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Of all the legislation and policy enacted against the Chinese in New Zealand the most notorious is undoubtedly the poll-tax. Introduced in 1881 as part of the 1881 Chinese immigrants act, it was the main plank in New Zealand's policy of excluding Chinese from New Zealand. As the first enactment restricting the entry of a specific class of people into New Zealand, it set a precedent for immigration restriction in this country. A precedent not only for increasingly severe restrictions against Chinese immigration, but also for restrictions on other immigrants. As such the Chinese immigration policy the poll-tax ushered in set the tone for all subsequent immigration policy in this country.

For the New Zealand government the poll-tax was a compromise solution to an apparently unsolvable problem. The problem was how to both exclude the Chinese from New Zealand and satisfy the Imperial Government in Britain.

In the nineteenth century, New Zealand, as a British colony, was unable to legislate freely on areas of policy that affected Imperial interests. These included "constitutional amendments, foreign relations, external trade and the disposal of public funds." In the case of Acts that involved these areas of Imperial interest, the approval of the Crown had to be given. As the issue of Chinese immigration impinged on Britain's foreign affairs dealings with China, New Zealand was unable to legislate on this issue as it saw fit. An Act passed by the New Zealand government that totally excluded the Chinese would have compromised Britain's dealings with China, and would therefore not receive the Royal Assent. The only solution was to attempt to erect some barrier that would make it as difficult as possible for the Chinese to come to New Zealand. The solution was found in a poll-tax, or entry tax, to be paid by every Chinese immigrant coming to New Zealand.

The idea of a poll-tax to restrict immigration was not a New Zealand innovation. It was initially devised in California, which in 1852 passed the California act requiring all alien immigrants to pay an entry fee of five dollars. The first use of this model of immigration restriction against the Chinese was in the Australian state of Victoria. In 1855, in response to the arrival of thousands of Chinese on the Victorian goldfields, the Victorian legislature passed the Act to make provision for certain immigrants. This imposed a ten pound poll-tax on all Chinese immigrants to Victoria. Although somewhat ineffective, the importance of the Act lay in its setting a precedent for using an entry-tax to restrict Chinese immigration to the Australasian colonies. The fact that the Act received the Royal Assent gave the green light to other colonies to also use this particular method in the future.

Other Australian colonies, following the precedent set by Victoria, soon imposed their own poll-taxes. In 1861 New South Wales imposed a ten pound poll-tax, and in 1877, Queensland did likewise. By 1887 all the Australian colonies had imposed a poll-tax.

Following the Australian example, New Zealand also introduced an entry tax to restrict Chinese immigration. The early advocates for a poll-tax came from Otago where the majority of Chinese had migrated. Francis Dillon Bell, member for Wallace, raised the possibility of restriction as early as 1861. In 1870 T L Shepherd, MP for Dunstan, suggested that a fifty pound poll-tax be imposed on Chinese immigrants and in 1871, during the Select Committee on Chinese immigration, a twenty pound poll-tax was mooted.⁽¹⁾ All these attempts failed. It was not until 1881 that New Zealand finally passed the Chinese immigrants restriction act 1881 placing a ten pound entry-tax on all Chinese immigrants, regardless of place of origin.

Several factors combined to bring about the passing of the New Zealand poll-tax. In the late 1870s a new anti-Chinese movement, led by recently-arrived Australian goldminers, began on the West Coast. Unlike earlier anti-Chinese activists in Otago, the West Coast anti-Chinese movement was better organised and had the support of radical anti-Chinese MPs in Parliament. These included the West Coast MPs, and the Prime Minister himself, George Grey.

Another factor was the onset of a severe economic depression in 1878 that was to profoundly affect New Zealand

for the next ten years. By 1880 effects of the depression were keenly felt throughout New Zealand, especially by the working classes. A recurring pattern throughout the history of the British colonial nations was the coinciding of economic downturn with an upsurge of anti-Chinese agitation. At these times it was the Chinese who were blamed for the economic misery being suffered.

The final factor in this mix was the eruption of violent anti-Chinese agitation in Australia. A mass movement following the anti-Chinese seamen's strike of 1878 (which New Zealand also joined) led to the 1881 Inter-Colonial Conference in which the colonies of Australia and New Zealand agreed to legislate uniformly on Chinese immigration. One of the recommendations proposed at the conference was that a ten pound entry-tax should be imposed on all Chinese immigrants. An agreement which directly led to New Zealand's 1881 imposition of the ten pound poll-tax.

As with the Victorian Act of 1855, a precedent was thus set for restricting the immigration of a specific set of people. With the precedent set, the restrictions became increasingly severe.

Tax raised

In 1893 Richard John Seddon, the most radical anti-Chinese activist in Parliament, was elected Prime Minister and immediately began pushing for more drastic restrictions on Chinese immigration. Aided and encouraged by a new anti-Chinese movement which began in the mid-1890s, he introduced a comprehensive anti-Asiatic Bill which included raising the poll-tax to one hundred pounds. Rejected in 1895, it was eventually passed in 1896 but did not receive the Royal Assent, mainly because the definition of "Asiatic" included British Indians. Seddon compromised and introduced another Bill that omitted the offending clauses, but retained the increase in the poll-tax. In its new form it was passed as the Chinese immigrants act amendment act 1896. The Act had the overwhelming popular support of the working class and a large majority of the New Zealand population.

To all intents and purposes the 1896 Act marked the end of the legislative process concerning the poll-tax. The 1908 consolidation of all previous immigration legislation retained the one hundred pound poll-tax, as did the 1920 Immigration restriction amendment act, which in other respects constituted a major rethink of immigration policy in New Zealand.

Although at the time of the passing of the Immigration restriction amendment act 1920 many people questioned the necessity for retaining the poll-tax, noting that the new Act enabled the government "to prevent a single Chinese from landing in New Zealand, and therefore rendered the continuance of the poll-tax unnecessary" (2), the government decided to retain it. In justifying its retention, the Prime Minister, William Massey, said "it is an additional safeguard. I have considered the point, but I came to the conclusion that it would not be well to repeal the poll-tax clause." (3)

In 1926 the government once again came under pressure to further restrict the immigration of Chinese. It responded by deciding to suspend granting permanent residence permits to Chinese. Because of this the issue of the poll-tax was raised once again. It was decided that, "seeing no further Chinese were to be admitted, the repeal of the poll-tax could be safely left until consolidating legislation was introduced into Parliament." (4)

In 1934 the question of the poll-tax was again raised in Cabinet. Since the desirability of abolishing the tax was, "tacitly admitted in the Cabinet decision of 1926" (5), the Minister of Customs decided to waive payment of the tax, "in the case of any Chinese entering with a permit for permanent residence." (6) As no permits for permanent residence had been issued to Chinese since 1926 the concession meant little in practical terms. The poll-tax clause itself remained on the statute books until 1944.

Abolition

Two factors were decisive in the eventual abolition of the poll-tax. One was the election of the first Labour

Government in 1935. The Labour Government proved to be a true friend of the Chinese in this country, abolishing much of the discriminatory legislation against Chinese in New Zealand.

The other factor was the Second World War. As New Zealand became increasingly involved in the Pacific war after 1939, it became clear to New Zealanders that China had been bravely fighting the Japanese since 1937. Her fight against Japanese invasion changed public perceptions. Chinese New Zealanders had gone from being the "Yellow Peril" to "our brave allies".

These two important factors combined in 1944 when the Labour Government introduced the Finance Act 1944, Part II of which abolished both the poll-tax and the tonnage restrictions on Chinese. The Minister of Finance, Walter Nash, summed up the government's attitude to the tax and the reasons for abolishing it:

"While the law provides that a poll-tax shall be levied on Chinese coming into the country, the tax has not been collected for some years. We now propose to abolish the poll-tax, together with a number of other restrictions. We have no more right to ask the Chinese to pay a poll-tax than we have to ask the Japanese, the Germans, the Spaniards, or the Norwegians."(7)

In conclusion the finance minister acknowledged the injustice that had been done to Chinese New Zealanders for the 62 years that the poll-tax had been in force saying, "I do not know of anything more pleasing from the Government's point of view, and from the point of view of any one who understands international and racial affairs and knows a little of the history of the Far East and the Chinese people, than the removing of the blot on our legislation. We are merely saying that the Chinese are as good as any other race, and that we will not in future countenance any discrimination against them."(8)

Unlucky Last

New Zealand was the last of the poll-tax imposing countries to abolish the tax. Australia had repealed her final remaining poll-tax in 1903 and Canada, which had imposed a poll-tax on Chinese in 1885, in 1923. New Zealand retained the tax until 1944. While the reasons behind the eventual abolition of the tax were laudatory, no credit devolves to New Zealand because of this. The best that can be said is that at last the "blot on our legislation" was erased.

During the period the poll-tax was levied, the New Zealand government earned approximately 308,080 pounds from its attempts to exclude the Chinese from New Zealand.

ADMINISTRATIVE COMPLICATIONS

Exemptions

In its attempts to exclude Chinese from New Zealand, the government was forced by diplomatic expediency, as well as common decency and fairness, to exempt certain groups of Chinese from the provisions of the poll-tax.

When the poll-tax was first introduced in 1881 it was decided that the following Chinese should be exempt from payment of the tax: Chinese crews of ships (providing they did not land) and Chinese already resident in New Zealand. These were entitled to a certificate of exemption from payment of the tax if they applied within two months of the passing of the Act. In addition a certificate of exemption was available to Chinese resident in New Zealand wishing to undertake a temporary absence from the country. This was based on the theory that, "a Chinese who has once paid the tax is not again liable to do so." (9)

The 1888 Chinese immigrants act amendment act added several further exemptions from payment of the tax. These included Chinese naturalised in New Zealand, Chinese accredited by the government of China, or under the authority of the British government, and officers and crew of Chinese warships.

In 1910 the Chinese government objected to several of the provisions of the 1908 Immigration restriction act and proposed that Chinese merchants, tourists and students be allowed to visit New Zealand for a set period without having to pay the tax.(10) The New Zealand government agreed to this proposal and in 1911 set the time period for the three classes of Chinese visitors. These were six months in the case of merchants and tourists, and six years for Chinese students.(11) Chinese who overstayed these limits were presumably to pay the tax or be deported.

This principle of Chinese visitors being exempt from payment of the poll-tax was again applied to Chinese coming to New Zealand on temporary permits under the 1920 Immigration restriction amendment act. This provision does not, however, appear to have been set out in any official publications. If Chinese on temporary permits were subsequently granted permanent residence, the poll-tax was to be paid.

Tax evasion

One difficulty for the New Zealand government was that these exemptions opened a loophole for new Chinese immigrants to evade payment of the tax. The two main exemptions, the certificate of exemption available to Chinese resident in New Zealand undertaking a temporary absence from the country, and the exemption from payment of the tax for naturalised Chinese, were assiduously used by new immigrants to evade the tax. This was done by buying an exemption certificate or naturalisation papers from a Chinese returning permanently to China. The traffic in these papers was considerable. An Internal Affairs memo of 18 March 1923 summed up the situation,

"The Customs Department here has experienced . . . difficulty from time to time and there are in this Department a number of Chinese Naturalisation papers which have been confiscated . . . The motive is of course obvious, viz, to evade payment of the poll-tax etc as provided by the legislation which has been repeated in the Immigration Restriction Act 1908, Part III."(12)

The government and the Customs Department devised various methods to attempt to prevent this evasion.

As early as 1883 Customs officials were told to issue certificates of exemption only to Chinese who could prove they had been resident in New Zealand prior to the passing of the 1881 Act, and to deliver the certificate to the applicant only as they were leaving the country.(13) This was to prevent them being used, "for purposes other than for which they are issued."(14)

In 1886 it was decided that Customs officials should retain possession of certificates of exemption from returning Chinese to prevent them being sent back to China to be used again by Chinese not entitled to them.(15) In 1887 a physical description of the holder of the certificate was to be noted on the certificate as an aid to identification.(16) It was also decided that the tax was to be collected from any Chinese who overstayed the time period specified on the certificate. (17)

In 1900 a further tightening of the system was instituted. Chinese returning from an overseas visit were to deposit the amount of the poll-tax until identification of the certificate-holder and proof-of-payment of tax on first arrival in New Zealand was established.(18) One method of establishing proof of identity was to take the thumb-prints of the person in question, a system that came to be universally and fiercely resented by all Chinese in New Zealand.

In 1902, in an attempt to streamline the whole process, it was decided to establish proof of original payment of the poll-tax at the time of issuing the certificate of exemption, not on the return as previously.(19) Due to difficulties in establishing proof of original payment of the poll-tax, and threats of legal action from Chinese exasperated at delays in the return of their deposits, it was decided in 1903 to drop the requirement of proof of original payment altogether.(20)

These ad hoc systems devised by the Customs Department were formalised in 1908 under the regulations attached to the Immigration restriction act 1908. Any Chinese returning after the four-year period set out on the re-entry permit was to pay the tax again, and all returning Chinese had to deposit the tax until identification was established.(21) These requirements remained in force until 1934 when Cabinet decided to waive payment of the poll-tax.

The traffic in naturalisation certificates required a different solution, as it was probably felt that demanding proof of identity from a person who had taken the trouble to become a naturalised citizen of New Zealand was somewhat impolitic. Especially as this included the humiliating process of having ones thumb-prints taken. It was therefore decided that the solution would be to cease granting letters of naturalisation to Chinese. This was done on 4 February 1908 by Cabinet decision following a recommendation by the Minister of Internal Affairs. It was felt at the time that the policy of attempting to restrict Chinese immigration to New Zealand warranted such a move. The decision was probably taken at this time and not earlier due to a general review of all government legislation that was going on at that time and resulted in a consolidation in August 1908 of 860 prior enactments. All the legislation concerning immigration, and the restriction of Chinese immigration, was consolidated in the Immigration restriction act 1908. An entire group of New Zealanders was therefore disenfranchised in an attempt to prevent a few of them from entering the country without paying an already unjust entry tax. Naturalisation of Chinese was only reintroduced in 1952, 18 years after payment of the poll-tax was waived, and eight years after the tax itself was abolished.

(1) AJHR 1871 H-5, p.16

(2) Round table 1920, p.222

(3) NZPD 1920 vol.187, p.908

(4) Cabinet decision 29 June 1926, in Ponton, p.69

(5) ibid

(6) ibid

(7) NZPD 1944 vol.267 p.724

(8) ibid p.725

(9) Customs Dept memo 15 May 1900

(10) AJHR 1910 A-2 pp.44-45

(11) New Zealand gazette 1911 no.22, p.1047

(12) National Archives. Internal Affairs Department IA 1 116/7 Part 1. Chinese - general question of naturalisation.

(13) Customs Dept memo 5 June, 23 July 1883

(14) ibid

(15) Customs Dept memo 21 July 1887

(16) ibid 20 Oct 1887

(17) ibid 5 Dec 1887

(18) ibid 15 May 1900

(19) ibid 9 Dec 1902

(20) ibid 6 Oct 1903

(21) New Zealand gazette 1908 no.93, p.2996

