Policy without evidence?
The Australian Citizenship Test
2006-12

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Thesis submitted in total fulfilment of the requirements for the Degree of Doctor of Philosophy

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2013
Abstract

This thesis analyses the introduction and operation of the Australian citizenship test. The test, first proposed in April 2006, came into operation on 1 October 2007, after eighteen months of discussion in the parliament and in the public arena. The central argument of this thesis is that while there was some dissension in the parliamentary debates and committee hearings leading up to the introduction of the test, it focused primarily on the minor details of a piece of legislation that was always going to proceed. The Howard government had arrived at its decision to implement a citizenship test long before it sought public input and was committed to introducing the test prior to the 2007 election. No amount of evidence, it seemed, was going to derail or even delay the introduction of an ideologically-based policy, which was implemented despite ample testimony from academics and refugee advocates who warned that the test would be problematic.

The thesis also argues that the Australian Labor Party, unwilling in the context of the times to oppose any demonstration of Australian ‘patriotism’, was a compliant ally in the smooth passage of the legislation through the parliament. What emerged from a superficial and rushed parliamentary process was what many commentators had predicted: a flawed and discriminatory test that adversely affects the more vulnerable individuals in society while privileging others.

The thesis also examines the Australian government’s use of overseas citizenship testing regimes, particularly those of the United Kingdom, United States, Netherlands and Canada, to legitimise the implementation of its own test. The Australian government, however, had done little or no research into the criticisms of such regimes and was either ignorant or determinedly dismissive of the fact that all were highly contested and contentious. In addition, the government remained unswayed by the fact that little or no evidence exists, or is indeed ever likely to exist, that citizenship tests are effective in achieving their almost universally stated aims of improved social cohesion and migrant integration.
In the years since the Australian citizenship test was introduced, successive governments have failed to acknowledge that it is impossible to match a test of knowledge about Australian history, customs and government with the legislative requirement that prospective citizens demonstrate a ‘basic knowledge of the English language’. It is a point that was made repeatedly to the Howard government in the lead-up to the test’s introduction and a point that has been repeatedly reinforced throughout the life of the test, much of which has been overseen by the Rudd and Gillard Labor governments. Such is the scale of the government’s ignorance of matters related to language learning and language testing that the 2008 review of the citizenship test, chaired by Richard Woolcott, succeeded only in magnifying the test’s already significant shortcomings, resulting in a revised test that is even more discriminatory than its predecessor.
Acknowledgements

Gratitude is due first to Professor Brian Costar of the Swinburne Institute for Social Research, for supervising the project with a cool head and hand. Brian’s knowledge, encouragement, calmness and good humour, along with what I have learned is his unwavering support for all of his students, was vital in keeping the project both relevant and on track. I also need to thank Denise Meredyth, who along with Brian convinced me to make the move to Swinburne. It was a leap of faith at the time and has proven to be an excellent one. Lorenzo Veracini, my associate supervisor, was an invaluable source of advice at crucial times. I would also like to thank everyone at the SISR from Julian Thomas down, and, in particular, my fellow PhD candidates, mostly for their humour, and certainly not for their model work habits. Thanks to Peter Browne, whose door is always open for advice on better writing, and who helped me to get some of my research and ideas on the citizenship test in front of more people than would otherwise have been the case. Julie Kimber deserves a special mention for her advice and support along the way, as well as for giving me tutoring jobs. Thanks, too, to Peter Love for giving me work in the politics department at Swinburne. I would also like to thank my friends and colleagues at the Language Testing Research Centre at the University of Melbourne, my former home, for always inviting me to seminars and for keeping me in the language testing loop in general despite my defection to political science. Luke Harding from the University of Lancaster also deserves thanks for his sharp reading and always astute advice on how to improve my research and writing. I would also like to thank David Hudson for editing the final draft of the thesis and for putting the full stops, commas and references in order. Finally, and most importantly, for their support and love throughout, thanks to Sue, whose words of encouragement, while not always printable, were always inspiring, Finian (How many words do you have to write, Dad?) and Nell, who upon hearing my reply to her brother’s question, said ‘You should get a different job’.
Preface

The motivation for this thesis resulted from the author’s background in applied linguistics, and from experiences in researching and working on the development of high-stakes language tests for a range of clients, including organisations large and small, domestic and international, private and public. One of the main lessons learned when working in language testing is that it is deeply political, and, therefore, subject to politicisation. It is a lesson that is continually being reinforced. Indeed, as this thesis was being prepared for submission, the British government provided yet another example in support of the politics inherent in testing. When announcing the details of the third edition of its Life in the UK test – which, like Australia’s citizenship test, doubles as the marker for the required knowledge and language standards for citizenship – the Conservative-Liberal Democrat government used the opportunity to announce a reinterpretation of ‘Britishness’ by focusing the new test materials on so-called ‘British values’ and historical ‘achievements’. In doing so, it issued pointed statements designed to distance itself from the direction taken by the previous Blair and Brown governments.

In April 2006, when the Australian government raised the possibility of employing a test in the context of immigration and citizenship, it was to be expected that the test would arouse interest, and indeed suspicion, not only among academics involved in political science, philosophy, multiculturalism, citizenship and history, but in language studies and, in particular, language testing. While the thesis produced here draws from an amalgam of disciplines, it must remain manageably narrow in its focus and is therefore concerned primarily with the Australian citizenship test as a test of language introduced by the Howard government in response to a perceived need. While the thesis is concerned primarily with the practice and politics of language testing, various aspects of citizenship theory, multiculturalism and/or migrant integration regimes are also discussed.

This thesis, which is based on close textual reading of parliamentary documents, citizenship testing materials, media commentary, and statistical information obtained from the Department of Immigration and Citizenship via freedom of information
legislation, is an analysis of the introduction and operation of the Australian citizenship test. It demonstrates that the test was initially an exercise in muscular patriotism from the Howard government that, in the context of the times, was never going to be opposed with any great conviction in parliament. The thesis also shows that successive governments have failed to grasp the complexities of matching the legislative requirement that prospective Australian citizens demonstrate a ‘basic knowledge of the English language’ with a test of knowledge of Australian history, customs and government. Despite concerted efforts to improve the test, the Australian government and the Australian public now have a flawed and discriminatory test that adversely affects the more vulnerable individuals in society while privileging others.

Chapter 1 introduces the thesis by examining the conditions under which formal citizenship testing has proliferated in Western liberal democracies since the year 2000. The chapter also examines many of the arguments put forward by advocates and opponents of such tests, both in Europe, where formal citizenship testing is particularly widespread, and in Australia, which introduced its test in October 2007 and is the main topic of this thesis. Chapter 2 examines language testing as an academic discipline, and is based on the assumption and the reality that many citizenship tests are, in the main, language tests (as opposed to knowledge tests). It begins with definitions of language testing from within the field of applied linguistics before outlining some of the technical, practical and ethical concerns that testing practitioners and researchers express in relation to some of the more questionable uses, past and present, of language tests to identify and exclude, both in Australia and throughout the world.

Chapter 3 is an analysis of how in 2006 the Howard government cultivated the supposed need among the Australian public for a new citizenship testing regime. Focusing on speeches made in the lead-up to the test’s introduction by Prime Minister John Howard, Deputy Prime Minister Peter Costello, and Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs Andrew Robb, the chapter examines the political climate at the time with regard to attitudes to multiculturalism and the place of immigrants, both new and old, within Australian society. The chapter also takes account of the political reaction to the proposed testing regime on the floor of the parliament, and the public’s reaction as played out in the nation’s newspapers, radio and
television. **Chapter 4** is a continuation of the theme in the previous chapter; however, it focuses on the public consultation process undertaken by the government in the lead-up to the announcement of the test, as well as the government’s interpretation and presentation of the results of that process.

**Chapter 5** provides a detailed examination of the citizenship testing regimes in four countries: the UK, the US, Canada, and the Netherlands. These were selected because they were explicitly cited by the Australian government as exemplars around which discussions about the proposed Australian citizenship test should be based. **Chapter 6** follows the passage of the citizenship test legislation through the federal parliament from the introduction of the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 on 30 May 2007 to its Royal assent on 17 September 2007. The chapter focuses on debates in the House of Representatives and the Senate during that time, as well as on the public hearings before the Senate Standing Committee on Legal and Constitutional Affairs which met to discuss the bill on 16 and 17 July 2007.

**Chapter 7** examines the implementation and administration of the Australian citizenship test from its introduction on 1 October 2007 to 30 June 2012, the most recent date for which statistics for the test are available. The chapter includes a detailed analysis of the test materials, as well as an analysis of the conduct and outcomes of the citizenship test review process which was undertaken between April and August 2008 and which resulted in a revised test coming into operation on 19 October 2009. The chapter reveals that the revised test is a more flawed instrument than its predecessor and that the review has in fact done more harm than good. This conclusion is especially important because, having undergone the review, the test is now popularly perceived as having had all its problems resolved. Despite the fact that the Australian government had ample information from which to draw upon and devise an appropriate citizenship testing regime, it took little or no advantage of the advice on offer or the concerns raised and chose instead to implement a hurried policy instead of a considered one. The result is a predictably and deeply flawed Australian citizenship test that should either be abolished or re-revised.
Statement of originality

This thesis is my own work and contains no material that has been submitted or accepted for any other degree, diploma or qualification in any university or equivalent institution.

It has been copy-edited by Mr David Hudson in accordance with Swinburne University specifications.

It contains no material prepared or previously published by any other person, except where due acknowledgement has been made.

Where material contained in the thesis is based on joint research or publications, the appropriate disclosures have been made.

Kerry Ryan
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Chapter 1
Introduction

It is more or less an academic convention to introduce a topic by saying that interest in it has never been higher. In this vein, Kymlicka and Norman’s 1994 state-of-the-art analysis of citizenship theory began dramatically, asserting that there had been ‘an explosion of interest in the concept of citizenship among political theorists’ and that citizenship had ‘become the “buzz word” among thinkers on all points of the political spectrum’.\(^1\) One of the reasons they gave for the increased attention on citizenship in the early 1990s was that political philosophers in the 1970s and 1980s had been concerned primarily with issues of justice and community membership, and that citizenship, being concerned with both, was a natural progression in the discussions. They also cited a number of other factors that contributed to citizenship’s resurgence during that time:

- Increasing voter apathy and long-term welfare dependency in the United States,
- The resurgence of nationalist movements in Eastern Europe,
- The stresses created by an increasingly multicultural and multiracial population in Western Europe,
- The backlash against the welfare state in Thatcher’s England,
- The failure of environmental policies that rely on voluntary citizen participation, and so forth.\(^2\)

While two decades on, these factors remain relevant to the debate on citizenship, there is much that remains in the ‘so forth’ that appears at its end, though in 1994 the authors could not properly account for the long-term effects of the collapse of the Berlin Wall in 1989 and the subsequent recalibration of national identities that occurred throughout Europe. Nor could they foresee the race riots of northern England in mid-2001, the events of September 11, 2001 in New York, or the turbulent decade that followed, which, among many significant incidents, saw the assassination murders of outspoken Dutch politician Pim Fortuyn in 2002 and the similarly forthright film-maker Theo van

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2 ibid

Kymlicka and Norman returned to the state-of-the-art in citizenship studies in 2000 and were no less enthusiastic than they had been earlier, describing a ‘remarkable upsurge’ in interest from political philosophers throughout the 1990s in debates about the rights of minorities in multi-ethnic states and the notion of what makes a ‘good citizen’. During this period, extensive and variously focused treatments of Australian citizenship were also published with historical offerings from Davidson, Dutton, and Galligan and Roberts, as well as an edited volume from Hudson and Kane which took a theoretical but broad-brush approach. Another edited volume, Kim Rubenstein’s Individual, Community, Nation: Fifty years of Australian citizenship, the output of a 1999 conference held to commemorate fifty years of Australian citizenship from its inception in 1949, took a similarly broad approach. Rubenstein, an apt choice to edit the volume, has been perhaps the most consistent contributor to Australian citizenship literature over the past two decades, though as a legal scholar her contributions have been confined largely to matters of law.

With the proliferation of formal citizenship testing regimes in Europe particularly, interest in citizenship since 2000 has continued apace. A decade on from Kymlicka and Norman, Leydet wrote in 2011 of a ‘dramatic upsurge in philosophical interest in citizenship since the 1990s’, though narrowed the list of causes to two ‘broad

challenges': acknowledging diversity in modern liberal democracies and ‘the pressures wrought by globalization on the territorial, sovereign state’. 6

It is in this climate that formal citizenship testing regimes have proliferated. While much of the activity has taken place in the EU, traditional immigrant-receiving countries like Australia, Canada and the US have also been active. 7 In noting the ‘rapid and constant changes’ in citizenship policies in the European Union (EU), van Avermaet notes that while in 2002, the Association of Language Testers in Europe (ALTE) reported that four out of fourteen countries surveyed had language requirements for citizenship, a second ALTE survey in 2007 found that eleven out of eighteen countries surveyed had them. 8 In a 2010 report for the European University Institute, Wallace Goodman compared the naturalisation policies in thirty-three European countries, comprising the EU-27 countries as well as Croatia, Iceland, Moldova, Norway, Switzerland, and Turkey, and found that twenty-seven had explicit language requirements for naturalisation, ranging from extensive purpose-built tests designed in the country to off-the-shelf external tests and certificates. 9 In writing about integration regimes in the EU, Guild, Groenendijk and Carrera observe that while most EU states have stipulated language or integration requirements for more than fifty years, the formalisation of the regimes since 2000 has seen the required levels of language and knowledge increase considerably. 10


7 Despite having a citizenship test since the 1980s, the US has been active in revising its citizenship testing regime during this period

8 van Avermaet, P. 2009. Fortress Europe? Language policy regimes for immigration and citizenship in Hogan-Brun et al., pp. 15-43 p.32

9 Wallace Goodman, S. 2010. Naturalisation Policies in Europe: Exploring Patterns of Inclusion and Exclusion, EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies, European University Institute. Stats (27 out of 33) are on p.25

Formal regimes are, by definition, more rigorous, and, as this thesis will show, more restrictive. This general tightening of restrictions to national citizenship, particularly across the EU, has flourished in a decade in which the condemnation of multiculturalism as public policy has been, as Vertovec and Wessendorf note, ubiquitous.\(^{11}\) While this thesis is concerned primarily with citizenship testing regimes and is therefore not a treatise on multiculturalism, it would be remiss to ignore the backlash against multiculturalism across Europe that they describe as a significant catalyst for tougher language and knowledge requirements for citizenship in many Western liberal democracies worldwide.\(^{12}\)

As noted, language and/or civic knowledge requirements for citizenship are currently the rule in Europe, \textit{not} the exception. It is dangerous to assume convergence in a diverse range of countries and contexts such as in the EU, Australia, the US and Canada. Many of the arguments for or against citizenship testing have been conducted along similar lines, however, regardless of the country in which they are operated.\(^{13}\) Generally, its proponents reason that shared civic knowledge, and/or a shared language, are necessary prerequisites for social cohesion and for active citizenship.\(^{14}\) They also argue that citizenship is a prize and that if it is to mean anything at all, such a prize – which confers certain ‘privileges’ upon recipients – should not be simply given away, but should be earned. The arguments for the language component of testing regimes usually rest either on language as necessary for participation in political process or as a necessary precursor for employment in the host country. Employment leads to independence and reduces the welfare load (in states where this is applicable), while simultaneously increasing social opportunities, which lead to improvements in language ability, which in turn leads to a better, more integrated life for the individual immigrants, their families and to the greater societal good in general. That is, tests are


\(^{12}\) ibid, pp.1-2

\(^{13}\) See, for example, Michalowski, I. 2011. Required to assimilate? The content of citizenship tests in five countries. \textit{Citizenship Studies} Vol. 15, 6-7, 749-768

\(^{14}\) Jury duty and voting, for example
presented as a tool of empowerment for immigrants, not necessarily as tools of restriction, which is ultimately what they often prove to be.

Those against testing for citizenship generally accept that knowledge of the dominant language in a society is optimal. Indeed, as this thesis will show, many commentators note that immigrants themselves generally accept the importance of language for increased opportunities in the host society. There is less agreement on whether language should be a stipulation upon which the allocation of citizenship hinges. There is almost unanimity in sustaining the notion that language is essential for meaningful participation in the political process. While this statement may contain elements of truth, it is a selective argument for a variety of reasons. For example, citizenship is much more than political participation. Indeed, governments the world over go to considerable lengths to stress the importance of citizenship in terms of the many rights and privileges it conveys, not only in terms of voting rights, but in terms of the right to a passport, to diplomatic representation, security and a national identity, for example. To deny all such rights and privileges because one may be diminished is selectively punitive. Neither do governments revoke the citizenship of those disinterested in politics. Even in the relatively few countries where voting is compulsory, failing to do so is not an offence worthy of having one’s citizenship taken away; if non-compliance is punished at all, relatively modest fines which can often be avoided with minimal effort are the norm. Also, while the right to vote is generally withheld until citizens reach adulthood, the right to citizenship is not usually withheld from children.

The contention that an increase in civic knowledge is a cure-all for social cohesion that creates an engaged and active citizenry is also problematic. According to McAllister, political knowledge across populations internationally tends to remain stable over time, regardless of any increases in educational levels or in the availability and/or quality of political information. In Australia, for example, despite a revival of civics education in 15

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the 1990s, and the ‘enthusiasms of prime ministers, historians and education gurus’, few if any discernible gains have been made in political knowledge among citizens.\(^{16}\)

The tests themselves also often provide ample ammunition for many of the arguments raised against them, as they often prove to be discriminatory against more vulnerable groups. Tests that split the body politic into haves and have-nots, for example, provide ready-made arguments for proponents of the theory that cohesion is more likely to flow from *inclusion* than from *exclusion*. Besides, as the following analysis will show, ‘official’ statements of nationhood issued by governments, the very materials upon which the tests are often based, are, without exception, contentious.

Many of those who (often grudgingly) acquiesce to the existence of citizenship tests question what types of tests might be acceptable within a liberal democratic framework. Discussions here centre around the nature and content of the tests themselves. A EUDO-Citizenship forum debate in 2010 – sparked by Christian Joppke with a contribution entitled ‘How liberal are citizenship tests?’ – is a useful summary of many of the issues that academics have raised with regard to citizenship testing in Europe.\(^ {17}\) It is worth reviewing some of the arguments presented in this forum as they are relevant to the discussion of the Australian citizenship testing regime. Joppke begins the discussion by advancing the notion that any tests which are not particularly onerous ought to be acceptable from a liberal standpoint. That is, a government should be able to ask a prospective citizen to clear a hurdle or two to gain citizenship, provided that the hurdle is not particularly high. Here he cites the American naturalisation test as an exemplar, where all possible questions are published on the internet along with extensive and freely available preparation materials. In reference to Orgad’s criticisms of regimes that test for cultural knowledge – in contrast to historical or political knowledge, which Orgad sees as relevant to citizenship – Joppke expresses no particular objection to the


content of the test materials and/or questions.\textsuperscript{18} Citing the difficulty of the test as his benchmark of acceptability, Joppke sees no reason why cultural, political or historical knowledge should be excluded in a test. A more apt question for liberals may be whether such tests seek to get at the ‘true’ beliefs of individuals.\textsuperscript{19}

In order to aid the distinction, Joppke cites the interview guidelines designed for use by naturalisation officers in the German state of Baden-Württemberg as an example of the extreme end of illiberal practices.\textsuperscript{20} In what \textit{Der Spiegel} reported in January 2006 as the ‘Muslim test’, the Baden-Württemberg test, which preceded the introduction of Germany’s national citizenship test in 2008, was a series of questions about applicants’ attitudes and beliefs regarding contentious topics such as homosexuality (Imagine that your adult son comes to you and explains that he is homosexual and would like to live together with another man. How do you react?), gender, and race: Your daughter applies for a job in Germany but she gets a negative response. Later you find out that a black woman from Somalia got the job instead. What do you do?; In Germany, sport and swim classes are part of the normal school curriculum. Would you allow your daughter to participate?; and Some people accuse the Jews of being responsible for all that’s bad in the world. What do you think of such accusations?\textsuperscript{21}

The basis of Joppke’s argument against a test of beliefs is that it is fundamentally illiberal to insist that all who live in a country be liberal. Citizenship testing regimes, therefore, have no business in matters of the heart, and governments should go no

\textsuperscript{18} Orgad, L. 2010. Illiberal liberalism: Cultural restrictions on migration and access to citizenship in Europe. \textit{American Journal of Comparative Law}, 58, 1, pp.53-106
\textsuperscript{19} Joppke refers to it in his contribution as a Kantian distinction
\textsuperscript{20} See more contributions to the discussion forum referring to Baden- Württemberg from Michalowski (p.5), von Koppenfels (p.12), Orgad (p.21-22), and Hansen (p.26) Available here: http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf
Prior to Germany’s national test’s introduction in September 2008, integration policies for immigrants were the responsibility of the individual Länder (states).
further than the expectation that regardless of what individuals may believe privately, they do not act illegally against the established order. On this point, Joppke quotes Miller:

Liberal states do not require their citizens to believe liberal principles, since they tolerate communists, anarchists, fascists and so forth. What they require is that citizens should conform to liberal principles in practice and accept as legitimate policies that are pursued in the name of such principles, while they are left free to advocate alternative arrangements.\(^\text{22}\)

For Joppke, then, provided that they are not too difficult and do not ask for individuals to concede or modify their inner dispositions, citizenship tests should be free to test knowledge of language, culture and history because they are external and the required knowledge can be learned, regurgitated and then discarded without any cost to the individual in terms of identity or true beliefs.

Joppke also puts forward a second point of contention for consideration in judgements regarding the liberal nature of citizenship testing regimes and notes the insistence in some contexts for immigrants to ‘earn’ citizenship through ‘collectivity-oriented behaviour’, such as signing declarations of intent to be active citizens, or even providing proof of active citizenship.\(^\text{23}\) While acknowledging that active citizenship dates back to Aristotelian republicanism, Joppke notes that such stipulations now would more commonly be associated with communism, and are anything but liberal. He concludes his opening contribution to the forum by saying that blanket dismissals of citizenship tests as illiberal would be erroneous. Indeed, he is a seemingly cautious advocate for liberal citizenship testing and points out that standardised testing, because of its increased ‘calculability’, may be preferable for citizenship applicants than arbitrary, discretionary practices such as open-ended interviews.\(^\text{24}\) His point is taken up later in


\(^{23}\) Joppke, C. 2010. *How liberal are citizenship tests?* p.3

\(^{24}\) ibid, p.3
the discussion by von Koppenfels who notes the potential of standardised citizenship tests to be perceived as inclusive tools for citizenship provided that they are framed and accepted as such, and not aligned with or coloured by negative perceptions, practices or rhetoric (such as those evident in the Baden-Württemberg test).²⁵

Michalowski agrees with Joppke’s broad point that it would be dangerous to assume that all citizenship tests are illiberal. She bases her assessment on her own comparative study of test content in the citizenship tests of Austria, the UK, Germany, the Netherlands and the US, in which she concluded that, from a content point of view, only the Dutch test would be classified as illiberal.²⁶ Michalowski’s original study, published later in 2011, was based on comparisons of the test questions using a Rawlsian distinction between ‘what is right’ and ‘what is good’. Michalowski classified norm-based questions about the ‘good’ as illiberal, because the ‘good’ is ostensibly personal, and factual questions about what is ‘right’ as acceptably liberal, because what is ‘right’ is independent of the personal.²⁷ She found that the tests from the US, UK and Austria contained no questions about the ‘good’, while the German test – that is, the federal test introduced in 2008, not the Baden-Württemberg test mentioned above – asked only one out of three hundred. Almost one-fifth of the items on the Dutch test, on the other hand, were related to questions about ‘the good’, leading her to conclude that the test was illiberal, while the other four were not. Michalowski sees, however, that such a simple analysis of test questions (as in those seeking cognitive knowledge versus those about

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inner disposition) is not enough for determining the true nature of citizenship testing regimes and concedes that the inclusion of factual questions about social norms, for example, could still represent a coercive mechanism used by the state to manage difference and dissent.\textsuperscript{28}

Groenendijk and van Oers agree with Michalowski’s points but add that tests should also be measured by the effects that they have.\textsuperscript{29} This is problematic for Michalowski’s content-based contention that the UK’s test, for example, is liberal. According to Groenendijk and van Oers, the ‘highly’ differential results yielded by the UK test for certain nationalities and/or visa categories demonstrate that tests, regardless of content, represent barriers to immigration and are more difficult for some to overcome than others.

Kostakopoulou examines citizenship testing within a broader purview of liberalism, in what she refers to as an exercise in ‘zooming out’ as opposed to ‘zooming in’ on just the content and effects of tests.\textsuperscript{30} She states that as ‘liberalism cannot sanction domination, discrimination and unequal treatment, the stigmatisation of certain individuals and the consistent devaluation of their contributions’, citizenship tests fail the test of liberality.\textsuperscript{31} Kostakopoulou takes issue with states treating newcomers as equal in terms of their requirements to pay taxes, pay insurances and abide by laws, for example, but as

\textsuperscript{28} Michalowski, I. 2010. Citizenship tests and traditions of state interference with cultural diversity. p.6
\textsuperscript{31} ibid, p.16
unequal in terms of their rights to share in the benefits that they bring to a society through such contributions. Instead, she says, newcomers ‘find themselves caught in graduated schemes of membership and unequal statuses’, and that despite their equal burden-sharing, must prove they are ‘deserving persons’ by performing various state-imposed obligations before being granted citizenship. For Kostakopoulou, and for liberalism, the ease or difficulty of a testing regime is not the issue; rather, that there is a regime at all and that migrants have no choice other than to comply. Carens, it would seem, concurs with Kostakopoulou, stating that

as a matter of fundamental democratic principle, people who have been settled in a country for several years are members of society and should be able to participate in the political process governing their society. Their opportunity to do so should not depend upon their capacity to pass a test, however it is designed.\(^\text{32}\)

While Carens advocates a personal view that all citizenship tests are objectionable in principle, he notes that ‘they are not all equally objectionable in practice’. He suggests that instead of arguments about *thresholds* of liberality, it would be more pertinent to approach the issue from the point of view of *degrees* of liberality. To do so, he says, would require closer examination of the particular local contexts within which such tests operate. Pertinent issues for Carens include not only what the effects of the tests in any given country are, but more sociological questions such as who defends them and why; who opposes them and why; what advocates say the tests are for; and whether the stated purposes are genuine or whether they mask other intentions.\(^\text{33}\) These and other questions are applied to citizenship tests in various contexts in subsequent chapters of this thesis.

Conversely, Hansen argues that tests need only be subjected to a standard of reasonableness and that those which are not unduly difficult and have a ‘reasonably


\(^{33}\) ibid, p.20
high’ pass rate (70% or more) are ‘eminently reasonable’. Tests which meet these conditions are defensible because citizens vote and the state, as well as other citizens, can reasonably expect participants in the democratic process to ‘have a basic knowledge of the country’s history, institutions and culture’. Citing Brian Barry’s notion that ‘all general laws have differential effects’, Hansen defends the reasonableness of citizenship tests by arguing that they are not unfair simply because immigrants are required to take tests that native-born citizens are not. He illustrates his point by saying that tax laws have differential effects according to income, anti-smoking laws affect smokers more than non-smokers, and anti-noise laws affect noisy people more than quiet ones, and concluding that such effects do not make the laws unfair.

More contentious, perhaps, is Hansen’s point in support of his reasonableness argument. He states that ‘citizenship tests are in a fundamental sense a substitute for education’, and that locally born and educated individuals should have acquired the necessary civic knowledge through the school system. If they did not, it is the system’s failure. Complaining against tests imposed upon newcomers about knowledge that locals are unlikely to possess amounts to a tribute to ‘shoddy schools’, he concludes. While he does concede that tests are not necessarily a good substitute for education, they are, in his opinion, still an education and that ‘making tests a requirement rather than an expectation is no different from making education a requirement rather than an expectation’. On the content of the tests, Hansen sees no breach of the reasonableness standard where questions about social norms are concerned because expecting a person to recognise homosexuality as a legal and socially acceptable norm is different from asking them to like it. After all, he notes, all social norms are contested by minorities.

35 ibid, p.25
36 ibid
37 ibid
Hansen also makes a contentious point about language. He argues that those who fail tests because of their language skills have an obligation to improve their skills because ‘there can be no meaningful political participation without knowledge of the national language’. As noted above, while his logic is coherent, there is a disjunct between citizenship rights and political participation. They are not the same thing and while there is no meaningful political participation without citizenship rights, citizenship is much more than meaningful political participation. What Hansen might consider non-meaningful may be indeed very important, for example. Also, from a language point of view, Hansen’s statement is a naïve one that is either ignorant or dismissive of the way that ethnic groups the world over organise and represent themselves and their constituents – many of whom do not speak the language of their host societies – in the political arena. In making such a statement, Hansen also takes no account of the level of language knowledge that is required for meaningful political participation. This is of course an exceedingly difficult conundrum, one, as this thesis will show, where opinions abound but answers elude.

Carrera and Guild reframe the debate by stating that it should not be about how liberal citizenship tests are, but a broader discussion of integration regimes as a whole and whether they are liberal. That is, focusing on degrees of liberality of tests risks legitimising them. Worse still, the fine-grained analyses of test content and questions deflects attention away from the true motives and assumptions behind such regimes, and how they are justified and implemented. Similar to Michalowski’s notion that the types of questions asked could be used as a method of control and of managing dissent, Carrera and Guild note that integration regimes and migration laws in Europe represent ‘a new form of illiberalism in the hands of nation states to discipline and standardize the knowledge, feelings and way of life’ of citizens. One of the more interesting points that they make refers to the so-called objectivity of testing regimes. They note, as

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39 ibid, p.29
language testing academic, Tim McNamara, has done, that using objective testing methods does not rule out the possibility of subjectivity because the values implicit in a test are always subjective. Questions such as whose history, whose institutions and whose values are important can never be uncoupled from subjective judgements.

Carrera and Guild conclude by saying that the main objective of integration regimes is to enhance the capacity of the nation state to ‘continue perpetuating its existence, and that of its national identity upon which it has been constructed’. Tests are used to create the ideal of the perfect citizen and allow states to signal to those who do not fit that ideal – that is, foreigners – that they will be measured for their suitability, and that those who fail will have reduced access to the spoils of belonging, such as security and equality. Ultimately, however, say Carrera and Guild, the greater problem for governments will be reconciling with the fact that, within the liberal democratic tradition, they have a limited capacity to impose loyalty requirements on their citizenry.

Shifting the debate, Sara Wallace Goodman makes an obvious point: concentrating on Western European liberal democracies, and on only a handful of them, risks a biased argument. She also advocates Kostakopoulou’s broader ‘zooming out’ exercise and notes that citizenship tests are just one of many hurdles which newcomers are expected to clear in order to gain citizenship. Considering all of them within each local context is required to make judgements about their so-called liberality. She also says that the stages in the immigration process at which testing is conducted is also a relevant point in such discussions, as are the different language levels required across different countries in the EU. Denmark, for example, has the highest language standard, while others are relatively low and others have no language requirements at all. Indeed, as subsequent chapters in this thesis show, some states require prospective citizens and/or

40 ibid, p.33
41 ibid, p.34
intended permanent residents to undertake testing before their arrival in the country. The Netherlands, for example, exempts EU nationals, Australians, Americans, Canadians, Japanese and New Zealanders from pre-arrival testing requirements, while not offering the same exemptions to residents from other nations.\textsuperscript{43}

Wallace Goodman also wonders why language as a stipulation for citizenship is generally accepted as liberal while the arguments for and against tests (in the discussion forum at least) centre only around the knowledge component and the types of questions that are asked. She also notes the lack of discussion on the oaths of allegiance and/or written values statements that citizens are often asked to perform as part of the citizenship requirements, arguing that despite the fact that such stipulations – like the much-discussed assessments of morality and behaviour – are likely to be as or more injurious to liberal ideals than tests, they are afforded little or no attention.

While much of the discussion above has been framed around developments in Europe since the turn of the millennium, academic interest surrounding citizenship testing did not begin to take hold in Australia until early 2006 when the prospect of a test was first pursued by the Howard government. As this thesis will contend, that interest was fleeting. This is not necessarily a criticism of the academics themselves as it reflects the speed with which the Australian government pushed the legislation through the parliament in mid-2007. Before the test was introduced, those interested, or troubled, were able to engage with the implementation process by making submissions to two public consultation initiatives undertaken by the government: the pre-test consultation which ran for two months from mid-September to mid-November in 2006 (see Chapter 4), and the Senate Standing Committee on Legal and Constitutional Affairs which met on 16 and 17 July 2007, to discuss the bill to introduce the citizenship test (see Chapter 6). After the test was introduced, the 2008 Citizenship Test Review chaired by Richard Woolcott also took submissions from the public, and many academics took the opportunity to air their grievances (or praises) for the test. These contributions, as well as those from outside academia, will be discussed at length in Chapter 7.

\textsuperscript{43} ibid, p.37
While more considered and wide-ranging research on the Australian citizenship test has been published, it has been relatively scarce. Tavan wrote critically of the Howard government’s use and manipulation of Australian history for its own ends in the introduction of the test in 2007.\textsuperscript{44} Tilbury (nee Fozdar) in 2007, as well as Fozdar and Spittles in 2009, also examined the introduction of the test and questioned the government’s contention that it was a response to something that the Australian people had deemed necessary.\textsuperscript{45} Betts and Birrell analysed the 2006 consultation process prior to the test’s introduction and came up with a contrasting view, contending that those opposed to it were out of step with the Australian public and that the Howard government was well supported in its endeavours to introduce a citizenship test.\textsuperscript{46} Tate examined the ‘long and fraught history of John Howard’s relationship to multiculturalism’ and determined that the introduction of the citizenship test in 2007 was entirely consistent with his long-held negative stance on multiculturalism.\textsuperscript{47} In 2010, Slade and Möllering edited a volume entitled \textit{From Migrant to Citizen: Testing Language, Testing Culture} which resulted from a conference held in 2008 at which contributors from an array of academic fields and disciplines including law, history, applied linguistics and political theory had gathered to discuss the issues arising from Australia’s foray into formal citizenship testing.\textsuperscript{48} While it is a wide-ranging and useful resource, like all other publications to date it does not deal empirically with the current, 


\textsuperscript{47} Tate, J. 2009. ‘John Howard’s ‘Nation: Multiculturalism, citizenship, and identity. \textit{Australian Journal of Politics and History}, 55 97-120(this info p.117)

revised version of the Australian citizenship test which came into operation in October 2009 as a result of the Woolcott review (which was conducted in 2008). More recently, working from within the field of applied linguistics, McNamara and Ryan co-authored two pieces on the Australian citizenship test: one which used the test as a basis for examining the theoretical concerns that such tests raise for language testing professionals and researchers; the other on the test from a language policy standpoint, primarily targeted at a sociolinguistic audience. Both pieces conclude that that the Australian government’s chief concern is the symbolism surrounding the testing of language for citizenship, not necessarily the academic process of testing itself. Again, these two authors did not analyse the test’s latest revised version in any great depth. In fact, since its revision, interest in the Australian citizenship test, academic or otherwise, has waned almost to the point of non-existence. This thesis attempts to address this gap and, using statistics and information gained from the Department of Immigration and Citizenship through freedom of information legislation, provide an up-to-date account of the Australian citizenship test and the differential effects that it is having on particular groups of test takers.

Chapter 2

The process and politics of testing language

While it is no surprise that the advent of formal citizenship testing regimes across the world in the past decade has attracted attention from political scientists, philosophers, historians, and sociologists, it should also come as no surprise that scholars in the field of applied linguistics and language testing have also taken a keen interest. As Shohamy puts it, language testing is ‘a product and agent of cultural, social, political, educational, and ideological agendas that shape the lives of individual participants, teachers and learners’.\(^{51}\) Language testing, then, is undoubtedly a political activity.\(^{52}\) Therefore, it is of little wonder that when governments that are ostensibly innocent – often determinedly so – of the complexities of testing language use language tests to go beyond shaping the lives of ‘participants, teachers and learners’ and into attempts to shape societies, researchers within the language testing discipline turn to the scrutiny of such tests. In doing so they often become aware that, in general, governments avoid defending their tests via the types of academic arguments that would satisfy their discipline, and prefer instead to dismiss their input by couching the so-called necessity of tests in populist common-sense rhetoric. Language testers then, when sidestepped in the process, are reminded yet again just how deeply political language testing can be.

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50 Some sections in the second half of this of this chapter appeared in McNamara, T. and Ryan, K. 2011 Fairness vs justice in language testing: The place of English literacy in the Australian citizenship test and Ryan, K. and McNamara, T. 2011 Testing identity: Language tests and Australian citizenship. The sections that appear were authored by Ryan, the author of this thesis.


Australian language testing researchers, in particular, require little prompting in this area, of course. As is well known, and as this thesis will document, Australia has a long and fraught history when it comes to the use of language tests for political purposes.

So, why is language considered important for citizenship? First, it is almost universally accepted and promoted as a common-sense measure for improving immigrants’ prospects in their new countries. Knowledge of the dominant language, therefore, is framed from a utilitarian perspective – migrants with language skills are more likely to get jobs and are thus less likely to become a drain upon the public purse. They are also better equipped to carry out their civic responsibilities such as voting and jury service, and better able to participate in the life of the community. From there, it is argued, social cohesion follows.

It is not only language that is tested. Governments are also fond of so-called ‘Knowledge of Society’ (KOS) tests where prospective citizens are tested for their civic knowledge, which can include the customs, values, history, systems of government, and the rights and responsibilities of citizens in the host country. In Wallace Goodman’s European citizenship project mentioned above, seventeen out of the thirty-three countries had either formal or informal KOS tests in 2010. Of those tests in Western European countries, *all* had come into operation in the previous decade.53 While perhaps not as vital as language ability, societal knowledge is viewed in much the same way; that is, as a common sense stipulation from which social cohesion ensues. The KOS tests may be separate to or combined with the language tests and again they vary across the EU in terms of the range of topics covered, length of test(s), test format, test materials, passing grades required, ramifications of failure, and alternatives to testing as a means of demonstrating citizenship qualifications.

On the coupling of their profession with immigration and citizenship practices, Shohamy and McNamara point to a flurry of research activity among linguists and sociolinguists around the world, and in Europe particularly, since 2006. Both scholars

53 ibid, p.17

Of the eight countries with KOS tests in 1999, Austria was the only one from Western Europe (the others were Hungary, Latvia, Estonia, Lithuania, Moldova, Slovakia and Turkey)
have made contributions to recent collections published on the theme as well as to symposia at high-profile international linguistics and applied linguistic conferences. As it is a relatively fluid and rapidly expanding field of interest, however, most of the research to date has been descriptive, focusing on the practices of citizenship testing in vastly different national contexts as opposed to their actual effects and likely attainment of the almost universally stated aims of improved social cohesion and integration of migrant populations.

McNamara and Ryan write that language testing theorists who have written about the use of language tests for immigration and/or citizenship approach the topic in one of two ways: they either take a narrow view by focusing on the quality of the tests as instruments or a broader view that takes a critical look at the social and political contexts in which the tests are used. This situation can perhaps be understood as those who take a hands-on approach in the belief that if governments are going to do it then it should be done properly, and those who prefer a hands-off approach but are usually vocal in their criticisms.

This chapter is concerned primarily with language testing within the context of citizenship testing regimes. Despite the efforts of governments that wish to downplay (or deny) the notion that citizenship tests are de facto tests of language, if a test is not able to be taken in one’s own language, it is a language test, regardless of the content.

The testing of language proficiency is a vastly complex undertaking, something that, regrettably, many outside of the profession find difficult to understand, or even acknowledge. Indeed, anecdotes abound of encounters between professional test developers and impatient bureaucrats where the latter are perplexed about, and often

55 McNamara, T. and Ryan, K. 2011 Fairness vs justice in language testing. p.168
dismissive of, the complexities of constructing tests, be they to determine language proficiency or any other knowledge, skill or ability. *What’s so difficult about writing a test?* is an all too common question.\(^56\) This chapter will attempt to address that question in the context of language tests by outlining the discipline and some of the guiding principles by which practitioners within it operate. It will offer some insights into why citizenship testing has attracted particular interest from language testing academics in Australia, many of whom believe that the Australian government’s use of such tests in the past make it imperative that its latest foray into language testing is monitored carefully.

Glenn Fulcher, co-editor of *Language Testing*, the flagship academic journal in the field of language assessment, ran a web-based competition in late 2009 and early 2010 in which he asked members of the language testing profession the following question: *What is language testing?*\(^57\) The winning entry, published on his website, came from Priscilla Allen of the University of Washington: ‘Language Testing is the practice and study of evaluating the proficiency of an individual in using a particular language effectively’.\(^58\)

Perhaps recognising that, while a winner, Allen’s definition lacked nuance, Fulcher published two alternative entries. The first was from Alan Davies, a leading practitioner and theorist in the field over six decades, who offered a more complete description:

> The activity of developing and using language tests. As a psychometric activity, language testing traditionally was more concerned with the production, development and analysis of tests. Recent critical and ethical approaches to language testing have placed more emphasis on the uses of language tests. The

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\(^{56}\) This comes from personal experience as a language test developer working on a range of test development projects for governments, universities and NGOs. Pill and Harding agree: Pill, J. & Harding, L. (in press). Defining the language assessment literacy "gap": Evidence from a parliamentary inquiry. *Language Testing*

\(^{57}\) Available here: http://ltj.sagepub.com/

\(^{58}\) Available here: http://languagetesting.info/whatis/lt.html
purpose of a language test is to determine a person’s knowledge and/or ability in
the language and to discriminate that person’s ability from that of others.

Carol Chapelle of Iowa State University and Geoff Brindley of Macquarie University
offered a definition of assessment from within the classroom:

In the context of language teaching and learning, ‘assessment’ refers to the act of
collecting information and making judgments about a language learner’s
knowledge of a language and ability to use it.

Fulcher also cited a definition from Wikipedia which is attributed to the Encyclopedia
of Language and Education:

Language assessment or language testing is a field of study under the umbrella
of applied linguistics. Its main focus is the assessment of first, second or other
language in the school, college, or university context; assessment of language
use in the workplace; and assessment of language in the immigration,
citizenship, and asylum contexts.59

The four definitions provide some insight into the intricacies and complexities of testing
language. Allen’s definition is about the practice and study of the assessment of
individuals; so too, is that provided by Chapelle and Brindley, and Davies to a degree,
though his also concerns much broader issues. The encyclopedia’s definition, like that
of Davies, is also broad and features an array of contexts in which language is tested
both inside the classroom (schools, colleges and universities) and outside – the
vocational (workplaces), as well as the more overtly political (immigration, citizenship
and asylum).

Language Testing and Assessment. While Fulcher accepts the definition, he makes careful mention
that Wikipedia ‘attributes’ it to the Hornberger and Shohamy volume. A search of the encyclopedia
did not yield the quote verbatim, however, it can be assumed to have been derived from multiple
entries from Volume 7.
The ‘practice’ of language testing on its own refers to a broad range of activities. There are many stages of test development beyond the moment when a test is first conceived as necessary. In 2011, the Association of Language Testers in Europe (ALTE) produced a manual on language test development for the Language Policy Division of the Council of Europe (COE). The (ninety-page) document covered six key areas of language test development beginning with the ‘Fundamental considerations’ that underpin the process itself. These basic considerations in the development of a language test include a clear articulation of the theory or theories of language and language proficiency upon which the test is built. For example, testers inclined to a structural view of language and language learning then design a test that targets discrete linguistic competencies such as grammar or vocabulary. This could take the form of a simple pen and paper test where a task might be to correct grammatical errors in sentences, for example, or to provide a suitable word in a gap-fill exercise. If a more communicative or performance-based view of language proficiency is applied, testers might design an assessment task such as an unscripted interview with an examiner in an effort to elicit information about a candidate’s ability to communicate effectively, that is, to convey meaning rather than form grammatically correct sentences.

Other fundamental considerations in the COE manual relate to the tasks set for test-takers. How authentic should the tasks be, for example? If authenticity is important to the tester, then how closely do the tasks set for the test-takers reflect ‘real life’? The difference in authenticity between a multiple-choice or true/false test and a simulated interview test – while by the simple virtue of being a test neither could ever be considered truly authentic – is vast, particularly if the goal is to observe a candidate’s ability to use the language to communicate.

Also included in the manual are the more technical aspects of assessment, or as Davies might refer to them, the more traditional concerns of language testers: validity and reliability. A test’s validity refers to the extent to which the claims made about test-takers on the strength of their test results are meaningful. That is, if a claim is made that a score of X on a test indicates that the test-taker has demonstrated ability Y, the extent to which that claim holds true is a question of validity. Reliability, on the other hand,

60 Available here: http://alte.columnsdesign.com/
refers to the consistency and accuracy of the test as an instrument. For example, if a language test is applied to a group of one hundred people, the perfectly reliable test would line them up in rank order from one to one hundred in order of language ability. That same test, when reapplied to a cloned group (for the sake of the argument), would line the test-takers up from one to one hundred in exactly the same order, over and over and over. While this never happens, it nevertheless remains the goal of test developers.

On reliability, Bachman says:

> The investigation of reliability is concerned with answering the question, ‘How much of an individual’s test performance is due to measurement error, or to factors other than the language ability we want to measure?’ and with minimizing the effects of these factors on test scores.

Some factors other than language ability that may contribute to measurement error might be personal, such as poor health on the day of the test, nervousness or fatigue. Others might have to do with the test itself and could include inappropriate test methods, poorly worded questions or texts, as well as incorrect or ambiguous answers. In more subjectively marked skill areas where human raters score performances, such as in tests of writing and speaking, problems of human error, skill, and rater reliability may arise. Such extraneous factors to language ability that might contribute to the performance and results of a particular individual are many and varied, and as Bachman says, some are more amenable to ‘logical analysis and empirical research’ than others.

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61 Can the test be relied upon to yield consistent and accurate scores with repeated use? This is not to be confused with what the scores mean and how they are interpreted; these are questions of validity.

62 Reliability is expressed as a coefficient from 0 to 1. A highly reliable test would be one with a reliability of 0.9, which means that around 80% of the score given to the test-taker could be attributable to the test with an error factor of 20%. See McNamara, T. 1996. Measuring Second Language Performance. Addison Wesley Longman, London


64 ibid, p.161
The COE manual also lists ethics and fairness as fundamental considerations in language test development. As Davies alludes to in his definition, language testers in the past have concerned themselves principally with the art of test development and administration. Research too has generally involved these two functions with the focus mostly on theories of language proficiency, how it develops and how it is measured, as well as by conceptual frameworks that inform measurement theory itself. In short, if a technically sound language test measures what it purports to measure in a fair and equitable manner, then all is well from the point of view of the language tester, historically at least. This focus on fairness in assessment has been driven primarily by the notion that fairness is a somewhat controllable variable. That is, while no test developer with an awareness of the concept of standard error in measurement would make the claim that a test was 100% reliable, in order to improve fairness researchers in the field have over many years developed and employed sophisticated psychometric techniques such as Differential Item Functioning (DIF), for example, in order to reduce variability in testing.

While it is outside of the scope of this project to delve deeply into psychometrics, DIF is, in short, one way of investigating whether an item, or items, on a test favour one group of test-takers over another. For example, if an item (question) in a test of language proficiency is shown to favour males over females, or Korean test-takers over Japanese test-takers, then that item would require further investigation and possible elimination from the test for reasons of bias. In testing-speak, gender and/or race are construct-irrelevant factors in a language test. To explain, the construct in a test is the ‘something’ that is to be measured. Therefore, in a test where the construct is broadly defined as language proficiency, test-taker characteristics such as gender, race, height and hair colour are construct-irrelevant. So, for example, if test results show that males consistently do better than females on the test as a whole, or on a specific item or items, then there may be a problem worth investigating further. If investigations show that DIF is occurring then it is likely that the item or items would be eliminated from the test.

65 Bachman, L. 1990, Fundamental considerations in language testing, p.255
Fairness then has been treated in the past as an internal, mostly controllable property of tests. That is not to say that language testers are immune to ethical concerns regarding the use of tests. A quest for fairness is, after all, driven primarily by standards in ethics and a desire for fair dealing. It is true, however, that language testers are still coming to terms with the range of issues involved when higher powers, such as governments, use language tests for political purposes such as in the implementation of policies of immigration and naturalisation. The primary question for a testing practitioner is a choice between getting involved in such processes or distancing oneself from them. Should, for example, a professional language tester who does not agree that prospective citizens should be subjected to a test for citizenship help a government to design such a test with the view that, if it is going to be done, then it may as well be done properly?

The last of the fundamental considerations of developing language tests in the COE manual is the test plan, which is based on an understanding of the various stages and decisions in the life of a test after the original resolution to have one is made. These include decisions about test design, the test medium, the recruitment of qualified staff to write the test, the trialling of task-types and item types, and their subsequent analysis and modification, to the latter stages of administration, such as test delivery, test security, the marking of tests and dissemination of results. Each of the stages of test development are also influenced by practical considerations such as funding and resources, the capabilities of both staff and equipment, the needs and wants of the various stakeholder groups such as the test developers themselves, the test administrators, and test users, which includes the test-takers as well as the institutions that make use of the results.

Davies’ definition for Fulcher’s competition provides a glimpse of both the theoretical and practical concerns of academics and/or practitioners in the field from an historical point of view, albeit a very recent history. The notion of language testing as ‘a psychometric activity’ gathered momentum in the first half of the twentieth century when developments in objective and standardised testing methods in psychometrics were followed closely by academics involved with applied linguistics. Robert Lado and

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J.B. Carroll, both of whom published influential works on language testing in 1961, were two of the most prominent.67

Lado introduced his book *Language Testing: The Construction and Use of Foreign Language Tests* as a ‘comprehensive introduction’ to the topic and cites its major contribution to language testing as the incorporation of the ‘accuracy and precision’ of ‘modern linguistics’ techniques with a view to ‘vastly improved testing instruments and programs.’68 There is no doubting the appropriateness of the term ‘comprehensive’ as a descriptor for the book; the contents section alone runs to fifteen pages and the book covers everything from theories of language competence, through to the highly technical aspects of assessment practice.69 It also contains philosophical musings from the author on the ‘higher values’ of studying foreign languages such as:

> the unsophisticated monolingual is more apt to falsely assume that everything he thinks is entirely his own and is universal, final, and correct than the person who has studied and learned a foreign language.70

Lado offers similarly reflective thoughts on how through learning a foreign language a person could gain insights into their own language and culture, as well as into foreign cultures. Language learners could also develop improved attitudes towards minority groups and an interest in other peoples. This line of thinking is perhaps the reverse of a

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69 Lado displays a fondness for headings, so much so that the extensive contents section does away with the need for an index. The book includes sections on scoring systems, validity, reliability, item analysis, and measures of test consistency.

common argument that governments use when defending the connection between knowledge of a host country’s dominant language and social cohesion where citizenship testing regimes target language. While governments stress the importance of new arrivals learning the dominant local language or languages, Lado suggests that social cohesion is more likely if attempts are made by the dominant language speakers to broaden their horizons and learn a language or languages other than their own. In this view, social cohesion is attainable when the citizenry are critical and self-reflexive, a view which is at odds with the idea that social cohesion is achievable only through a narrowing of perspectives.

Lado’s book was influential in the field of language assessment for decades. Bachman calls it ‘seminal’ while Spolsky describes it as ‘pioneering’ and a ‘crucial step’ in the professionalisation of the field of language testing, despite subsequent criticisms.71 More recently, in a review of teaching materials for the language testing discipline, Davies affords high praise to a 2007 text by Fulcher and Davidson by saying that other than it, no publication ‘comes near the breadth of Lado (1961)’.72 Not everyone was excited by Lado’s book on its release. J. B. Carroll, while praising the contributions of Lado and others to ‘highly reliable and valid testing’ which was ‘needed and recommended’, cautioned against losing sight of ‘certain basic and fundamental problems and points of view…in the heat of enthusiasm for technical detail’.73 Carroll was referring to the preponderance of discrete-point testing using instruments such as multiple-choice questions and true/false items based on a structuralist view of language and which fail to adequately capture the context within which language is used. While Carroll acknowledged the ‘desirability’ of testing specific items of language such as knowledge of structure and lexicon as well as listening, reading and writing skills, he considered such a focus incomplete in the

73 Carroll, J. B. 1961. *Fundamental considerations in testing for English language proficiency of foreign students*, p.313
absence of an ‘integrated, facile performance’ from examinees.\textsuperscript{74} That is, he urged language testing, and testers that, in striving for test reliability, they should not lose sight of the communicative aspects of language in use.

Carroll was not alone in his concerns that the quest for technical know-how and the elimination of variance was eclipsing the human performance element in language tests, and while he did have some allies in the US,\textsuperscript{75} it was in Britain, the other major force spreading the English language worldwide – chiefly through the British Council and its administration of the Cambridge examinations – that his thoughts were mirrored and as Spolsky puts it, ‘the notion of reliability was much less influential’.\textsuperscript{76} Indeed, Spolsky notes that Lado’s book highlighted not only the success of objective testing in the US at the time but also its ‘contrasting failure’\textsuperscript{77} in England. In the penultimate chapter of his book, Spolsky reinforces the point by saying that the central theme of the history of language testing as he presents it is the ‘reluctance of UCLES to recognize the seriousness of all the research arguing for the need to reduce errors of measurement’.\textsuperscript{78} This reluctance, says Spolsky, was a product of a ‘smug certainty’ that Cambridge examiners had in the ‘infallibility of their unexplained collective opinions’.\textsuperscript{79}

While it is outside of the scope of this analysis to document the entire history of the humanities-driven aspects of UCLES examinations as opposed to the pursuit of technical perfection in language testing in the US, it is important to at least acknowledge what O’Sullivan calls the ‘Atlantic divide’.\textsuperscript{80} There is, he says, a ‘massive split’ in the philosophical approaches to language testing between the UK and Europe on one side and the US and Asia on the other, but that as the market for language tests

\textsuperscript{74} ibid, p.318
\textsuperscript{75} Spolsky, B. 1995. Measured Words, p. 193
\textsuperscript{76} ibid, p.63
\textsuperscript{77} ibid, p.193
\textsuperscript{78} ibid, p. 337; UCLES=University of Cambridge Local Examinations Syndicate
\textsuperscript{79} ibid
has expanded, the two traditions, through direct competition, have influenced each other and there are now obvious manifestations of each in the tests produced by the world’s major testing enterprises. In general, it can be stated that any commercial testing organisation today that does not pay attention to the more technical aspects of their products, and more importantly, to the publishing of studies that validate their use, does so at its peril.

Despite the differences in the historical approaches to testing outlined above and as typified by the offerings from Lado and Carroll in 1961, many language testing writers have used Lado’s book as a starting point not only for the professionalisation of language testing but for the history of language testing itself. Spolsky is critical of such an approach, accusing language testing academics of writing ‘ahistorically…as if the field rose Venus-like out of the waves of applied linguistics sometime after 1960’. To illustrate, Spolsky recounts a story of a colleague who was preparing a course on the history of language testing with 1961 as its starting point, and notes that in his own (400-page) book on the same topic, he came to 1961 only ‘half-way through’.

While perhaps language testing’s most dedicated and careful historian, Spolsky has also led the way in the field for investigations into the way that examinations have ‘since their invention… been a means of control and power’. In 2005, the International Language Testing Association (ILTA) gave him a Lifetime Achievement Award, the citation for which stated that in a paper he wrote in 1981, Spolsky became the first in the field to ‘question the ethics of test use’. It was in this 1981 paper that Spolsky warned that ‘Tests should be labeled just like dangerous drugs. Use with care!’

Shohamy, inspired by Spolsky, has also been a dogged advocate for close scrutiny of

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82 ibid
85 Spolsky, B. 1981. Some ethical questions about language testing. p.20
the ‘real motives’ for testing, that is, in foregrounding the *why* in testing, as opposed to the *how*. More recently, McNamara and Roever’s book on the social dimensions of language testing has been influential in drawing attention to the thornier issues which have traditionally been more marginal among the concerns of the discipline’s practitioners.

Among language testers, Spolsky and Douglas cite the Chinese imperial examinations as a major influence on the acceptance of examinations as agents of social and cultural change. While they were not language tests *per se*, the imperial examinations had their origins in the Han Dynasty (201 BCE – 8 CE) when candidates who were previously recommended for civil service were examined on their knowledge of Confucian classics. It was not until the Sui Dynasty (581-618), however, that performance over privilege was established within the system and it became possible (theoretically at least) for candidates of any stripe, that is, those not necessarily wealthy or connected, to take the test and enter the civil service. As it was the ruling class and/or the emperor himself who selected which of the works of Confucius were to be examined, it is seen as an early example of examinations being used to control curriculum. Spolsky notes criticisms of such practices for narrowing knowledge (as opposed to expanding it) and for examinations being used for the purpose of selecting government officials, as opposed to being for the purpose of acquiring knowledge. Despite the criticisms and the fact that the exam system fell in and out of favour for periods, the Chinese imperial examinations continued to be used, and continued to be based on the works of Confucius, up until their abandonment in 1905, a period of some 1,300 years.

Language tests too have a long (and often violent) history as instruments of power and as tools to identify and exclude. McNamara and Roever document an array of historical examples where simple variations in pronunciation have been used in conflicts to identify enemies for the purpose of slaughtering them. Named for a test originally


documented in the Book of Judges in the Bible where the way an individual pronounced
the word *shibboleth* was literally a matter of life or death, shibboleth tests have been
used repeatedly throughout history, often with tragic and bloody consequences.\(^90\)
McNamara and Roever cite examples of shibboleth tests with murderous intent from
medieval Yemen in 1060, Egypt in 1302, Japan in 1923, the Dominican Republic in
1937, Lebanon during the 1970s and 1980s, and Sri Lanka in 1983.\(^91\) In 2010, the*
*Australian* newspaper reported that in an episode of sectarian violence among warring
groups of villagers in northern Nigeria, a shibboleth was used with disastrous
consequences for those who failed the ‘test’.

Survivors said the attackers were able to separate the Fulanis from members of
the rival Berom group by chanting ‘nagge’, the Fulani word for cattle. Those
who failed to respond in the same language were hacked to death.\(^92\)

The above examples are of language being used as a social marker: more blood test than
language test. However, while crude, informal, and at times brutal, shibboleths have not
always led to murder. As well as marking the undesirables, they can work the other way
and mark the in-crowd. Shibboleths have been used in war-time, for example, as
passwords for the purposes of protection. McNamara and Roever, again, give an array
of historical examples of this type, noting that it is the context of the use of shibboleths
and not the practice itself that often appals.\(^93\) The question they pose to language testing
practitioners then is whether such tests would be any more acceptable if they were
designed and administered according to professional standards, and were not such crude
instruments. This question is a fundamental one that can be extended to the involvement
of language testers in designing tests for citizenship and immigration. There are those,
for example, who believe that arming governments with better designed tests only
makes criticism of the policies that underlie their use more difficult.\(^94\)

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\(^90\) The Book of Judges, 12, 4-6

\(^91\) McNamara, T. and Roever, C., 2006, *Language testing: The social dimension*, p.150-152

\(^92\) Pregnant woman among Nigeria slaughter victims. 9 March, 2010, *Australian*

\(^93\) McNamara, T. and Roever, C. 2006, *Language testing: The social dimension* p.154

Fulcher cites Messick’s influential paper on validity in 1989 as the beginning of ‘extensive debate’ among language testing academics about the level of responsibility shouldered by the profession with regard to how language tests are used.\textsuperscript{95} McNama\-ra and Roever cite Palmer and Spolsky in 1975, Davies in 1977, Spolsky in 1981 and Stevenson, also in 1981, as the first papers to appear on ethics in language testing.\textsuperscript{96} Of the increased interest in the topic over a decade later, McNamara says that there has been ‘a ferment of activity’ since 1995 (a reference to Spolsky’s \textit{Measured Words}) on the subject.\textsuperscript{97} This, he says, is evident in the policy statements in the form of Codes of Ethics (in 2001) and Practice (2007) from the International Language Testing Association (ILTA), special issues of professional journals such as \textit{Language Testing} (1997) and \textit{Language Assessment Quarterly} (2004) and ‘special symposia’ at conferences worldwide.\textsuperscript{98} Davies, writing in the 2004 special issue of \textit{LAQ} as its guest editor, and as the central figure in the drafting of the ILTA Code of Ethics which was adopted in 2000, concurs with statements about recent activity in the field, but offers

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\textsuperscript{98} As well as one-off symposia at various conferences, the 19th Annual Language Testing Research Colloquium (1997) in Florida was entitled Fairness and Validation in Language Assessment. On 16-18 May 2002, the Language Assessment Ethics Conference was held in Pasadena, California
more on its provenance, noting that ILTA was ‘influenced by the so-called ethical turn in postmodernism and in critical approaches to academic studies’.  

Davies also makes particular mention of Shohamy’s *Power of Tests*, a book which champions a critical approach in language assessment and calls for the development of ‘critical strategies to examine the uses and consequences of tests, to monitor their power, minimize their detrimental force, reveal the misuses, and empower the test-takers’. Her call for critical testing is expressed as a series of questions. Shohamy is nothing if not full of questions and she poses too many to list here; however, they include: Who are the testers? What is their agenda? Who are the test-takers? What is their context? Who is going to benefit from the test? Why is the test being given? What will its results be used for? What is being tested and why? What is not being tested and why? What ideology is delivered through the test?

In March 2000, at a meeting in Vancouver, ILTA adopted its Code of Ethics as ‘a benchmark of satisfactory ethical behaviour by all language testers’. According to ILTA’s website, the code is ‘based on a blend of the principles of beneficence, non-maleficence, justice, a respect for autonomy and for civil society’. Included in its nine fundamental principles are that language testers do not allow ‘the misuse of their professional knowledge or skills, in so far as they are able;’ that they remain ‘mindful of their obligations to the society within which they work;’ that they consider the possible short- and long-term effects of their tests; and also reserve the right to withhold their services on conscience grounds.

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101 ibid, p.134

In 2007, ILTA adopted the Guidelines for Practice to accompany its Code of Ethics. The point of the guidelines was to do what a code of ethics could not. That is, while the code was drafted as a set of universal guiding principles, the guidelines provide baseline advice for the profession on sound testing practice while recognising and allowing for cross-cultural interpretations. The guidelines are presented in two parts. The first relates to the considerations and obligations of testing practitioners, administrators and users, while the second part relates to the rights and responsibilities of the test-takers themselves. In Part 1, Section A, Basic considerations for good testing practice in all situations, calls for clear statements of what the test is supposed to measure (its construct), the information on which the validity of the test is based, and the reliability of the test. Section B, Responsibilities of test designers and test writers, contains ten features of sound test production processes which include: detailed statements of the test’s purpose, as well as its construct and how it is to be measured; detailed task specifications to be provided for item writers and test designers to model new test tasks; pre-test editing, trialling and item analysis for the elimination of malfunctioning tasks and/or items; the preparation of information guides on scoring; rater reliability (if human raters are used) should be calculated and published; security of test materials; steps to ensure fair and equitable treatment of all test-takers; scoring procedures; and reporting of test results.

Section C, Obligations of institutions preparing or administering high-stakes examinations, is more or less a wish list that calls on institutions to make use of trained language testers to formulate tests and to pay heed to the processes and procedures outlined in Section B above. Section D, Obligations of those preparing and administering publicly available tests, calls for clear statements as to who the test is aimed at and, more importantly perhaps, for whom the test is inappropriate. Again, it is a call for attention to processes and procedures outlined in Section B with additional provisions that include: the making of clear statements as to what the test is measuring which can be understood by laypersons; not making false or misleading claims about the test; the publishing of a test handbook outlining the test features (again, as listed in

103 Available here:
104 Davies, A. 2004. Introduction: Language testing and the golden rule, p. 103
Section B). Section E, Responsibilities of users of test results, includes calls for those who use the results of tests to ensure that they came from reputable tests which have been designed for the purposes for which they are used, to recognise the limitations of testing, and to be prepared to defend the accuracy and fairness of their decisions based on the test results. Section F, Special considerations, makes brief statements on norm-referenced, criterion-referenced, and computer adaptive testing. While it is beyond the scope of this thesis to fully explicate the finer points of test trialling and development of most relevance to citizenship testing, arguably, it is the entry on norm-referenced testing which states that the ‘characteristics of the population on which the test was normed must be reported so that test users can determine if this group is appropriate as a standard to which their test-takers can be compared’. As this thesis shows, one of the main arguments that opponents of citizenship tests continually make wherever tests apply is that the existing citizenry rarely have the level of knowledge that is required of prospective citizenship candidates.

Part 2 of the guidelines relate to the rights and responsibilities of test-takers. The ten listed rights include the right to be treated without discrimination, to be tested using tests that meet professional standards, to be informed about the purposes and motivations of the testers and all possible uses of the test scores, to be informed about their test results and their consequences, and to confidentiality of results. In turn, test-takers have responsibilities. They include the responsibility to treat others with courtesy and respect during the testing process, to question examiners if uncertain about any aspects of the testing process, to follow test instructions, to carry out dealings with honesty and respect, to be aware of and accept the consequences of not taking a test, and to inform an appropriate representative of the testing organisation if testing conditions are non-conducive to test performance.

McNamara and Roever point out that as the language testing profession is not a statutory one, codes of ethics and practice are merely a list of guiding principles.105 Punishments for breaching them therefore are not as onerous as for the medical or legal professions, for example. Unscrupulous or incompetent language testers, at worst, risk expulsion from what are voluntary organisations anyway. Either way, there is nothing to

105 McNamara, T. and Roever, C., 2006, Language testing: The social dimension p.147
stop them from working outside of the profession, which of course is from where many
tests, citizenship tests among them, are often produced. In doing so, then, much of the
test development work in citizenship testing is carried out innocent of – or dismissive of
the conventions and processes such as those listed above, and which provide the
foundations of sound testing practice. The ILTA guidelines as listed above will be
applied to the Australian citizenship test in the concluding chapter of this thesis.

**Language testing for political purposes in Australia** 106

Long before the establishment of professional standards within language testing, and
indeed long before the establishment of language testing itself as a discipline within the
field of applied linguistics, Australia was making a contribution to the list of
dishonourable uses of language tests for political means. Like shibboleth tests, the
notorious dictation test (1901-58) used to implement the so-called White Australia
Policy has long been a favourite discussion piece among language testing academics.107

The dictation test was a provision in the Immigration Restriction Act of 1901 that
enabled the government to refuse entry to any individual who failed to write out a 50-
word passage as dictated by an immigration officer in a European language. It has been
well documented that this was taken in practice to mean a language that the hopeful
migrant did not speak and so would ensure failure and a means by which to exclude that
person from landing in Australia. The Act was amended in 1905 to ‘any prescribed
language’ following representations from the Japanese government, which had been
deceived by the notion of a ‘test’, that is, a reasonable, even if harsh, test of relevant
knowledge, something that somebody could pass with sufficient preparation. History of
course has shown that this was not the case and that any undesirable person who
presented for immigration would not be tested in a language they knew but one in which
it had been ascertained in advance they would be unlikely to know, and would hence
fail. The dictation test was extremely effective. From 1902 to 1909, only 52 out of the

106 This section, up to and including the access and step tests, appears in Ryan and McNamara,

Language Testing* Vol. 1 (1): University of Melbourne
1,359 people who were ordered to take the test passed it.\footnote{Source: Museum Victoria. Available here: http://museumvictoria.com.au/discoverycentre/websites-mini/journeys-australia/1900s20s/immigration-restriction-act/} Those who failed were ruled to be in breach of the Act and were deported alongside other undesirables named in the Act, including those adjudged as criminals, prostitutes, idiots, insane, those likely to become a charge upon the public or upon any public or charitable institution, and any person suffering from an infectious or contagious disease ‘of a loathsome or dangerous character’.\footnote{Immigration Restriction Act 1901 (Cth): Section 3(d).} From 1909 until its abolition in 1958, no person passed the dictation test as a condition of entry to Australia, though it was used only sporadically up until the Second World War and only eight times from 1942 to 1956.\footnote{Palfreeman, A. C. 1967. The Administration of the White Australia Policy. Melbourne University Press, London. p.149}

The Australian practice of using a literacy test to exclude undesirables was borrowed from US practice.\footnote{Lake, M. and Reynolds, H. 2008. Drawing the Global Colour Line: White Men’s Countries and the Question of Racial Equality. Melbourne University Press, Melbourne. p.130} The states of Connecticut and Massachusetts introduced literacy requirements (the ability to read the Constitution) for voting rights in the 1850s aimed primarily at disqualifying Irish immigrants from the ballot.\footnote{Jackson, D. 2000. Don’t let Bush disenfranchise Black votes, Boston Globe, 15 Nov. Available here: http://www.commondreams.org/views/111500-101.htm} In 1890, to avoid discriminating on the basis of colour or race as per the 14th and 15th Amendments to the Constitution, and in what Lake and Reynolds describe as the ‘precedent for using a literacy test specifically to effect racial exclusion’, the southern state of Mississippi introduced a literacy test in order to exclude African-Americans from the vote.\footnote{Lake, M. and Reynolds, H. 2008. Drawing the Global Colour Line, p. 130} Potential voters were expected to be able to sign their name, and to either be able to read or understand any section of the Constitution. In areas where the black population often outnumbered the white, the practice spread (South Carolina 1895, Louisiana 1898, North Carolina 1900, Alabama and Virginia 1901, Georgia 1908) and was
extraordinarily successful, disenfranchising 90% of African-American voters throughout the Deep South by 1912.\textsuperscript{114}

In 1892, J. X. Merriman, who would become the last Prime Minister of the Cape Colony before it joined the Union of South Africa in 1910, wrote to James Bryce, the American political theorist, enquiring about the ‘remedy’ used in the southern states for the ‘difficulties’ of race.\textsuperscript{115} The correspondence between Merriman and Bryce led to the so-called ‘Natal Formula’, introduced in the Cape Colony’s Franchise and Ballot Act of 1892, which used an education test designed to restrict the non-white vote.

Like its American predecessor, the idea caught on elsewhere. In 1897, in response to growing discord among labour union members regarding ‘coloured labour’, Western Australia became the first of the Australian colonies to introduce an education test. Based on the Natal model, immigrants were denied entry for failing a dictation test of fifty words, in this case, a passage from a British author. New South Wales followed suit in 1898, as did Tasmania in 1899, and the Commonwealth in 1901 with the Immigration Restriction Act. The state of Queensland was perhaps the most ardent advocate, however; the Margarine Act of 1910 prohibited the employment in margarine factories of non-Europeans unless they had passed a dictation test in English. The Sugar Cultivation Act of 1913 (targeting in particular Pacific Islanders) and the Banana Industry Preservation Act of 1921 (targeting Chinese) had similar restrictions on employment in those industries though prescribed the test in any language. Ownership of land used in connection with the sugar and banana industries was also prohibited for those who had not passed a test within six months of the relevant Act’s introduction.\textsuperscript{116}

In the years following the Second World War, in which Australia had found its borders vulnerable due to its soldiers’ involvement in conflicts in European and South Pacific theatres, Australia embarked upon Arthur Calwell’s renewed call to ‘populate or perish’. While European migrants were targeted, and in fact assisted by the government

\textsuperscript{114} Jackson, D. 2000. Don’t let Bush disenfranchise Black votes.
in coming to Australia, the country’s restrictive immigration policies were becoming increasingly untenable, particularly in light of opposition from a growing local voice as well as from international diplomatic pressure.  

The dictation test was officially abolished in 1958, although it had fallen into disuse. The White Australia Policy did not officially breathe its last until the passing of the Racial Discrimination Act of 1975 which made exclusion based on ‘race, colour, descent or national or ethnic origin’ unlawful.

Despite the abandonment of the White Australia Policy and the subsequent change in direction that came with a purposeful and public embrace of multiculturalism in the 1970s and beyond, language tests, it seems, have never been far from the Australian government’s thoughts. While in 1979 Australia became an early adopter of Canada’s points system for skilled migration which used language proficiency as a criterion, perhaps the clearest recent uses of language tests for political purposes occurred with the access test (Australian Assessment of Communicative English Skills) and the step test (Special Test of English Proficiency).

The access and step tests were both commissioned by the Australian government in the early 1990s in response to urgent political needs. The skilled migration program, which had reached unprecedented levels in the 1980s, was under increasing scrutiny from industry in the recession-hit 1990s for both the professional qualities (including English proficiency) of non-English-speaking background (NESB) migrants as well as the sheer numbers of them. The government’s response came in the form of the access test, a language test designed and implemented by two of Australia’s leading language testing organisations at the time, Macquarie University’s National Centre for English Language Teaching and Research (NCELTR) and the University of Melbourne’s Language Testing Research Centre (LTRC); the involvement of these two centres was motivated by a concern to make the test fairer, points were already being given for different levels


118 The Canadian points system for skilled migration was introduced in 1967. Australia began using the Numerically Weighted Multi-Factor Assessment System (NUMAS) in 1979. NUMAS was replaced in 1983 by a similar system which still operates in one way or another today.

119 Hawthorne, L. 1997. The political dimension of language testing in Australia, p.249
of language proficiency under the points system, although very subjectively, and the technical expertise was harnessed to make the allocation of these points more rational. The test was administered overseas to skilled migrants in ‘key professional fields’, as well as to independent applicants to determine their awarded points, and to other applicants such as family members of principal applicants to assess their level of English for decisions on whether they were eligible for language tuition in Australia.\textsuperscript{120} The policy context of the test was not felt to be at issue by those involved in the development of the test, although this was a somewhat naïve view, as the level of proficiency required for the allocation of points was in the hands of government policy makers, and in a time of high unemployment the bar was set higher to reduce the migrant intake overall. While the net effect of the \textit{access} test is difficult to define, Hawthorne reports dramatic drops (60-70\%) in skilled migrant numbers from 1991-92 (pre-test) to 1993-94 after its inception. The fact remains, she says, that a precedent had been set and that the government had used the test as a ‘drawbridge’ for skilled migration by controlling cut-off levels to suit its needs, that is, passing standards were very high initially and were eased as the economy recovered and the migration program re-expanded.\textsuperscript{121}

The \textit{step} test was perhaps a more benevolent use of a language test for political ends. Faced with a backlog of refugee applications in 1993, due mostly to large numbers of Chinese students who were in Australia at the time of the events in Tiananmen Square in Beijing in June 1989, the government commissioned a language test to expedite the claims process. The \textit{step} test was developed and administered by NCELTR and LTRC and, as such, was, like the \textit{access} test, a carefully designed instrument, the purpose of which was to assess the English language level of applicants with a view to re-categorising them as skilled migrants, as opposed to exposing both them and the government to the extended and costly process of investigating asylum seeker claims on an individual basis. Hawthorne refers to the \textit{step} test as a ‘breath-takingly simple, cheap and compassionate solution’ for the government.\textsuperscript{122} This test was also arguably in the

\begin{enumerate}
\item\textsuperscript{120} ibid, p.250
\item\textsuperscript{121} ibid, p.251
\item\textsuperscript{122} ibid, p.256
\end{enumerate}
best interests of most of those who took it, allowing them also to avoid a costly, bureaucratic process.

With regard to the current use of language tests in Australia for immigration purposes, Cully writes that Australia has been operating a selective, skills-based migration program since the 1970s and that while the system has been far from static over time it has, in general, looked most favourably upon proficient English language speakers who are young, educated, and skilled in those areas that the government of the day deems to be advantageous to its economic goals. The points system, however, which was adopted from Canada in 1979 and is used to allocate points for desirable attributes in prospective migrants to Australia – one of which is language proficiency as evidenced by certificates of achievement in professionally designed language tests – is currently, and interminably it seems, under review, and is not a focus of the current thesis.

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This chapter has documented the long, and at times, inglorious history of language testing for political purposes both in Australia and abroad. It has shown that while language testing began to establish itself as an academically informed profession in the early years of the twentieth century, it is only relatively recently that practitioners have begun to fully engage with the notion that they must go beyond the technical defensibility of the tests that they construct and pay closer attention to the ethical defensibility of how language tests are used. While it is widely acknowledged within the profession that the testing of language is a complex task requiring the careful consideration of an array of issues spanning theoretical, technical, practical and ethical concerns, subsequent chapters in this thesis demonstrate that when implementing citizenship testing regimes governments worldwide have typically shown scant regard for such concerns.

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123 Cully, M. 2011 Skilled migration selection policies: Recent reforms
Chapter 3
Introducing the Australian citizenship test

Having introduced the language testing profession and its concerns with developing technically and ethically defensible test instruments, this chapter charts the evolution of the Australian citizenship test from a hint in a speech by John Howard in January 2006 to an official policy decision by his cabinet in December the same year.

It is important for this thesis to consider the context in which the citizenship test was introduced to the Australian public and offer some possible reasons as to why the government saw it as a necessary policy to pursue. While race relations in Australia have always been topical, 2005 had been a particularly tumultuous year. The London bombings in July had turned media attention to the possibility of so-called ‘home-grown’ terrorism in Australia’s major cities. Two incidents – the tourist-targeted bombings in Bali in October and Sydney’s race riots at Cronulla Beach in December – ensured migrant integration and national security remained at the forefront of political and popular debate. Three key political speeches made in early 2006 were influential in preparing the ground upon which the introduction of the Australian citizenship test in October 2007 would rest.

The three speeches were Prime Minister John Howard’s address to the National Press Club in Canberra in January 2006; Deputy Prime Minister and Federal Treasurer Peter Costello’s address to the Sydney Institute one month later; and an address in late April by the Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Andrew Robb. In the last of these speeches, Robb announced his intention to have a ‘serious look [...] at the merits of introducing a compulsory citizenship test’. This undertaking would ultimately lead to prospective citizens taking the first formal citizenship tests for Australian citizenship less than eighteen months later. This chapter
is concerned with the context and content of those three speeches, as well as the reactions to them on the floor of the parliament and by the many commentators outside it in what Davidson terms the ‘unofficial discourse’, that which occurred in the nation’s newspapers, and on radio and television. 124 Such commentary is important for insights into how the public received, processed, and reacted to the information that the government was considering formalising and tightening its requirements for Australian citizenship. Also, the media offers academics the opportunity to make immediate contributions to policy debates for a broad audience, as opposed to commenting in academic journals for much smaller, specialised audiences, months, and sometimes years, after the event.

The use of political and media discourse data is familiar in the applied linguistics field, particularly in recent work by Adrian Blackledge, who in the tradition of critical discourse analysts such as Norman Fairclough, Teun van Dijk and Ruth Wodak examines political texts and media discourse surrounding the citizenship testing regime in the UK. 125 Fine-grained, word-and-phrase analysis of the discourse such as that performed by Blackledge is not the focus of this chapter, however. Critical discourse analysis is much more interesting to perform than it is to read, and while some of its techniques are employed in the analysis that follows, the focus is on the broader content, so avoiding what van Dijk calls ‘getting lost in the jungle of a multitude of discursive structures and strategies’. 126

On 25 January 2006, Prime Minister Howard addressed the National Press Club in the Great Hall of Parliament House. He began by saying that the citizenship ceremonies which were to take place across the country on the following day, Australia Day, were the embodiment of a ‘profound truth and a simple irony’, that ‘people come to this country because they want to be Australians’. The ‘irony’ was that there was no ‘test of Australianness […]. Such is the nature of our free society’. Then, in listing a number of expectations from the ‘national family’ in relation to the attainment of Australian citizenship, Howard gave a strong indication that a test of Australianness may have been in the offing.

We expect all who come here to make an overriding commitment to Australia, its laws and its democratic values. We expect them to master the common language of English and we will help them to do so. We want them to learn about our history and heritage. And we expect each unique individual who joins our national journey to enrich it with their loyalty and their patriotism.

The Prime Minister’s expectations, that migrants show commitment to Australia, that they master the English language, learn Australia’s history and heritage and embrace Australian values, were the central planks upon which the government would later base its rationale for the introduction of the citizenship test. Tellingly perhaps, Howard’s statement that immigrants can enrich Australia’s national journey with their loyalty and patriotism is framed as a one-way process, leaving few if any responsibilities in the process for the existing citizenry.

Howard then returned to the theme of his speech, the country’s sense of balance, which he called ‘the secret of Australia’s greatness’. His theory of balance incorporated differences between the public and the private in an economic sense, between unity and diversity in terms of national identity, between history and geography with regard to

127 Transcript available: http://australianpolitics.com/2006/01/25/john-howard-australia-day-address.html
global strategy, and politically, between the rights and responsibilities of the citizenry. Balance in Howard’s terms was not a state of stagnation, but a socially constrained, conservative brand of progress rooted in a view of what should not be lost.

Keeping our balance means we reform and evolve so as to remain a prosperous, secure and united nation. It also means we retain those cherished values, beliefs and customs that have served us so well in the past.

He then outlined a number of the nation’s social and economic qualities and achievements, underlining society’s obligation to its most vulnerable while stressing his government’s belief in the ‘principle of mutual obligation’, a mainstay of his liberal ideals.

By this I mean not only that individuals ought to do something in return for the support they receive from society, but also that in order for society and the government to help people in need, they need to be willing to do something to help themselves. Far from undermining social protection, policies that promote responsible behaviour and self-reliance are essential pillars of a compassionate Australia.

Howard’s position on mutual obligation and his dislike of passive welfare were true to form. An unashamed admirer of former British Prime Minister Margaret Thatcher, he had been a long-time supporter of work-for-the-dole schemes, having endorsed them almost two decades earlier when Opposition Leader in December 1988. In 1997, as Prime Minister, Howard oversaw the introduction of such schemes in Australia. His comments also reflected long-held positions in relation to Australia’s immigrant and Indigenous populations and the negative effects of passive welfare on those groups, a theme upon which he had written in 1988 in the Liberal-National Coalition’s policy

manifesto, *Future Directions*, and would also espouse repeatedly more than twenty years later in his autobiography, *Lazarus Rising*.129

Howard then spoke of Australia’s demonstrated ability to absorb people from diverse cultures and countries, saying that no country had ‘done it so well’ and that Australia’s social cohesion was its ‘crowning achievement’. This statement is interesting in the context of the citizenship testing regime that would emerge. Howard here lauds Australia as the world leader in integrating newcomers, yet the mechanisms by which its ‘crowning achievement’ has been realised were about to be overhauled completely to fall in line with nations that by his own admissions have not been as successful.

He then returned to familiar rhetoric with regard to multiculturalism, saying that the right to express one’s culture and beliefs had boundaries. ‘Within limits, all Australians have the right to express their culture and beliefs and to participate freely in our national life’. This, again, was vintage Howard. Almost twenty years prior he had expressed similar views in *Future Directions* which called for ‘one Australia…not an Australia of individual groups’.130

He then gave his view on the wellspring of the national culture and psyche, and within that, a subordinate role for ethnic diversity.

Most nations experience some level of cultural diversity while also having a dominant cultural pattern running through them. In Australia’s case, that dominant pattern comprises Judeo-Christian ethics, the progressive spirit of the Enlightenment and the institutions and values of British political culture. Its democratic and egalitarian temper also bears the imprint of distinct Irish and non-conformist traditions.131


131 These words were to reappear in late 2007 in an explanation of Australian values contained in the original citizenship test resource booklet, *Becoming an Australian Citizen*. 
Howard then talked of ‘root and branch renewal’ for the Australian history taught in schools. Critical of a perceived lack of importance within the curriculum, and in the disjointed nature of its content and how it is taught, he called for a more positive treatment of Australia’s past in schools as a way of instilling a greater degree of national pride in young people. Again, Howard’s comments were no surprise. The rendering of the nation’s history had long been a topic of interest, dating back at least, and again, to 1988 and *Future Directions* in which the Labor Party is accused of dwelling on the past, ‘frequently distorting history’ and ‘encouraging feelings of guilt’ in relation to Aboriginal Australians.\(^\text{12}\) Howard was re-stating his often-repeated support for Geoffrey Blainey’s position on ‘black armband history’, a phrase which framed an ongoing and acrimonious debate throughout the 1990s and early 2000s about the interpretation of Australia’s colonial past. Many of Australia’s most prominent historians, public intellectuals and politicians, as well as innumerable contributors to academic journals and to the mainstream press, participated in this debate.

Blainey is widely credited as having coined the phrase in 1993 when juxtaposing a ‘gloomy’ and ‘decidedly jaundiced’ history of Australia with an overly favourable ‘three cheers version’.\(^\text{13}\) The public disputes about the chronicling of the country’s history had begun much earlier, in fact, gaining a foothold and then gathering momentum through the 1960s and 1970s with each new release (and each subsequent round of reviews) of Manning Clark’s *A History of Australia* volumes, the first of which was published in 1962.\(^\text{14}\) By the time that W. H. Stanner spoke in 1968 of the ‘great Australian silence’ and the ‘cult of forgetfulness’ with regard to the clashes between Indigenous Australians and colonial settlers, the silence was in the process of being dismantled and the struggles to control the national narrative were heating up.\(^\text{15}\)


\(^{13}\) Blainey, G. 1993, 29 April, Latham Lecture edited abstract *Weekend Australian*, 1-2 May

\(^{14}\) It was Clark who Blainey identified in his 1993 lecture as having ‘done much to spread the gloomy view’ of Australia’s past.

The rancour in the public debates, however, arguably reached a peak in the years and months leading up to the 1988 Bicentennial celebrations. In *History Wars*, Stuart Macintyre writes of the bitter wrangling which surrounded the question of how to mark the anniversary of two hundred years of European settlement in Australia, with historians and their predilections for evidence and critical inquiry pitted against the ‘commemorative impulse’ and ‘its attachment to binding tradition’ as typified by the popular media’s approach.\(^{136}\)

In truth, the so-called history wars have never really been far off the boil in Australia since the 1960s. It is perhaps no coincidence that given his political life began during this period, John Howard has shown a willingness to involve himself in the debate, particularly as Prime Minister. Gerard Henderson, however, remarked in a speech in 2006 that while Howard was ‘the best informed Liberal’ of his political contemporaries, he had remained quiet on the history wars throughout the 1970s, 1980s and the first half of the 1990s.\(^{137}\) While *Future Directions* suggests that Howard was at least aware of what Henderson calls the ‘left-wing interpretation of Australian history’, it was in the earliest days of his Prime Ministership (and indeed as Opposition Leader in 1995) that Howard imposed himself, going to great lengths to distance his government (and earlier his party) from a negative view of Australian history. In November 1996, after eight months in office, Howard launched a vigorous defence of Sir Robert Menzies who in his view had been the subject of a ‘sustained, personalised and vindictive assault...orchestrated from the highest levels of the then national government’.\(^{138}\) While Howard was taking aim primarily at Paul Keating, his predecessor, from whom he had taken great pains to distance himself in the areas of Aboriginal reconciliation and the nation’s history, he was also defending the Menzies legacy from its perceived denigration by Stuart Macintyre in the lead essay of a collection of essays published in


\(^{138}\) Transcript available: http://www.menzieslecture.org/1996.html
1995. Macintyre wrote that the Menzies of his own generation was an ‘ageing anachronism who clung to the values and assumptions of the past’. In his 1996 speech, Howard expanded his defence of Menzies to a ‘related and broader challenge’ which was to ensure that the national history was ‘not written definitively by those who take the view that Australians should apologise for most of it’. He rejected the ‘black arm band’ view of history and spoke of Australian history’s ‘balance sheet’ as being one of ‘heroic achievement’, more deserving of pride than shame. Again, these words and sentiments were not revelatory from Howard. On the same topic and eight years earlier, Future Directions contained a statement that guilt was ‘not hereditary’.

Returning to the 2006 Australia Day address and to one of the five ‘key principles’ expressed in Future Directions, that is, Building One Australia, Howard called for a return to the national fervour of 1901, asking Australians to celebrate diversity while affirming ‘the sentiment that propelled our nation to Federation 105 years ago – one People, One Destiny’.

Nearing the end of his speech, Howard said that terrorism remained ‘the defining element in Australia’s security environment’ and that Australians needed to recognise that ‘national security begins at home’. Social cohesion and national unity, as well as national security, were a matter of balance between community interests and individual civil rights. Civil rights, however, were not the preserve of a formal Bill of Rights upheld by the courts, but were the consequence of responsive and responsible democratic institutions and citizens. Howard’s stance on civil rights was again of little surprise and merely reflected a broader, long-standing philosophy as manifest in his earlier remarks on passive welfare and mutual obligation, that is, rights and passive welfare are not useful frameworks for empowering individuals or groups; both are indeed a crutch, far more likely to engender and entrench that which they seek to avoid.

Reactions to Howard’s speech

140 ibid, p.7
142 ibid, p.88-89
Despite the fact that Howard had devoted just a few paragraphs to the topics, reactions to his speech in the Australian press the following day were focused mostly on his comments on the teaching of the nation’s history in schools and his linking of a shared national narrative to social cohesion. The Australian, Sydney Morning Herald and Age all reproduced excerpts under headings that reflected the media’s perceived thrust of the speech: ‘Towards one destiny’, ‘Unity vital in battle against terrorism’, and ‘Shared values: the cement of our nation’.143 Howard’s own theme for his speech, Australia’s ‘sense of balance’ as its highest achievement, scarcely rated a mention.

Michelle Grattan and Shane Green in the Age reported the speech under the heading of ‘PM claims victory in culture wars’ in reference to Howard’s citing of findings in a report of Australian social attitudes that found that, in the PM’s words,

compared with a decade ago, fewer Australians are ashamed of this nation’s past. I welcome this corrective in our national sense of self. It restores a better balance between pride in our past and recognition of past wrongs.

This is taken by Grattan and Green to be another Howard rebuff of Keating’s tenure and legacy. They also quote Stuart Macintyre on Howard’s concern with the way that history is taught in schools. Macintyre was critical of the PM for showing concerns for the inadequacies in Australian history teaching ‘10 years into his Prime Ministership’ after people had been ‘calling his attention to the problem for some time’. In a precursor to what would become a common theme in future arguments about the history of Australia as presented in the resource materials for the Australian citizenship test, Macintyre is quoted as saying that ‘difficulties arise when people believe there is a single established narrative that needs to be taught to kids’.144 Adelaide’s Advertiser and Brisbane’s Courier Mail published articles that focused on the history being taught in


144 Grattan, M. with Green, S. PM claims victory in culture wars. 26 January, 2006. Age
schools, quoting their state Education Ministers, both of whom were hostile to the involvement of politicians in matters of classroom curriculum. 

Editorials, letters, opinions and comments on the PM’s speech were prominent in all of the country’s major newspapers in the week following. Far from declaring victory in the culture wars as Grattan and Green had suggested, John Howard had done far more to reopen them. Sushi Das, writing in the *Age*, gave a scornful account of what she took as Howard’s attack on multiculturalism, lamenting the modern ‘flag-waving, hand-on-the-heart, anthem-singing defiance used as a practical measure of nation-building’ and the passing of a time when ‘Australians were uncomfortable, even embarrassed by extroverted expressions of patriotism’. Das’ comments were reflective of much of what was to appear in the newspapers on the theme of multiculturalism. This is not to say, however, that elements of the PM’s speech were not well received, particularly those on the importance of teaching more Australian history in schools and of recognising a narrative arc in teaching it; the problems and disagreements however, as articulated by Macintyre are not typically about an arc of history, but about prescribing which arc of history. It was Howard’s perceived willingness to involve himself in this that most rankled commentators who had not sided with him.

The *Canberra Times* editorial of 29 January was particularly strident. Entitled ‘Howard’s plan to re-write history’, the paper attacked the PM and the Liberal Party for their perceived fear of postmodernist influences on historical enquiry which might lead Australians to take

pause to query the way this country is governed, how the Liberal Party trades on fear and racial intolerance to retain power, how it rushes us to war on the basis that a great and powerful friend should not be questioned, and how it is prepared to lie by dissembling and traducing those it considers is (sic) enemies.


146 Das, S. *Howard's way: multiculturalism is out, assimilation is in*. 27 January, 2006. *Age*

147 Howard's plan to rewrite history. 29 January, 2006. *Canberra Times*
Gregory Melleuish, an historian whom John Howard quoted on multiculturalism in his speech, was critical of the public reaction to Howard’s comments for its failure to ‘engage with his vision’. Melleuish rebukes ‘historians, spokesmen for teachers’ organisations and many journalists’ for reducing the debate to ‘prattling on about the teaching of British history in schools and the rote learning of dates’. Melleuish defends the narrative in the teaching of history and argues that the three broad influences on Australian culture invoked by Howard (Judeo-Christian ethics, the progressive spirit of the Enlightenment and the institutions of British political culture) cannot be ignored in a coherent narrative of Australian history. This, he says, is because the study of history relies on narrative in order to understand historical events in sequence, that is, ‘it is impossible to understand historical events without knowing what came before’. In defence of Howard’s reference to Judeo-Christian ethics, Melleuish writes that ‘former Marxists, such as Stuart Macintyre’ have tried to write religion out of Australian history. He also contrasts the ‘fierce logic’ of Marxism and postmodernism with the spirit of the Enlightenment which he describes as a reasonable and rational system of enquiry characterised by ‘civilised and humane’ behaviour. Melleuish finishes his piece by praising the PM for providing the outline for a ‘new style’ of Australian history ‘that is humane and open-minded in approach, and which will enlarge the outlook of our young people’ as opposed to the ‘old history’ which was narrow and dogmatic, designed primarily to indoctrinate students.

Conservative commentator, Janet Albrechtsen, took a similar position, insisting that Howard had sought only balance in his criticisms of the way Australian history is taught in schools. In what was a somewhat vitriolic offering, Albrechtsen based her account of the way history is taught in schools on her own review of one chapter of an eighth-grade history text book. The chapter concerned quoted points made in a speech by Indigenous leader, Pat Dodson, in which Dodson described the pre-1788 Aboriginal way of life. Albrechtsen described his account as ‘a one-sided Disneyfication – more Fantasia than Mickey Mouse – of the noble savage’. Albrechtsen says that Dodson’s account was a ‘stretch’, adding that ‘in between recounting the sense of community and sharing – and the bucolic pleasures that filled daily life before “the invasion” – students would also be

148 Malleuish, G. A better way of looking at our past. 30 January, 2006. Australian
told of the less sharing side to tribal life – the inter-tribal violence or the brutal treatment of women’. Albrechtsen concluded that ‘there is much work to be done in undoing the progressive curriculum foisted on Australian schoolchildren’.  

Also on 1 February, the *Australian* published the reaction to the focus on the way that history was taught in schools from the educators themselves. An article entitled ‘Teachers oppose return to 1950s’ reported on a wide range of concerns expressed by Pat Byrne, President of the Australian Education Union, at that union’s annual conference. Among a range of statements critical of Howard and Federal Education Minister Brendan Nelson, and conservative commentators in general (Sydney radio announcer Alan Jones, for one), Byrne defended education bureaucrats and school curriculums against what she perceived as ‘hysterical’ and unwarranted attacks, warning of strong opposition from teachers’ unions to any push to ‘return school curriculums to the 1950s’.  

As stated earlier, far from declaring an end to cultural wars, the Prime Minister had only reignited them.

**Federal Treasurer, Peter Costello, 23 February 2006: ‘Worth Promoting, Worth Defending: Australian Citizenship, What it means and how to nurture it’**

Deputy Prime Minister and Federal Treasurer Peter Costello gave a speech to the Sydney Institute on 23 February 2006. As its title makes clear, the Treasurer had chosen to step outside his portfolio and offer some thoughts on Australian citizenship. Costello began by profiling Dame Nellie Melba and Peter Allen, two prominent Australians who in his eyes never lost their passion for, or their loyalty to, the country of their birth. He talked of the successes of expatriate Australians and their promotion of the country of their birth, likening them to the Jewish and Irish communities the world over. He spoke

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149 Albrechtsen, J. Textbook case of making our past a blame game. 1 February, 2006. *Australian*  
150 Maiden, S. Teachers oppose ‘return to 1950s’. 1 February, 2006. *Australian*  
151 Transcript available at:  
of Australia as a nation of immigrants, and reinforced the Prime Minister’s earlier statements about the mainstream, dominant culture and language.

Australia is often described as a successful multicultural society. And it is in the sense that people from all different backgrounds live together in harmony. But there is a predominant culture just as there is a predominant language.

Costello then related his experience of attending an Australia Day citizenship ceremony in his electorate of Higgins the previous month. He was critical of the ‘state MP’ who spoke at the ceremony and, in Costello’s words, ‘extolled the virtues of multiculturalism’ while projecting the view that ‘becoming an Australian didn’t seem to mean very much at all other than getting a new passport’. Costello referred to this type of thinking as ‘confused, mushy, misguided multiculturalism’.

Like Howard, Costello gave reasons why people come to Australia.

People come to Australia and become Australian citizens because they want to embrace the things this country stand for. We should be proud that people from all over the world come here looking for Australian values, our values, and want to embrace them.

He then offered his version of Australian values. The first on the list were, predictably enough for a treasurer perhaps, economic opportunity and the rewards of hard work. He followed these with a more extensive inventory: security; democracy; personal freedom, including equality for women; Australia’s physical environment; and strong physical and social infrastructure.

Costello’s tone became more pointed and stronger as he moved on to what was the hot issue of the time, stating that ‘terrorists and those who support them’ are unwelcome as Australians for their refusal to acknowledge the oath and the country’s secularist, democratic law-making institutions. He reinforced his point with the following:
Before entering a mosque visitors are asked to take off their shoes. This is a sign of respect. If you have a strong objection to walking in your socks don’t enter the mosque. Before becoming an Australian you will be asked to subscribe to certain values. If you have strong objections to those values don’t come to Australia.

In a reference to the so-called home-grown perpetrators of the London bombings in July 2005 and to the Cronulla riots in December, he also took a hard line.

In these cases we have on our hands citizens who are apparently so alienated that they do not support what their own country stands for. Such alienation could become a threat to the rights and liberties of others. And so it is important to explain our values, explain why they are important, and engage leadership they respect to assist us in this process. Ultimately however it is important that they know that there is only one law and it is going to be enforced whether they acknowledge its legitimacy or not.

Costello’s focus on Muslims as an internal threat to Australia’s social stability was a product of the time. It had been almost a decade since Pauline Hanson made her maiden speech in Parliament on ‘reverse racism’ and had announced her concern with being ‘swamped by Asians’, who, after a fairly turbulent twenty years or so as the focus of negativity in immigration debates, had now dropped a rung or two below Muslims on the public enemy register. On this, Shakira Hussein commented that Hanson and other conservative commentators had ‘shifted [their] opprobrium from Asians to Muslims in the years since September 11, 2001’. Hussein also wrote that the London bombings and the identification of the perpetrators in those particular incidents as being ‘home-

152 Transcript available at: http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansard%2F1996-09-10%2F0048;query=Id%3A%22chamber%2Fhansard%2F1996-09-10%2F0000%22
grown’ had a greater impact on the scrutiny of Australian Muslims than earlier, more deadly incidents such as September 11 and the Bali bombings of October 2002. Before the London bombings, notes Hussein, threats were seen as ‘reassuringly external’ and trusted to be contained through authoritative vigilance and border security.\footnote{Hussein, S. 2011, On being Muslim and Australian p.105} She cites the Australian government’s demonstrated credentials in this area (e.g. detention centres, \textit{MV Tampa}, the Pacific Solution) to strengthen her point. In Hussein’s view, from July 2005, there was a shift ‘from external threats to the enemy within: established Muslim communities within Australia’\footnote{Hussein, ibid, p.106}. As with Howard’s address a month earlier, fresh in the minds of Costello’s audience at the Sydney Institute was a manifestation of such fears of ‘home-grown’ unrest, the Cronulla riots.

In finishing his address and in a return to the criticisms of the state MP earlier in his speech, Costello described citizenship in terms of the respect it commands and the expectations from the collective that it prescribes, as well as the demands and obligations of the individuals availing themselves of the privilege of Australian citizenship.

> We are asking all our citizens to subscribe to a framework that can protect the rights and liberties of all. These are Australian values. We must be very clear on this point. They are not optional. We expect all those who call themselves Australians to subscribe to them. Loyalty, democracy, tolerance, the rule of law – values worth promoting, values worth defending. The values of Australia and its citizens.

**Reactions to Costello’s speech**

In the first instance it was perhaps surprising that the Federal Treasurer would make a speech on a topic so far removed from the portfolio he had held for a decade. In fact, many commentators saw it as nothing more than a calculated move from Costello to present himself as prime ministerial in light of years of reported tensions between himself and Howard over the party leadership. In truth, there was really nothing
revelatory in Costello’s remarks, particularly those on Muslims and Sharia law. He had made most of them before. In an interview with the ABC’s *Lateline* presenter Tony Jones on 23 August 2005, the same day that John Howard held a summit with a group of Australian Muslim leaders to discuss the potential threat of Islamic terrorism from within the Australian Muslim community in the wake of the London bombings the previous month, Costello and Jones had the following exchange:

**TONY JONES:** Now, over the past 24 hours you’ve been repeating the notion that migrants, evidently Islamic migrants, who don’t like Australia, or Australian values, should think of packing up and moving to another country. Is that a fair assessment?

**PETER COSTELLO:** What I’ve said is that this is a country which is founded on a democracy. According to our Constitution, we have a secular state. Our laws are made by the Australian Parliament. If those are not your values, if you want a country which has Sharia law or a theocratic state, then Australia is not for you. This is not the kind of country where you would feel comfortable if you were opposed to democracy, parliamentary law, independent courts and so I would say to people who don’t feel comfortable with those values there might be other countries where they’d feel more comfortable with their own values or beliefs.  

The idea that Costello was intervening in matters outside his portfolio for ambitious reasons was also not a new one. Jones described Costello’s comments at that time as ‘his latest intervention into topics of national interest’. In commenting on Costello’s speech to the Sydney Institute, Queensland Premier Peter Beattie, also on the ABC’s *Lateline*, said that ‘someone’s gotta have the guts to say to Peter Costello, “If you want to be PM, find the things that bring us together, not the things that divide us”’.  

Disturbingly, the idea that a speech such as that delivered by Costello was a strong political move, and one that would only enhance his prospects of becoming the Prime

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156 Transcript available at: http://www.abc.net.au/lateline/content/2005/s1444603.htm

157 Transcript available at: http://www.abc.net.au/lateline/content/2006/s1578169.htm
Minister of Australia, was almost universally accepted by political analysts and commentators in the press. The *Age* ran an editorial under the heading ‘Calls for un-Australian migrants to leave are a smokescreen’ that led with the assertion that the Treasurer’s ‘tirade’ had more to do with his aspirations for the leadership than multiculturalism.\(^{158}\) In the *Sydney Morning Herald*, John Garnaut wrote that Costello’s speech ‘appears designed to present a conservative social image to repair his damaged leadership campaign’.\(^{159}\) The *Canberra Times* also positioned the speech as strategic, asking if it was a ‘tactical ploy’.\(^{160}\) In a piece entitled ‘Costello plays the race card’, Steve Lewis of the *Australian* saw Costello’s intervention in matters outside the Treasury portfolio as an attempt to ‘broaden his appeal’.\(^{161}\)

Despite the initial perception that Costello’s speech was about his leadership ambitions, much of the ongoing reaction centred around the phrase ‘confused, mushy, misguided multiculturalism’. His singling out of the Muslim community as illustrative examples for his thrust was perhaps the catalyst for much of the negative reaction and predictably raised considerable debate. On ABC’s *Lateline*, Greens Leader, Bob Brown, said ‘The Prime Minister is a master at blowing the dog whistle and now Mr Costello’s joined him’.\(^{162}\)

After the speech, Costello spent much of his time defending it, although support was forthcoming, including a public statement from Howard, who appropriated Costello’s ‘mushy’ descriptor for multiculturalism in a talk-back radio interview the following day. When questioned by Neil Mitchell of radio station 3AW about his deputy’s comments, Howard said ‘Everyone knows I don’t use the word multiculturalism very much’ before commenting that Costello’s statements were ‘fundamentally accurate’.\(^{163}\) The *Sydney Morning Herald* reported Howard’s reaction along with supportive comments from like-

\(^{158}\) Calls for un-Australian migrants to leave are a smokescreen 25 February 2006 *Age*

\(^{159}\) Garnaut, J. Costello to violent Muslims: get out. 24 February, 2006. *Sydney Morning Herald*

\(^{160}\) To serve the national city and through it the nation; Costello change a tactical ploy? 25 February, 2006. *Canberra Times*

\(^{161}\) Lewis, S. Costello plays the race card. 28 February, 2006. *Australian*

\(^{162}\) Transcript available at: http://www.abc.net.au/lateline/content/2006/s1578169.htm

\(^{163}\) Transcript available at: http://www.abc.net.au/news/newsitems/200602/s1577268.htm
minded politicians, as well as opinions and reactions from prominent Muslim community leaders such as Keysar Trad, president of the Islamic Friendship Association of Australia, who said that Costello was ‘grossly out of line’ and expressed his hope that Howard would censure him over his ‘ridiculous comments’. 164 While newspapers and radio programs reported Howard’s backing for Costello, support also came from former MP, Pauline Hanson, who expressed her delight that the Treasurer had ‘finally woken up to common sense and is listening to the Australian people’. 165

Unlike Howard’s Australia Day address, Peter Costello gave his speech at a time when he would have to appear days later on the floor of parliament. On the first sitting day back, the Member for Ballarat, Catherine King of the ALP, who had also decided that Costello’s speech was about positioning himself as a potential prime minister, described the Treasurer as ‘the perpetual bridesmaid’ and accused him of ‘saying and doing anything’ to avoid being ‘overshadowed or forgotten in the Howard nostalgia week’, a reference to the PM’s upcoming 10-year anniversary in office. 166 While the Hansard notes for the day record relatively few references to the Costello speech, the Australian reported the following day that the Treasurer was ‘taunted’ during question time by Opposition MPs for engaging in dog-whistle politics. 167

The next day in parliament, 28 February, was a heated one on the topic of race relations. In comments related to the electorate of Hotham and the varied and numerous ethnic branches within the Labor Party in that seat, the Minister for Health and Ageing, Tony Abbott, said ‘I could not help but think, are there any Australians left in the so-called Australian Labor Party today?’ 168 Abbott’s comments were seized upon by Anthony Albanese who immediately called upon him to ‘withdraw that extraordinarily

166 Australian Parliamentary Debates (House of Representatives) 27 February, 2006 p.120
167 Lewis, S. Costello plays the race card. 28 February, 20066. Australian
168 APD (HR) 28 February, 2006 p.10
outrageous slur on every Australian who does not have an Anglo-Celtic name in this country’. Abbott withdrew the comments at the time but much later in the day Albanese renewed his attack on Abbott for uttering it, and also recalled Peter Costello’s ‘confused, mushy, misguided multiculturalism’ comment before invoking the ‘children overboard’ affair and calling John Howard the ‘king of dog-whistlers’. 

The last two days of the sitting week, 1 and 2 March, were quieter in relation to arguments about multiculturalism, though Julie Owens, the ALP Member for Parramatta, had a parting shot when she accused Abbott of making his comments about ethnic branches in the ALP not as an ‘off the cuff’ remark but with forethought. She then made what appears to be a prophetic statement in relation to events that would soon transpire (see below on Andrew Robb’s announcement):

I know that sometime during the next few weeks we will see another announcement by the government of some sort of Australian values training, again sending out a dog whistle that there might be groups lurking in our community that do not share Australian values and that might be trying to divide us.

Owens finished her speech by accusing Tony Abbott, Danna Vale, Sophie Panopoulos (now Mirabella) and Bronwyn Bishop (both of whom had made controversial statements with regard to the hijab as a symbol of oppression) of having made ‘outrageous remarks in the last few months’, and suggesting that they, along with any member of Parliament who were ‘not outraged’ by Abbott’s comments, should enrol in a course on Australian values: ‘If nothing else, it might keep them quiet and out of this place for a while, and that would be a good thing for this country’.

169 ibid
170 ibid p.101
171 APD (HR) 2 March 2006 p.122
172 ibid, p.123
173 On 14 February 2006, 20 days after Prime Minister Howard’s speech and nine days before Costello’s, Liberal backbencher, Danna Vale, was quoted in the Sydney Morning Herald (http://www.smh.comDanna.au/news/national/muslim-nation-not-possible-
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Andrew Robb, 27 April 2006: ‘Australian Migrant Integration – Past Successes, Future Challenges’

On 27 April 2006, two days after Anzac Day, Andrew Robb, the Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, delivered a speech at the Sydney Institute, the same location at which Peter Costello gave his two months earlier. The timing of the speech on migrant integration and the possibility of subjecting future aspiring citizens to a formal citizenship test was perhaps no coincidence given Anzac Day’s significance on the national calendar and its nationalistic overtones.

Robb began by talking of how the honour board at Melbourne High School, where he had visited weeks earlier, was replete with migrant names and served as a reminder of ‘how Australia, and the Australian character, has been developed by waves of migration; how this diversity has given greater breadth and depth to our unique national identity’. He mentioned Australia’s 55-year, unbroken commitment to refugee intakes, as well as the work ethic, dry wit and character of its people, all of which have been enhanced by migrants whose ‘industry and diverse language skills have provided an invaluable resource that has given us a competitive advantage in doing business with the world’. He drew on his own experiences living in Melbourne amid the refugee intakes of the 1960s and beyond, and how despite the ‘frustrations’, issues between the locals and the new arrivals were eventually worked through. Like Costello two months before him, Robb made references to the Muslim community in Australia. He urged the broader Australian community and the Australian Muslim community to ‘put ourselves in one another’s shoes’ in a bid to help ‘Australian Muslims become integrated and...

vanstone/2006/02/14/1139679564587.html) on the danger that Australia would be a Muslim nation within fifty years because of the low birth rates and high abortion rates among Australians. According to Vale, Australians were ‘aborting themselves out of existence’, a comment which she attempted to ‘clarify’ the following day in parliament (APD (HR), Feb 15, 2006 p.45).

174 Transcript available at:
connected to the mainstream community’ as a way of preventing extremists from ‘getting a toehold in Australia’. Echoing Costello’s references to Australian-born, disaffected Muslim youth, Robb put the onus of integration on the Muslim community, saying Muslims need to assume ‘primary responsibility’ for keeping Muslim youth connected to Australian society as well as to their own (Muslim) communities. According to Robb, connections between younger and older Muslim generations required the recognition from the older generations that many young Australian Muslims only speak English. Home-grown imams teaching in English were a way to put Islam into an Australian context because:

Many Muslim young people have grown up in Australia and some of the teachings of Islam and the customs of some Islamic countries have no relevance for them. Or that’s what I’m hearing from them.

In order to reduce the likelihood that ‘extremists’ would be recruited from within Australia, Robb outlined the role of the Australian community, which he referred to, like Howard and Costello, in terms of the mainstream.

For our part, the challenge, for government and the broader community, is to help support the Muslim community to become fully integrated through education, employment and involvement with mainstream community activities.

Robb then cited John Howard’s Australia Day speech and the statements about the irony that there is no code or institution that tests Australianness. He also repeated both Howard’s and Costello’s notion of a predominant overriding culture before giving his own version of common Australian values.

Values such as our respect for the freedom and dignity of the individual, our commitment to the rule of law, our commitment to the equality of men and women and the spirit of the fair go, of tolerance and compassion to those in need.

He then referred to the ageing population and the ongoing economic importance of continuing to welcome migrants into Australia and into its workforce. It is here that he
made the link between employment, language and values and their significance in the integration of migrants.

For future new citizens to quickly and effectively integrate into our Australian family, to fully realise their potential and ambitions, it is essential that they learn the national language of English, and learn something about our history and heritage, and make a commitment to the common values (mentioned above).

Robb’s position on the quick and effective integration of new citizens, and the full realisation of their potential and ambitions, as being contingent upon a knowledge of English and Australia’s history and heritage is of course contentious. Blackledge, writing on citizenship testing and language requirements in the UK, adopts Bourdieu’s notion of doxa where a seemingly common-sense assumption such as the necessity for knowledge of the dominant language for successful integration into a culture becomes an uncontested, universal point of view. This can result in a situation where such a position is then a starting point for all discourse on the topic that follows, never mind that innumerable counter-examples of successful migrants with poor language skills might exist.175 Even if Robb’s point on knowledge of the local language as being ‘essential’ for quick and effective integration is taken at face value, much flimsier is his statement about the need for knowledge of the country’s history and heritage.176

Robb then outlined the government’s proposed plan for ensuring that migrants integrate quickly and effectively – a formal requirement that they learn Australia’s language, history, heritage and the values of its people. Significantly, it was not the government’s idea, but one that he attributed to ‘people’.

People have raised with me, that because a functional level of English is fundamental to quick and effective integration into our community; it should be a formal requirement for Citizenship.

175 Blackledge, A. 2009. Being English, speaking English, p.84
176 Indeed, many of the submissions made to the Citizenship Test Review conducted in 2008 made this point. The citizenship test review process is dealt with in Chapter 6.
Robb then outlined the concerns that ‘people’ had with the system in place at the time in which prospective citizens were asked to demonstrate their basic competence in English by answering questions such as *How long have you been here?* and *What are your children’s names?* in a face-to-face interview with a government official.

They are concerned that, for those currently seeking Australian Citizenship, the assessment of basic English competency is highly subjective, resulting in some people taking the pledge with little understanding or capacity to communicate in basic English – leaving both Australian society and the individual poorly served.

Robb’s assessment that determining an applicant’s knowledge of basic English through an over-the-counter interview was ‘highly subjective’ would stand alone in future debates as the sole criticism of the previous regime for determining citizenship applications.

He then introduced the notion of a citizenship test. Again, it was not an idea that would easily be attributed to either Robb or the government.

For these reasons people have suggested that those seeking to take out citizenship should pass a compulsory test, a test which ensures that applicants have a functional level of English language skill, and a general knowledge of Australian values and customs.

Robb finished by saying that he would take a ‘serious look…at the merits of introducing a compulsory citizenship test’ as a way of helping migrants to understand their roles, responsibilities and rights, and to demonstrate their commitment to Australia.

**Reactions to Robb’s speech**

As Robb’s speech was delivered during a break in parliamentary sitting dates (the parliament had last sat four weeks prior and did not sit again until 9 May), reactions to it were not aired on the floor of the House of Representatives. This of course does not mean that it went unnoticed. On the contrary, newspapers and radio stations in the
coming days devoted much space and time to the announcement that Australian values and the English language were to be tested as a requirement for Australian citizenship.

Much of the press was focused on Australian values, what they were and how they would be tested, along with the fact that Robb was proposing that the citizenship test also be a test for a basic knowledge of the English language. Michael Harvey of the Herald Sun reported on Robb’s comments about the previous system for testing citizenship, writing that ‘concerns have grown that assessment of English skills by citizenship officers is subjective and often flawed’. Harvey also highlighted his comments in relation to Muslim youths and how their religion was struggling for relevance in the Australian context in which they live and in the language they speak (English). Malcolm Farr, writing in the Daily Telegraph, also reported on Robb’s comments in regard to Muslims and the relevance of their faith in Australia, as well as his points that a functional level of English and an understanding of Australian values were necessary for a smoother integration into Australian society and were therefore in the best interests of both migrants and the Australian community.

Cath Hart in the Australian quoted Voula Messimeri, chair of the Federation of Ethnic Community Councils Australia, on her concerns about the difficulties of pinpointing which values would be deemed as necessarily Australian. She also quoted Annette Hurley, the South Australian Federal MP who was the ALP’s spokesperson on citizenship, and who stated her support for the ‘principle’ of a citizenship test with a caveat related to the same concern expressed by Messimeri, that is, she was interested in the details of how the determination of what Australian values were would be made. Hurley’s support for a citizenship test, in her role as spokesperson for the ALP, was significant, and also likely. Indeed as Jewel Topsfield reported in the Australian on the same day, it was Hurley who had raised the prospect of compulsory citizenship testing.

177 Harvey, M. Plan to test migrants Learn our laws, language, customs and history. 28 April, 2006. Herald-Sun
178 Farr, M. English a must for citizens – Fluency test examined. 28 April, 2006. Daily Telegraph
179 Hart, C. Minister considers culture test for citizens. 28 April, 2006. Australian
in Australia around six months earlier. Writing in the *West Australian* on 3 November 2005, Simon Penn reported a quote from Hurley:

> I think new migrants need to understand a bit about our system of law, our system of government and the structure of our society so I think it’s probably a good thing if part of their learning English and/or part of their becoming a citizen involves some testing of that knowledge.

Robb’s speech was also discussed on radio and television. ABC’s *Lateline* reported on it just hours after it was delivered, leading with a ‘frank admission’ from Robb regarding his relatively recent appointment (three months earlier) to his post as Parliamentary Secretary for Immigration and Multicultural Affairs. Robb had told his audience at the beginning of his speech that: ‘I didn’t claim any great experience in this area, but you certainly take what you get’. Responding to a suggestion from Tom Iggulden, the reporter on the story, that he had targeted Muslims in his speech, Robb was evasive and indirect, saying that his comments were made ‘in the context of global terrorism and the aging population’ and that they ‘weren’t directed at any particular community’.

The day after the speech, 28 April, the ABC’s *AM* radio show and *The World Today* ran the story. On *AM*, reporter Dhana Quinn briefly addressed the subject of the legislative requirement for Australian citizenship of basic English, pointing out Robb’s use of the term ‘functional English’ in its place. In her report she paraphrases Robb as having said that ‘would-be-citizens would have to have, not a basic, but a functional level of English and a knowledge of Australian values’. Notwithstanding the fact that Quinn was reporting that Robb was in effect proposing to rewrite the legislation, it is significant because the difference between the two terms had never been articulated by Robb or anyone else who had involved themselves in the debate up to that point.

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180 Topsfield, J. Push for English testing of migrants. 28 April, 2006. *Age*

181 Penn, S. Labor wants citizenship test. 3 November, 2005. *West Australian*

182 Transcript available at: http://www.abc.net.au/lateline/content/2006/s1625552.htm

183 Transcript available at: http://www.abc.net.au/am/content/2006/s1625759.htm
Brendan Trembath, a reporter on *The World Today*, interviewed Keith Windschuttle who called Robb’s proposal a ‘good idea’ because a values and knowledge of English test would ‘help to break down the sort of tribalism that the multicultural policy that’s dominated immigration affairs for the past 30 years has instituted’. Windschuttle went on to air his concerns about multiculturalism saying that the country has had a policy that’s been telling people that they can retain all of their previous cultures and that not only includes cultures but all the previous grievances, their local hatreds of various nationalities in their old country and we’ve seen people bring a lot of that baggage to Australia.

Trembath also interviewed Justin Li, the vice-president of the New South Wales Ethnic Communities Council, who said that ‘English is the official language of Australia, and where possible citizens should learn to speak English’ but that he didn’t think the test should be compulsory for all migrants, particularly the elderly. It is perhaps significant here that Li assumed that English is the official language of Australia. This is not the case. There is no official language of Australia.

It is important to recognise that the three speeches examined in this chapter are not unprecedented expressions of a perceived need to restate the Australian national character in the face of assault from minority cultures. Indeed, minority cultures have endured less than welcoming treatment since long before Federation and well after it. Most notably it was the Chinese who on the goldfields in the second half of the nineteenth century first bore the brunt of widespread and organised racism towards the migrant other in Australia. Continuing on from then, the White Australia Policy demonstrates just how bold Australian governments have been in their efforts to control immigration and exclude undesirables in the past.

In many ways, the offerings from Howard, Costello and Robb were at once simple, predictable and tired arguments. Howard’s speech, while more wide-ranging than what was reported in the press, was still in essence a rehash of arguments he had been making for over two decades. Costello’s speech, on the other hand, had a very narrow theme,

184 Transcript available at: http://www.abc.net.au/worldtoday/content/2006/s1626238.htm
which was summed up by the *Age* the next day in a report entitled *Our values or go home: Costello* which was accompanied by the following Ron Tandberg cartoon.\(^{185}\)

\[\text{Image of Ron Tandberg cartoon}\]

Robb’s speech was interesting from a rhetorical point of view because he framed the proposed test as something that ‘people’ want, not him or his government. That he did so is not that interesting on its own, for transference of responsibility is as old as rhetoric itself and has also been a key feature of the recent debates in the EU on the same subject, that is, the tightening of language conditions for citizenship. Guild, Groenendijk and Carrera note that along with questions of identity and belonging, the appropriation of ‘the people’ as the source of authority and legitimacy are currently the central concerns of migration studies in the EU.\(^{186}\) What makes Robb’s statement interesting is that his insistence on distancing himself from the policy is in direct contrast to claims he would make later in his memoir, *Black Dog Daze*, a personal book about his long struggles with depression. In it he claims that he was motivated to introduce the citizenship test by his experiences as Parliamentary Secretary for Immigration and Multicultural Affairs (which at the time he made the speech discussed in this chapter had totalled no more than three months) and takes credit for being the initial driving force behind the introduction of the citizenship test.

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186 Guild, E., Groenendijk, K. and Carrera, S. 2009. Understanding the contest of community, p.1
I was responsible for initially advocating, and ultimately getting through Cabinet, the need for the citizenship test. I was sorry not to remain working on it through to its ultimate design. I was motivated to introduce such a test after seeing so many refugee women who couldn’t speak English.\(^{187}\)

Robb wrote that in his role as parliamentary secretary he had encountered many refugee women who could not speak English and that they reminded him of growing up in Reservoir, a suburb of Melbourne, where many of his Italian school friends acted as interpreters for their mothers who could not speak English despite having spent many years in Australia. Robb also wrote that his friends’ fathers could speak English because they had learned it while working. According to the book, Robb’s wife, in her work as a volunteer at a medical centre in Melbourne, had also encountered refugee women, newly arrived expectant mothers from various parts of the globe who were ‘timid and apprehensive’ because they could not speak English.\(^{188}\) Most of their husbands could, wrote Robb; again, they had learned it while working. Robb decided that refugee women were not taking advantage of the government-funded English language lessons that were available nationwide, and were therefore missing the opportunity to greatly improve their lives. ‘I decided’, he wrote, ‘that requiring a basic level of English competence to get citizenship would provide an enormous incentive to learn English’.\(^{189}\)

The important point about Robb’s claim is that a basic knowledge of the English language had been a requirement for Australian citizenship since 1984, and that what he was advocating amounted simply to a tightening of the language requirement for Australian citizenship.

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\(^{188}\) ibid, p.145

\(^{189}\) The information contained in this paragraph appeared in an article by the author (K Ryan) that appeared in *Inside Story* on 16 April 2012 and is available here: http://inside.org.au/citizenship-for-beginners/
This chapter set out to examine the social and political contexts in which the Australian citizenship test was first presented as an idea to the Australian public. Focusing on three political speeches made in early 2006 and the immediate reactions to them in the public arena, and also from within the parliament, the chapter illustrates the deep divisions that existed among commentators within the country at the time and that the rancour of the so-called history and culture wars of the previous decades in Australia was alive and well. The following chapter examines the nature of Andrew Robb’s commitment to take a ‘serious look’ at introducing a new, more formal citizenship testing regime in Australia.
Chapter 4
Selling the Australian citizenship test

On 17 September 2006, almost five months after his speech to the Sydney Institute, Andrew Robb and the Department of Immigration and Multicultural Affairs (DIMA) released a 31-page discussion paper entitled *Australian Citizenship: Much More Than a Ceremony* which asked for public submissions in the ‘consideration of the merits of introducing a formal citizenship test’. The DIMA discussion paper represents the beginning of the government’s ‘hard-sell’ on the test, and this chapter is an analysis of the so-called consultation process that just three months later, on the first anniversary of the Cronulla riots, would lead to the government declaring the Australian public’s ‘overwhelming’ support for the introduction of a formal citizenship test. The analysis reveals that while the consultation process canvassed opinions from a wide range of interested individuals and organisations, the government’s interpretation and presentation of the outcomes of the process was questionable at best, and deceitful at worst. That is, the public’s desire for a formal citizenship test was overstated and the concerns of many individuals and organisations were ignored, misrepresented, or, at the very least, misunderstood.

Among other questions, the DIMA discussion paper focused on four key issues: whether a formal test should be introduced; the importance of knowledge of Australia for citizenship; the level of English required for participation as an Australian citizen; and the importance of a demonstrated commitment from prospective citizens to Australia, its way of life and its values. As background to the key issues, the paper lists

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190 Commonwealth of Australia, 2006. *Australian Citizenship: Much More Than a Ceremony* [Discussion paper], *Department of Immigration and Multicultural Affairs*, Canberra
the following rights and privileges attached to Australian citizenship: to live in Australia (as opposed to permanent residents who have ‘permission’ to live in Australia); to apply for a passport; to register children born overseas as Australian citizens by descent; to seek election to parliament; to vote in federal and state and territory elections; to access government assistance for higher education; to access employment opportunities in the Australian Public Service and the Australian Defence Forces; and to receive consular assistance when travelling overseas.

It lists the ‘legal responsibilities’ of Australian citizenship: to obey Australian laws and fulfil duties as an Australian citizen; to enrol on the electoral register, and vote at federal and state and territory elections and referenda; to serve on a jury if called on; and to defend Australia should the need arise.

Also for background, the paper describes the existing process of determining whether an applicant meets the English language requirement for citizenship:

Policy provides that applicants may be assessed as meeting the English language requirements if they are able to speak and understand English sufficiently to respond in simple language during the citizenship interview. Applicants must be able to answer questions in simple English concerning personal particulars (such as, How long have you lived in Australia? What are your children’s names?). To meet the responsibilities and privileges requirements, applicants must be able to answer ‘yes’ or ‘no’ or reply in simple English to factual questions on the responsibilities and privileges of Australian citizenship.191

The paper also listed the (existing) circumstances under which exemptions from further testing of their English language knowledge at interview were granted.192 Also

191 ibid. p.8-9; It is interesting to note also that even in an official document, the government pays scant attention to the legislated term ‘basic English’, substituting ‘basic’ instead for ‘simple’.
192 Those applicants who had previously been issued with an Australian Citizenship Language Record by AMES through the Adult Migrant English Program (AMEP) were exempt. In order to be issued with an Australian Citizenship Language Record, AMEP students had to have participated in the AMEP for 300 hours, been awarded Certificates II or III in Spoken and Written English, or
mentioned in the paper is *Let’s Participate: A course in Australian citizenship*, a course on Australia and the Australian way of life run by Adult Migrant Education Service (AMES) as a minimum eighteen hours of classroom instruction, and which once successfully completed was accepted as evidence of having satisfied the requirement to have an understanding of the responsibilities and privileges of Australian citizenship.\(^{193}\)

The discussion paper built its case for a citizenship test based on the citizenship testing regimes in the US, UK, Canada and the Netherlands, and suggested that Australia’s proposed test would follow along similar lines, or at least, a hybrid of them with respect to content and method, depending what suggestions came out of the consultation process. According to the discussion paper, the exemplar regimes, for example, tested a range of topics and abilities such as knowledge of language, history and forms of government, voting procedures, customs, and societal values, using a range of methods such as face-to-face interviews, written tests, and online multiple-choice tests.

It is evident from the paper that the government’s emphasis is the participation of migrants in Australian life and its belief that testing English language skills would provide an incentive to learn the language and better understand the Australian way of life. That is, the testing of language is an enabling mechanism and would allow migrants who passed to ‘participate through education and employment’, and could also provide assurances that citizenship applicants understand ‘some common values’ which are listed as: respect for the freedom and dignity of the individual; support for democracy; commitment to the rule of law; equality of men and women; the spirit of a fair go; and mutual respect and compassion for those in need.

In a section on the economic impetus for introducing a citizenship test, the paper highlighted the importance of migrants to Australia’s workforce, and in particular, to the economic sustainability of rural and regional Australia, and cited a 2006 study by

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\(^{193}\) Let’s Participate was suspended in early 2008 and replaced by teaching materials entitled *Understanding Australia: People and Government*, which focus on Australian civics, values, history and institutions. Source: DIAC Annual Report 2007-08 p.196

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Birrell, Hawthorne and Richardson as strong confirmation of ‘the direct link between English ability and employment outcomes’. It is important to note here that this study, which was titled *Evaluation of the General Skilled Migration Categories*, centred on migrants in the Skill Stream visa category who had come to the country for employment purposes and was not a study focusing on all visa category applicants. While the conclusion is uncontroversial, it relates to skilled migrants and it is within this context (skilled migration) that the researchers made the link between the English language and better employment prospects. Also cited was a 2006 report by the Productivity Commission that found that proficiency in English was a ‘key factor in successful labour market participation’. According to the discussion paper, a formal citizenship test could provide assurances that new citizens have ‘sufficient English’ in order to maximise employment and economic opportunities for the benefit of both themselves and the country.

On the question of the social impetus for introducing a test, the paper notes that citizenship is of mutual benefit to the individual and to Australian society, by providing migrants with an ‘opportunity’ to embrace Australian life, to take advantage of educational and employment opportunities, and to vote, thereby maximising their participation in society. Tested migrants would be better informed and have a better understanding of local laws, customs and values, as well as a ‘practical command’ of English that would better facilitate the forming of social connections and a commitment to the country. Again, it is telling that the legislative requirement of basic English continues to be described inconsistently in the discussion paper. For example, what was ‘simple English’ when describing the existing interview process for citizenship becomes ‘sufficient English’ for maximising employment and economic opportunities, and a ‘practical command’ of English in social circumstances. Put these definitions alongside John Howard’s expectation from his speech in January 2006 that immigrants ‘master’


the English language and it is easy to make a case that the government is bereft of either ideas or interest as to what the legislation says or means in relation to the language stipulation for Australian citizenship.

In the section on the importance of knowledge of Australia for citizenship, the paper questions whether a prospective citizen could make the pledge of commitment and participate fully in Australian society without knowledge of the country and ‘our democratic beliefs and our way of life’. It also asks whether the procedure of questioning prospective citizens at interviews on such matters is sufficient and if it should be necessary for them to demonstrate a knowledge of the country’s history, culture and traditions, values, national symbols, laws, and democratic systems.196

On the level of English required to participate as an Australian citizen, the paper acknowledges that there is no definition provided in the legislation for what that means. Despite the lack of a definition, the paper then states that a formal test would be less subjective than the current interview test in testing for it.197 In this respect the government appears to be saying that despite the fact that it does not know what it is testing for, it has a better way of testing for it. In what is by now almost a comical array of interpretations for basic English, the paper frames the level of English required in its own terms, posing the question of whether it is the level necessary for citizens to participate ‘in ordinary everyday situations within the community and to fulfil their responsibilities and privileges as Australian citizens’.198 Here, the paper leans on the four exemplar countries, saying that the ability to ‘function in ordinary everyday situations is a common theme’.199 The paper also describes the UK and the Netherlands as having ‘formal, consistent and objective language testing’ with the required levels of

197 For determining what is acknowledged as being indeterminable, that is.
198 Commonwealth of Australia 2006. Australian Citizenship: Much More Than a Ceremony [Discussion paper], p.13
199 ibid
language proficiency ‘defined in specific linguistic terms’ and testing arrangements that employ ‘professional educational language testing expertise’. 200

Part 3 of the discussion paper, entitled Possible parameters of testing, canvases issues such as what should be in the test, how it should be administered and the implications for those who fail it. It also raises points about who should be exempt from testing and on what grounds, as well as how prospective citizens could prepare for a test and what materials should be available for such purposes. It also covers language issues such as what should be in the test and whether it should cover written, oral, reading and listening skills or a combination of any of these. It asks whether there should be an English language test ‘based on an educationally defined level of competency’ and whether there should be compulsory questions on the responsibilities and privileges of Australian citizenship, as is the case in Canada, for example. 201 The paper also deals with some of the more practical and operational considerations of implementing a test, with notes on identity verification in order to prevent fraud, the needs of prospective citizens in rural and regional areas, the possibility of online citizenship testing and what types of questions and test formats would be more suited to electronic delivery, as well as test security and academic integrity concerns. The concern for academic rigour and the integrity of the test is also outlined.

The focus of any prospective citizenship test would be on helping people learn about our country and preparing them for their life as Australian citizens. Prospective citizens rote learning questions and answers is unlikely to assist social cohesion and successful integration into the Australian community. For this reason, if a test were introduced it would be necessary to consider ways to maintain the security, confidentiality and integrity of the test questions. This could be achieved by computer generated questions being randomly selected from a larger pool of questions, which could be updated regularly. 202

200 ibid
201 ibid, p.16
202 ibid, p.17
Throughout the discussion paper, citizenship testing abroad is presented as being relatively trouble-free. For example, while the four exemplar countries are compared across a range of categories (what is tested, test design, test alternatives, who is tested, exemptions, test management, identity verification, test preparation and test numbers) there is little or no mention of the controversies and/or difficulties that have arisen in the UK, US, Canada and the Netherlands. These countries have indeed introduced citizenship testing but it has been far from smooth sailing in any of them. The UK test, for example, was introduced to a storm of controversy surrounding the content of the preparation booklet, and at the time of writing, is slated for its third iteration. The Dutch test materials came under heavy criticism for specifically targeting Muslims, while the Canadian test has also been revised substantially since the discussion paper was published.203 The discussion paper did note that at the time the US citizenship test was undergoing a review which was designed to improve its ‘uniformity and meaningfulness’ but did not elaborate any further.204

**Reaction to the release of the discussion paper**

The release of the discussion paper occurred while parliament was out of session and there was no immediate debate on the floor of the house. The press, meanwhile, were reporting on it before it was released. John Howard had been on Neil Mitchell’s radio program on 3AW on 15 September, an event which was widely reported on ABC Radio’s news programs for the rest of that day, and reported in the *Sydney Morning Herald* the following day by Phillip Coorey under the headline ‘Cricket is not an insect. Go home’.205 Coorey’s story began with ‘Immigrants will need more than just a reasonable command of English if they want to become Australian citizens – a basic knowledge of cricket may also help’. Mitchell had asked the Prime Minister if he ‘might slip a few cricket questions in’ to the citizenship test and Howard replied, ‘Well you

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204 Commonwealth of Australia, 2006. Australian Citizenship: Much More Than a Ceremony [Discussion paper], p.27

205 Coorey, P. Cricket is not an insect. Go home. 16 September, 2006. *Sydney Morning Herald*
never know, I think to understand the history of this country I think we might have to do that’. 206

The Australian reported on the discussion paper on 16 September under the headline ‘English tests to vary based on job’ and quoted Amanda Vanstone, the Minister for Immigration and Multicultural Affairs, as saying that the test would be ‘vocationally based’ and that she thought that the discussion paper responses would reveal a ‘need for varying levels of English’. 207 Vanstone’s comments were inaccurate and indicate the level of influence Andrew Robb must have had as the driver of the introduction of the citizenship test, given that the minister of the day (Vanstone) appeared to have virtually no knowledge of what the proposed test might be about in regards to whom it would be applied and for what purposes. It is clear from these comments that Vanstone was of the opinion that the test was related to language requirements for immigration purposes, not citizenship.

The Courier Mail meanwhile reported that Howard rejected comparisons to the White Australia Policy’s dictation test and quoted him as saying that anyone ‘fair dinkum’ about becoming an Australian citizen would not have trouble with the tests. This report was also in relation to Howard’s interview the day before with Neil Mitchell during which he had made the comment. 208

The consultation process

The consultation process ran for two months from 17 September 2006 to 17 November. According to the Summary Report on the Outcomes of the Public Consultation on the Merits of Introducing a Formal Citizenship Test, as well as invitations for written submissions from individuals and organisations on the merits of introducing a test, 278 invitations were sent to ‘representatives of Local Governments and State and Territory

206 Transcript available at:
207 Nason, D. & Shanahan, D. English tests to vary based on job 16 September, 2006. Australian
208 Heywood, L. Migrant test ‘fair dinkum’. 16 September, 2006. Courier Mail
Governments and government bodies, community organisations, religious groups, ethnic groups, business groups and peak bodies’ for a series of face-to-face consultations. These consultations were held in all of the state and territory capital cities except for Canberra and were attended by Andrew Robb, as well as 129 of the 278 invitees. A list of organisations invited to each of the meetings as well as an inventory of those that actually attended was requested from DIAC under Freedom of Information legislation in December 2011. After a protracted period and a series of emails to and from DIAC, the relevant documents were obtained in November 2012, though the information was incomplete. Invitee lists were obtained for all states and territories except for South Australia and the ACT while the attendee lists for Tasmania, New South Wales and Queensland were also missing. The reasons given for the missing information included that departmental staff had moved on and could not be consulted and that some of the relevant electronic files had been deleted and were unable to be retrieved in a timely manner, and that any attempt to find them would ‘involve a considerable amount of time and effort on the department’s part’.

The invitee lists for the various states and territories show that despite an extensive list of groups and organisations covering an extensive range of interests and activities, including a healthy list of sporting organisations such as Hockey Australia, Lifesaving Victoria, Basketball Australia, Queensland Cricket, and the National Rugby League, there were no invitations extended to academics in the area of language assessment. There were invitations for various migrant education organisations, however. A number of universities were invited to attend, but they were listed in name only and there was insufficient information available to determine whether the invitations were extended to particular departments, schools or centres within them. The lists of attendees to the meetings were also of limited use because during the process of deleting what they considered sensitive information the department had rendered the information that they had provided unusable from a research point of view.

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210 Personal communication, Letter to Kerry Ryan from Marianne Nolte-Crimp, DIAC FOI Case Officer, 30 November 2012
The Summary Report stated that there were 1,644 written responses to the discussion paper, with respondents categorised as either individuals or as organisations. One of the key criticisms that would emerge from the consultation process was that in the reporting of the results, individuals and organisations were treated as having equal weight in the survey. For example, a ‘brief response’ from an individual, even if it was a response to just one of the questions in the paper, was counted as one response (for the test, against the test, or unclear), as were more detailed submissions of significant length by organisations representing large constituencies, 116 of which were published on the government’s website.211 Some of the larger organisations that made submissions include city councils (Yarra, Tamworth, Moreland, Casey, Darebin, for example), the Federation of Ethnic Communities Councils of Australia (FECCA) as well as that organisation’s state branches in Victoria, Queensland, and Western Australia, the Refugee Council of Australia, religious groups, the Human Rights and Equal Opportunity Commission (HREOC), the Forum of Australian Services for Survivors of Torture and Trauma (FASSTT), as well as the Northern Territory, Victorian, Western Australian and ACT governments. Therefore, a simple one-line response from an individual in favour of the test was given the same weight in the statistical analysis as the nine page submission from the ACT Government opposing it.

As a response to the first of the key issues, that is, whether a formal test should be introduced, the summary report presented the overall statistics from the consultation process in the table below.

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211 Responses to the consultation were categorised as ‘brief responses’ when they addressed one or more of the questions only, or as ‘submissions’ when substantial or detailed responses were provided and attempts to engage with issues were made. The 116 submissions from organizations are available here: http://pandora.nla.gov.au/pan/67564/20070202-0000/www.minister.immi.gov.au/media/responses/citizenship-test/index.html
Table 1. Summary of Statistics

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Category</th>
<th>Outcome</th>
<th>Number</th>
<th>% of Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisations</td>
<td>Submissions</td>
<td>Support</td>
<td>25</td>
<td>17%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oppose</td>
<td>101</td>
<td>70%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unclear</td>
<td>18</td>
<td>13%</td>
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<tr>
<td></td>
<td></td>
<td>Total = 144</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brief Responses</td>
<td>Support</td>
<td>4</td>
<td>29%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oppose</td>
<td>6</td>
<td>42%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unclear</td>
<td>4</td>
<td>29%</td>
</tr>
<tr>
<td></td>
<td>Total = 14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Individuals</td>
<td>Submissions</td>
<td>Support</td>
<td>297</td>
<td>73%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oppose</td>
<td>98</td>
<td>24%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unclear</td>
<td>12</td>
<td>3%</td>
</tr>
<tr>
<td></td>
<td>Brief Responses</td>
<td>Support</td>
<td>659</td>
<td>61%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oppose</td>
<td>214</td>
<td>20%</td>
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<tr>
<td></td>
<td></td>
<td>Unclear</td>
<td>206</td>
<td>19%</td>
</tr>
<tr>
<td></td>
<td>Total = 407</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>1644</td>
<td>100%</td>
</tr>
</tbody>
</table>

As the table shows, of the 985 responses in support of a citizenship test, 956 were from individuals (659 brief and 297 more detailed submissions), while 29 were from organisations (four brief responses and 25 detailed). Therefore, of the remaining 129 responses from organisations, 101 were detailed submissions as to why they opposed the introduction of a citizenship test, while six opposed a test via a brief response. Twenty-two of the responses from organisations gave no clear indication whether they were in support of a citizenship test or not.

On the second key question, the importance of knowledge of Australia for citizenship, the report shows that 1,087 of the 1,644 respondents (66%) did not address the question. Of the remaining 33% who did address the question, 505 (91%) agreed that knowledge of Australia is important. On the third of the four key questions, and the issue of the level of English required to participate as an Australian citizen, respondents ‘did not directly address the question in a consistent manner, and in particular did not state specific levels of English competency’. Instead the responses to the question were coded as an opinion on whether English is ‘very important’, ‘important’, or ‘not
important’ for participation as an Australian citizen. Again, the number of the respondents who addressed the question was well below half with only 40% (655 respondents) of them expressing an opinion. Of the 655 who addressed the question, however, 587 (90%) expressed their opinion strongly (coded therefore as ‘very important’) that English was important for Australian citizenship. 36 respondents (5%) thought it was important but did not state it emphatically while 32 (5%) thought that English was not important.

The final key question, which related to the importance of a demonstrated commitment to Australian values for those intending to settle permanently in Australia or spend a significant period of time in the country, attracted even less interest than the other key questions. Just 30% (491) of respondents addressed the question with 1,153 neglecting to make it a focus of their submission to the consultation process. Of the 491 respondents who did address the question, 120 responses were coded as ‘extremely important’. Curiously, and as it does with previous questions, the government reports this statistic as a percentage of those who addressed the question, not as a percentage of the total number of respondents to the discussion paper. Therefore, the 120 respondents who responded that a demonstrated commitment to Australian values was extremely important for Australian citizenship is reported as 24% (of 491) and not as 7% (of 1,644). A further 115 respondents (of 491) and 223 (of 491) responded that a demonstrated commitment to Australian values was ‘very important’ and ‘important’ respectively. Just 33 (7%) of the 491 respondents who addressed the question regarded a demonstrated commitment as ‘not important’. These figures, along with others from the summary report, would be announced to the Australian public by Robb on 11 December 2006 with what might be termed a fair degree of poetic licence.

Betts and Birrell write about the debates surrounding the introduction of the Australian citizenship test using the data from the responses to the discussion paper.\textsuperscript{212} While their article presents a brief outline of the historical changes to Australian naturalisation processes since the 1920s and focuses primarily on the differences between the procedural approach to attaining citizenship (sometimes referred to as the ‘legal’ or

\textsuperscript{212} Betts, K. and Birrell, B. 2007. ‘Making Australian citizenship mean more’, \textit{People and Place}, 15(1), pp. 45-61
'rights-based’ approach and often talked about in terms of what a citizen gets) and the patriotic approach (sometimes referred to as ‘participatory’ or ‘political’ and is framed in discussions about what a citizen does, or at least in normative terms about what a citizen should do), it also analyses the 116 publicly available submissions from organisations in response to the government discussion paper. Helpfully, Betts and Birrell categorised the 116 submissions according to the type of organisation that authored them. The seven categories they used were: university-based and civil liberties groups; refugee advocacy groups; ethnic groups; state, territory and local governments; religious groups; migrant advocacy groups, migration lawyers and migrant educators; and political parties, community groups (non-ethnic) and other.

According to Betts and Birrell, the university-based and civil liberties groups were most opposed to the test (10 out of 11 opposed, with the 11th organisation’s submission categorised as ‘unclear’), predominantly on the grounds that a test would encourage social exclusion and discrimination. They also state that many of the submissions expressed the opinion that a citizenship test was reminiscent of the White Australia Policy. Other recurring themes identified across the range of submissions in opposition to the test included the notion that a citizenship test was a dog-whistle tactic designed to ‘win votes by appealing to the worst in Australian voters’, as well as the possibility that the test might deter immigrants and restrict population growth. They then outline very briefly some of the views expressed by those organisations that presented positive arguments in favour of the introduction of a citizenship test, for example, the idea that putting a higher price on citizenship would make it mean more, and that the rise of Islamist terrorism made stricter conditions for attaining citizenship more justified. Betts and Birrell concluded that based on available evidence from opinion polls conducted at the time, as well as the discussion paper submissions, the organisations opposed to the introduction of a citizenship test were out of step with most Australians and that the

213 42 of the submissions from organisations were not made public. Individual submissions were also not made available.

214 Betts, K. and Birrell, B. 2007, Making Australian citizenship mean more, p.55

215 ibid, p.56
Howard government ‘has the support of most ordinary people’ in calling for a higher price on citizenship in the form of introducing a test. 216

**Robb and Howard announce the test**

On 11 December 2006, twelve months to the day after the Cronulla beach riots, Prime Minister John Howard and Andrew Robb called a joint press conference in Sydney.217 Howard opened the press conference by announcing that his Cabinet had ‘approved the introduction of legislation to provide for a citizenship test for all new applicants for Australian citizenship’. He then said that the test would involve a ‘working knowledge’ of English – yet another interpretation of basic English – and requirements for an understanding of ‘basic aspects’ of Australian society, culture, values and history. He spoke of the ‘very extensive consultation’ process that was undertaken prior to the announcement and of the ‘very strong support’ in the Australian community for a citizenship test. He then thanked Robb for his ‘very conscientious’ efforts ‘in the past few months’ and handed the press conference over to him.

Robb began by outlining the details of the consultation process, saying that he had met in all of the country’s capital cities with more than 130 community organisations. He said that the discussion paper had attracted over 1,600 responses and that there was ‘overwhelming support’ for a citizenship test with the aims of ensuring that those who took the pledge of citizenship have ‘the English language skills and a basic knowledge of Australian life so that they can fully understand the pledge’ and ‘make the most of the opportunities that are here in Australia’. He then gave some hints on the test format, that is, that it would be computer-based with thirty questions randomly drawn from a bank of 200 that were yet to be formulated.218 Also yet to be formulated were the test preparation materials. He then said that there would be some form of provision such as an alternative route to acquiring citizenship for those people with literacy problems.

216 ibid, p.58
217 Transcript Available here:
218 Later to become 20 multiple-choice questions
All questions from the press were directed to Howard. In response to the first question, which was about the possible effects of the testing regime on Australia’s migration profile, Howard said that he did not think the test would make any changes to the profile of people migrating to Australia because it was not designed ‘in any way to keep some people out and encourage others to come in’.

This is not a negative discriminatory test, this is a test that affirms the desirability of more fully integrating newcomers into the mainstream of Australian society. This is about cohesion and integration, it’s not about discrimination and exclusion.

He then foregrounded the English language aspect of the test and the role of a common language in society, while being careful not to provide fodder for his detractors on his attitudes to multiculturalism by making the concession that taking out Australian citizenship and acquiring English was not incongruous with other native languages.

Nothing unites a country more than its common language, because from a language comes a history and a culture, but people being required to understand English to fully participate in the Australian community is not in any way to suggest that they should disavow the preservation of the language of the land of their birth.

His final statement in his answer to the journalist’s question was that ‘the country wants a unifying commitment to the values and the future of this society’. This prompted another question: ‘Prime Minister, what are Australian values?’

Well Australian values will be I guess debated by many people, but I think we all agree that democracy, we all agree that a belief in a free media, the equality of men and women, the concept of mateship, the concept of having a go and the concept of looking after the very vulnerable in our community. I think they are common Australian values on which most of us can agree.
Robb interjected to add that 95% of respondents to the discussion paper supported the need for English language skills to be an Australian citizen, and that 93% supported core values as essential for the ability to fully participate in Australian society. As the discussion of the summary report on the consultation process above has already shown, and as Fozdar and Spittles too would later point out, in quoting these figures Robb did not disclose that of the 1,644 submissions received only 40% of them even addressed the question of the need for the English language as an Australian citizen and that it was 95% of this 40% that supported the idea.\textsuperscript{219} In the case of the essential nature of Australian values, even fewer respondents addressed the question, with 70% failing to mention it at all. It is on these figures that Robb based his opening statements in the press conference and the contention that public support for a citizenship test was overwhelming.

The next question was again directed to the Prime Minister and asked him whether it was logical to assume that a language test would mean ‘some sort of change in terms of likelihood of people who will come here’ due to a lack of knowledge of English. Howard responded by pointing out that people would not sit the test until they had been in the country for at least four years. He conceded that a lot of people would come to Australia without much knowledge of English but that ‘after a four-year period, it’s not unreasonable to expect that those people will have developed quite a facility in the English language’. Howard had made similar comments previously on the level of English required for Australian citizenship in an interview with Neil Mitchell on Melbourne’s 3AW on 15 September 2006, two days before the release of Andrew Robb’s discussion paper.\textsuperscript{220} Howard was responding to a call from Jane, one of Mitchell’s listeners. Jane, an employee at an AMES (Adult Multicultural Education Service) centre in Melbourne, expressed her concerns to the PM that most of her students, who she said were from Sudan and Afghanistan, had never had schooling before arriving in Australia and that the 510 hours of government supported tuition was


only enough to get them to the beginnings of basic literacy standards. Howard took
Jane’s statement about the 510 hours being just a start for her students as his cue to push
the fact that the test is to be applied only after four years of being in the country and that
we are not talking about somebody having to pass the equivalent of a PhD in
English expression. There would have to be a reasonable level of proficiency
and that is one of the issues that is going to be raised in the discussion paper’. 221

Mitchell then interjected and asked the PM what level of English he had in mind:

MITCHELL: What level are we talking about there, grade three, grade six?
PRIME MINISTER: Well I would think at least the latter.
MITCHELL: Grade six?
PRIME MINISTER: Well that is my un-tutored response, I mean I am not an
expert in this field, I am just a layman, but I think people listening to this
programme understand what I mean when I say a reasonable degree of proficiency
in the English language and you have to do a little better than just being able to
answer yes or no and give your name. But after four years, and with the instruction
that is freely available and the intermingling hopefully with other people in the
community, and this is why it’s very important that we encourage people from day
one to intermingle and to become part of the mainstream and not remain separate
and apart…

By saying that Australian citizenship requires more than ‘just being able to answer yes
or no and give your name’, Howard is yet again interpreting the legislative requirement
of a basic knowledge of English. While he was prepared to admit to being un-tutored in
the area of the language required for citizenship, this thesis will ultimately show that he
and his government, and the Labor government that followed, did not seek much in the
way of tutoring in the area of matching the language level of the test with the legislative
requirement of a basic knowledge of the English language.

221 The question in the discussion paper that related to the level of English required for citizenship
test was ineffective and no useful information was reported on.
The press conference to announce the citizenship test finished on matters unrelated to it, but not before Robb spoke of the government’s credentials in the area of English language training for new arrivals – $285 million spent annually, double the average in the 1990s. He ended with statements similar to those made by Howard in the interview with Mitchell, saying that this ‘very strong commitment from the Government and the community’ was needed to ensure migrants attain the necessary ‘skills and the knowledge of the country’ as quickly and effectively as possible so that they can ‘make the most of the opportunity, they don’t end up isolated, alienated, removed and feeling not part of our community’.

Reactions to the citizenship test announcement

The newspaper coverage in the ensuing days was extensive. Cath Hart of the *Australian* and Michael Gordon of the *Age* focused on dissent within the coalition, citing Liberal MP Petro Georgiou’s well known aversion to the idea of a citizenship test along with Russell Broadbent, also a Liberal MP, who had thoughts for his constituency. In comments reported by Hart, Broadbent noted that if it was too hard, ‘half of Gippsland might not be able to pass the test’. Gordon wrote that the former governor-general of Australia, Sir William Deane, and former prime minister Malcolm Fraser, were also opposed to a citizenship test, while Hart reported National Party Senator Barnaby Joyce’s reservations about whether an English test would be an effective deterrent to terrorists: ‘most wackos are very well-educated’, he said.

Two days after the announcement, on 13 December, the *Sydney Morning Herald* editorial offered the notion that the citizenship test announcement was a tactical move from John Howard designed to distract the electorate from the fact that his government was lagging behind in the polls while Kevin Rudd and Julia Gillard were touring the country as a (brand new) credible alternative. Despite the editorial’s reference to the PM’s ‘blast on his powerful dog whistle’, the paper was ultimately supportive of the idea of a citizenship test, stating that there was ‘no intrinsic reason why newcomers


223 No question about a citizenship test. 13 December, 2006. *Sydney Morning Herald*
should not be tested on their knowledge of the country they want to adopt’ and that ‘the point of such a test should be to motivate immigrants to acquire knowledge which will help them participate fully in their adoptive community’.

Other writers, Jewel Topsfield and Michelle Grattan in the *Age* and Phillip Coorey in the *Sydney Morning Herald*, for example, made note of Kevin Rudd’s cautious reaction to the test announcement and that he had asked the Opposition immigration spokesman, Tony Burke, to write to Andrew Robb for clarification on the proposed test questions, content and format.\(^{224}\) Both the Topsfield-Grattan article and the Coorey articles also mentioned Rudd’s departure from the policy position of his predecessor Kim Beazley who had raised the idea of having aspiring immigrants and visitors sign an Australian values statement as a condition of entry to the country. Topsfield and Grattan also noted that there was ‘growing debate’ over the proposed test, a comment that would prove prophetic in the ensuing days, weeks and months.

Writing in the *Age*, Brian Costar and Peter Mares from the Institute for Social Research at Swinburne University made the point that as the key difference between permanent residents and Australian citizens is the right to vote at elections, a potential bar to attaining citizenship, such as a test, would serve only to restrict the franchise.\(^{225}\) That is, a test would potentially prevent people from expressing their political preference at elections. Costar and Mares also noted that citizenship tests are often predicated on the ‘superficial promise’ of screening migrants to ensure they subscribe to a set of ‘predetermined Australian qualities and values’. A citizenship test, as they point out, will have no impact on the composition of the migration programme or make-up of Australian society, since all potential candidates for the test are, by definition, already living here as permanent residents.

\(^{224}\) Topsfield, J. and Grattan, M. Aspiring citizens should know about Gallipoli, says Robb. 13 December, 2006. *Age*; Coorey, P. Beazley’s Aussie values ditched. 13 December, 2006. *Sydney Morning Herald*

\(^{225}\) Costar, B. and Mares, P. A test that will divide, not unite us. 13 December, 2006. *Age*
According to Costar and Mares, the only likely outcome for those who fail the test is that they will continue to live in the country after their attempts to take out citizenship are met with ‘humiliating rejection’. Another academic to question the need or motives of the test was James Jupp, head of the Centre for Immigration and Multicultural Studies at the Australian National University, who was quoted in Adelaide’s *Advertiser* on 14 December: ‘I don’t quite see the point of it except as part of a more general policy of assimilation and abandoning of multiculturalism’.226

The *Australian* editorial of 13 December threw its support behind the test. The paper took the line that it was not too much to ask of migrants and that as a prosperous nation with ‘no difficulty attracting people who are seeking a new home and a new life...it is reasonable for Australia to expect something in return’, echoing comments from Robb reported a day earlier in the same newspaper by Cath Hart.227 Robb had said that the citizenship test was ‘an important extension of the Government’s broader philosophy of mutual obligation’.228 Incidentally, the editorial began by quoting the same ‘overwhelming public support’ and the same questionable statistics that Andrew Robb had cited as backing for the test. That is, that 95% of respondents to the discussion paper agreed that basic English language skills should be compulsory, and that 93% considered the understanding of Australian values as essential for prospective citizens. A day later, the *Age* reported the results of an online readers’ poll that it had run the previous day. The question ‘Do you support the introduction of a citizenship test?’ attracted 3,196 responses. Just 35% of the responses supported the introduction of a citizenship test while 65% were against it, a result which, while it should obviously be taken as indicative only and may say more about the newspaper’s readership than it does about citizenship testing, contradicts the government’s strident assertion about the Australian public’s appetite for a test.229

There were also a number of articles in the press that cited ‘migrant success stories’, those who came to Australia from other lands and made their fortunes and/or fame.

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226 Moscaritolo, M. Making model citizens. 13 December, 2006. *Advertiser*

227 New citizenship test is a wise investment. 13 December, 2006. *Australian*

228 Hart, C. PM faces revolt on test for migrants. 12 December, 2006. *Australian*

229 Reader’s Poll. 14 December, 2006. *Age*
Names in this category mentioned in various contexts and by various speakers included Sir Peter Abeles, Gustav Nossal and Frank Lowy. According to a report in the Australian, Sir Arvi Parbo, a native of Estonia who began working on a jackhammer in a quarry in Adelaide in 1949 and who retired fifty years later as chairman and director of Western Mining Corporation, was supportive of the test. Also, Amanda Vanstone, the Immigration Minister, reportedly pledged the backing for a citizenship test by prominent Italian-Australian businessman, Gualtiero Vaccari. This was a surprising endorsement, particularly given that Vaccari died in 1978.

Just a day after the Australian editorial in support of the test, Mike Steketee, the paper’s national affairs editor, was scathing in his assessment of the politics behind the move, calling it ‘macho politics’ and a ‘signal to voters…that [the government] will keep the Muslim terrorists at bay’. Steketee’s piece was a sign of things to come. As the week wore on and the initial reportage of the test announcement itself subsided, the debate began to heat up on the opinion pages of the country’s newspapers. In the Age on the 15th of December, Joseph Wakim, founder of the Australian Arabic Council and former Victorian Multicultural Affairs Commissioner, was emphatic in his opposition to the test. Wakim’s article, unambiguously titled ‘A new lease of life for White Australia’, opened with the following multiple-choice question:

Why did John Howard announce the citizenship test this week?
A To test the waters during the silly season.
B To distract public interest from Kevin Rudd.
C To exploit the one-year anniversary of the Leb-bashing day.
D All of the above

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230 Hughes, G. Meade, K. & Kerbaj, R. Immigrant Parbo endorses push for citizenship tests. 13 December, 2006. Australian
231 Passing the test. 14 December, 2006. Herald-Sun
232 Steketee, M. Pledges on paper are all about marks on ballots. 14 December, 2006. Australian
233 Wakim, J. A new lease of life for White Australia. 15 December, 2006. Age
234 The test was announced on the first anniversary of the Cronulla beach riots.
Wakim went on to list a range of concerns with the proposed test that would be echoed
time and again throughout the ongoing debate in the ensuing months and indeed right up
to the first administration of the test in October 2007 and beyond. His first point was
that his mother would have failed such a test, given that ‘she had no time for education
about Australian history or heritage as she was too busy raising her eight children with
universal values of love, charity, honesty, fairness and equality’. He questioned the
timing of the announcement, coming one year to the day after the Cronulla riots, and
then criticised the notion that a test would be an effective remedy for such civic unrest.
His first point on this was that both the ‘rioters and avengers’ involved in the Cronulla
riots were for the most part Australian-born and that they shared a common language.
He also pointed out that the London bombers were well-educated and British-born and
that no test would have ever detected their intentions. According to Wakim, the money
poured into the test and policing breaches of the Australian pledge would be better spent
on ‘the defunded adult migrant education programs that have benefited thousands of
people…as they taught students not only to learn about Australia, but to love it’. Wakim
also questioned the logic of a test by citing Howard’s initial conclusion about the
Cronulla riots, that is, that they were a law and order issue, and not reflective of a
fundamental character flaw in the Australian populace. He called for strengthening of
the existing character test for visa applications as an alternative to a citizenship test of
literacy and history, saying that closer scrutiny of the criminal records and associations
of visa applicants would do far more for national security than rote learned answers
from a citizenship syllabus. He also made a practical suggestion regarding the level of
English required for citizenship, saying that ‘If the English language is now perceived
as essential, then the bar could be raised from basic to conversational level’.

Wakim concluded by saying that the test was indicative of John Howard’s preference
for ‘regression to integration’ and that he pined for the Australia of his youth, and was
‘lamenting and fantasising about a bygone era’. In Wakim’s opinion, the ‘good faith’
that his own mother was accepted with when she came to Australia in the 1960s had
been replaced by fear and that Howard’s policy as such was ‘not one of integration, but
of preintegration, better known as White Australia Policy’.
Wakim’s piece prompted a reply in the *Herald Sun* from Andrew Bolt, who in an Op-Ed piece entitled ‘Keep a cool head’ arguably failed to keep one himself when he accused Wakim of ‘crying that Anglos are out to kill’.\(^{235}\) Bolt had taken a literal line on the following statement from Wakim’s article the previous day: ‘The values debate is becoming the framework from which un-Australians such as the Muslim mufti can be framed and hung’. Despite the disingenuous interpretation of Wakim’s comment, Bolt, himself the son of immigrants, was more tempered in his piece than those familiar with his writings might otherwise have expected him to be. He wrote:

> Joe, we’re all right, mate. Settle down. And let’s talk. It’s a fine country, this, with a long, long tradition of tolerance and getting along. Yes, we have a few problems, but nothing so wild that we can’t sort it out, provided we don’t overreact. So, let’s quietly sort out one problem that has us suddenly jumpier than we should be.

In an opinion piece for the *Advertiser* on 15 December, George Williams, the director of the Gilbert + Tobin Centre of Public Law at the University of New South Wales, asked a simple question: If you sat a citizenship test, would you pass?\(^{236}\) Williams mounted an argument against the singling out of migrants as a group in need of civic education, noting that ‘Many, if not most Australians would fail a test on our history, law and government’. He wrote that much of what Australians think they know about their own legal systems ‘all too often comes from [American] TV shows like Law and Order rather than from our time at school’. Williams illustrated his concerns about the lack of civic knowledge among Australians with four possible citizenship test questions that according to him generate a surprisingly high number of incorrect answers:

1: Do we have a written Constitution?\(^{237}\)
2: What is Australia’s top court?\(^{238}\)

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\(^{235}\) Bolt, A. *Keep a cool head*. 15 December, 2006. *Herald Sun*

\(^{236}\) Williams, G. *If you sat a citizenship test, would you pass?* 15 December, 2006. *Advertiser*

\(^{237}\) A 1987 survey cited by Williams found 47% of Australians did not know the answer was ‘yes’.

\(^{238}\) A 1994 survey found that more than 25% of respondents said the Supreme Court not the High Court.
3: Does Australia have a bill of rights?\textsuperscript{239}

4: When did Aboriginal people get the vote?\textsuperscript{240}

Williams warned that the poor civic knowledge among the citizenry made bad governance more likely because ‘people do not know enough to hold politicians to account’. Before asking new citizens for knowledge of how our society functioned, ‘we should take a hard look at ourselves’.

The following day, George Megalogenis began an article in the \textit{Australian} by referencing a quote from Malcolm Fraser which the former prime minister had offered in a testy radio interview three days earlier.\textsuperscript{241} An obviously agitated Fraser had more or less suggested that the Howard government had created a ‘Muslim problem’ in the course of the previous twelve to eighteen months in order to save the nation from a scourge which it had itself invented. This, according to Fraser, was a deliberate strategy to ‘tap a very socially conservative nerve’ with the next election in mind. Megalogenis quoted Fraser from the interview: ‘The Government [and] other people have gone out of their way to suggest that some people don’t fit in. And it’s always been Muslims in this particular context’, before listing six ‘significant cultural scars’ carried by the Australian Muslim community in Australia since 2001. The list began with the \textit{Tampa} affair and the children overboard scandal and followed in chronological order with: September 11; the Sydney gang rapes trials in mid-2002; bombings in Bali, Madrid and London; the Cronulla riots; and Muslim cleric Taj Din al-Hilali’s Ramadan sermon in Sydney in 2006 during which he referred to immodestly dressed women as ‘uncovered meat’.\textsuperscript{242}

\textsuperscript{239} A 2006 poll found 61\% of respondents thought Australia had a bill of rights.

\textsuperscript{240} Williams says that ‘Most Australians think that Aboriginal people got the vote in 1967 as a result of the referendum that changed the Constitution. That referendum did delete sections that discriminated against them. However, they got the vote five years before when the law was changed by the Menzies government in 1962’.


Again, these themes would be explored often in debates on the citizenship test by academics and the broader commentariat in the ensuing months (and years).

Megalogenis gave a brief historical account of John Howard’s political position(s) on multiculturalism from his ‘anti-Asian immigration persona of the late 1980s’ to his preference for an assimilationist approach over a multicultural one in the 1990s to the modern day Howard who is, in Megalogenis’ words, ‘neither an assimilationist nor an advocate for the [US style] melting pot’ but has a preference for the expression ‘integration’ over ‘multiculturalism’. He then pointed out that Kevin Rudd, the Leader of the Opposition, like Howard, preferred the term ‘integration’ and that Howard faced more dissension within his own ranks than from his political opponents. Here Megalogenis referred to Petro Georgiou and Malcolm Fraser and comments they had made in criticising the test.

Also on 16 December, the *Canberra Times* reported an early success for Andrew Robb on one of his intentions of a citizenship test:

> Since the changes were flagged several months ago, English-language schools have reported a marked increase in inquiries. ‘There are a lot of people coming out of the woodwork, women in particular’, the Parliamentary Secretary to the Immigration and Multicultural Affairs Minister, Andrew Robb, says. 243

On the subject of the level of English required for citizenship, Robb expanded the already long list of interpretations of the legislation:

> It’s not looking for some onerous level. Who cares if it’s broken English or what accent people might have? [They need] just enough so they can communicate in the workplace, read a safety sign, speak to the greengrocer, say hello to the neighbour, lead an everyday life.

243 Testing times for patriots as multiculturalism fades and ‘integration’ scores. 16 December, 2006. *Canberra Times*
Robb was also quoted again on the subject of migrant women, whom he was reportedly ‘particularly keen’ to assist with the ability to communicate freely. In referring to migrant families where the women perform the more traditional role as homemaker and have little or no opportunity to learn English while their husbands do so out on the job, Robb said that ‘The discrimination that’s there in the current system against women in lots of cases will be materially altered by the test, I think, and we’re seeing the evidence already, so to me that’s a great thing’. This statement, that the test would reduce discrimination against women, represented a bold new direction in the virtues ascribed to the proposed citizenship testing regime.

The nation’s newspapers kept pursuing the citizenship test and its spin-off values debate throughout the Christmas period of 2006 and into 2007. A Factiva search for the term ‘Australian values’ as mentioned in news items in Australia’s major newspapers (Canberra Times, Daily Telegraph, Herald-Sun, Advertiser, Age, Australian, Courier Mail and Sydney Morning Herald) over a seven-week period from 17 December 2006 to 31 January 2007 yielded 68 news items, while a search for the term ‘citizenship test’ over the same period yielded 45 items. Interestingly perhaps, the search term entered as ‘Muslims OR Muslim’, yielded appearances in 745 news items over the same period while ‘jihad’ scored relatively less well, appearing in just 126.

On 1 January 2007, Cath Hart reported the results of a Newspoll undertaken for the Australian on 15-17 December 2006. The Newspoll, which would be widely cited in ensuing debates, indicated that 85% of people agreed that ‘English should be a requirement for migrants who want to become citizens’. Hart also reported on comments from Robb regarding the level of English that a proposed test would seek to establish in migrants saying that:

The Australian can reveal that the ability to read safety signs in the workplace will be the standard of English required to pass the language component of the Howard Government’s citizenship test.

244 Hart, C. 85pc support English test. 1 January, 2007. Australian
Robb’s comments, which are yet another confusing message with regard to the level of English required for Australian citizenship, are again indicative of the depth of misunderstanding that politicians have for how language proficiency is measured.
Chapter 5
Testing in the UK, the US, Canada, and the Netherlands

When a formal Australian citizenship test was first raised as a possibility, much was made of the fact that other countries had recently introduced such tests. In the press conference to announce the test with Andrew Robb on 11 December 2006, John Howard said that ‘there’s nothing strange about a country having a citizenship test – many other countries have done the same’. He also said that Australian society should not feel ‘the least bit reluctant’ in asking prospective citizens to take a formal test for citizenship. In the foreword to the discussion paper released in September 2007, Robb cited the citizenship testing regimes in the UK, the US, Canada and the Netherlands as examples from which Australia could draw upon for implementing its own test, describing those in the UK and the Netherlands as being ‘formal, consistent and objective’ and having language proficiency requirements set out in ‘specific linguistic terms’ and testing arrangements informed by professional language testers.

The DIMA discussion paper compared the four exemplar countries in terms of the type of information tested, the presentation of test materials, test design and format, alternative pathways to testing, who has to take the tests and who does not (exemptions), features of test administration, test security issues, costs, and opportunities for applicants to prepare for the tests. What the discussion paper did not do is examine these features of the testing regimes in any great detail, nor did it raise

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246 Commonwealth of Australia 2006. Australian Citizenship: Much More Than a Ceremony [Discussion paper], p.13
any of the more controversial aspects of citizenship testing in the four countries, or anywhere else. Instead, citizenship testing is portrayed as uncomplicated, widely accepted and trouble-free. By analysing more closely the testing regimes in the UK, the US, Canada and the Netherlands, this chapter will demonstrate that the citizenship testing has been far from painless in any of these countries and that the testing regimes are constantly being tinkered with because of a variety of foreseeable and unforeseeable problems.

**Citizenship testing in the United Kingdom – The Life in the UK Test**

Britain’s naturalisation laws are administered under the British Nationality Act 1981 which came into force on 1 January 1983, as well as the Nationality, Immigration and Asylum Act 2002 and the Immigration, Asylum and Nationality Act 2006. The 1981 Act stipulates that applicants ‘have a sufficient knowledge of English, Welsh or Scottish Gaelic’. The Nationality, Immigration and Asylum Act 2002 added the requirement to Schedule 1 of the 1981 Act for applicants to also demonstrate ‘sufficient knowledge about life in the United Kingdom’, making the 2002 Act the instrument that provides for the Life in the United Kingdom test (hereafter the LUK test). On the subject of what a ‘sufficient knowledge’ of the language(s) actually means, Note 2 of the UK Border Agency’s (UKBA) Information Leaflet *BN7 Naturalisation as a British citizen* says that it must be ‘good enough…to deal with everyday situations’. Note 2 also says that in order to satisfy the requirement for ‘sufficient knowledge’ of life in the UK, applicants will need to have passed the LUK test or an ESOL course (English for Speakers of Other Languages) with a citizenship syllabus.

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247 British Nationality Act 1981 paragraph 1(1)(c) of Schedule 1
249 ESOL standards in the UK refer to a set of national standards set out in the Adult ESOL Core Curriculum Available here: [http://rwp.excellencegateway.org.uk/ESOL/Adult%20ESOL%20core%20curriculum/](http://rwp.excellencegateway.org.uk/ESOL/Adult%20ESOL%20core%20curriculum/)
While it is outside the scope of this thesis to cover in detail the (shifting) immigration and citizenship requirements of the UK, or any of the other exemplar nations, at the time of writing, the LUK test is a compulsory requirement for most people wishing to apply for British citizenship or Indefinite Leave to Remain (ILR), also known as permanent residence. In short, for naturalisation as a British citizen, applicants must be over 18 years of age, be of sound mind and character, and have met the language and knowledge requirements (by having passed the LUK test), as well as the residential requirement of five years.\textsuperscript{250} For permanent residence applicants, the test requirement depends upon the type of visa. In general, the required period of legal residence before making an application for ILR is between two and five years. The LUK test is one of the requirements for ILR.\textsuperscript{251}

What emerged in November 2005 as the LUK test had its origins in the Home Office’s 2002 White Paper, \textit{Secure Borders, Safe Haven: Integration with Diversity in Modern Britain}, which aired an intention to explore citizenship testing, and in the output of the Life in the UK Advisory Group, which was established in September 2002 and chaired by Sir Bernard Crick.\textsuperscript{252} The advisory group, which consisted of a broad range of academics and practitioners in areas such as citizenship, social services and education, was given the task of advising the Home Secretary, David Blunkett, ‘on the method, conduct and implementation of a ‘Life in the United Kingdom’ naturalisation test’. Part

\textsuperscript{250} For a more detailed information see the UK Border Agency website: http://www.ukba.homeoffice.gov.uk/britishcitizenship/eligibility/naturalisation/standardrequirements/

\textsuperscript{251} For more detailed information see:
http://lifeintheuk.net/index.php/about_the_test/who_needs_to_take_the_test_settlement/

of that task, according to the Group’s report, was taken to include the job of defining the word ‘sufficient’ in relation to the knowledge of the language and of British society.253

For observers of the Australian citizenship test’s introduction and the debates surrounding it, the report from the Crick-led advisory group has a familiar ring. On the language requirement for British citizenship, the report says that in the past it has been ‘undefined…often perfunctory and sometimes uselessly minimal’.254 The report also makes a connection between English language skills and employment prospects for migrants, stating that research suggests that English language ability is associated with a 20% increase in the likelihood of getting a job as well as higher potential earnings for those already with jobs.255 Also familiar is the argument for language as empowerment for the individual and to the benefit of all. That is, increased language skills are likely to have broad economic benefits by increasing the size of the nation’s workforce and reducing government spending on state aid, while at a micro-level, individuals receive a boost to their dignity through employment and are more likely to avoid situations of low pay and joblessness, both of which may lead to social problems which hinder integration.256

The overriding theme in the report is the government’s wish for active citizens who are involved in Britain economically, politically and socially.257 This focus on active citizenship is a recurrent theme throughout and is no surprise given the well-known position on citizenship education held by both the Chair of the group, Crick, and Blunkett, himself a former student of Crick’s at the University of Sheffield in the 1960s. They had combined previously in 1998 when Blunkett, as Secretary of State for Education and Employment, asked his former teacher to chair an advisory group on citizenship education in schools. Included in the terms of reference for that exercise was for advice on the ‘nature and practices of participation in democracy; the duties,

254 ibid, p.4
255 ibid, p.5
256 ibid
257 ibid p.8
responsibilities and rights of individuals as citizens; and the value to individuals and society of community activity’. 258

The 2003 report also includes statements on British identity (‘Who are we British?’), multiculturalism, and the meaning of being British (including respect for law, democracy, tolerance, equal rights, allegiance to the state in return for protection). 259 There is a disclaimer however, the kind of which was largely absent from the Australian government’s rhetoric during the introduction of its own test: ‘We neither need to define ‘Britishness’ too precisely, nor to redefine’. 260 Indeed, as previous chapters in this thesis demonstrate, the opposite is true in the Australian case; John Howard, Peter Costello, Andrew Robb, Kevin Andrews and others went to considerable trouble to define Australianness in fairly precise terms while discussing Australian citizenship.

The Crick report finishes with an entry on integration which, it says, is not only about mutual respect and tolerance but ‘continual interaction, engagement and civic participation, whether in social, cultural, educational, professional, political or legal spheres’. For Crick then, good citizenship is based on behaviour, not on ‘assertions of national, ethnic or religious priorities or particular interpretations of history’. 261 This last statement was another that was not wholly embraced by the government during the citizenship test debates in Australia.

As per the group’s remit, the rest of the report makes recommendations on how a LUK test should be formulated. On the subject of history in the test, the report states that only the experience of living in a country can make it meaningful and that testing for it, therefore, is anomalous. For these reasons, history, according to the report, ‘should not be an imposed and heavy precondition’. 262 The report recommends that the language component and civic knowledge be combined within a broad framework of subject

260 ibid
261 ibid, p.12
262 ibid, p.14
areas such as British national institutions, multicultural Britain, the law, employment, sources of help and information, and everyday needs. 263

Other recommendations included in the report were that the booklet materials be translated into ‘as many languages as practical’, and provided free of charge both at home and abroad to anyone who might benefit from it, including people applying for residency, entry, or work permits. The (free) availability of the materials in languages other than English would not only assist settlement but would also reflect well on the UK as a welcoming country. 264 On this theme, the report also makes note of a statement by a Member of the House of Lords that any test should not be ‘unduly onerous’. 265 In a speech at Sydney Ideas in April 2007, Crick recalled that David Blunkett was of the same opinion and had said to the committee, ‘For God’s sake, come up with a test that not too many people fail’. 266 According to Crick, when one member asked how many was ‘too many’, Blunkett replied that ‘if more than five or ten per cent fail, I think you lot have got it wrong’. His wish would prove fanciful, however. Statistics tabled in the House of Commons on 14 January 2008 showed that in the first two years of its operation, the overall pass rate for the British citizenship test was 67.5%, with 116,394 fails out of 358,594 tests taken. 267 By the end of 2009, the BBC reported that the figures had improved slightly over the four years from its inception to 70.9%, with 263,641 fails from 906,464 tests taken. 268

One of the main recommendations put forward by the group in the report was that the language requirement for naturalisation be based on the candidates’ progress in

263 ibid, p.14-16
264 Life in the UK test materials are neither free nor available in languages other than English
267 Transcript of UK parliamentary proceedings (Commons Debates – Column 1050W) available here:
http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080114/text/80114w0052.htm
268 Available here: http://news.bbc.co.uk/2/hi/8707152.stm
language skills ‘rather than requiring a common language standard for all applicants’.269 That is, the point of the assessment regime should be to draw those with weaker language skills into education programs, not deter them by imposing a lofty standard.270 This is also a means of encouraging lifelong learning in new citizens.271 The crux of the language recommendation made – which was subsequently accepted and implemented – is that applicants assessed at or above ESOL Entry 3 should be required to take the citizenship component of the naturalisation test, while those assessed as lower (ESOL Entry 1 or 2) should undertake a course of instruction with citizenship as its syllabus and that at the end of the course be able to show that they have progressed at least one level higher than where they started.

The report describes ESOL Entry 1 as ‘a very basic level of understanding in English’ suitable for ‘unskilled jobs in supermarkets, the hotel, catering and construction industries, and cleaning firms’.272 It also notes that reaching ESOL Entry 1 from having no English at all requires ‘considerable’ time and effort.273 ESOL Entry 2, a step up from ‘very basic’, is described as ‘basic but developing English language skills’. Those at Entry 2 are described as being able to ‘listen and respond to straightforward explanations and instructions, speak about familiar topics and read short texts’ as well as ‘take part in a short conversation with customers in the workplace, make inquiries on the telephone or read a health and safety notice’.274 ESOL Entry 3, the point at which prospective citizens are deemed to be eligible to take the naturalisation test, is described in the Crick report as an ability to ‘conduct a conversation and get detailed information from a timetable’.275 In his Sydney speech in 2007, Crick described it as being able to hold a ‘non-syntactical conversation on an unexpected topic’. A more detailed (and official) inventory of the language skills at ESOL Entry 1, 2 and 3 is provided in the

270 ibid, p.20-21
271 ibid, p.23
272 ibid, p.21-22
273 ibid, p.22
274 ibid
275 ibid
Appendix of Crick’s report. At Entry 3, for example, speaking and listening skills are deemed to be at a level where an adult learner can follow straightforward explanations or instructions face-to-face or over the phone. Adults at Entry 3 can also read short, straightforward texts on familiar topics, and write complete sentences organised into paragraphs, use correct basic grammar, and spell common words correctly.

**Life in the UK test (1st edition)**

The LUK test was introduced on 1 November 2005 as a 24-item, computer-delivered, multiple-choice test. The pass mark was set at 75% (18 out of 24). Questions were based on Chapters 2-4 of *Life in the United Kingdom: A journey to citizenship*. The booklet is 145-pages, entirely devoid of photographs or colour apart from its distinctive blue cover, and is described in its introduction as being designed to ‘assist teachers of English as a second language, mentors and others helping immigrants to integrate’. That is, its main stated purpose is to be a teaching tool for anyone helping out would-be citizens who have very little knowledge of English or of life in the UK. Also included in the introduction is the following statement: ‘If you are an immigrant, welcome to this country. Existing British citizens are well aware that the country needs immigrants, both skilled and unskilled’.

Its eight chapters cover British history from the Romans to the present, migration to the UK and how the society has changed, current population statistics, government and the EU, everyday needs and features of life in the UK such as healthcare and road safety, employment information, information guides, and the law. The three testable chapters are entitled *A changing society, Britain today: a profile, and How Britain is governed*. These chapters were a reflection on what Crick and his committee had set as the most relevant knowledge for active and participatory citizenship.

The booklet was controversial. On its release in December 2004, the *Guardian* reported that users would ‘have to take care with some of the text’, citing a ‘telling slip’ in the

276 ibid, p.42-46
278 ibid
government section which said that the Conservative Party had ‘won the general election of 1979 and stayed out of office until 1997’. The errors did not end there, however. In April 2006, the *Guardian* reported a number of ‘historical howlers’ from the booklet, including the mangling of one of Churchill’s most celebrated wartime quotes. Also, the booklet claimed that Charles II was recalled from exile in France when he was in fact recalled from Holland, and that Great Britain includes Northern Ireland, which it does not. The article also quotes a past president of the Scottish Association of Teachers of History: ‘I find the whole thing appalling. It is riddled with errors and it is the most turgid, abysmal piece of writing I have seen in a long time’. Crick, who authored the history section, was quoted in the article defending the errors as the result of having to write the booklet quickly.

It was not only the mistakes that drew the ire of commentators. The type of content too came in for criticism with similar sorts of arguments that would be aimed at the Australian citizenship test booklet on its release in 2007, namely, that much of the information provided had a tenuous connection with citizenship. The statement that ‘most country dwellers’ were ‘bitterly’ opposed to the abolition of fox hunting attracted some interest for its appearance in the testable sections of the booklet, for example. So too did an entry in one of the non-testable chapters which, after explaining that staff in busy bars will usually do their best to serve those who have been waiting the longest first, offered the following piece of advice: ‘If you spill a stranger’s drink by accident, it is good manners (and prudent) to offer to buy another’.

The booklet quoted Churchill as having said ‘Never in the course of human conflict have so many owed so much to so few’ when he actually said ‘Never in the field of human conflict was so much owed by so many to so few’.

Great Britain includes England, Scotland and Wales. The UK includes Northern Ireland.

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280 Glendinning, L. Citizenship guide fails its history exam. 29 April, 2006. *Guardian*
281 The booklet quoted Churchill as having said ‘Never in the course of human conflict have so many owed so much to so few’ when he actually said ‘Never in the field of human conflict was so much owed by so many to so few’.
283 ibid, p.101
of Nelson or something, I don’t know’.  

It is clear from this comment that he was tired of such criticisms and had some prophetic words with regard to Australian citizenship testing, a debate during which he had arrived in Australia. According to Crick, the inclusion of an official national history would inevitably open up a contentious and divisive debate. On the topic of trying to define a common core of values by which a state can identify itself, he offered a weary ‘good luck’, denouncing those searching for an overriding set of values by which to live as ‘low-grade Platonic opportunists’. This was a reference to an earlier point in his speech when he spoke of Plato’s view that the state is stronger when citizens are in agreement on a core of common values, a stance in contrast to Aristotle’s view, shared by Crick, that a society is held together by open and unfettered debate among an engaged and knowledgeable citizenry.

**Life in the UK test (2nd edition)**

The first edition of the Life in the UK booklet was replaced by a revised version in March 2007. White writes that the primary reason given for the ‘radically new’ edition was to simplify the language used.  

The opportunity was also taken to correct the historical inaccuracies and jettison the comments about fox hunting and buying drinks for strangers. Gone too was Crick’s upfront and personal welcome to immigrants, replaced by a more restrained offering in the very last paragraph of the preface that reads:

> The Government welcomes new migrants to Britain. We very much hope that those who meet our residence requirements and decide to spend their lives in this country will seek permanent settlement and eventually go on to become British citizens.

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285 White, P. 2008 Immigrants into citizens _Political Quarterly_, 79, 2, pp.221-231 [p.222-223 for the quote]

The revised LUK booklet is a 145-page glossy available (for a fee) as a book in hardcopy or a downloadable file. Unlike the first edition where the focus was also on teachers of immigrants, the second edition is targeted primarily at immigrants themselves. It has nine chapters, with chapters 2-6 assessable in the test, a significant increase on the amount of testable information from the first edition. The other chapters (1, 7, 8 and 9) are provided in the hope that readers will find them ‘of interest and practical value’.

As in the earlier edition, the historical events that shaped Britain are not assessable in the Life in the UK exam, a fact lamented by Prime Minister David Cameron in a speech on immigration on 10 October 2011 in which he called for changes to the test.

There’s a whole chapter in the citizenship handbook on British history but incredibly there are no questions on British history on the actual test. Instead, you’ll find questions on the roles and powers of the main institutions of Europe and indeed on the benefits system within the UK, so we’re going to revise the whole test and put British history and culture at the heart of it.

On his own knowledge of British history for citizenship, Cameron himself was caught out in an interview by American late night television talk show host David Letterman in September 2012. In what the British press called ‘a mock citizenship test’ from Letterman, Cameron did not know who wrote Rule Britannia, nor did he know the English translation of Magna Carta. The Guardian reported his appearance under the headline, ‘David Cameron fluffs citizenship test on David Letterman's Late Show’, and while it was a light-hearted article the story gathered momentum in the ensuing days with political opponents of Cameron weighing in on the discussion. London’s mayor,

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287 For a fee, which was £9.99 at the time of writing
290 Available here: http://www.guardian.co.uk/politics/2012/sep/27/david-cameron-letterman-late-show
Boris Johnson, for example, said that Cameron was feigning ignorance: ‘I think he was only pretending. I think he knew full well what Magna Carta means. It was a brilliant move in order to show his demotic credentials and that he didn't have Latin bursting out of every orifice’. 291

Chapters 2 to 6 of the revised edition provide the assessable information for the LUK test. Chapter 2, ‘A changing society’, provides historical information on the UK’s immigration patterns, statements on women’s rights called ‘The Changing Role of Women’, and a section on ‘Children, Family and Young People’. On the role of women in society there is this: ‘Research shows that very few people today believe that women in Britain should stay at home and not go out to work’. 292 In a section on children, the book says, oddly perhaps, that ‘there are many stories in newspapers about child molestation by strangers’, but qualifies the statement by adding that ‘there is no evidence that this kind of danger is increasing’. 293 The legal working age for children is also mentioned. The chapter finishes with sections on health hazards (with heroin, cocaine, crack cocaine, ecstasy, amphetamines, and cannabis appearing in a list of ‘key terms and vocabulary’) and on the political and social attitudes of young people, who, while seemingly not all that interested in party politics, are interested in particular political issues such as the environment and animal cruelty.

Chapter 3 provides a demographic profile of the UK and includes the most popular religions in the UK as well as British customs and traditions. Notes in the booklet say that in preparing for the test, readers should check that they understand ‘what the largest ethnic minorities in the UK are’ and where they live. 294 It is also necessary to know that 71.6% of the population say that they are Christian and that those who identify as

291 Available here: http://www.guardian.co.uk/politics/2012/sep/28/boris-johnson-cameron-magna-carta
293 ibid, p.30
294 ibid, p.38
Muslim, Hindu, Sikh, Jewish and Buddhist represent 2.7%, 1%, 0.6%, 0.5% and 0.3% of the population respectively.  

Chapter 4, How the UK is Governed, has entries on the system of government in the UK as well as the monarchy, the European parliament, voting and the rights and duties of British citizens. Among much else, readers are advised to check their understanding of ‘the differences between the Council of Europe, the European Union, the European Commission and the European Parliament’. Chapter 5, Everyday Needs, is a comprehensive chapter that arguably aligns most with life in the UK. Here readers can find information on housing, how to pay bills for utilities, recycling rubbish, what to do about troublesome neighbours, cleaning up after pets in public places, gambling, getting a driver’s licence, speed limits on the roads, banking, social security, health, pregnancy, opticians, education and schools, film classifications, travel and transport. It also includes telephone numbers and web addresses of service and information providers relating to all of the above and more.

The last of the assessable chapters, Employment, is also aligned more with life in the UK and offers a comprehensive outline with entries on job applications, interviews, rights and responsibilities at work, workplace discrimination, sexual harassment, bullying, minimum wage rates, tax information, national insurance, pensions, unions, and unfair dismissal, among others.

The last chapters of the book are not assessable but provide information on the rights and duties of citizens such as what to do if stopped by the police, for example, and what the police can and cannot lawfully do with respect to their rights to stop, question, search, and arrest people. Information is also provided on the court systems, where to get legal advice and legal aid, as well as what to do if a victim of crime. There is also extensive information on services and service providers, such as public libraries, the Citizens Advice Bureau, police and fire services. The final chapter, Building Better Communities, talks about the responsibilities attached to being a citizen of the UK and ‘some of the many ways in which people can help to make their communities a better

295 ibid
296 ibid, p.53
place to live and work’. Advice for building cohesive communities includes how to be a good neighbour by respecting the privacy of others, not being too noisy, and not leaving rubbish outside the house. According to the book, good citizens respect the law, the environment, and other people; they raise their children properly, behave morally and ethically, work to provide for themselves, treat all races equally, help others, and vote. Good citizens also support their community through jury service, helping out at schools, joining political parties, and volunteering.

The last thirty pages of the book are dedicated to a glossary with more than four hundred entries. This is a new feature as there was no glossary at all in the first booklet. Among some of the explanations for more prosaic words and expressions (‘scrutinise: examine all the details’ and ‘volt: a measurement of electrical force’, for example) reside definitions and/or explanations for: adultery, amphetamine, betting shop, cannabis, cocaine, condemn to death (‘this does not happen in the UK’), contraception, ecstasy (‘illegal and dangerous. […] makes users feel that they have lots of energy’), inappropriate touching, molestation, pogroms, rape, slavery, and torture.

Patricia White documents the shift in perspective on British citizenship from the first (LUK04) to the second edition (LUK07) of the LUK test materials. She compares the two editions and concludes that they ‘present considerable differences in the official British view of citizenship’, noting first that the 2007 version deleted the slogan ‘Building a safe, just and tolerant society’ which appeared on the cover of LUK04. For White, LUK07’s ‘invisibility of tolerance’ creates the impression that it is not a highly regarded virtue in British society. To illustrate what she calls a shift from a welcoming attitude to a ‘you-will-need-to-toe-the-line’ attitude, she notes that LUK04 talks about how to get on with neighbours while LUK07 focuses on what to do if you

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297 ibid, p.107
298 ibid, p.108
299 White, P. 2008. Immigrants into citizens Political Quarterly 79, 2, pp.221-231
300 ibid, p.222
have problems with them.\textsuperscript{301} She also contends that LUK04 presents a view of the UK as a dynamic society with problems that can be ameliorated by an engaged and active citizenry, while LUK07 appears to present the obedient citizen as the ideal, which in her view, undermines the democratic nature of the society. While she acknowledges that as a test preparation tool, LUK07 is an improvement on the previous version, White says that the replacement of the old booklet, ‘a more detailed, expansive and welcoming document’, with a ‘more efficient’ one aimed predominantly at citizens who can ‘efficiently tick boxes’, does not necessarily reflect well on British society.\textsuperscript{302}

White’s ultimate conclusion is that the two booklets create confusion about expectations which the host society has of potential citizens. Does it want active participants as reflected in the first booklet or does it want more passive role-players in a rigidly defined system as reflected more by the second edition? For White, the result of the shift creates the ‘regrettable impression’ that British society ‘pays only lip service to democratic values’.\textsuperscript{303}

The LUK07 test booklet has also come under more recent criticism. Brooks writes that the 2007 citizenship test materials are in ‘urgent need’ of revision, given that the booklet was last revised in 2007 and that it contains information to do with demographics and government departments, for example, that has changed significantly in the ensuing five years.\textsuperscript{304} The demographic information is gleaned from the 2001 census and Brooks notes that one of the practice questions asks for the population of the UK, which, according to the information in the booklet (and so the official correct answer to the question) is ‘60 million’, which is presented as one of the multiple-choice options along with ‘56 million’, ‘58 million’, and ‘62 million’. The problem, as Brooks points out, is that the population of the UK has increased to 62 million (at the time of writing), an option which, if chosen, would be marked as incorrect.\textsuperscript{305} The inaccuracies

\textsuperscript{301} ibid, p.224
\textsuperscript{302} ibid, p.227
\textsuperscript{303} ibid, p.230
\textsuperscript{305} ibid, p.561
do not end there. Other questions that require candidates to choose incorrect answers based on out-of-date information include one that asks for the number of parliamentary constituencies (test answer 646; actual answer 650), and another that asks for the number of seats held by the UK in the European parliament (test answer 78; actual answer 73). Brooks goes on to give examples of answers to questions concerning government programs that no longer exist and departments that have been merged or scrapped.

Aside from his recommendation that the LUK booklet be updated, Brooks also calls for a revised booklet to include sections previously not included in the testable sections such as those on British history and law. He says that there is no reason given for the omission of British history and makes the assumption that it is not included simply because history is contested. This is at best a partial explanation, given Bernard Crick’s original focus on active citizenship as the focus of the test. Brooks says that knowledge of key events in British history such as the signing of the Magna Carta and important battles ‘would better ensure that new citizens could better engage with modern British culture’, and noted that PM David Cameron shared such a view and had called for a test revision to be completed by late 2012. 306

Apart from widespread criticism of the test materials, the testing regime itself came in for official criticism in the 2007-08 review of citizenship carried out by Lord Goldsmith. 307 Goldsmith’s stated purpose for the review was to make recommendations for enhancing the meaning and significance of British citizenship. 308 On the LUK test, Goldsmith noted that the test materials had a national focus and did not necessarily deal with local integration. He urged the government to consider adapting the test to include a local focus. He also said that the testing regime was ‘not seen typically as a stimulus for learning’ despite that fact that it was one of the stated aims of the test. 309 He also noted that the test was a barrier to citizenship for some people, making special mention

306 ibid, p.562
308 ibid, p.3
309 ibid, p.118
of Bangladeshi nationals for whom the pass rate was ‘only 46.3%’. Other concerns raised in the review were that the test encouraged rote learning and that class-led citizenship education was preferable, both as a way of engendering understanding of citizenship and improving language skills. Goldsmith proposed that the course route to citizenship (for those of lower language ability) be better promoted and resourced to allow for increased uptake and availability.  

He also proposed a test revision because of its ‘deep impression of unfairness’ and the effect it was having on the test’s credibility as a learning tool.  

Life in the UK test (3rd edition), March 2013

The third version of the Life in the UK test booklet was released in late January 2013. Prior to its public release, under the headline ‘Want to become a British citizen? Better swot up on Monty Python’, the Guardian reported that the new, tougher citizenship test was more about ‘Britishness’ than its predecessors and that it was ‘part of the government’s intention to dramatically reduce net migration’. The article also reported statements from Mark Harper, the Minister for Immigration, who distanced his government’s new test from the previous Labour government’s versions that featured ‘mundane information about water meters, how to find train timetables, and using the internet’. According to the Guardian, Harper also said: ‘The new book rightly focuses on values and principles at the heart of being British’ and that ‘Instead of telling people how to claim benefits it encourages participation in British life’.

310 ibid, p.119
311 ibid
314 Booth, R. Want to become a British citizen? Better swot up on Monty Python. 27 January, 2013. Guardian
The 2013 booklet is more overtly British in appearance than its predecessors. Certainly, the Union Jack, which had not appeared anywhere in either of the first two editions, is a prominent feature in the 3rd edition. Indeed, the booklet appears at first glance to be heavily influenced by the wave of British pride that followed the successful London Olympics in 2012. At 182 pages long, the booklet is also weightier than the previous versions. This is particularly ominous for prospective citizenship candidates as, unlike previous versions, all of the information in the booklet is testable. The history section, titled ‘A Long and Illustrious History’ is most certainly long, beginning in the Stone Age and ending with the Conservative–Liberal Democrat election win in 2010. Along the way it lists the six wives of Henry VIII, quotes lines from Shakespeare, pays tribute to the owner of Britain’s first curry house, and describes a number of ‘wonderful’ British inventions. The culture section is also comprehensive, and includes lists of past and present luminaries in sports and the arts. Curiously perhaps, current world-ranked tennis player Andy Murray has more space in the booklet than the Beatles and the Rolling Stones combined, as do a number of prominent British athletes from the 2012 London Olympics. The sports section also contains a section on cricket in which readers are warned that they may come across expressions such as ‘batting on a sticky wicket’, ‘playing a straight bat’, and ‘bowled a googly’, which, according to the booklet, have ‘passed into everyday usage’.  

British poets also figure prominently. Among excerpts from Browning, Byron, Wordsworth and Owen are these few lines from Blake:

Tyger! Tyger! Burning bright  
In the forests of the night,  
What immortal hand or eye  
Could frame thy fearful symmetry? 

The first tests based on the new booklet are scheduled to begin on 25 March, 2013. At the time of writing, the effects of the vastly more difficult materials on test-takers remain to be seen. What is clear however is the stark difference between the Cameron

government’s proud ‘flag-waving’ version of the Life in the UK, and the more understated materials of the previous Blair and Brown Labour governments.

**The United States – The Naturalization Test**

Kunnan provides a brief historical background to the US Naturalization test and notes that the Immigration and Nationality Act of 1790 was the country’s first federal legislation in relation to naturalisation. He says that despite the ‘soaring rhetoric’ of the Declaration of Independence about the equality of all men, US citizenship was restricted in the legislation to ‘free white persons’. A prominent language testing theorist, Kunnan is primarily concerned in his writings with the language requirements for naturalisation, and notes that the 1893 Act was the first time that literacy (the ability to read and write, though not specifically in English) was included in the naturalisation criteria for US citizenship. In 1906, the Act required applicants for naturalisation to adhere to the principles in the US Constitution as well as demonstrate the ability to sign their own name and speak English.

The current language requirement, as set out in Sec.312(1) of the Immigration and Nationality Act 1952, denies US citizenship to any person unable to demonstrate ‘an understanding of the English language, including an ability to read, write and speak words in ordinary usage in the English language’. Kunnan cites Del Valle who said that in doing so, Congress had ‘clearly linked the inability to speak or understand English to political suspicion’. The 1952 Act also required for the first time that prospective

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318 ibid, p.89
319 ibid
320 ibid, p.90
citizens be able to demonstrate knowledge of US history and government. According to Kunnan, the language and education requirements were enforced only informally by immigration officials and the idea for a standardised form of testing did not come about until the mid-1980s with the introduction of the Immigration Control and Reform Act 1986 which required aliens seeking citizenship under the Act to meet educational requirements. The original standardised test was developed by private testing contractors and administered at around 1,000 sites across the US through private subcontractors in the early to mid-1990s until allegations of widespread fraud brought the test under the centralised control of the Immigration and Naturalisation Service (now the USCIS) where it remains and is now part of the requirements for naturalisation.

The current naturalisation process for acquiring citizenship of the US is outlined in *A Guide to Naturalization*, published by the US Citizenship and Immigration Services (USCIS). Under the heading of ‘English and Civics’ the guide states that applicants for naturalisation must demonstrate ‘an understanding of the English language, including an ability to read, write, and speak...simple words and phrases...in ordinary usage in the English language’ as well as ‘a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States’. By way of explaining these two stipulations the guide says they mean that applicants must be able to ‘read, write, and speak basic English. […] have a basic knowledge of US history and government’. Presumably, the word ‘basic’ here is a synonym of ‘simple’ as well as ‘ordinary usage’ in relation to language and ‘fundamental’ in relation to US history and governance. Terms like these, though

322 Given the time that the Act was introduced (1952), it can be assumed that such provisions were related to the Cold War.
323 Citizenship was one aspect of the 1986 Act because it included an amnesty clause for illegal immigrants who had entered the US prior to 1982 and had lived in the country continuously since. The Immigration and Nationality Act 1952, however, did not include a formal test in the naturalisation requirement and was not affected.
326 ibid
difficult to define and test accurately, are used commonly by governments attempting to articulate the level of a language required for citizenship in society.

The guide lists the exemptions from the English requirement as dependent upon age and time spent as a permanent resident of the country. Those exempt are: people over 50 years of age who have spent at least twenty years as a permanent resident of the US; people over 55 who have spent at least fifteen years as a permanent resident; and those over 65 who have spent at least twenty years as a permanent resident. The first two categories of persons have to take the civics test but may do so in the language of their choosing. Those in the third category (over 65) also have to take the civics test in a chosen language but have a narrower set of designated questions to study.

It may suffice to describe the US citizenship materials as ‘typically American’. The front cover of *A Guide to Naturalization*, for example, features the familiar icons of the Statue of Liberty and the Stars and Stripes, while the first words are a welcome:

> We are very pleased that you want to become a US citizen. The United States is a nation of immigrants. Throughout our history, immigrants have come here seeking a better way of life and have strengthened our Nation in the process.

One feature of the US Naturalization test that sets it apart from the others in this analysis, however, is that the government publishes the full list of possible questions. The USCIS website is well-resourced and provides extensive preparation materials. It hosts a number of video and audio presentations that outline the process of naturalisation as well as provide study materials for the civics and language tests. Along with a comparatively restrained sixteen-minute video entitled The USCIS naturalization interview and test, there is a twelve-minute video called ‘A promise of freedom: an introduction to US history and civics’ that gives a proud, Hollywood-inspired, potted history of the birth of the nation and the US constitution accompanied by a rousing soundtrack. There are audio files that cover each of the one hundred possible questions and answers that make up the civics content of the test. It also has each of the questions

327 ibid
328 USCIS website available here: http://www.uscis.gov/portal/site/uscis
and answers on flash cards as well as an online practice version (the Naturalization Self Test) that randomly selects test questions in a multiple-choice question (MCQ) format. There is also a page for teachers that provides extensive lesson plans and activities that target specific subject areas, vocabulary items and questions on the test, tailored for either Beginner and/or Intermediate Level learners.  

**US civics test – content**

The civics test component of the naturalisation process consists of ten questions drawn from a list of one hundred questions and answers which are published on the USCIS website. It is an oral test where applicants sit with an immigration official who asks up to ten questions at random from the list. Applicants must answer at least six out of ten questions correctly to pass the test.

The one hundred test questions are arranged in three main subject areas: American Government (Qs 1-57); American History (Qs 58-87); and Integrated Civics (Qs 88-100). The American government questions are divided into three sub-sections, A, B and C. Section A, Principles of American Democracy, has twelve questions, most of which deal with aspects of the American constitution as well as basic freedoms and rights. Section B, System of Government, has thirty-five questions that, predictably enough, deal primarily with the workings of government. This section contains a number of questions that require current and/or local knowledge. For example, applicants may be asked to name the current governors, senators or members of the house from their home state or district, as well as know the names of the current President, Vice-President, and the Speaker of the House of Representatives. Section C, Rights and Responsibilities, consists of ten questions on freedoms (of expression, speech, assembly, for example)

329 Available here: http://www.uscis.gov/portal/site/uscis/menuitem.2182d258012d5eb62b6859c7526e0aa0/?vgnextoid=3b1820bb82c39210VgnVCM10000025e6a00aRCRD&vgnextchannel=37decf2351488210VgnVCM10000025e6a00aRCRD

330 Available here: http://www.uscis.gov/USCIS/Office%20of%20Citizenship/Citizenship%20Resource%20Center%20Site/Publications/100q.pdf
and responsibilities (jury duty, voting) for US citizens as well as procedural obligations such as the date each year by which federal taxation forms must be lodged.

The American history questions (Qs 58-87) are also divided into three sub-sections: Section A, Colonial Period and Independence; Section B, 1800s; and Section C, Recent American History and Other Important Historical Information. All three sub-sections deal with important events, conflicts (internal and external) and historical figures from the three periods. The final subject area, Integrated Civics, is divided into three sub-sections: Geography, Symbols and Holidays. Questions here include the longest rivers in the country, the location of the Statue of Liberty and the significance of the stars and stripes on the US flag.

One possible indicator of the priorities of the US government in relation to the type of information deemed necessary for citizenship is perhaps the abridged list of twenty questions for prospective citizens over 65 years of age who have been permanent residents for at least twenty years, and who are therefore exempt from the language requirement. The first twelve questions of the shortened list come from the American Government subject area and include the rights and freedoms in the First Amendment, capitalism as an economic system, the branches and parts of the government, the names of the current President as well as a local senator, the capital city of the candidate’s state, the two major political parties, voting as a responsibility of US citizenship, the voting age, and the date for lodging tax returns. There are four questions from the American History subject area. Three of them are to do with historical figures (George Washington, Abraham Lincoln and Martin Luther King, Jr.) and one requires the candidate to name one war that the US fought in the 1900s. The last four questions are from the Integrated Civics subject area and require candidates to name the capital of the US, the location of the Statue of Liberty, the reason there are fifty stars on the flag and the date on which Independence Day is celebrated.

US test – the interview (and language component)

After the applicant takes the oath, the first part of the naturalisation interview is spent reviewing the information contained in application form N-400 and the supporting documents that accompany it. During this process, the immigration officer assesses the applicant’s ability to speak and understand the English language. This is done mostly through routine questions and answers from the N-400 form such as asking the applicant’s name, birthplace, current citizenship status, marital status, address, occupation, and recent travel. After the form has been reviewed, the applicant is then asked to print their name and sign their application. The officer then moves on to the history and civics test and the reading and writing tests. The history and civics test has ten questions that are asked and answered orally. The pass mark is 60% and the officer stops asking questions once six have been answered correctly or until ten have been asked. The reading and writing tests each have three sentences and applicants need only get one of each correct to pass. For reading, the candidate is handed a sheet of paper and is asked to read a selected sentence aloud. If and when successful, the applicant is given a pen and paper and is asked to write a sentence which is dictated by the officer. If the officer deems the sentence unacceptable they are given another. The applicant is told immediately whether or not they passed the naturalisation tests and interview. If successful, the applicant is sent a letter with a date for the ceremony at which they take the oath of allegiance.

The USCIS publishes scoring guidelines for the test under the headings of speaking, reading, writing and civics. While these represent an effort to standardise the process,

332 The USCIS website offers this as the ‘normal’ order of events in the process but acknowledges that different offices and/or officers may deviate from it.
333 The two parts of the interview may be done at different times by different officers or both at the same time.
334 The simulated test video shows a candidate being asked to write: Thomas Jefferson was the third president of the United States.
they do not, however, eliminate the likelihood of inconsistency. The speaking guidelines, for example, state that USCIS officers should repeat and rephrase questions until they are satisfied that the candidate has either understood them or is not likely to understand. The guidelines also say that an applicant has demonstrated their ability to speak English if they ‘generally’ understand and can ‘respond meaningfully’ to questions. The reading guidelines state that when reading sentences aloud, candidates must do so ‘in a manner suggesting to the USCIS Officer that the applicant appears to understand the meaning of the sentence’ and that accent is not a valid reason for failing. This last point is potentially confusing as the guidelines also say that applicants can fail if they make ‘pronunciation or intonation errors that interfere with meaning’.

Distinguishing pronunciation and intonation from accent is not an easy task and would require not only experience but specialised training.

The test in current operation is the result of a revision process carried out in the mid-2000s and which Kunnan reports was ‘underway’ by 2002. Kunnan also writes that the previous informal test came in for strong criticism for its lack of consistency across jurisdictions. That is, the types of questions asked and the sentences used for dictation, reading and listening were of varying length and difficulty and represented more a lottery than a systematic attempt at a standardised process. Public opinion too was that the test was ‘meaningless and seen to hinder citizenship applicants’ and was also biased towards certain nationalities over others. Kunnan reports, however, that nothing changed with the redesign and that what emerged from the revision process was a ‘meaningless and indefensible’ test that differed little from its predecessor. Etzioni was also less than laudatory about the revision:

337 ibid, p.43
338 ibid
339 ibid, p 44-45
the test hinders those who do not speak English and favours immigrants from English-speaking countries and persons who can afford extensive English education prior to their arrival, or once they are in the United States.  

Kunnan’s assessment was much in line with critics of citizenship tests with language requirements in other contexts (Australia, for example) when he concluded that there is a possibility that ‘any critical thinking on history and government can only take place in the applicant’s native language and not in English’.  

**Canada – The citizenship test**

In terms of the type of test – a computer-delivered, 20-item MCQ test with an original pass mark of 60%, which was raised to 75% on revision – and the materials upon which the test is based, the regime that most closely resembles Australia’s is that of Canada. This is perhaps no coincidence. At the very least, the two countries have similar histories with respect to the treatment and plight of their Indigenous populations and being colonised by the British. They have also shown a willingness in the past to follow each other’s policies with regard to citizenship and immigration. For example, after Canadian citizenship was first created in January 1947, Australia followed with its own in January 1949. Australia also followed Canada’s lead when it introduced the Numerical Multifactor Assessment System (NUMAS) points system for immigrant selection in 1979, a system which Canada created in 1967.  

Also, as the analysis below will show, the two countries have shared ideas on the type of content that should be presented, learned, and tested as vital knowledge for citizenship.

Section 5 (1) (d) and (e) of Canada’s Citizenship Act provide for a person to be granted Canadian citizenship if they demonstrate an ‘adequate knowledge’ of English or French, the country itself, and of the responsibilities and privileges of citizenship. Applicants

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aged 55 years or over are exempt from testing. Other requirements include legal residence in Canada for three out of the four years prior to the application, with no criminal convictions in the past three years. The Citizenship and Immigration Canada (CIC) website says that the language stipulation is understood as ‘the ability to speak…well enough to communicate with people’ and that the prospective citizen must know enough ‘to understand other people and for others to understand them’. The assessment tools used are the knowledge test (a 20-item, multiple-choice test with a 75% passing grade based on the information booklet Discover Canada) and interactions with Immigration Department staff, which also may include an interview with a citizenship judge. The adequate language requirement is also described on the website as the ability to respond in short sentences to simple questions on familiar topics. Candidates must also demonstrate ‘enough words for basic everyday communication’ and be able to ‘tell a simple story about everyday activities’, speak about a past or future event, give ‘simple everyday instructions and directions, and express satisfaction or dissatisfaction’.

The legal aspects of Canadian citizenship, as well as the applications themselves, are overseen by the Citizenship Commission, an administrative body within the Citizenship and Immigration Department. The commission is headed by a Senior Citizenship Judge who reports to the minister of the day and is also responsible for the administration of the commission’s activities and those of its constituent members, the citizenship judges. The role of the commission and its judges includes the review of around 160,000 citizenship applications annually, administration of the oath of citizenship and promotion of citizenship in schools and multicultural organisations. According to the CIC website, citizenship judges spend ‘at least 90% of their time…reviewing citizenship applications, making decisions and explaining those decisions in writing’. CIC staff are the frontline service providers in all transactions with applicants. They do the preliminary criteria checks and ensure the suitability of applicants, as well as administer the knowledge and language tests. They prepare files on each applicant and

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344 ibid
346 ibid
send them on to the citizenship judges who review the files and make their decisions based on the information provided in them. Judges may in a small percentage of cases conduct face-to-face interviews with applicants. Applicants can appeal against negative decisions to the Federal Court or the Minister of Citizenship, Immigration and Multiculturalism.

Test materials – *Discover Canada*

At first glance, *Discover Canada* looks more like a travel brochure than a study guide for citizenship. It is celebratory, brightly coloured, glossy, and crammed with photographs of attractive scenery and smiling faces. After the Oath of Citizenship, and like the US Naturalization guide, the booklet begins its ‘Message to Our Readers’ with a welcome.

Welcome! It took courage to move to a new country. Your decision to apply for citizenship is another big step. You are becoming part of a great tradition that was built by generations of pioneers before you. Once you have met all the legal requirements, we hope to welcome you as a new citizen with all the rights and responsibilities of citizenship.

The message to the readers also outlines who has to take the test (18-54 year-olds) and that they must have an adequate knowledge of French or English, and know about Canadian ‘voting procedures…history, symbols, democratic institutions, geography, and the rights and responsibilities of citizenship’. The message to the readers concludes with ‘Good luck!’

The content sections of the booklet begin with the rights and responsibilities of citizenship. They include the basic freedoms of Western democracy such as religion, speech and the press as well as citations from the Canadian Charter of Rights and Freedoms on Aboriginal rights, language rights, and multiculturalism. Under the heading ‘The Equality of Women and Men’, there is the following blunt warning which,

348 Ibid, p.3
given the up-to-then welcoming and celebratory tone of the booklet, appears somewhat unexpectedly:

In Canada, men and women are equal under the law. Canada’s openness and generosity do not extend to barbaric cultural practices that tolerate spousal abuse, ‘honour killings’, female genital mutilation, forced marriage or other gender-based violence. Those guilty of these crimes are severely punished under Canada’s criminal laws. 349

Directly under the statement are three photographs. The most prominent of them, the one in the centre, shows a scene at a school where a woman in a headscarf is working at a desk alongside another woman (without a headscarf) and a young school aged girl, also in a headscarf. The responsibilities of citizenship are listed as obeying the law, providing for oneself and the family by getting a job, jury duty, voting, volunteer work, and being respectful of the environment. The next section, ‘Who we are’, provides information on the three founding peoples of Canada (Aboriginal, English and French) and up-to-date demographic profiles of the population, and celebratory statements and statistics on diversity and multiculturalism. The section also contains a statement similar in tone to the one above, this time, under the heading ‘Becoming Canadian’:

Some Canadians immigrate from places where they have experienced warfare or conflict. Such experiences do not justify bringing to Canada violent, extreme or hateful prejudices. In becoming Canadian, newcomers are expected to embrace democratic principles such as the rule of law. 350

A section on the history of Canada follows, and includes entries on first European contact and settlement, the wars between the French and English, slavery, the fur trade, voting rights for women, and Canada’s involvement in the world wars. ‘Modern Canada’ takes up the country’s development after the Second World War. Under the heading of ‘Arts and culture in Canada’, the booklet, in much the same way as the Australian resource booklet does, lists notable musicians, writers, painters, performing

349 ibid, p.9
350 ibid, p.12
artists, filmmakers, sportspeople, academics, entrepreneurs, inventors, and Nobel Prize-winning scientists. The next ten pages are devoted to civics and include sections on how Canada is governed, elections, how to vote, and the justice system. ‘Canadian Symbols’ lists several ‘objects, events, and people that have special meaning’ including the Canadian flag, the maple leaf, ice hockey, and the beaver, an ‘industrious rodent’ which features on the five-cent coin. The section also notes that French and English speakers ‘have lived together in partnership and creative tension for more than 300 years’. The section also includes the lyrics to O Canada, the national anthem, and God Save the Queen, as well as a list of war heroes (Victoria Cross recipients) and the dates of national holidays and other important events. The economy and major industries get a brief mention before a fairly extensive geography lesson on the regions of Canada, and their constituent provinces and territories.

The booklet finishes with practice questions and an excerpt from Section 15 of the Citizenship Regulations, which accompany the Act. Section 15 says that an ‘adequate knowledge of Canada’ includes knowledge of its national symbols and a ‘general understanding’ of the ‘chief characteristics’ of the country’s political, military, social and cultural history, its physical and political geography, and system of government as a constitutional monarchy. On ‘an adequate knowledge of the responsibilities and privileges of citizenship’, candidates for Canadian citizenship have to demonstrate a ‘general understanding’ of participation in the country’s democratic process and its society, including volunteerism, respect for the environment and the protection of Canada’s natural, cultural and architectural heritage. Candidates should also demonstrate their respect for the rights, freedoms and obligations set out in the laws of Canada, and the responsibilities and privileges of citizenship.

Like the testing regimes in all of the countries in this thesis, the Canadian citizenship test has undergone extensive renovations since it was first introduced. Discover Canada, for example, is a revised version of a previous test preparation booklet, A Look

351 ibid, p.25
352 ibid, p.39
353 ibid
at Canada, which had been in circulation in various iterations since 1995. As noted earlier in this chapter, the Canadian and Australian governments have a history of sharing ideas in the areas of citizenship and immigration, and nowhere is it more apparent than in each country’s citizenship test materials. The 2005 version of A Look at Canada, for example, appears to have been used as a model for the layout of the original Australian booklet, Becoming an Australian Citizen: the Australian flag is highlighted on the front cover; the margins and photo placements are similar; A Look at Canada has 47 pages while Becoming an Australian Citizen has 46. There is a marked difference in content, however, in that A Look at Canada takes an approach similar to aspects of the LUK test’s compendium style booklet, that is, as lessons for life in the country. Readers are encouraged to avoid littering by using public garbage bins, compost, re-cycle and re-use, turn lights and taps off when not in use, walk, car-pool, cycle or use public transport, use environmentally-friendly products, plant trees and gardens, and get involved with local groups that promote the protection of the country’s ‘natural and cultural heritage’. Another difference between Becoming an Australian Citizen and A Look at Canada is the lack of emphasis in the latter on Canada’s history, particularly its wartime history. This was reversed in the 2009 revision, Discover Canada, which focused heavily on past conflicts and war heroes, much in the same way that Australia’s original booklet had done.

It is not only in the test materials where evidence of collaboration – or at the very least, the borrowing of ideas – exists between Canada and Australia. In a television interview in January 2010, when questioned about the revised booklet’s failure to address the ‘appalling conditions’ under which many of Canada’s Aboriginal people live, Jason Kenney, Canada’s Minister of Citizenship, Immigration and Multiculturalism, said that he did not wish to embrace the ‘black armband’ approach to Canadian history and identity. Kenney’s response indicated that he was aware of John Howard’s position – or

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354 A Look at Canada 1995 available here:

355 A Look at Canada 2005 available here:
at least Howard’s favoured terminology – on the same issue in Australia.\textsuperscript{356} In the same interview, Kenney shared his views on absorbing new citizens into Canadian society, something that he said Canada does on a scale per head of population unmatched anywhere in the world, in history. According to Kenney, Canada absorbs ‘a quarter of a million newcomers’ and ‘175,000 new citizens’ per year. This rate of demographic change, says Kenney, presents challenges to social cohesion and successful integration that are met in part by a common vocabulary about Canada’s ‘values, symbols, history and institutions’, as contained in the booklet. Again, Kenney’s views have an air of familiarity for followers of the Australian citizenship test’s introduction.

Canada’s revisions have had an adverse impact on some groups of test-takers. In June 2012, the \textit{Globe and Mail}, the country’s national newspaper, reported that some immigrant communities were being affected more than others by the 2010 revisions. Statistics on the test obtained by the newspaper showed that

the new test appears to have widened the divide that separates successful and unsuccessful test takers by homeland, putting citizenship further out of reach for those who didn’t speak English or French before or have familiarity with Canada’s roots and customs.

Therefore, Canada’s new improved testing regime was having a similar impact on vulnerable groups that this thesis will show the Australian test’s revision process has had. The \textit{Globe and Mail} reported that the pre-revision, across-the-board fail rate of below 4\% in 2009 had increased to ‘nearly 15\% last year’, and that the fail rates for Afghan-born immigrants had jumped from 21\% (pre-revision) to almost 50\% post-revision. Vietnamese-born applicants had similar troubles post-revision with a previous fail rate of 14.8\% rising to 41.2\%. Meanwhile, fail rates for applicants from Australia, England and the US were less than 2\%.\textsuperscript{357} It should be pointed out that these figures represent a settling period after the changes had initially had an even greater impact. In

\footnotesize{\textsuperscript{356} Jason Kenney, Interview on The Agenda with Steve Paikin, 4 January 2010. Available here: http://www.youtube.com/watch?v=f48UJSeN7XQ

\textsuperscript{357} Mills, C. How applicants are stumbling on the final step to becoming Canadians. 29 June, 2012. \textit{Globe and Mail}}
November 2010, the country’s largest selling daily newspaper, the *Toronto Star*, reported the effects of the test revisions in somewhat dramatic fashion under the headline ‘Massive failure rates follow new, tougher, Canadian citizenship tests’.\(^{358}\) The article reported that pre-revision overall pass rates of between 4% and 8% had ‘rocketed to about 30%’ for the new test and that this had put stress on the workload of already busy citizenship judges. The test was then revised again with the reworked revision introduced on 14 October 2010, after which the overall fail rate fell to ‘about 20%’ which was ‘still far higher than historic levels’. Despite the reduction, the paper reported that the test was ‘making the exam-hall experience much more nerve-wracking for newcomers’.

On 28 September 2012, in yet another adjustment to its citizenship procedures, the Canadian government announced new rules for determining the language proficiency of prospective citizens.\(^{359}\) From 1 November 2012, applicants for citizenship were required to provide what the government referred to in its news release as ‘up-front objective evidence of their language ability’ at the time of making their application. This is significant in the context of this analysis because the Canadian government was making the acknowledgement that the method of determining an applicant’s language ability through interactions with Immigration Department staff and the 20-item MCQ test was not an objective test. That is, the Canadian test, which was virtually identical to the current Australian test in that the language requirement and the knowledge component were combined in the one test, has been deemed by the Canadian government to be an unsuitable determiner of language ability. The government has therefore decided to separate the language component from the knowledge of society test, which remains as a requirement for citizenship but is not taken until after applicants have proven that they have met the language requirement. According to the government’s press release on the Citizenship and Immigration Canada website, the new rule states that

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\(^{358}\) Beeby, D. Massive failure rates follow new, tougher Canadian citizenship tests. 29 November, 2010. *Toronto Star*

applicants must provide objective evidence that they meet the language requirement, achieving the Canadian Language Benchmark/Niveau de compétence linguistique canadien 4 in speaking and listening, when they file their application.

According to the CIC website, the types of ‘acceptable evidence’ for proving one’s language ability is at least Level 4 on the Canadian Language Benchmark, includes results from an approved third-party test such as IELTS, documentary evidence of having completed secondary or tertiary education in English or French, or participation in (and completion of) a government-funded language training program at the appropriate language level. The website warns that applications that do not provide such evidence up front will be returned.

**The Netherlands – civic integration exam(s)**

While integration has long been a condition of naturalisation in the Netherlands, the requirements were vague and undefined until 1985 when it was codified in law as having a ‘reasonable’ knowledge of the language and being ‘assimilated’ into society. In practice, integration was simply assumed to have been fulfilled if the language requirement was attained. That is, anyone who had reasonable Dutch was assumed to have been accepted into society. What constituted reasonable Dutch was also adjudged informally; the ability to apply for naturalisation unaided as well as the demonstration of an ability to converse on ‘common and daily affairs’ was seen as sufficient evidence

360 The Canadian Language Benchmarks website (http://www.language.ca/display_page.asp) are described by the Centre for Canadian Language Benchmarks as ‘the national standard used in Canada for describing, measuring and recognizing the English language proficiency of adult immigrants and prospective immigrants for living and working in Canada’. Its French equivalent is the Niveaux de compétence linguistique canadiens (available here: http://www.language.ca/display_page.asp?page_id=2)

The listening and speaking abilities those at Level 4 on the CLB are available here: http://www.language.ca/cclb_files/doc_viewer_dex.asp?doc_id=959&page_id=0

of reasonable language skills. This would not last, however, as Dutch policy making in citizenship became increasingly influenced by heightened concerns about immigrants fitting into Dutch society in the late 1980s. The Christian Democrats began to campaign in parliament in the early 1990s for stricter language conditions on immigrants, based initially around an argument that language and integration into Dutch society were vital for a meaningful vote. By the late 1990s, however, the idea that Dutch citizenship was too easy to acquire and that immigrants had few if any obligations to their host country began to gain momentum. This escalated in the early 2000s with the events of September 11, 2001 in the US, the rise of populist, anti-immigration politician Pim Fortuyn, his assassination in 2002 (by a Dutch animal rights and environmental activist, it should be noted), and the murder in 2004 of outspoken Dutch filmmaker Theo van Gogh by Mohammed Bouyeri, a Dutch-born, second generation migrant from Morocco. Van Oers et al. write that at this time, integration by immigrants became something that should be demanded by Dutch society, not merely cajoled.

The Citizenship Act of 2003 introduced the naturalisation test as part of a raft of tighter regulations for acquiring Dutch citizenship that also included stricter residence requirements and the introduction of a citizenship ceremony. Van Oers et al. cite a Royal Decree concerning the naturalisation test that specified that applicants for citizenship had to demonstrate ‘sufficient’ knowledge of Dutch society and the ability to ‘speak, understand, read and write Dutch’. The test was a two-part exam with the first part, on societal knowledge, a 45-minute, 40-item MCQ test that had to be passed.

362 ibid, p.23
364 van Oers, R. 2009 Justifying citizenship tests in the Netherlands and the UK in Illiberal liberal states: immigration, citizenship and integration in the EU (E. Guild, K. Groenendijk, & S. Carrera (eds) Ashgate, UK
366 ibid
367 ibid, p.24
before progressing to the second part. Part two, the language component of the test, was a four-hour test battery designed to assess the ability to speak, understand, read and write Dutch at the A2 level of the CEFR. The government did not provide preparation materials for the test. This was seen as ensuring that not only did immigrants have the necessary skills but that they had the necessary attitude to become Dutch citizens.

On the initial effects of the testing regime, van Oers et al. report a ‘significant decline’ in the number of naturalisation applications accompanied by a ‘strong rise’ in the percentage of applicants failing the integration requirement. A chart published by the CBS (Centraal Bureau voor de Statistiek) – the Dutch equivalent of the Australian Bureau of Statistics – showed that the number of naturalisations granted peaked at almost 80,000 in 1996. This declined to around 60,000 in 1998 and between 40,000 and 50,000 in the early 2000s. CBS notes in its explanations of the figures that the introduction of the naturalisation test in 2003 brought about a ‘sharp drop in the number of naturalisations’ and that since then the number has stabilised at around 21,000 annually. Apart from the searching nature of the test, another factor in the decline in applications was the cost of the process of naturalisation, which van Oers describes as a ‘pricey matter’ at €260 for the test itself plus €351 for the naturalisation application, with all costs borne by the immigrant: all of this for a process that, going on statistics from January 2004 to December 2005, only 55% of applicants passed.

Like all the testing regimes in this analysis, the Dutch version has undergone significant changes. Four years after the naturalisation test was introduced, a new Civic Integration Act, passed on 1 January 2007, made provision for the civic integration exam, a two-

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368 CEFR=Common European Framework of Reference for Languages. See Chapter 7 for a full explanation.
part test of knowledge of Dutch society and of the Dutch language which began on 1 April 2007, and which applied not only to those seeking Dutch citizenship but to all newcomers with the intention of staying for an extended period of time in the Netherlands. A further four years on, in April 2011, a third-part (listening and reading comprehension) was added to the exam, another move which illustrated the progressively more restrictive nature of Dutch immigration laws.

Before arriving in the Netherlands, those with the intention of staying for an extended period (over three months) require a temporary residence permit or an authorisation for temporary stay (MVV).\(^{373}\) In order to be granted an MVV, candidates have to first take the civic integration examination abroad. The exam is administered by Dutch embassies and consulates to foreign nationals between the ages of 18 and 65. Citizens of EU countries, Australia, Canada, Japan, Monaco, New Zealand, the Vatican, the US and South Korea are exempt from the MVV obligation and therefore from taking the exam.\(^{374}\)

The exam is in three parts. The first part is the knowledge of Dutch society component, a test taken over the phone, in which candidates answer automated questions based on a booklet of thirty pictures. The pictures are based on the film, *Naar Nederland*, described in further detail below. The second part, also taken over the phone, is the test of spoken Dutch in which candidates are required to demonstrate their oral skills by repeating sentences, answering short questions, naming opposites (for example, the automated voice says ‘big’ in Dutch and the candidate is expected to answer ‘small’), and recounting short stories. The third part of the exam tests Dutch reading and comprehension skills. Candidates have to read Dutch words and sentences aloud from a test booklet as well as other tasks such as completing incomplete sentences and answering questions based on reading short texts.

Those who pass the exam then have one year in which to apply for their MVV. Once the MVV is granted, candidates are then allowed to enter the Netherlands. The integration process does not end there, however. The civic integration exam taken abroad is simply

\(^{373}\) Machtiging tot voorlopig verblijf (mvv)

\(^{374}\) Imams or ministers wishing to work in the Netherlands are also obliged to take the exam.
to enter the Netherlands with the intention to remain. In order to actually remain and subsequently qualify for permanent residence or to apply for a Dutch passport, along with typical requirements such as a lawful residency period and being of good character, higher standards of Dutch societal knowledge and language apply. That is, non-EU newcomers are expected to provide evidence of having undertaken a Dutch inburgering (integration) course and of having passed an integration exam (not to be confused with the civic integration exam which is taken abroad) as evidence of familiarity with Dutch society and the ability to read, write, speak and understand the Dutch language.\footnote{Available here: http://www.government.nl/issues/integration/integration-policy}

A visit to the website of the Ministry of the Interior and Kingdom Relations provides a clear picture of the Dutch government’s ever-stiffening stance on the integration of newcomers. For example, the government introduces its integration policy with this:

> There remain serious problems associated with migrants: unemployment, early school leaving and crime. The government wants migrants to take more responsibility for their civic integration, for example by paying for their own Dutch lessons. It seeks to promote citizenship, involvement and self-reliance. It will abolish grants for integration.\footnote{Ibid}

Scrolling down the page, the statements only get stronger.

Integration policy will be stricter. People who come to live in the Netherlands must build up an independent existence and show their involvement in society. Society is being changed by migrants but the new policy is designed to ensure that it remains recognisably Dutch.

Under the heading ‘No multicultural society’, the statement reads:

> The government wants to abandon the idea of a ‘multicultural society’. Dutch society is constantly changing, in part under the influence of other cultures, but it has its own character and is not interchangeable.
The government also asserts that ‘Integration is the responsibility of migrants, not the government’, while under the heading of ‘No more special rules for migrants’ the statement reads that the government will no longer make policy based on where people come from, but on where the future is taking them. The same rules will apply to everyone. People will no longer be put into groups but will be judged as individuals.

Finally, on family migrants, the government is similarly blunt:

The government has identified particular problems among young women who come to the Netherlands for family reunification or to form a family. They can be faced with honour violence, forced marriage or polygamy. To help them take part in society, the rules on family migration will be tightened up. Family migrants must, for example, have their own medical insurance and housing in the Netherlands (they may not, for instance, live with their parents-in-law).

The government’s strong language is reflected in the test preparation materials for the civic integration exam for entry to the Netherlands. The first point to make is that the materials are comprehensive, far more in fact than the materials for any of the other tests reviewed in this thesis, except perhaps for the US. However, while preparation materials for the US test are free – as are the Canadian and Australian test preparation materials – and the test is far less onerous, the Dutch materials are expensive. The study pack purchased as a resource for this thesis, for example, cost €140 (approximately $180 AUD), while the cost of the test itself is even steeper having risen (at the time of writing) to €350 ($440 AUD), payable in full for each attempt at the test. The study pack, which is available in twenty languages, includes a 336-page booklet containing 65 Dutch language lessons; four audio CDs to accompany the 65 lessons; a 109-minute film entitled Naar Nederland (To the Netherlands); a booklet of one hundred photographs accompanied by an audio CD that explains in Dutch what each photograph contains; an e-learning program that can be loaded onto a home computer for self-

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377 Information on acquiring Dutch citizenship available here: http://www.naarnederland.nl/en/
directed learning and which corresponds with the 65 Dutch language lessons; and a user’s guide with two audio CDs that explains the information in the pack as well as provides exam strategies and vocabulary lists.

While the pack focuses mostly on the provision of language materials, the citizenship DVD, *Naar Nederland*, provides cultural knowledge and the expectations of Dutch people with regard to migrant integration. Again, the government’s strong language on its website is backed up in the film. The DVD is divided into eight sections: Geography, transport and life; History; State institutions, politics and constitution; Dutch language; Upbringing and education; Healthcare; Work and income; and How do I take the examination at the embassy? Section 1, on geography, transport and life, makes it quite apparent that the point of the Dutch citizenship materials is to discourage migrants from coming to the country at all, for any purpose. Indeed, the message appears to be that ‘Holland is tiny, there is no room for you, it is doubtful that you will like us, and it is even more doubtful that we will like you’.

From a bleak start to the film in which a succession of less than upbeat immigrants relate their first impressions of arriving in the Netherlands – for example, ‘I think you have to expect, as a foreigner, as a newcomer to the Netherlands, that Dutch people really have very little patience, you know’ – the story of life in the Netherlands only gets bleaker. On the subject of Dutch geography, which focuses on the Delta Plan and the challenges of keeping the ocean at bay, a computer-generated image of the country being almost totally submerged accompanies the following announcement from the narrator: ‘If there were to be a flood now, a large area of Holland would disappear under water and it would be exactly that area planned on which the most people live’. It then talks of the densely populated area of Holland and how ‘every bit’ of land in the country is already being used. The DVD then cuts to a beach scene where the locals are filmed frolicking in the water and lying around on the sand. A young woman in the surf stands up in the waist deep water and strides confidently to camera. She is topless. It is not an incidental shot. It lasts five seconds and she is the only one on screen.
The brief frolic at the beach is followed by a return to the bleak. In a section on public housing, the viewer is told that it is cheaper, built quickly and develops a lot of defects. The housing commission areas are noisy, rife with unemployment and drugs, ‘and sometimes there are fights’. Viewers are introduced to the Akim family, originally from Turkey: ‘A total of six people live in this small flat, which will soon be pulled down. The children can’t play outside. There are leaks which they have to mend themselves’. The father in the Akim family offers some advice to potential migrants:

If someone from abroad was planning to come here, I would tell them: ‘Think hard about what you’re doing…what you’re letting yourself in for’. If I were 30 or 25 I wouldn’t leave my country to come here. I’d stay in my own country, really.

After interviewing a happier woman from the same area, and a similarly pleased Moroccan family living in the Dutch countryside, the narrator wraps up the section with the following:

When you go to Holland there are all sorts of places where you might end up. But wherever it is, you’ll come across different living and housing conditions [vision of young man raising his middle finger to the camera – see photo below]
from what you are used to. You’ll come to the Netherlands, a different culture. How are you going to deal with that?

As the citizenship materials of many countries do, there is also an account of the defining moments in the country’s history. With regard to recent events, there is a mention of terrorist attacks in New York, Washington and Madrid and the resultant tensions in Dutch society and politics and between various immigrant groups. Curiously, given the general tone of the DVD, there is no direct mention of the assassination murders of Pim Fortuyn in 2002 and Theo van Gogh in 2004, both of which escalated the anti-immigration sentiment in the country considerably.

The section on the government follows a predictable line in the workings of the state and its levels of government, but focuses particularly on Article 1 in the Dutch constitution:

All people located in the Netherlands shall in equal places be treated equally. Discrimination on the grounds of religion, their personal conviction, political preference, race, gender or grounds of whatever description is prohibited.

The DVD makes it clear that Dutch society regards equality between genders and the right of both men and women to ‘make their own choices and express their own
opinions’ as paramount, pointing out that both are entitled to live with, or marry, whomever they please, and that marriage between homosexuals is permitted.

There is every opportunity in the Netherlands to be an active citizen and to speak your own mind. There’s a lot of freedom, but there are limits to this freedom. The constitution states that men and women are equal so it’s against the law, and punishable, to discriminate against women.

As the video cuts to two men embracing and kissing in a field, the narrator continues:

It’s against the law to discriminate against either men or women because they’re homosexual, and if you discriminate against a man or a woman because they have another religion, that too is punishable according to the Dutch constitution.

The DVD then takes what might be described as a tabloid television turn. As a newspaper headline appears on screen – complete with the noise of a slamming door – the presenter leads with: ‘Dutch law is also strict when it comes to…’ before a male voice reads the headline: ‘Woman victim in honour killing!’ The presenter continues: ‘A man beats a woman because, according to him, she has behaved like a whore. She flees but he finds her and kills her. “Honour killing!” he says. “Murder!” says the Dutch judge’. The same treatment is then applied to a newspaper story about police searching people outside a cinema for weapons, with an accompanying voice-over that says ‘Weapons banned!’ Then: ‘A girl’s clitoris and labia have been partially removed and
then sewn together. “Female circumcision”, say the proud family. “Deliberate mutilation” says the Dutch penal code. Punishable by law!’

Translation: Life maimed by circumcision

Next: ‘A woman reports her husband to the police because he beats her at home. “That’s private”, he said. “That’s abuse” say the police. Proof of abuse shows he’s guilty, so, punishable by law. Jail term for domestic abuse!’

The next section of the DVD is clear on the importance of learning Dutch as a major focus of the citizenship materials. The tone of the language section is consistent with the rest of the DVD, with a somewhat didactic approach taken to giving the information: ‘Dutch is a very difficult language to learn for foreigners so it’s important to learn it as quickly as possible’ and ‘You have to realise that you really have to want to speak the language if you are going to succeed in a new country’. It is contact with the Dutch people themselves that is stressed the most: ‘The people who have the most contact with Dutch people are the ones who learn the Dutch language the fastest and the best. It’s the same with anything you learn: you learn it by doing it’. As in other sections of the DVD, cultural content is shoe-horned into the argument. Voluntary work, promoted as ‘typically Dutch’, is encouraged as a way to learn the language and practise social skills by meeting Dutch people, learning Dutch customs, as well as a way to do something for others and to ‘feel good about yourself’. Adult education is also promoted, particularly for women and migrants (newcomers) in general. ‘Women taking care of families at home who want to get back to work often
follow a course too’. There is the Dutch habit of ‘keeping the curtains open […] to let everyone know that you have nothing to hide’. Other Dutch customs highlighted are the necessity to make an appointment before visiting someone, to avoid going to parties unless invited, and the importance of congratulating everyone at a party (not just the person whose birthday it is). The DVD shows a man arriving at a party in a private home, offering the host a bunch of flowers and then shaking hands with everyone in the room. As a man emerges from the kitchen wearing an apron and yellow dishwashing gloves, the voice-over says ‘Don’t be surprised if you see a man standing at the cooker with an apron on, because in many families the men and women fulfil the same roles’. Other points made are that Dutch people are direct, their pets are often part of the family, people ‘do not make a fuss about nudity’, and often argue with the intent of coming to a consensus. They are also noisy and given to long goodbyes.

Section 5, on upbringing and education, continues the didactic tone. It begins with the importance of educating children before offering information about the family unit. Dutch families are small and children sometimes live either with a mother or a father. Extended families are ‘almost unheard of nowadays’. The mother of the typical Dutch family tells the presenter that she tries to give her children a ‘warm, safe nest’, and that while the children have to obey the rules of the house she would never hit them. The parenting advice also includes tips on being responsible for how children behave and interact with other children outside of the family home. Parents need to be involved with the education of their children and should not simply leave it up to the education system. A Moroccan woman who helps out at her daughter’s school expresses her surprise at the differences between the Dutch way of educating children as opposed to the Moroccan way where parents are not expected to take an interest in the child’s education and that they only attend school ‘to get the report’.

Against a scene of young people congregating on the street exchanging ritual greetings, milling about doorways and smoking, the voice-over says:

Some children leave school too early. This is because they are not coping well with the differences between their upbringing at home, the way lessons are given at school and how they interact with friends on the street. If they don’t have a
diploma, they are usually unable to get work, but to get their hands on some money they may steal or deal in drugs.

The section finishes by pointing out that people of any gender are allowed to make their own choices at age eighteen and that their parents are not allowed to force them to do so.

The rest of the DVD follows much the same the path that the British materials take with its ‘compendium’ approach to life in the adopted country. It gives information on healthcare, health insurance, and how to access medical aid. First, people should visit a ‘family doctor’ of which there are too few in the large cities. For some conditions, people are prescribed medicines, but for others, such as being overweight, they may be advised to eat less and exercise more. The presenter asks a doctor how people react to not being given medicines and is told: ‘They can get angry. They don’t like it’. While some medicines are covered by insurance, over-the-counter remedies for headache and stomach-ache remedies, for example, are a private expense, as are condoms.

In the work and income section, the culture-flavoured compendium theme continues with warnings that to be part of society and to be taken seriously in the Netherlands one must have a job. Practical information on accessing the job market is also offered as are tips for job interviews (punctuality, introducing yourself, eye contact, and not taking phone calls during the interview) with a sober reminder of the migrant’s place in the job market: ‘Actually, migrants have to perform better if they want to break through prejudices and win an employer’s trust’.

The DVD also focuses on other strategies for making an income, including self-employment. A self-made migrant who began life in Holland as a cleaner and who now employs 300 people in her cleaning business is asked how she became successful. ‘Hard work’ is her answer. She is then asked what the most important ingredient for making it in Holland is for migrants. ‘Language’, she says. She then speaks about women in general. ‘When a woman is emancipated, everybody gains by it: her family, her husband, and society’.
The final section of the DVD deals with the examination itself. It begins with a young woman from Tangiers enthusing about her life in the Netherlands and her marriage to a Dutch national. She speaks of her work and how she viewed her move to the Netherlands as a career opportunity. In Tangiers she worked in a bank, while in the Netherlands she enrolled in a training course in information technology. Her husband says:

Alia knows exactly what she wants, and I like that in a woman. I don’t believe in that old-fashioned idea that women must only do what their husbands tell them to do, or even, as is unfortunately still too often the case, to walk a few steps behind them.

The DVD then outlines the test materials and the procedures for practising and taking the civic integration exam. Alia is filmed attending the embassy in Tangiers. As Alia, who is dressed in business attire, presents herself to the person behind the reception desk to ask where she needs to go to take the test, the narrator says: ‘Alia hadn’t put on any heavily-veiled clothing on purpose since it’s not allowed. She could easily hide something underneath, like a cheat-sheet with all the answers, for example’. She is filmed being fingerprinted and photographed during the registration process, then taking the three-part test, and receiving her results. Three months later, after her visa is granted, she is filmed reuniting with her future husband in the arrival lounge at a Dutch airport.

The narrator then points out that passing the exam is only the first step in a long process, and only entitles the newcomer to a residence permit ‘for a specific amount of time’. Newcomers are then called up by the municipality for an ‘intake meeting’ which is about the integration examination (‘more difficult, more extensive…you need to know more about Dutch society and have a better command of the Dutch language’) which must be taken within three and a half years or risk being fined or rejected for permanent residence.

The final point made in the DVD is more or less an ultimatum:
For many people who don’t yet know the country the Netherlands would appear to be a paradise, but nothing happens automatically. There are opportunities here in the Netherlands to build a future together. You’ll have to work hard for it yourself. Do you want to do that? And can you do that?

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This chapter set out to provide a closer examination of the citizenship testing regimes in the four countries that were used by the Australian government as exemplars for the introduction of the Australian citizenship test. The analysis shows that while the DIMA discussion paper that was released in September 2006 (see Chapter 4) presented citizenship testing in each of the exemplar countries as relatively homogenous and unproblematic, this is far from the case. They have, in all cases, been controversial, though not necessarily for the same reasons. The US test, for example, has been criticised for being too easy and also for inconsistency in the way it is administered. Those that have moved to more rigorous procedures, such as the Dutch, Canadian and British regimes, are criticised for being too difficult and for restricting access to citizenship and/or targeting specific, unwanted groups of immigrants. Perhaps another important point to consider is that the testing regimes in all of these countries are, to use the vernacular, a movable feast. During the period under study for this thesis, for example, all of the regimes discussed in this chapter have been reviewed and substantially modified, often with an eye on the materials and regimes implemented by each other. The following chapter reveals that while the Australian government was willing to cite the testing regimes in other countries as a plausible reason for introducing its own new citizenship testing regime, the level of knowledge about the regimes in those countries was surprisingly superficial.
Chapter 6

Enacting the Australian citizenship test

This chapter follows the passage of the citizenship test legislation through the parliament from the introduction of the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 in May 2007 to its Royal assent on 17 September 2007. The chapter focuses on the debates in the House of Representatives and the Senate during that time, as well as on the public hearings before the Senate Standing Committee on Legal and Constitutional Affairs which met to discuss the bill on 16 and 17 July 2007.

The Australian Citizenship Amendment (Citizenship Testing) Bill 2007 was introduced into parliament by Kevin Andrews, Minister for Immigration and Citizenship, on 30 May 2007, five and a half months after PM John Howard and Andrew Robb had announced its approval by Cabinet. 378 The purpose of the bill was to amend the Australian Citizenship Act 2007 and provide, for the first time in the country’s history, the legislative framework for the testing of citizenship applicants via a formal citizenship test. The explanatory memorandum accompanying the bill stated in its financial impact statement that the cost of implementing and administering the test was estimated to be $123.6 million over five years from 2006-07, of which $107.4 million was the estimated cost for the citizenship test. 379

In his second reading speech, as Howard, Costello and Robb had done previously outside of the parliament, Andrews spoke of the Australian character and the common values by which Australians lived, and the country’s affinity with the West, the

378 APD (HR) 30 May, 2007 p.4-8
European nations, and those settled by Europeans elsewhere in the world. He announced that while the test materials were still being drafted, they would highlight Australian values, history and background and would therefore provide the means by which migrants could better understand ‘what it means to be an Australian, what Australia will do for them, and what they are expected to do in return, for this country’.  

In a statement reflective of the invisibility in the debate (or near total lack of awareness) of the increased difficulty that the language requirement would present over and above the existing face-to-face interview, Andrews declared that the difference between the proposed provisions and the current criteria for citizenship was simply that there was an additional requirement that applicants have an adequate knowledge of Australia. In this way he sidelined the reality that the government was proposing a substantial increase in the language requirement for citizenship. Perhaps he was simply ignorant of the fact that while the wording of the proposed bill in relation to the language requirement was no different to the existing Act – that is, in both cases a ‘basic knowledge of the English language’ applied – the way of determining whether an applicant had reached it would increase the difficulty significantly. It is one thing after all to demonstrate basic language skills in a face-to-face interview and quite another to memorise facts and figures from a lengthy, prepared document and then take a formal test on its contents.

In ignoring the step up in the language requirement, Andrews emphasised the enabling powers of the test, describing it as an ‘opportunity’ for migrants to demonstrate that they had met the requirements for Australian citizenship in an objective way. He also stressed the importance of maintaining ‘broad community support’ for the country’s migration and humanitarian program. The test, said Andrews, would send ‘a clear signal to the broader community that new citizens know enough about our way of life and commit to it’. He left no doubt that the test was a return to the assimilationist principles of a bygone era when he commended the bill to the House with a line delivered by Henry Parkes in 1889 and favoured by Howard – ‘we are one people, with one destiny’.  

380 APD (HR) 30 May, 2007 p.6
381 Ibid, p.8
The bill was discussed in the House of Representatives on 21 June and 8 August, and in the Senate on 13 August and 10 September. Sandwiched in between the parliamentary debates, the Senate Standing Committee on Legal and Constitutional Affairs met to discuss the bill on 16 and 17 July in Canberra and Sydney respectively. The committee’s report was available at the end of July and informed the subsequent discussions in both the upper and lower Houses in August and September. Eighteen MPs stood to speak on the bill in the House of Representatives over the two days that it was discussed. Of those, eleven were from the ALP, six were from the Liberal Party while Kay Hull, the Member for Riverina in NSW, was the sole contributor from the National Party.

In opening the debate on 21 June 2007, Tony Burke, the Shadow Minister for Immigration, Integration and Citizenship, framed the debate for the Labor speakers who would follow him. Burke’s main point was that the proposed test was little more than maintenance of the status quo, and that it would be no great departure from existing arrangements. This was not a theme that only Labor would follow; it would be repeated by many speakers from the government as well. Burke’s rather muted criticisms of the bill were that it was replacing what was a relatively uncontroversial testing process, that it was being rushed through the parliament, and that voting on it before the contents of the test were known amounted to ‘entirely shell legislation’. Despite such reservations, he said that the test for citizenship was ultimately a good idea. This too would become a common theme for subsequent speakers. His party’s support was offered with a degree of caution, however: the test should not become a ‘bizarre Trivial Pursuit game’ that ‘sets people up to fail’ and its reasonableness was what was at issue.

As part of his call for a ‘reasonable’ test, Burke suggested that the questions be made public. He also called for flexibility in the testing arrangements for humanitarian visa

382 Burke had written to Andrew Robb after the announcement of the test to ask for a copy of the proposed resource materials and questions and was told that ‘not one of the 200 questions had yet been written and the source document had not yet been completed’. This quote APD (HR) 21 June 2007 p.45

383 APD (HR) 21 June 2007 p.46
holders and others who would be disadvantaged by the test. Despite making these suggestions, they remained just that, and did not feature strongly in his formal proposal for amendments to the bill. On behalf of his party, Burke moved that the House:

(1) notes that the issue is whether the citizenship tests to be determined under the legislation are reasonable;
(2) notes the importance of teaching in the development of English language skills and the acquisition of knowledge of Australian history, culture and values; and
(3) calls on the Government to provide improvements to the Adult Migrant English Program and other settlement services to assist migrants to participate fully in the Australian community and to pass the citizenship test.  

The Labor speakers to follow did not deviate much from Burke’s themes. Laurie Ferguson credited Labor with watering down the initial justifications for a citizenship test, which was promoted by Robb and Howard in security terms that ‘any objective person’ would see was a ‘possible attempt to marginalize people’. Interestingly perhaps, Ferguson himself was willing to engage on such terms by listing recent (and projected) immigration statistics and in the process singling out the Muslim community. In reference to immigration statistics from July to December 2006 he said ‘Not many Muslims have come through from what I can perceive’. He continued:

Over the latter half of last year, Sudan had 1,600, and I would argue that they are predominantly Christians from the south, and Iraq had nearly 1,200 and, to a large degree, they are going to be religious victims of events over the last year or so who have been fleeing predominantly to Syria and Jordan. There might be some Shi’ites in there. The number of Sunnis entering is not going to be worth worrying too much about.

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384 ibid, p.49
385 ibid, p.55
386 ibid, p.56
That is, in what was a clumsy attempt at best to convey the idea that the citizenship test was unlikely to affect certain groups over another, he offered an argument that explicitly expressed a preference for Christians over Muslims.

While all of Labor’s speakers ultimately supported the bill, a number took the predictable option of speaking to their electorates, scoring political points against the government, or both. Craig Emerson and Michael Danby were the most strident in their attacks. Emerson was sceptical of the bill’s timing, noting the Cronulla riots and the ‘activities of some members of the Muslim community’ as probable causes.\(^{387}\) He concluded that the test was poll-driven, that ‘strongly motivated bad people’ would pass it anyway, and that poorly educated women from poor non-English-speaking countries with heavy family commitments would struggle the most.\(^ {388}\)

Danby was undoubtedly the liveliest contributor in the House, mounting a prolonged attack on the Howard government and the bill, which he referred to as ‘legislation made up in a hurry to try and appease a mythical part of the Australian electorate in which the values and bigotry of the “Howard battlers” are elevated’.\(^ {389}\) His speech included many other broadsides. On the Labor Party’s ‘sensible’ amendments as proposed by Tony Burke, for example, he predicted that the ‘non-functioning government’ would reject them because ‘Any attempt to turn this sow’s ear into a vaguely silk purse will be fought bitterly by a coalition slouching towards its well-deserved appointment with the electorate’.\(^ {390}\) He chastised the government repeatedly for its policies towards ‘a particular community’, which he did not name. The citizenship test, said Danby, was aimed at this particular community and was part of an approach by ‘this almost collapsed government’ towards it that involved ‘not a scintilla of policy…other than the stick’.\(^ {391}\) He also took aim at Mark Textor, the Liberal Party’s chief pollster and campaign strategist, whom he accused of being ‘on a mission…to find another Tampa’ for the government and the PM.

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\(^{387}\) ibid, p.63 – this is presumably a reference to the Skaf rape case and/or Sheikh Hilali

\(^{388}\) ibid, p.64

\(^{389}\) APD (HR)  8 August 2007 p.49

\(^{390}\) ibid

\(^{391}\) ibid, p.50
The government speakers were naturally more effusive in welcoming the bill and followed the line set for them by Gary Hardgrave, a former Minister for Citizenship, who simply reiterated the earlier points made by Kevin Andrews, that is, that the test was an exercise in nation-building and that it was consistent with societal expectations.\footnote{APD (HR) 21 June 2007 p.49} On the content of the proposed test, Alan Cadman made the point that there was a ‘general understanding in the House’ that the test would not be overly difficult and that it would be understood by ‘students at school certificate level, or something less than that’.\footnote{ibid, p.62} It should be reiterated here that Cadman was commenting on a test that would never be tabled in parliament and that he and all other members of the House knew that they would never see.

One of the more curious contributions came from Kay Hull of the National Party. Predictably, Hull offered her support for the test; it was a decision that she had thought ‘long and hard’ about.\footnote{APD (HR) 8 August 2007 p.22} However, she displayed a surprising lack of understanding with regard to the proposed test as a test of language, saying that when talking to migrants in her electorate she had explained to them that ‘it was not an English language test or a test on how you speak English’ but that it was a test of Australian history and ‘of the values that should be in every person’s mind when they seek to declare themselves to be an Australian citizen’.\footnote{ibid} Later in her speech, she underlined the point:

I find that there are still some concerns about this issue, but can I reiterate that this is not about English language. There will be assistance made available with people reading this list of questions and assisting applicants through this. This is not a test of English language.\footnote{ibid, p.24}
It is interesting that the provision of an immigration official to read aloud the test questions (in English only) could be seen as the end of all argument about the test’s reasonableness. Petro Georgiou, a Liberal member with a background in multicultural policy and the sole dissenter in the House, left no one unaware that the test would be a demanding test of language. On the proposed assistance for those with low literacy, he asked: ‘if applicants do not have the literacy skills to read the questions, how does the minister think they will be able to study the book on which the questions are based?’ Such a notion was a ‘misunderstanding of the migrant experience based on a flawed perception of literacy and knowledge across the Australian community’. 397

Georgiou’s speech was a rebuke for his colleagues on both sides of the House whom he said had made it ‘transparently clear’ that they were in support of the ‘overwhelmingly regressive’ and ‘punitive’ citizenship testing bill. 398 According to Georgiou, there had been an ‘utter failure’ by the government to establish a need for a citizenship test or to convince that it would be fair. 399 Armed with statistical evidence to support his claims, Georgiou systematically dismantled the government’s arguments for the test, which he called ‘fallacious and unsubstantiated’. 400 On the widely expressed view that the new test was not a significant change from the status quo, he contended that since 1949, successive governments had taken an inclusive approach to citizenship, while the current legislation represented a reversal of the ‘longstanding thrust of our approach to citizenship’. 401 This contention certainly bears scrutiny. In a review for a parliamentary research paper in 2009, Klapdor, Coombs and Bohm made the point that since 1949, Australia’s citizenship legislation had been amended more than thirty times for the purposes of removing ‘anomalies and discrimination’ and, in general, smoothing the path to citizenship and making it easier to attain. 402 They also argued that the point of

397 ibid, p.32
398 ibid, p.29
399 ibid
400 ibid, p.30
401 ibid
such strategies was to ‘encourage settlers to take out citizenship quickly’, but that the 2007 changes represented a ‘departure, and possibly an end to this trend’. 403 In his submission to the citizenship test review committee in May 2008, John Chesterman made the same point, saying that the traditional policy balance in Australia of having tough immigration laws and easy citizenship criteria was ‘significantly altered’ by the introduction of the Australian citizenship test in 2007.404

Georgiou also took issue with the notion that Australia was facing ‘unprecedented’ challenges due to large intakes of migrants from cultures ‘far removed from our own and from the cultures of earlier waves of European immigration’, noting that Asian immigration had outstripped European immigration ‘every year since 1984’ and that the country had dealt with the accompanying challenge of that change.405 To underline his point, Georgiou cited statistics showing that in the decade following the fall of Saigon in 1975, 100,000 Indochinese migrants came to Australia, constituting 12% of the total intake. In comparison, Sudanese refugees comprised just 2.1% of the intake over the past decade, while the intake from the Middle East had remained steady at 5% for 30 years.

Georgiou continued his attack on his own government’s reasoning, and challenged most if not all of it, including the notion that there was widespread community support for a test, of which he was unconvinced. On language, he cited statistics from the ABS that showed that 2.5 million Australians had very poor literacy skills and that 1.5 million native English speakers find a simple everyday task such as locating information on a medicine label problematic. On the historical and cultural elements of the proposed test he cited studies showing that

This quote on p. 1. Paper Available here:
403 ibid, p.1
404 Chesterman, J. 2008. Australian citizenship test review Submission 60
405 APD (HR) 8 August 2007 p.30
77 per cent of year 10 students do not know what Australia Day commemorates or the functions of the Governor-General and that only half of Australian students have a grasp of the purpose of democracy.\(^{406}\)

He concluded by stating his non-support for the bill, saying that the impacts of the test may not be known immediately but in his view it would reduce immigrants to guest workers in Australia, restrict their opportunities and hinder their participation, ‘and the fairness and vitality of our society will be eroded’.\(^{407}\)

Russell Broadbent, another Liberal MP known to have reservations about the test, relayed a message from his electorate: ‘Fine, but don’t make the test too hard’.\(^ {408}\) In a statement at odds with many of the MPs who had spoken from both sides of the floor, Broadbent called the proposed legislation ‘one of the most serious tests of our maturity’ since the dismantling of the White Australia Policy in the 1960s and 1970s. Like Georgiou before him, he also cast doubt on the notion of the public’s ‘overwhelming support’ for the test, saying that it was obvious ‘from some of the media…that it has anything but universal support’ and that some comments ranged from ‘derision’ to ‘outright rejection’.\(^ {409}\)

At the conclusion of the contributions from the floor, Kevin Andrews addressed a number of points that had been made both in the House of Representatives and by the Senate Standing Committee on Legal and Constitutional Affairs (see below) before commending the bill to the House. He agreed to the Senate Standing Committee’s recommendation to review the testing regime after three years, but rejected the recommendation to table the questions in parliament on the grounds that the test needed to be an incentive to read the booklet and that rote learning was to be discouraged. The third recommendation, that section 23A(1) of the bill be amended to specifically require that the test relate to the eligibility criteria in 21(2)(d)(e) and (f), was dealt with by agreeing to insert a note in the bill to that effect.

\[^{406}\text{ibid, p.33}\]
\[^{407}\text{ibid, p.34}\]
\[^{408}\text{ibid, p.39}\]
\[^{409}\text{ibid, p.40}\]
Senate Standing Committee on Legal and Constitutional Affairs

The Senate Standing Committee on Legal and Constitutional Affairs met on 16 and 17 July 2007 in Canberra and Sydney respectively to ‘inquire into and report on: Australian Citizenship Amendment (Citizenship Testing) Bill 2007’. Prior to the public hearings, the Committee advertised the inquiry in the *Australian* on 27 June and 11 July, and wrote to more than one hundred organisations and individuals for input. The inquiry received fifty-nine submissions, of which just nine were supportive of a formal test for citizenship. Of those nine – two of which were from the same organisation (the Festival of Light Australia) – eight had suggestions of their own for how the test could be improved, including exemptions for refugees. That is, what little support there was for a formal citizenship test was offered only for the principle of having a test for citizenship and was generally conditional upon suggested changes. The one submission that did not fall into this category was from DIAC itself.

One of the more wholehearted contributions came from an individual (or group) called Australia for Australians whose submission in support of testing called for ‘a basic understanding of mathematics’ as a requirement for Australian citizenship, as well as a reduction in the annual intake of ‘non-Muslim black African refugees’. As in other public consultation processes for the citizenship test, both previously and subsequently, the great majority of submissions opposed the test on similar grounds, including charges that it was reactionary, vague, secretive, discriminatory, divisive, unlikely to achieve its objectives, and a waste of public resources that would be better utilised in migrant education.

There were submissions from high-profile peak bodies such as the Federation of Ethnic Communities Councils of Australia (FECCA) as well as that organisation’s state branches in Victoria (ECCV) and Western Australia (ECCWA), the Refugee Council of

\[\text{410 Submission No.17 by Australia for Australians available here:}\]

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/completed_inquiries/2004-07/citizenship_testing/submissions/sublist.htm; The submission called for the annual intake of non-Muslim black African refugees to be reduced to 5,000, a considerable overestimate of the current annual intake of non-Muslim black African refugees.
Australia, the Human Rights and Equal Opportunity Commission (HREOC), the Forum of Australian Services for Survivors of Torture and Trauma (FASSTT), as well as from the Premiers of Tasmania and Victoria, the Western Australian and ACT governments. Well-credentialed academics in areas such as citizenship law (Professor Kim Rubenstein, Director of the Centre for International and Public Law at the Australian National University), applied linguistics (Professor Ingrid Piller, Macquarie University), and language testing (Professor Tim McNamara, University of Melbourne) also made considered and detailed submissions to the consultation process, all of which highlighted potential anomalies in the proposed citizenship testing regime.\(^{411}\)

Kim Rubenstein, for example, pointed out that it is not necessarily true that Australian citizenship is a ‘privilege not a right’, given that the Australian Citizenship Act 1948 (current at the time) does in fact bestow citizenship on some as a right. She also cautioned that ‘once the test is released, there will be questions about how well the test fulfils its purpose, and whether as a matter of law it is within the power under which it is introduced’. She also proffered the notion that a test may be open to legal questions surrounding its ability to satisfy the criteria of ensuring that an applicant has an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship.\(^{412}\)

Ingrid Piller sent a 20-page submission, around six pages of which was taken up by a list of 122 academic co-signatories, which detailed sixteen objections to the government’s proposal to introduce a formal citizenship test.\(^{413}\) One of Piller’s more significant points in the context of this thesis was on the level of English necessary for citizenship. She cites Austin, whose major contribution to linguistic philosophy was in speech-act theory, to point out that people use language every day in a variety of ways and situations for a variety of functions – to question, greet, suggest, complain, tell

\(^{411}\) The 59 submissions are available here:

\(^{412}\) Kim Rubenstein Submission 18

\(^{413}\) Despite having been countersigned by 122 others, most of whom were also academics, the submission was counted as one submission only.
jokes, intimidate, persuade, give advice – and that migrants, like all Australians, ‘live and work in a great diversity of circumstances where diverse proficiency levels of English and other languages are needed’. Piller’s point is that there is no ‘one-size-fits-all’ answer to the question of the level of English necessary to make a contribution to Australian society. Testing for a ‘basic knowledge of English’ as a way of determining an individual’s needs and/or likely societal contribution, then, is nonsensical.

Tim McNamara focused his 15-page submission around language testing issues, given that, in his words, the proposed citizenship test was a de facto language test. He concentrated initially on Section 55 of the discussion paper which reads:

Both the UK and the Netherlands have gone a step further and have formal, consistent and objective language testing in place. The level of language proficiency required is defined in specific linguistic terms, with test arrangements making use of professional educational language testing expertise.

McNamara took issue with the assumed consistency and objectivity of formal language tests by pointing out that all tests, both informal and formal, can be unfair and that total fairness in testing is unachievable.

It is an important goal of language testing research to understand the risk and sources of unfairness in formal language tests, and to attempt to control and reduce them, while recognising that they can never be eliminated entirely.

McNamara also made the point that objectivity does not equal fairness, because test content and test format can disadvantage certain test-takers over others. Piet van Avermaet, a Dutch academic who has written extensively on citizenship testing in Europe, likes to explain the notion with the following cartoon:

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This quote is from Piller’s Submission 19 at the website above
415 Tim McNamara Submission 33
Also, according to McNamara, objectivity is not guaranteed simply because a test is administered in a MCQ format on a computer. While MCQ tests might suit a test of knowledge, they have ‘limited potential for performance tests of language, particularly of the skills involved in communication (speaking and writing)’. His submission also looks at the issue of ‘basic English’ and the fact that the proposed citizenship test as outlined in the discussion paper appears to be asking of migrants that which is not asked of native-born Australian citizens.

Two principles should guide us in thinking about the relevant situations (the ‘target language use situations’) that the test aims to make predictions about. The first is that they should reflect the intention of the legislation; the other is that they should only involve tasks that all Australian born citizens who are native English speakers could handle, as educational level and literacy level are not a bar to citizenship for this latter group.

While the legislative requirement for Australian citizenship is a ‘basic knowledge of the English language’, which McNamara takes from the paper’s description of the existing citizenship interview process as being related to the ability to communicate on ‘a range

van Avermaet, P. 2011. How policy disaffirms the glocalised reality: Language tests for citizenship and integration in Europe [Seminar presentation]. School of Languages and Linguistics University of Melbourne, 17 Nov.
of immediate personal matters and needs’, the discussion paper, he says, appears to interpret this differently.\footnote{In linguistic terms, ‘Basic English’ has a more concrete definition. Developed in the 1930s by Charles Ogden, ‘Basic English’ is a list of otherwise unrelated, beginner words first designed as a base list of words through which most ideas could be expressed. Ogden’s intention was to offer a language that would be simple and clear and therefore make communication impervious to subterfuge. Ogden’s Basic English word list of 850 words is still used in English language classrooms today.} At Sections 25 and 33, for example, the required language level is referred to as being sufficient for education, employment and to maximise economic opportunities in Australia, all of which go beyond the existing legislation. Again, McNamara notes, the interpretation of the legislation outstrips the wording. That is, in his opinion, many native-born Australians lack levels of language and education that would allow them to maximise the economic opportunities in Australia but that it is no bar to their attainment of citizenship. He calls for clarity in the legislation of what ‘basic’ means in reference to language ability and sets an ‘urgent task’, which is a fundamental one which confronts every language test developer in all situations:

\begin{quote}
\textit{to clarify the communicative situations to be targeted by [the] test, as a practical interpretation of the requirement of the legislation that intending citizens possess ‘a basic knowledge of the English language’}.
\end{quote}

McNamara also comments on the difficulties involved in setting pass marks on tests, warning that ‘percentage marks are in themselves meaningless’ because they are dependent upon test difficulty and no two tests are the same. As a leading language testing academic himself, he urges here that qualified professionals need to be consulted to ensure that test content and difficulty are taken into account when setting pass marks.

He noted too that there is much language testing research that questions the assumption that tests provide an incentive to learn and argued that ‘objective’ tests, in particular, often have the effect of narrowing learning and teaching as students and teachers tend to focus on test-taking strategies in lieu of broader educational goals. On the dual nature of the test, that is, as a language test \textit{and} a ‘knowledge of Australia’ test, McNamara warned that the confusion between the two, as reflected in the discussion paper, would
leave the test open to objections on the grounds that the content and language level of the test materials would outstrip the legislative requirement of basic English, something that he and Piller would demonstrate subsequently via a lexical analysis of the draft copy of the government’s citizenship test resource materials.

McNamara finished his submission by pointing out that Australia has at its disposal a relatively long and distinguished history of expertise in language proficiency testing in the area of migrant education. He also made note of the presence in Australia of ‘a number of leading international figures in language testing research’ and pointed out that a test such as the one proposed would be highly likely to attract scrutiny as a result. Despite their expertise and their submissions to the inquiry, neither McNamara nor Piller were invited to appear at the Senate inquiry hearings.418

The public hearings in Canberra and Sydney together amounted to approximately seven hours of face-to-face discussion, with testimony from twenty-one witnesses representing eleven organisations. Of these, three were involved in refugee advocacy, two were peak bodies representing ethnic and multicultural groups, and two were religious (both Christian). Also represented were the Human Rights and Equal Opportunity Commission (HREOC), the New South Wales Council for Civil Liberties, and the Australian Council of TESOL Associations (ACTA).419 Five staff members from the Department of Immigration and Citizenship (DIAC), including the Secretary, Andrew Metcalfe, attended the Canberra hearing. Kim Rubenstein, a professor of law from the Australian National University, appeared at the Canberra hearing in a private capacity.

The committee was chaired by Senator Guy Barnett (Liberal) from Tasmania, who attended both sessions, as did Annette Hurley and Linda Kirk (both ALP) from South Australia), Kerry Nettle (Australian Greens) NSW, and Stephen Parry (Liberal) from Tasmania. Patricia Crossin (ALP), Northern Territory, attended the Canberra hearing

418 Personal communication with both McNamara and Piller on 12 January 2012
419 TESOL = Teaching English to Speakers of Other Languages
only while Queensland Senators Joseph Ludwig (ALP) and Russell Trood (Liberal) were present at the Sydney hearing.\footnote{420 Senate Standing Committee on Legal and Constitutional Affairs, Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007. Transcripts from both hearings (July 16 and 17) are available here: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/completed_inquiries/2004-07/citizenship_testing/hearings/index.htm}

In general, across the two days, the witnesses who appeared before the committee expressed strong opposition to the idea of a formal citizenship test. Aside from the DIAC delegation at the first hearing in Canberra, the only organisations to support the proposed test were the two Christian organisations. At the Canberra hearing, the Australian Christian Lobby based its support primarily on the government’s assertion that the country’s Judeo-Christian heritage and the impact it had had on the country’s legal, political, economic and social spheres should be acknowledged in the test. At the Sydney hearing, Dr Stephen Chavura, spokesman for the Festival of Light Australia (FoLA), was the sole supporter for the proposed test among the nine witnesses who appeared. Chavura, who was the last to appear, said that FoLA was particularly interested in ‘showing immigrants what to expect when they become citizens, to expect public displays of Christianity, to expect Christian holidays, not to be shocked or necessarily offended by these things’.\footnote{421 Chavura, S. Evidence before the Standing Committee on Legal and Constitutional Affairs, Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007, Sydney, July 17, 2007. Official Committee Hansard, p.39.} He was also particularly concerned that language skills were important for active citizenship. According to Chavura, Australia’s own particular brand of social liberalism meant that certain ‘positive’ freedoms such as compulsory education, voting and jury service were imposed on the citizenry. ‘Surely basic English proficiency is necessary for citizens to fully participate in these rights and responsibilities’, he said.\footnote{422 ibid, p.38.}

Chavura’s evidence was delivered in a confident and erudite manner until he began to ponder out loud about the level of language necessary for citizenship. Like many before
and after him throughout the citizenship test debates, his thoughts on an acceptable level of English required for participation in Australian life as a citizen were confused. When asked if a ‘working knowledge, a working level’ was an acceptable level of English for citizenship, Chavura offered the ability to understand a basic newspaper, a basic memo, or a billboard announcing an upcoming change to a traffic law, as examples of ‘very basic English’. He then said that he would not expect a prospective citizen to be able to read the ‘Sydney Morning Herald or a learned article’ and then listed several more examples of basic English:

Certainly they should read enough to be able to understand the news, read a basic newspaper, communicate and understand a discussion – a regular, everyday discussion – so they can understand what is going on and make their own contribution.

Chavura then appeared to recognise that he was getting into areas beyond his expertise and was perhaps beginning to realise the inherent difficulties in setting a level of English for citizenship. ‘I agree: I can see that is a sort of grey area. It is not grey enough to say that no English proficiency is necessary’.

Of the eleven organisations present at the hearings, the Australian Council of TESOL Associations (ACTA), represented by its president, Misty Liane Adoniou, was the only one with a background in language teaching and learning. The thrust of her contribution was that teaching language, not testing it, was the more likely process to improve the communicative ability of immigrants from non-English-speaking backgrounds. While the fact that it was coming from a language education specialist lent the statement weight, it was a common claim. During the debate on the bill in the House of Representatives the previous month, for example, Tony Burke spoke extensively on the importance of teaching and moved a second reading amendment to that effect.

423 ibid, p.40
424 ibid.
425 ibid.
Adoniou was also critical of the ‘flawed cause and effect assumptions’ the government had made in proposing a 20-item multiple-choice test as evidence of a person’s language proficiency and was adamant that testing was exclusionary by design and as such would produce failures and ‘keep people out’. The latter point was not a difficult assumption to make and was hardly exclusive to Adoniou. In his evidence to the committee, Paul Power of the Refugee Council of Australia also stressed the likelihood that the test would be discriminatory and would operate in a manner contrary to the legislative intention. Again on the importance of teaching as opposed to testing, Adoniou made two other main points in her evidence: that when tests are introduced ‘in any education system’, established pedagogical principles are jettisoned in favour of more strategic test-preparation practices; and that the number of allocated hours for migrants in the Adult Migrant English Program (AMEP) were insufficient, and represent just the ‘beginning of English language instruction’, particularly in cases where the learning begins as far back as helping people to understand the notion of literacy and the fact that ‘black marks on the paper say something’.

Adoniou’s first point about the effects of testing on teaching is a well-researched area of inquiry in applied linguistics known as washback. Messick defines this as ‘the extent to which the introduction and use of a test influences language teachers and learners to do things they would not otherwise do that promote or inhibit language learning’. Washback, then, can be negative or positive. Adoniou’s position is that in the case of the Australian citizenship test, the likely washback is negative. That is, the introduction of a test would undoubtedly be divisive and would divert teaching resources away from expansive learning towards more strategic efforts at simply passing the test.

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428 Adionou, M. L. ibid, p.30.

Contrastingly, the government’s stated aims for the test are reflective of positive washback outcomes in the form of immigrants who are better equipped to succeed in Australia, social cohesion, and so on.

Adoniou’s other main point, that the AMEP for many was barely the beginning of a long journey to even basic literacy, was also one of which the government was well aware. Katie Wrigley of the Refugee Advice and Casework Service (RACS) made the same point in her evidence to the inquiry, for example. It was also a common theme in speeches by Labor MPs who argued for more funding for language programs for migrants. As noted earlier, John Howard had the same argument put directly to him by a caller to a talk-back radio program in September 2006.

On the subject of the Australian public’s support for the knowledge of English as a requirement for Australian citizenship, Adoniou said that while it was a common-sense reaction, there was a general lack of appreciation in Australia for the difficulties involved in learning a new language and the level of support required. This argument would be taken up by Petro Georgiou in his speech to the parliament the following month.

Those organisations primarily concerned with the rights of refugees and/or ethnic groups were predictably apprehensive about the introduction of a formal test. Voula Messimeri-Kianidis told the committee that FECCA members considered the proposed citizenship test unnecessary and that the current arrangements were preferable. Her


432 See previous section, this chapter.

chief concerns were for NESB candidates and in particular, refugees, humanitarian entrants, those entering the country for the purposes of family reunion, and those suffering PTSDs. To that list, Sam Wong of the Canberra Multicultural Community Forum added his organisation’s concerns for those with ‘fundamentally different beliefs’ as well as those with low literacy.\textsuperscript{434} Wong also indicated that he did not believe that the minister or the department had given clear enough information or undertaken the necessary processes in order to ascertain what groups would be affected by the test and how many people would be involved. This point was echoed by Margaret Donaldson of the HREOC whose main concerns were that the existing system was to be jettisoned without adequate justification and that there had been no due consideration given to the negative effects which the proposed test would have on certain groups in society.\textsuperscript{435}

Messimeri-Kianidis and Wong were also critical of the DIMA consultation process. While Messimeri-Kianidis expressed concerns over the weighting of the submissions, giving an example of a local government that represents 200,000 people being weighted the same as a single submission from an individual, Wong said that he thought that the ‘so-called’ consultation would have included more people and groups from rural Australia as opposed to those from capital cities.\textsuperscript{436} In contrast to the debates in the House of Representatives, Wong was, like most of the contributors to the inquiry, convinced that the introduction of a formal citizenship test was a significant change in direction for Australian citizenship requirements. He stressed that if the country considered itself to be democratic then ‘we should at least spend a bit of time on this’ and was critical of the speed with which ‘such an important cornerstone’ of the


\textsuperscript{436} Messimeri-Kianidis, V. ibid, p.9; Wong, S. ibid, p.9
country’s immigration policy had been rushed through the legislative channels ‘before the election’.  

There were many other points of interest raised in the inquiry by the advocacy groups. Paul Power of the Refugee Council of Australia, for example, reminded the committee that refugees were arguably the migrant group with the most crucial need for Australian citizenship, and that they had the highest uptake of citizenship of any other group in the country. It follows then, said Power, that any changes to the way citizenship was distributed, particularly if the changes were more restrictive, would have a disproportionately large and deleterious effect on refugees and humanitarian entrants. Power also talked of the psychological aspects of the typical refugee experience, saying that as this was markedly different from the skilled migrant experience – that is, the difference between fleeing a dangerous situation and moving as a career choice – it was important to think about it in ‘a very different way’ from the experiences of people from the other migrant categories. According to Power, this would be grounds for exemptions to be awarded from the test on a discretionary basis. Katie Wrigley from the RACS was more expansive, calling for a general exemption from a formal citizenship test for all refugees on the grounds that they had specific hardships and that individual applications for exemptions would be ‘incredibly unworkable’. When asked if she had any suggestions for methodology changes rather than blanket exemptions, Wrigley’s only suggestion was to allow refugees to take the test in their own language, pointing out that tests were stressful events and that for some people – PTSD sufferers and torture victims, for example – any contact with officialdom could be difficult to deal with.

Not all contributors to the inquiry were sympathetic to such views. Chavura (FoLA) said that being a refugee was not grounds for exemption from the test because it would

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437 Wong, S. ibid, p. 9-10
439 Wrigley, K. ibid, p.30
be detrimental to their participation in the democratic process. By asking at least for an attempt to learn English, refugees were being included and it was a signal that their opinions and voices were valuable. This would be more or less the position adopted by the government in the initial stages of the test’s implementation, but in amendments to the Act made in September 2009, the scope for exemptions from the test was widened to include those with ‘a permanent or enduring physical or mental incapacity’. Prior to the amendment, exemptions were offered to applicants who could prove that they had ‘a permanent physical or mental incapacity’ which impeded their capability of understanding the nature of their application at the time that it was made. The addition of the word ‘enduring’ meant that applicants did not have to prove that their incapacity was permanent. This opened the way for exemptions from the test for people suffering from PTSDs, for example, which may not necessarily be deemed permanent.

Perhaps the most combative contribution to the hearings came from Dr Richard Martin Bibby, assistant secretary of the New South Wales Council for Civil Liberties. He began on the topic of values, citing a number of historical examples such as the Stolen Generations in Australia, Nazi Germany and Rwanda to illustrate, rather vividly, that among other things, values change, that they are frequently offensive and as such should be resisted, and that they are always controversial. According to Bibby, no coherent philosophical argument could support the view that people should adopt the values of the country in which they reside: a doctor who chooses to live in Rwanda to practise medicine, persons living in Nazi Germany or in modern day Zimbabwe who decide not to leave are examples of the ‘plain nonsense’ of such a view. The ‘more sensible idea is that people who seek to become citizens of a democracy ought to adopt the values that a democracy relies upon, so those values are justified’.

441 Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Act 2009
Bibby was also sceptical of the discretionary powers afforded to the minister as a ‘recipe for arbitrary choices and for exclusion on the basis of prejudice and political expediency’. He then took aim at an earlier comment in the hearing from Senator Parry, the thrust of which was that ministers could be trusted to take public opinion into account in the course of fulfilling their roles. Where there is a prejudice in the community against one group or another ‘then a minister can act with impunity’, said Bibby. He cited historical cases in which language tests were used as a means to exclude undesirables, such as the southern states in the US where African Americans were excluded from voting, and Australia’s dictation test to illustrate the fact that both of these practices continued for decades despite obviously loathsome objectives. He noted also that it took five years to convince Australians that the David Hicks trial would be unjust and longer still was the campaign against the practice of childhood detention in Australia.

It takes an enormous effort, a huge amount of time and lots of people being involved to bring public opinion to recognise things, even those that are pretty obvious.

When Senator Hurley asked Bibby to comment on the intention of the Immigration Department to monitor the test’s progress and make recommendations to the minister on what might need to be altered or fine-tuned, she speculated that the department, as the test administrator, would be in the best position to make such recommendations. Bibby’s response was prickly:

No, not at all. A public review referred to a parliamentary committee and so on is a much better process, partly because it is public. Also, one can hardly say that, after the department of immigration’s recent performance, we should have any confidence whatsoever that it would do a good job.

443 ibid, p. 21-22
444 ibid, p. 22
445 ibid
446 ibid, p. 23; Mohammed Haneef had been arrested without charge just two weeks earlier, and was still imprisoned at the time of the hearing
On the topic of values, Bibby said that the only obligation new arrivals to Australia had was that if they wished to change the country’s values then they should do so peacefully. Barnett asked him to elaborate upon an earlier statement that a person’s values could not be assessed but their arguments could. The crux of Bibby’s position was that it would be relatively straightforward to find out what a person’s values were but to then set them against a set of required values to be marked by a computer was problematic and unworkable. On Kevin Andrews’ ‘common set of values’ held by Australians ‘for generations’, Bibby, again, was to the point:

> They are held in nuanced fashion by different people. Let me pick on equality of men and women, for instance; it is probably the easiest example. What that means in the context of, say, the Catholic Church is rather different from what it is taken to mean within, say, the Uniting Church. Just what is this equality? These are not straightforward.\(^{447}\)

Professor Kim Rubenstein, Director of the Centre for International and Public Law at ANU, appeared at the Inquiry in a private capacity. Like others, she noted that the proposed test was a fundamental change to the way that citizenship had been conferred in Australia since 1949. As Sam Wong had said, she too thought that such a fundamental change required a ‘more fulsome review throughout Australia involving all Australian citizens’.\(^{448}\) She also said that if the issues contained in the proposed citizenship test were so fundamental then they should be a requirement for all Australians before they add their names to the electoral roll.

Like Petro Georgiou would do in the lower House, Rubenstein also took a systematic approach to her criticisms. She began with the statement that Australian citizenship is a privilege not a right. According to Rubenstein, such an assertion was not clear-cut and that basing questions on it, and on other similarly hazy concepts, could be difficult to

\(^{447}\) ibid, p. 27

uphold in a legal sense. Rubenstein suggested that the legal framework which allows for questions on the rights, responsibilities and privileges of Australian citizenship could be fragile if the actual questions that were eventually set fell outside such a framework. That is, if questions were set that fall outside the requirements contained in the legislation, they could be open to challenge. She noted the much-hyped media speculation regarding questions about cricket as an example and explained that such questions could raise doubts about the legal validity of the test.

On the responsibilities and privileges of citizenship, Rubenstein noted that citizenship rights were not always clearly distinguishable from the rights of permanent residents and that, as such, questions surrounding them were also likely to be open to challenge, theoretically at least. The responsibility of citizens to defend Australia should the need arise was problematic, for example, as anyone who had resided in the country for a minimum of six months was also liable under the current laws to be called up to defend the country in war. She added that the rights and responsibilities of Australian citizenship were not ‘constitutionally entrenched’ and so were ‘purely legislative rights that can be amended at any time’. She mentioned also that there were non-Australian citizens in Australia who had voting responsibilities, and that Australian citizens in prison at the time an election is called are unable to vote, as are Australians living abroad who have lost their place on the electoral roll.

On the minister’s discretionary powers in the bill, Rubenstein said that the minister did have the power under the proposed legislation, both legally and constitutionally, to make stipulations; however, in order to illustrate her concerns with the scope of the minister’s discretionary powers, she cited a hypothetical situation:

If the minister decided that in order to pass the test you needed to have blue eyes, then we would see that as clearly unlawful because there is nothing within

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449 ibid, p.21

450 She is referring to British subjects who were on the electoral roll before changes to the Commonwealth Electoral Act 1918 in 1984 that made Australian citizenship a requirement in order to vote.
our understanding of membership of the community where a person’s racial or physical attributes are relevant to membership of the community.\textsuperscript{451}

Andrew Metcalfe, Secretary of DIAC, dealt directly with Rubenstein’s concern in his evidence to the committee, saying that the minister would not have the power to determine eligibility criteria for the test that were ‘inconsistent with the provisions of the Act’.\textsuperscript{452} According to Metcalfe, the government’s legal advice was that it would not legally be possible, for example, for a minister to determine that only people with a certain language background or hair colour could sit the citizenship test. On other legal matters, Metcalfe also defended the government’s view that the ministerial determination was \emph{not} a legislative instrument and so should not be the subject of disallowance provisions. In simpler language, the test content and questions would not be up for debate once implemented and the questions in particular would remain secret. One of the reasons for this, said Metcalfe, was the ‘uncertainty and confusion’ that would result in a situation where a test which people had taken and passed was subsequently disallowed.\textsuperscript{453}

One of Metcalfe’s more interesting claims during DIAC’s testimony was that the only difference between the proposed legislation and the requirements that currently existed was that the test was to be an objective method of assessing requirements which have been in place since 1949.\textsuperscript{454} Again, objectivity was seen as a benign force for good, and the idea that it would substantially increase the difficulty of acquiring citizenship was either misunderstood or ignored.

Much of Metcalfe’s testimony was spent in defence of the government’s decisions on the test materials. He took a similar line to Howard on providing materials in the native-languages of the test-takers, stressing that the test would be taken after having lived in

\begin{itemize}
\item \textsuperscript{451} ibid, p.24
\item \textsuperscript{452} Metcalfe, A. Evidence before the Standing Committee on Legal and Constitutional Affairs, Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007, Canberra, July 16, 2007. Official Committee Hansard, p.35.
\item \textsuperscript{453} ibid
\item \textsuperscript{454} ibid
\end{itemize}
the country for ‘some years’.

On possible test questions, Metcalfe said that the government and his department had been clear that they would be about ‘Australia, our values, history, geography, political system and national symbols’, but that the media had been engaging in speculation. Metcalfe also made it clear that the government would not be swayed on the suggestion that the test questions should be released, calling the notion ‘self-defeating’.

During the course of the DIAC testimony it was made clear that the department and the government rejected the idea that the test would be a bar to gaining citizenship, and that instead it was an incentive and an opportunity to gain knowledge about Australia and the English language and to participate in Australian life. It also became quite apparent through questioning from the committee that the department had done little if any meaningful investigation into the citizenship testing arrangements in other countries and the likely effects that a testing regime would have in Australia. For example, when asked if there was any evidence to support the idea that the best way to measure a person’s commitment to Australia, their knowledge of English and understanding of Australian values was through a citizenship test, Metcalfe cited the outcomes from the discussion paper consultation process, as well as the fact that other countries have citizenship tests, as the department’s evidence. When Senator Nettle voiced an assumption that ‘there was no specific discussion with educators’ on whether a test was the best way of achieving the government’s goals, Metcalfe replied that ‘everyone was free to comment’ during the consultation process. On whether the department was aware of any evidence from other countries to support the notion that citizenship tests improved community cohesiveness, Metcalfe said that he would get back to the senator on that question but that governments had decided that testing was a ‘worthwhile measure’ and that there was likely to be an extension of testing around the world as opposed to any moves away from it. On this, as this thesis shows, Metcalfe was on more solid ground.

455 ibid, p.36
456 ibid, p.44
457 ibid, p.45
After the hearings were completed, various contributors submitted written responses to questions taken on notice during their testimonies. 458 Both Bibby and Rubenstein took the opportunity to raise the point that the secrecy of the test questions made it difficult to mount a legal challenge on the basis of the test being unfair. The lengthiest submissions, however (there were two), came from DIAC. In response to a question from Senator Nettle on how DIAC would address concerns about the difficulties that 'women at risk' would face in accessing the English language classes required to pass the test, DIAC outlined its provisions for language support and for those with ‘special needs’ such as low literacy or problems resulting from traumatic pre-migration experiences. 459 These provisions included one-on-one classes with trained volunteers in clients’ homes if necessary, after hours and at weekends according to demand.

Of particular interest within the context of this analysis, DIAC was asked to explain the meaning of ‘a basic knowledge of the English language’ as it appeared in the bill and in the current Act. 460 Its reply was a level of English which enables people to participate at a basic level in the community and the workplace. For example, it corresponds to a level of English language ability which gives people the capacity to understand safety signs in their workplace, to converse with their work mates and neighbours, and generally be able to move comfortably in the community. 461

459 Eligible permanent residents are provided with up to 510 hours of English language tuition and an additional 400 hours if necessary for eligible humanitarian entrants
460 The question was put to DIAC by Senator Trood
DIAC’s expansion of the definition of basic English into the workplace is significant here as it adds yet another ‘official’ definition for the term as well as another layer of complexity (and confusion) to the already hazy interpretation of the legislative requirement for language. It also forces a marriage between citizenship and employment, though it has to be said that this was a consistent argument. Indeed, the government had been using it since the test was first conceived. Also on language, DIAC responded to a question from Senator Trood who asked if the department believed that only a basic level of English would be required to pass the proposed citizenship test and if so, why? DIAC replied that the resource booklet was being prepared in ‘as basic a level of English as the complexity of the matters it covers will allow’ and that the questions would be ‘unambiguous…set at an appropriate English language level’, and that different test versions would be of the same degree of difficulty. Also, clients who do not have basic English literacy would be able to have the test questions and possible answers read to them (in English) by an immigration official. Metcalfe’s first point – that the materials were being prepared in ‘as basic a level of English as the complexity of the matters it covers will allow’ – amounts to an admission from the government that basic English is a movable feast and that the legislative requirement would not stand in the way of its objective of implementing the citizenship test.

DIAC also provided responses to questions on notice raised during the discussions in the inquiry. In response to a question about whether the department had specified educational or TESOL expertise in the tendering process for suitable test developers, DIAC replied that the request for quotation (RFQ) for the development of the test questions and answers specified that the test should evaluate clients’ understanding of Australian citizenship and English language ability concurrently and that the ‘tenderer should have a proven record of professional expertise in the formulation of assessment


463 A provision based on a similar assumption common to tourists who think that simply speaking louder in their own language will help them to be understood in foreign countries.
processes through to the evaluation of learning’. DIAC noted in its reply that the successful provider was the Australian Council for Educational Research (ACER).\textsuperscript{464}

On whether the department had done any research on citizenship testing in the UK, US, or Canada and also if there was any evidence to support the notion that tests had been effective in improving social cohesion in those countries, DIAC responded in the negative in both cases. DIAC also stated in its submission that apart from the often-cited Newspoll survey in 15-17 December 2006 that reported 85\% of people as being ‘totally in favour’ of the introduction of a citizenship test and for English to be a requirement for citizenship, it knew only of one other survey that was related to Australian public opinion on the citizenship test. Again, it was a Newspoll survey taken for the Australian newspaper in September 2006. This showed that 77\% of people were in favour of a citizenship test with an English language component, as well as aspects of Australian history and way of life.

The report

The Senate Standing Committee on Legal and Constitutional Affairs handed down its report on 31 July 2007. It included four recommendations:

1. That the operation of the citizenship testing regime be reviewed three years after the Bill’s commencement, particularly to gauge the regime’s impact on citizenship application and conferral rates and on certain groups within society, particularly refugee and humanitarian entrants;
2. That the proposed citizenship test questions be tabled in parliament;
3. That proposed subsection 23A(1) of the Bill be amended to specifically require that the test relate to the eligibility criteria in paragraphs 21 (2)(d),(e) and (f);
4. That subject to the preceding recommendations, the Bill be passed.\textsuperscript{465}

\textsuperscript{464} Acer website available here: http://www.acer.edu.au/ Despite extensive listings of each of its projects in its annual reports, ACER chooses not to refer anywhere on its website to its involvement in the formulation of the Australian citizenship test.
The report also included dissenting reports, titled as ‘Minority’ reports, from Andrew Bartlett of the Australian Democrats and Kerry Nettle of the Greens. The report cited the main issues to emerge from the inquiry as the bill’s purpose, necessity and likelihood of achieving its goals; its potential impacts; legal and drafting issues; the content and nature of the proposed test; and the resourcing and alternatives to citizenship testing. The committee acknowledged that the proposed citizenship test enjoyed ‘considerable public support’. On the necessity for the bill, the committee accepted DIAC’s assertion that the test would be more objective than the informal interview system already in place. It also accepted the notion that the test would aid integration and participation in Australia. The perception that citizenship testing overseas was a reaction to terrorism concerns was acknowledged but not given credence in the Australian context, even though the committee did accept that ‘the test is being introduced in the context of heightened security concerns in Australia’.

As to whether the bill would achieve its aims, the report noted the scepticism among many of the contributors to the inquiry (both written submissions and in the hearings). It listed comments in this vein from Professor Kim Rubenstein, the Refugee Council of Australia, Professor George Williams, and the Australian Council of TESOL Associations, among others. The report failed, however, to provide a substantial counterargument to any of them beyond the somewhat dubious statistics from the consultation process, the media polls that suggested that a test would be popular with the Australian public, and the fact that countries overseas had tests. That is, the question of whether a citizenship test would achieve its stated aims was never answered. Instead, the test was justified entirely on the grounds that it was popular with the public and that other countries had tests.

466 ibid, p. 9
467 ibid, p.23
On the possible impacts of the bill, the report identified two main concerns: whether a test would deter people from taking up citizenship and whether it would have a discriminatory impact on certain vulnerable groups. On the test as a deterrent, the committee stated that there was no available evidence from overseas testing regimes to suggest that it would be so and offered the fact that the test could be taken multiple times as its counterargument. On whether the test would have a discriminatory impact on marginalised groups, the report cited various submissions and listed refugees, women (particularly those with family commitments), people with disabilities, low literacy levels, little or no formal education, those suffering PTSDs, people in regional and rural areas, those of NESB, and people from lower socio-economic groups as potentially disadvantaged but fell short of making any recommendations to ameliorate any disadvantages. Instead, the committee simply accepted the government’s assurances that the test would be monitored closely for adverse effects and added its own recommendation for a formal and comprehensive review after three years.

With regard to legal and drafting issues, the committee accepted the undertakings from DIAC that the test content and questions would be consistent with the legislative requirements. It was also swayed by DIAC’s argument that making the test a legislative instrument would make it unwieldy and impractical, and a potential source of confusion in potential cases where citizens had passed a test that was subsequently disallowed. The committee did however recommend that the test questions be tabled in parliament in the interests of transparency, ‘given the apparent level of community disquiet about the questions that might be included in the test’.468

This section of the report also dealt with the content of the test, including contentious issues such as defining and testing Australian values, as well as the appropriateness of requiring prospective citizens to acknowledge the Judeo-Christian influence on the country’s history and the way of life of Australians. On these two issues the report did not give its view or make any recommendations, preferring instead to simply list comments from the written submissions and from the hearings. Under the heading English language issues the report deals with the appropriateness of the requirement for

468 ibid, p.43
a basic knowledge of the English language. Curiously perhaps, the organisations the report cites as supportive of the requirement are the Festival of Light and the Australian Christian Lobby, both of which have strong religious identities. The committee did note the concerns of Tim McNamara who argued that the test would require a level of English language knowledge above the legislated standard, and Misty Liane Adoniou, President of ACTA, who said that the test would be an ‘extraordinarily difficult hurdle’ for some. Once again, however, the committee preferred to use its recommendation that the test be subject to monitoring and review as a catch-all solution, therefore endorsing a wait-and-see approach.

Attached to the report were two dissenting reports from Senators Bartlett and Nettle, both of whom remained steadfast in their criticisms of the test all the way through the parliamentary processes. Bartlett’s report was particularly scornful of the proposed test, calling it ‘little more than a poorly thought through pre-election stunt’.\textsuperscript{469} The consultation process was a ‘farce’ and the DIMA discussion paper upon which it was based was ‘ill-thought-out’. Later, during the Senate debates, he would reiterate these statements and refer to the discussion paper as ‘intellectually shoddy’ and call the consultation process ‘another of those sham consultation processes that gives the word “consultation” a bad name’.\textsuperscript{470}

He also accused the government of shutting migrants out of the discussion and expressed his disappointment that no understanding or agreement about the nature of Australian citizenship was forthcoming because the debate was prematurely focused on a test and what should be in it. Nettle’s report, though not as contemptuous of the process as Bartlett’s, had more or less the same thrust. Her party opposed the bill because it was more likely to divide the society than bring it together; it would weaken existing programs; the discretionary powers of the minister were too broad; and the policy was reactive rather than necessary. She concluded her contribution with the example from the inquiry from Martin Bibby that confounded the notion that people should adopt the values of the society they live in, saying that ‘the worth of a citizen

\textsuperscript{469}.ibid, p.45

\textsuperscript{470} APD (Senate) 13 August, 2007 p.71
may be evident more in their refusal to adopt the dominant values of a society rather than embracing them’. 471

The Senate debate

The Second Reading debate occurred in the Senate on 13 August 2007, after the Senate Standing Committee on Legal and Constitutional Affairs had tabled its report. Little was said that had not been said before. That is, Labor took credit for taking the heat out of the initial proposed testing regime and pushed the notion that the test was to be no great departure from the existing situation. Through Senator Kate Lundy, Labor again suggested that the test questions be made public. Again, the suggestion was simply that, and not a formally proposed amendment.

Guy Barnett, the Chair of the inquiry, said that a ‘key point’ to emerge from the debate at the hearings was the need for an objective test. 472 This was an interesting point to make, given that the transcripts of the debates show that references to the need for an objective test were scarce. It was mentioned once by David Yates of the Australian Christian Lobby in comments about the existing interview test but his point was a general one and not a statement of need for an objective test. Yates merely stated that a test was ‘more objective’. An objective test was mentioned three more times during the Canberra meeting, twice by staff members of DIAC and once by Barnett himself when questioning DIAC staff member Ellis. Again, at no point was the necessity for an objective test raised. It was mentioned only in descriptions of the proposed bill. 473 The transcript from the Sydney hearing the following day is even less supportive of

471 Senate Standing Committee on Legal and Constitutional Affairs [Report ], Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007. p.67
472 APD (Senate) 13 August, 2007, p.19
473 See quotes from the July 16, 2007 hearing from DIAC Secretary Metcalfe: ‘The bill proposes the introduction of an objective form of assessment as to whether an individual satisfies these requirements with the addition of a requirement to have an adequate knowledge of Australia’. p.36, and Deputy Secretary Peter Vardos: ‘...the introduction of a test firstly is an objective way of assessing the requirement in the act to demonstrate a knowledge of Australia’. p.43
Barnett’s statement. There were no instances of a discussion between any of the participants on the need for an objective test.

The fifty-nine submissions to the inquiry also yielded almost no references to the need for an objective test. Again, objectivity was mentioned only by DIAC in the context that Barnett would call ‘a need’. The only other submission to take a serious look at objectivity in this context came from Tim McNamara who went to considerable lengths to refute the government’s claims that a formal language test would necessarily be objective, particularly where ‘objectivity’ was assumed to mean fairer. If managed properly, so-called subjective tests can be as fair, or even fairer, than objective ones. In citizenship testing, for example, the over-the-counter interview (or so-called informal interview test) is arguably a better and fairer fit for determining a ‘basic knowledge of English’ as necessary for citizenship than a 20-item multiple-choice test. As McNamara pointed out in his submission:

'objective' tests such as those involving multiple-choice formats can be very unfair if they don't allow us to draw the right conclusions about a person's ability to communicate.

Barnett’s notion of objectivity and the need for it in the citizenship process came entirely from the government and DIAC, it would seem. Indeed, a point that was raised far more often by contributors to the hearings and in the published submissions to the inquiry was that the government was proposing a formal test as a replacement for an uncontroversial, informal one that was well received and widely regarded as effective. Senator Barnett made another curious comment on the floor of the Senate. On the importance of Australia’s Judeo-Christian heritage, he read from the Australian Christian Lobby’s submission which stated that Christianity should be acknowledged by prospective citizens over ‘any other faith or ideology’. Barnett added that he looked forward to such assertions in the test materials. He then spoke of a forum that he hosted at parliament house along with the Australian Christian Lobby ‘on the

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474 Tim McNamara Submission 33
475 ibid, p.4
476 APD (S) 13 August 2007 p.20
importance of Australia’s Christian heritage, highlighting its importance not only for the past history of Australia but for present-day Australians’. His position leading into the inquiry hearings then was very likely predetermined.

Linda Kirk, ALP Senator from South Australia, who was present at both of the Senate Committee hearings, offered some resistance, saying that the Castan Centre for Human Rights Law at Monash University had raised the point that, given the residence requirements for citizenship had been extended from two years to four, there was even less need for a formal test. Andrew Bartlett was again strident in his criticism, calling the government’s decision to keep the test questions secret in the interests of discouraging rote learning ‘simple sophistry’ and an example of the government’s liking for ‘excessive control’. He repeated a claim made in his dissenting report that the use of public law and policy in an attempt to push mythology was not a sign of a secure nation.

George Brandis (Liberal) was the last speaker. Much of his speech was a summary of details in the bill as well as of arguments already raised in the debate. On the ministerial powers in the bill, he said that the government proposed to insert a note in the legislation and to explain that ministerial determinations regarding eligibility criteria for sitting the citizenship test and for citizenship itself could not be inconsistent with the Act. Brandis also announced the government’s support for the committee’s call for a formal review of the test after three years, noting that it would be monitored closely in the first six months of operation for evidence of disparities or adverse effects on any particular cohort(s). He rejected the recommendation to table the citizenship questions in parliament, following a well-trodden path; the government wished to discourage rote learning and provide an incentive for prospective citizens to read the test preparation booklet and better understand its concepts.

The vote from the floor of the Senate was carried with a majority of 33 (40 ayes and seven noes). Predictably, the seven noes were from the four Greens (Brown, Milne, Nettle and Siewert) and three Democrats (Allison, Murray and Bartlett). 477

477 ibid, p.84
On 10 September 2007, the Committee of the Whole debate dealt with proposed amendments to the bill. The Democrats put forward four amendments in total, all of which were negatived. The first two sought to insert a definition of ‘citizenship education programme’ into the legislation, and to provide for its completion as an alternative to the test for those from non-English-speaking backgrounds. Labor rejected them on the grounds that the stipulation to provide an alternative pathway for such people was too broad and did not provide for the possibility that an NESB candidate may have already been fluent in English, nor did it ensure that a person would be particularly receptive to the citizenship coursework. Senator Ellison based the government’s non-support on its opposition to the notion of unequal treatment for one group over another. ‘We say to people: “Look, there is the resources book. The test is there for you all.”’ The Greens were the only source of support for the amendments.

The Democrats’ third amendment sought to have the test questions trialled on a representative sample of Australian-born members of the public to determine their suitability prior to their being approved by the minister. While Labor and the Greens supported the amendment, it too was negatived on the grounds that the government would leave the test’s development and validation to testing experts and that Australian-born residents were unrepresentative as a sample group, given that those taking the test would have been born elsewhere. As with previous rejections, Senator Ellison offered the government’s planned review after three years as a catch-all for adverse contingencies.

The Democrats’ final amendment sought to make the test, any of the questions within it, and any component of the test subject to disallowance under the Legislative Instruments Act 2003. Labor supported this, saying that the government had nothing to fear if the test was designed properly and that it should not abandon a ‘sensible oversight’ mechanism. Ellison rejected the arguments, reiterating an earlier point that a person who did a test that was later disallowed would then face the prospect of having to redo it. He also said that the test was not a legislative instrument as determined by the Legislative Instruments Act 2003 because it would not determine the law or alter its

478 APD (S) 10 September 2007 p.7
479 ibid, p.84 (Sen. Ludwig)
content. Again, the government’s desire to keep the test questions secret was offered as the chief reason for not subjecting the test itself to parliamentary scrutiny.

The only amendments to succeed were those moved by the government and pertained to the insertion of two notes whose purpose was primarily to placate concerns arising in the Senate inquiry and in parliamentary debates with regard to eligibility criteria:

(1) Schedule 1, item 5, page 4 (after line 33), at the end of subsection 23A(1), add:
   
   Note: The test must be related to the eligibility criteria referred to in paragraphs 21(2)(d), (e) and (f).

(2) Schedule 1, item 5, page 5 (after line 6), at the end of subsection 23A(3), add:
   
   Note: The eligibility criteria for sitting the test cannot be inconsistent with this Act and in particular subsection 21(2) (about the general eligibility criteria for becoming an Australian citizen).

In the lower House on 12 September 2007, Tony Burke acknowledged the Opposition’s support for the amendments and the question was agreed to. The bill received Royal assent, on schedule, on 17 September 2007. The date had a symbolic function; it is National Citizenship Day, celebrated annually since 2001 to mark the anniversary of the day in 1973 that the Nationality and Citizenship Act 1948 was renamed the Australian Citizenship Act 1948. This is perhaps unfortunate given that the date was selected for its symbolic significance and the debate, instead of being allowed to take its natural course, was truncated.

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This chapter set out to chart the progress of the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 through the Australian parliament. The debates in the House of Representatives and the Senate, as well as the hearings before the Senate Standing Committee on Legal and Constitutional Affairs, demonstrate that the Australian government was determined to proceed with its schedule for the implementation of a citizenship test, regardless of the strength of any arguments against it. The chapter shows that there was little understanding, and indeed little regard, among parliamentarians of the complexities of testing for civic knowledge and a basic knowledge of the English language. Despite contributions from an array of interested parties opposed to the test, including refugee advocates, academics in Australian history, multiculturalism, citizenship and law, as well as experts in migrant education and language testing, the legislation emerged from parliament almost exactly as it had entered.
Chapter 7
Implementing the Australian citizenship test

This chapter is a comparative study of two tests: the original citizenship test, which began on 1 October 2007 and ran for approximately two years, and the revised test, which was first administered to test-takers on 19 October 2009, and at the time of writing was still in use. It begins with an analysis of the original testing regime and the preparation materials that the test was based on. It also examines the public reaction to the test materials and details the press coverage in the test’s earliest days. Just fifty-four days after the citizenship test began testing prospective citizens, however, Kevin Rudd led the ALP to victory over the Howard government in the 2007 election and the citizenship test became Labor’s to administer. In early 2008, the government announced that the test would be reviewed by a committee chaired by the respected former diplomat, Richard Woolcott. The chapter reveals that while the review was wide-ranging and exhaustive, it ultimately failed to address many of the concerns for which it had been established. The result of this failure is illustrated in the statistical comparison between the original and revised tests presented at the end of the chapter.

The Australian citizenship test began as a computer-delivered, 20-item, multiple-choice test on 1 October 2007. Questions were based on material presented in Becoming an Australian Citizen, a 46-page information booklet launched by the government just two weeks earlier on Australian Citizenship Day, 17 September. Prospective citizens were

480 New provisions included the citizenship test requirement, as well as an increase in the pre-citizenship application residency requirement from two years to four years, effectively doubling the period in which non-citizens can be deported.

expected to attend a government testing centre to answer twenty questions randomly
drawn from a bank of two hundred which had been prepared by test developers. The
test included three compulsory questions on the privileges and responsibilities of
Australian citizenship. All three questions had to be answered correctly while also
attaining the overall pass mark of 60%. It was possible therefore for candidates to score
nineteen out of twenty and fail the test.

The penultimate draft version of the test preparation booklet, *Becoming an Australian
Citizen*, was released by Kevin Andrews on 26 August 2007. Early media coverage was
relatively muted, though Kim Rubenstein was publicly critical of the booklet’s
statement that the right to vote was ‘one of the most important liberties held by
Australian citizens’, given that the Australian constitution contains ‘no clear statement’
regarding the right of Australian citizens to vote. She also pointed out that despite a
statement in the booklet proclaiming that ‘becoming an Australian citizen will mean that
you will have the right to live in Australia’, this too has no clear constitutional backing.
In the days, months and years after the citizenship test began operations, these
constitutional anomalies were not the only criticisms that would be offered in regard to
the test preparation materials or the testing regime itself.

The final official version of *Becoming an Australian Citizen* speaks directly to the
prospective citizen, and begins with a brief introduction that makes no mention of a test
for Australian citizenship. Instead, it begins with statements about the significance of
Australian citizenship, the responsibilities and privileges attached to it, the pledge of
loyalty that new citizens are asked to make, and the country’s civic values, upon which,
along with ‘sentiments of nationhood and enduring attachments to what Australians
hold in common’, modern citizenship rests. According to the booklet, this modern

0000/www.minister.immi.gov.au/media/media-releases/2007/ka07091.html; the booklet had also
been released as a draft version in August 2007

482 There were actually only 102 questions ready at the time that the test began.
483 Rubenstein, K. Not all citizens are equal. 30 August, 2007. *Age*
484 Commonwealth of Australia, 2007. *Becoming an Australian Citizen*. Available here:
485 The test is not mentioned until p.43 of the 46-page booklet.
citizenship requires a basic knowledge of the English language and ‘something’ of the country’s history, heritage, land, people and culture. In a recap of arguments made repeatedly in the lead-up to the introduction of the test, knowledge of this kind is presented as being vital to the future prospects of new citizens, through enhanced education and employment prospects, and to society as a whole, through social cohesion, integration and a shared destiny (and shared sacrifice if necessary).

The content in *Becoming an Australian Citizen* is presented in four parts: Part One, ‘What does being an Australian mean?;’ Part Two, ‘Our Land, Our Nation;’ Part Three, ‘Governing the Country;’ and Part Four, ‘Applying for citizenship’. Part One starts with the Australian Citizenship Pledge and follows with statements on the right of citizens to live in Australia without the threat of deportation and to travel overseas (and return), as well as the privileges and responsibilities of citizenship. It also lists the ‘broader obligations and opportunities’ of citizenship and the need to embrace the so-called Australian values. The values and principles, the list of which is more extensive than the one in the DIMA discussion paper in 2006, are ‘central’ to the prosperity, peacefulness and stability of the nation. Those listed are the respect for the equal worth, dignity and freedom of the individual; freedom of speech; freedom of religion and secular government; freedom of association; support for parliamentary democracy and the rule of law; equality under the law; equality of men and women; equality of opportunity; peacefulness; tolerance, mutual respect and compassion for those in

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486 From this time forward, under God*, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey. * The phrase ‘under God’ is optional; the privileges are listed as the right to vote, seek election to parliament, apply for a passport, to register overseas-born children as Australians by descent, to seek consular assistance while overseas, and to all employment opportunities with the Australian defence force and public service. The responsibilities of Australian citizenship include voting, jury duty, and the defence of Australia if necessary.

487 ‘So-called’ because many politicians throughout the citizenship test debates referred to them as though they were exclusively Australian, not universal. Many contributors did make the point however that many if not all appeared in one form or another in the Universal Declaration of Human Rights.
need. It is in this section that the booklet reproduces John Howard’s sentiments from his January 2006 speech on the influences of Judeo-Christian ethics, British political traditions, the European Enlightenment, and the Irish on the country’s history and culture. The section also contains definitions of a ‘fair go’ and ‘mateship’.

Part Two, ‘Our Land, Our Nation’, comprises the bulk of the information in the booklet, including much of what would be criticised subsequently for its spurious connection to citizenship. It runs to twenty-five pages and deals with a range of topics and themes, beginning with facts and statistics on the Australian population regarding background, language, and religion. It tells readers that the Australian landmass is more than twice the size of India and thirty-two times the size of the UK and gives details on the diversity of the country’s climate. It notes too that the country has seventeen UN World Heritage listed regions, and lists the six states and two territories along with photographs of their flags. The entry for New South Wales includes the sentence: ‘Sydney was the host city for the Olympic Games in 2000 and is the host for the largest number of Rugby League clubs in Australia’. Adelaide, meanwhile, has ‘many fine examples of colonial architecture’ and the Northern Territory is ‘twice as big as France’, although it has only 200,000 inhabitants. Also provided are the lyrics of the national anthem, information on Australia Day, the Coat of Arms, the Australian floral emblem (the golden wattle), the national colours (green and gold), the national gemstone (the opal), and the Australian dollar. It also lists the names and dates of the various national holidays.

‘A story of Australia’, written originally by historian John Hirst, takes up most space in this part of the booklet. Hirst says that his initial draft, which he wrote after reading the government’s initial and ‘appallingly bad’ attempt at a history section, ‘disappeared into

489 ibid, p.7
490 ibid, p.11
491 ibid, p.12
492 ibid, p.12-13
the offices of the immigration minister and the prime minister’. After much negotiation, and times when Hirst feared that all his work would come to nothing, the story of Australia appeared ‘more or less as [he] had written it – with some additions and deletions’. Hirst was surprised that it did so, given that he had presented Australia’s history in thematic form and not as a continuous narrative, as he presumed John Howard would have preferred. Hirst’s original draft was organised into seven sections: Convict settlers; A harsh country; Diggers; Economy and politics; Sport; Nation; and Aboriginal people. These same sections appear in the government’s booklet but are preceded by short introductory sections called Early Australia, Early European exploration and Captain James Cook.

Hirst details the negotiations between himself and the minister’s office with regard to additions and omissions. He says his original sport section was only two paragraphs but that it was changed considerably to add ‘far too many names of sportspeople’. Most of the changes, Hirst says, were to the section on Aboriginal history. Excised from the text, for example, was a paragraph on the Aboriginal cricket team that toured England in 1868, as well as some of the lines referring to the frontier battles between white settlers and Aboriginal people. One of the more dubious statements refers to the battles between the white settlers and Aboriginals as ‘small scale’. Certainly in the context of the booklet, as the statement appears in the first sentence of the ‘Diggers’ section on the involvement of soldiers in the world wars, then this is possibly appropriate. Another reading could rightly claim, however, that there was nothing ‘small scale’ about the devastation brought upon the Aboriginal people in their clashes with settlers.

The Japanese attracted criticism in an entry regarding prisoners of war, again in the section on Diggers, which reads: ‘One of the sharpest Australian memories of the war is the cruel treatment meted out to these men by the Japanese’. Taken alone, like much other information in the booklet, it is difficult to see how this statement, the truth or otherwise of which is not the issue here, could be construed as vital knowledge for Australian citizenship. Subsequent criticisms of the booklet would emerge with regard

to the presentation of such information because it was considered superfluous to
citizenship. It is in this part of the booklet that critics gathered much of their
ammunition, it seems. The section includes the names and deeds of historical figures,
including early European explorers such as William Jansz and Luis Vaez de Torres, ex-
convict and architect Francis Greenway, Caroline Chisholm, aviator Charles Kingsford
Smith and his pupil Nancy Bird Walton, Simpson and his donkey, Edward ‘Weary’
Dunlop, billiards player Walter Lindrum, expatriate New Zealander Phar Lap, artist
Arthur Streeton, Henry Lawson, Henry Lawson’s mother, Louisa, and Dame Nellie
Melba, to name just some. Australia’s Nobel Laureates are also listed. Cricketer Donald
Bradman is there; however, despite a media fabrication that quickly became myth, his
batting average does not feature anywhere in the test booklet. In fact of the 13,000 or so
words in the booklet, only around seventy-five are devoted to Bradman. The Melbourne
Cup has more.

At the time the test materials were released there was a widely held assumption that
John Howard’s influence on the content was significant. Bradman’s appearance in the
booklet, and the fact that Howard, a known cricket fan, had described Bradman as the
‘greatest living Australian’ on the cricketer’s ninetieth birthday in 1998 and as his
personal lifelong hero on Bradman’s death in 2001, was a pointer to why this was so.495
Howard’s involvement was no mere rumour, however. In early 2008, John Hirst
confirmed what many had suspected when he wrote of Howard’s interest in the
booklet’s content, saying that while the PM was entitled to intervene in the process,
‘having intervened he did not know when to stop’.496

Part Three of the booklet, ‘Governing the country’, as the name suggests, is more
closely aligned with citizenship as a politico-legal concept. It is relatively brief (just
seven pages) and deals with voting procedures; the Constitution; the roles of the Queen,
Governor-General and Prime Minister; the legislative, executive and judicial arms of
government; the levels of government (federal, state and territories, local) and the basic
workings of the houses of parliament and councils. The last part of the booklet is brief,

495 Howard, J. Salute to the greatest living Australian. 27 August, 1998. Herald-Sun; Saltau, C.
Peaceful Death Triggers Tide of Tributes. 27 February, 2001. Age
496 Hirst, J. 2008 Australia: The official history
and contains the first mention of the citizenship test. Up until then the booklet had only alluded to a test by saying that the information would be useful in helping to ‘prepare to become an Australian citizen’. Part Four also provides a list of 20 sample questions based on information contained in the booklet. The questions are presented more as a study guide, however, as they are not framed as multiple-choice questions, as the actual test questions are. Of more interest – to the media at least – than the questions contained in the booklet were the sample questions that appeared on the government’s website at the time. More to the point, it was just one of the sample questions that attracted the most attention: the so-called ‘Bradman question’, which asked ‘Which one of these Australians is famous for playing cricket?’ and listed Walter Lindrum, Donald Bradman and Hubert Opperman as alternative answers. As alluded to earlier, the significance of the question was overblown by the media (for years) which sought simply to use it as a way of either linking John Howard to an absurdity such as the requirement of such knowledge for citizenship or to make pithy and glib headlines for newspaper stories. Having said that, because of the secrecy of the actual test questions, whether there were any Bradman related questions written for the test is unclear.

Reactions to the first days of testing, October 2007

On the day the citizenship test began operations, the *Australian* reported that there were 102 questions in the pool – 98 short of the original target – and that it would be a further eight weeks before the rest would be ready (after focus group testing). The article also quotes a spokesperson for Kevin Andrews as saying that all questions needed to be

498 Rod Laver was also reported to have appeared as one of the alternatives in the earlier online sample questions (see contribution by Kevin Andrews to *Australian Polity* Vol.1 No.2 http://australianpolity.com/australian-polity/in-defence-of-the-don and article by Cath Hart
‘Citizenship questions remain confidential’ 18 September 2007 *Australian*)
499 There are too many headlines to list here however ‘Bradman out for a duck in citizenship test’ *Sydney Morning Herald*, 29 January 2008 is a fair example of the direction the newspapers took when reporting the possibility of information about Bradman being no longer a testing possibility.
500 Hart, C. Citizen test starts half-done. 1 October, 2007. *Australian*
fully tested so that they would be technically correct and easily understood. Labor’s spokesperson for immigration, Tony Burke, took a fairly predictable line that the government had paid more attention to the advertising campaign to promote the commencement of the test than it had to writing the test itself. Much of the rest of the initial newspaper coverage was devoted to quotes from the first test-takers, who were evidently door-stopped leaving Immigration Department offices as they finished their tests.\footnote{Reports put the numbers of test-takers on the first day at 26, 25 of whom passed.} Later, more reflective pieces appeared in newspapers. Sushi Das in the \textit{Age} was generally supportive of the test but wary of its motives, noting that aspects of it were assimilationist in tone.\footnote{Das, S. Migrants live in testing times. 6 October, 2007. \textit{Age}} Senator Lyn Allison, leader of the Democrats, was unequivocal, criticising the resource booklet’s history as ‘masculine, conservative and heavily focused on war’. She concluded that the citizenship test, which she described as ‘useless and discriminatory’, was a means of exploiting a ‘deep resentment held by a few people who think immigrants don’t deserve the benefits of living in our wonderful country unless they are prepared to be just like us’.\footnote{Allison, L. Citizenship test doesn’t make model citizens. 5 October, 2007. \textit{Advertiser}}

The citizenship test under Labor\footnote{This section draws from Ryan and McNamara, 2011, in Hajek and Norrby and McNamara and Ryan 2011 in \textit{Language Assessment Quarterly}. All sections relating specifically to the citizenship test and the test review in the two publications were authored by K. Ryan. That is, all the material reproduced in this thesis.}

On 24 November 2007, Kevin Rudd’s campaign for the prime ministership was successful and just eight weeks after the citizenship test’s introduction it was Labor’s to administer. The first statistics from the test were released by DIAC on 29 January 2008.\footnote{Evans, C. 2008 Citizenship Test results published [Media Release], 29 January. Available here: \url{http://www.minister.immi.gov.au/media/media-releases/2008/ce08009.htm}} They showed that from 1 October 2007 to 31 December, 9,043 people took the test. The overall pass rate on the first or subsequent attempt was 92.9%. Candidates from the skilled migration stream fared the best, with a 97% pass rate, while 90% of candidates from the other streams passed.
people under the family stream migration program passed. The humanitarian program candidates fared the worst at 80%.

The press reaction to the inequities in the test results between skilled migrants and those from the humanitarian program was immediate. On 29 January 2008, the same day that the snapshot report was released, the *Advertiser* (Test to be a citizen too tough), *Age* (Neediest flunk Aussie test), *Australian* (Rethink as test snookers migrants), *Courier Mail* (Big test for new Aussies – refugees find it tough), and *Canberra Times* (Citizen test needs bias check: Evans) all focused on the plight of the humanitarian program candidates in relation to the rest of the test-taker cohort. Sydney’s *Daily Telegraph* played a lone hand with a story by Malcolm Farr under the headline ‘Our model citizens – New Aussies passing test with flying colours’ that led with a rather positive summation: ‘Fears the citizenship test is unfair to migrants have been proved unfounded by a review showing a stunning 93 per cent pass rate’.

Chris Evans, Labor’s new Immigration Minister, reacted quickly and reiterated a statement he had made earlier in the new year announcing that a review of the test would be conducted after it had been in operation for six months. On 28 April, Evans announced that the review committee was to be chaired by Richard Woolcott, a highly respected former career diplomat who, two months later while the review process was underway, would publicly declare that he did not think that a citizenship test was

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506 Candidates from Sudan, Afghanistan and Iraq were the worst performers with 29.7%, 24.8% and 16.1% fail rates respectively. (Source: DIAC Snapshot Report January 2008)


necessary. Along with Woolcott, the review committee consisted of former Australian hockey captain, Rechelle Hawkes, OAM; Director SBS Radio, Paula Masselos; refugee advocate Julianna Nkrumah; National Australia Day Council CEO, Warren Pearson; retired Chief of Navy, Vice Admiral Chris Ritchie AO, RANR; and Professor Kim Rubenstein, Director of the Centre for International and Public Law (CIPL) in the College of Law, Australian National University. It is perhaps interesting to note that while the committee members’ backgrounds covered areas such as multicultural services, refugee support, international relations, defence, sport and law, there was no place for representatives from the fields of migrant education or languages, two of the chief components of the government’s initial push for a test.

The Woolcott review’s stated objective was to address and make recommendations on ‘any unintended consequences’ of the test. It is important in the context of this analysis to also note that the terms of reference for the review made it clear that the test was never in danger of being abolished, and that the point of the review was therefore to suggest ways to improve it as the pathway to becoming an Australian citizen, not as a pathway to becoming an Australian citizen.

The review committee’s report Moving Forward ... Improving Pathways to Citizenship, was handed to the government in early August 2008, after approximately three months of investigations. Some of the first details (though vague) of its main recommendations appeared in the Age on 11 August in an article by Michelle Grattan entitled ‘Bradman sidelined in citizen rethink’. Grattan reported that while the government was yet to consider the recommendations contained in the report, the ‘controversial questions

512 ibid, p.50 (author’s emphasis added)
513 Grattan, M. Bradman sidelined in citizen rethink. 11 August, 2008. Age
about sports figures…would be unlikely to be asked’ in a revised version of the test. The government spent a further three months considering its response. Articles on the test review in major newspapers during this time were scarce – a database search revealed only two references, one of which was in passing in a story about Australian Citizenship Day, and both of which mentioned the fact that the government was yet to respond to Woolcott’s report.\(^5{14}\) By late October, the Canberra Times had lost patience with the government’s failure to release the committee’s report and the government’s response to it, it seems. In an article titled ‘Claims citizenship test illegal; Government suppressing damaging submissions’, journalist Ross Peake accused the government of holding information back from the public because some of the submissions to the review contained ‘legal opinions that the test is unlawful because of the high level of English in the questions’ (see below for a more detailed account of the content of the submissions).\(^5{15}\) On the length of time that had elapsed since the report was handed to the government, Peake quotes Woolcott who said that the report’s recommendations would have cost implications and that it was ‘normal’ for governments to spend time considering such a report before responding. Woolcott had also said that it was possible that the response had been ‘postponed a bit by the global financial crisis’.

The government finally tabled the Woolcott report in the Senate on 24 November 2008.\(^5{16}\) It was only then that the public gained full access to the committee’s recommendations for the test’s revision and the information upon which those recommendations were based. The review had received 179 submissions from individuals and organisations, 122 of which were published on the test review website.

\(^{514}\) Factiva Database (Major Australian newspapers are the Age, Sydney Morning Herald, Courier Mail, Adelaide Advertiser, Herald Sun, Daily Telegraph, Australian and Canberra Times); Perkins, O. A special day for newest Australians, 18 September, 2008. Canberra Times; Maley, P. Test for migrants slated for overhaul. 29 August, 2008. Australian

\(^{515}\) Peake, R. Claims citizenship test illegal; Government suppressing damaging submissions. 26 October, 2008. Canberra Times; The Woolcott Report said that those that were marked ‘to be published’ were put up on the website, however, who decided what ‘to be published’ means is not clear. Presumably there were some that were unsuitable and some whose authors requested not be published. It is not clear whether the government exercised discretion for non-publication due to inconvenient content as Peake’s article seems to suggest.

\(^{516}\) APD (S) 24 November 2008 p.52
The report also listed the names and affiliations of 179 contributors.\textsuperscript{517} There were 77 submissions from individuals (many of whom were academics) in Australia and six from overseas; nine submissions under the heading of Commonwealth and State Government, which ranged from individual MPs such as Petro Georgiou and Tony Zappia to submissions from the Queensland government, the Premier of Western Australia, the NT Chief Minister, and the Commonwealth and Immigration Ombudsman; five submissions from local government councils; eighteen ethnic organisations; and sixty-four non-government and peak bodies, ranging from community and religious groups, to refugee advocates, human rights organisations, legal consultants, and various think-tanks.

The committee also actively sought submissions from a wide array of organisations and individuals. It reports having written to more than 700 seeking input and also encouraged online submissions to the review via a dedicated website. During a six-week consultation period in mid-2008 the committee had 130 face-to-face and/or phone consultations with representatives from ‘government, non-government, business and community groups, as well as refugee and humanitarian entrants, linguistic experts, education research providers and Teachers of English to Speakers of Other Languages (TESOL)’.\textsuperscript{518}

The committee noted in its report that, in general, organisations involved in migrant support services opposed any form of testing at all. This outcome is similar to the public consultations conducted in relation to the discussion paper in 2006 and the Senate inquiry in 2007, with organisations generally in opposition to the test. Similarly, the 2008 review reported that individuals were in favour of a test of some kind. This prompted the committee to make the assumption that individuals, many of whom were migrants themselves, saw merit in the idea that citizenship was something that should be earned, not simply given away. The report also states that during the consultation process the focus shifted initially from simple information gathering to the testing of alternatives for the future testing regime. The committee was ‘struck by the

\textsuperscript{517} Commonwealth of Australia, 2008, Moving Forward...Improving Pathways to Citizenship. p.55-59

\textsuperscript{518} ibid, p. 10
predominance of those representing arrivals in the refugee/humanitarian stream’, and that as such, they came to identify that group as the one most disadvantaged by the current test. It is curious perhaps that this was an apparent revelation, firstly because the statistics that triggered the review were well known and secondly because refugee advocates had been heavily involved in the 2006 consultations and the 2007 Senate committee hearings.

The committee also reported that once the participants in the consultations had accepted that the test was not going to be scrapped, there was general agreement that the revisions needed to make the system fairer, particularly for those most disadvantaged by it.519 The report also noted that as certain issues came to light during the consultations it began to formulate and test some of the ideas that would eventually become their main recommendations for the test revision. These ideas, which were ‘overwhelmingly supported’,520 included that the booklet should be divided into testable and non-testable sections so that information not deemed relevant to the Citizenship Pledge could still be provided but would be non-testable; that the test questions should be made public; that the legislative requirement for ‘basic English’ should be clarified; that there should be broader exemption categories from the test to ensure disadvantaged groups were not further disadvantaged; and that alternative pathways to citizenship by conferral needed to be developed.

Most of the 122 written submissions that were published on the committee’s website were against the test. They were of varying length and scope, with many taking no more than a few lines to convey a message of support or non-support. Most of these shorter submissions were from individuals. Others were more comprehensive. These in general came from organisations involved in refugee advocacy and/or support services, and local and state governments, parliamentarians, academics and think-tanks.

Academics, in particular, were concerned by what they perceived to be the booklet’s white-washed, triumphalist version of Australian history as well as the dubious

519 These groups included those with little or no literacy at all, people for whom attending language and citizenship classes was problematic, people who are stateless, or those with learning difficulties resulting from having been victims of torture or trauma.

520 ibid, p. 13
connection such knowledge has to citizenship in the first instance. The Democratic Audit of Australia, for example, called the booklet a ‘curious mix between advertising and a 1950s grade one school reader’, reminiscent of a travel brochure, and innocent ‘of the view of almost all practising historians (of whatever political persuasion) that history is not a catalogue of past facts or occurrences, but the interpretation of those past facts and occurrences and that such interpretations are debatable and contestable’. 521

Professor Bruce Scates, Director of the National Centre for Australian Studies at Monash University, was another to raise concerns in this regard, calling the official history a sanitised version of the past that ‘valorises’ the country’s wartime experiences. He made particular mention of the booklet’s treatment of the Anzac campaign and a reference to it as an ‘amazing feat of arms’ which ‘does lose sight of the cost of that futile and ill-conceived campaign’. 522 He was also critical of the statement that Australia had been a ‘remarkably peaceful country’, saying that such a statement is in need of ‘serious qualification’, and asking also how ‘the destruction of indigenous communities, or forced resettlement, or policies of cultural genocide’ could be called ‘peaceful’.

Western Australian academic Farida Fozdar was also critical and made a number of points, among others, about Australian values, for example, that the omission of ‘prevalent and distinctive’ Australian values such as the ‘commitment to drinking alcohol in vast quantities’ and ‘larrakin irresponsibility’ was an indicator that the booklet was an exercise in jingoism. 523 She also challenged the notion that the citizenship test was as popular with the public as the government had claimed, citing a study by Issues Deliberation Australia that found that Australians were evenly divided on the need for a citizenship test of Australian knowledge and culture: 38% saw it as an important screener, 29% saw it as unimportant, and 33% were neutral’. 524 In a short submission, citizenship academic John Chesterman stated that the citizenship test upset a long-

521 Democratic Audit of Australia, Citizenship Test Review Submission 130
522 Scates, Citizenship Test Review Submission 124
523 Fozdar, Citizenship Test Review Submission 98

Figures quoted here are from a sample size of 1401(n=1401)
standing policy balance in Australia between tough immigration requirements and easy citizenship criteria. He was also concerned for democracy in Australia in general and the ‘unhealthy position of having a substantial minority of a particularly vulnerable group being unable to exercise a basic political right’. Chesterman’s points were echoed in a submission by a prominent historian of multiculturalism, James Jupp, who like many others suggested that the test should be scrapped in favour of returning to the system which was in place prior to its introduction.

As noted earlier, language experts complained that the level of language used in the booklet was far above the legislative requirement for the demonstration of basic English skills by prospective citizens. Once again, among the most emphatic was Ingrid Piller who had been sharply critical of the test since it was first proposed. Piller attached two submissions, both of which had been submitted before, one to the DIMA discussion paper consultation process in 2006 and one which she had written for the Federation of Ethnic Communities Councils of Australia (FECCA) in collaboration with language testing academic Tim McNamara. The combined Piller and McNamara contribution was a linguistic analysis of the draft version of Becoming an Australian Citizen, which was released in August 2007, a month before the official version was finalised. In order to assess the suitability of the resource materials in relation to the legislative requirement for basic English, the two applied linguists looked first at the length of the text. Taking the descriptors of the capabilities of Level 1 language learners from the Certificates in Spoken and Written English (CSWE) from the Adult Migrant English Program as an exemplar of basic English, Piller and McNamara noted that CSWE 1 describes those who attain the level as being able to read ‘short’ instructions or narratives. Given the length of the resource booklet, they concluded that the citizenship materials ‘did not meet the criterion of shortness’. They also analysed the text for lexical difficulty. Using a relatively simple, web-based lexical analysis tool, they found that due to the type of vocabulary used, the text was lexically dense and ‘right at the upper end of difficulty of a written text’, and more like academic English than basic.

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525 Chesterman, Citizenship Test Review Submission 60
526 Jupp, Citizenship Test Review Submission 173
527 Piller, Citizenship Test Review Submission 75
528 There were very few differences between the draft and the final version.
English. Their overall conclusion was that the language level of the booklet meant that it was ‘complex and difficult on a range of measures of reading difficulty’ and ‘certainly out of the reach of a basic user of English’.

As well as the AMEP’s CSWE levels, Piller and McNamara had also drawn on the ‘basic user’ levels in the Common European Framework of Reference for Languages, a tool designed for setting comparable standards of language learning, teaching and testing across the European Union. The framework describes six broad levels of language proficiency. Its lowest two levels, A1 and A2, describe a ‘Basic User’ of a language in terms of language abilities. The upper level of basic user, A2, also known as the ‘Waystage’, describes learner abilities as ‘simple’ and ‘routine’ and in areas only of ‘immediate relevance’. On this, Piller and McNamara stated that Becoming an Australian Citizen did not meet these criteria because ‘it is neither communication of immediate relevance nor is it simple and routine’. As their analysis had been in the public domain prior to the 2008 review, it was seconded and cited by a number of submissions, perhaps most notably by Petro Georgiou, MP, because he attached legal advice to the effect that, on the basis of this analysis, the citizenship test was ‘invalid’ and represented an ‘unlawful impediment’ to applicants.

The submissions to the review from organisations varied in their length and comprehensiveness as well as in their general disposition towards the test and to migrants and multiculturalism more broadly. While Woolcott noted in the report that most of the organisations were against the test and expressed their concerns mostly in terms of social justice, there were exceptions. There was a warning from the Nanango Christian Faith Centre, for example, about the dangers of the country’s ‘descent into the bottomless pit of multiculturalism’, as well as more restrained messages of support from the Australian Legion of Ex-Servicemen and Women and the Festival of Light.

529 Piller, Citizenship test review Submission 75
530 From Bret Walker SC. As reported by Misha Schubert in the Age on 30 May 2008 under the headline of ‘Citizenship test ‘may not be legal’.
Australia. In a wide-ranging submission, Future Directions International, an independent research organisation from Western Australia headed by former Governor-General, Major General Michael Jeffery, was supportive of the idea for a symbolic commitment to Australian citizenship but was also careful to outline concerns that it had with the current test and numerous suggestions for improving both it and Australian society in general. The gist of its contribution was that the encouragement of permanent residents to take out Australian citizenship was paramount and that acquiring this should be a relatively straightforward and easily accessible process. In this way it did not differ from the many contributions that also opposed the test but offered suggestions for improving a process that was assumed to be going ahead.

Both Vision Australia and the National Ethnic Disability Alliance expressed dissatisfaction with the accessibility of the materials for people with disabilities, on the basis that exemptions from the test for those with ‘substantial impairment or loss of hearing, speech or sight’ (as contained in the Act) were apparently due to a lack of commitment from the government to providing alternative formats and/or technologies for them to undertake the test. It was the ethnic groups, refugee advocates and human rights organisations, however, that most consistently shared perspective. The common theme was, unsurprisingly, and as the statistics had shown, the demonstrated discrimination against the most vulnerable category of test-takers. Common too among the submissions were points that had been made by many other individuals and groups prior to the introduction of the test, such as the perceived folly of introducing a punitive test when there was little or no evidence provided as to what was wrong with the previous system; the likelihood that women with family responsibilities would struggle to pass the test or attend language classes; that victims of torture or trauma would likewise be disadvantaged; that the security of stateless persons was further threatened by the test (as well as the extension of the waiting period for eligibility to take out

531 Nanango Christian Faith Centre Inc., Citizenship test review Submission 22; Australian Legion of Ex-Servicemen and Women, Citizenship test review Submission 23; Festival of Light Australia, Citizenship test review Submission 95

532 Future Directions International, Citizenship test review Submission 51

533 Vision Australia, Citizenship test review Submission 143; National Ethnic Disability Alliance, Citizenship test review Submission 144
citizenship from two years to four); and that migrants were more likely to be productive citizens if made to feel welcome as opposed to being subjected to testing.

The published submissions from the political sphere were all opposed to the test except for the contribution from Professor John McMillan, Commonwealth and Immigration Ombudsman, who was understandably neutral in outlining a case handled by his office regarding the application fee, as well as in outlining matters that had been raised with his office. While the office had not received official complaints, McMillan said it had been made aware of community concerns that the test was excluding particular groups from citizenship, that the English language requirements were a source of anxiety for older migrants and recent refugee arrivals in particular, and ‘that the pressure to sit the test and pass had compounded existing psychological and health issues, as well as a sense of marginalisation’.  

Both the Queensland and Western Australian (Labor) governments restated concerns that they had made prior to the test’s introduction – that the reasons for it were unsupported by evidence, and that it would be divisive, expensive, ineffective and discriminatory – and indicated that such concerns were still valid, particularly in light of the statistics showing that it was discriminating against humanitarian visa entrants. The submission from Alan Carpenter, the Premier of Western Australia, was particularly comprehensive and offered a number of suggestions for improving the test – again in the knowledge that the government was committed to continuing with it – calling for clarifications as to its purpose as well as to the terms used in the Act such as ‘basic knowledge of the English language’ and ‘adequate knowledge of Australia’. Carpenter also called for modifications of the test’s content, including the abolition of the mandatory questions as well as references to ‘Australian values’. Andrew Barr, Acting Minister for Multicultural Affairs, wrote that the ACT government (also Labor) was ‘strongly opposed’ to the citizenship test saying that it ‘cannot possibly assess a person’s adequacy for citizenship or commitment to Australia’.  

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534 Commonwealth and Immigration Ombudsman, Citizenship test review Submission 102
535 Queensland Government, Citizenship test review Submission 112; Western Australian Government, Citizenship test review Submission 178
536 Barr, Citizenship test review Submission 177
entered parliament after the November 2007 election, and so after the test had already been introduced, showed that in the year prior to citizenship test the average number of applications per month for citizenship by conferral was 13,259.\textsuperscript{537} In the first five months of the new test’s operation, this monthly figure had dropped to 3,614. Zappia also noted the rush to apply for citizenship in the month before the test’s introduction when ‘a record of 21,159’ people made applications for Australian citizenship by conferral. This figure plummeted to 2,194 in October, when the test began.

The Woolcott report findings

The report stated in its ‘Key Findings’ that the ‘present test is flawed, intimidating to some and discriminatory’ and in need of ‘substantial reform’.\textsuperscript{538} Overall, the committee made thirty-four recommendations, twenty-three of which were supported in full by the government in its subsequent response, while four others were supported ‘in principle’.\textsuperscript{539} The first recommendation was that the citizenship test be clearly related to the legal requirements of citizenship as laid down by the Australian Citizenship Act 2007 and ‘to demonstrate to the general public’ that applicants have satisfied them when taking the Pledge of Commitment.

Many of the remaining thirty-three recommendations were related to issues of the fairness of the test and/or the way and to whom it is administered. A number surrounded the content and style of the resource booklet, including recommendations that it be rewritten to simplify and reduce the amount of information presented and to make the testable information clearer and more relevant to citizenship, all of which were supported by the government. The committee also recommended that mandatory questions be abolished (a recommendation which was upheld) and that the complete bank of test questions be made publicly available in the interim period between the

\textsuperscript{537} Zappia, Citizenship test review Submission 115

\textsuperscript{538} Commonwealth of Australia, 2008, Moving Forward...Improving Pathways to Citizenship. p.3

release of the report and the implementation of its recommendations, a proposal which was rejected by the government in the interests of maintaining ‘the rigour of the test’.540

As the title of its report suggests, the committee placed considerable importance on determining less onerous pathways to citizenship for some of society’s most vulnerable groups as an alternative to having to sit the formal citizenship test. It was particularly concerned for candidates with little or no formal education, or who were illiterate (in any language), lacking in computer skills, inexperienced with formal testing programs, or had learning difficulties. Among those more likely to fall into these categories were refugee and humanitarian entrants, and in particular, financially dependent women involved in child-rearing or aged care.

While recommending the retention of the current test as one of the pathways to citizenship, in order to accommodate vulnerable candidates the committee proposed that the government should also develop a second pathway for those with little or no literacy. Within this second pathway, the committee recommended three options, two of which candidates could choose to undertake and a third for which candidates would be unable to self-select. In the first suggested option, candidates could choose to undertake self-directed learning in a language other than English but would then be required take an oral test in English based on the questions from the regular test. In the second, they could choose to undertake a citizenship course in English similar to the AMEP’s Let’s Participate program which was discontinued with the advent of the formal test. Assessment in the second option would be ongoing and based on the citizenship test resource booklet and the questions from the regular test. The third option, for those candidates unable to take the first two, would be offered in the home if necessary and in languages other than English. The committee recommended this as the only option whereby the assessment of knowledge and language would be separated, recommending a certificate of participation for the former and an oral interview with a Citizenship Referee (much like the Canadian system’s Citizenship Judge) for the latter.541 The government’s response to the committee’s recommendations for alternative pathways

541 Commonwealth of Australia, 2008, Moving Forward…Improving Pathways to Citizenship. p.31
was both positive and negative. It rejected any notion of relaxing its stance on English as the only language for candidates to be tested in on the grounds that English was a vital indicator of success in settling into Australia and for finding employment, but did commit to developing a citizenship course as an alternative pathway for ‘refugees and disadvantaged or vulnerable migrants’. 542

Another carefully considered recommendation put forward in the Woolcott report was for the government to introduce the concept of ‘earned’ citizenship as an alternative to the test for some candidate groups. Earned citizenship as the committee conceived it was aimed at three groups: those who were educated in Australia and had remained long-term residents; those who had resided in Australia for at least 15 years and had contributed to Australian society but had not reached a basic knowledge of the English language; and those who had failed repeatedly to pass the citizenship test. 543 The committee recommended that the required evidence to support earned citizenship applications such as school reports (in the case of the first category) or references from community or volunteer organisations, copies of tax returns, or business receipts (second category) be assessed by a Citizenship Referee appointed by the minister. The government gave the recommendation relatively short shrift saying that it did not support earned citizenship because it ‘would effectively introduce “classes” of citizenship’. 544 It was even shorter with the idea of a Citizenship Referee, dismissing this without explanation.

Considerable space in the report was afforded to the lack of a clear definition of ‘basic English’ in the legislation. Woolcott and his team knew of the Piller and McNamara analysis and the charge that the test preparation materials were ‘out of the reach of a basic user of English’. They stated that ‘a basic knowledge of the English language is

543 Commonwealth of Australia, 2008, Moving Forward...Improving Pathways to Citizenship. p.36
544 Commonwealth of Australia 2008a. Government response to the Report by the Australian Citizenship Test Review Committee p.4
having a sufficient knowledge of English to be able to exist independently in the wider Australian community and that it resembles the A1/A2 level of English in the CEFR’.\footnote{Commonwealth of Australia, 2008, Moving Forward...Improving Pathways to Citizenship. p.26}

The full list of global descriptors from the CEFR appears below for context and ease of comparison.\footnote{The Council of Europe’s CEFR global descriptors available here: http://www.rcs.ac.uk/export/sites/RCS/common/documents/YouthWorks/CEFR_Global_Descriptors.pdf} The levels are described in descending order of proficiency, that is, C2 is the highest level of proficiency described in the scale and A1 is the lowest. There are three broader levels in the scale, each of which encompasses two sub-levels: Proficient User (C2 and C1), Independent User (B2 and B1) and Basic User (A2 and A1). The descriptions of the range of abilities in each of the levels scale follow a typical format of expressing learner capabilities in a series of ‘can do’ statements.

**Proficient User**

**C2 (Mastery)**
Can understand with ease virtually everything heard or read. Can summarise information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. Can express him/herself spontaneously, very fluently and precisely, differentiating finer shades of meaning even in more complex situations.

**C1 (Effective Operational Proficiency)**
Can understand a wide range of demanding, longer texts, and recognise implicit meaning. Can express him/herself fluently and spontaneously without much obvious searching for expressions. Can use language flexibly and effectively for social, academic and professional purposes. Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organisational patterns, connectors and cohesive devices.

**Independent User**

**B2 (Vantage)**

\footnote{Commonwealth of Australia, 2008, Moving Forward...Improving Pathways to Citizenship. p.26}
Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.

**B1 (Threshold)**
Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes and ambitions and briefly give reasons and explanations for opinions and plans.

**Basic User**
**A2 (Waystage)**
Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.

**A1 (Breakthrough)**
Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.
It is notable that the committee chose to use the word ‘resembles’ to describe the relationship between the legislative requirement of ‘basic English’ and the lowest levels of the CEFR. Arguably, this was the best it could do. As Piller and McNamara’s position on the test materials would attest, it is difficult to see where a twenty-item, multiple-choice test based on a forty-six-page booklet such as *Becoming an Australian Citizen* could fit within the A1 and A2 band of descriptors, particularly given the subject matter. Even at the highest level of Basic User, A2, the learner is described as being able to understand ‘very basic’ sentences and expressions used commonly in areas of ‘most immediate relevance’. It is not until a learner reaches level B1, the level above A2, which is alternatively known as the Threshold level, that a learner is described in terms of being an Independent User of a language.

A1 and A2, the ‘breakthrough’ and ‘waystages’ in the CEFR global scales, appear to be more suited to the over-the-counter interview that was jettisoned in favour of the new citizenship test in 2007, and less applicable to the committee’s recommendation that basic English be understood in terms of being able to exist independently in the wider community. While the Woolcott report failed to acknowledge this distinction between Basic User and Independent User in the CEFR, the point about the old interview test being more aligned to the legislative requirement of basic English than the new test was not entirely dismissed. Indeed, the report made a note that ‘several submissions’ pointed out that a basic knowledge of English was ‘essentially oral’ and that an assessment of literacy in the citizenship test was incongruent with it. The report also noted that ‘many’ experts were of the view that the type of content that was to be tested (knowledge of Australia and rights and responsibilities of citizenship) would require a greater level of English language proficiency than ‘basic’ and that in certain cases it would be preferable to separate the testing of English from the testing of knowledge.\(^547\)

In its response to the report, the government endorsed the committee’s interpretation of basic English as being related to independence within the community and acknowledged concerns that the language of the original test materials was beyond it. It then added these two sentences:

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547 Commonwealth of Australia, 2008, Moving Forward...Improving Pathways to Citizenship. p.19
The government agrees with the committee that providing resources in plain English will support prospective citizens to prepare for the test. All related citizenship test resource material, including the resource book and questions, will be developed in plain English.\footnote{Commonwealth of Australia 2008a. Government response to the Report by the Australian Citizenship Test Review Committee p.2}

Woolcott’s committee had made no such statement; the term ‘plain English’ did not appear anywhere in its report. It is conceivable that the term was mistakenly included in the government response, but it only adds weight to the contention that the government had few ideas if any on how to match its test for citizenship with the legislative requirement for basic English. In any event, the term ‘plain English’ had a fairly short life in the revision process. It did not appear anywhere in the Request for Tender (RFT) document that was issued soon after by DIAC looking for interested parties to undertake the revision of the test resource book and/or the formulation of the test and practice questions. Instead, the RFT reverted to the Woolcott committee’s interpretation of basic English and asked for the materials and questions to be written to a language level that would test the ability to exist independently within the wider Australian community.\footnote{Commonwealth of Australia 2008b Request for Tender 09/01 DIAC}

**The revised test**

The new-look, revised Australian citizenship test was first administered on 19 October 2009. Chris Evans, Minister for Immigration and Citizenship, marked its commencement with a media release which stated that the revised test was ‘not a general knowledge quiz about Australia’, and that ‘all of the questions in the new citizenship test focus on the commitments that new citizens make in the pledge’.\footnote{Evans, C. 2009. New citizenship test begins [Media Release] 19 October. Available here: http://www.minister.immi.gov.au/media/media-releases/2009/ce09097.htm} These are both relatively odd statements given what was to follow and that the pledge deals only with the democratic beliefs, rights and liberties, and laws of Australia and its people. For example, the national flower, national colours, and national gemstone all appear in the testable section of the new booklet, *Our Common Bond*; so too do the...
words to *Advance Australia Fair*, a definition for ‘mateship’, and sentences such as ‘Many fine buildings in Victoria were built from the wealth created by the gold rush of the 1850s’ and ‘South Australia has a rugged coastline and many famous wine regions’.  

Aside from Evans’ press release there was little fanfare attached to the new test and it was largely ignored in the press. The *Canberra Times*, the most attentive newspaper, carried just two stories. Under the headline ‘Citizens give new test top marks’, Emily Sherlock reported that more than 400 people sat the test on its first day and that all was well with the new test. Her piece included an interview with Warren Bingwa, formerly of Zimbabwe, who scored 19 out of 20 on his test and spent ‘about ten minutes’ doing it:

> I think it hits the right points as far as immigrants are concerned because we need to know about legislation. The non-testable section is absolutely perfect as well because you get that extra stretch in knowledge that benefits anybody.

Judging by Mr Bingwa’s turn of phrase, it is unlikely that he was ever going to have trouble with the English language component of the test. James Massola, also of the *Canberra Times*, was less laudatory than his colleague, and in retrospect more accurate in his assessment of what the revised test would represent to some test-takers at least. He led with: ‘Migrants will face a tougher time becoming citizens from today, with a revised citizenship test raising the bar for would-be citizens’. Massola based his assessment on the fact that the government had increased the pass mark from 60% (twelve out of twenty) to 75% (fifteen) and that the original test’s three mandatory

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552 There were four newspaper stories: *Canberra Times* x 2 and one each from the *Australian* and the *Daily Telegraph* (Factiva Search for ‘Citizenship Test’ from 19 October to 21 October 2009 returned four articles in major Australian newspapers).

553 Sherlock, E. Citizens give new test top marks. 20 October, 2009. *Canberra Times*

questions, all of which had to be answered correctly in order to pass, were abolished, meaning that it was no longer possible to score 19 out of 20 and still fail.

The new test preparation booklet, *Our Common Bond (OCB)*, in many ways is a significant improvement on the first edition. The first obvious difference between it and *Becoming an Australian Citizen (BAC)* is the front cover. BAC’s cover was dominated by a large, colour photograph of the unfurled Australian flag attached to a flagpole, with the simple label of ‘Citizenship: Your commitment to Australia’ under it. OCB’s cover, while also featuring a large photo of the flag, flanks it with photographs of a diverse mix of exotic Australian faces. Under the photographs, occupying roughly one-third of the cover is the Australian citizenship pledge, which the Woolcott committee and the government had agreed on as the preferred focus of the revised citizenship test. There is also a question of tone in the two booklets. In the original booklet, BAC, under the heading of ‘Introduction’, the first message reads:

> You have chosen to live in Australia and to make a contribution to its future by seeking to become an Australian citizen. Becoming a citizen gives you the opportunity to call yourself an Australian. It is the final and most important step in the migration journey.\(^556\)

Also, BAC’s Introduction goes on to point out that there are expectations of new citizens (basic knowledge of English and of the country’s history, heritage, land, people and culture). In OCB, however, the first message is one of welcome:

> Congratulations on choosing to become an Australian citizen. It takes courage, endeavour and commitment to live in a new country and participate fully as a citizen. We value your contribution to our peaceful and democratic society.\(^557\)

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556 ibid, p.1

While the welcome is indeed more personal in *OCB*, there is a welcome in *BAC*, though it appears down the page and is arguably less enthusiastic: ‘The Australian Government welcomes your desire to join our national community’.\(^{558}\)

Interestingly perhaps, the word ‘values’ appears just once in the testable section of *OCB*, and that is in the glossary where an example sentence for ‘Judaeo-Christian’ reads ‘Judaeo-Christian values are those based on lessons from the Bible’.\(^{559}\) In *BAC*, as already noted, Australian values are given a more central role. While *BAC*’s list of values also appears in *OCB*, they are relabelled as ‘Australia’s democratic beliefs, rights and liberties’ and are listed and explained under the following headings: ‘Our democratic beliefs’ (parliamentary democracy; the rule of law; living peacefully; respect for all individuals regardless of background; compassion for those in need), ‘Our freedoms’ (freedom of speech and expression; freedom of association; freedom of religion and secular government), and ‘Our equalities’ (equality in Australia; equality of men and women; equality of opportunity).

As noted above, the content of the revised booklet is divided into testable and non-testable sections. The testable information is in three parts: Australia and its people; Australia’s democratic beliefs, rights and liberties; and Government and the law in Australia. It also contains a glossary of testable terms and a list of twenty sample test questions in multiple-choice format. The non-testable section, on the other hand, contains what Woolcott termed in the report as ‘useful knowledge … to assist individuals in integrating into the community’.\(^{560}\) It is in the non-testable section (Parts 4 and 5) that readers can find information such as that originally presented in *BAC* on famous Australians and their achievements in science, arts, medicine and sports, for example, as well as the historical section which was re-labelled ‘Our Australian Story’ in *OCB*. Donald Bradman’s entry this time *does* include his batting average, while Lindrum and Opperman, his co-accused in the notorious ‘Bradman question’ from the original batch of sample test questions, were discarded altogether.\(^{561}\)


\(^{559}\) Commonwealth of Australia, 2009. *Australian Citizenship: Our Common Bond*. p.31

\(^{560}\) Commonwealth of Australia, 2008, *Moving Forward...Improving Pathways to Citizenship*. p.1

\(^{561}\) Bradman’s batting average (of 99.94) did not appear in the original test booklet, *BAC*. 213
The splitting of the text cut the word-count of testable information from roughly 13,000 words in *BAC* to around 7,700 in *OCB*.\(^{562}\) Apart from the reduced reading load, the topic coverage was narrowed considerably and despite some anomalies (see above) the testable information in *OCB* is certainly more aligned to the citizenship pledge. The problem of what constitutes ‘basic English’ remains, however. Despite DIAC’s statement in its 2009-10 Annual Report that the ‘book has been rewritten in basic English’, there is little to suggest that this is the case.\(^{563}\) A replication of Piller and McNamara’s earlier analysis of *BAC*’s draft version on *OCB* conducted by McNamara and Ryan, using the same web-based vocabulary profiling software, revealed almost no change in *OCB* in terms of the difficulty of the vocabulary used.\(^{564}\) Therefore, Piller and McNamara’s original statement about *BAC* – that it was written at a level way beyond any understanding of basic English – still stands for the revised booklet. McNamara and Ryan’s analysis appears as Appendix 1 at the back of this thesis.

The changes that were made to the text appear to have been based on a strategy of replacing large or obscure words with more and smaller words. For example, the sentence ‘Some religious or cultural practices, such as bigamy for example, are illegal’ was transformed into ‘Some religious or cultural practices, such as being married to more than one person at the same time, are against Australian law’ in the revised booklet.\(^{565}\) Conversely, another strategy appears to have been the replacement of lengthy sentences with shorter, clearer ones. In *BAC*, for example, the following passage:

> To register children born overseas as Australian citizens by descent Australian citizens who are living outside Australia when their children are born are able to register those children as Australian citizens at any Australian diplomatic

\(^{562}\) Word counts are approximations only as they include headings and repeated information

\(^{563}\) DIAC Annual Report 2009-10 p.11

\(^{564}\) McNamara, T. & Ryan, K. 2011. Fairness versus justice in language testing. The authors used the online vocabulary profiling method available here: Web VP http://www.lextutor.ca/vp/eng/

mission overseas. This means that their children will also have access to all the privileges of Australian citizenship even though they were not born in Australia.  

was shortened in *OCB* and became this:

Australian citizens may have children born overseas. They can register their children as Australian citizens. The children then have the same rights and responsibilities of citizenship as children born in Australia.

While this is clearly an effort to simplify the text, *OCB* is not necessarily more succinct on all topics and is by no means any less intrusive than *BAC* when it comes to what might be termed its didacticism. The section on freedom of speech and expression in *OCB*, for example, is twice that of the original booklet in terms of word-count, and belabours points about the right to engage in peaceful protests against the government and the fact that there are laws against spreading false information about others. It is also ‘against the law to try to make other people hate or act violently towards others because of their culture, ethnicity or background’. This last point did not appear in the original booklet, and indicates that the government had taken some lessons from the materials of its exemplar countries like Canada and the Netherlands. This becomes clearer in the appearance of a section on ‘Participating in Australian society’ which, after a few suggestions such as volunteering and joining local arts and cultural organisations, stresses the importance of paying tax as a way of contributing to the community and supporting the provision of public services such as ‘health, education, defence, roads and railways, and social security’ in order for the country to remain prosperous and peaceful. This is interesting in a test for citizenship because the payment of taxes is not restricted to citizens; backpackers on working holidays are expected to pay taxes, after all.

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568 ibid, p.18

569 ibid, p.21
Another section that did not appear at all in BAC but took prominence in the revised version is presented under the heading of ‘Criminal Offences in Australia’. Here, and also in the testable section, the booklet provides a list of the country’s ‘most serious crimes’, including murder, sexual assault, sexual relations with children or young people, drug possession, weapons possession, dangerous driving and fraud. Domestic and family violence is also mentioned, with examples listed as ‘physical, sexual or psychological abuse or harm, forced sexual relations, forced isolation or economic deprivation’. In this way, it seems the Australian test developers have again taken cues from their Canadian and Dutch counterparts in presenting lists of intolerable behaviours and practices from citizens.

**The statistical evidence**

In order to conclude the chapter, it is important to examine the statistical evidence in support of the contention that the review commissioned in 2008 by the Labor government failed to address the discriminatory effects of the Australian citizenship test on vulnerable groups, and that the revised test is now more discriminatory than the original.

The data used in the analysis was obtained from DIAC via the Freedom of Information Act 1982. It covers the period from 1 October 2007 to 30 June 2012 and provides a fuller account of the performance of the Australian citizenship tests (both the original and the revised) and its effects on test-takers than data that DIAC has previously released into the public domain.  

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570 ibid, p.29  
571 ibid, p.29  
572 Some of the statistics contained in this chapter have been obtained from DIAC via Freedom of Information requests and have not been made publicly available. During the four years and eight months of operation, 415,816 tests were administered to 342,789 clients at an average of 1.2 tests per client. These statistics were taken from DIAC Annual Reports available here: http://www.immi.gov.au/about/reports/annual/
On the release of its first ‘snapshot report’ on the citizenship test data in January 2008, DIAC gave an undertaking that it would provide regular updates of the test statistics on the department’s website. Initially, DIAC kept its promise. Information was released quarterly and allowed simple and timely access to test outcomes. It included the total number of tests administered by the department, the pass-fail rates, and the average number of tests taken per client (the department’s term) for each of the three main visa categories: Skill Stream, Family Stream and Humanitarian Program, as well as for a fourth category, ‘Other’ (which included Resident Return Visa holders and Special Category Visa holders). The snapshot reports also provided a ‘Country of birth analysis’ which gave the pass-fail rates for the top ten countries by birth according to total client numbers. The table reproduced below is a screenshot of the ‘Country of birth analysis’ from DIAC’s July 2008 Snapshot Report.573

Country of birth analysis

As at 30 June 2008, clients born in more than 172 countries have sat the test.

<table>
<thead>
<tr>
<th>Country of birth</th>
<th>Total</th>
<th>% of total</th>
<th>Pass</th>
<th>Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>7 929</td>
<td>16.3</td>
<td>7 862</td>
<td>67</td>
</tr>
<tr>
<td>PRC (includes Hong Kong + Macau)</td>
<td>5 041</td>
<td>10.3</td>
<td>4 892</td>
<td>149</td>
</tr>
<tr>
<td>India</td>
<td>4 699</td>
<td>9.6</td>
<td>4 652</td>
<td>47</td>
</tr>
<tr>
<td>Iraq</td>
<td>1 917</td>
<td>3.9</td>
<td>1 573</td>
<td>344</td>
</tr>
<tr>
<td>South Africa</td>
<td>1 912</td>
<td>3.9</td>
<td>1 906</td>
<td>6</td>
</tr>
<tr>
<td>Philippines</td>
<td>1 619</td>
<td>3.3</td>
<td>1 574</td>
<td>45</td>
</tr>
<tr>
<td>New Zealand</td>
<td>1 596</td>
<td>3.3</td>
<td>1 567</td>
<td>29</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>1 143</td>
<td>2.3</td>
<td>1 115</td>
<td>28</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>1 089</td>
<td>2.2</td>
<td>872</td>
<td>217</td>
</tr>
<tr>
<td>Sudan</td>
<td>980</td>
<td>2.0</td>
<td>757</td>
<td>223</td>
</tr>
<tr>
<td>Other countries</td>
<td>20 788</td>
<td>42.7</td>
<td>19 730</td>
<td>1 058</td>
</tr>
<tr>
<td>Total clients</td>
<td>48 713</td>
<td>100.0</td>
<td>46 500</td>
<td>2 213</td>
</tr>
</tbody>
</table>

As the table illustrates, the ‘snapshot’ provides relatively broad statistics with country of origin information only presented for candidates from the top ten countries by birth. Candidates from 162 nations – more than 40% of all test-takers – were grouped under the category of ‘Other’, making it impossible to analyse results for these countries.

In contrast, the data obtained from DIAC via freedom of information legislation enables country of origin analysis for all clients who have taken the Australian citizenship test from 1 October 2007 to 30 June 2012, the last date for which statistics are available. The statistics also allow for more detailed comparisons between the two tests according to country of birth.

In the original test, which ran from 1 October 2007 to 18 October 2009, among the countries of origin with 200 or more test clients, nine had average marks under 70% for all test attempts: Afghanistan (59%), Somalia and Burundi (63%), Iraq (64%), Sudan (65%), Eritrea (66%), Cambodia (67%), Liberia (68%) and Ethiopia (69%). In the revised version of the test, all but one of these nine countries recorded lower average marks, and some considerably lower, during the period from its inception on 19 October 2009 up to the end of June 2011. For these clients, the revised citizenship test was proving to be tougher to pass than the original. The statistics for the 2011-12 reporting period show slight improvements on these figures for some of the nationalities in the above list (Somalia, Iraq, Eritrea, Liberia and Ethiopia), while the average marks for clients from Burundi, Sudan and Cambodia were lower. The marks for Afghani clients remained virtually the same. It is also worth noting that of these nine countries, only Liberia’s average mark increased to a point above the revised pass mark of 75% with an average of 76.67%.

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574 Much of the following analysis appeared as an article in *Inside Story* on 16 April 2012. The data for the original article, which was for statistics covering the period from 1 October 2007 to 30 June 2011 was obtained from DIAC through FOI by journalist and academic, Margaret Simons, who generously forwarded it on to me. The information in the *Inside Story* article has been updated in this chapter to include data for the 2011-12 reporting year which was obtained via a second FOI request, which I made myself. The article is available here: [http://inside.org.au/citizenship-for-beginners/](http://inside.org.au/citizenship-for-beginners/). The article contains a link to the data obtained from DIAC. This data, which is available here: [http://inside.org.au/wp-content/uploads/2012/04/both_tests.pdf](http://inside.org.au/wp-content/uploads/2012/04/both_tests.pdf), is not included in the Appendix of the thesis because it is 30 pages long. The spreadsheet for 2011-12 is included in Appendix 2.
Also revealing are the statistics covering the number of times clients from each country take the test. Under the original test it was relatively rare for the average number to go above two. Among the exceptions were Tunisia’s seven applicants, all of whom passed eventually, who took twenty-five tests between them (at an average of 3.57 tests per client) during the test’s first nine months of operation. The only other countries to record averages over two tests per client during this period were Afghanistan (1,013 clients took 2,114 tests, or 2.09 tests each on average), Burundi (eighty-seven clients at 2.09 tests each) and Rwanda (thirteen clients at 2.08). In the period from 1 July 2008 until the original test ended on 18 October 2009, of countries with over fifty clients, only Afghanistan and Iraq recorded more than two tests per client.

The revised test’s statistics are somewhat different. From its introduction on 19 October 2009 through to 30 June 2010, no countries recorded an average of more than two tests per client. During the next twelve months, however, of the countries with more than fifty clients, Afghanistan headed the list at 3.78 tests per client, while of those with more than one hundred clients, Cambodia (331 clients at 3.18 tests each), Iraq (619 at 3.06) and Sudan (472 at 3.04) were also above three tests per client. In all, twenty-four nationalities, ten of which contributed more than one hundred clients, needed more than two tests per client to pass the revised test. Figures for the 2011-12 year revealed a reduction in these figures, with fifteen nationalities taking two or more attempts at the test, eight of which contributed more than one-hundred clients. Again, clients from Afghanistan, Sudan, Cambodia and Iraq were prominent among this list.

Clients from countries at the top end of the statistics have been served well by the revisions, however. No longer subjected to mandatory questions in the revised test, those with average marks already comfortably above 75% have had their chances of success enhanced. So, the likelihood of getting ‘tripped up’ by missing just one of the mandatory questions has been eliminated. To illustrate the improvements in the pass-fail rates for the top countries, in the original test, seven countries – Canada, the US, Germany, Ireland, South Africa, Britain and Zimbabwe – appeared in the top ten performers (highest average mark) across all three periods of the original test. These seven countries recorded fail rates, calculated as number of failed tests per number of clients, ranging from 9.6% (Britain) averaged across the three periods, to 5.7%
(Zimbabwe). Under the revised test, these rates have dived, with six out of the seven recording average fail rates below 1% across the first two reporting periods (October 2009-June 2010 and July 2010-June 2011). The exception is South Africa, which had a ratio of fails to clients in the revised test of 1.2% and 2.3% in the two reporting periods, down from 7.1% in the original test. In the 2011-12 reporting period, the fail rates for the same seven countries remain low, with South Africa again recording the highest rate at 1.6% of total tests taken.

The differences between the high and low achievers across the two test versions are even more pronounced when compared in terms of total fails. To do this it is instructive to look at the top ten and bottom ten countries (by highest and lowest average marks) for the three periods of the original test and the three periods of the revised test. The figures show that, in the original test, the ten lowest achieving countries (>200 clients) provided between 44% and 48% of the number of clients from the ten highest achieving countries (>200 clients) across the three periods. The statistics show that from less than half the number of clients from the high achieving group, the low achieving group recorded 3.7, 5.6 and 2.2 times more fails.

The differences between the two groups in the revised test are markedly different. In the initial (shortened) period of the revised test (19 October 2009 – 30 June 2010) the low achievers (1,063 fails from 5,048 clients) failed the test 12.7 times more than the high achievers (84 fails from 12,425 clients). The second period, from July 2010 to the end of June 2011, shows that from 16,592 clients in the top ten countries, there were just 207 failed tests compared with the 8,748 failed tests from just 6,133 clients in the low achieving countries. That is, from around 37% of the number of clients, the low achievers provided more than 42 times the number of fails than the high achievers. For the latest period (2011-12) the figures are similar. The top ten high-achieving nationalities (>200 clients) provided 17,717 clients and yielded just 185 failed tests while the ten lowest-achieving nationalities (>200 clients) yielded 9,595 failed tests from 7,808 clients. These figures indicate that in the latest period of the revised citizenship test, the ten low-achieving nationalities provided more than 51 times the number of fails than the high-achieving nationalities from 44% of the number of clients.
The higher fail rate among some nationalities has fed into the overall figures on new citizens. As the table below shows, the department’s annual reports show that in the three years prior to the introduction of the citizenship test, the overall approval rate for citizenship applications was generally around 96% or just above. In the 2007-08 reporting year, the same year in which the citizenship test was introduced, this dropped to 91% before increasing slightly to 92.5% in 2008-09. Then, in 2009-10, the year in which the revised citizenship test began, the approval rate dropped slightly to 92%. In 2010-11, however, the overall approval rate for citizenship applications dropped to 87.9%. The decline has continued in the latest period, with DIAC’s annual report for 2011-12 showing this figure is now down to 84.7%.

Number and rate of Australian Citizenship approvals (2004-2012): DIAC

<table>
<thead>
<tr>
<th>Year</th>
<th>Citizenship approvals</th>
<th>Overall approval rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-2005</td>
<td>98,008</td>
<td>96%*</td>
</tr>
<tr>
<td>2005-2006</td>
<td>108,380</td>
<td>96.4%**</td>
</tr>
<tr>
<td>2006-2007</td>
<td>154,063</td>
<td>96.2%</td>
</tr>
<tr>
<td>2007-2008</td>
<td>92,601</td>
<td>91%</td>
</tr>
<tr>
<td>2008-2009</td>
<td>101,966</td>
<td>92.5%</td>
</tr>
<tr>
<td>2009-2010</td>
<td>112,746</td>
<td>92%</td>
</tr>
<tr>
<td>2010-2011</td>
<td>84,836</td>
<td>87.9%</td>
</tr>
<tr>
<td>2011-2012</td>
<td>114,685</td>
<td>84.7%</td>
</tr>
</tbody>
</table>

Despite making citizenship harder to acquire, the introduction of the option of a citizenship course as an alternative pathway to citizenship, which Woolcott called for in his report, is a more promising development. Introduced in May 2010 and administered by the AMEP service providers, ‘Our Common Bond: A Course in Australian Citizenship’ is a twenty-hour, classroom-based, ‘primarily audio-visual’ course run over

575 The information in this table was gathered from DIAC’s website, which has DIAC’s annual reports dating back to 1996-97. Available here: http://www.immi.gov.au/about/reports/annual/
576 DIAC Annual Report 2010-11 p.246
577 DIAC Annual Report 2011-12 p.276
seven sessions. According to the DIAC website, the course is based on the citizenship pledge and covers information from the testable section of *Our Common Bond*. Assessment is continuous throughout the course and occurs in sessions two to six.

The course is available to those who have failed the standard or assisted test three or more times. Candidates are unable to choose to do the course; they must wait for the department to contact them. According to DIAC’s 2010-11 snapshot report, twenty-seven such courses were held, with 321 people out of 355 passing the course. In the 2011-12 reporting period, 311 clients enrolled in one of twenty-one courses held in metropolitan Sydney, Melbourne, Perth and Adelaide with 285 passing, twenty-two failing and four withdrawing from the course for personal reasons. It is unclear from the 2012 DIAC Annual Report as to why no courses were run in Brisbane, Hobart, Darwin or Canberra during the period.

This chapter set out to compare the test materials of the original and revised versions of the Australian citizenship test and to detail the review process which preceded the second, revised version of the test. Its central contention is that despite the review committee’s best intentions, the review, or more pointedly the government’s response to it, did little to address the issues for which the review was commissioned. In fact, as the statistical evidence presented makes clear, the inability, or unwillingness, of both the government and the review committee to grasp the difficulties of presenting complex subject matter at a level of English proficiency consistent with the legislation resulted in a revised citizenship test that was unlikely to be any less discriminatory than the one it replaced. As a result, the Australian citizenship test, having undergone revision, is now more discriminatory than it has ever been.

To show that this situation is far from unexpected and should have been foreseen, it is pertinent to re-examine some of the claims made by the government about the Australian citizenship test through a language testing lens. In the revised test booklet, *Our Common Bond*, there are a number of statements put forward about the test, including the following:

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579 DIAC Annual Report 2011-12 p.278
The Australian citizenship test is designed to assess whether you have an adequate knowledge of Australia and the responsibilities and privileges of citizenship.

The citizenship test is also designed to assess whether you have a basic knowledge of the English language.

By passing the citizenship test, you will have shown that you understand the commitment you are making by taking the Australian Citizenship Pledge.\(^{580}\)

For the purposes of assessment, the concerns with the first statement are simple, if only superficially so. What level of knowledge of Australia and Australian citizenship is ‘adequate’ and how is it determined? For example, sound testing practice would normally oblige the tester (in this case, the Australian government) to justify what ‘adequate’ means empirically and how the pass-fail distinction is made. By definition, this involves a justification of what level of knowledge is ‘inadequate’ and why. In a well-designed, high-stakes test, for example, the pass-fail distinction is not an arbitrary one and is usually arrived at via extensive trialling of the test on individuals representative of the target population, followed by statistical modelling of the trial results. In the case of the Australian citizenship tests – the original and the revised – for example, pass marks were set at 60% (12 out of 20) and 75% (15 out of 20) respectively. On the face of it at least, neat figures such as these appear arbitrary, and beg the question (for say, the revised test): what is the difference between 14 out of 20 and 15 out of 20 in terms of an adequate knowledge of Australia and a basic knowledge of the English language? It may seem a simple question on the one hand, but for a language tester it requires an empirically based answer.

The second claim is also problematic, though for language testers it is a more familiar question. Concerns, though, focus not on the testing of language ability – for that is something that language testers are trained to do – but as this thesis has shown, on the lack of a definition of a ‘basic knowledge of the English language’. The government’s

seemingly haphazard appropriation of the term ‘plain English’ as well as its agreement with the Woolcott review’s definition of basic English as ‘having a sufficient knowledge of English to be able to exist independently in the wider Australian community’ only confuses the issue further. As noted, it is not that the government avoided attempts to define basic English, or that it was ever short of ideas from within and out. In fact the opposite is true. Everyone from John Howard down seems to have made an attempt. Politicians, bureaucrats, academics, and many others besides offered a multitude of ideas about what the appropriate language level for citizenship should be, using terminology like plain, simple and reasonable, and dozens of others. Imprecise descriptions, however, do not leave a language tester charged with the job of developing a test much of substance to work with. In the case of citizenship tests which combine knowledge of society and language proficiency, the construct, defined by language testers as the ‘something’ that is being measured, is blurred.\(^{581}\) This is reflected in the arguments by many of the language professionals who were opposed to the Australian citizenship test who said that it was an impossible task to present sophisticated concepts like nationhood and citizenship in basic English. Indeed, at the time of writing, the Canadian government has come to the same realisation and after many years has separated the knowledge test from the language requirement for Canadian citizenship.\(^{582}\) This is not necessarily good news for test-takers however, as the new language requirement has been imposed as well as the knowledge requirement. It does however, represent an acknowledgement that there is a mismatch between the language level required for being able to live and function in a society independently and the language level required to pass language tests for citizenship based on sophisticated texts dealing with history and government, for example. This also represents a deeper understanding of, or at least a willingness to acknowledge, the concerns of language professionals in the citizenship testing process which may lead to better, more defensible language requirements for citizenship aspirants in various countries. Whether or not this leads to more ‘liberal’ testing regimes however remains to be seen. It could for example, simply


\(^{582}\) Both the Canadian and British governments recently separated the language and KOS requirements (Canada in September 2012 and Britain is to follow suit in March 2013).
lead to tougher, more stringent requirements, as is the fear with the new British

citizenship testing regime, which is scheduled to begin operation in late March, 2013.

The third claim made by the government is one that goes to the heart of language testing
validation research, namely, in statements (claims) made about test-takers on their
attainment of a particular grade, that is, by passing Test X, the test-taker has
demonstrated Ability Y. By passing the citizenship test, the test-taker will have shown
an understanding of the commitment he or she is making by taking the Australian
Citizenship Pledge. Testing for a level of understanding of a concept is a difficult thing
to achieve indeed, particularly something as fraught as commitment. In a different
context, for example, could it be said that a serial adulterer, on taking his or her
wedding vows, has shown an understanding of the commitment made in them? In high-
stakes language tests, any such claims made about test-takers and their test results, if
they are made at all, typically come with caveats, made in the knowledge that tests are
flawed instruments and that perfection is chimerical.

With regard to the ethical guidelines for language testers as described in Chapter 2 of
this thesis, and the considerations and obligations of testing practitioners, administrators
and users, in the case of the Australian citizenship test, the Australian government is all
three. As a testing practitioner, however, it should be noted that the government had
only a partial role. That is, it was involved in writing the source materials (the test
preparation booklet) but outsourced the formulation of the test questions to an external
education specialist. It should be noted here that the Australian Council for Educational
Research (ACER), the company that won the contract to formulate the questions, does
not promote its involvement in the test. Beyond being named in the 2007 Senate
inquiry, finding references to ACER’s involvement in the formulation of the Australian
citizenship test questions is a difficult task. Despite maintaining a website that spruiks
an exhaustive list of projects past and present as well as publicly available annual
reports, the company offers no clues anywhere as to their involvement with the
Australian citizenship test. This is surely recognition that it is either something the
company is not proud of or that it is fearful that acknowledging the project carries an
element of risk, commercial or otherwise.
The Australian government’s decision to outsource the test to ACER looks on the surface to be sound testing practice but it is negated by its insistence on providing ACER with its own version of the materials upon which the questions must be based. This is particularly problematic if the language used in the materials is not at the legislated level of basic English, or, as the Secretary of DIAC (at the time) Andrew Metcalfe stated, is written at ‘as basic a level of English as the complexity of the matters it covers will allow’. There is no doubt that if a tester was asked to provide the test questions and the materials on which they were based, in basic English, a vastly different citizenship testing regime would have emerged, one that would most likely not meld the knowledge and language component together. In fact, at the time of writing, none of the four exemplar countries cited by the Australian government, as described in Chapter 5 of this thesis, test the knowledge of language and the knowledge of society together, preferring instead to separate the components.

This chapter has contended that the citizenship test review failed to address the issues for which it was intended and that both the government and the committee failed to acknowledge that a test of Australian history, customs and government cannot possibly be written at a level of language that matches the legislation. As a result, the citizenship test review process failed to relieve the pressure on the vulnerable groups in society. In what was yet another arbitrary and symbolic move concerning the Australian citizenship test, the government, against the advice of the review committee, decided that it would ‘maintain the rigour of the test’ by increasing the pass mark from 60% to 75%. It takes little reflection to arrive at the assumption that a higher pass mark would mean more people would fail. It also takes little reflection to assume that if the test is not re-revised the situation will continue.

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583 At the time of writing, none of the four exemplar countries cited by the Australian government, as described in Chapter 5 of this thesis, test the knowledge of language and the knowledge of society together, preferring instead to separate the components.
Chapter 8

Conclusion

This thesis analysed the implementation of the Australian citizenship test, which came into operation on 1 October 2007. Beginning with the earliest hints of the possibility of a test for citizenship in Prime Minister John Howard’s Australia Day address in January 2006, the thesis tracked the parliamentary processes that led to its introduction twenty-one months later, and concluded with a statistical analysis of the test outcomes from 1 October 2007 to 30 June, 2012.

The central argument of the thesis is that the Howard government had arrived at its decision to implement a citizenship test long before it sought public input and was committed to introducing the test prior to the 2007 election. As many commentators noted at the time, Howard had advocated tougher conditions on migrants in the past for political gain. Despite widespread protestations from academics, social commentators and refugee advocates, urging that a citizenship test would amount to a tool for exclusion likely to affect the most vulnerable members of society, the Howard government forged ahead with its plan to implement the test. Using little more than the argument that other countries had implemented citizenship tests as a means of justifying the introduction of its own test, the analysis presented here found that in fact, the Australian government had done very little research into the effectiveness of testing regimes throughout the world.

As well as academics involved in political science, philosophy, multiculturalism, citizenship and history, the concerns with citizenship tests as a test of language were also widespread among practitioners in the field of applied linguistics. Outspoken critics of the proposed testing regime spanned the disciplines of language teaching and learning, as well as language testing.

Among the concerns of language practitioners was the notion that a 20-item multiple choice test was an accurate reflection of an individual’s language abilities, let alone an
accurate measure of their commitment to Australia and willingness to integrate successfully into Australian society. Chief among their concerns however was the disjunct between the subject material contained in the citizenship test resource booklet(s) and the legislative requirement that prospective Australian citizens demonstrate a ‘basic knowledge of the English language’ as one of the conditions for the grant of Australian citizenship. An analysis of the language of the booklet carried out by two prominent applied linguists showed that the language used in the citizenship test materials far exceeded the legislative requirement of a ‘basic’ knowledge of English.

In an analysis of the parliamentary processes leading up to the introduction of the test, including the debates on the floor of the House of Representatives and the Senate, as well as an examination of the public hearings before the Senate Standing Committee on Legal and Constitutional Affairs in July of 2007, the thesis showed that while many of the arguments from language professionals were heard, few if any of them were heeded. Crucially, it was the government’s unwillingness to address the issue of the level of English used in the resource materials which would lead to a discriminatory effect of the test on those citizenship aspirants from the Humanitarian Program. This disparity would lead to a review of the test announced by the then recently elected Rudd government in January, 2008, just three months after the test began.

Despite calling for the review of the test, the Labor government would also fail to address the discriminatory effects of the Australian citizenship test. In fact, as the thesis shows, the Richard Woolcott led review served only to amplify the discriminatory effect that the test was having on the most disadvantaged members of society. The review failed to acknowledge the difficulties in matching a test of knowledge about Australian history, customs and government with the legislative requirement that prospective citizens demonstrate a ‘basic knowledge of the English language’. While the government took the advice from the review committee to abolish the three compulsory questions in the test, it did so on the proviso that the pass mark would be increased from 60% to 75%. This had the twin effect of increasing the likelihood of passing the test for the most advantaged applicants (those with appropriate language skills) and decreasing the likelihood of passing for the most disadvantaged.
Appendix 1
Lexical comparison between *Our Common Bond* and *Becoming an Australian Citizen*

*Source: McNamara T. and Ryan, K. 2011, p. 178*

<table>
<thead>
<tr>
<th></th>
<th>Families</th>
<th>Types</th>
<th>Tokens</th>
<th>%</th>
<th>BAAC</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>K1 Words (1–1000):</em></td>
<td>519</td>
<td>822</td>
<td>6,167</td>
<td>78.44%</td>
<td>76.60%</td>
</tr>
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<td>Function:</td>
<td>. . .</td>
<td>. . .</td>
<td>(3,453)</td>
<td>(43.92%)</td>
<td>(43.37%)</td>
</tr>
<tr>
<td>Content:</td>
<td>. . .</td>
<td>. . .</td>
<td>(2,714)</td>
<td>(34.52%)</td>
<td>(33.23%)</td>
</tr>
<tr>
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<td>. . .</td>
<td>(968)</td>
<td>(12.31%)</td>
<td>(14.35%)</td>
</tr>
<tr>
<td><em>K2 Words (1001-2000):</em></td>
<td>125</td>
<td>170</td>
<td>418</td>
<td>5.32%</td>
<td>5.02%</td>
</tr>
<tr>
<td>Anglo-Saxon origin</td>
<td>. . .</td>
<td>. . .</td>
<td>(81)</td>
<td>(1.03%)</td>
<td>(1.52%)</td>
</tr>
<tr>
<td><em>K1+K2</em></td>
<td>. . .</td>
<td>. . .</td>
<td>(83.76%)</td>
<td>(81.62%)</td>
<td></td>
</tr>
<tr>
<td>AWL Words (academic):</td>
<td>114</td>
<td>153</td>
<td>366</td>
<td>4.66%</td>
<td>4.74%</td>
</tr>
<tr>
<td>Anglo-Saxon origin</td>
<td>. . .</td>
<td>. . .</td>
<td>(18)</td>
<td>(0.23%)</td>
<td>(0.36%)</td>
</tr>
<tr>
<td>Off-List Words:</td>
<td>?</td>
<td>246</td>
<td>911</td>
<td>11.59%</td>
<td>13.64%</td>
</tr>
<tr>
<td>Total</td>
<td>758+?</td>
<td>1391</td>
<td>7,862</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Note. . . . = not applicable; ? = the Off-list words do not appear in the K1, K2, or AWL word lists and so the lexical analysis tool used cannot ascertain whether they belong to any word families. K1 = the 1000 most frequent words; K2 = the next 1000 most frequent words; AWL = Academic Word List.

*Source: McNamara T. and Ryan, K. 2011, p. 178*
## Appendix 2

Australian citizenship test, country of birth analysis (1 July 2011-30 June 2012)

<table>
<thead>
<tr>
<th>Country of Birth</th>
<th>No' Clients</th>
<th>Tests</th>
<th>Tests per Client</th>
<th>Average Score</th>
<th>Avg Time (Seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Fail</td>
<td>Pass</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>11866</td>
<td>135</td>
<td>11866</td>
<td>1.01</td>
<td>95.62%</td>
</tr>
<tr>
<td>India</td>
<td>9961</td>
<td>453</td>
<td>9955</td>
<td>1.04</td>
<td>93.91%</td>
</tr>
<tr>
<td>China</td>
<td>7223</td>
<td>2558</td>
<td>7062</td>
<td>1.33</td>
<td>83.42%</td>
</tr>
<tr>
<td>Philippines</td>
<td>4344</td>
<td>444</td>
<td>4329</td>
<td>1.10</td>
<td>90.73%</td>
</tr>
<tr>
<td>South Africa</td>
<td>3623</td>
<td>60</td>
<td>3623</td>
<td>1.02</td>
<td>95.52%</td>
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<tr>
<td>Vietnam</td>
<td>1955</td>
<td>1767</td>
<td>1856</td>
<td>1.85</td>
<td>72.63%</td>
</tr>
<tr>
<td>New Zealand</td>
<td>1674</td>
<td>33</td>
<td>1673</td>
<td>1.02</td>
<td>94.41%</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>1401</td>
<td>174</td>
<td>1396</td>
<td>1.12</td>
<td>91.24%</td>
</tr>
<tr>
<td>Korea, Rep Of (Sth)</td>
<td>1223</td>
<td>167</td>
<td>1219</td>
<td>1.13</td>
<td>89.64%</td>
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<tr>
<td>Bangladesh</td>
<td>1176</td>
<td>86</td>
<td>1175</td>
<td>1.07</td>
<td>93.01%</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1170</td>
<td>34</td>
<td>1169</td>
<td>1.03</td>
<td>95.69%</td>
</tr>
<tr>
<td>Iran</td>
<td>1112</td>
<td>121</td>
<td>1102</td>
<td>1.10</td>
<td>91.47%</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>1106</td>
<td>16</td>
<td>1106</td>
<td>1.01</td>
<td>95.36%</td>
</tr>
<tr>
<td>Thailand</td>
<td>1040</td>
<td>449</td>
<td>1022</td>
<td>1.41</td>
<td>80.63%</td>
</tr>
<tr>
<td>Ireland</td>
<td>1023</td>
<td>6</td>
<td>1023</td>
<td>1.01</td>
<td>96.31%</td>
</tr>
<tr>
<td>Iraq</td>
<td>943</td>
<td>1490</td>
<td>865</td>
<td>2.50</td>
<td>65.76%</td>
</tr>
<tr>
<td>United States</td>
<td>931</td>
<td>2</td>
<td>931</td>
<td>1.00</td>
<td>97.10%</td>
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<td>Pakistan</td>
<td>919</td>
<td>106</td>
<td>916</td>
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<td>943</td>
<td>749</td>
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<td>69.96%</td>
</tr>
<tr>
<td>Fiji</td>
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<td>783</td>
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<tr>
<td>Indonesia</td>
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<td>766</td>
<td>1.08</td>
<td>92.54%</td>
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<tr>
<td>Afghanistan</td>
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<td>1462</td>
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<td>59.48%</td>
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<tr>
<td>Burma</td>
<td>718</td>
<td>1133</td>
<td>646</td>
<td>2.48</td>
<td>65.94%</td>
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<tr>
<td>Nepal</td>
<td>710</td>
<td>42</td>
<td>710</td>
<td>1.06</td>
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<tr>
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<tr>
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<td>507</td>
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<td>97.44%</td>
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<tr>
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<td>28</td>
<td>432</td>
<td>1.06</td>
<td>93.36%</td>
</tr>
<tr>
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<td>432</td>
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<td>63.66%</td>
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<tr>
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<td>21</td>
<td>366</td>
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<tr>
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<td>14</td>
<td>361</td>
<td>1.04</td>
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<td>70.95%</td>
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<td>90.99%</td>
</tr>
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<td>12</td>
<td>300</td>
<td>1.04</td>
<td>94.52%</td>
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<td>10</td>
<td>291</td>
<td>1.03</td>
<td>94.35%</td>
</tr>
<tr>
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<td>274</td>
<td>2</td>
<td>274</td>
<td>1.01</td>
<td>96.18%</td>
</tr>
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<td>239</td>
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<td>94.13%</td>
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</tr>
<tr>
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</tr>
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<td>Country</td>
<td>Population</td>
<td>Population</td>
<td>GDP</td>
<td>GDP%</td>
<td>Code</td>
</tr>
<tr>
<td>------------------------------</td>
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<td>-------</td>
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<td>------</td>
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<td>15</td>
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<td>91.98%</td>
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<td>171</td>
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<td>80.50%</td>
</tr>
<tr>
<td>Ukraine</td>
<td>158</td>
<td>11</td>
<td>158</td>
<td>1.07</td>
<td>92.84%</td>
</tr>
<tr>
<td>Hungary</td>
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<td>149</td>
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<td>94.05%</td>
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<tr>
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<td>142</td>
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<td>97.36%</td>
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<td>141</td>
<td>1.01</td>
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<td>3</td>
<td>1.00</td>
<td>100.00%</td>
<td>295</td>
</tr>
<tr>
<td>Madagascar</td>
<td>3</td>
<td>3</td>
<td>1.00</td>
<td>93.33%</td>
<td>391</td>
</tr>
<tr>
<td>Mali</td>
<td>3</td>
<td>3</td>
<td>1.00</td>
<td>95.00%</td>
<td>357</td>
</tr>
<tr>
<td>Nauru</td>
<td>3</td>
<td>3</td>
<td>1.00</td>
<td>93.33%</td>
<td>352</td>
</tr>
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<td>Swaziland</td>
<td>3</td>
<td>3</td>
<td>1.00</td>
<td>91.67%</td>
<td>295</td>
</tr>
<tr>
<td>Comoros</td>
<td>2</td>
<td>3</td>
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<td>469</td>
</tr>
<tr>
<td>Bahamas</td>
<td>2</td>
<td>2</td>
<td>1.00</td>
<td>97.50%</td>
<td>215</td>
</tr>
<tr>
<td>Barbados</td>
<td>2</td>
<td>2</td>
<td>1.00</td>
<td>97.50%</td>
<td>192</td>
</tr>
<tr>
<td>Chad</td>
<td>2</td>
<td>2</td>
<td>1.00</td>
<td>100.00%</td>
<td>441</td>
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<tr>
<td>French Guiana</td>
<td>2</td>
<td>2</td>
<td>1.00</td>
<td>95.00%</td>
<td>333</td>
</tr>
<tr>
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<td>2</td>
<td>2</td>
<td>1.00</td>
<td>95.00%</td>
<td>588</td>
</tr>
<tr>
<td>Guyana</td>
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<td>169</td>
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<tr>
<td>Jersey</td>
<td>2</td>
<td>2</td>
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<td>95.00%</td>
<td>299</td>
</tr>
<tr>
<td>Netherlands Antilles</td>
<td>2</td>
<td>2</td>
<td>1.00</td>
<td>95.00%</td>
<td>353</td>
</tr>
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<td>1.00</td>
<td>100.00%</td>
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<tr>
<td>Tahiti</td>
<td>2</td>
<td>2</td>
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<td>100.00%</td>
<td>365</td>
</tr>
<tr>
<td>Africa (So Stated)</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
<td>100.00%</td>
<td>468</td>
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<tr>
<td>American Samoa</td>
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<td>85.00%</td>
<td>365</td>
</tr>
<tr>
<td>Benin</td>
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<td>1.00</td>
<td>90.00%</td>
<td>375</td>
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<tr>
<td>Djibouti</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
<td>100.00%</td>
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</tr>
<tr>
<td>Gabon</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
<td>100.00%</td>
<td>465</td>
</tr>
<tr>
<td>Guadeloupe</td>
<td>1</td>
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<td>1.00</td>
<td>95.00%</td>
<td>359</td>
</tr>
<tr>
<td>Haiti</td>
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<td>90.00%</td>
<td>572</td>
</tr>
<tr>
<td>Lesotho</td>
<td>1</td>
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<td>1.00</td>
<td>100.00%</td>
<td>356</td>
</tr>
<tr>
<td>Marshall Island</td>
<td>1</td>
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<td>1.00</td>
<td>90.00%</td>
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<tr>
<td>Panama</td>
<td>1</td>
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<td>1.00</td>
<td>100.00%</td>
<td>435</td>
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<tr>
<td>Saint Lucia</td>
<td>1</td>
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<td>1.00</td>
<td>95.00%</td>
<td>125</td>
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<tr>
<td>Saint Vincent and Grenadines</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
<td>95.00%</td>
<td>595</td>
</tr>
<tr>
<td><strong>Grand Totals</strong></td>
<td><strong>71662</strong></td>
<td><strong>16324</strong></td>
<td><strong>70777</strong></td>
<td><strong>1.22</strong></td>
<td><strong>86.98%</strong></td>
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