for quick enrichment’.\textsuperscript{189} The statutory regulation of immigrants into Australia was intended to prevent this practice, but the use of exemption certificates and naturalisation certificates would involve quirks and paradoxes in its administration.

Section 4 of the *IRA* along with the *Naturalisation Act* was an attempt by the federal government to continue statutory control over coloured and non-coloured immigration into Australia, without jeopardising the ‘White Australia’ Policy. The exemption certificate would allow a migrant entry into Australia for a specified time for access to education; travel both inside and outside of Australia and also for merchants. While a naturalisation certificate would enable that person permanent residents in Australia after the proper investigations had been conducted into the applicant by customs officers or the police, that person would have access to the reliabilities of a normal citizen. They could purchase land, build, work, and live a life as a British Subject.

\textsuperscript{188} There are also cases where political lobbying favoured the Lebanese. see Monsour, *Not White*, 49-51.

\textsuperscript{189} Yarwood, *Asian Migration*, 69.
Australia’s use of exemption certificates and naturalisation certificates created another paradox in establishing statutory control over immigration between 1910 and 1930. The adoption of naturalisation and exemption certificates enabled the Japanese to gain entry to Australia and their pressure is also evident in other aspects of the IRA. The Indian connection to the exemption certificates is a result of their loyalty and bravery in the First World War. Their participation founded a new respect from the Australian people and also from MPs and officials. Furthermore, high-profile visits from the Indian government garnered further appreciation of their plight and their reward was a reinterpretation of the exemption clause and naturalisation, modifying its application to British subjects. The use of these certificates became a political tool to calm international Empire relations and to rectify earlier previous governments’ mistakes made in creating and amending the IRA.
CONCLUSION

After fifty years of antagonism to coloured immigration to Australia, the Immigration Restriction Act in 1901 enabled customs officers the power to prohibit their entry. Section 3(a) of the Act required immigrants to pass the dictation test, a fifty-word test written at dictation in any prescribed language. The test was able to prevent entry to a coloured immigrant ‘guaranteeing racial exclusion in a non-racial way.’ From 1901 until 1909 the dictation test was not foolproof. Instructions were sent from Department offices in order to ensure that immigrants who were prescribed the test failed. From 1910 onwards, nobody was able to pass the test.

There is no doubt that the aim of the dictation test was to keep Australia white and its British heritage intact without the mixture of foreign nations. However, the dictation test was the IRA’s mechanism that tried to fulfil a variety of expectations of public, institutions and politicians. The several amendments made to the Act and dictation test were testament to the conflicting purposes evident within the Act and unintended consequences of it. The immense power of the dictation test lured politicians into using it to fulfil political, social and moral objections to those who were desired immigrants.

After 1910, the dictation test was manipulated from its original intention to prevent coloured immigration and the encouragement of European and British immigration, to be transformed into a dishonest test.

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190 Barry York, *Immigration Restriction 1901-1957: Annual returns as required under the Australian Immigration Act between 1901 and 1957 on persons refused admission, countries whence they arrived, grounds on which admission refused, persons who passed the dictation test and departures of coloured persons from Australia* (Canberra: Centre for Immigration and Multicultural Studies, 1997), 8.
that was used to prevent immigration of ‘undesirable’ Europeans. In 1901, Prime Minister Edmund Barton, who responded to two MPs concerned that the dictation test could be applied to Europeans stated that: ‘...there was no desire on the part of the government to keep out educated or reputable Europeans.’ Nevertheless, Barton’s statement in 1901 would become obsolete as Alfred Deakin began to express that the next targets of the IRA were those even slightly coloured. Furthermore, Deakin also wrote in 1901 that: ‘Our Antipodean suspicion is directed at immigrants of the lower Latin type, and is decidedly antagonistic towards new-comers from South-Eastern Europe.’ While Deakin was suspicious of those with slightly coloured skin and from South-Eastern Europe, J.C. Watson was in favour of such immigrants; especially those from Italy. As demonstrated, Deakin’s words would influence the next generation of politicians who would turn the dictation test against Europeans for their fear of influx and intolerance to their slightly tanned skin. The distinction between who was white and European was thin.

The dishonest nature of the dictation test is further evident when the test was used to achieve political ends or to address political concerns. The 214 Maltese immigrants prohibited entry to Australia in 1916, 132 Italian immigrants in 1930, Gerald Griffin and the famous case of Egon von Kisch are all examples of how Europeans were submitted to the dictation test for political reasons. Even though the Maltese held British passports, in accordance to Australia’s regulations, and the fact the Maltese were a

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Dominion under the British Empire and European, they were still given the test. The political issue of conscription forced Prime Minister Billy Hughes to order the application of the test, preventing their entry in order to ease rumors that ‘coloured’ labour would replace those conscripted into military service. Immigrants that had political affiliations that were of concern to Australian politicians (for example Kisch) were also subjected to the test in order to prevent their entry.

During the 1920s, State Premiers were concerned over the level of European immigration into their States; most notably, WA and NSW. The two Premiers asked for the provisions of the IRA to be extended, including health inspections and quotas placed on their immigration. However, both men knew that the best tool to prevent their immigration was through the use of the dictation test. Both men asked for the test to be used on the Europeans because the health restrictions imposed would not be sufficient to ease the social tension of the increased immigration in their State.

The other side of the immigration paradox was the exemption clause. After foreign pressure from both Japan and Britain, an exemption clause was added to the IRA in order to give coloured immigrants access to Australia for travel and also educational purposes. Along with the Naturalisation Act 1903, Australia was permitting some coloured persons to enter Australia, taking up permanent residence, while some Europeans were being subjected to the dictation test and their immigration prohibited. Some Europeans (who were supposedly encouraged to immigrate to Australia) were being prevented, while some of those supposedly to be discouraged by the dictation test were able to find permanent residence in Australia, creating an immigration paradox.
The administrative power given to allow non-Europeans to enter temporarily was in itself a paradox within the operation of the IRA. In law, the IRA required all entrants other than British subjects to submit to the dictation test. The immigrant, even though exempt from the test while holding a certificate of exemption, could still be ‘intrinsically a prohibited immigrant’, meaning her or his status as a ‘prohibited immigrant’ was temporarily suspended by the certificate. The temporary suspension of a ‘prohibited immigrant’ could be overturned at anytime with the Minister’s signature, declaring the certificate holder a prohibited immigrant, even though he or she had not been submitted the dictation test.

The IRA, the dictation test and the idea of a White Australia was ‘above all a denial of the country’s original inhabitants.’ The Policy was also violating the presumption of the British Empire and also its Dominions. Indians and Maltese were part of the British Empire but both subjected to the dictation test. Furthermore, both nations participated for the Empire in the First World War, yet it was India who gained more favourable attention. After their ‘heroics’ in the War, the dictation test was used less against the Indian immigrants. Their applications for exemptions and naturalisation that were denied previously would now be re-evaluated as a result of Australia’s gratitude. The gratitude was not shown by Australia to other coloured nations. The preference of their immigration was still prohibited, no concessions were shared in order for migrants to enter Australia.

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94 Palfreeman, ‘End of Test’, 45.
The White Australia Policy was a combination of ideas that were progressively transformed as attitudes changed over several decades. During its establishment in 1901, political leaders such as Barton, Deakin, George Reid, and J.C. Watson all had different ideas on how the Act should be administrated. All men were at one stage Prime Minister and leaders of their respected parties. These men and their ideas, mixed with the concerns of MPs, would create confusion over the true intention of the Act. Was it just meant for non-whites? Could it be used against Europeans? Who is white? Who is European? Can it be used during political situations? The political power of the dictation test was too immense for politicians to ignore. It was used to solve political dramas, social unrest and concern, moral concerns and also as a reward for a loyal dominion. The test and its practice were dishonest, as it was ‘a ritual of the exclusion of individuals whose identity was already known and deemed to be unacceptable on a priori grounds.’

The cases mentioned demonstrate the ‘power imbalances, social inequalities, non-demographic practices and other injustices’ that were inflicted upon immigrants from 1910 to 1934.

After examining the ‘White Australia Policy’ from 1910 to 1930, with particular reference to the administration of the dictation test and the exemption clause, three paradoxes emerge. The first paradox is through the use of the dictation test. This mechanism was used in order to prevent the entry of non-whites into Australia without citing race as the reason for their prevention. However, after 1910, the dictation test was then manipulated to be used against ‘undesirable’ Europeans. The second paradox was evident in the

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use of the exemption clause. The ‘White Australia Policy’ was enforced to keep Australia white and British, without the mixture of foreign nationalities. However, through the exemption certificates, coloured immigrants were able to enter Australia, while Europeans were being prohibited entry. The third paradox after examining the policy was Britain’s view that the policy was in violation of their view of an Empire. Britain did not agree with the prevention of nations under its Empire because Britain herself did not believe there was any notion of colour within an Empire. A policy so riven by paradox and contradiction could not last. Flaws evident at the establishment of the IRA became more obvious, between the 1910s and 1930s. This study of this central period suggests that the contradictions and paradoxes revealed here contributed to the further progressive unravelling of the IRA after the Second World War into total ineffectiveness.
BIBLIOGRAPHY

1. Official Sources

a. Archival

Colonial Office Papers [online]

CO 886/1/3. 'Correspondence relating to the Treatment of Asiatics in the Dominions.' Colonial Office Papers, Great Britain.

National Archives of Australia

AA/ACT CP78/23 14/89/456. SCC to GG, Decipher of Secret Cable, 13 October, 1916.
A.A. A2219. H. W. Hardie to Secretary of Home and Territories, 19 January, 1921.
A1/1 12/17952.
A1, 1912/1794. 'Application by Noor Mahomed for a further 2 years extension of his certificate exempting from the Dictation Test.'
A1, 1913/16442. 'Alexander Kellerman Undesirable.'
A1, 1913/15294. 'Instructions re collection of fees for CEDTs (Certificates of exemption from dictation tests) issued to Non-European holders of naturalization certificate.'
A1, 1924/19827. 'Melita, L - Naturalisation certificate.'
A1 1927/19354. 'Fredrick CORNELSEN - Naturalisation certificate.'
A1, 1936/13639. 'Immigration from Countries other than United Kingdom.'
A432, 1934/1736 Part 2.
A458, B156/1 Part 1.
B13, 1926/15671. 'Gareeb, Indian Hawker - Re Certificate for Exemption from Dictation Test.'
B13, 1912/17990. 'External Affairs - Evasion of Immigration Restriction Act - Dictation Test.'
B13, 1916/24825. 'External Affairs - report of Inspector Gabriel on Immigration work.'
D4878. 'COOREY Tufie George - Nationality: Lebanese - Arrived Sydney 28 August 1923.'
E752, 1919/34. 'Certificate of Exemption from Dictation Test - Gee Yet.'
E752, 1916/36. 'Certificate of Exemption from Dictation Test - Chin Ack.'
J3115, 156. 'Correspondence relating to the issue of Certificate of Exemption from the Dictation Test [CEDT] for Herbert See Poy.'
J3115, 159. 'Correspondence relating to the issue of Certificate of Exemption from the Dictation Test [CEDT] for Creem [Green] Box in September 1919.'
PP4/4.
PP6/1, 1927/H/427. 'Immigration Act 1901-1925 Dictation Test.'
b. Parliamentary

*Aliens Registration Act* 1920.
Commonwealth Parliamentary Debates.
*Contract Labour Act* 1905.
*Enemy Aliens Act* 1920.
*Immigration Act* 1912.
*Immigration Restriction Act* 1901.
*Naturalisation Act* 1903.
*New South Wales Parliamentary Debates.*
*Pacific Islands Labourers’ Act* 1901.
*South Australian Parliamentary Debates.*
*War Precautions Act* 1914 and 1915.

c. Legal

Mann v. Ah Oh (1905) 7 WALR 182.
Victorian Legislative Council.

2. Newspapers

*Newspaper Titles*

*Age* (Melbourne)
*Argus* (Melbourne)
*The Advertiser* (Adelaide)
*Australian Worker* (Sydney)
*Barrier Miner* (Broken Hill)
*Brisbane Courier* (Brisbane)
*The Bulletin* (Sydney)
*Daily Telegraph* (Sydney)
*Examiner* (Launceston)
*Herald* (Melbourne)

*Kalgoorlie Western Argus*
*Mercury* (Hobart)
*The Murchison Advocate*
*Northern Standard* (Darwin)
*Sydney Morning Herald*
*The West Australian* (Perth)
*Western Mail* (Perth)
*Worker* (Brisbane)
List of Articles

‘A Prohibited Immigrant. One Month’s Imprisonment.’ *The Argus.*
‘Maltese Reach Port’ *The Argus.*
‘Not Coloured Labour.’ *The Argus.*
‘Foreign Immigration – To the Editor of the Argus’. *The Argus.*
‘The Maltese’ *The Advertiser.*
‘Charge Repeated.’ *The Brisbane Courier.*
‘Prohibited Immigrant.’ *Examiner.*
‘The Whim Creek Murder.’ *Kalgoorlie Western Argus.*
‘Prohibited Immigrant.’ *The Mercury.*
‘White Australia. As An American Sees It.’ *The Mercury.*
‘French Given as Dictation Test.’ *Northern Standard.*
‘A Deported Immigrant’ *The Sydney Morning Herald.*
‘Immigrant’s Failure. A Dictation Test.’ *The Sydney Morning Herald.*
‘Foreigner’s Deportation Ordered.’ *The Sydney Morning Herald.*
‘Maltese Bogey’ And The Facts.’ *The Sydney Morning Herald.*
‘Fremantle Police Court.’ *The West Australian.*
‘A Prohibited Immigrant’, *The Western Mail.*

3. Secondary Sources

*Books*


______. *Sense and Nonsense in Australian History* (Melbourne: Black Inc. Agenda, 2009).


Palfreeman, A. C. Administration of the White Australia Policy (Melbourne: Melbourne University Press).
Price, Charles A. The Great White Walls are Built: Restrictive immigration to North America and Australasia 1836-1888. (Canberra: The Australian Institute of International Affairs in association with Australian National University Press, 1974).
______. *Attitudes to Non-European Immigration* (Stanmore: Cassell Australia, 1968).


**Journal articles**


Langfield, Michele, ‘Attitudes to European immigration to Australia in the early twentieth century’, *Journal of Intercultural Studies*, vol. 12, no. 1, 1991.


4. Internet Sources


