

Negotiating the Constitutional Maze: Women's Organisations and Film Censorship 1898-1928

Sonia Walker¹

Abstract

Considerable work has been carried out on the work of women's organisations in Australia in the early 1900s particularly in the areas of suffrage and child welfare. However, there has been little work on the pro-censorship activities that they undertook particularly at the State level. This paper attempts to redress the imbalance by examining the responses made by discussing the responses made by women's organisations to the question of film censorship in Western Australia 1898-1928.

When films were first introduced to Australian audiences in the late 1800s it was seen as a passing novelty.² However, it was not long before this attitude changed. As film became increasingly popular and the technology allowed for longer fictional story lines, public pressure for censorship increased.³ Women's organisations, in particular, consistently lobbied for film censorship. This involvement of women's organisations in film censorship campaigns was not unusual. In both the UK and the USA for example, women's organisations actively campaigned for greater controls on film content. They also frequently cooperated with other groups and, in particular, religious organisations that shared their concerns about film content.⁴ Indeed, many of the women's organisations were already affiliated with various Christian organisations.

Whilst women's organisations throughout Australia campaigned for the censorship of film, this article discusses the responses made by women's organisations to the question of film censorship in Western Australia between the early 1900s, when the first concerns about film content were raised, until 1928, when the Commonwealth effectively took over the censoring of films. Focussing on responses in one state allows an examination of the particular ways in which women's groups negotiated the interplay between state and federal governments to obtain greater regulation of film content. It also allows for an examination of the particular and sometimes different ways in which women's groups in Western Australia articulated their concerns.

This article firstly discusses the constitutional federal structure that influenced the form and jurisdiction of censorship laws in Australia and Western Australia. It then considers the concerns which women's organisations had about film and the reasons why they called for censorship controls to be implemented and subsequently increased. Finally, the article considers how these organisations lobbied for the implementation of legislation and the way in which their calls for censorship were influenced by the complex federal structure present in Australia.

¹ BA (Hons) LLB, M.Phil Senior Lecturer, School of Law, Murdoch University WA.

² Bertrand, I. 1978, *Film Censorship in Australia*, University of Queensland Press, Brisbane, p.14. Collins, D. 1987, *Hollywood Down Under*, Angus & Robertson, Sydney, p.5. Balio, T. (ed.) 1976, *The American Film Industry I*, University of Wisconsin Press, Madison, WI, p.8

³ See Bertrand, I. 1978, *Film Censorship in Australia*, University of Queensland Press, Brisbane, Collins, D. 1987, *Hollywood Down Under*, Angus & Robertson, Sydney

⁴ Ellen Warne, "Prowlers in the Darkened Cinema: Australian Church Women's Associations and the Arrival of the Motion Picture in Australia" *Journal of Interdisciplinary and Gender Studies* 5.1 (June 2000), p. 78

The Legislative Framework for film censorship

Crucial to understanding the censorship campaigns of women's organisations in Western Australia is an understanding of the legal framework in which they operated. Australia is a federation with two principle tiers of government: state and federal. Each has a written constitution which divides power between the tiers of government. The Commonwealth Constitution was written with the intention of leaving the majority of power in the hands of individual States, providing only a limited list of enumerated powers for the Commonwealth government. Censorship fell within the ambit of State power and so initially women's organisations lobbied their respective State governments for the implementation of State based laws. However, dissatisfaction with State responses from both pro censorship reformers and the film industry itself resulted in calls for centralised Commonwealth control of censorship. In order to do this it was necessary for the Commonwealth to find a power under the Commonwealth Constitution that would allow it to legislate for what was essentially a State matter. The Commonwealth decided to use its constitutional power over customs to enact legislation that controlled the content of films imported from overseas. At first glance this might seem inadequate to create a uniform approach to the censoring of films. However, as the vast majority of films screened in Australia were imported they were caught by Commonwealth regulation. To ensure complete uniformity across the country, each State also needed to refer their own power over censorship, which included censorship of any locally made films and advertising relating to both domestic films and advertising produced locally that related to imported films.

The constitutional division of power between States and the Commonwealth had a significant effect on the way women's organisations and others lobbied for the implementation of censorship laws. The approach taken by women's groups to this division of power demonstrates the challenges of negotiating for legislative change in areas where State and Federal governments shared the power to make law on a particular matter. Tracing the development of women's organisations calls for censorship between the period of the introduction of film and the implementation of Commonwealth laws highlights the responsiveness of these groups to the political climate of the time, their ability to negotiate the interplay between State and Commonwealth legislative frameworks and the high degree of organisation that enabled them to lobby at both the State and Federal levels both for their own groups and for others.

Women as reformers

In Western Australia, as in all other States, it was women who were the most vocal lobbyists for greater film censorship. Women's organisations complained about film because they perceived that film was affecting the domain of home and family: an area where traditionally women were considered to have particular control. Women in these organisations used their role as the moral guardians of the family to attempt to influence the regulation of film content. However, this was not the only area in which they attempted reform. Their reform activities helped shaped public policy across a range of areas and claimed for women a limited right to public space and public participation.⁵ There has been considerable academic debate about whether these early female reformers were progressive or not. Baker, for

⁵ Lee Grieveson, *Policing Cinema: Movies and Censorship in Early Twentieth Century America*, University of California Press, Berkeley, 90

example. sees early reform activities as an important moment in the politicization of women.⁶ Others point to the fact that the reform activity was controlled by conservative interests that were antithetical to the values of feminism.⁷ Indeed, it would be easy to see these women, as the defenders of traditional culture against a society that they perceived was becoming increasingly secular and rejecting the old world order.⁸ Jowett argues that it was this concern about change that prompted a ‘flurry of activity’ aimed at censoring anything that reflected these changes.⁹ Although this is a valid observation it fails to take account of the fact that in the early twentieth century women’s main role was in the private sphere. It is therefore not surprising that women’s organisations would attempt to use their accepted role as moral guardians of the family to move into the public domain. Raising concerns in this way provided a legitimacy they otherwise might not have had. Using the argument that they were the protectors of family and of children’s welfare allowed them to move out of the private sphere and into the public domain.¹⁰ Whilst positioning themselves as moral guardians of the family may be perceived to reinforce patriarchal constructs, their actions nevertheless mark an increasing role for women as political reformers with a role to play that extended well beyond the home.

From 1912, women’s organisations lobbied the Western Australian government for a censoring board which could control the content of films shown in the State. The groups included the Women’s Liberal League, the WA chapter of National Council of Women, the Women’s Christian Temperance Union and the Mothers’ Union of the Anglican Diocese of Perth. Whilst there has been research on the work of women’s organisations in the early 1900s, there has been little work on the pro-censorship work that they undertook, especially at the State level. Examining Western Australian materials, particularly the petitions and letters that were sent by these groups to the Western Australian Colonial Secretary provides an insight into the arguments that were used by these groups to justify the suppression of film content and to justify their own role in the censorship debate.

The overarching reason used by women’s organisations to support the censorship of film content was the protection of children. These groups believed that film presented both moral and physical dangers to children and that mothers, as the moral guardians of children, were responsible for protecting them from these dangers.¹¹ This focus on the need to protect children was, as Craig Wilson indicates in a study of censorship campaigns in Canada, “fully consistent with the late nineteenth century trend that increasingly conceptualised and treated the child as an object of scientific study, reform and control”.¹² Psychologists at the time identified childhood and adolescence as distinct and important stages of development. Mothers, along with experts, were charged with the responsibility of nurturing and protecting

⁶ Paula Baker, “The Domestication of Politics: Women and American Political Society, 1780-1920” 3 *American Historical Review*, 1984, 89

⁷ See e.g. Judith Walkowitz, “Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution” *History Workshop Journal*, 1979

⁸ Garth Jowett, *Film: The Democratic Art*, Little Brown and Company, Boston, 1976, 352

⁹ Jowett, 352

¹⁰ N. Grieve and P. Grimshaw, (eds), *Australian Women: Feminist Perspectives* (Melbourne, Oxford University Press, 1981), pp.156-157

¹¹ Ellen Warne, “Prowlers in the Darkened Cinema: Australian Church Women’s Associations and the Arrival of the Motion Picture in Australia” *Journal of Interdisciplinary Gender Studies* 5.1 (June 2000) 78 at 86.

¹² S. Craig Wilson, “Our Common Enemy”: Censorship Campaigns of the Woman’s Christian Temperance Union and the National Council of the Women of Canada, 1890-1914” 10 *Can. J. Women and Law*, 1998 438 at 447

these young individuals through this period of their development.¹³ In Australia, in the early 1910s, concern about child and adolescent development, resulted in considerable press coverage about parenting.¹⁴ Warne describes this coverage as a near hysteria about the standard of parenting in Australia.¹⁵ This focus on childhood and adolescence, Parker argues, “enlarged the notion of what could and should be censored”.¹⁶ Western Australian material studied for this paper supports this view. A 1916 editorial in the West Australian newspaper wrote:

The average individual would say that the class of pictures shown in Perth is, on the whole, good. That is, they are not likely to subvert the morals of any ordinarily constituted person ... We enter the realm of controversy however in respect to the effect of films upon children or upon those in the period of adolescence ... The cinematograph is not an elevating influence on the tender mind.¹⁷

Although the central concern of women’s organisation appears to have been the impact of film upon the child mind, the arguments that were put forward to government were frequently framed in a more specific manner, focussing on particular aspects of child development. Common themes emerge from the material presented to both State and Federal governments : immorality; juvenile delinquency; Americanisation of Australian children and class. Whilst many of these themes were used by organisations in other parts of Australia there were some differences in the way these themes were articulated in WA.

Sexual immorality

One of the concerns frequently expressed by women’s groups, between 1912 when WA groups first raised the issue and 1928 when the Commonwealth effectively took over the censorship of film, was that films sexualised children and encouraged sexual exploration. This concern was voiced throughout Australia by various groups.

The WA chapter of the National Council of Women sent its first recorded letter to the Colonial Secretary on 1 August 1912. It stated that:

Some of the films were decidedly immoral... These things familiarised growing children with crime and immorality, and their moral sense was deadened.¹⁸

At the 1927 Royal Commission into the Moving Picture Industry, West Australian, Edith Cowan argued that some films created a moral injury to their sense of modesty and suggestions emphasising that married life is too frequently neither as happy nor as decently conducted as it might be.

However, it was not just film content that was cause for concern. The venue itself was also considered to create an environment that would encourage sexual promiscuity. Edith Cowan

¹³ Ibid

¹⁴ Warne, 86

¹⁵ Ibid

¹⁶ Parker, 447

¹⁷ Editorial in W.A. 2 June 1916

¹⁸ Letter from National Council of Women, 1 August 1912. Colonial Secretary's File No. 2294

suggested that the venue generated excitement of a sexual nature and exposed young people to sexual dangers.

This view was supported by Hilda Edwards who told the 1927 Royal Commission into the Moving Picture Industry that when she attended cinemas the children displayed a variety of bad behaviour, “ in some cases kissing and lying in one another’s arms when the lights are turned down...of course, in many cases they are only imitating what they see on the screen”.¹⁹

Evident in these comments is a concern that children were copying what they saw on the screen. In the United States these concerns were explicitly linked the psychological theory of stimulus and response. Although this theory was not overtly discussed in the Western Australian material it would appear that women’s organisations were aware of a relationship between viewing and action. Whilst the concerns about immoral behaviour raised the issue of this relationship it was far more evident in concerns that were raised about film encouraging juvenile delinquency

Juvenile Delinquency

Of particular concern to women’s organisations was the potential of film to encourage juvenile delinquency. This was a common concern throughout Australia and the United States and was raised not just by women’s organisations but by members of the legal profession and the League of Nations. In 1912, in Victoria, a study was undertaken to gauge the connection between child crime and film.²⁰ In Western Australia, there is no record of a similar study. However, from the early 1920s there were an increasing number of concerns raised about the link between film and juvenile delinquency. Legal organisations, including the WA Justice's Association, joined with women's organisations to call for stricter censorship of films showing crime. They argued that film increased the juvenile crime rate.²¹ The WA Chapter of the National Council of Women published a report stating that:

It is quite true that youths who have been caught robbing their employers have pleaded ... that they learnt to be criminals through visiting picture shows.²²

Elizabeth Mellows, a member of the WA Children's Court, argued that children were learning to steal by watching films. She gave an example of a case where two boys caught stealing had, 'confessed to having seen a picture called the 'Clutching Hand' and thought they could do something similar'.²³ The Justice's Association asserted that 'a great proportion of cases brought before the Children's Court were directly traceable to certain classes of cinema pictures'.²⁴ Whilst their primary concern was with films depicting criminal actions they also commented that the 'so-called society drama' presented children with a false view of the world:

¹⁹ Ellen Warne, “Prowlers in the Darkened Cinema: Australian Church Women’s Associations and the Arrival of the Motion Picture in Australia” *Journal of Interdisciplinary Gender Studies* 5.1 (June 2000) 78 at 92

²⁰ Warne, p.87

²¹ See 27 June 1921. Colonial Secretary's File No. 2294

²² Report from National Council of Women, 1 December 1920. Colonial Secretary's Files No. 2294

²³ Letter from Elizabeth Mellows, 27 June 1921. Colonial Secretary's Files No. 2294

²⁴ Report in the *West Australian* from Justice's Association, 14 March 1923

Too often it is a world in which vice and crime are presented in the most alluring guise.²⁵

The way acts were treated on film was also cause for concern. The Justice's Association argued:

The chief danger lies not in the theme which is treated but in the method of its treatment. Dramas in which the sympathy of those who witness them is insidiously on behalf of the criminal are wholly destructive of the healthy civic tone.²⁶

The Advisory Committee of the League of Nations suggested that 'children were greatly impressed with the ease and skill of the actor performing criminal acts and he very soon became a hero in the minds of the children'.²⁷

Americanising Children

Women's organisations also argued that there were too many American films. These concerns were raised after the number of American films shown in Australia increased during and after World War 1 whilst the number of British film declined.²⁸ Collins argues that this debate was explicitly linked to discussions on the Americanisation of Australia through film. In other parts of Australia, notably Sydney and Melbourne there was concern expressed about the effects of American films on Australian society. In 1921 the Sydney Morning Herald commented that 'pictures have been a very potent factor in the injection of an inferior American ferment into our veins'.²⁹ Women's organisations also complained about the 'importation of American slang and American sob stuff'.³⁰ Surprisingly, the same observations were not raised in Western Australia. It is not clear why this was the case. Western Australian organisations would invariably have been referring to American films when they voiced their concerns because they were the bulk of the market but they did not raise concerns about Americanisation in the way that is evident in the Eastern States material. Further comparative research with other States is required.

Class

Class division was another source of concern for women's organisations. In New South Wales and Victoria these fears were explicitly raised. A Sydney Morning Herald editorial provides a representative example of the way censorship for adults was viewed:

The business of those who can take a broad and honest survey of the whole question is to protect the masses from the pollution which they themselves are incapable of observing or feeling.³¹

²⁵ Letter from Justice's Association, 30 May 1921. Colonial Secretary's File No. 2294

²⁶ Ibid

²⁷ Report from the Advisory Committee of the League of Nations, April 1925. Colonial Secretary's Files No. 2294

²⁸ K. Thompson, *Exporting Entertainment* (London: British Film Institute, 11985) p.55

²⁹ D. Collins, p.32.

³⁰ Ibid. p.114

³¹ Ibid, p.37

In Western Australia, although women's organisations were concerned about the divisive effect of films they only voiced their concern in terms of the effects of film upon children. The National Council of Women, for example, argued that certain films were tending,

... to make poorer children look slightly on their own less prosperous homes, accentuating the bitter class consciousness already being fostered among them.³²

The concerns raised about the influence of film on class divisions and Americanisation of culture indicate some differences in the way Western Australian and eastern states' organisations argued for greater censorship of film. Although many of the WA observations implicitly suggest that Americanisation and class issues were causing concern, their arguments were always framed specifically in terms of the effects on children. This is unlike the debates in the eastern states which raised the issue of the effects of film upon adult audiences.

Interestingly there was one issue that was raised by women's organisations in Western Australia that was unique to the State. It was argued that Western Australian children were more influenced by the immoral and criminal themes in films than their eastern states' counterparts. The Advisory Committee of the Council of the League of Nations wrote:

In Western Australia where the out-door life of children is proverbial and their amusements are generally out of doors, they are the more readily impressed by the illustrations shown in the films of out-door life embracing more or less dangerous horse-riding, shooting and certain types of housebreaking and other highly sensational crime, say nothing of the highly promiscuous love-scenes often witnessed on films.³³

Negotiating for Change

From 1912 when women's organisations in WA became concerned about film content they used concerns about the impact of film upon children to justify their calls for the regulation of film content and, in particular, the introduction of new and then stricter laws to censor films. The type of measures they suggested were profoundly influenced by the constitutional structure of Australia and, in particular the division of power between the State and Federal government.

Initially women's organisations lobbied for the State government to control film content. Their arguments were unlike the arguments put forward in other States because in Western Australia the only existing legislation that could be used to censor films was designed to control obscenity. In all the other States, except Queensland, legislation existed which contained provisions for the government to withhold licences from performances which were deemed to threaten 'the preservation of good manners and decorum': a less onerous test than a requirement of obscenity.³⁴ In these States women's organisations called for censorship but within an existing framework of state imposed legislative control. In Western Australia, without such laws, women's organisations had to establish that censorship for anything other than obscenity was necessary.

³² Ibid, p.116

³³ Report from the Advisory Committee of the Council of the League of Nations, April 1925. Colonial Secretary's File No. 2294

³⁴ Bertrand, p.2

The WA branch of the National Council of Women was particularly active in calling for the introduction of State film censorship laws, coordinating a number of meetings with other associations and then presenting reports to the Colonial Secretary which were countersigned by no fewer than 25 different organisations.³⁵ The fact that a number of these organisations were not women's groups demonstrates the fact that other sections of the community recognised both the Council's lobbying skills and the importance of aligning themselves with women who, under the separate sphere construct were perceived to be moral guardians of views on this matter. For example, the Salvation Army, and the Australian Freedom League coordinated their complaints about film through the Council and were represented by the Council at meetings with the Premier and the Colonial Secretary.

Despite women's organisations lobbying for censorship legislation the State government decided to continue using existing obscenity legislation and refused to implement censorship legislation or use legislation that would allow licences to be withheld in cases where the content threatened the preservation of good manners and decorum.

Whilst women's groups were unsuccessful in their bid to obtain State laws on film censorship their concerted lobbying and the ability of the State chapter of the National Women's Council to represent the views of a number of disparate organisations alerted film exhibitors and the state government to their views.

Women's organisations appear to have been aware of the potential power of their pro-censorship lobbying and whilst failing in their demands for state legislation used their arguments to push for the industry to at least self regulate content. Possibly recognising that the pro-censorship lobby might persist in their attempts to obtain State legislative regulation, film exhibitors willingly agreed to measures whereby they would cut sections of films if the police or the State government requested it. An additional demand made by a deputation from the Women's Conference to the Colonial Secretary was:

That in the opinion of the Conference a State board should be appointed to supervise picture shows [and] that educational, scenic, industrial and humorous pictures should comprise the programme at matinees.³⁶

Another deputation in the same month comprising the Women's Liberal League, National Council of Women, Women's Service Guild, Children's Protection Society, Council of Churches, Women's Christian Temperance Union, YMCA and a Jewish Rabbi, stressed the effects of film upon children and suggested film content at matinees should be changed to ensure that children saw fewer inappropriate films³⁷.

In the 1910s exhibitors discussed informal censorship measures with the State government but did not discuss any measures with the public. By the 1920s exhibitors were attempting to

³⁵ Letter from National Council of Women, 12 July 1916. Signatures on letter: St. Andrews Guild, Wesley Guild, Trinity Church Guild, Women's Christian Temperance Union, Australian Natives Association, Women's Service Guild, British Immigrants Association, Children's Protection Society, Ministering Children's League, Time and Talent Club, Karrakatta Club, Kindergarten Union, Silver Chain, Claremont District Nurses Society, Women's Liberal League, Labour Women's Club, Mothers' Union, Girls Friendly Society, Charity Organisation Society, Salvation Army, Braille Writers' Association, Public Morals Association, House of Mercy, Australian Freedom League, Farmers and Settlers Association, Colonial Secretary's File No. 2294

³⁶ Minutes of deputation to the Colonial Secretary, 8 November 1912. Colonial Secretary's File No. 2294

³⁷ Minutes of deputation to Colonial Secretary from Women's Conference, 1 August 1912, Colonial Secretary's file No. 2294

reduce the concerns of women's organisations and others by meeting with members of the public. The transition indicates the increasingly high profile of the public organisations which complained about film and the industry's perception of the strength of these organisations. Exhibitors attempted to improve their image with the public by arguing that they were citizens as well as businessmen and desired 'to conduct a clean and wholesome entertainment which will tend to elevate and not degrade the community'.³⁸

After initially raising concerns in 1912, women's organisations appear to have been happy with informal arrangements to control film content. However, from mid 1916 the situation changed. World War 1 seriously cut film production in Europe with the result that the United States was able to increase its hold on the world film market. In May 1916, the Council of the Mothers' Union of the Anglican Diocese of Perth, representing over 600 members, wrote to the Colonial Secretary to draw his attention 'to the undesirable immorally suggestive films currently being shown in Western Australia'.³⁹ As it became apparent that preventative measures were not adequately controlling content, women's organisations increased their calls for legal strategies that would limit the immorally and suggestive films being shown. It was at this point that the State government finally conceded that legislation was necessary, although it was not to be in the form requested by lobbying groups. The Colonial Secretary sent a letter to the National Council of Women stating that nothing would be considered until after the Premier's Conference in the following year.⁴⁰ During the Premier's Conference in January 1917, the State governments responded to calls for censorship from women's groups and others by passing a resolution that:

The Commonwealth Government take effective action with regard to the censorship of picture films with a view to securing uniformity throughout the Commonwealth.⁴¹

In March 1917 the Commonwealth Censorship Board was established to censor all imported films and advertising posters. It would refuse to register a film which was:

- Blasphemous, indecent or obscene.
- Likely to be injurious to morality or encourage or incite crime.
- Likely to be offensive to an ally of Great Britain.
- Depicted any matter the exhibition of which in the opinion of the Board [was] undesirable in the public interest.⁴²

These regulations were issued under the Customs Act 1901 (Cth).

It is difficult to establish the extent to which the demands of women's organisations influenced the change in approach from the Federal government. In all States, women's organisations would have preferred State censoring boards. However, without their lobbying censorship controls may not have been introduced at all. Their lobbying certainly heightened public and government awareness of the potential problems associated with film. It seems likely that they also affected the way the film industry's exhibitors and distributors responded to the question of censorship. The fear of State censorship controls, which could vary

³⁸ Letters from exhibitors, 4 July 1921. Colonial Secretary's File No. 739

³⁹ Letter from Mothers' Union of Anglican Diocese of Perth. 18 May 1916. Colonial Secretary's File No. 2294

⁴⁰ Letter to National Council of Women, 20 October 1916. Colonial Secretary's File No. 2294

⁴¹ 5 January 1917. Colonial Secretary's File No. 739

⁴² Bertrand, p.48

between States and require different cuts to film, encouraged the industry to actively support the idea of Federal controls, something it may not have supported so actively without such a threat.

Throughout the early 1920s women's organisations continued to call for stricter censorship controls.⁴³ Unlike other States, Western Australia still did not have any State legislation to control film content that was anything less than obscene. Whilst calling for stricter Commonwealth measures they also lobbied for the introduction of State legislative controls. This was a continuation of the lobbying that they had done initially in the area of film censorship where all of their arguments were directed at the State level. They used their complaints about problems with the Commonwealth legislation to add weight to the arguments that had already been put forward about State legislation.

Increasingly concerned about the demands for State controls, Western Australian film exhibitors and distributors sent a letter in July 1921 to the Colonial Secretary. They outlined the impact that State censorship controls would have on the industry. The fact that the industry felt the need to write to the Colonial Secretary suggests an increasing awareness of the power of women's groups and others to potentially influence the WA government to enact State laws.

One of the reasons women's organisations lobbied for State as well as Commonwealth legislation was because the Commonwealth legislation was restricted to imported films. This was because the Customs power under which the legislation was enacted did not allow the Commonwealth to make laws for domestically made films or advertising material. One group was quick to point out this problem, writing to the Colonial Secretary in 1917:

While no exception has been taken to the film referred to, my committee are of the opinion that suggestive advertisements ... are a source of danger to the community.⁴⁴

They also argued that imported films that were cut by the Commonwealth censor were reedited for Western Australia.⁴⁵ Their final argument was that Western Australian children were more influenced by the immoral and criminal themes in films than their eastern states' counterparts.

⁴³ For example, 27 May 1921. Colonial Secretary's Files No. 2294

⁴⁴ Letter from Citizen's Vigilance Committee, 20 June 1917. Colonial Secretary's File No. 2294

⁴⁵ No evidence was found to support this claim when both the Colonial Secretary's Department and the Police Department checked it in 1921 and primary material examined in this paper offers no support for the accusation. The National Council of Women claimed that films were brought directly into Western Australia and did not go through the Commonwealth Censoring Board but there is also no evidence to support this assertion. In fact, the one film, 'My Friend the Devil', which was specifically cited by the organisation, had been passed by the Commonwealth Board and issued with a certificate. (Letter from Commonwealth Censor, 3 April 1923 Colonial Secretary's File No. 739 It is unclear whether these were scare tactics to encourage the Western Australian government to take action or whether they genuinely believed that uncut and re-edited films were being shown in Perth. It seems likely that when these complaints were initially made in the late 1910s organisations did believe that there was a problem. However, it is interesting to note that these arguments were also put forward ten years later at the Royal Commission when both the Colonial Secretary and the police had established that no such films had been shown in Western Australia.

Despite these concerns the State government remained resolute in its desire not to enact State legislation. Colonial Secretary, Hal Colebatch, argued in 1921 that the government had always considered censorship a Commonwealth rather than a State matter.⁴⁶

Although, the State government was resistant to implementing any additional State controls, lobbying from organisations throughout Australia resulted in some changes at the federal level. The Customs Act was amended so that films were classified by viewing the whole film rather than by synopsis alone. Advertising could still not be controlled at the federal level and the Premier of Western Australia was asked to prevent 'the publication of indecent and suggestive press advertisements and local posters'.⁴⁷ The Western Australian government instructed the Police Department to control this material.⁴⁸

By 1927, there was a patchwork of legislation in place across Australia. Commonwealth legislation covered imported material. Some States had censorship legislation to control domestic films and advertising and to review imported films already censored by the Commonwealth. Western Australia relied on the Commonwealth legislation and existing obscenity laws which, in the eyes of the women's organisations, did not adequately cover the field. Despite the WA Premier's assurances that the Western Australian government saw censorship legislation as a Commonwealth matter, the WA government would not refer any of their own power to the Commonwealth to allow for Commonwealth control of local material.

By 1927 the Federal government had still not achieved fully centralised controls, and women's groups, the industry itself and others were complaining about a number of problems associated with film controls in Australia. In response to these problems the Federal Government implemented a Royal Commission into the Moving Picture Industry.

The Royal Commission into the Moving Picture Industry in 1927/28 provided an opportunity for all those interested in film censorship - exhibitors, distributors, producers, women's organisations, clergy, the courts and educators - to put their views. Although the question of film censorship was not referred to directly in the terms of reference it subsequently became a central concern at the Commission hearings. In all, there were eight sittings in Western Australia, six in Perth, one in Kalgoorlie and one in Northam.⁴⁹ Thirty witnesses were called. Eighteen witnesses gave evidence on the effects of film upon children.

Eight witnesses represented women's organisations and community groups in Western Australia: the National Council of Women which coordinated thirty five other organisations in the State, the Women's Service Guild, the Girls' Friendly Society, the Mothers' Union Council, the Mothers' Union Executive, the Federated Parents and Citizens' Association, and the Young Australia League.⁵⁰ The evidence presented by these groups indicates the growing sophistication of the Council's arguments and, in particular, the incorporation of arguments about increasing criminal behaviour, that had been put forward by the Justices' Association

⁴⁶ Letter from Colonial Secretary 27 May 1921. Colonial Secretary's File No. 739

It is worth noting that the views of the WA State government with regard to censorship were the same irrespective of which party was in power. The Labor Party and the National Country Party both supported Commonwealth legislation and were against the idea of implementing State censorship legislation.

⁴⁷ Letter from Prime Minister, 15 May 1918. Colonial Secretary's File No. 739

⁴⁸ Memo to Commissioner of Police 15 May 1918. Colonial Secretary's File No. 739

⁴⁹ Western Australian Minutes of Evidence from the Royal Commission into the Moving Picture Industry. (Hereafter R.C.E.) Held in the Australian national Library, Canberra

⁵⁰ See R.C.E. pp.464-524

into their own arguments about film censorship. The evidence also suggests an increasing awareness of the potential positive benefits of film. Edith Cowan commented that:

The cinema could be used ... in many interesting ways to illustrate all forms of life, increase interest in history, biography, travel ... thus helping to imbue the child with high ideas, general upliftment and also ... good manners.⁵¹

The arguments that had been raised previously by women's organisations were raised at the Royal Commission. Whilst supporting Commonwealth legislation, Western Australian groups still believed that State legislation was required as well. The isolation of Western Australia from other States was a factor raised by the President of the Women's Service Guild. She suggested that appealing decisions of the Commonwealth Board would be difficult from WA.⁵² Another witness from the Girls Friendly Society argued that 'what suits New South Wales might not suit Western Australia'.⁵³ It was also argued that women should be on the board because 'women are, after all, the true custodian of the young'.⁵⁴ The Commissioners were not prepared to support the idea of State censorship and pointed out the problems with such a system. However, they did attempt to gain information from these organisations about additional controls which could be implemented at a Commonwealth level.

The Royal Commission recommendation on film censorship was that it was not necessary to have State Censors and the Commonwealth should manage the censoring of film.⁵⁵ There were twelve specific recommendations. Included were:

- That a Board of Film Censors be established, consisting of three persons, one of whom shall be a woman.
- That the censorship board be invested with power to deal with the importation ... of all motion picture films, and also all ... advertising matter made without and within Australia.
- That a censorship board of appeal be created, consisting of five people, one of whom shall be a woman.
- That all picture films shall be graded by the censorship board and marked suitable for 'Universal Exhibition' when considered to be so.
- No film other than those marked 'Suitable for Universal Exhibition' shall be shown at matinees.⁵⁶

The Royal Commission recognised the inherent problems with domestic films and advertising falling outside of the ambit of Commonwealth legislation and recommended that there should be uniform legislation for domestic and imported material. They suggested that the States refer their power to the Commonwealth.⁵⁷ Western Australia agreed to this decision but, not surprisingly, the States which already had their own established censorship legislation were not prepared to surrender that power. Because it was not possible to obtain agreement that all States would refer power, each State agreed that it would pass State

⁵¹ Evidence from Edith Cowan, 11 August 1927. R.C.E. p.482

⁵² Evidence from E. Rose, 16 August 1927. R.C.E. p.508

⁵³ Evidence from R. Pratt, 16 August 1927. R.C.E. p.510

⁵⁴ Ibid

⁵⁵ Report of Royal Commission, pp. 1379-1405

⁵⁶ Ibid. pp.4-8, 18-20

⁵⁷ See Commonwealth Constitution s(xxvii)

legislation allowing the Commonwealth Censor to act in that State. This essentially meant that the Commonwealth Censor was carrying out the State power. The States were able to withdraw from the decision at any time, something that was not possible with the referral of powers method suggested by the Royal Commission. From 1928, Western Australia agreed to allow the Commonwealth to act for the State but other States were not as quick to respond and it was not until 1947 that the legislation was passed which officially gave the Commonwealth the power to censor for the States. However, in practice, uniform censorship was practised unofficially from 1928 until the legislation was passed in 1947. It would seem that West Australian women's organisation recognised the 1928 decision because thereafter they directed all their complaints to the Commonwealth censor. They requested stricter Commonwealth measures and there were no calls for the introduction of State legislation from this time onwards.

This paper has considered the role that WA women's organisations played in the development of film censorship legislation in Australia. The Western Australian campaigns demonstrate how women used their role as moral guardians of the family to move outside the private sphere of home and family and into the public sphere as lobbyists for change. Their actions, whilst often reflecting conservative values, provided an opportunity to engage in public debate and an ability to provide a range of disparate groups with a coherent voice. In particular, the paper highlights the way in which these organisations navigated their way through the constitutional maze created by the division of power between State and Commonwealth in the area of film censorship, initially directing all their energies at the State Government and ultimately petitioning politicians and others at the Commonwealth level.

Considering the campaign from WA women's organisations demonstrates these groups had a strong preference for State based legislation in the early 1900s. This view is not surprising. The Commonwealth was a relatively new entity and Western Australia was not a strong supporter of federation in the first place. Arguments that were put forward in favour of State based legislation included the distance of WA from the eastern states and the particular needs of Western Australian children. However, their arguments also indicate a good understanding of the difficulties in obtaining comprehensive control of film content using Commonwealth legislation which could only control imported film content and required any further controls to be gained by States enacting legislation to allow the Commonwealth censor to act for the State or referring the State's power to the Commonwealth. Significantly, the WA based material also highlights the particular difficulties faced by campaigners in WA where the only law available to censor films was legislation controlling obscenity. Whilst it would be easy to say that these organisations failed in their attempts to gain State based censorship laws it is most likely that their campaigns, which represented and reflected the views of a number of disparate groups, heightened State and Federal government awareness of the need for legislative control of film content.